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Restore or Reform?

UN SUPPORT TO CORE GOVERNMENT FUNCTIONS IN THE AFTERMATH OF CONFLICT

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Preface

This report is submitted in partial fulfilment of the United Nations Secretary-General's Policy Committee decision 2009/27 which commissioned a lessons learned review of country experiences in post-conflict public administration. That decision was in turn based on issues raised in the *Report of the Secretary-General on peace building in the immediate aftermath of conflict* (A/63/881 – S/2009/304) in which "support to restoring core government functions, in particular basic public administration and public finance, at the national and subnational levels" was identified as one of five "recurring areas where international assistance is frequently requested as a priority in the immediate aftermath of conflict."[1)]

The objectives of this report are to capture United Nations system experiences in addressing public administration capacity development during the early years in post-conflict environments and to provide recommendations that can help the United Nations system provide effective, cohesive, integrated and strategic support to improve the capacities of post-conflict public administration at the national and subnational levels. Seven case studies were commissioned for the report. Five countries were visited by the team (Burundi, Guinea-Bissau, Kosovo, Liberia and Timor-Leste), while two countries (Afghanistan and Sierra Leone) were covered through desk reviews.[2)]

As per the Policy Committee decision, this report will lay the groundwork for a series of more detailed and specific 'how to' guidance notes on a range of technical areas which this overview report does not have the space to go into in sufficient depth.

The primary audience of the report is Special Representatives of the Secretary-General (SRSGs), Deputy Special Representatives of the Secretary-General (DSRSGs), United Nations Resident Coordinators, members of United Nations Country Teams, United Nations mission political officers and civil affairs officers and staff from all United Nations agencies working on support to public administration and local government. The report also intends to inspire debate among a wider group of interested member states, policy experts and donor institutions.

The production of the report was supervised by the United Nations Working Group on Public Administration. The Working Group is chaired by UNDP[3)] and comprises representatives of all New York-based United Nations agencies interested in and mandated to support various aspects of public administration.[4)] Many agencies and missions in the case study countries gave generously of their time and support to this initiative.

In Chapter 1, public administration is defined and the report's methodology is described. In Chapter 2, lessons from the wider policy and practice context are laid out. Chapter 3 provides a historical overview of post-conflict United Nations support for public administration and underlying theories of change. Chapters 4 to 6 present the core arguments of the report along with its main lessons and their various implications for future United Nations involvement in this field. The main findings and conclusions are summarised at the end of each chapter.

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1 The other four were: (1) support to basic safety and security, (2) support to political processes (...and...) conflict-management capacity at national and subnational levels; (3) support to the provision of basic services (...) and the safe and sustainable return and reintegration of internally displaced persons and refugees; and (4) support to economic revitalization (...and...) rehabilitation of basic infrastructure.

2 The seven case studies have not been formally published as part of this review, but are available from UNDP on request.

3 UNDP funded the consultants, who contributed to the research and drafting of the report, and coordinated the initiative, the editing of the country case studies, and the drafting of the final report.

4 DOCO, DPA, DPKO, OCHA, OHCHR, PBSO, UNCDF, UNDESA, UNDP, UNICEF, UNV and UN Women.

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List of acronyms

CPAF	Core public administration functions
DAC	Development Assistance Committee (OECD)
DOCO	United Nations Development Operations Coordination Office
DPA	United Nations Department of Political Affairs
DPKO	United Nations Department of Peacekeeping Operations
DSRSG	Deputy Special Representative of the Secretary-General
G7+	Group of Conflict-affected and Fragile States
IMF	International Monetary Fund
OECD	Organisation for Economic Cooperation and Development
OCHA	Office for the Coordination of Humanitarian Affairs
PBSO	United Nations Peacebuilding Support Office
PCNA	Post-Conflict Needs Assessment
PSG	peacebuilding and statebuilding goals
SRSG	Special Representative of the Secretary-General
UNCDF	United Nations Capital Development Fund
UNCT	United Nations Country Team
UNDAF	United Nations Development Assistance Framework
UNDESA	United Nations Department for Economic and Social Affairs
UNDG	United Nations Development Group
UNDP	United Nations Development Programme
UNICEF	United Nations Children's Fund
UNIFEM	United Nations Development Fund for Women (UN Women since 2011)
UNV	United Nations Volunteers

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Overview

In its early years, and in particular through its support for de-colonization, the United Nations understood that core public administration functions (CPAF) are an essential prerequisite for development and indeed for statehood.[5] But, as the Secretary General recognized in his *Report on Peacebuilding in the Immediate Aftermath of Conflict* (A/63/881 – S/2009/304), appreciation of the critical role of CPAF has waned over the decades. Overseas development assistance to peacebuilding and statebuilding, for example, increased from 2005 to 2009, except for "ODA to strengthen core public sector management systems and capacity" (OCED 2011). And although the United Nations has produced a number of important reports and policies on the rule of law and other post-conflict challenges in the decade since the *Report of the Panel on United Nations Peace Operations* in 2000 (referred to as the Brahimi report), very little has been created on public administration in fragile environments.

This report, developed by the United Nations Working Group on Public Administration in Post-Conflict, aims to capture the experience of the United Nations system's work on public administration in the early years of post-conflict environments and to provide recommendations for more predictable, efficient and timely United Nations support in this area. The findings and recommendations focus on the immediate aftermath of conflict, defined as the first two years after the conflict has ended. The seven case study countries commissioned for the report are Afghanistan, Burundi, Guinea-Bissau, Kosovo, Liberia, Sierra Leone and Timor-Leste.[6]

The report is not to be seen as the conclusion of a comprehensive research initiative but rather as the first step in a process of re-directing the United Nations' work on post-conflict public administration, in collaboration with recipient countries and other development partners.

The term public administration enjoys wide application; this report is focused on what is referred to in the Secretary-General's peacebuilding report as 'core' or 'basic' public administration functions, as opposed to service delivery functions.[7] As explained in Chapter 1, and building upon the *Report of the Independent Review on Civilian Capacity in the Aftermath of Conflict* (A/65/747 – S/2011/85; referred to as the CivCap Review), this report restricted its scope to five core functions: (1) policy formulation and public financial management; (2) managing the centre of government; (3) civil service management; (4) local governance; and (5) aid coordination.[8] Of particular importance for this report, control over these core public administration functions is essential for government ownership of the political and development processes.

Before elaborating on the main findings and recommendations, Chapter 2 situates the review in the wider policy and lessons learned context. In addition to the country case studies undertaken as part of the preparation of this report, there are three main sources of lessons the review has drawn upon: (1) the practice of state and peacebuilding over the past decade or so; (2) the much longer tradition of public administration reform; and (3), recent academic research into governance and institution-building.

The review highlights a number of important lessons, in particular:

- the centrality of the political settlement to peace and statebuilding, notably inclusion and national ownership;
- that governance deficiencies need to be understood as political in origin as much as technical;
- that the translation of forms of administration from one context into another rarely leads to corresponding function, and thus it is important to work towards a good fit and not just best practice; and
- successful public administration reform requires strong domestic leadership and objectives that are modest, focused and incremental.

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5 See, for e.g., United Nations, 1951: "In practically every attempt to solve technical and economic problems, there are a number of fundamental requirements of an administrative nature".

6 The seven case studies have not been formally published as part of this review, but are available from UNDP on request.

7 The World Bank (2011) describes core public administration functions as upstream rather than downstream functions; the latter being the mandate of line ministries and focusing on the delivery of services.

8 This list is pared down from the CivCap Review list of core government functionality clusters.

The review has two main findings, discussed in detail in chapter 3.

The first finding is that the United Nations, along with the wider international system, is simply not doing enough to support core public administration functions post-conflict given their importance. CPAF do not in themselves deliver services, but they are a necessary requirement for doing so. They are also the key mechanisms through which countries own the wider process of peace and statebuilding, in particular the political process of raising revenue, setting development outcomes and the planning and execution of budgets. And the character of public administration, notably its level of inclusion, can be a key instrument for deepening the political settlement and reducing conflict.

The correct level of focus is a matter of judgment not science, but overall, given the significance of CPAF to wider peacebuilding and statebuilding, the current United Nations-wide level of focus and capacity for supporting core public administration functions in the immediate aftermath of conflict is insufficient. There is currently, for example, no agreed approach for conducting a rapid assessment of CPAF. There are also serious problems with funding in the early days after conflict, as support to CPAF is often classified as development not humanitarian. Challenges with the provision of qualified CPAF specialists also exist. Coordination between agencies, the World Bank and donors in the field is often late, ad hoc and inadequate. Finally, there is insufficient collaboration between missions and agencies, in particular with regard to the political analysis of public administration reform and its likely impact on United Nations peace and statebuilding objectives.

The second major finding is that the current approach to support to CPAF in the aftermath of conflict has often been unsuitable. Often there has been too strong a push for systemic reforms, and, partly as a result, not enough focus on rapid support to restoring basic functionality based on existing systems. Since its inception, the United Nations, along with the World Bank and many donors, has promoted a best practice, technical, merit-based model of public administration rooted in modern western approaches. Many western countries developed a merit-based civil service some time into their development trajectory. But this model has nevertheless been applied to post-conflict countries with little modification, with the justification that the post-conflict moment both permits and demands wider systemic reforms to public administration. The prevailing theory of change is that, using the opportunity of the post-conflict moment, widespread reforms based on best practice will lead to more efficient and effective public services which will in turn lead to more peaceful and stable states.

However, the experience of the case studies conducted as part of the review, as well as the wider literature, demonstrate a number of problems with this approach. Most post-conflict situations are extremely politicized, with high levels of unresolved conflict between political leaders, and political attention is at best on the broader political rules of the game rather than on public administration reform or even on development. Capacity is often low due to neglect, destruction or migration, as is trust in government by both citizens and new political leaders. Such environments, with a nascent and evolving political settlement, are usually not conducive to systemic reforms.

Following on from these findings, the report has three main recommendations:

First, the United Nations needs to approach and understand support to public administration as a political as much as a technical exercise (Chapter 4). Public administration is not just a mechanism for delivering services, but a key arena within which the political settlement is negotiated. This is a process that more often than not will look muddled, but is an improvement over bargaining through violent conflict. This means, for example, that the United Nations needs to ensure that key CPAF issues are discussed during peace processes and included in peace agreements – the Arusha accords for Burundi and the Nepali peace process, for example, both contained considerable provisions on inclusion and CPAF that were key to the wider peace process. Local government is also often a key part of peace processes and the United Nations requires specialist advisory input when it supports peace negotiations involving local government issues. It means the United Nations should support and sponsor discussions on systemic public administration reform and inform these discussions with the provision of options and experience from other countries, rather than bringing in experts with single best practice recommendations. The United Nations should also consider providing discrete support to new political leaders on CPAF issues, many of whom in post-conflict contexts have no such experience at all.

Given the long time it takes for public administrations to improve outcomes and results, the United Nations should help post-conflict governments generate process legitimacy[9] in the short-term through, for example, supporting vet-

9 Refer to footnote 48 for discussion of legitimacy.

ting of public officials and developing grievance redress procedures. The United Nations also has a particularly important role in promoting the inclusion of women and excluded groups within public administration, both for its impact on sustaining the political settlement and for its potential to make service delivery more responsive to the needs of all groups. And lastly, the United Nations needs to be careful to monitor conflict within public administration, with special attention being paid to public service labour disputes; evidence from the case studies shows that labour disputes in public administration can get out of control, de-stabilizing an already volatile situation, or can reflect wider emerging conflict in society.

Second, the United Nations needs to improve its provision of fast, flexible and appropriate support to restoring the basic functionality of core systems as soon as possible after conflict (Chapter 5). If new governments are to assume ownership and control of the peace and statebuilding process, they need CPAF restored as soon as possible, in particular the budget process. Contrary to the current approach, which tends to address only very narrow CPAF needs through early recovery and then wait for longer-term transitional support, rapid support to CPAF should be a priority in the early days after conflict, alongside security and humanitarian needs. This means doing better and faster joint assessments of CPAF capacity with the World Bank and the International Monetary Fund (IMF), for which currently there is no agreed approach or protocol. In some contexts the first task may be rapid action to stop the haemorrhaging of funds (as was necessary in Liberia[10]). In order to help new governments restore CPAF, the United Nations needs to focus on existing systems, introducing new ones only when absolutely necessary, avoid 'whole of government' approaches, as they often fall afoul of political rivalries, and work primarily with individual ministries. For accountability systems, the United Nations needs to focus first on strengthening internal controls, such as internal audit, rather than eye-catching new external systems whose effectiveness usually depends on internal controls being in place anyway. Anti-corruption is a key element of support to CPAF, with, for example, oversight and control over licences and concessions being essential as early as possible. But the main contribution of supporting CPAF to anti-corruption is laying the foundations for more systemic efforts later on, notably ensuring core systems are functioning.

In terms of plans and budgets, there are many examples of over-complexity driven by foreign consultants; the key in the immediate aftermath of conflict is simplicity, focusing on service delivery through a few key national programmes, not multi-year plans and budgets. Practical support to local government is often neglected, despite the fact that most services are delivered at the local level; but again the focus in the immediate aftermath of the conflict needs to be on functionality, not yet on complex policy development for political and fiscal decentralization. In terms of providing support, the United Nations could make much greater use of South-South linkages, such as in South Sudan where administrative staff from governments in the region were provided to the new government. Finally, as has been argued in many other sources, the United Nations and the wider international system need to avoid actively doing harm to CPAF through establishing parallel systems and taking qualified staff away from government. This also includes avoiding the deployment of advisers and advice from dissimilar administrative and legal traditions.

And third, the United Nations needs to undertake a range of internal measures to improve its capacity to support CPAF post-conflict (Chapter 6). Given insufficient attention to CPAF, fragmentation at the field level and the unusually high degree of cross-United Nations disciplines required to support CPAF, the recommendation of the review is that a short policy guidance note be developed by the United Nations Working Group on Public Administration, with responsibility for implementation in the field entrusted to the United Nations Resident Coordinator/Humanitarian Coordinator.[11] This policy guidance note should explicitly use statebuilding as its starting point, rather than just peacebuilding. Support to CPAF also needs to be included as routine in Integrated Strategic Frameworks and Integrated Mission Planning Processes. To do this, mandate drafters and mission planners need to be encouraged and able to access specialist advice on CPAF.

Analytical capacity needs to be improved, and to this end an approach and protocol for rapid assessment of CPAF needs to be agreed between the concerned United Nations agencies and the World Bank. Headquarters should also produce guidance for better analysis of the political economy aspects of support to public administration through better coordination and knowledge sharing between the mission and the agencies. Producing a 'guide to government'

10 Hence the establishment of the Governance and Economic Management Programme early after the signing of the peace accords.

11 A policy guidance note on CPAF post-conflict could build on this Lessons Learned Review Report, the principles contained in it, as well as the key recommendations to operationalize a CPAF approach. The note would provide practical guidance to the field and headquarters on how to address the immediate restoration of core government functionality.

containing a basic description of all levels of government and intended to educate the United Nations and wider international system should be standard practice. The United Nations also needs to improve its ability to deploy CPAF specialists as opposed to governance generalists. The United Nations needs to improve learning, in particular through establishing a knowledge and learning portal. And finally the United Nations needs to ensure financing for restoring CPAF functionality is immediately available after conflict and that action in this field is not delayed by questions as to whether CPAF belongs to the peacebuilding, development or humanitarian sectors.

For any meaningful work on CPAF to be considered, a minimum of political order and commitment from political leadership must be in place. Perhaps the most difficult operational question for the United Nations is to assess continually to what extent the necessary order and commitment is in place and to gauge the level of United Nations support accordingly. Such an assessment needs to bear in mind that an overly cautious approach may lead to the very problems the United Nations is trying to avoid, but an overly confident approach could be wasteful, at best. This is a complex judgment that depends on a careful analysis of context, but the overall approach of this report as laid out above should help the United Nations avoid being either too cautious or too confident.

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CHAPTER 1:
OBJECTIVES AND METHODOLOGY

1.1 WHAT IS PUBLIC ADMINISTRATION AND WHY DOES IT MATTER?

In the history of statebuilding, the ability to administer territory is perhaps second in importance only to the ability to enforce a monopoly on the use of legitimate violence.[12] Service delivery as the primary function of public administration is a comparatively recent development.[13] The evolution of norms and approaches to public administration has thus closely followed wider debates and developments in the role of the state, the market and democracy.[14] Indeed, public administration has often been seen as a 'poor relation' of political science and of political matters more generally.[15] These wider conceptual debates are reflected in the use of a range of different terms.[16] However, for the purposes of this report the general term 'public administration' will serve as a workable common denominator.

THE ABILITY TO ADMINISTER TERRITORY IS PERHAPS SECOND IN IMPORTANCE ONLY TO THE ABILITY TO ENFORCE A MONOPOLY ON THE USE OF LEGITIMATE VIOLENCE.

In terms of its function, public administration can be seen as a key mechanism for the delivery of public goods to citizens, notably economic growth and social services, or, depending on your point of view, as a key mechanism through which state authority is extended and exercised over subjects. Not surprisingly, inter-governmental bodies such as the United Nations and the Organisation for Economic Cooperation and Development (OECD) tend to regard public administration favourably and see some kind of basic administrative capacity as a necessary condition for peace and development.

According to the OECD, for example:

> *A state does not exist without a minimum of administrative capacity. The key elements of an administrative structure are a reasonably well functioning civil service and public financial management system and the ability to raise funds, particularly through taxation. Strengthening the capacity of central and subnational administrative structures across all levels of government is thus essential to establishing government presence. It is also fundamental for successful statebuilding, in particular in new or re-emerging states.* (OECD, 2008)

A STATE DOES NOT EXIST WITHOUT A MINIMUM OF ADMINISTRATIVE CAPACITY.

One of the United Nations' earliest texts on public administration, from 1951, puts it thus:

> *…in practically every attempt to solve technical and economic problems, there are a number of fundamental requirements of an administrative nature, requirements of organization, staff, budget, planning and procedure. Moreover, it has been discovered in one technical assistance project after another, in fields such as agriculture, industry, mining or power, that a prior need is to provide those basic communications and utilities which are usually considered to be government functions, those domestic administrative measures which are most likely to originate or stimulate economic development in individual fields, and those governmental programmes of social amelioration which will assist the people of the nation in undertaking the arduous tasks which lie ahead. By definition, this is the role of public administration.* (United Nations, 1951)

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12 The capacity to administer territory is commonly thought of as the unchallenged ability to tax and impose rules on a population.

13 Van de Walle and Scott (2009).

14 See, for example, the 'Guidance Note of the Secretary-General on Democracy' (2009) for a contemporary interpretation.

15 "There is a feeling among political scientists (…) that academicians who profess public administration spend their time fooling with trifles", Martin (1952).

16 The term 'public administration' is widely used, but for many has overtones of the modernist, technical approach to development favoured in the 1950s-70s, with alternative terms such as 'public sector' often favoured. 'Public management' is preferred by adherents of the New Public Management movement of the 1990s, and more recently terms such as 'public service' and 'public value' have emerged in reaction to that movement. The term 'new public management' covers a range of public sector reforms aimed at improving outcomes and efficiency by introducing commercial approaches that were pursued in a number of Anglophone OECD countries from the 1980s onward, such as introducing greater internal competition, the creation of executive agencies, economic incentives for improved performance, greater measurement of outputs, etc. The idea of 'public value' is the analogue of the desire to maximize shareholder value in the private sector. The argument is that public services are distinctive because they are characterised by claims of rights by citizens to services that have been authorized and funded through some democratic process.

However, as shall be discussed later, public administration can fulfil a range of less obvious and more political functions. It can provide the practical expertise and instruments for the implementation of a positive post-conflict peace agenda. It can also offer a convenient and extensive source of patronage to shore up support for political leaders, and public employment can be a form of "second best welfare policy" (Shepard, 2003). Or public administration can, as has been the case in a number of countries, serve as a tool for exclusion, repression and abuse. These contrasting functions represent a major challenge in the United Nations system's deliberations as to how support is best provided to public administration in a post-conflict context.

Two key distinctions often get lost in discussions on public administration and it is important to clarify them for this report.

The first is the distinction made in public administration literature between what the United Nations Secretary-General's Policy Committee refers to as core or basic public administration on one hand, and line ministry, or service delivery functions, on the other. The World Bank describes this distinction as 'upstream' and 'downstream' functions.[17] The basic, or upstream, functions – usually raising revenue, budgeting, planning, managing human resources, etc. – can be seen as a necessary precursor to policy implementation, though in reality the functions run in parallel and it is necessary to support both.[18] Of particular importance for this report, core public administration functions are essential for government ownership of the political and development process, in particular the budgeting function. While government can contract out some aspects of service delivery, it cannot do so with its planning and budgeting processes.[19]

CORE PUBLIC ADMINISTRATION FUNCTIONS ARE ESSENTIAL FOR GOVERNMENT OWNERSHIP OF THE POLITICAL AND DEVELOPMENT PROCESS.

The second distinction, often confused with the first, is a distinction commonly made in state-building literature between the set of core functions that any state needs to exercise just to survive, and the usually much wider suite of functions and services provided by public administration as a whole.[20]

The ambiguity created by the blurring of these distinctions is evident in a number of United Nations policy documents and mission mandates, in which a variety of phrases are used with often unclear and overlapping meanings. These include:

- 'public administration', 'core government functions', 'basic public administration', 'key government institutions' (Secretary-General's Report on Peacebuilding in the Immediate Aftermath of Conflict);
- 'core public administration capacities', 'basic public administration' (United Nations Secretary General's Policy Committee);
- 'essential administrative services' (United Nations Peacebuilding Fund);
- 'core administrative structures' (UNMISET);
- 'core government functionality' (CivCap Review[21]);

17 World Bank (2011), p. 1: "The public sector can be envisaged mechanically as comprising two broad parts – the upstream core ministries and central agencies, including the Ministry of Finance and the offices that support the head of government in the centre of government; and downstream sector agencies such as education, agriculture or health providers which deliver, fund and regulate services."

18 See also Ingraham and Donahue (2000): "Governments are composed of two complementary sets of organizational structures, procedures and technology: those related to administrative function and those related to policy implementation. The former are a precursor to the latter. The administrative functions and their associated infrastructure involve generic staff activities such as financial management, human resources management, capital management and information technology management. These functions support the other managerial work of government more directly related to running programs (functions typically referred to as policy implementation)."

19 See, for e.g., 'Getting better results from assistance to fragile states' (ODI, 2011).

20 Different authors give different interpretations of which are 'core' or 'survival' functions and which are not, but they typically include some variation or combination of: (a) a monopoly over the legitimate use of force; (b) revenue generation; (c) safety, security and justice; (d) basic service delivery; and (e) economic governance.

21 The Civilian Capacities initiative (CivCap) is a United Nations system-wide effort to deliver stronger support to institution-building in countries emerging from conflict. The CivCap Review refers to the Independent Report of the Senior Advisory Group on Civilian Capacities, submitted to the United Nations Secretary-General in January 2011.

- 'civil and social services' (UNAMI[22], UNTAET[23]);
- 'critical state institutions' (UNOTIL[24]);
- 'state authority', 'public institutions' (UNAMSIL[25]).

THIS REPORT FOCUSES ON THE 'PLUMBING AND WIRING' ASPECTS OF GOVERNMENT, THE BASIC OR CORE PUBLIC ADMINISTRATION FUNCTIONS.

This lack of clarity is not surprising – states are complex – but it is a significant element in the overall challenge for the United Nations in its efforts to provide well-targeted support for public administration post-conflict. Hence, it must be stressed that this report focuses on the 'plumbing and wiring' aspects of government, the basic or core public administration functions (hereafter CPAF). In other words, as the United Nations put it in 1951, "the fundamental requirements of an administrative nature, requirements of organization, staff, budget, planning and procedure", are (according to Ingraham and Donahue; 2000) "precursors" to policy implementation. These fundamental requirements are elaborated on below, in the description of the methodology of this review.

1.2 METHODOLOGY, DEFINITIONS AND APPROACH

The methodology for this study is described in detail in a concept note that was produced at the start of the review process.[26] What follows here is a brief summary. Overall, the following issues from the Secretary-General's *Report on Peacebuilding in the Immediate Aftermath of Conflict* were drawn upon to frame the review:

- Focus on challenges in the immediate aftermath of conflict (within the first two years after the main conflict has ended)
- The importance of seizing windows of opportunity in the early post-conflict phase
- The need for an early strategy with defined and sequenced priorities
- Core state capacities as a foundation for legitimacy and efficiency
- The need for visible peace dividends, attributable to the national authorities
- The critical role of early priority-setting grounded in a broad range of local voices
- Concerns about systemic challenges within the United Nations

As discussed earlier, the term public administration is broad, and in line with the Policy Committee's decision, the review team focused on 'core', 'basic' or 'upstream' public administration capacities that are a precursor to policy implementation. The team took the February 2011 CivCap Review[27] as an initial guide, as it builds directly on the five recurring areas of international support identified in the Secretary-General's peacebuilding report. The CivCap Review defines what it calls 'core government functionalities' as comprising: (a) aid policy and coordination; (b) anti-corruption; (c) executive branch; (d) legislative branch; (e) local governance and decentralization; (f) public administrative reform; (g) public financial management; and (h) urban planning.[28] However, even this list is broad, and the team therefore decided to exclude support to the legislative branch and urban planning, considering that they do not fall within the

22 United Nations Assistance Mission for Iraq (2003-).

23 United Nations Transitional Administration in East Timor (1999-2002).

24 United Nations Office in East Timor (2005-2006).

25 United Nations Assistance Mission in Sierra Leone (1999-2005).

26 The 19-page note entitled 'Conceptual and Methodological Framework' which was submitted to the Working Group is available from UNDP.

27 *Report on Civilian Capacity in the Aftermath of Conflict* (A/65/747 – S/2011/85), referred to as the CivCap Review.

28 The CivCap Review, p. 21, Table 1, on 'Core tasks in the aftermath of conflict: clusters and sub-clusters of activity'.

Policy Committee's meaning of the phrase 'core public administration capacities', in that they are not a necessary precursor or prior need to policy implementation.

The working definition of 'core government capacities' adopted by this study is twofold:

Core government capabilities

1	2
The systems and processes through which the state collects and manages its resources both fiscal (e.g., taxes, aid, resource rents) and human (i.e. the civil service), including internal and external administrative controls that ensure integrity and performance.	The rules, systems and processes through which the executive, at national and subnational levels, communicates and interacts with the citizens, the private sector and the donor community to ensure citizen participation.

From this definition, and from the distinctions noted earlier, the activities below have been distilled – for the purposes of this review – as being core public administration functions.

Policy formulation and public financial management, in particular planning, budgets and spending. The ability to set out some kind of vision, make a plan to reach it, and raise and spend money in executing that plan is probably the most fundamental administrative capacity, and one which underlies much else in government. It is inevitably highly political and impossible to outsource. This in turn requires a functioning public financial management system.

Managing the centre of government (i.e. the president's office or the cabinet): In many post-c0nflict contexts, good leadership from the centre of government (including communications within government and towards the public) is key to driving change and ensuring coherence, often as many other parts of government are weak and operate in isolation.

Civil service management: Clearly, an administration needs in place at least key staff who are paid regularly and who follow instructions and procedures as well as rationally organized ministries, departments and agencies at national and subnational level (the machinery of government). In many post-conflict contexts, staff will not have been paid for months or even years, and recruitment controls will often have broken down. Functional reviews often reveal deficiencies in staffing and organizational design.

Local governance: Often neglected by the international community, local government is usually the level of government most citizens come into contact with on a recurring basis. It is important not only for basic services, but also for many essential administrative functions, such as land management.

Aid coordination: In many post-conflict contexts aid is a major part of the budget, and thus aid coordination becomes an essential part of a wider public financial management agenda, even if with unique challenges.

It is acknowledged that this is a rather heterogeneous collection of functions, having little in common except for being essential pre-conditions for policy implementation. They are but one part (albeit an important part) of the whole of public administration, which would also involve the provision of basic safety and security, political processes and the delivery of social services. They are necessary, but not sufficient, for statebuilding; they are essential, but indirect, instruments for fostering post-conflict legitimacy and resilience.

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Given these five core government functions, the overarching questions posed by this review are: (1) What can be done to support core public administration and local governance functionalities in the immediate aftermath of conflict?; (2) How has the United Nations achieved this in the past, i.e. how has it responded to the needs expressed in different contexts and attempted to plan, programme and support rebuilding of public administration capability?; and (3) How can the United Nations better support CPAF, and thus state and peacebuilding?

It is important to bear in mind what the review is *not* covering. In particular, it does not address the linkages between core public administration and service delivery, important as they are, because the inclusion of that topic would have expanded the scale and complexity of the review much beyond the resources available, and because it is addressed by other processes. Thus, the United Nations' approach to security and the rule of law, economic development, health and education service delivery, for example, is not explicitly examined within the confines of this report.

Based on these five functions and the three research questions, the team first developed a conceptual framework and then conducted seven case studies. Five countries were visited by various members of the team and other members of the United Nations Public Administration Working Group (Burundi, Guinea-Bissau, Kosovo, Liberia and Timor-Leste), while two countries were examined through desk studies (Afghanistan and Sierra Leone). The team also drew extensively on lessons from a wide range of literature (see Chapter 2). Moreover, an inventory of CPAF-relevant projects at the country level in the case study countries was compiled[29].

A final methodological point of the review concerns the time frame. It is important to note that while rebuilding public administration is a crucial aspect of post-conflict reconstruction, it is also one of the most "complex and difficult aspects of restoring governance and rebuilding war-torn societies".[30] Progress, when achieved, has often been moved by fits and starts, with some objectives being achieved and others falling short.

REBUILDING PUBLIC ADMINISTRATION IS ONE OF THE MOST "COMPLEX AND DIFFICULT ASPECTS OF RESTORING GOVERNANCE AND REBUILDING WAR-TORN SOCIETIES".

As a result, it has been useful to think about public administration reform in post-conflict societies in distinct but related stages, from an immediate post-conflict reconstruction period, lasting from five to ten years, during which the government must address urgent issues of maintaining peace and security, re-establishing governance, redeveloping and reintegrating society, to a transition period of an additional five to ten years, during which the government stabilizes the country's economy and governance structures and the civil service moves towards performing functions as carried out in more stable political systems and societies.[31]

Much of the field research conducted for this report aimed at examining the sequencing of the initiatives undertaken, so as to better identify what may be the most achievable goals in the early post-conflict phase, as well as those goals or measures that run the risk of increasing the possibility of relapsing into conflict or jeopardizing the peace. The field missions and research therefore did not only focus on the initial post-conflict years, but also looked beyond that period to analyse what had happened in the 5-10 years after signing of peace agreements or the end of hostilities. To better judge what was practical and successful in the initial years after a conflict, the review team had to look beyond those initial years and reflect back. Hence, while this report mainly considers issues related to the immediate post-conflict reconstruction period, many of its observations also have direct relevance for a longer time frame.

29 This inventory list is available upon request.

30 Rondinelli (2006), p. 1.

31 Ibid., pp. 1-2.

CHAPTER 2:
LESSONS FROM THE WIDER CONTEXT

This chapter will briefly lay out some important lessons drawn from the wider policy context within which this current review is situated. This is important to ensure that the review examines and builds on lessons already learned in past years – within the United Nations system and beyond.

Lessons from three broad areas of current policy and practice are relevant:

- the relatively new, but ever-growing, work on peacebuilding and statebuilding;
- the more established work on public administration reform and organizational capacity development; and
- the broadly similar findings of much recent research on governance and institutional change.

2.1 LESSONS FROM PEACEBUILDING AND STATEBUILDING

In the last decade, fragile states and their policy counterparts – peacebuilding and statebuilding[32] – have attracted ever greater attention from actors in development, diplomacy and defence. This has been a fairly rapid advance. The policy is far from mature, and there are many disagreements in the literature. However, there are also some broad areas of consensus, and many elements of contemporary statebuilding and peacebuilding have a direct bearing on United Nations support to public administration. A number of recent publications and documents draw together several of these themes and are particularly important for this review, especially (in chronological order) UNDESA's *Reconstructing Public Administration after Conflict*[33], the Secretary General's *Report on Women's Participation in Peacebuilding*[34], the CivCap Review[35], the World Bank's *World Development Report 2011: Conflict, Security and Development*[36], the New Deal Declaration[37], and the UNDP study *Governance for Peace: Securing the Social Contract*[38].

VIOLENCE AND UNCERTAINTY OVER INSTITUTIONAL STRUCTURES CAN CONTINUE WELL PAST A FORMAL PEACE AGREEMENT WHICH ENDS VIOLENT CONFLICT

Six areas of consensus important for this review are highlighted below:

- Firstly, there is a growing appreciation that the process of peacebuilding and statebuilding is riddled with conflict, violence and uncertainty over institutional structures, as groups compete to establish positions of power and legitimacy, and that this uncertainty can continue well past a formal peace agreement which ends violent conflict.[39] Thus, **a sustainable political settlement is critical to the wider peacebuilding and statebuilding pro-**

32 It should be noted that the political organs of the United Nations (General Assembly/Security Council/Peacebuilding Committee) continue to consider peacebuilding the overarching policy framework and have not formally embraced statebuilding as a key objective. By contrast, the Bretton Woods Institutes, UNDP and other United Nations funds and programmes view statebuilding as an important endogenous aspect of peacebuilding and – like the OECD/DAC and the G7+ – make regular use of both the terminology and the concept of statebuilding.

33 'Reconstructing Public Administration after Conflict: Challenges, Practices and Lessons Learned', World Public Sector Report, UNDESA, New York, March 2010.

34 Report of the Secretary-General, United Nations document A/65/354–S/2010/466, September 2010.

35 'Civilian capacity in the aftermath of conflict' (A/65/747 – S/2011/85), February 2011. See also 'Civilian Capacities in the Aftermath of Conflict, Report of the Secretary General' (A/66/311-S/2011/527), August 2011, and 'Update Report of the Secretary General' (A/67/312-S/2012/645), August 2011.

36 World Bank (2011 (a)).

37 'A New Deal for Engagement in Fragile States', www.oecd.org/international%20dialogue/49151944.pdf, OECD/DAC, November 2011.

38 UNDP (January 2012).

39 Di John and Putzel (2009) and OECD (2011).

cess.[40] The opportunities and pathways for organizational reform, including public administration reform, will be heavily dependent on the nature and evolution of the wider political settlement (see Box 1).

BOX 1 The Political Settlement

The key elements of a political settlement are actors, interests, and institutions. In most cases, it is a coalition of powerful elite factions that make up the key actors in a political settlement. The critical element that holds a political settlement together is the alignment of interests within the dominant elite coalition, and the dynamic relationship between elite interests and the broader array of interests in the society. Institutions are viewed as malleable – as the product of on-going conflict, negotiation, and compromise among powerful groups, with the ruling coalition shaping and controlling this process. In most cases, power relations are fluid and dynamic, and political settlements are constantly adapting and subject to renegotiation and contestation. As a result, political settlements should not be interpreted as one-time events, but rather as rolling agreements between powerful actors.

Thomas Parks and William Cole (2010), pp. viii

- Secondly, **lack of capacity to carry out core state functions is a key cause of fragility**. Building the capacity of the state to manage, or at least oversee, the delivery of essential public services, especially security and justice, is essential for contemporary peacebuilding and statebuilding. The capacity of the state to deliver, or oversee, basic social services is also widely seen to be essential not only for development and achievement of the Millennium Development Goals, but also for legitimacy and resilience. The CivCap Review stresses the primacy of fostering local capacity. The G7+'s[41] 'New Deal Declaration on Engagement in Fragile States' (referred to as the New Deal) also emphasizes the importance of donors and other external actors using government systems to build capacity, rather than building parallel systems.[42] Building capacity for basic administrative control is commonly seen as essential to wider state capacity.[43]
- Thirdly, there is also **a growing appreciation of the length of time it takes to establish functioning institutions** and the unrealistic time-fames of much external support for organizations post-conflict. The *World Development Report 2011*, for example, states that, "Creating the legitimate institutions that can prevent repeated violence is, in plain language, slow. It takes a generation. Even the fastest transforming countries have taken between 15 and 30 years to raise their institutional performance from that of a fragile state today — Haiti, say — to that of a functioning institutionalized state, such as Ghana."[44] Reform of public administration needs to be undertaken with much longer time-frames in mind than hitherto.
- Fourthly, there is a growing recognition of **the importance of national ownership during the peacebuilding and statebuilding process, both among state and non-state actors**. The focus on ownership has developed in part due to: (a) the growing recognition that statebuilding is an endogenous process; (b) the correspondingly modest role external actors can play; and (c) the dangers of imposing outside solutions. The G7+, for example, stated that "aid delivery, interventions and programs…are often inapplicable, unsustainable and incompatible with our in-country national agendas…[they are] often not conducive to addressing the immediate or long-term needs of our countries and regions." Further to this, they note that "external mandates and ideas can no longer be

EVEN THE FASTEST TRANSFORMING COUNTRIES HAVE TAKEN BETWEEN 15 AND 30 YEARS TO RAISE THEIR INSTITUTIONAL PERFORMANCE FROM THAT OF A FRAGILE STATE.

40 "The prospects for statebuilding ultimately depend on the terms of the political settlement upon which the state is founded." OECD (2011), p. 31; DFID (2010).

41 The G7+ is an open group of countries experiencing or emerging from conflict established in 2008 and currently comprising Afghanistan, Burundi, the Central African Republic, Chad, Côte d'Ivoire, the Democratic Republic of the Congo, Guinea, Guinea-Bissau, Haiti, Liberia, Papua New Guinea, Sierra Leone, Solomon Islands, Somalia, South Sudan, Timor-Leste and Togo.

42 The New Deal commits that:"Recipient governments, with support from international partners, will take all reasonable measures to strengthen their public financial management systems from the ground up and be transparent in this process. In doing so, we will build related fiduciary and administrative capacity within country institutions at the national and local level."

43 Ghani and Lockhart (2008).

44 World Bank (2011 (a)), p. 10.

imposed on our countries or regions and our peoples".[45] In terms of public administration, the CivCap Review argues that structures for policy management and prioritization, aid coordination and public financial management are especially important for national ownership and require particular attention.[46]

GIVEN THE TIME IT CAN TAKE FOR STATE CAPACITY TO BE BUILT TO DELIVER SERVICES, IT IS EQUALLY ESSENTIAL TO ESTABLISH WHAT IS KNOWN AS PROCESS LEGITIMACY.

- Fifthly, **inclusion is a key objective across many dimensions of post-conflict peacebuilding and statebuilding**. Recent research has highlighted the significance of inclusiveness in political settlements, if they are to last.[47] Given the time it can take for state capacity to be built to deliver services, it is equally essential to establish what is known as process legitimacy[48], e.g., by ensuring that the country's public administration – especially local government, where most citizens engage most directly with the state – is responsive to citizen concerns and representative of the population (including groups that tend to be marginalized, such as women, youth and minorities).
- Finally, it is widely recognized that **the source of a state's revenue can have an enormous impact on state and institutional formation**. Simply put, development assistance, and natural resources in particular, shift accountability relationships away from political actors and their local constituents, towards donors and/or external commercial interests, making the challenge of rebuilding the state-society compact that much more difficult.[49]

2.2 LESSONS FROM PUBLIC ADMINISTRATION REFORM

The work and literature on what is variously called Public Administration Reform, Public Sector Governance, Public Sector Reform or Civil Service Reform has a much older lineage. In developing countries, it started in earnest in the 1950s and 1960s, as newly independent states established new organizations for promoting development and self-government. This period was the heyday of the view that development required strong government leadership, and thus 'development administration' emerged as a specialized and important field of development policy.[50] Many public administrations in developing countries expanded considerably in size and function during this period. From the 1970s on, however, after the oil price shock and a shift in a number of countries to more neo-patrimonial[51] and authoritarian political systems, many public administration systems deteriorated.[52] By the 1980s, much public administration reform was driven by the demands of structural adjustment, in particular demands for retrenchment and for scaling back the role of administration and the state in line with prevailing concepts. Development administration was increasingly discredited as an approach to public administration in developing countries.[53] In the 1990s, much public administration reform, at least that coming out of a number of Anglo-Saxon countries and international finance institutions, was dominated by the ideas of 'new public management'. The growing use of budget support by donors added an extra motive for donor engagement in reform of developing country administrative and financial systems. In the 1990s, a

45 Quoted from the G7+ Heads of State Consensus Statement (New York, 20 September 2010).

46 United Nations (2011), p. 10.

47 For instance, 'Governance for Peace: Securing the social contract', UNDP, January 2012.

48 An OECD report on legitimacy in fragile situations identifies the following four main sources of legitimacy: (1) input or process legitimacy, in which legitimacy is derived from following agreed rules of procedure for electing officials and for making decisions; (2) output or performance legitimacy, defined in relation to the effectiveness and quality of public goods and services (in fragile situations, security will play a central role); (3) shared beliefs, including a sense of political community, and beliefs shaped by religion, traditions and charismatic leaders; and (4) international legitimacy, i.e. recognition of the state's external sovereignty and legitimacy. Refer to 'The State's Legitimacy in Fragile Situations – Unpacking Complexity', OECD, 2010, p. 8.

49 Institute of Development Studies (2010).

50 E.g. "The 1950s was a wonderful period. The 'American dream' was the 'World dream' and the best quickest way to bring that dream into reality was through the mechanism of public administration…the net result of all this enthusiastic action was that in the 1950s public administration was a magic term and public administration experts were magicians," Farazmand (2005), p. 80.

51 'With the rise of neo-patrimonial rule, the mode of governing bureaucracy shifted from the clarification, monitoring, and enforcement of formal rules to informal rules set without transparency, and sometimes increasingly capriciously, by a country's political leadership. The consequence was a decline in bureaucratic performance.' Levy and Kpundeh (2004), p. 5.

52 "At different times from the late 1970s through the 1980s, the rot set in, and a decline of the public administration system in many SSA countries became noticeable", Adamolekun (2005).

53 Klinger (2004), p. 145.

growing number of countries saw a significant deterioration – and in some cases effective collapse – of their public administration.[54]

In recent times, many public administration reform efforts have been disappointing.[55] The importance of an effective public sector, and thus of public administration reform, for development outcomes continues to be stressed, but the overall tone of much of the literature has become quite discouraging about the impact of public administration reform projects.[56] There is considerable agreement in the literature on a number of lessons and issues:[57]

- Reforms require **strong domestic leadership** to be successful; exogenous attempts at public administration reform are unlikely to be successful or sustainable.
- **Incremental approaches** are often more sustainable and politically feasible than 'big bang' systemic reforms.
- **Timing and sequencing** of reforms should be major considerations when designing and planning the implementation of public administration reform.
- **Poor public sector performance must be addressed**; although there is no consensus on how to do this, with alternative suggestions being: increase staffing levels; focus on pay reform; introduce more performance management; or support organizational change.
- **Donor behaviour and systems** need to be adapted to provide support that is long-term, predictable and not entangled with perverse incentives.
- And finally it is agreed that **public administration reform has weak diagnostic tools and no globally recognized conceptual framework**, which means that reforms are often based on poor diagnostics and missing a robust theory of change.

2.3 LESSONS FROM RESEARCH ON GOVERNANCE AND INSTITUTIONAL CHANGE

In recent years, a number of researchers have critiqued the broad approach of much donor work on post-conflict governance, capacity development and organizational support.[58] This too is a complex area, but there are perhaps three main insights of relevance to this review:[59]

1. **Governance deficiencies are primarily political**, especially in fragile and conflict-affected states in which the political settlement is still being negotiated. Technical deficiencies in institutions certainly exist, but they are rooted in underlying political conditions and structures that prevent simple fixes.
2. **It is advisable to strive for a good fit rather than best practice approach**. Much governance aid, in particular to public administration, has traditionally focused on building best practice institutions. That is, pushing developing countries to conform to a set of recommended practices for such institutions drawn from the experience of developed countries. Civil service commissions and anti-corruption bodies are pertinent examples. This approach

54 Afghanistan Research and Evaluation Unit (2004).

55 Both the World Bank and DFID have recently conducted major reviews of their work on public administration reform, and the World Bank is currently developing a new global strategy intended to address many of the challenges noted above. These new approaches focus on improved diagnostics, and in the World Bank's case, adopting a problem-solving approach to removing binding constraints to effective administrative functions, together with delivering better political economy analysis, better designs, more effective risk management, lessons learned and cross-bank collaboration. World Bank (2011).

56 The literature is replete with articles with titles such as 'Why civil service reforms fail' (Polidano, 2001), 'Civil service reform in developing countries: why is it going badly' (Shepard, 2003), or 'Why civil service reform does not work' (Haque, 2007).

57 Taken from Scott (2011).

58 E.g., Moore and Unsworth (2010), Grindle (2011) Booth (2011), Carothers and De Gramont (2011).

59 From Carrothers and De Gramont (2011).

has proved problematic and has frequently led to the creation of the *form* of institutions without the corresponding *function*. Governance experts have increasingly embraced the idea of good fit rather than best practice approaches. Instead of importing Western models, a good fit approach focuses on helping to support institutions in ways that are appropriate for the specific context in which they operate.

3. **The specific knowledge needed for institutional capacity development in post-conflict contexts is different in many respects from the expertise required for the same purpose in stable socio-economic environments**. This difference is dictated by the pressing need to focus on initiatives that will achieve a specific primary objective, i.e. the restoration of basic functionality in the public sector, rather than on wider processes for more systemic reform within a much longer time horizon usually required for long-lasting capacity development.[60]

2.4 AN APPROPRIATE RELATIONSHIP BETWEEN POLITICS AND PUBLIC ADMINISTRATION

POLITICS IN THE IMMEDIATE AFTERMATH OF CONFLICT IS OFTEN HIGHLY PARTISAN AND CONFLICTUAL. THE ROLE AND FUNCTION OF PUBLIC ADMINISTRATION IS OFTEN AT THE HEART OF THIS CONFLICT.

Discussion on the appropriate relationship between politics and administration has been a mainstay of public administration literature for over a century.[61] As has been already pointed out, politics in the immediate aftermath of conflict is often highly partisan and conflictual, and the role and function of public administration is often at the heart of this conflict. Understanding the appropriate relationship between politics and administration is thus of particular importance for United Nations support to post-conflict public administration.

Much public administration reform has been underpinned by the assumption that effective state institutions are essential for growth, and that the most effective civil service is one along the lines that emerged in Western countries in the late 19th and early 20th centuries, i.e. a career civil service, with political oversight but not political interference, with job security and a career path, recruited and promoted on technical merit as opposed to political patronage, and a hierarchical division of labour and rule-based decision-making.[62] This model is intended to avoid the politicization of administration, i.e. to reduce the ability of politicians to abuse their oversight role to pursue their own good as opposed to the public good.[63] It is also meant to ensure a long-term approach to development, promote stability, prevent corruption and ensure the best technical or scientific approach to problem solving. There is evidence that, at least in more stable political and institutional environments, this model is indeed effective in terms of growth[64] and poverty reduction.[65]

This approach is widely regarded as the best model for an appropriate relationship between administration and politics. The United Nations, as a global norm-setting body, has since its inception used this model in its advice to developing countries, and much United Nations support to public administration is focused on actively promoting this model as best practice.[66] The World Bank has largely done the same, and the European Union's accession programme for aspiring member states has similarly used adherence to this model as, in effect, a condition for entry into what is known as the 'European administrative space'.[67]

60 Fritz, et al. (2009).

61 In a famous article Woodrow Wilson (1887) argued: "Most important to be observed is the truth already so much and so fortunately insisted upon by our civil-service reformers; namely, that administration lies outside the proper sphere of politics. Administrative questions are not political questions. Although politics sets the tasks for administration, it should not be suffered to manipulate its offices."

62 Evans (2008).

63 Fukuyama, (2009):"Most dysfunctional public bureaucracies can trace their poor performance directly to the intervention of politicians who want to use the administrative machinery for their own purposes, or prevent it from interfering in their activities."

64 Evans and Rauch (1999), in a well-known paper, argued there is a relation between a country's economic performance and the "Weberianness" of its public institutions.

65 Henderson, et al. (2003).

66 E.g., United Nations (1961), UNDESA (1995), p. 70.

67 For example, see the Support for Improvement in Governance and Management project (OECD/EU): www.oecd.org/site/sigma/about/.

However, some researchers have convincingly argued that the direction of causality is the other way around, asserting that a civil service functioning as per the model above is a *product* of development rather than a *cause*.[68] It is certainly the case that many advanced industrial countries grew significantly before they had anything approaching good governance, and many of the legal reforms that brought this civil service model into place were promulgated quite late in their development.[69] There is also wide variation in the model: the United States civil service, for example, has a much higher percentage of political appointees than the European administrative space would allow and relies on other checks and balances to promote integrity and control corruption.[70]

There are many explanations as to why merit reforms have occurred in different times and places and why politicians in different contexts have accepted trade-offs between the obvious advantages of political patronage and the benefits of a meritocratic civil service.[71] But it is clear that the process is always highly political and context dependent, takes many years, is the result of prolonged bargaining between different groups, and is subject to reversal.[72] Merit reforms have also tended to take place in emerging market capitalist economies that have already developed a fair amount of infrastructure and have a reasonably stable political settlement, such as, for example: (a) Britain and the United States at the end of the 19th century; (b) Japan's Meiji Restoration; (c) some East Asian and Southern European states in the 1950s-1960s; or (d) Eastern European countries in the 1990s.[73] In other words, they have rarely, if ever, been done in societies having to renegotiate their political settlement in the immediate aftermath of violent conflict.

It must also be recognized that arguments for rejecting the separation of politics and administration can be made on grounds of principle, not just to protect opportunities for political patronage. Without strong political oversight, bureaucrats can become too powerful and unaccountable and bureaucracies can be unrepresentative, resist direction by the will of the people through their elected representatives, or simply be unresponsive.

These arguments, plus the injunctions from researchers not to blindly pursue best practice models and the transfer of institutions above, call into question the appropriateness of promoting the standard model *in the immediate aftermath of conflict*. In the long-term, it is clear that isolating parts of the bureaucracy from political and societal pressure is important for a range of reasons; but working out which, and how to do this in the short term after conflict, is much more complex. **Arriving at a more nuanced and sophisticated understanding of an appropriate relationship between politics and administration in the immediate aftermath of conflict is a key policy challenge for the United Nations in its support to core public administration in these contexts**.

Given that, whatever it is, the relationship between politics and administration is going to reflect wider political processes, it also needs to be recognized that proposing the standard model, i.e. the separation of politics from administration and isolating the bureaucracy from political interference, is in itself a political proposal that will have specific consequences for the interests of different groups within a specific context, and will thus be resisted or supported, accordingly.

68 Chang (2002).

69 For example, it was only after the Pendleton Act in 1883 that the United States federal government started recruiting its employees through a competitive process (Chang, 2003) and then even only a proportion (Gilman, 2003). The famous Northcott-Trevelyan report that initiated the reform of the British civil service in 1854 took over 50 years to implement.

70 Gilman (2003).

71 Literature on this question is widely available, but for a good example see Barbara Geddes: 'Politician's Dilemma: Building State Capacity in Latin America', University of California Press, 1994.

72 Evans (2008).

73 Lapuente and Nistotskaya (2009).

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CHAPTER 3:
POST-CONFLICT UNITED NATIONS SUPPORT TO PUBLIC ADMINISTRATION AND THEORIES OF CHANGE

This chapter starts by examining the historical evolution of United Nations support to public administration in post-conflict contexts during the past two decades. It moves on from there to lay out an idealized characterization of the United Nations' predominant approach so far, followed by the outline of an alternative approach which represents in effect a revised theory of change for United Nations support to CPAF, inspired by the country case studies for this review and by the insights of the wider literature described in Chapter 2. At the end, this chapter highlights the important issue of context and leadership. Chapters 4-6 expand this overall argument and translate it into detailed recommendations for future United Nations support to CPAF.

3.1 THE DEVELOPMENT OF UNITED NATIONS CAPACITY FOR SUPPORT TO PUBLIC ADMINISTRATION AFTER CONFLICT

The United Nations is a natural partner for support to public administration in developing countries, and indeed the United Nations has a long history of such support, in particular to newly independent post-colonial states and to countries emerging from conflict. The United Nations helped Libya establish an Institute of Public Administration in 1956 shortly after its independence[74] and in 2012 is again discussing with the newly elected government the training needs of a new generation of Libyan civil servants. The United Nations Programme on Public Administration was started as early as 1948 and in 1951 published the first of many texts on the topic.[75] In the 1950s, supporting public administration was much more of a priority for the United Nations system than it is today and was seen as being as important as economic development or social welfare.[76] This is not surprising. In an age when many new member states were being built from the ground up, establishing basic administration was naturally an important topic. The United Nations was a much more important partner for developing countries than the development banks or the IMF, which came to prominence in this area in the 1970s and 1980s.[77]

THE UNITED NATIONS HAS A LONG HISTORY OF SUPPORTING PUBLIC ADMINISTRATION IN DEVELOPING COUNTRIES, IN PARTICULAR TO NEWLY INDEPENDENT POST-COLONIAL STATES AND TO COUNTRIES EMERGING FROM CONFLICT.

However, as the wider debate on development and the state has shifted from government to governance, and as many member states have graduated from the need to build basic administration to much more complex problems, the slightly old-fashioned idea of public administration has to some degree been overshadowed at the United Nations.

It was not until the establishment of the United Nations Transitional Authority in Cambodia (UNTAC) in 1991 that the United Nations acquired experience in direct administration. And in the tumultuous year of 1999, the United Nations was mandated by the Security Council to establish and run transitional administrations in Kosovo and East Timor. The United Nations has since been asked by the Security Council to perform a wide range of functions in support to CPAF in different countries (see Box 2). However, despite this, and despite its importance as an essential precursor or prior need to other aspects of government delivery, restoring core public administration capacity after conflict has not received as much attention from the United Nations in recent years as might be expected. Along with the rest of the international system, in the last decade the United Nations has paid much more attention to building state capacity in the delivery of

74 UNDESA (2008).

75 United Nations (1951).

76 UNDESA (2008). See also Lee Kuan Yew's memoirs for how UNDP assisted the government of Singapore in its early days.

77 See http://blog-pfm.imf.org/pfmblog/2008/12/fiscal-affair-1.html.

security and justice and to social services than to core public administration.[78] The topic received scant attention in the 2000 Brahimi report, for example, which focused on security and justice, rule of law and peacekeeping. And, as the UN acknowledged, few staff within the secretariat, or within the agencies, funds or programmes possessed the technical expertise and experience required to run a municipality or national ministry.[79]

BOX 2 United Nations missions support for public administration in the aftermath of conflict

United Nations peacekeeping and special political missions have frequently been mandated by the Security Council to support public administration in countries emerging from conflict. Responsibilities have commonly focused on capacity-building of state institutions in order to address the root causes of conflict, re-establish state presence and enable effective, democratic transitions. Peacekeeping missions have, in particular, focused on assisting with the extension of state authority (e.g., Sierra Leone, Liberia, Burundi). (In the Democratic Republic of the Congo, extension of state authority was a mandated task of the mission, but only at a later stage (see op 21 (c) of resolution 1906, 2009.) While, special political missions have often played a role in re-establishing constitutional order, e.g. Guinea-Bissau, or providing strategic advice on rebuilding the centre of government, e.g. Somalia.

The widest-ranging public administration role taken on by United Nations missions have been in Kosovo and Timor-Leste. In both cases, missions were tasked to run administrations until authority could be transferred to national institutions. In Kosovo (UNMIK 1999-present), the mission was mandated to perform basic civilian administrative functions, then to organize and oversee the development of provisional institutions that would allow democratic and autonomous self-government. Once these provisional institutions were in place, the mission oversaw the transfer of authority from Kosovo's provisional institutions to institutions established under a democratically-elected government (see op 11 of resolution 1244, 1999).

The first United Nations mission in Timor-Leste (UNTAET 1999-2002) was tasked with establishing an effective administration and to assist in the development of civil and social services. Unlike Kosovo, in Timor-Leste the Security Council explicitly mandated tasks relating to public administration (see op 3 (a) of resolution 1272, 1999). The mission mandate focused on support and assistance for administrative structures and on capacity building for self-government, transferring quickly from oversight to assistance (through a follow-on mission called UNMIT 2006-2012).

Specific references to supporting governance at the local level can be found in the mandate of the United Nations mission in Afghanistan (UNAMA 2002-present), and MINUSTAH, for example, is mandated to support strengthening of state institutions at all levels, especially outside Port-au-Prince, and to undertake capacity building at the national and local levels.

Mandates relating to support for local conflict resolution are assigned to the mission in Sierra Leone (UNIPSIL 2008-present) (see resolution 1829 (2008), op 3 (a): "providing political support to national and local efforts for identifying and resolving tensions and threats of potential conflict; whatever the source") and to the mission in Guinea-Bissau (UNOGBIS/UNIOGBIS 1999-present), which in 2004 was give the revised mandate "to assist in strengthening the national mechanisms for conflict prevention during the remainder of the transitional period and beyond".

Source: The information provided here is drawn from a detailed analysis of references to capacity building and public administration in United Nations Mission mandates undertaken by Daniela Karrenstein, Daniel Gilman and Hirofumi Goto in the DPA Security Council Affairs Division's Security Council Practices and Charter Research Branch (SCAD/SCPCRB). Their unofficial analysis is available from SCAD or UNDP.

78 According to a recent literature review on public administration reform, there is only "slim literature on public administration in fragile states" (Scott, 2011). A Google search on 1.11.2011 for 'service delivery in fragile states' (i.e. with the inverted commas) produced 60,000 odd results, whereas a search for 'public administration in fragile states' produced just one result.

79 'Report of the Panel on United Nations Peace Operations', document A/55/305–S/2000/809, August 2000, refer to chapter III 'United Nations capacities to deploy operations rapidly and effectively', paragraph 129. www.un.org/peace/reports/peace_operations/docs/full_report.htm.

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The predominant assumption at the time was that in the post-conflict period, peace and reconciliation would gradually lead to improvements in the quality of governance, and that core government functionalities would be restored, either as a by-product of the stability and normality brought about by peace and improved security, or in response in due course to normal development assistance in favour of the public sector.

However, evidence emerging in the early 2000s from the post-conflict situations examined by this review, and from elsewhere, has led to a growing realization that without direct assistance post-conflict, governance improvements are neither guaranteed nor irreversible, and concerted and targeted action is required by the United Nations system and others if core government functionalities are to be restored in a timely manner in such settings. A number of the institutional and policy initiatives taken within the United Nations system in the mid-2000s sought to address this objective in a variety of ways:

CONCERTED AND TARGETED ACTION IS REQUIRED IF CORE GOVERNMENT FUNCTIONALITIES ARE TO BE RESTORED.

- Most United Nations peacekeeping missions began increasingly to emphasize civil affairs support to host country authorities (e.g., Liberia, Sierra Leone, Burundi), and such measures continued to evolve – to the point where "support to the restoration and extension of state authority" was officially articulated in 2008 as one of the three core roles of Civil Affairs within United Nations peacekeeping, first in the DPKO/DFS Policy Directive on Civil Affairs and soon after in the Capstone Doctrine.
- When the blueprint for the Peacebuilding Commission and the Peacebuilding Fund was prepared in 2005, the Secretary-General stressed that these new United Nations institutions were intended, inter alia, to "ensure adequate early attention to and financing for oft-neglected issues, such as building public administration capacity for the rule of law and the delivery of public services".[80] Accordingly, when the United Nations Peacebuilding Fund was created in 2006, establishment or re-establishment of essential administrative services was one of its four priority areas.

80 'In larger freedom: towards development, security and human rights for all', Report of the Secretary-General, Addendum 2 on the Peacebuilding Commission, document A/59/2005/Add.2 dated 23 May 2005, paragraph 10, page 3.

- The 2005 humanitarian reform process and its focus on gaps in the international response to crises broke new ground by including in the Global Cluster system a special cluster on Early Recovery, specifically aimed at expanding the humanitarian agenda by ensuring that it also includes components guided by development principles in terms of both economic recovery and governance recovery.[81]
- A parallel process of re-thinking international development assistance to conflict-affected countries was also initiated at this time. A World Bank/UNDP workshop on 'Rebuilding Post-Conflict Societies: Lessons from a Decade of Global Experience' (New York, September 2005) paved the way for the launch in 2006 of the World Bank/UNDP Statebuilding Initiative.[82] Based on the notion that current development prescriptions used and tested in stable societies have limited relevance in conflict-affected and fragile states, and that a new fragile/failed states sub-discipline with a substantially different development paradigm was needed, this Statebuilding Initiative aimed at enhancing World Bank/United Nations cooperation at Country Office level, especially on capacity development assistance, and to generate more empirical knowledge and inter-agency learning on these issues.
- The wider importance of these issues was validated at the highest level within the United Nations on 21 January 2011, when the Security Council – at the request of Bosnia-Herzegovina – held a thematic debate on post-conflict institution-building. The Secretary-General emphasized that following a conflict, institution-building should start early and be sustained not only for years, but decades. In the short term, early and tangible progress needs to be made in a few priority areas to restore confidence and increase the legitimacy of national institutions. Quick and focused capacity development can enable key institutions to begin functioning again. Peacekeepers, development and humanitarian actors can play an important role in this regard.[83]

DESPITE ITS CENTRALITY TO NATIONAL OWNERSHIP OF RECOVERY AND POST-CONFLICT TRANSITIONS, SUPPORT TO CPAF REMAINS FRAGMENTED.

While these and other initiatives have heralded the emergence of a better understanding of the importance of CPAF in post-conflict environments, they have not been coordinated as part of a deliberate strategy. Instead, they represented pragmatic responses to a range of unmet needs – largely drawing on existing institutional assets that were created for other purposes. Furthermore, they have not fostered a closer integration of assistance to public administration and local governance in post-conflict countries, nor improved strategic approaches to post-conflict CPAF assistance. As a result, despite its centrality to national ownership of recovery and post-conflict transitions, support to CPAF remains fragmented.

In part, this lack of focus on CPAF may be due to peacebuilding, and not statebuilding, being the wider policy frame for the United Nations in post-conflict contexts. As argued above, the United Nations has forgotten the importance of core public administration in building state capacity, and it has over the years been overtaken in this area by the World Bank and the IMF, who are now important partners in stable contexts for many donors and governments on such issues, notably public financial management. Nevertheless, the case studies conducted for this review highlight the importance of CPAF in institutionalizing the political settlement, and in particular the instrumental use of the civil service as a means to rapidly progress reintegration and reconciliation.

THE CURRENT UNITED NATIONS-WIDE LEVEL OF FOCUS AND CAPACITY FOR SUPPORTING CORE PUBLIC ADMINISTRATION FUNCTIONS IN THE IMMEDIATE AFTERMATH OF CONFLICT IS INSUFFICIENT, IN PARTICULAR IN TERMS OF POLICY, LEARNING AND PERSONNEL.

As crucial as public administration is in implementing the government's policies and programmes, support must be tailored to the conditions in and the needs of conflict-torn societies.[84] The feasibility of interventions is limited by the social, political, economic and military conditions in the country, and conventional approaches proposed in politically stable contexts are unlikely to be appropriate. The correct level of focus and capacity is a matter of judgement not science, but overall the first major finding of this review is that the current United Nations-wide level of focus and capacity for supporting core public administration functions in the immediate aftermath of conflict is insufficient, in particular

81 The Inter-Agency Standing Committee's 'Guidance Note on Early Recovery' (April 2008) includes (on page 32) a menu of indicative early recovery activities, which lists 16 different early recovery activities related to governance, among them: (a) rehabilitation of essential government facilities (including material and equipment support); (b) capacity support in technical fields such as mapping, geographical information systems and the restoration of Internet access; (c) measures to strengthen transparency, accountability and good governance in the recovery process; and (d) assessment of the capacity of national and local authorities to coordinate external assistance, formulate policy, and plan and resume the delivery of basic public services.

82 Details on the World Bank/United Nations Statebuilding Initiative and the activities undertaken under its auspices are found here: http://web.worldbank.org/WBSITE/EXTERNAL/PROJECTS/STRATEGIES/EXTLICUS/0,,contentMDK:22542897~menuPK:6993472~pagePK:64171531~piPK:64171507~theSitePK:511778,00.html.

83 United Nations Security Council, Proceedings of the 6472nd Meeting on 'Post-conflict Peacebuilding/Institution Building', New York, 21 January 2011, document S/PV.6472, p. 3.

84 Rondinelli (2006).

in terms of policy, learning and personnel. This is especially problematic, when one considers: (a) the United Nations' key role in assistance post-conflict and its natural role in support to CPAF; (b) the political and technical complexity of the task; and (c) its foundational importance in developing national ownership of the statebuilding and peacebuilding process. Recommendations on how the United Nations could enhance its focus and capacity in this field are detailed in Chapter 6.

A corollary of this conclusion is that United Nations support to CPAF needs to be more integrated through joint programming, guidance and policy to capitalize on existing capacities. The United Nations system's capacity for support to CPAF is not as well developed or financed as its role in supporting political processes, security and justice, or basic service delivery. However, cases of effective support have been field-driven and resulted from integrated coordination and support to CPAF functions across the United Nations family, with innovation emerging from a number of the cases studied for this review. However, closer integration of United Nations policy, capacities and learning at headquarters lags behind. As a result, links to other bodies, notably the World Bank, are constrained.

UNITED NATIONS SUPPORT TO CPAF NEEDS TO BE MORE INTEGRATED THROUGH JOINT PROGRAMMING, GUIDANCE AND POLICY.

This has occurred despite strong potential capacity at country level. The primary components of United Nations capacity at the country level can be found in DPKO-fielded civil affairs officers and United Nations Volunteers, the various projects and some limited financial support from the United Nations Peacebuilding Fund. This is complemented by a large number of projects conducted in support of core public administration functions undertaken by UNDP, often with an active involvement on the ground by United Nations Volunteers. There are also a number of UNCDF projects (on local government), and a few by UNDESA and UNICEF. Some line agencies (e.g., UNICEF and WHO) also of course support public administration capacity in their specific areas of expertise. At headquarters, UNDP has a limited policy, support and learning capacity, as does UNDESA. UNDP also has some relevant capacity in its regional centres. Closer integration of UNDP's technical capacities and DPKO's political and operational capacities has proven to be important in several countries. For example, in Liberia the County Support Team project integrated technical and financial support provided by UNDP to support UNMIL Civil Affairs staff responsible for day to day assistance to government county officials. Likewise, joint United Nations programming bringing together United Nations agencies has achieved substantial success in restarting local government functions, in Kosovo.

However, evidence of the impact of the limited integration of United Nations capacities in CPAF is readily at hand. Support for the extension and restoration of state authority given by DPKO's Civil Affairs officers is very valuable, but coordination with support provided by bilateral and multilateral development agencies is often ad-hoc, and rarely do civil affairs officers possess specific technical expertise in areas of public administration. United Nations Peacebuilding Fund support towards establishment of essential administrative services can be critical, but for a variety of reasons the United Nations Peacebuilding Fund has been called upon to provide such assistance only in a very limited number of cases.[85] Governance recovery is in principle an important dimension of Early Recovery, but in post-conflict situations very few CPAF-related proposals have in reality found their way into the Consolidated Appeals Process and Humanitarian Action Plans, and even fewer of them have been funded. Much new conceptual and empirical knowledge has been generated through cooperation between the World Bank and the United Nations on post-conflict issues, but operationalization and application of this knowledge still has a long way to go.

THE RE-PRIORITIZATION OF UNITED NATIONS SUPPORT WILL REQUIRE THE DEVELOPMENT OF FRAMEWORKS FOR THE EFFECTIVE COORDINATION OF UNITED NATIONS-WIDE SUPPORT BETWEEN HUMANITARIAN, PEACEBUILDING AND DEVELOPMENT SECTORS.

This review thus argues that part of the re-conceptualization and re-prioritization of United Nations support to CPAF will require a shift away from the perception of CPAF as an agency or sector specific issue, and the development of frameworks for the effective coordination of United Nations-wide support to CPAF, at national and local level, between humanitarian, peacebuilding and development sectors.

85 Peacebuilding Support Office (2012).

3.2 THE UNITED NATIONS' CURRENT APPROACH TO SUPPORT TO CPAF

The United Nations' current approach to support to public administration post-conflict can be summarized as follows:

- Firstly, the function of public administration is to raise resources, deliver services, promote growth and to provide a set of rules through which citizens can interact with and influence the state and participate in or challenge decisions that will affect them;
- Secondly, a public service with a clear political/technical distinction, merit-based recruitment, etc. is the best way to do this. Public administration reform is seen as the way to develop such a public service, and is implemented as a largely technical process of introducing new institutions, organizations and best practices; and
- Thirdly, there is a 'post-conflict moment' that offers an opportunity for new political leadership, supported by the international community, to wipe the slate clean and bring in a range of systemic reforms to public service.[86)]

PUBLIC ADMINISTRATION CAN LEVERAGE THE POST-CONFLICT MOMENT TO INTRODUCE BEST-PRACTICE INSTITUTIONS AND SYSTEMS.

In other words, the best way for public administration to contribute to peacebuilding and statebuilding in the short term, and to development in the long term, is to leverage the post-conflict moment to introduce best-practice institutions and systems, as these will reform the public service and enable political leaders to deliver public benefits – security and justice, economic opportunities and social services – in a way that promotes peace and development and also fosters legitimacy and resilience.[87)]

In effect, this approach is an updated version of the approach to development administration that has existed since the 1950s, but applied to the post-conflict context in the last 10 years or so. Many practitioners are individually sceptical of the model as described above, but it is sustained at a system level for a variety of reasons:

- The United Nations' normative function is to instinctively reach for a best practice solution. It finds it hard to work with the compromises required of a politically complex reality (this is more of a problem for development and human rights branches, while the political and peacekeeping branches are more comfortable with the compromises required by political reality).
- Donors often push for, and offer money for, reform and best practice approaches, because they offer the promise of, or at least the appearance of, meaningful results within political cycles in donor countries.
- United Nations agencies in a competitive fund-raising environment are incentivized to offer unrealistic promises of reform to attract funding and to stake out turf. Agencies are also sensitive to criticism by non-governmental organizations, media representatives and others who are often unforgiving towards efforts that aim at or settle for less than best practice solutions.
- Technocratically-minded CPAF specialists are professionally motivated, and to an extent judged by their peers on the complexity and modernity of the systems they introduce, not on their suitability or appropriateness. They want to provide, and are generally asked for, solutions, not options.

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86 See, for example, the following assessment of Afghanistan (Afghan Analysts Network; 2011): "During the reconstruction push in the past ten years, Afghanistan was often treated as if it were an institutional tabula rasa: a country that had never been centrally governed, and that could be given institutional frameworks and procedures modelled on the latest governance fashions or based on the preferences of the various donor countries. This resulted in a hotchpotch of laws, procedures and strategies, usually linked to short-term programs and often with little relation to previous practices or the perceived responsibilities of the institutions." Or in relation to Kosovo and Timor-Leste (Montanaro; 2009): "International interventions in statebuilding and territorial administration perpetuated certain problematic approaches drawn from the United Nations trusteeship system and colonial administration, considering post-conflict territories – such as East Timor or Kosovo – as 'blank slates' needing complete re-construction of governments, economies and social systems."

87 The United Nations is by no means alone in this approach, it perhaps reached its apogee with the assertion by United States General Stanley McChrystal before the NATO and Afghan army assault on Marjah in February 2010, when he said "We've got a government in a box, ready to roll in" (www.nytimes.com/2010/02/13/world/asia/13kabul.html).

It must also be acknowledged that the challenge is simply very difficult, and it takes a long time. According to the available data sets for cross-country comparisons of performance on CPAF, the rate of development of CPAF in the case study countries has been modest, with most countries consistently at or near the bottom of international rankings (see Annex 1).

According to the charts in Annex 1, some countries have made modest, but sustained, progress (Burundi, Liberia, Sierra Leone). Others made initial gains after a peace agreement, but then slipped back (Afghanistan, Kosovo, Timor-Leste). Unusually for post-conflict countries, Rwanda (not a case study for this review, but included in the tables as a comparator) has made significant and sustained progress.

3.3 THE PROPOSED APPROACH


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THE UNITED NATIONS IS OFTEN TRYING TO RUSH BROAD REFORMS TO PUBLIC ADMINISTRATION, AND, PARTLY AS A RESULT, IS NOT FOCUSING ENOUGH ON RESTORING ITS BASIC FUNCTIONALITY.

Based on the case studies, and on the wider lessons set out in Chapter 2, the second major finding of the review is that, in the aftermath of conflict, the United Nations is often trying to rush broad reforms to public administration, and, partly as a result, is not focusing enough on restoring its basic functionality. The review agrees that the primary function of public administration is to raise resources, provide security and justice, deliver basic services and promote growth, while ensuring citizen participation, and that the standard model of a public service is the best way to do this in the long-term. However, the very special circumstances of post-conflict require a very different approach in the short-to-medium term. In the immediate aftermath of conflict, the United Nations needs to understand and approach public administration as much as an expression of the developing political settlement as a vehicle for delivering public goods.

In terms of rushing reform, the default setting of the United Nations (and many donors) is to propose and support often wide-ranging institutional reform in the post-conflict moment. Often aimed at institutionalizing normative standards or improving efficiency, these approaches typically do not consider the political importance or high levels of politicization of the existing public administration. However, post-conflict politics are usually highly conflictual. There is often a degree of peace, but not yet an established political settlement, let alone any agreed rules of the political game. Most aspects of state and society are politicized and there are usually no strong institutions to mediate and contain political competition. This in turn means there is rarely a consensus vision on a development strategy or on what sort of public administration is needed to implement it.

POLITICAL LEADERSHIP IS OFTEN VERY DIVIDED IN THE IMMEDIATE AFTERMATH OF CONFLICT.

The political leadership in these contexts often resists public administration reforms that will take time to deliver in favour of approaches that are likely to deliver on short-term political interests or pay-offs. This preference is sometimes dominated by short-term political survival, or, at best, by the desire to establish new political and constitutional rules of the game. In the cases studied by this review, rarely was growth and development, and the type of public administration needed to deliver these, a key issue for the political leadership in the immediate aftermath of conflict. Thus, new or reformed public administration institutions proposed and funded by the United Nations and donors often get put on hold for years.

IN THE IMMEDIATE AFTERMATH OF CONFLICT THE UNITED NATIONS NEEDS TO APPROACH PUBLIC ADMINISTRATION AS MUCH AS AN EXPRESSION OF THE DEVELOPING POLITICAL SETTLEMENT AS A VEHICLE FOR DELIVERING PUBLIC GOODS.

Historically, in some countries, a national shock or emergency has indeed provided a platform for radical change by a determined and unified leadership, which is from where the 'post-conflict moment' concept arises. However, in many other countries, and certainly in our case study countries, the political leadership is often very divided in the immediate aftermath of conflict, and trust and confidence between political decision-makers, state and society and among different social, ethnic or political groups is often low. Public administration may itself have been used in the past as an instrument of oppression, exploitation or pecuniary gain. In these contexts, it is common for new political leaders in post-conflict settings to be suspicious of the existing public administration and to want a public service in which they have confidence and which is responsive to their political goals. This often results in the desire to make political appointments to the civil service that violate the standard merit-based model. Electoral competition, now a universal element of the post-conflict process, can also result in the abuse of the public administration for electoral advantage rather than its reform.[88]

In these contexts, it is unrealistic to think that the standard reform agenda outlined in 3.2 above is appropriate. Rather than undertaking broad reforms, public administrations in post-conflict environments must focus on the critical tasks of implementing often fragile peace agreements, unifying diverse political factions and taking ownership of recovery planning and coordination.

88 Kelsall, et al. (2010).

Thus, in the immediate aftermath of conflict the United Nations needs to approach public administration as much as an expression of the developing political settlement as a vehicle for delivering public goods. Sustaining a political settlement over the longer term is the United Nations' overarching policy goal, as without that all else is in vain, and the nature of the public administration plays an important part in sustaining the political settlement over the long term. One important function of public administration post-conflict is to serve as a forum in which questions of access, entitlement and accountability are negotiated and settled. Seen in this way, **public administration is not only a mechanism for delivering core government functions and providing public services, but also, and just as importantly, it is a mechanism for: (a) progressively deepening, broadening and institutionalizing the political settlement; and (b) reconciling differing interests in core public domains, such as security and justice, economic opportunity and the management and distribution of public goods.**

However, as an external actor, the United Nations has limited influence over this process. To be accepted, and thus effective, new rules and institutions for public administration must be negotiated; they cannot be imported or designed by consultants. United Nations support to public administration reform post-conflict should focus on facilitating the bargaining process over the public sector between the political leadership, civil servants and citizens. It cannot and should not be reduced to a technical process of introducing best practices. The United Nations can facilitate this bargaining process by providing multiple options – not recommendations – and lessons learned from other countries based on an understanding of the context, as well as pointing out the pros and cons of these different options.[89]

For example, the United Nations' response to a desire on the part of a new political leadership to introduce trusted colleagues into the upper reaches of the civil service should not be to discourage those practices on the grounds that they violate the standard model of merit-based recruitment, but rather to understand the motivation to make public administration responsive to political direction, work with the host government to ensure appointees are also technically competent, and provide options on how this problem has been tackled in other countries.

These recommendations do not represent a shift towards pragmatism; instead, they emphasize the need to reconcile the technical and political principles of statebuilding with the political realities required for effective peacebuilding. For example, given the importance of inclusion for sustainability of a political settlement, the United Nations has a key role in pushing for the political settlement to find expression in a public service that is as inclusive as possible, with a particular focus on promoting integration of marginalized or politically-excluded groups into the civil service. This could be done, for example, through supporting the recruitment of women and excluded groups into the civil service and promoting the adoption of international human rights norms on inclusion. Similarly, in order to broaden negotiations over the nature of a country's public administration, the United Nations should be using its leverage with the political leadership to ensure that civil society is at the negotiating table, as well as supporting civil society to formulate and express its demands on public administration.

This role is as much a political role as a technical one. Understanding the history, context and political incentives and interests of the various players, and building the relationships needed to gain access to and secure the trust of political actors, is thus fundamental to a successful outcome for United Nations support to CPAF, not an optional extra. It also requires the United Nations to work together better, notably in combining the political analysis and access capacity of missions with the technical capacity of the agencies. Based on experience to date, United Nations expectations also need to be more realistic; the reform process is likely to take many years, and the United Nations' human and financial resources need to be configured accordingly. Short-term, one-to-two year projects are unlikely to be appropriate, apart from the exceptional early days of the post-conflict period.

More detailed recommendations on how the United Nations can carry out its role are presented in Chapter 4.

On the other hand, in the immediate aftermath of conflict, the United Nations should be doing more to provide fast, relevant and flexible support to restoring core government functionality. A focus on comprehensive reform is distracting the United Nations from restoring and supporting the basic functionality of what already exists, in part as the capacity that does exist is often overlooked or seriously underestimated.[90] If new governments are to assume ownership and control of the peace and statebuilding process, they need CPAF restored as soon as possible. Contrary to the cur-

PUBLIC ADMINISTRATIONS IN POST-CONFLICT ENVIRONMENTS MUST FOCUS ON THE CRITICAL TASKS OF IMPLEMENTING OFTEN FRAGILE PEACE AGREEMENTS, UNIFYING DIVERSE POLITICAL FACTIONS AND TAKING OWNERSHIP OF RECOVERY PLANNING AND COORDINATION.

A FOCUS ON COMPREHENSIVE REFORM IS DISTRACTING THE UNITED NATIONS FROM RESTORING AND SUPPORTING THE BASIC FUNCTIONALITY OF WHAT ALREADY EXISTS."

89 This implies a shift to the sub-discipline of comparative public administration as a source of inspiration, rather than the best practice approach that often comes out of new public management.

90 Ghani and Lockhart (2008).

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rent approach, which tends to address only very narrow CPAF needs through early recovery projects and programmes, and then wait before implementing longer-term transitional support, rapid support to CPAF should be a priority in the early days after conflict alongside security and humanitarian needs. In order to improve the functionality in the short term, the United Nations needs to understand and build on what already exists, focus on immediate solutions to policy implementation problems, introduce new systems only when necessary, and ensure that they are as simple as possible. While national ownership is critical, temporary solutions may include the contracting of external expertise in certain line functions (e.g., in the areas of revenue and procurement management or financial controls). The United Nations needs to be continually looking for political leaders who are ready to seize available opportunities to make modest but achievable improvements, nationally and especially locally, and help to restore or put in place the systems and processes to do so, including the capacity for sub-contracting, when appropriate, to non-government actors. The United Nations needs to focus on solving immediate problems to delivering essential functions such as collecting revenues, priority planning and input-based budgeting, simple procurement, and the delivery of basic services that individual ministers are genuinely committed to, as opposed to initiating systemic reforms that are prone to get bogged down in over-complexity and wider political competition between ministers. Hopefully, as the political settlement solidifies, and a consensus, vision and agreement on the rules of the game emerge, the potential for more serious reform will open up.

More detailed recommendations on how the United Nations can improve its impact are outlined in Chapter 5. Box 3 illustrates possibilities for the timing of support to functional CPAF areas.

BOX 3 Illustrative sequencing table

The table below illustrates when it might be appropriate to initiate different types of support for the various CPAF areas that the review team examined.

Note: The timing depends on an analysis of political context, not the amount of time passed since a conflict notionally ended; progression from column 1 to 3 has been quick in some contexts, and others have remained in column 1 for many years.

	Conflict or immediate aftermath of conflict	Stabilizing political settlement	Deepening political settlement
Public finance management/ACC	• safeguard revenue pathway (ref: Governance and Economic Management Programme Liberia; Highly-Indebted Poor Countries Burundi) • (re)-establishment of cash management systems/ single treasury account (ref: Burundi) • internal performance and systems audits	• support for an auditor • support to the parliamentary budget committee • CSO budget monitoring networks • pro-poor budgeting	• performance-based budgeting • gender-based budgeting • development of an MTEF • anti-corruption commission
Aid coordination	• participatory prioritization • dual accountability Priority Programs (e.g., internal performance and system audits, South Sudan) • development of a few quick to initiate programs	• sector-wide approach • sector budget support	• national development plan • direct budget support
Civil service reform	• recruitment of managers (e.g., Liberia CEBS, Tokten, Senior Executive Service) • internal oversight board (e.g., Kosovo) • salary supplements • civil service census • payroll management	• creation of specialized professionals with tailored reward and incentive structures • right-sizing • human resource management information services	• merit-based recruitment and promotion scheme • performance management (e.g., performance contracts) • salary and wage reforms • functional reviews • e-governance
Local government	• UNCDF/LDP pilots (as in internal performance and system audits) • CDD (e.g., NSP) • Support for non-governmental organization service delivery (e.g., grants)	• Testing fiscal transfer mechanisms	• fiscal and political decentralization
Support for the centre of government	• radio and public broadcasts • use of public notice boards, inter-agency information sharing	• United Nations support for a public information campaign • development of web-based information systems	• formulation of a communication strategy

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3.4 LEADERSHIP, AND ITS ABSENCE

As is now well established, interventions need to be built on an analysis of context. In terms of understanding opportunities for support to public administration, geography, population density, education levels and economic development are all important. However, the evidence suggests that the key contextual factors are:[91]

The nature of the political settlement in particular how unified or fragmented political authority is

The time horizons of the political leadership (short versus long)

The nature of pre-existing state institutions and the degree to which public institutions eroded during the conflict

There is a good body of evidence that shows that the degree of concentration of political control directly impacts political incentives for reform. In short, the more power is concentrated the more likely substantial reform is possible.

It has also been increasingly understood that the scope and scale of reform is deeply influenced by the time-horizons among the political leadership; i.e. the higher the degree of political stability and the longer the political leadership expects to remain in office, the more likely there will be substantial reform. In many contexts the time horizon is most readily determined by the frequency of elections, but it is often shorter and may also be influenced by other variables, including the quality and cohesion of the political settlement and the fluidity of the security environment.

The strength and geographical reach of existing state institutions will also clearly be a factor in how likely they are to recover functionality. The strength of pre-existing institutions in Kosovo, for example, was clearly very different to that in Liberia.

In short, the more political authority is concentrated, the longer-term the political vision and the more robust the existing administration, the more likely reform of public administration will have an impact. These factors, notably leadership, help explain why public administration reform in Rwanda has had such remarkable results (see Annex 1 on governance data).

HOWEVER, THE NORM IN CASE STUDY COUNTRIES IN THE FIRST FEW YEARS AFTER CONFLICT ENDED, WAS VERY UNSTABLE OR DIVIDED LEADERSHIP.

However, the norm in the case study countries, at least in the first few years after the conflict ended, was very unstable or divided leadership. In most contexts political authority was dispersed, the political settlement was only partially in place, and in many countries there were very weak pre-existing institutions (Afghanistan, for example). This is likely to be the norm for the United Nations in most post-conflict situations, and in these contexts there is unlikely to be consistent leadership for the development of CPAF.

At the far end of the spectrum, there are some contexts in which nothing but the barest minimum of work on public administration should be considered.[92]

91 E.g., Keefer and Vlaicu (2008), Barma (2012), Olson (1993) and Grindle (2011).

92 UNDP's Executive Board has in three cases imposed restrictions on the programming of UNDP assistance to countries whose governments were seen to pursue policies at significant variance with United Nations norms and standards. Such restrictions were generally designed to focus UNDP development assistance on ordinary citizens at the grassroots level and to exclude assistance aimed at strengthening the institutional capacity of the government. The three cases were: (a) Myanmar, after the military intervened to thwart the outcome of the 1990 elections; (b) Afghanistan, during the period in which the government was controlled by the Taleban (1996-2001); and (c) the Democratic People's Republic of Korea.

> *…for a rapacious, unrepresentative regime, an underpaid, deskilled, ineffective public administration is an asset: it keeps public employees dependent for their survival on the regime's handouts, impels their corruption, precludes their "exit," and turns them into reluctant accomplices. In these "kleptocracies," while there might perhaps be conceivable reasons for certain kinds of external involvement, assistance to improve the government administration is a wasteful delusion.* (Schiavo-Campo, 2000, p. 729)

So, as the United Nations was aware back in 1951,[93] a minimum of political order and commitment from political leadership needs to be in place for any meaningful work on CPAF to be considered. The operational question for the United Nations is to assess when and whether this order and commitment is in place, and to gauge the level of United Nations support accordingly. This assessment needs to bear in mind that an overly cautious approach may lead to the very problems the United Nations is trying to avoid, but an overly confident approach will at best be a "wasteful delusion" and at worst could strengthen a "rapacious regime".

This is a very complex judgement, but the overall approach laid out in this review should at least help the United Nations avoid being either over-cautious or over-confident.

In summary, the United Nations should:

1	approach support to CPAF as much as a political as a technical issue in the first instance, conducting both careful political economy analysis early on (see section 6.4) as well as specific analysis of CPAF. This will highlight pitfalls and opportunities, both political and technical, and should help asses both commitment and capacity;
2	focus initially on restoring the functionality of existing systems. In addition to being a quicker and lighter approach, this avoids the risk of being over-committed to systemic reforms without the right leadership and of the distortion of the system to the wrong ends; and
3	progress to more systematic reforms once the political process is more stable, and only on the basis of wide discussion of different options among stakeholders, rather than relying too heavily on best practice recommendations of foreign experts.

93 United Nations, 1951: "A fundamental requirement for the improvement of any system of public administration is the attainment of government stability, public order, and the rule of law. Where civil disorder is endemic or where changes in political control are frequent, administrative improvement is severely handicapped. For areas where governments have been newly organised and where governmental institutions have not yet been thoroughly established, some degree of administrative instability may in the short-run be considered as a part of the general political development. But where, over a long period of time, governments are not able to establish orderly political processes, administrative reforms are likely to lag, and the prospects of permanent administrative improvement are slight".

94 See also Brinkerhoff (2007).

CHAPTER 3: FINDINGS

- The first major finding is that **the current United Nations-wide level of focus and capacity for supporting core public administration functions in the immediate aftermath of conflict is insufficient**, in particular in terms of policy, learning and personnel.
- The second major finding is that, in the aftermath of conflict, **the United Nations is often trying to rush wider reforms to public administration, and, partly as a result, is not focusing enough on restoring its basic functionality.**
- In the immediate aftermath of conflict, **the United Nations needs to approach public administration as much as an expression of the developing political settlement as a vehicle for delivering public goods.** An important function of public administration post-conflict is to serve as a forum in which questions of access, entitlement and accountability are negotiated and settled. Public administration is not only a mechanism for delivering core government functions and providing public services, but also – and just as importantly – a mechanism for: (a) progressively deepening, broadening and institutionalizing the political settlement; and (b) reconciling differing interests in core public domains, such as security and justice, economic opportunity and the management and distribution of public goods.
- **United Nations support to public administration reform post-conflict should focus on facilitating the bargaining process over the public sector between the political leadership, civil servants and citizens.** It cannot, and should not, be reduced to a technical process of introducing best practice. The United Nations should facilitate this bargaining by providing multiple options, not recommendations, and lessons from other countries based on an understanding of the context, and pointing out the pros and cons of different options drawn from international experience.
- Given the importance of inclusion for the sustainability of the political settlement, **the United Nations has a key role in pushing for the political settlement to find expression in the public service by making it as inclusive as possible** with a particular focus on promoting the integration of marginalized or politically excluded groups into the civil service. This should be done, for example, through supporting the recruitment of women and excluded groups into the civil service and promoting international human rights norms on inclusion.
- **In the immediate aftermath of conflict, the United Nations should be doing more to provide fast, relevant and flexible support to restoring core government functionality.** A focus on comprehensive reform is distracting the United Nations from restoring and supporting the basic functionality of what already exists, in part because the capacity that does exist is often over-looked or seriously under-estimated. If new governments are to assume ownership and control of the peacebuilding and statebuilding processes they need CPAF restored as soon as possible. Contrary to the current approach which tends to address only very narrow needs through early recovery and then wait for longer-term transitional support, rapid support to CPAF should be a priority in the early days after conflict alongside security and humanitarian needs.

CHAPTER 4:
DEEPENING THE POLITICAL SETTLEMENT

The second main review finding articulated in Chapter 3 is that the United Nations needs to approach wider public administration, as well as CPAF specifically, not only as an implementer of government policy and a deliverer of public services, but also as an important component in deepening the political settlement. This makes support to CPAF a concern for the United Nations system as a whole, not just for the development agencies.

4.1 INCLUDE CONSIDERATION OF CPAF IN PEACE AGREEMENTS

Peace agreements increasingly contain provisions for reform of public administration, though these are clearly not as important as those for politics and security. In a study of 27 peace agreements between 1989 and 2007, provisions directly related to public administration and governance were the least common, compared with those on security, justice, economic recovery and reform, and political representation.[95] However, provisions for civil service reform, reorganization of public administration, anti-corruption strategies and policies on revenue collection mechanisms have increased markedly over time.[96]

Substantive structural reforms to public administration are sometimes reflected in peace agreements as well, for example: (a) quotas for ethnic representation, as in Burundi; or (b) provisions for local or subnational government, such as the shift from a unitary to a federal state in Nepal. This is not surprising, given that abuses and injustice perpetrated through and by public administration are a common element in conflict.

Setting up independent commissions under respected academics or former politicians is a common way for post-conflict governments to attempt to address some aspects of public administration reform, while the peace process is moving towards more solid ground. While such commissions may in some cases be useful, they have in many contexts proved to be unable to negotiate real change, in part because they (and their leadership) were often somewhat removed from the country's political mainstream.

GIVEN THE COMPLEXITY AND TECHNICAL NATURE OF MANY OF THE ISSUES IN PUBLIC ADMINISTRATION... THE UNITED NATIONS SHOULD CONSIDER SUPPORTING THE PARTIES TO A PEACE AGREEMENT ON PUBLIC ADMINISTRATION ISSUES PRIOR TO OR DURING THE NEGOTIATION OF THE AGREEMENT.

Given the complexity and technical nature of many of the issues in public administration, and the significant expense involved in reforming or establishing new layers of government, the United Nations should consider supporting the parties to a peace agreement on public administration issues at the earliest possible time prior to or during the negotiation of the agreement by helping them, for example, think through the consequences of different proposals for reform to government structures or options for local government. The United Nations Department of Political Affairs (DPA) mediation support unit should refine and expand its expertise in the field of governance to include detailed know-how on CPAF and related issues.[97] In some cases, the tensions and pressures associated with forging a peace agreement may crowd out a range of public administration issues that appear to be less urgent. But in cases in which public administration issues have been factored in during the negotiation process (for example, the Burundi peace negotiations in 1998-2000), it has had a very positive impact on the subsequent peace implementation process. It is therefore recommended that advisory support to the parties on public administration options be made a regular and well-founded part of the United Nations' menu of support to conflict-affected countries.

95 Suhrke, et al. (2007), p. 21.

96 Ibid., p. 24.

97 The DPA's Mediation Support Unit has divided its substantive agenda into 17 different thematic issues which are also being used in its mediation training activities and as search criteria in its roster of external mediation experts. These are: (1) security, military, police, Disarmament, Demobilization and Reintegration, etc.; (2) constitution and political system/structure, institutions; (3) rule of law and administration of justice; (4) electoral framework; (5) human rights; (6) women; (7) children; (8) minorities, indigenous peoples, and other groups; (9) humanitarian and refugee issues; (10) socio-economic and development; (11) media and information; (12) transitional security, governance and institutional arrangements; (13) transitional justice; (14) traditional and local actors; (15) statehood and identity; (16) implementation mechanisms and arrangements; and (17) implementing/supporting actors.

4.2 PROMOTE DISCUSSION AND NEGOTIATION ON THE CHARACTER AND FUNCTION OF PUBLIC ADMINISTRATION

Many underlying factors influence the development and performance of public administration. These include societal norms, the interaction of power, politics and violence and the legitimacy of the governing leadership. These determinants may be opaque and not easily understood or influenced. What can be understood, and should be factored into any public administration support as a starting point, are popular perceptions and expectations of the role of the state, the function of public service (e.g., in the economy or in delivering services), the scope of the state's presence and how it can and should respond to the root causes of conflict. A practical question pertains to the size and scope of the civil service: should this be assessed in relation to the country's Gross Domestic Product as is normal practice? Or should a different yardstick be used (given the fact that in post-conflict the state itself is often the largest player in the economy and responsible for driving the transition process and economic recovery)?

These are essential and strategic questions of policy that will influence and shape the way in which a country's administrative system develops. Effective administrative performance will only result when there is a link between the administrative and public spheres and when public service reflects what the population want and expect. The United Nations should work with governments post-conflict to analyse empirically how the public view public administration and what different groups want from the state. It is necessary to investigate, and not presume, how people see their state and what they want from it. Perception surveys and local views on various aspects of administrative functioning – e.g., levels of corruption or quality of services – are important and can assist the government (and the United Nations) in making decisions about prioritization and trade-offs. This is as important for legitimacy as it is for efficiency. UNDP's early warning reports in Kosovo, for example, were based on survey data published in 28 successive issues over a period of eight years, from mid-2002 until mid-2010.[98]

Clearly, this can be a politically sensitive area, and there is currently little guidance offered to United Nations leadership in the field on how to approach this issue. Specific guidance should be provided to missions and United Nations Country Teams on canvassing public attitudes to public administration.

As discussed above, it is also important for the United Nations to facilitate wide discussions – that includes civil society and the private sector, for example – on the public administration improvements needed post-conflict. During such discourse, the United Nations must avoid presenting ready-made solutions which tend to shut down discussion and negotiation. Rather, the United Nations should be prepared to present policy options for discussion. The preparation of policy option papers is a good practice, as the UNCDF did when supporting local government reform in Timor-Leste, because this allows ministers and others in leadership positions to make informed policy decisions, and it allows negotiation and discussion among the country's political leaders to be based on a realistic picture of the pros and cons of various alternatives. Similarly, in order to open up discussion and facilitate wide consultation and comment, the *first draft* of policies, laws, regulations, etc. should be prepared in the local language(s), not (as is sometimes the case) only the final drafts.

4.3 ASSIST POLITICIANS, PARTIES AND OTHER POLITICAL ACTORS TO UNDERSTAND CPAF

National politicians and political parties are the main drivers of a peace process, and then of post-conflict public administration. One of the primary ways in which peace processes impact public administration is that the peace process determines who will control public administration. This is most clearly and commonly demonstrated in the often protracted bargaining over the allocation of ministries to different parties, leaders or factions.

One common feature of post-conflict situations is that in most cases political leaders and parties have little or no experience in public administration. Their expectations of what public administration can and cannot do, and their

THE OVERALL PURPOSE IS TO ASSIST STABILISATION AND DEEPEN THE POLITICAL SETTLEMENT THROUGH PROCESS, AS OPPOSED TO OUTPUT LEGITIMACY."

98 www.kosovo.undp.org/?cid=2,40.

knowledge of how to manage and direct public administration to achieve a political programme or manifesto pledge, is often minimal.[99] This is for a number of reasons, among them: (a) leaders may have recently come to power after previously being insurgent military commanders or political activists; (b) political parties may have been clandestine and shaped by the needs of armed conflict and not those of running a public administration; or (c) some individuals given senior civil service positions may have been based in the diaspora or received their position through political patronage and therefore be somewhat out of touch with local realities. During conflict, the scope for civil administration is often limited, so even those within government can have limited experience of running a peacetime public administration. It is thus common for parties and political leaders post-conflict to struggle with the transition to civilian leadership and management of public administration.

Administrative development ultimately depends on the way in which political leaders interpret their role in government post-conflict, and, except in the relatively rare cases where a party with a long-term vision wins a convincing victory, the evidence is that political parties and politicians tend to have very short-term horizons.[100] They may not expect to remain in office very long, and often governments in the immediate aftermath of conflict are transitional and tasked with putting in place a constitution or elections. Thus, they may not have a mandate for reform, or the attention. At times, these transitional arrangements can go on for some years.

Frequent changes of ministerial leadership, often with short-term horizons, are a common feature of post-conflict situations (e.g., Nepal has had seven Prime Ministers since the 2006 Comprehensive Peace Accord), in line with unstable politics more generally. A major problem for reformist politicians then is balancing competence with political inclusion, at both ministerial and lower levels, which can have a major impact on service delivery. This is clearly not useful for reform processes, which evidence shows work best under consistent, long-term political leadership.

For most development agencies, it is a relatively new field of activity to work with political parties.[101] There is even less experience with political party support in post-conflict contexts. The work that is being done is focused mainly on party organizations and support to parliaments – not on the politics of managing a public administration post-conflict. Discrete support to parties on some aspects of policy, especially peace negotiations, has been provided in some cases, but according to Curtis and de Zeeuw (2010):"the post-conflict environment is usually not conducive to the development of political parties".[102] And there is little experience with assistance to parties involved in negotiating a peace process on how to manage public administration. This is an area that needs to be developed, as in the early aftermath of conflict these dynamics will initially dictate outcomes. The United Nations should consider partnering with reputable non-governmental institutions to provide discrete support to parties – especially ministers who are new to government – on how public administration works, what it can and cannot do, Public Financial Management, etc.

In the hyper-politicized contexts of post-conflict, it is also common for a number of civil society actors to have close links to parties (non-governmental organizations, business associations and regional or ethnic groups are commonly identified with one party or another, or – even if not identified with a party – are often politically active in representing the interests of their group). The United Nations should consider engaging on CPAF with non-party actors in the political arena.

4.4 ASSIST GOVERNMENTS TO GENERATE PROCESS LEGITIMACY[103]

Given how slowly administrative and other public services normally improve post-conflict, process legitimacy is a key element of the wider political process and will benefit from United Nations support. Stable, effective transitions emerge

99 Misperceptions among politicians about the capacity of public administration and their relationship to it are common, even in advanced democracies with well-functioning public administrations. According to Tony Blair (2010), "When I was first elected, I thought it was the leader's job to set the vision and let the system get on with implementing it. What I came to realise was that if I waited for the system to do what I was asking of it, I would never be around long enough to see it."

100 Barma (2012).

101 UNDP (2006); Carothers (2011).

102 Curtis (2010).

103 See footnote 48 for a brief discussion of legitimacy.

gradually from continuous processes of state-society interaction. Governments that identify and manage societal grievances through commonly accepted administrative mechanisms (at national and local levels) and that are perceived as inclusive and having integrity are more likely to improve perceptions of their legitimacy and performance, and so improves the prospects of a non-violent transition.

As an external actor, the United Nations' role is to try to make the political settlement and its expression in the public service as inclusive as possible (e.g., by supporting excluded groups and expanding the space for broad-based inclusion and redress of grievances) while the longer-term goal of developing rule of law and formal judicial controls is still developing. Post-conflict administrative development in Burundi and the administrative experience in Timor-Leste after the 2006 crisis show that there is value in tackling structural disadvantage and in integrating socially, politically and ethnically marginalized groups into the administration. Public appointments to address pre-existing exclusion, and the creation of specialized mechanisms to give voice to marginalized groups in policy, planning and administrative decision-making, are proven means to achieve this (see section 4.6 for more on inclusion).

However, it is important to recognize that the degree of inclusion required to achieve process legitimacy will vary considerably according to context and that there are circumstances in which other considerations come into play. In cases where abuses and human rights violations committed by senior civil servants in the *ancien regime* were a contributing factor to the conflict, it will be difficult to restore legitimacy without some mechanism of exclusion, often referred to as *vetting* or *lustration*, i.e. a process which aims to identify and exclude from public service persons with serious integrity and human rights deficits in order to re-establish civic trust and re-legitimize public institutions.

THE DEGREE OF INCLUSION REQUIRED TO ACHIEVE PROCESS LEGITIMACY WILL VARY CONSIDERABLY ACCORDING TO CONTEXT.

Vetting public employees, either senior officials or members of specific agencies such as the security and justice sectors, is often seen as an important element of administrative reform in countries emerging from conflict. In situations with limited or delayed criminal prosecutions of serious abuses, vetting can also contribute to legitimacy, because it helps to fill an important impunity gap by ensuring that those responsible for past abuses at least do not continue to enjoy the rewards and privileges of public office. But as these processes can be complex, time-consuming, resource-intensive and politically sensitive, and also because some resistance is likely, a careful approach is needed. Removing large numbers of public employees (in particular senior staff or people with particular expertise) may disrupt the functioning of the public service and reduce administrative functionality. Therefore, to be effective and credible, a vetting process needs to be linked to broader personnel reform measures.

Another way process legitimacy can be supported is through addressing public grievances with administration and service delivery. Reform of the formal justice system can take decades to mature and become effective, however, less formal grievance redress mechanisms (citizen complaint channels, mediation and dispute resolution mechanisms, administrative solutions) need not take that long to put in place, and can be useful interim solutions while formal systems are developing. United Nations support for the Kosovo Property Agency and for the land commissions of Burundi and Liberia are mechanisms that have done good work in this regard. However, on the whole these options remain under-documented and therefore underutilized in other post-conflict situations. Capitalizing on the complementarities between informal dispute settlement institutions and formal justice systems is also important and can then be used as a bottom-up approach, when more formal systems are lagging.[104)]

The overall purpose of United Nations support for inclusiveness efforts, vetting and grievance redress is to assist stabilization and deepen the political settlement through process legitimacy, as opposed to output legitimacy[105)]. Some useful and detailed guidance on this issue was published in 2006 by UNDP and in 2007 by the International Center for Transitional Justice[106)], but there have been many new developments in the years since then. Hence, there is today a need for the United Nations (DPKO and UNDP in particular) to develop further options to be considered by United Nations leadership at the country level when pursuing efforts to nurture an inclusive, responsive and credible public administration in the aftermath of conflict.

THE OVERALL PURPOSE IS TO ASSIST THE STABILISATION AND DEEPEN THE POLITICAL SETTLEMENT THROUGH PROCESS, AS OPPOSED TO OUTPUT, LEGITIMACY.

104 Di John (2008)

105 See footnote 48.

106 'Vetting Public Employees in Post-conflict Settings: Operational Guidelines', Justice and Security Sector Reform (Publication II), Bureau for Conflict Prevention and Recovery, UNDP 2006, and 'Justice as Prevention – Vetting Public Employees in Transitional Societies', edited by Mayer-Rieckh and de Greiff, published in the Advancing Transitional Justice Series, International Center for Transitional Justice, Social Science Research Council, New York, 2007.

4.5 MONITOR LABOUR DISPUTES BETWEEN GOVERNMENT AND STATE EMPLOYEES

Monitoring social, political and economic divisions, and acting quickly to prevent disputes spiralling into violent conflict, are essential to effective management of risk. The review team came across several examples of a specific form of conflict related to public administration – public sector labour disputes between the government and state employees of various kinds. As pointed out in section 1.1, in many post-conflict countries an important function of public administration is to act as a form of "second best welfare".[107]

In a number of case study countries, the general context of change and upheaval led to an escalation of labour disputes. These tended to become quickly linked to perceived wider socio-ethnic disparities and inequities, and, at worst, resulted in widespread disruption of services and occasionally even violence. When managed – for example, in the mediated management of a dispute with school teachers in Burundi – there were positive administrative consequences in the form of an established process of conflict mitigation, management and resolution practices. But when this was overlooked, the consequences were violent, as seen in the disturbances in Kosovo in March 2004 and in Timor-Leste's crisis of 2006. The United Nations needs to include a labour relations component in its overall conflict analysis and be prepared, possibly in close consultation with the International Labour Organization, to support countries emerging from conflict in addressing and resolving burgeoning public sector labour disputes.

4.6 PROMOTE INCLUSION IN PUBLIC ADMINISTRATION

ENSURING THAT PUBLIC ADMINISTRATION, OFTEN A COUNTRY'S BIGGEST FORMAL EMPLOYER, IS INCLUSIVE AND REPRESENTATIVE IS BENEFICIAL NOT ONLY FOR CONFLICT PREVENTION, BUT ALSO FOR MORE EFFECTIVE SERVICE DELIVERY."

Domination of public employment by one group or another can contribute to exclusion and so conflict. There is a growing body of evidence that political settlements post-conflict need to be inclusive, if they are to be sustainable. And of course it is now a widely accepted principle that public administration needs to be representative of the society it serves. Ensuring that public administration, often a country's biggest formal employer, is inclusive and representative is thus beneficial not only for conflict prevention, but also for more effective service delivery.

Making public administration representative is a feature of a number of political settlements. In Burundi for example, the constitution sets out specific percentages for inclusion of different groups in various levels of the state structure. At the *commune* level, for example, an upper limit for administrators states that no more than 67% may be from one ethnic group. For senior positions in public enterprises, representation must be no more than 60% for Hutu and no less than 40% for Tutsi. In Nepal (not a case study for this review), the peace settlement and the provisional constitution set out fixed percentages in the civil service for different ethnic groups and for women.

The United Nations has also been called upon to support political reintegration programmes and have in a number of cases installed vetting systems, fast-tracked training opportunities and targeted education and re-training schemes for former combatants and their dependents, so that senior and mid-level commanders and officers can participate more directly in both military and civilian public sector posts.

Percentages in themselves are not enough, because excluded groups are often also excluded from educational opportunities, a key barrier to formal employment. Thus, there is a need for special support to excluded groups to be able to take up and succeed in public employment. There is also a need to ensure that government can effectively monitor the achievement of inclusion targets – which is often a problem, when human resources data collection in the public sector is weak (see Box 4).

107 Shepard (2003).

BOX 4 Gender and public administration in Kosovo

In 2004, UNIFEM (now UN Women) entered into partnership with the Prime Minister's Advisory Office for Good Governance and the Kosovo Institute for Public Administration (KIPA), the in-service training institute of the Ministry of Public Services that conducts mandatory training for all Kosovo civil servants. The partnership's aim was to increase public administration capacity to integrate a gender perspective in its planning and delivery, and also to increase gender equality within public administration itself. This was to be done through the introduction of a new curriculum to the civil service in-service training programme.

The new training began by teaching gender analysis methodology, with special emphasis on the collection and analysis of sex-disaggregated data, models for formulating gender-sensitive public policies and gender-sensitive budgetary planning. In 2004 and 2005, more than 200 civil servants from different ministries and levels of government were trained in four-day sessions.

The second phase was to conduct a Training of Trainers programme that would create a pool of experts that the KIPA could use for internal training and could also be engaged by other government institutions and associations. The participants represented a range of government institutions from central and local levels, as well as civil society. The programme included gender training methodologies, understanding how to mainstream gender considerations into the work of the public administration, and how to conduct a gender analysis of social problems and design strategies to address them. At the end of the Training of Trainers programme, the KIPA was equipped with both the human resources and materials needed to conduct gender equality training for civil servants on an on-going basis. The training became institutionalized as part of the standard curricula for civil servants.

In the third phase, UNIFEM and KIPA established a mentoring programme with a small pool of senior trainers. UNIFEM supported two senior co-trainers to mentor and coach the KIPA gender trainers. As a result, the KIPA trainers quickly became effective trainers in their own right, requiring minimal assistance from senior gender experts. The training gave civil servants across all sectors of government the capacity to conduct a gender analysis of their daily work. Advanced training was also held for senior management on integrating gender into strategic planning processes. This included reviewing mechanisms for integrating a gender perspective in policies, programmes and strategies at different levels and stages of policy-making.

The positive impact of the new curricula and training was evident during the planning process for the new national development strategy carried out by civil servants. Provisions of the Kosovo Plan for Gender Equity were integrated into the 2006-2013 Kosovo Development Strategy and Plan – a critical first step towards accountability to gender equality.

The successful relationship with the KIPA was replicated by UNIFEM through an agreement with the Kosovo Academy for Public Safety, Education and Development to provide technical assistance in integrating a gender perspective into the training curriculum for the Kosovo Police and to harmonize their policies with the Gender Equality Law.

Although in recent years women have generally adopted a stronger role as leaders and mediators in conflict-affected countries, there is often a post-conflict resurgence of traditional attitudes towards women's place in society. In addition, hard economic facts make the inclusion of women difficult: many female-headed households, including those of widows, face a significant barrier to participation because of their simultaneous involvement in both income-generation activities and household and childcare tasks. As a result, there is limited time and energy left for them to become actively involved as citizens in governance activities and/or as employees in the public sector. Kosovo, Rwanda and Timor-Leste have sought to address this by adopting a quota for women's participation in local governance structures, but more needs to be done.

THE TRANSITION FROM CONFLICT TO POST-CONFLICT SOCIETIES OFTEN SEES THE RESURGENCE OF TRADITIONAL ATTITUDES TOWARDS WOMEN'S PLACE IN SOCIETY.

Many of the steps required to promote post-conflict gender inclusion are highlighted in the Seven Point Action Plan on Women and Peacebuilding found in the Secretary-General's *Report on Women's Participation in Peacebuilding*.[108] Among the Action Plan's objectives, the following are directly CPAF-relevant:

108 The United Nations Secretary-General's Report on Women's Participation in Peacebuilding (document A/65/354–S/2010/466) and the Seven Point Action Plan on Gender Responsive Peacebuilding: www.un.org/en/peacebuilding/pbso/pdf/seven_point_action_plan.pdf.

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Post-conflict planning:

to systematically institutionalize women's participation in all post-conflict planning processes, so that women and girls' specific needs and gender discrimination are addressed at every stage

Gender-responsive civilian capacity:

to ensure that the United Nations civilian capacity being deployed to rebuild state institutions encompasses the expertise required to make them more accessible to women and girls

Women's representation in post-conflict governance:

to promote women's participation as decision makers in public institutions, appointed or elected, including through the use of special measures such as positive action, preferential treatment and quota-based systems, as enshrined in international human rights law

In this context, evidence submitted by UN Women[109] confirms the review team's general observation that there is room for much improvement towards gender mainstreaming within each of the five CPAF functions being examined in this review. Broadly speaking, the United Nations' assistance to date to public administration has been largely gender-blind. In most cases, the support provided towards policy formulation, public financial management, planning and budgeting processes generally did not utilize available tools such as gender-responsive budgeting and planning. Post-conflict civil service initiatives often did not use sex-disaggregated employment data or apply gender-responsive recruitment and retention policies. And finally, local governance programming did not systematically consider the comparative advantages of women leaders in the local community, nor the specific needs of women beneficiaries and service users. Increasing the number of women who are involved in public administration is important for reasons not only of equity,

109 Hanny Cueva-Beteta, et al. (2012).

but also of efficiency. The employment of female decision-makers in the civil service is more likely to ensure that planning and budgeting processes are gender-responsive and that the needs and priorities of women and girls are seriously addressed. Also, with the increased post-conflict incidence of female-headed households, a policy that actively pursues the inclusion of women in the civil service has additional benefits, given the fact that the security of stable employment (such as in the civil service) has been proven to have multiplier effects on not only individual households, but also on community welfare.[110]

THE EMPLOYMENT OF FEMALE DECISION-MAKERS IN THE CIVIL SERVICE CAN ENSURE THAT PLANNING AND BUDGETING PROCESSES ARE GENDER-RESPONSIVE.

CHAPTER 4: FINDINGS

- Given the complexity and technical nature of many of the issues in public administration, and the significant expense involved in reforming or establishing new layers of government, **the United Nations should consider supporting the parties to a peace agreement on public administration issues at the earliest possible time** prior to or during the negotiation of the agreement by helping them, for example, think through the consequences of different proposals for reform to government structures or options for local government**.** It is therefore recommended that **advisory support to the parties on public administration options be made a regular and well-founded part of the United Nations' menu of support to conflict-affected countries**.
- The United Nations should work with governments post-conflict to analyse empirically how the public view public administration and what different groups want from the state. For this, it is necessary to investigate, and not presume, how people see their state and what they want from it. There is currently little guidance offered to United Nations leadership in the field on how to approach this issue. Guidance should be provided to missions and UNCTs' specifically on canvassing public attitudes to public administration.
- **The United Nations should present policy options for discussion, not solutions.** The preparation of policy options papers is good practice because it allows ministers and others in leadership positions to make informed policy decisions, and it allows negotiation and discussion among the country's political leaders based on a realistic picture of the pros and cons of various alternatives. Similarly, in order to open up discussion and facilitate wide consultation and comment, the ***first draft*** **of policies, laws, regulations, etc. should be prepared in the local language**, not (as is sometimes the case) only final drafts.
- The post-conflict environment is usually not conducive to the development of political parties, and there is little experience on assistance to parties involved in negotiating a peace process on how to manage public administration. **The United Nations should consider partnering with reputable non-governmental institutions to provide discrete support to parties – especially ministers who are new to government – on how public administration works, what it can and cannot do, public financial management, etc.**
- In the hyper-politicized context of post-conflict, it is also common for a number of civil society actors to have close links to parties (non-governmental organizations, business associations and regional or ethnic groups are commonly identified with one party or another, or even if not identified with a party, are often politically active in representing the interests of their group). **The United Nations should consider engaging on CPAF with non-party actors in the political arena.**
- The overall purpose of United Nations support for inclusiveness efforts, vetting and grievance redress is to assist the stabilization and deepen the political settlement through process, as opposed to output, legitimacy. Some useful and detailed guidance on this issue was published in 2006 by UNDP and in 2007 by the International Center for Transitional Justice, but there have been many new developments in the years since then, and hence **there is a need for the United Nations (DPKO and UNDP in particular) to develop further the options to be considered by United Nations leadership at the country level, when pursuing efforts to nurture an inclusive, responsive and credible public administration in the aftermath of conflict.**
- **The United Nations needs to include a labour relations component in its overall conflict analysis** and be prepared, possibly in close consultation with the International Labour Organization, to support countries emerging from conflict in addressing and resolving burgeoning public sector labour disputes.

110 Justino (2012).

CHAPTER 5:
RESTORING BASIC FUNCTIONALITY

The third main review finding described in Chapter 3 was that the United Nations system needs to be more proficient at providing fast, relevant and flexible support to restore basic government functionality in the immediate aftermath of conflict. This chapter discusses specific areas of intervention that can help with a timely restoration of a functioning public administration.

5.1 STOP 'INSTITUTIONAL HAEMORRHAGE' AND BUILD ON POCKETS OF PRODUCTIVITY

UNITED NATIONS SUPPORT FOR CPAF IN POST-CONFLICT MUST FOCUS FIRST AND FOREMOST ON THE RESTORATION OF BASIC FUNCTIONALITY.

United Nations support for CPAF in post-conflict must focus first and foremost on the restoration of basic functionality – without prejudice to the various public sector reforms that may need to be undertaken later, when conditions allow. The initial effort must necessarily start on the basis of what exists and aim at stopping the 'institutional haemorrhaging' that often takes place during conflict and in the chaos prevailing immediately after peace has been declared. Such haemorrhaging can take many forms; for example, leakage of revenue, demoralization or marginalization of qualified civil servants, and the erosion of confidence in the ability of the authorities to take control, uphold law and order and produce benefits.

The immediate aftermath of conflict requires decisions to be made and resources to be allocated quickly. This includes basic decisions about how and where to allocate the resources, putting into place forms of recruitment, (re)establishment of interim mechanisms to pay wages, and rapid installation of aid management information systems to enable government coordination of aid.[111] Perhaps counter-intuitively, given wide spread external concerns about corruption, many governments in the post-conflict period have serious problems executing their budgets and spending the money they have. According to the World Bank there is an "opportunity for significant progress" in this area and it should be capitalized on rapidly.[112]

Critically, these sorts of activities involve rapid mobilization of United Nations advisory support to the centre of government, or in the case of geographically specific conflicts to the local government.

TAKING TIME TO NEGOTIATE AND DEVELOP HOME-GROWN INSTITUTIONAL SOLUTIONS AND TO LINK THESE TO THE PARTICULARITIES OF THE COUNTRY IMPROVES CHANCES OF SUCCESS.

Initial advisory and financial support can rapidly transition into the introduction of basic systems to sustain meaningful progress. Repairing systems or essential capacity substitution can help bring relevant skills, currently missing, into areas central to basic government functions, such as customs and procurement or revenue management. However, in all areas, basic capacity assessments or baselines should be done prior to investment.

At the same time, the United Nations should caution against the rapid proliferation of institutions, often weak in capacity and designed on models established in other countries. When the time is right – for example, when some early results have been delivered and as the political settlement allows – United Nations support could transition to promotion of institutional reform. This should only be done when appropriate emphasis can be given to institutional design and ensuring that different institutional options are considered for good fit.

Successful examples of institutional development in Timor-Leste (the ministries of Health and Social Solidarity), Kosovo and Liberia (the Contracts and Monopolies Commission, which later became the Public Procurement and Contracts

111 See UNDP (2010) for further details.

112 World Bank (2012).

© UN Photo by Blagoje Grujic

Commission[113]) show that taking time to negotiate and develop home-grown institutional solutions and to link these to the particularities of the country improves their chances of success. The Ministry of Health in Timor-Leste is a particularly good example, as it focused on building its capacity to deliver basic health care first, before embarking on more complex programmes.[114])

The central message is to focus on the basics, with a goal of improving over time. This will require a greater readiness on the part of the United Nations to accept risk and mediate best practice approaches with a minimum level of acceptable practice to ensure that institutional haemorrhaging is stopped and that peacebuilding dividends are not lost. The case study countries provided several examples of the United Nations delivering positive results, largely because less-than-optimal solutions to administrative problems were accepted. In Kosovo, as an example, the United Nations engaged with informal subnational networks to establish local government, and in Timor-Leste the United Nations supported the government in making direct cash payments to persons who were internally displaced and to the broader poverty-stricken population, based on relatively crude eligibility criteria. These were imperfect measures by any account, but they delivered immediate results to an expectant population. Initial support was quickly followed by remedial measures to address vulnerabilities or gaps, to safeguard public assets (see Box 5), and to improve the integrity of the end result. In Kosovo, this meant convening local elections to ensure the legitimacy of locally actors, while in Timor-Leste, UNDP facilitated a new partnership between government and the highly-regarded Brazilian Poverty Centre to make systems improvements to Timor-Leste's cash transfer programme.

Another key lesson is to build on success[115]) and on the pockets of productivity that often exist within an otherwise weak governance context.[116]) Delivering public benefits in one area can generate popular support and incentivize better performance in other projects, programmes or institutions, and early successes should be built upon. UNCDF's pilot local development projects, which were in effect in five of the case study countries, are a good example of the merits of such an approach.

BOX 5 Safeguarding public assets

In Liberia, direct substitution of international advisers in line functions in the economic ministries assisted government to stem a tide of corruption, prevent misappropriation of funds, while at the same time rapidly increasing government revenues available for budget allocation. Similar experiences were seen in revenue collection in Burundi and petroleum revenue management in Timor-Leste – each of which produced favourable results.

Capacity readiness assessments, basic skills development (e.g., numeracy and literacy programmes as in Guinea-Bissau[117]) and Timor-Leste), the establishment of basic cash management systems (as in Liberia and Burundi), information sharing systems (re-establishment of radio broadcasts, as in Kosovo and Burundi), and systems audits that are regular and publicly disclosed (as in Timor-Leste), are first-things-first approaches that all worked well, and all assisted government to restore some basic confidence and provided the platform for more sophisticated reforms to follow.

113 The Liberian Concessions Management Commission was mandated by government to lead a special review of contract and concession agreements entered into by the National Transitional Government of Liberia from 14 October 2003 through 16 January 2006. The purpose of the review was to determine whether those contract and concession agreements were done with transparency and economy and to the benefit of the government and people of Liberia. This exercise enabled the Review Committee to examine 95 contract and concession agreements, resulting in recommendations that 52 of the agreements be accepted, 16 be renegotiated and 27 be cancelled.

114 The Ministries of Health and Social Solidarity in Timor-Leste were built from the ground up (rural health practice) and arose in response to a national crisis and the acute conditions of poverty and vulnerability in the country. See the country case study on Timor-Leste undertaken as part of this review.

115 McKechnie (2004), p. 3.

116 Leonard (2008).

117 In Guinea-Bissau, among the more simple training methods adopted, reportedly with much success, was basic literacy and numeracy training using the Cuban method.

5.2 RESIST THE URGE FOR BIG PLANS AND WHOLE GOVERNMENT REFORMS

Several of the countries visited by the review team (Burundi, Liberia, Timor-Leste) launched elaborate multi-year planning instruments soon after the end of conflict, and it was questionable whether the work required to carry out the plans was commensurate with the results they delivered. In Sierra Leone, the country's 'Agenda for Change' (2008-2012) replaced many political, security and development plans that had been developed immediately post-conflict with a single planning document. This reduced the administrative burden for the country and strengthening national ownership.[118)]

EXCESSIVE PRIORITIES AND ACTIVITIES HAVE, IN SOME CASES, LED TO A SCATTERING OF INTERVENTIONS AND TOO MUCH FOCUS ON SYMPTOMS RATHER THAN ON STRUCTURAL CAUSES

A number of interviewees complained of the inertia caused by complex planning frameworks. In Burundi, a lessons learned review of the *United Nations Development Assistance Framework (UNDAF) II*[119)] noted that "the excessive number of priorities and activities has led to a scattering of interventions and a duplication of efforts as well as too much focus on symptoms rather than on structural causes". Ultimately, striking a judicious balance between planning and pragmatism proved difficult (see Box 6).

BOX 6 National priority programmes

The experience of Timor-Leste is that National Priority Programmes have an important function in the early years after conflict and can be constructed using several criteria: e.g., what it takes to meet the needs of the population; projects that are quick to initiate and design using employment intensive techniques; projects that are non-prejudicial to longer-term priorities; and projects that take into account the poverty and vulnerability profile.

This is very much in line with the 'New Deal' which reinforces the value of national priority programmes. To work, however, the programmes must also be grounded in a realistic time-frame, well sequenced, and framed by agreed benchmarks and an exit strategy. The Center on International Cooperation of New York University recommends one year programmes, but two to three years are perhaps more realistic, given the resource and coordination challenges that such processes imply.

The weakness of these development planning processes typically boils down to two things:

1. First, in the immediate aftermath of violent conflict, political leaders are still often very divided and are ill-prepared and/or ill-equipped to develop the political consensus needed to agree on medium-term development priorities. During this period, political attention tends to be dedicated to establishing or consolidating the political rules of the game (usually in the form of a new constitution), securing positions of authority, and tackling protracted political challenges. Nowhere was this more evident than in Kosovo, where several attempts to formulate and approve a National Development Plan ended in failure. A Kosovo Development Strategy was articulated in 2006, but poor political buy-in and inadequate structures for implementation meant that the plan was not approved and did not move forward.[120)] Since then, Kosovo's priorities have been driven by the European Union accession plan and by what is required to join the European Union.
2. Secondly, national planning frameworks often propose technical solutions that do not address some of the most intractable political dilemmas. Guinea-Bissau is one such example in which successive UNDAFs (2003-2007 and 2008-2012) proposed good governance and poverty reduction strategies that had a particular emphasis on deepening public administration and local governance gains, including through policy and regulatory reforms, and the introduction of civil service performance standards, even though the central and intractable priority was security

118 'Review of the United Nations' Peacebuilding Architecture', 2010, pp. 9-10, www.un.org/ga/president/64/issues/pbc/PBCReport.pdf.

119 'Integrated Strategy of United Nations Support to Burundi 2010-2014', UNDAF-II, April 2009, p. 19.

120 Tavakoli and Saneja (2012), FN 12, p. 7.

sector reform and delinking the military from public sector management.[121] Rightfully, the United Nations mission gave the political challenge considerable attention, but the impact of computerizing public administrative management and decentralization initiatives remains to be seen.

The question to be considered is whether in the absence of a peace settlement, support for public administration and local governance is premature, and if not, what practical measures could be taken that might survive a change of leadership, or government or a resurgence of violence. This is not a question that can be easily answered, in particular in contexts of deteriorating governance (for example, Afghanistan). There have been efforts which seemed fruitful, and these were typically focused on public administration diagnostics (e.g., systems audits or civil service censuses) or interventions less reliant on formal systems (community-driven development projects, such as the National Solidarity Programme in Afghanistan or local development programmes).

THE UNITED NATIONS SHOULD REFRAIN FROM OVERBURDENING A FRAGILE CONSENSUS BY OVER-PRESCRIBING THE OUTCOMES WANTED – BE THEY MILLENNIUM DEVELOPMENT GOALS, UNDAFS OR UNITED NATIONS PEACEBUILDING FUND STRATEGIC PLANS.

At the other end of the spectrum, in the context of a comprehensive peace settlement or, more specifically, a winner-takes-all victory, achieving political consensus around development priorities may be more likely, but these instances are rare and were not evident in any of the countries visited. Donors and the United Nations should refrain from overburdening a fragile consensus and from paralyzing the post-conflict development process by over-prescribing the outcomes wanted – be they Millennium Development Goals, UNDAFs or United Nations Peacebuilding Fund strategic plans. More useful approaches are seen in those cases in which government, civil society, other interest groups and development partners agree on a limited and discrete set of priority programmes, focus on these in the first few years, and leave more comprehensive plans for later (one of the better examples of this was seen in Timor-Leste after 2006; see Box 7). The complexity associated with big and ambitious plans also tends to require the use of international consultants, which is bound to decrease national ownership and commitment.

The United Nations has made substantial progress in implementing its new integrated planning approach and in the harmonization of poverty reduction and peacebuilding strategies. The team saw very good examples in Burundi and to a lesser extent in Liberia (particularly at local levels through the County Support Teams). But where integration and prioritization looked strong, transition strategies were lacking, and early gains risked being lost. Progress in establishing subnational governance systems in Liberia and Guinea-Bissau suffered from lack of a clear transition strategy, and many important structural gains risked being lost, while here again Timor-Leste offers a good example (see Box 7). Another institutional challenge, symptomatic of fragmented United Nations agency roles and functions, was that offices of the DSRSGs/ Resident Coordinators often struggled to secure the cross-agency support needed to ensure an effective integration process. This suggests that more incentives are needed to ensure that United Nations agencies see themselves as responsible to the DSRSG/ Resident Coordinator, as well as to their own management structures.

BOX 7 Transition planning in Timor-Leste

Timor-Leste has enjoyed several years of stability since the crisis of 2006. The role of the United Nations in Timor-Leste has gradually been changing, with the United Nations mission completing its mandate and withdrawing at the end of 2012. To facilitate a smooth transition, the mission took the unprecedented step of planning the drawdown jointly with the government.

The institutional architecture adopted to make this possible included a High-Level Committee co-chaired by the President, the Prime Minister and the SRSG. The Committee agreed on seven priority areas for the drawdown and designated focal points from the government and the United Nations Integrated Mission in East Timor (UNMIT) and working groups tasked with delivery.

Consensus was reached on: (a) priority needs; (b) objectives for government-UNMIT collaboration; (c) actions to be taken until December 2012; and (d) indicative resource implications. The resulting plan was clear, simple and easy to follow, lightening the load on an already burdened country context. Most important, the plan outlined the prospects for operational continuity beyond 2012, giving scope for negotiations between government and its partners to fill gaps that would result from the withdrawal of UNMIT.

121 In Guinea-Bissau, the European Commission suspended its Direct Budget Support in the wake of an attempted coup and demanded that the government complete and publish investigations into those recent events as well as restructure and reform the military – despite the fact that attempts to reform the military in preceding years had exacerbated violence.

Direct budget support is one of the more recent drivers of improvements to CPAF in the immediate aftermath of conflict, as well as a useful planning tool. The United Nations may have a role to play in helping governments to shape informed policy options and to prioritize what can be accomplished. In Guinea-Bissau, direct budget support was used to pay civil service salaries and wages, while in Burundi it paved the way for direct technical substitution to safeguard revenue collection. Given its practical function, the operating premise should be that the United Nations align itself with and facilitate the public administration dimensions of any direct budget support that is given; Timor-Leste and Guinea-Bissau can be looked to as constructive examples.

The prolific and sophisticated multi-year planning frameworks frequently prescribed by the international system tend to propose too much too soon, raise expectations and often weaken a nascent government by overburdening it and constraining its ability to act. In politically fragmented, highly unstable environments that are typically dominated by short-term horizons, overly ambitious plans rarely achieve results. In some cases they can do more harm than good by tying up scarce resources and crowding out the opportunity for tangible early impacts. United Nations-sponsored support to post-conflict transitions showed a consistent pattern of setting high goals and expectations and of over-loaded planning systems with poverty reduction and peacebuilding instruments (e.g., Millennium Development Goals, UNDAFs, Poverty Reduction Strategy Papers, National Development and Sector Investment Strategies, Peacebuilding Frameworks).

MULTI-YEAR PLANNING FRAMEWORKS TEND TO PROPOSE TOO MUCH TOO SOON, RAISE EXPECTATIONS AND OFTEN WEAKEN A NASCENT GOVERNMENT BY CONSTRAINING ITS ABILITY TO ACT.

When a country emerging from conflict reaches the point at which basic functionality in key public sector institutions has been restored and has become more robust, it will be possible to progress to planning and programming with long-term horizons and to rise above some of the special restraints and limitations of the immediate post-conflict phase. Depending on the circumstances and the findings of continuous post-conflict analysis, the next step in the planning and programming process could comprise, for example, an interim Poverty Reduction Strategy Paper, a United Nations Peacebuilding Fund peacebuilding strategy, and/or a medium-term UNDAF – all prepared with a keen eye on government functionality.

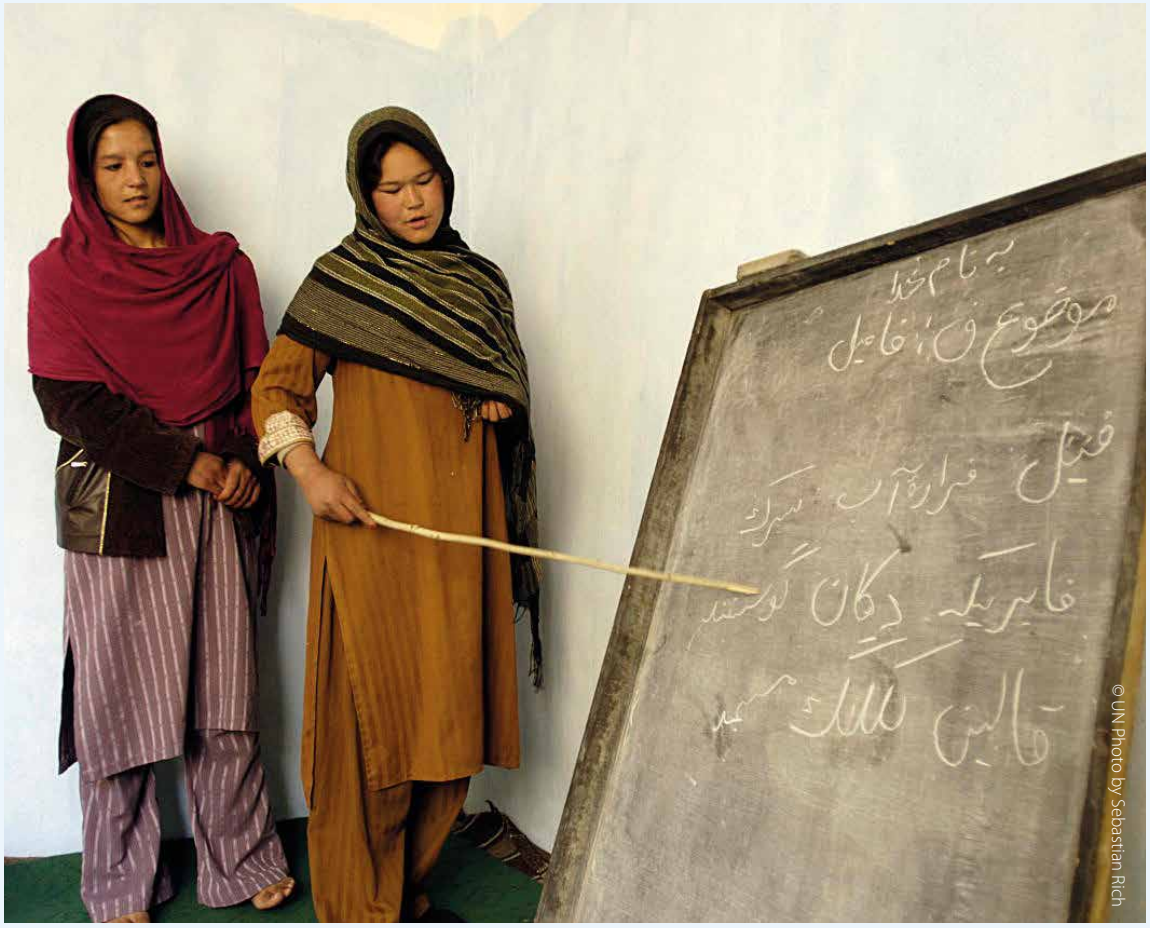
Under these circumstances, and considering this review's focus on the immediate aftermath of conflict, the United Nations system should discourage the investment of scarce government and United Nations system manpower resources and funds in the preparation of ambitious, multi-year and multi-sectoral development plans. The findings of this review point to the need for a more nimble, realistic and phased approach.

At the early post-conflict stage, the priority should be quick-impact initiatives. These can mobilize existing capacities around rapid restoration of basic functionality in key CPAF institutions, thereby making it possible for the host government within the short-term to: (a) prioritize better; (b) weigh the merits of different trade-offs more clearly; and (c) make difficult choices on a more solid basis.

This implies avoiding trying to reform the entire government in the initial post-conflict phase. The review team did not come across any examples in which whole of government interventions seemed to have worked. Such approaches were often thwarted by political uncertainty and the weaknesses of cross-cutting systems. In many cases, wider reform agendas are stalled at the political level. Ministers seeking both to control resources and resist interference in their ministries, often prevented centralized initiatives from working, such as cross-government capacity-building units. Timor-Leste's Governance and Public Sector Management Strategy and Burundi's government-wide civil service reform programme are telling reminders of the cost of technically correct, but politically problematic whole government reforms.

CIVIL SERVICE REFORM PROGRAMMES ARE TELLING REMINDERS OF THE COST OF TECHNICALLY CORRECT, BUT POLITICALLY PROBLEMATIC 'WHOLE OF GOVERNMENT' REFORMS.

Faced with these challenges, the United Nations, when supporting public administration at an institutional level, needs to remain aware of the impact that minister-level relationships may have on programmes and avoid (to the extent possible) initiatives that cut across ministerial domains of control. This is particularly the case in power-sharing or national unity governments when ministers may hail from different parties or factions. In most cases, ministry- specific or sectoral approaches are more likely to produce results in these environments. These challenges are also a justification for deployment of international advisers in line functions, when, for example, reform of the civil service is not possible. If cross-ministry work is attempted, risks of institutional and systems fragmentation could be addressed by ensuring leadership and ownership from the centre of government (rather than, as is often the case, the Ministry of Finance).



5.3 PROMOTE SOUTH-SOUTH LINKS AND INCLUSION IN REGIONAL INITIATIVES

The United Nations should proactively promote South-South support for CPAF. South-South partnerships and instruments have been important in a number of countries post-conflict. Of note, South African officials were instrumental in proposing ethnic quotas in Burundi's peace agreement.

The United Nations should also support regional standard setting initiatives, invest in development of regional good practice, foster the concept of collective responsibility and share regional experiences in leadership development and administrative performance. In a number of cases, the desire to meet the standards and norms for government set in the immediate region exercised a powerful incentive on national governments to reform public administration. Regional partnerships wielded considerable influence and helped to shape performance and outcomes in critical ways, for example with the East African Community in Burundi[122], the European Union in Kosovo, the Economic Community of West African States in Guinea-Bissau and the Intergovernmental Authority on Development in South Sudan (see Box 8).

122 The proposal that Burundi be held up as the 2012 good practice administration in the region has incentivized improved administrative performance.

BOX 8 Rebuilding South Sudan's administrative capacities

The functioning of the South Sudanese government depends upon the emergence of a viable state apparatus staffed by civil servants capable of, and willing to manage public affairs in the public interest - a resource that is currently limited. Recognizing that short-term, external consulting engagements seldom develop sustainable capacity, and that knowledge transfer is likely best facilitated by peer-to-peer relations between individuals from similar contexts and administrative traditions, South Sudan has benefitted from several capacity building initiatives based on strong regional cooperation.

The Initiative for Capacity Enhancement is a South-South based coaching and mentoring programme for South Sudan's civil service. It was established by UNDP and the government in cooperation with the neighbouring countries and the Intergovernmental Authority on Development (IGAD). The initiative is an example of triangular cooperation, as Norway is funding the (comparatively small) allowances for the civil servants and providing project support and management. It is also an example of South-South cooperation as the participating countries retain the deployed staff on payroll for the duration of the project.

Through the initiative, 200 civil servants from South Sudan's Intergovernmental Authority on Development neighbours - Ethiopia, Kenya and Uganda - are seconded for immediate capacity enhancement in key functions identified by South Sudan government ministries. Local capacity is also being expanded through the twinning of South Sudanese counterparts in peer-to-peer coaching partnerships.

The Initiative for Capacity Enhancement drew in part on experience gained through an earlier Rapid Capacity Placement Initiative, which deployed 150 United Nations Volunteer specialists - most of them also from neighbouring countries - primarily to work at the state level on tasks relating to developing public administrative capacity as well as drafting state-level stabilization plans.

These South-South approaches take into account lessons learned from decades of largely unsuccessful technical assistance. They refocus capacity development to address the personal attitudes and beliefs of the individual civil servants as an integral component of transferring technical knowledge. The civil servants remain on the payroll in their countries of origin for the duration of the project, making the individual contributions one of the largest examples to date of in-kind South-South assistance for post-conflict state-building.

An internal mid-term review as well as several external academic studies study of the programme found that the sending governments made substantial investments in quality assurance, considering the secondments an investment in the stability and growth of a neighbouring country of critical importance. The South Sudanese government, meanwhile, has been in the driver's seat throughout the process and has exhibited a high degree of national ownership over the programme. The vast majority of the involved stakeholders perceive the initiative as adding significant value through helping to fill critical capacity gaps, transferring knowledge and skills and chancing behaviors. Overall, while the initiative has been negatively impacted by the oil-related financial crisis in South Sudan, it has been highlighted as a success in a very challenging environment.

The seconded civil servants appeared to be motivated by a genuine interest in assisting the Republic of South Sudan rather than pursuing personal and financial benefits. The reasonably low daily allowances were, controversially, highlighted as one of the reasons why particular personality types had been attracted to the programme.

"Friends in need are friends indeed: Triangular co-operation and twinning for capacity development in South Sudan. Source: Kristoffer Nilaus Tarp, John Karlsrud, Diana Felix da Costa, Søren Vester Haldrup, Frederik Rosén". NOREF (Norwegian Peacebuilding Resource Centre), NUPI and DIIS, June 2013.

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5.4 SUPPORT THE RESTORATION OF LOCAL GOVERNANCE

Until recently the issue of local government in post-conflict has suffered from "systematic neglect" by the international community.[123] The importance of restoring the capacity of local government as a key contribution to wider peacebuilding and statebuilding was raised consistently in all the case studies. Improving the representativeness and effectiveness of local government was seen as particularly important when regional exclusion or tensions between the centre and the periphery were drivers of the conflict, as in Afghanistan. As well as basic services, prime functions of local government include sometimes overlooked, but important, administrative services, such as land management and the provision of identity papers (civil registration).

Despite the wider significance of restoring local governance capacity, many interventions and much literature on the subject of local government in recent years have been dominated by the single policy issue of decentralization.[124] Evidence on the impact of decentralization on service delivery improvement at the local level is mixed, and even more so in post-conflict contexts. While the issue of strengthening local government is widely seen to be important in post-conflict environments, in particular as it can improve service delivery and promote inclusion and accountability (both of which are important for sustainability of the political settlement), the value of decentralization is much more

123 UNDP (2007), p. 12.

124 There are several forms of decentralization, notably de-concentration (also referred to as administrative or management decentralization) in which responsibilities are assigned to agents of the central government. And devolution (also referred to as political decentralization or democratic decentralization) in which responsibilities and authority are assigned to elected bodies with some degree of local autonomy.

contested. In fragile and conflict-affected states, it is often argued that political and fiscal decentralization, if implemented too rapidly, can promote conflict and even weaken the state.[125] Precisely because of its political importance, decentralization processes often get stalled for many years in complex political negotiations; the unresolved debate about federalism in Nepal is a good example.

Local governments can have an important conflict mitigation potential due to their greater ability, compared to national institutions, to interact with communities and traditional authorities. They have the potential to foster political inclusion in various post-conflict processes, but can also be a particular focus for unresolved conflict, especially in conflicts with a regional and/or an ethnic dimension (for example, Kosovo).

During the conflicts in Burundi, Sierra Leone and Somalia, local governments became the only semblance of state presence for many citizens. It was therefore left to local government leaders acting in collaboration with traditional chiefs and clan leaders to create havens of peace and access to basic services for many communities. As a result, these localities often became pressure centres in the quest for peace and development as well as active centres for the initiation of dialogue.

Common problems with restoring local government functions were: (a) international agencies' lack of understanding of the rules and responsibilities of the central government as opposed to the local government; (b) high levels of suspicion and lack of trust between the central authorities and the local authorities (often linked with political issues, but usually expressed as a lack of faith by central authorities in the capacity of local authorities); and (c) lack of adequate funding at the local level.

In the early stages of the recovery process, local government is even more vulnerable than central government to being crowded out by international agencies. In a number of case study countries, the emergence and establishment of local governments and governance was constrained by numerous and varied interventions by international actors (among them United Nations agencies, bilateral bodies and non-governmental organizations) who competed for resources, space and legitimacy.

IN THE IMMEDIATE AFTERMATH OF CONFLICT THE UN SHOULD START WITH RAPID SUPPORT TO RESTORE THE BASIC FUNCTIONALITY AND CAPACITY OF LOCAL GOVERNMENT, RATHER THAN DECENTRALIZATION.

Thus, overall, much of the analysis and recommendations presented above (and below) applies to supporting local government as much as central government, and the key messages remain the same: approach local government as a key element of the political settlement, focus on restoring functionality based on existing systems as far possible, leave work on wider reforms (such as full decentralization) until there is political consensus. Supporting local government should be done with a long-term view, and the merits of decentralization should be debated not assumed (the issue of local government is often a key element of wider constitutional debate; the United Nations needs to be careful to support this debate and not jump to policy conclusions). If pursued, decentralization should not be rushed. In most cases, support to local government in the immediate aftermath of conflict should start with rapid support to restore the basic functionality and capacity of local government, combined at most with support to administrative rather than full decentralization (i.e. de-concentration).

5.5 FOCUS ON OUTCOMES, NOT PROCESSES

A number of the issues raised in this chapter come together in a particularly important lesson for support to CPAF: focus on outcomes, not processes. Much work on capacity building in public administration is vaguely focused on general improvements to the system and is therefore prone to result in unfocused training activities or equipment acquisitions which have little functional impact. As UNICEF describes in Box 9, it is important to start from the objective of delivering a specific function or service – and to do so guided by the necessary leadership and political prioritization. This lesson is backed up in the wider CPAF literature which stresses the importance of: (a) undertaking a solid problem-solving analysis; and (b) focusing at the outset on getting particular key functions working rather than the whole system.[126]

IT IS IMPORTANT TO START FROM THE OBJECTIVE OF DELIVERING A SPECIFIC FUNCTION OR SERVICE – AND TO DO SO GUIDED BY THE NECESSARY LEADERSHIP AND POLITICAL PRIORITIZATION.

125 Governance and Social Development Resource Centre (2008).

126 Fritz, et al. (2009).

BOX 9 UNICEF's approach to national capacity development in fragile settings

In 2009-2012, UNICEF identified four issues with its support to government capacity. First, ad hoc activities and outputs (training and workshops) that did not develop capacity. Second, a lack of capacity assessments to identify existing capacities. Third, a lack of capacity development plans that address individual and organizational capacity gaps. And finally, a lack of exit strategies to ensure that capacity development leads to real transfer of responsibilities to national actors and sustained capacities. As a result, UNICEF developed a new approach to capacity development programming in fragile settings. This new approach can be described as lighter, simpler and outcome-oriented. It aims to achieve very specific humanitarian benchmarks in a short period of time.

UNICEF's capacity development for core commitments for children in humanitarian action approach is outcome oriented: this means the focus is on the specific number of children benefitting from services, rather than the number of professionals that are trained. For the outcome to be tangibly monitored, UNICEF, together with national counterparts, prioritizes benchmarks to be met in a relatively short period of time (3 months – 1 year) and other benchmarks for long-term processes. Then UNICEF and its national partners conduct a Rapid Capacity Assessment for these specific benchmarks, in which existing versus desired capacities are identified (ensuring support for existing systems, whenever possible). Finally, UNICEF and the national partners develop a Capacity Development Plan that addresses technical capacities at the individual level and organizational capacities at the institutional level (for example, developing only technical capacities such as trained teachers without supporting organizational capacities – safe buildings, textbooks, blackboards etc. – will not by itself provide children with quality education). The Capacity Development Plan identifies a clearly phased exit strategy, ensuring that increased national knowledge and skills are coupled with transfer of responsibilities. The Capacity Development Plan is usually implemented immediately after it is finalized.

To assist countries with the adoption of this approach, UNICEF provides resource-intensive technical support, including a dedicated specialist in capacity development for core commitments for children that will work with the country for one to two years to: a) firstly, facilitate the articulation of a national outcome and capacity development benchmarks; 2) secondly, conduct a capacity assessment and support national partners to develop a Capacity Development Plan with immediate implementation structures; and 3) finally, support the implementation and documentation of the Capacity Development Plan in real-time, so that challenges can be addressed immediately. The process ensures that lessons from other countries are shared and there is a constant spotlight on knowledge transfer between countries and regions through UNICEF regional offices.

As an example, in Kenya, the Ministry of Water and Irrigation and more than 15 non-governmental organizations and community-based organizations identified the outcome of their capacity development for core commitments for children in humanitarian action to be: "Water and Environmental Sanitation Coordination effectively coordinates water, sanitation and hygiene promotion interventions of its members in order to ensure that 80 percent of emergency affected populations have access to basic water, sanitation and hygiene services with an initial focus on six priority districts in Turkana County as a pilot model for subnational WASH coordination. The coordination will be guided by the following: (1) real time mapping of water and environmental sanitation coordination coverage; (2) minimum WASH standards; (3) promotion of programming that supports Disarmament, Demobilization and Reintegration and community resilience; and (4) conflict sensitive programming." These four points were the main outputs in the Capacity Development Plan, each with a specific capacity development input. Due to their specificity and concreteness, combined with a focus on well-defined geographical areas, the plan started in February 2012 and has been implemented in a timely manner since mid-2012.

THE DEVELOPMENT OF PARALLEL SYSTEMS MEANS THAT, CONTRARY TO ITS MISSION TO SUPPORT CPAF POST-CONFLICT, THE UNITED NATIONS CAN ACTIVELY UNDERMINE CPAF DEVELOPMENT.

5.6 DO NO HARM

One of the trickiest issues confronting the United Nations and donors in supporting CPAF is the dilemma between rapid delivery of services to often very vulnerable populations through contracting the services of United Nations agencies or non-governmental organizations, versus using those organizations to build up government systems and capacity so that they can conduct their own rapid responses in the future. As has been frequently pointed out, the development of parallel systems means that, contrary to its mission to support CPAF post-conflict, the United Nations (and the wider

system) can actively undermine CPAF development. This occurs in two main ways: recruiting qualified staff away from the government, especially at the senior level, and establishing parallel systems of various kinds, sometimes called a "dual bureaucracy" (Ghani and Lockhart, 2008) or "second civil service" (Blair, 2007).

This is well-trodden ground, and so, despite its importance, will not be dwelt on here. Suffice it to say the review team takes note of the comprehensive critique set out in the OECD/DAC's *Do No Harm* report. The review team also endorses the recommendations in the New Deal on the use of government systems, as well as the forthcoming United Nations principles on capacity building post-conflict coming out of the CivCap process where prevention of the pitfalls of dual bureaucracies is dealt with in much more detail.

Approaches based on hybrid legal rules and norms derived from different administrative traditions were a problem in some countries visited (for example, Kosovo and Timor-Leste) and often led to confusion as to which rules to apply and how they function. There were also incompatible approaches, such as civil service commissions versus a general directorate of the public service, or Auditors General created in civil law systems that typically trend more towards executive and judicial controls (such as High Tax and Audit Courts). Ultimately, common law and civil law approaches are different and should not be combined, at least not until local institutions have the capacity to navigate these hybrid terrains effectively. Linked to this, it was evident that advisers (as well as the donors that fund them) tend, inadvertently, to bring their own ways of working and legal and administrative traditions, adding to the ambiguity and complexity of a given context. More careful and targeted recruitment of technical advisers is thus perhaps warranted with a background in the appropriate tradition, particularly in United Nations transitional administrations.

5.7 BUILD IN ANTI-CORRUPTION CONTROLS, BUT PRIORITIZE INTERNAL OVER EXTERNAL CONTROLS

The immediate post-conflict years present possibly the hardest context for anti-corruption efforts: weak systems, high levels of conflict, embedded forms of patronage, very low levels of political will and new sources of income, notably aid, combine to make this work extremely difficult. Not surprisingly, "anti-corruption interventions in post-conflict situations often fail to achieve substantial success, and in many cases are postponed or fail altogether".[127]

"ANTI-CORRUPTION INTERVENTIONS IN POST-CONFLICT SITUATIONS OFTEN FAIL TO ACHIEVE SUBSTANTIAL SUCCESS, AND IN MANY CASES ARE POSTPONED OR FAIL ALTOGETHER".

Nonetheless, for many reasons, not least the impact of corruption on legitimacy and stability, anti-corruption needs to be a principal element of United Nations work on CPAF. While public administration is the venue of much corruption, the causes are much wider and deeper, as are the long-term solutions, and it is important to recognize that in the early years after conflict CPAF can play only a partial role in the anti-corruption campaign. Wider policy choices will be important: for example, using community-based, private sector or non-governmental organization capacity to implement national programmes rather than the state, support for civil society anti-corruption efforts, the use of multi-donor trust funds by donors, etc.

The main contribution of work on CPAF in the early years post-conflict is that it lays the foundations for more systemic approaches later on, notably in restoring internal systems of control over budgets, recruitment and procurement. Other important actions that must be considered early on are effective control and oversight over concessions and contracts for natural resources, licensing for telecommunications and other key sources of revenue, such as customs. In some circumstances, the use of 'dual key' systems of mixed national and international management, such as the Governance and Economic Management Programme in Liberia, or contracting these systems out may be considered, such as for customs revenue in Mozambique.

The lessons on the need to scale back ambitious programmes and be wary of whole government endeavours mentioned above are of particular relevance to issues of accountability, particularly financial accountability**.** A well-established body of literature shows that many external accountability mechanisms (e.g., the media, the parliament, external commissions, and civil society watchdogs) rarely function well in the immediate aftermath of conflict, and as a result

127 UNDP (2010 (a)).

the United Nations should prioritize internal controls first and seek to establish or support external oversight later.[128] In particular, it can be difficult to take a strong stand by means of formal, high-profile anti-corruption approaches when the threat of violence remains prevalent or when the transgressions are committed by leaders who are seen as freedom fighters or national heroes who sacrificed their safety and comfort in the armed struggle. But even without the threat of violence, it is difficult to establish (or restore) financial accountability and sanction transgressions because: (a) post-conflict politics are often very sensitive; (b) citizens will typically have inadequate information about institutional performance, leaving them ill-equipped to challenge administrative decisions or actions; and (c) the independent judicial controls needed to help these mechanisms to deliver are still in their infancy.[129]

A separation of powers is essential to modern government, but has tended to emerge following long processes of social contestation that have led to institutional change. In the immediate aftermath of conflict, parliament and the judiciary are typically weak and the executive tends to dominate, which suggests that internal administrative, rather than judicial controls, are likely to be more effective mechanisms for integrity and systems control in the initial period after conflict. For example, internal audit is a particular priority to identify system gaps and track money and performance, and as such is an essential building block in a wider anti-corruption strategy. Contracting out internal audits, as was done in Timor-Leste and Kosovo, can be an effective strategy when there is a skills shortage, and it has the advantage of establishing a systems baseline and guide for systems improvements. It may not be realistic to construct elaborate external checks and balances to 'control' government when a government's internal capacity is weak. Rather, in the initial stages it may be better to focus on developing robust internal systems and processes and to work incrementally to adjust performance through the use of tracking and monitoring systems, as opposed to adopting external sanction-oriented controls that constrain government activity further. This approach has the added advantage of being a lesser drain on already scarce resources. There was considerable anecdotal evidence from the case studies that fear of external anti-corruption bodies was a significant factor in the struggle of many post-conflict governments to execute their budgets. It is also worth considering supporting lower profile, internal administrative processes (that do not get to the courts) for handling low-level abuses inside public administration.

Transparency of budgets is also something that can be promoted early on to lay foundations for accountability.[130] Finally, while restoring basic functionality remains the key priority in the immediate phase after conflict, the United Nations also needs to promote respect for rule of law principles in public administration decision-making processes which can contribute to the building or restoring of a culture of integrity. Paying early attention to questions of accessibility,[131] legality,[132] and transparency in administrative processes, and providing people with a right to be heard and a right to redress are important means to foster accountability of the state and its public administration.[133]

128 Regarding financial control, for example, Schiavo-Campo (2000; p. 44) states: "its [external audit] effectiveness depends among other things on good management controls and internal audit within the spending entities themselves. Operational effectiveness and integrity cannot be achieved only by external scrutiny. Also, before expending resources and staff on audits of performance and efficiency, the basic audits of compliance and financial integrity must be strong and effective."

129 Institute of Development Studies (2010), p. 41.

130 See also Dix, et al. (2012).

131 The principle of accessibility means that people should have access to administrative authorities and that it is a duty for public authorities to accept and deal with citizens' requests and questions properly. Again, this can be problematic in the aftermath of conflict, but paying attention to this principle is important to restore trust and confidence. The principle also requires practical access for citizens via easy means of communication, including using a language that can be understood by the local population.

132 The principle of legality requires that administrative authorities abide by the law, and that all their decisions and the content have a basis in law. This includes equal treatment of all citizens, regardless of sex, ethnicity, religion, etc. This can be a challenge in post-conflict settings, when enforcing laws on a consistent basis can present difficulties. But attention to this principle can also help to identify areas of public service delivery that require new regulations or that require amendments to existing regulations if they are discriminatory.

133 For more information on Rule of Law in Public Administration, see Bergling, P., et al. (2008).

CHAPTER 5: FINDINGS

- **United Nations support for CPAF in post-conflict must focus first and foremost on the restoration of basic functionality** – without prejudice to the various public sector reforms that may need to be undertaken later, when conditions allow. The initial effort must necessarily start on the basis of what exists and must aim at stopping the institutional haemorrhaging which tends to happen during a conflict and often also in the chaos prevailing right after peace has been declared.
- This also means that the United Nations should caution against the rapid proliferation of institutions, usually weak in capacity and often designed on models of similar institutions established in other countries.
- The United Nations system should discourage the investment of scarce government and United Nations system manpower resources and funds in the preparation of ambitious, multi-year and multi-sectoral development plans. There is a need for a more nimble, realistic and phased approach.
- **At the early post-conflict stage, the priority should be quick-impact initiatives** that mobilize existing capacities around rapid restoration of basic functionality in key CPAF institutions, thereby making it possible for the host government within the short-term to: (a) prioritize better; (b) weigh the merits of different trade-offs more clearly; and (c) make difficult choices on a more solid basis.
- This also implies **avoiding whole government reforms**. The review team did not come across any examples, where whole of government interventions seemed to have worked.
- **South-South support for CPAF should be further developed**. The United Nations should be supporting regional standard setting initiatives, investing in development of regional good practice, fostering collective responsibilities and sharing regional experiences of leadership and administrative performance.
- Supporting local government should be done with a long-term view, and the merits of decentralization should be debated, not assumed. (The issue of local government is often a key element of wider constitutional debate, so the United Nations needs to support this debate and not jump to policy conclusions). If pursued, decentralization should not be rushed. In most cases, in the immediate aftermath of conflict, support to local government should start with rapid support to the basic functionality and capacity of local government, combined at most with support to administrative (i.e. de-concentration) as opposed to full decentralization.
- A number of the issues raised in this chapter come together in a particularly important lesson for support to CPAF: **focus on outcomes, not processes.**
- Ultimately**, common law and civil law approaches are different and should not be combined**, at least not until local institutions have the capacity to navigate these hybrid terrains effectively.
- There is a well-established body of literature that shows that many external accountability mechanisms (e.g., media, parliament, external commissions, civil society watchdogs) rarely function well in the immediate aftermath of conflict, and as a result **the United Nations should prioritize internal controls first and seek to establish external oversight later**.
- In the immediate aftermath of conflict, parliament and the judiciary are typically weak and the executive tends to dominate, which suggests that **internal administrative rather than judicial controls are likely more effective mechanisms for integrity and systems control in the initial period after conflict.** It may not be realistic to construct elaborate external checks and balances to control government when the government's internal capacity is weak. Rather, it may be better in the initial stages to focus on developing robust internal systems and processes to begin with and work incrementally to adjust performance through the use of tracking and monitoring systems, as opposed to adopting external sanction-oriented controls that constrain government activity further.
- Also, the United Nations needs to promote respect for rule of law principles in public administration decision-making processes which can contribute to the building or restoring of a culture of integrity.

CHAPTER 6:
PRIORITIZING UNITED NATIONS SUPPORT TO CORE PUBLIC ADMINISTRATION FUNCTIONS

As argued in Chapter 3, a main recommendation of this review is that the United Nations should enhance its focus on and capacity to support CPAF in the earliest days after conflict. CPAF underpin much of the wider peacebuilding and statebuilding process, such as rule of law and service delivery, and are a key component of ensuring national ownership in the longer-term. This chapter lays out in more detail how the United Nations could achieve this.

6.1 DEVELOP UNITED NATIONS-WIDE POLICY ON SUPPORT TO CPAF

WORK ON CPAF IN POST-CONFLICT COUNTRIES OFTEN HAPPENS WITHOUT AN AGREED FRAMEWORK FOR COLLABORATION, WITHOUT A MANDATED LEAD AGENCY AND WITHOUT AGREED AND DURABLE MECHANISMS FOR COORDINATION.

As this review demonstrates, support for CPAF is complex and difficult. However, this review also notes that even though critical to the effectiveness and sustainability of United Nations objectives and fundamental to the principle of national ownership, it is not a sector or defined area of United Nations cooperation in itself. As a result, while work on CPAF in post-conflict contexts is undertaken by a range of United Nations actors and others, notably the World Bank, this happens without an agreed framework for collaboration, without a mandated lead agency and without agreed and durable mechanisms for coordination.

This means that the United Nations tends to regard CPAF as instrumental in support of respective mandates, but not as an end in itself. From a peacekeeping perspective, CPAF is necessary for the restoration and extension of state authority. From a humanitarian perspective, CPAF is necessary for an early recovery process that nurtures national ownership. From a development perspective, CPAF is necessary to move beyond fragility towards the achievement of the Millennium Development Goals and whatever subsequent goals are agreed upon.

Without integrated coordination, planning or implementation mechanisms, support for CPAF is often fragmented and not sufficiently prioritized in the immediate aftermath of conflict. In many of the cases examined for this study, consistent and coherent support to the development, execution and review of state policy and functioning was neglected until major development financing and operations began several years after the end of a conflict, and then were managed as an agency specific project rather than a United Nations programme.

The case studies have highlighted a number of instances in which early intervention on CPAF paid major dividends to fulfilment of United Nations mandates. The case of integrated United Nations support to local government recovery through County Support Teams (see Box 10) and the Governance and Economic Management Programme in Liberia, for example, or the immediate interventions in Timor-Leste and Afghanistan that supported the setting up of basic pay scales and management systems for the civil service, highlight the importance of safeguarding and rebuilding key civil service systems and capacities early on.

BOX 10 County support teams in Liberia

In support of the Government of Liberia's recovery efforts, the United Nations created an integrated mechanism to strengthen the capacity of local administrations, joining together the collective capacities, knowledge, expertise and resources of the United Nations' peacekeeping, humanitarian and development arms.

County Support Teams were established in each county to ensure a coherent and consolidated United Nations approach to addressing county-level challenges, to supporting governments and to building the capacity of local government institutions.

In support of these teams in their efforts to boost the capacity of weak local administrations, the United Nations created the County Support Team Project, which was coordinated by UNDP and worked through the United Nations Mission in Liberia (UNMIL) Civil Affairs staff in Liberia's 15 counties. Working closely with other United Nations agencies, the project focused on: (a) restoring functionality of administrative buildings and providing other logistical support; (b) developing the capacity of county officials; and (c) strengthening management of county-level information and data.

The County Support Teams aligned themselves to the objectives and plans of the government and put national ownership squarely at the heart of the initiative and provided both a framework and a common instrument for United Nations action at the local level in Liberia.

The existing coordination deficit is exacerbated by the fact that no operational United Nations agency has a formal lead responsibility to ensure that support to CPAF be provided in the immediate aftermath of conflict, nor do frameworks for integrated support to CPAF exist. This review recommends that at the level of the Policy Committee, a United Nations policy framework on support to CPAF in post-conflict environments is articulated, with country-level implementation entrusted to the Resident Coordinator/Humanitarian Coordinator.

Given the importance and nature of support to CPAF, an unusually high degree of cross-United Nations discipline is necessary to ensure learning, policy and coordination. Effective implementation of this policy will require establishing a lead institution or multi-agency mechanism, within the system.

The report of the Secretary General on civilian capacity in the aftermath of conflict (that followed the CivCap Review) requested "the inter-agency working group on capacity-development, chaired by the United Nations Development Programme, to develop, by 2012, core principles and guidelines for better using and developing national capacity in post-conflict contexts, as well as plans for developing concrete tools to equip field teams to conduct capacity assessments, design strategies and monitor results."[134]

To be effective, a policy framework needs to be complemented by the designation of an agency within the United Nations system that takes responsibility for leadership on CPAF issues post-conflict. This review recommends that UNDP be requested to accept this leadership, provided it is prepared to dedicate resources to and support the role. This recommendation is based on UNDP's: (a) dominance, past and present, in the provision of post-conflict CPAF support; (b) wide portfolio of similar projects in non-conflict countries; (c) long-term presence at the country level and tendency to be close to government; (d) expertise in crisis governance; and (e) existing in-house finance and staff capacity on CPAF. Although there are other agencies – notably DPKO, DPA, UNDESA, UNCDF and UNICEF – that have a strong interest in CPAF and their own specific CPAF-related responsibilities (as laid out in various of this report's recommendations), none has the same level of capacity in this field as UNDP. However, if designated for this task, UNDP would need to take particular care to consult with these other agencies and ensure that it dedicates the resources necessary to fulfil this role (initially focusing on the implementation of many of this report's recommendations). This recommendation is also in line with the CivCap Review [135] that also proposed UNDP as lead agency within the United Nations for the core government functionality cluster. Close collaboration with the World Bank would be required, in particular with regard to public financial management, civil service reform and anti-corruption.

134 United Nations civilian capacity in the aftermath of conflict: Report of the Secretary-General, August 2011, A/66/311–S/2011/527, p. 5.

135 Senior Advisory Group's Independent Report on Civilian Capacity on the Aftermath of Conflict, February 2011, document A/65/747–S/2011/85.

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6.2 BRING A STATEBUILDING FRAMEWORK INTO THE UNITED NATIONS' APPROACH

In the context of the International Dialogue for Peacebuilding and Statebuilding, the G7+ has proposed "a new deal to deliver international assistance to fragile states which generates results that are aligned with peacebuilding and statebuilding objectives, is more transparent, flexible and effective, and strengthens (rather than duplicates) national and local capacities and institutions."[136]

The United Nations' wider role in peacebuilding and statebuilding is beyond the remit of this review.[137] However, wider United Nations policy and approaches impact directly on support to CPAF. Although much progress has been made in improving the United Nations supporting role in statebuilding post-conflict, there remain important lacunae in the institutional and policy landscape. There are many reasons why these gaps (in the form of unmet needs and unresolved complexities) continue to exist, but two of them stand out as particularly serious within the United Nations system:

136 See the Monrovia road map agreed at the second International Dialogue on Peacebuilding and Statebuilding, 15-16 June 2011, available at: www.oecd.org/dataoecd/23/24/48345560.pdf.

137 Alongside the gradual evolution of United Nations knowledge and support to public administration in recent years, a rich and new understanding is emerging about fragile and conflict-affected contexts, in particular the centrality of the state-citizen relationship and the social contract. It includes seminal work and contributions by the OECD/DAC, UNDP, the World Bank, the G7+ and many academic institutions and think tanks. The literature on this issue is rapidly accumulating, but what these many new insights mean in practice and what impact they have for the United Nations system's current practice (for example, for planning, anti-corruption, local governance) has not yet been fully analysed and digested. In particular, there is tension between the United Nations' norm-setting role and the reality of working in post-conflict situations.

1. both within the United Nations, and in the relationship between the United Nations system and the Bretton Woods Institutions, there is insufficient clarity on the mandates and on the division of labour with respect to support for conflict-affected and fragile states; and
2. within the United Nations itself, operational and practical obstacles stand in the way of closer and more seamless inter-agency collaboration, because the institutions involved have, in the words of the United Nations Secretary-General, "different mandates, guiding principles, governance structures and financing arrangements — and different cultures and notions of how things should be done."[138]

It will not be possible to make significant progress towards a more coherent and effective United Nations system response to the pressing needs of conflict-affected and fragile states unless these two sets of issues are addressed in a concerted manner.

For the purpose of aligning the United Nations system's overall policies and approaches and integrating immediate responses in the aftermath of conflict to longer-term developmental responses, it is recommended that the United Nations system develop a broader concept and architecture for statebuilding, acknowledging the growing demand for United Nations support to fragile states in this area.[139] The concept of statebuilding in widespread use today by the international system is explicitly an endogenous process, i.e. a country-led and country-owned effort aimed at strengthening, on its own terms, national leadership and national capacity in the development process.

IT IS RECOMMENDED THAT THE UNITED NATIONS SYSTEM DEVELOP A BROADER CONCEPT AND ARCHITECTURE FOR STATEBUILDING, ACKNOWLEDGING THE GROWING DEMAND FOR UNITED NATIONS SUPPORT TO FRAGILE STATES IN THIS AREA.

The acceptability of statebuilding as a necessary and legitimate goal in fragile environments was clearly demonstrated at the 2011 Fourth High Level Forum on Aid Effectiveness in Busan, Korea. At this forum, the New Deal was endorsed by 32 United Nations member states and five international organizations, including the UNDG and the World Bank. Also, the specific mention of the New Deal's peacebuilding and statebuilding goals was approved by all 160 participating countries.

6.3 IMPROVE PLANNING AND COORDINATION FOR CPAF IN UNITED NATIONS OPERATIONS AND MANDATES

The role of United Nations missions in support to public administration is evolving, and generally United Nations missions are getting more responsibilities in this area.[140] Among the country case studies included in this review, the widest-ranging CPAF responsibilities have been assigned to the United Nations missions in Kosovo and Timor-Leste. All other field missions play a supportive role in administrative development, with mandates focusing on capacity-building of state institutions to address causes of conflict, or more generally on measures to increase efforts to promote good governance, usually combined with or after assisting with the extension of state authority (Burundi, Liberia and Sierra Leone). In Guinea-Bissau, the focus was on capacity-building of national institutions to maintain constitutional order. In Haiti, the United Nations Support Mission in Haiti (UNSMIH) was the first mission with a mandate related to institution-building, supporting the Secretary General's role in the coordination of activities by the United Nations system to promote institution-building. Later, the United Nations Stabilization Mission in Haiti (MINUSTAH) was mandated to assist the transitional government in extending state authority, then to assist the government of Haiti in strengthening state institutions. References specifically to support for governance at the local level can be found mostly for the United Nations Assistance Mission in Afghanistan (UNAMA) as well as for MINUSTAH, which was mandated to support the strengthening of state institutions especially outside Port-au-Prince, at all levels, or to undertake capacity building at the national and local level.

138 The Secretary-General's report on "Peacebuilding in the immediate aftermath of conflict", June 2009, document A/63/881 – S/2009/304, paragraph 24.

139 This view was forcefully articulated by Lakhdar Brahimi (speech on 'Statebuilding in Crisis and Post-Conflict Countries,' 7th Global Forum on Reinventing Government, Vienna, June 2009): "The concept of statebuilding is becoming more and more accepted within the international community and is actually far more apt as a description of exactly what it is that we should be trying to do in post-conflict countries – building effective systems and institutions of government. Indeed, acceptance of statebuilding as a generic term to describe our activities will help to concentrate international support on those very activities".

140 See Box 2.

The United Nations system has established institutional arrangements, both at headquarters and in the field, aimed at ensuring "that all components of the United Nations mission/office and the Country Team operate in a coherent and mutually supportive manner".[141] Clearly these must work for CPAF activities as well.

Currently, there are difficulties with United Nations planning and coordination of support to CPAF: (a) within the humanitarian cluster system; (b) between the United Nations' humanitarian and development role; and (c) between the United Nations' assistance role and its political role. In terms of the wider goals, as argued earlier, the importance of CPAF to the peace and state-building process is not properly recognized. Within the aid system, limited activities in support to CPAF in the immediate aftermath of conflict often fall into the early recovery cluster, with more substantial work often delayed for transition stages. While this presents an opportunity to access financial resources early on, early recovery is often focused on socio-economic recovery and it is difficult for strategic peacebuilding priorities related to CPAF, such as payment of salaries, to be covered under early recovery. In those countries where the government leadership is constrained, the result is that coordination and financing of CPAF activities tends to be ad hoc, and is often initiated fairly late. It also means that the division of labour between the World Bank and UNDP in particular can be difficult, as international finance institutions, often important actors in support to CPAF, are rarely part of cluster coordination.

THE REVIEW RECOMMENDS THAT SUPPORT TO CPAF IS TREATED AS A PRIORITY IN THE UNITED NATIONS SYSTEM'S MAIN PLANNING AND PRIORITIZATION PROCESSES.

The Integrated Mission Planning Process[142] is designed to enable the United Nations to articulate a strategic direction for its peacebuilding activities, engage in joint planning processes and facilitate United Nations-wide coordination of field activities. At present, the Integrated Strategic Framework is the only common United Nations framework that seeks at the strategic level to address and plan peace consolidation agendas for the entire United Nations system. The Integrated Strategic Framework is therefore a particularly important planning tool for United Nations support in substantive areas that require a high level of cross-agency cooperation and coordination. Accordingly, the review recommends that support to CPAF is treated as a priority in the United Nations system's main planning and prioritization processes (including the Integrated Strategic Framework and the Integrated Mission Planning Process), and that in-country United Nations leadership be provided with the required capacity and expertise to carry this out. This priority can be manifested in the Integrated Mission Planning Process by inclusion of CPAF objectives in the Integrated Strategic Framework and by the earliest possible creation of an effective Thematic Working Group on CPAF with Bretton Woods Institution participation. The World Bank could, for example, co-chair such a group.

Any deliberations or planning activities undertaken by the Thematic Working Group will inevitably concentrate on the peacebuilding and statebuilding dimensions of its task, but should also be aware of and seek common ground with any CPAF-relevant activities that may be planned and implemented in the context of the United Nations system's humanitarian agenda, particularly in an early recovery context (refer to section 6.8.1). Given the multidisciplinary nature of CPAF and the gradual evolution of United Nations support to CPAF during the past 5-10 years, it is not surprising that there are multiple entry points for CPAF restoration in the immediate aftermath of conflict. But the increased attention to CPAF needs, which this review recommends, imposes on the DSRSG/Resident Coordinator/Humanitarian Coordinator – as well as on the field personnel of the Office for the Coordination of Humanitarian Affairs (OCHA) and UNDP in particular – a responsibility to ensure that United Nations system support for CPAF restoration is well coordinated across existing peacebuilding/humanitarian/development lines of demarcation.

It is also recommended that more early efforts be devoted to strengthen the government's own aid coordination capacity as an integral part of the restoration of its overall financial and administrative capacity. For this to be possible,

141 Quoted from the Secretary-General's Decision on Integration (24/2008).

142 The United Nations Integrated Missions Planning Process Guidelines were endorsed by the Secretary-General in June 2006 (Decision 2006/26). These objectives are pursued at three different levels: (1) The Integrated Strategic Framework (ISF) : Since its introduction in 2008, the ISF has served as the common framework for addressing, at the strategic level, the United Nations system's overall support for peace consolidation. It is especially useful for macro-level objectives that require a high degree of cross-agency cooperation; (2) The Strategic Policy Group (SPG): The SPG (or variations with a different name) is the United Nations system's main in-country forum at the principals level. It comprises the leadership of both the United Nations mission and the United Nations Country Team and is supported by an Integrated Strategy and Planning Team (ISPT); and (3) Thematic Working Groups: The Integrated Mission Planning Process Guidelines envisage that the SPG and ISPT can develop and/or monitor implementation of their joint strategies through thematic working groups, drawing as appropriate on existing United Nations groups and involving non-United Nations actors on a case by case basis. Membership of a Thematic CPAF Working Group can (and whenever possible should) be extended to the World Bank and IMF – as well as to other relevant agencies (such as UN Habitat, UNCDF, UNOPS and IOM) that may be actively involved in CPAF restoration, e.g. in support to local government and in construction of public administration infrastructure.

United Nations leadership at the country level must be provided with the necessary capacity and expertise in these fields of specialization.

As a corollary to a sharper focus on CPAF in the country-level planning and coordination context, efforts must also be undertaken in New York to ensure that staff in the DPA's Security Council Affairs Division – when initially drafting and later revising United Nations mission mandates – and the Mediation Support Unit have ready access to expert knowledge and advice on the essential role of CPAF in the overall peacebuilding process and on the United Nations system's growing experience and emerging policy guidance on these issues.

6.4 IMPROVE ANALYSIS FOR PLANNING AND PROGRAMMING

Chapter 3 argues that the United Nations as a whole, not just the missions, needs to be able to conduct and apply a wider range of political and institutional analysis. This is not an optional extra, but essential for effective programming and for a more active advisory role which the United Nations should play in supporting public discussion for reforming public administration within the context of a post-conflict political settlement. While the review found many examples of good practice, there are gaps in the current analytical approach: new tools are needed; existing tools should be more consistently applied; and analysis needs to be better shared within the United Nations during both planning and programming processes.

In terms of content, conflict analysis is not new to the United Nations, especially not to the missions, and is seen in varying guises. Particularly good practice models observed by the review team included: (a) a conflict analysis prepared in partnership with Voz di Paz, a local institution in Guinea-Bissau (see Box 11); (b) the early warning reports produced jointly by UNDP and a local think-tank in Kosovo[143]; and (c) the Secretary General's Timor-Leste Report to the Security Council, on the underlying causes of Timor-Leste's 2006 crisis. In Sierra Leone, conflict analysis identified conflict drivers – corruption, patronage and ineffective/weak public institutions – that were then directly accounted for in United Nations agency mission statements.[144]

However, United Nations support to public administration, especially its role in institutionalizing and expressing the political settlement, requires an extension of current practice. In particular, better analysis is needed on the links between the political process and state institutions.[145] Critical factors in a political economy analysis relevant to CPAF support would include identifying who the key actors are and how the interests of these key actors interact with or influence administrative and local governance arrangements; for example, employment in state institutions or the extent of delegation of powers to the local level.[146] Of particular interest for an in-depth CPAF analysis are questions around which processes promote consensus, and how decisions are made, as these point to how rule-based public authority might emerge.

UNITED NATIONS SUPPORT TO PUBLIC ADMINISTRATION REQUIRES BETTER ANALYSIS ON THE LINKS BETWEEN THE POLITICAL PROCESS AND STATE INSTITUTIONS.

143 Institute for Development Research: www.riinvestinstitute.org/?gjuha=en.

144 Refer to the country case study on Sierra Leone undertaken as part of this review.

145 A good, but rare, example of this was the Kosovo Mosaic Surveys – a series of three public opinion surveys carried out in 2003, 2006 and 2009 by UNDP with funding from USAID. These surveys were among the largest ever undertaken in Kosovo (with more than 6,000 respondents) and presented key findings on the public's perception of the performance of key public services and of local government.

146 Structural dimensions, for example, important historical events or legacies, dynamics of participation (i.e., who is included or excluded), interests groups, available resources (human, physical and financial) are all also important. The role of donors, the United Nations' own role, contribution and political economy all need to be thought of as well.

BOX 11 Conflict analysis in Guinea-Bissau

At the invitation of UNIOGBIS, Interpeace established in 2006 the Voz di Paz Programme to carry out country-wide consultations on the root-causes of conflict. In 2008-2009, Voz di Paz conducted nationwide consultations with over 6,000 Bissau-Guineans, incl. for the first time members of the military and the police, who were identified by the process as embedded at the heart of conflict dynamics. Four root causes of conflict were identified: ineffective state institutions and poor governance; poverty; poor administration of justice; and tribalism.

Voz di Paz is one of the few organizations that have been able to get close to the military, earning enough respect to involve the security sector in the national dialogue process. The programme now regularly creates 'dialogue spaces' around specific activities to facilitate rapprochement between civilians and the military. These are proving highly effective environments for resolving issues and conflicts at the local level. (..) On the whole, Guinea-Bissau shows clear signs of recovery and willingness to move beyond the status quo. In February 2010, Voz di Paz became a fully independent non-profit organization.

Excerpt from: http://www.interpeace.org/index.php/programmes/guinea-bissau (sourced on 23 January 2012)

The political analyses currently done within DPKO/DPA is of high quality, given that it draws on a broad spectrum of insights from experienced mission analysts with both civilian and military backgrounds and often from Civil Affairs staff dispersed at the local level. However, DPKO/DPA's political analysis tends to be written largely for internal purposes (primarily to inform decision making and reporting), and it is too rarely shared in a strategic and systematic manner with United Nations agencies in the field. Joint DPKO/DPA and United Nations agency analysis is essential for CPAF support to ensure that relevant institutional aspects are covered. This will not happen by instruction from New York, but requires appropriate mechanisms and incentives for collaboration. The United Nations needs to improve the sharing and dissemination of analysis between the missions and the United Nations Country Teams. The Resident Coordinator's office would seem to be the logical home to coordinate such functions, but United Nations agencies should also be helped to integrate these diagnostics into their own programme and project formulation and implementation. As far as possible, emphasis should be given to producing this analysis in partnership with local entities – again, both the Kosovo and Guinea-Bissau experiences provide good examples.

THE UNITED NATIONS SECRETARIAT AND UNDG SHOULD PRODUCE JOINT GUIDANCE ON THE CONTENT, PRODUCTION AND DISTRIBUTION OF UNITED NATIONS POLITICAL AND INSTITUTIONAL CONTEXT ANALYSIS AT THE COUNTRY LEVEL.

However, United Nations leadership on the ground has a difficult balance to strike between the need for transparency and openness of government and the need for sensitive or negative information to be kept internal within the government while issues are being resolved. Honest political (or even socio-economic) analysis released into the public domain can be counter-productive to building trust and confidence and can even promote conflict. As a result, there are likely to be situations in which the United Nations will be privy to important information that can compromise public confidence in government. Hence, in contexts where rumours and misinformation are prevalent and can trigger tensions and conflict, it is important to think through how information of this nature is to be managed responsibly by the United Nations. The United Nations Secretariat and UNDG should produce joint guidance on the content, production and distribution of United Nations political and institutional context analysis at the country level, and how best to apply these to relevant planning processes.[147]

The analysis conducted should start with the collection and sharing of basic information. There is often a simple dearth of accurate basic data about public administration in countries in conflict, especially in a readily available format. This includes baseline data such as numbers and types of civil servants, state-owned enterprises, location of offices, etc. Therefore, a standard practice for the United Nations should be to compile basic data on (and descriptions of) public administration in all conflict-affected countries where it is present and ensure it is widely accessible to the international community. As with the analysis, this information collection does not need to cover all elements of the administrative structure, but should at least enable the UNCT and the donor community to acquire a basic understanding of the current system and dynamics for use in planning and programming.

147 There are important projects underway in the United Nations system tasked specifically with making improvements to the ways and means by which such analysis is done. For example, UNDP is developing a 'Guidance Note for Institutional and Contextual Analysis' which builds on an earlier analytical tool entitled 'Conflict-related Development Analysis' (2003).

An example of a good practice in this area is the *Guide to Government in Afghanistan* prepared by the World Bank and the Afghanistan Research and Evaluation Unit (see Box 12).[148)]

BOX 12 Guide to Government in Afghanistan

The Guide to Government in Afghanistan was compiled by the World Bank and the Afghanistan Research and Evaluation Unit. According to the Afghanistan Research and Evaluation Unit, the guide has three objectives; it intends to: (i) provide newcomers to the administrative and political scene in Afghanistan with a basic guide to the structures and processes of government; (ii) provide reformers with some understanding of how to work 'with the grain' of the existing institutional arrangements; and (iii) pay tribute to the remarkable people who have kept the system running, and who are now reforming it.

In pursuing these objectives, the guide sets out the underlying strengths of the public sector, describing the evolution of the Afghan state, the current political context and the administrative and organizational components of the government. It delineates the legal basis and organizational responsibilities of key fiscal tasks, including revenue collection, budget preparation and execution, and accounting and audit. It also describes the organizational structures in the provinces, the way in which staffing is determined, and the structure of pay and grading. In particular, it looks at the arrangements for service delivery in the education and health sectors.

In term of the analysis and information needed for developing projects, as argued above, the key task in the immediate aftermath of conflict is not to initiate reform of whole systems, but to rapidly identify opportunities or bottlenecks in re-establishing basic system functionality. The UN currently has no agreed approach to this and the United Nations should develop a protocol for the rapid collection of basic data and for capacity assessment of public administration (when possible with gender-disaggregated data), ideally with the involvement of the World Bank, the IMF and the International Network on Conflict and Fragility (OECD/DAC).[149)]

THE UNITED NATIONS SHOULD DEVELOP A PROTOCOL FOR THE RAPID COLLECTION OF BASIC DATA AND FOR CAPACITY ASSESSMENT OF PUBLIC ADMINISTRATION.

With a longer timeframe, a more detailed assessment of wider system reforms, and how these might improve or expand the political settlement, should also be done. However, it should be understood that medium- and long-term system assessments should not be done at the expense of identifying and responding to immediate needs. The results of assessments should be fed into wider planning processes.

6.5 ENHANCE THE ROLE OF CPAF IN THE POST-CONFLICT NEEDS ASSESSMENT PROCESS

The Post-Conflict Needs Assessment (PCNA) mechanism is a well-tested and codified process endorsed and supported by a broad multi-agency coalition.[150)] The PCNA has continued to evolve over the last decade, with its methodology being systematically applied, in various permutations, in many post-conflict situations.[151)]

During the first generation of PCNAs, issues related to statebuilding and public administration were typically addressed within the larger context of governance and capacity-building, not as a topic of special systemic importance or partic-

148 www.areu.org.af/ResearchProjectDetails.aspx?contentid=2&ParentId=2&ResearchProjectId=1&Lang=en-US.

149 There is ample literature on capacity assessment and assessment of public administration. None of it, though, has been adapted to the specific demands of post-conflict public administration.

150 The PCNA brings together the United Nations system (represented in this context by the United Nations Development Group and the United Nations Development Operations Coordination Office), the World Bank, the European Commission, and regional development banks (e.g., the African Development Bank and the Asian Development Bank) in collaboration with the national government and cooperation of donor countries.

151 For details on the history of Post-Conflict Needs Assessments, see UNDG's website feature. http://pcna.undg.org/index.php?option=com_docman&Itemid=16 entitled 'Past and Current Country Experiences'.

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ular urgency. Steps towards heightened CPAF awareness were taken in the wake of a joint PCNA review in 2006, when a joint guidance note on integrated recovery planning was issued, entitled 'Post Conflict Needs Assessment and Transitional Results Frameworks'.[152] The guidance note incorporated recommendations of the joint review and stressed inter alia that statebuilding is a central objective of recovery planning, because post-conflict countries typically have limited institutional capacity, hampering their ability to implement required actions. The guidance note recommended that preliminary analysis of national capacities be part of the pre-assessment work. It advised that capacity considerations should be built into all clusters during the assessment process.

In 2010, the United Nations, the World Bank and the European Union jointly developed a practical tool kit on how to include capacity assessment considerations in the prioritization of needs in the PCNA.[153] The tool kit stressed that recovery plans address not only the types of services that need to be provided, but also who should provide them. It emphasized

152 www.undg.org/docs/7818/Joint-Guidance-Note-for-Post-Conflict Needs Assessments-and-TRFs.doc.

153 The Post-Conflict Needs Assessment Capacity Assessment Tool: http://pcna.undg.org/index.php?option=com_docman&Itemid=4.

that during initial transitional years, the focus may be on ensuring broad national ownership and early capacity building in core government functions. Once a democratically-elected government is in place, such efforts need to be accompanied by an expanded and deepened effort to increase the capacity of the state to both coordinate and deliver services.

However, from a CPAF-perspective, the PCNA approach has major drawbacks: (a) the PCNA covers a broad multi-sectoral spectrum of post-conflict requirements in which the specific CPAF functions tend to be overshadowed by more compelling service delivery needs; (b) even after the addition of the capacity development toolkit, the PCNA methodology still offers very little specific guidance on how to assess CPAF needs and formulate CPAF-support initiatives; and (c) it often takes several months to plan and deploy a full PCNA mission and even more weeks, if not months, to synthesize and publish the findings.

These drawbacks are significant, but given the many institutional advantages offered by the broad institutional platform of the PCNA and the larger context of post-conflict analysis which it presents, the review has concluded that the PCNA remains the best available entry point for a heightened focus on CPAF concerns in the immediate aftermath of conflict, especially if the three weaknesses identified above can be remedied. Towards that end, the review recommends that UNDP take the lead, in close cooperation with the World Bank and DOCO, in the development of a distinct module within the PCNA with direct focus on special post-conflict CPAF needs. Such a module would be most useful, if divided into two components:

- a fast-track CPAF assessment carried out during the first few weeks of the post-conflict period; and
- a more in-depth CPAF assessment as an integral part of a larger multi-sectoral PCNA.

UNDP SHOULD TAKE THE LEAD IN THE DEVELOPMENT OF A DISTINCT MODULE WITHIN THE PCNA WITH DIRECT FOCUS ON SPECIAL POST-CONFLICT CPAF NEEDS.

This two-tier approach is suggested for two reasons: (1) some post-conflict situations do not lend themselves easily to the standard PCNA approach, but nonetheless have pressing CPAF-related dimensions (for example, Libya in late 2011 after the fall of the Gaddafi regime); and (2) since many of the sectors covered in a full-fledged PCNA process depend on a minimum level of functionality in core government functions, it is a distinct advantage for the larger PCNA exercise to have advance feedback in the form of data and diagnostics from a fast-track CPAF assessment.

6.6 DEEPEN THE UNITED NATIONS' HUMAN RESOURCE BASE ON CPAF

Considering the importance of post-conflict CPAF for wider peacebuilding and statebuilding efforts, the current level of expertise in the United Nations is unacceptably thin, especially at headquarters but also at regional levels. While there are a number of governance advisers and political and civil affairs officers spread throughout the system, both at headquarters and in missions and agencies, there are few with specific CPAF expertise, and they are mainly found within UNDP and UNDESA. Most governance advisers, political affairs officers and civil affairs personnel do not have (nor do they claim to have) the professional skills needed for substantive support to CPAF. There is expertise in projects at the country level, but – given the fact that this expertise depends heavily on project funding – it does not constitute a permanent resource able to ensure a predictable and speedy response to CPAF needs in crisis countries, whether in terms of planning, programming, monitoring, knowledge sharing or policy development.

THE CURRENT LEVEL OF EXPERTISE IN THE UNITED NATIONS IS UNACCEPTABLY THIN, ESPECIALLY AT HEADQUARTERS BUT ALSO AT REGIONAL LEVELS.

The United Nations system's inadequate expertise and limited human resource capacity in this field was acknowledged as early as 2000 in the Brahimi report – with the start-up experiences in Timor-Leste (UNTAET) and in Kosovo (UNMIK) still fresh in mind.[154] More than a decade later, the CivCap Review reached a similar conclusion, i.e. that overall United Nations capacity in a number of critically important post-conflict areas, including core government functionality, is insufficient.[155] Since then, this issue has been examined further in various ways, notably by, by the commissioning of

154 "Currently, about 50 percent of field positions in substantive areas and up to 40 percent of the positions in administrative and logistics areas are vacant in missions that were established six months to one year ago and remain in desperate need of the requisite specialists." Report of the Panel on United Nations Peace Operations (document A/55/305–S/2000/809), August 2000; refer to chapter III 'United Nations capacities to deploy operations rapidly and effectively', paragraph 127. www.un.org/peace/reports/peace_operations/docs/full_report.htm.

155 Civcap Review, p. 20, paragraph 35b.

this lessons learned review[156] and by tasking the United Nations Civilian Capacities Team to look at the practical implications of the Secretary-General's report on civilian capacity in the aftermath of conflict.

An important step towards improving the CPAF human resource base within the United Nations was taken with the launch in September 2012 of the Global Market Place for Civilian Capacities. Known as CAPMATCH, the facility is hosted by the Department of Field Support[157] and is intended to match needs expressed by conflict-affected countries with the supply of services available from governments, inter-governmental and non-governmental organizations in a number of areas, including core government functionality.

Sourcing the right expertise for United Nations interventions in support of CPAF will require not only good rosters of well-qualified individuals, but also a well-designed taxonomy of CPAF-relevant expertise. The CAPMATCH initiative has embarked on a first attempt in that direction.[158] But a substantial amount of work is still required to ensure that all essential CPAF disciplines and sub-disciplines are mapped out and represented in the system.

CPAF represents multiple complex fields of activities, and the human resource tools used to recruit expertise in this area must therefore also be improved. Without that, the United Nations will continue to face the risk that in the search for expertise in the restoration of 'the plumbing and wiring' of government, there is an over-supply of 'architects', i.e. generalists with a strong grasp of the wider issues, but a serious under-supply of 'the plumbers and electricians', i.e. specialists with the requisite skills and experience to ensure that all aspects of the institutional machinery of a government apparatus are put back to work in the chaotic first weeks and months of the post-conflict era.

6.7 INVEST IN LEARNING AND TRAINING ON CPAF

The United Nations' capacity to deliver appropriate support to CPAF post-conflict depends greatly on access to high-quality know-how and diagnostic tools. Within the United Nations itself, there is a wide range of knowledge resources covering various dimensions of the issues being examined here, but no single repository of knowledge that provides an intellectually cohesive or operationally useful overview of relevant know-how which United Nations practitioners, whether at headquarters or in field postings, need to have (another manifestation of the relative neglect of CPAF). To acquire a comprehensive overview of all issues relevant to the United Nations' role in this field, a practitioner would need to search more than one dozen United Nations-hosted websites (for details, see the Bibliography).

It is therefore recommended that a United Nations-wide 'Knowledge and Learning Portal on Public Post-Conflict CPAF' be established which can serve as a permanent home for knowledge development and learning specific to the subject at hand. The portal would be launched to serve the following purposes; to be:

- a repository and library of relevant source material and documentation on post-conflict CPAF;
- a learning platform in support to orientation and training on post-conflict CPAF; and
- the hub for an electronic Community of Practice on post-conflict CPAF.

156 As a precursor to this review, UNDP prepared for the United Nations Working Group on Public Administration an 'Assessment of United Nations Rosters on Public Administration and Local Governance' (Stage 1: Mapping Exercise), New York, February 2011.

157 https://capmatch.dfs.un.org.

158 To illustrate the scope and content of the provisional CAPMATCH taxonomy, here are some of the categories/sub-categories currently listed: **Public Financial Management:** budget; payment systems; payroll; treasury; debt management; procurement; and audit. **Public Administration Reform:** (a) re-establishing core administrative functions and processes after collapse; (b) civil service organizational reform; (c) personnel management; (d) incentives and performance; (e) large-scale recruitment; (f) down-sizing; (g) grading and re-grading; (h) general administrative training; (i) public-private partnerships; (j) government partnerships with non-governmental organizations; and (k) common services equipment and maintenance. **Fiscal Transparency:** (a) complaints mechanisms and social accountability; (b) independent structures, such as anti-corruption commissions and ombudspeople; (c) investigations; (d) administrative sanctions; and (e) prosecutions. **Sub-national administration and local governance:** (a) decentralization strategy; (b) municipal administration; (c) provincial administration; (d) local administration; (e) community-based structures; and (f) fiscal decentralization.

The ownership and management arrangements for such a portal must be well chosen from the start to ensure that it is: (a) United Nations-wide; (b) comprehensive; (c) interactive; and (d) sustainable. It cannot be the product and property of just one agency. While for practical reasons, it will need to be hosted by one agency, it should be managed and populated through a collaborative mechanism, e.g., a committee of co-sponsoring agencies drawn from the membership of the United Nations Working Group on Public Administration in New York. At a minimum, it would be advisable to ensure that the following United Nations agencies are represented in a core group of portal co-sponsors: DPA, DPKO/DFS, PBSO, UNDESA, UNDOCO, UN Women, UNICEF and UNDP.
This review has considered a range of options for the hosting and management of such a portal and suggests two options to submit for consideration to the Policy Committee:

Option one finds a strong rationale for UNDP to take on the role. UNDP is comparatively well equipped to offer a cohesive solution that brings together and integrates under one roof the broadest possible spectrum of expertise required in a CPAF portal. The reasons behind this thinking are:

- UNDP's inter-agency involvement in this sector goes back to a Policy Committee decision taken in September 2006, designating UNDP as the chair of a working group on Public Administration, Local Governance, Financial Transparency and Accountability; this is the precursor to today's Working Group on Public Administration, of which UNDP also serves as chair.
- UNDP was proposed in the CivCap Review as the global service provider for the cluster on core government functionalities and as lead agency for four of the eight sub-clusters envisaged within that cluster.
- UNDP houses the following specialized entities for three of the key sub-disciplines of CPAF relevance: 1) the Bureau for Crisis Prevention and Recovery (BCPR), for crisis prevention and recovery and crisis governance; 2) the Bureau for Development Policy's Democratic Governance Group (BDP/DGG), for public administration and local governance; and 3) Bureau for Development Policy's Knowledge, Innovation and Capacity Development Group (BDP/KICG), for capacity development. Moreover, UNDP is closely affiliated with the United Nations specialized entity on public finance for local development, i.e. the United Nations Capital Development Fund (UNCDF).

The second option is to build on the existing United Nations Public Administration Network (UNPAN), managed by the Department of Economic and Social Affairs (DESA) and to create within the UNPAN website a special window on CPAF in post-conflict environments.

The proposed portal needs to be designed to support and facilitate learning and orientation activities that the participating United Nations agencies arrange for relevant categories of their staff. In staffing terms, it will have a light footprint, but have extensive networking through knowledge cells in the participating agencies, supplemented with major external sources of expertise on this subject.

6.8 INCREASE THE AMOUNT AND SPEED OF FUNDING FOR CPAF

6.8.1 THE EARLY RECOVERY FUNDING WINDOW

The largest and most rapidly available United Nations-affiliated source of funds in the immediate aftermath of conflict is usually humanitarian aid, mobilized through a Consolidated Appeals Process by means of Flash Appeals and Humanitarian Action Plans. Prior to the mid-2000s, such funding – raised primarily to save lives and reduce human suffering – was highly unlikely to be allocated for any CPAF-related initiatives, given their longer-term time frames and their institution building objectives.

THE SYSTEM-WIDE ACCEPTANCE OF EARLY RECOVERY HAS PAVED THE WAY FOR GREATER INCLUSION OF CPAF-RELATED OBJECTIVES IN FUNDING PRIORITIES.

Subsequently, the system-wide acceptance of Early Recovery, and the principle that even in humanitarian settings programming should lay the foundations for a return to development, has paved the way for greater inclusion of CPAF-related objectives in funding priorities. So far, however, the early recovery components in post-conflict Consolidated Appeals Processes and Humanitarian Action Plans have been dominated by proposals aimed at economic recovery, and limited attention has been paid to the need for governance recovery. But the important contribution of CPAF to

the overall post-conflict recovery process is gradually gaining traction, and as a result eligible CPAF-related proposals are beginning to appear in United Nations humanitarian assistance efforts, as clearly evidenced in some recent early recovery programmes described in UNDP's 'Signature Products for Crisis Response' and in UNICEF's 'Capacity Development for Humanitarian Response' initiative. The following two examples will serve to illustrate the relevance of the early recovery platform to CPAF support.

- Support for a country-led and country-owned resource mobilization and aid coordination function at the earliest possible point in the recovery process, aimed at: (a) strengthening the institutional capacity of national agencies overseeing international humanitarian assistance; and (b) ensuring that external aid flows – sooner rather than later – are properly recorded by and factored into the regular national resource planning process.[159)]
- Support for increased local government involvement in planning and implementation of humanitarian aid activities at the local level, aimed at ensuring that: (a) such aid is carried out in a country-led and country-owned manner; and (b) some of the political credit for such assistance can be and is effectively attributed to the local authorities to reinforce their output legitimacy.

While early recovery mechanisms provide entry points for only a limited number of activities needed to restore core government functionalities, in the immediate aftermath of conflict these are important entry points for a number of reasons. First, they promote country-led and country-owned recovery processes, based on the early restoration of basic host government functionality. Secondly, early recovery mechanisms are likely to be available at the earliest stage of the post-conflict period, often even before a formal peace process has been completed. And thirdly, reinforcing local leadership and leveraging local knowledge in a collaborative and inclusive manner is an important way to: (i) ensure a more effective humanitarian response and more resilient development in the longer term; and (ii) avoid national and local capacity being undermined by humanitarian actors in the urgency to respond and the tight timeframes for spending humanitarian funds.

Against this background, this review recommends that an inter-agency dialogue be initiated soon, particularly involving the United Nations Emergency Relief Coordinator/OCHA and UNDP, aimed at ensuring that: (a) in the future, relevant United Nations practitioners in the field have at their disposal a certain number of technical templates for CPAF-relevant early recovery assistance that are pre-accepted as eligible for funding from emergency assistance sources; and (b) governance and CPAF concerns will not only be included in the early recovery segments of future Consolidated Appeals Processes and Humanitarian Action Plans, but also backed up by proposals that are well justified and well designed.

6.8.2 CPAF NEEDS ASSESSMENT IN THE IMMEDIATE AFTERMATH OF CONFLICT

ONE OF THE FIRST CPAF-RELATED CHALLENGES FACING THE UNITED NATIONS SYSTEM'S SENIOR LEADERSHIP IS TO ARRANGE FOR A RAPID DIAGNOSTIC ASSESSMENT OF 'THE STATE OF THE STATE'.

One of the first CPAF-related challenges facing the United Nations system's senior leadership at the country level in the immediate aftermath of conflict is to arrange for a rapid diagnostic assessment of 'the state of the state' to determine how much of the country's existing public administration capacity has remained intact and to what extent its key CPAF-relevant institutions are performing their basic functions effectively under the prevailing conditions.

This diagnostic assessment should go hand in hand with the formulation of a fast-track assistance programme designed to safeguard pre-existing CPAF capacity and to restore CPAF functionality that was diminished or lost during the conflict. Such a restoration programme would need to start without delay and focus on that which is likely to produce concrete results within the first 24 months, while at the same time pave the way for a prolonged and gradual institution-building process (including public administration reform) that is likely to last a decade or more.

As discussed in section 6.6 above, the United Nations system has, thanks to the Post-Conflict Needs Assessment mechanism, an elaborate and time-tested instrument which is able to accomplish the dual task of undertaking both: (a) a fast-

159 As an example, a UNDP-sponsored proposal was included in the January 2008 Flash Appeal for Kenya following the outbreak of election-related violence. The project was entitled 'Enhancing the emergency response capacities of the Kenyan authorities'. Budget: US$ 500,000. Objective: government agencies capable of coordinating the emergency response and rapidly resuming their functions for longer-term development of the areas affected. Partners: Government of Kenya National Disaster Operations Centre, the government's Committee on Reconciliation, United Nations agencies and non-governmental organizations. Beneficiaries: 250,000 displaced persons and residential populations of more than one million.


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track CPAF assessment during the first few weeks of the post-conflict period; and (b) a more in-depth CPAF assessment as part of a larger and multi-sectoral PCNA.

The larger PCNA process has well-established funding arrangements, with each participating agency normally covering its own costs. But in the interest of speed and inclusiveness, this review recommends that the fast-track CPAF assessment be carried out through a pre-funded multi-agency mechanism, based on a joint project which could, for instance, be managed by UNDP (drawing on its TRAC-III resources[160]) and include cost-sharing from interested bilaterals. In this way, no delays will be caused by funding issues and it will be possible at short notice to include some United Nations agencies that are particularly relevant for the CPAF agenda, but which may not have funding readily available for this purpose (e.g., UN Habitat, UNCDF, UNDESA).

FAST-TRACK CPAF ASSESSMENTS SHOULD BE CARRIED OUT THROUGH A PRE-FUNDED MULTI-AGENCY MECHANISM.

These two CPAF assessment exercises will need to be carefully codified in advance, based on: (a) a solid rationale; (b) a detailed description of the preparatory work to be undertaken ahead of each new CPAF assessment mission; and (c) generic terms of reference laying out the parameters of the tasks to be accomplished in the course of the mission. Existing PCNA guidelines and protocols should be drawn upon for inspiration in the codification process.

United Nations agency participation in each rapid CPAF assessment would be context-specific and may thus change from case to case. But it is assumed that at least DPKO, PBSO and UNDP will participate in most assessments. Considering the central role that the World Bank and the IMF have increasingly played in post-conflict recovery efforts over the years, particularly related to macro-economic recovery, public financial management and civil service reform, there are evident advantages in having both Bretton Woods Institutions included in these efforts as well. It is therefore recommended that current discussions with the World Bank and IMF on post-conflict issues be expanded to include their joint participation or closely synchronized involvement in the proposed CPAF assessments, so that they become an integral part of any future inter-agency plan or protocol guiding international support for post-conflict CPAF.

CURRENT DISCUSSIONS WITH THE WORLD BANK AND IMF ON POST-CONFLICT ISSUES SHOULD BE EXPANDED TO INCLUDE THEIR JOINT PARTICIPATION IN CPAF ASSESSMENTS

160 UNDP's TRAC resources are allocated for special development situations (e.g., conflicts, disasters). TRAC refers to 'Target for Resource Assignment from the Core', i.e., UNDP's main funding pool.

6.8.3 DRAWING ON TRANSITIONAL AND DEVELOPMENT FINANCING FOR CPAF SUPPORT

Once the initial CPAF assessment has taken place and the concerned country's most immediate CPAF support needs have been determined, the attention of the senior United Nations leadership at the field level will turn to resource mobilization for the longer haul. The existing multilateral aid architecture offers a range of financing options for CPAF support during the first two years after the end of a conflict. They fall broadly within two distinct categories: (1) those that are 'development' in origin and accordingly have a prolonged time frame; and (2) those that are conceived in a more explicit post-conflict or peacebuilding perspective and therefore have a shorter time frame and are of a more transitional nature.[161] One of the main CPAF challenges for the United Nations system at this time is to determine how to optimize its efforts to restore core government functionality, drawing on both transitional and developmental funding at its disposal in the most flexible and results-oriented manner.

CPAF-relevant United Nations funding sources that are development in nature are more numerous, given the fact that public administration is an old and familiar development discipline. Among the most relevant United Nations sources in this category are: (a) UNDP's core funds and its Thematic Trust Funds for, respectively, Democratic Governance and Crisis Prevention and Recovery; (b) United Nations Capital Development Fund (UNCDF) resources earmarked for local development; (c) funding made available to UNDESA's Division for Public Administration and Development Management; and (d) special purpose contributions in this sector allocated by bilateral donors to UNDP, UNCDF, UNDESA and others.

The main challenge posed in efforts to attract funding for public administration activities in post-conflict environments from traditional development sources has been to substantiate that assistance for public administration purposes is both necessary and feasible in the less-than-stable environments prevailing in the immediate aftermath of conflict. But in the face of growing empirical evidence from institutional self-assessments and academic research, it is now increasingly accepted that statebuilding in general, and CPAF in particular, are legitimate and vital development objectives for United Nations support in the midst of the instability and uncertainties prevailing in the immediate aftermath of conflict.

THE MAIN CHALLENGE POSED IN EFFORTS TO ATTRACT FUNDING FOR PUBLIC ADMINISTRATION ACTIVITIES IN POST-CONFLICT ENVIRONMENTS HAS BEEN TO SUBSTANTIATE THAT ASSISTANCE IS BOTH NECESSARY AND FEASIBLE.

Taking into account the fragmented nature of the United Nations system and the fragmented aid architecture within the donor community, the Secretary-General's peacebuilding report made a strong appeal for "bold and innovative solutions" which – combined with "a higher tolerance of risk" – will "establish flexible, rapid and predictable funding modalities in countries emerging from conflict".[162] Those objectives are also reflected in an in-depth study commissioned by the Secretary-General and OECD and published in March 2012 under the title *International Support to Post-Conflict Transition: Rethinking Policy, Changing Practice.*[163] The study is based on extensive international consultations and reflects an emerging consensus on the steps and measures needed today to change funding arrangements and to improve the coherence of international responses across various policy principles and institutional mandates.

This review examined the full range of suggestions emanating from the OECD/DAC *Guidance on Transitional Financing*, the New Deal and the CivCap Review in an effort to identify those that – over and above their general system-wide reform objectives – are most relevant to ensuring increased and speedier funding for United Nations support to CPAF. On that basis, the following factors and suggestions are highlighted:

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161 In the context of transition financing, OECD/DAC defines 'transition' as follows: "A transition period spans across a broad spectrum of activities along the path out of conflict and towards sustainable development, greater national ownership and increased state capacity. This includes recovery and reconstruction activities that traditionally fall between the humanitarian and development categories, and security-related and peacebuilding activities". Refer to 'International Support to Post-Conflict Transition: DAC Guidance on Transition Financing – Key messages', March 2012: www.oecd.org/dataoecd/38/27/49372078.pdf.

162 Peacebuilding Report, paragraph 77.

163 *International Support to Post-Conflict Transition: Rethinking Policy, Changing Practice* was published as part of the OECD/DAC Guidelines and Reference Series, March 2012 (91 pages) – supplemented by a four-page summary entitled 'International Support to Post-Conflict Transition: DAC Guidance on Transition Financing: Key messages', www.oecd.org/dataoecd/38/27/49372078.pdf.

Work toward closer inter-agency collaboration: The DAC *Guidance on Transitional Financing* emphasizes that current financing instruments "are fragmented and designed based on institutional mandates, rather than on the objectives to be achieved". New approaches and funding arrangements need to ensure not only rapid responses, but also "more serious collaboration, joint analysis and willingness to be held collectively accountable to deliver results against agreed objectives". This can only happen if the United Nations system and others are ready to adopt "a collective approach across policy communities".[164] CPAF interventions represent a striking example where a collective approach across policy communities, such as Delivering as One, is critically important.

Include CPAF sections in transition compacts[165]: The New Deal Declaration and OECD/DAC advocate the use of transition compacts which constitute "light and flexible agreements between national and international partners (…) based on a collective agreement on key priorities and an explicit strategy for how, and from which instruments, implementation will be financed. Compacts reduce the risk of strategic failure, improve the focus on results and provide realistic steps towards stronger national involvement and leadership" – all essential steps towards more predictable resource flows. On that basis, it is recommended that all future transition compacts include a mandatory section on measures needed to ensure effective post-conflict CPAF.

Channel resources through multi-donor trust funds: The Secretary-General's peacebuilding report stated that "when resources are channelled through such funds, they can contribute significantly to predictability and coherence and facilitate alignment by directing funds towards a focused set of agreed priorities. If well-supported, multi-donor trust funds and other pooled funds can be the muscle behind a common strategic approach".[166] Moreover, it is also generally agreed that multi-donor trust funds serve to "significantly reduce transaction costs for both donors and host governments".[167] However, while CPAF support is important and catalytic within any United Nations post-conflict intervention, it does not warrant a separate funding window within the United Nations. Instead, it is recommended that a special CPAF module be included in all future post-conflict multi-donor trust funds to provide both host governments and donors with a simple and nimble funding source for support in this vital area.

ALL FUTURE TRANSITION COMPACTS SHOULD INCLUDE A MANDATORY SECTION ON MEASURES NEEDED TO ENSURE EFFECTIVE POST-CONFLICT CPAF.

164 *DAC Guidance on Transition Financing: key messages*, p. 1.

165 For a discussion on compacts, see: www.operationspaix.net/DATA/DOCUMENT/7026~v~Transition_Compacts__Lessons_from_UN_Experiences_Meeting_Notes.pdf.

166 The Secretary-General's peacebuilding report, paragraph 78.

167 OECD (2010 (a)), p. 16.

Allow flexibility so that capacity can be directed towards needs: The CivCap Review stressed the importance of United Nations leadership in the field being able to use resources flexibly, i.e. by being allowed – with ex post facto justification – to reallocate up to 20% of resources in the budget for civilian personnel.[168] In a rapidly evolving mission context, such a mandate would give an SRSG/DSRSG important new options (e.g., by means of Civil Affairs officers) for strengthening basic government functions at short notice.

Promote comparative advantage in mandate implementation: The CivCap Review stressed the principle of comparative advantage in mandate implementation. In many situations, this implies that the United Nations makes a deliberate effort to tap into local capacities, when practical and feasible, to solve pressing problems. Beyond that, it also implies that when a United Nations agency or others (e.g., non-governmental organization) have a comparative advantage in implementing a task mandated by the Security Council, the head of mission should be able to direct funds to that actor. Similarly, when a United Nations mission and its field personnel have comparative advantage in implementing a mandated task, heads of mission should be able to provide the necessary programmatic funds from assessed contributions for them to do so. This comparative advantage principle is a welcome development, aimed at breaking down counterproductive barriers in the current aid architecture and at promoting the "unusually high degree of cross-United Nations discipline" which is called for in such complex situations. The Secretary-General endorsed this principle in his response to the CivCap Review.[169] The implications of this policy for the promotion of CPAF are significant.

Establish succession funding arrangements: Finally, given the prolonged time horizon required for support to public administration and the much shorter time horizon typically applied within existing post-conflict funding windows, deliberate steps must be made to pre-plan an orderly succession of funding arrangements in this sector. It is recommended, therefore, that agencies most active in post-conflict CPAF agree to map out and codify a variety of pre-arranged dove-tail arrangements, i.e. options aimed at providing a realistic path for CPAF support provided in the immediate aftermath of conflict to be followed by a second (and even third) generation of CPAF assistance which will safeguard initial progress made and stay the course towards longer-term consolidation of the required CPAF-related institution building and modernization outcomes.[170]

6.9 DEVELOP COOPERATION WITH OTHER ORGANIZATIONS

The international community's growing interest in the essential role of CPAF in the immediate aftermath of conflict has largely been driven by a few multilateral institutions, supported both intellectually and financially by a small number of especially interested bilateral donors. The initial upsurge of interest occurred in the period 2005-2008 and was spear-headed mostly by the OECD/DAC, the World Bank and the United Nations. More recently, these three have been joined by the IMF, and lastly and perhaps most importantly by the G7+ group of fragile and conflict-affected countries. It is essential that the United Nations develop further its engagement with all of these actors to ensure that the United Nations system remains able to contribute to, as well as benefit from, the dynamic on-going learning process in this field.

What this implies vis-à-vis the other actors is spelled out briefly in the following paragraphs.

168 'Civilian capacity in the aftermath of conflict – Independent report of the Senior Advisory Group', February 2011 (document A/65/747–S/2011/85), recommendation 14, paragraph 61.

169 Report of the Secretary-General (A/66/311–S/2011/527), August 2011, states:"I shall issue appropriate guidance to heads of field missions and planners to apply the principle of comparative advantage in recommending how to go about discharging a mandate. The use of other United Nations actors, for example, to discharge mandated and budgeted functions for which they are well equipped, can offer practical advantages, including engagement with an entity often present in the country or area before a mission deploys and likely to be present after the mission leaves. Cooperative or joint planning, such as the development of an integrated strategic framework, should help to determine the comparative advantages of United Nations actors in the field. My priority will be to strengthen the ability of United Nations entities to plan, cooperate and work together in critical post-conflict situations."

170 This can be done in several different contexts, e.g. as part of existing multi-agency planning processes (such as the PRSP, the Integrated Strategic Framework, or the UNDAF) or as part of a multi-stakeholder transition compact as envisaged in the New Deal Declaration.

The G7+: The G7+ is clearly a key actor for developing more effective and timely support for CPAF, and has included CPAF functions as one of its five statebuilding goals.[171] The United Nations should consult further with the G7+ nations on this agenda item, in particular on the rapid post-conflict CPAF assessment initiative recommended above.

The World Bank: The World Bank has widely recognized strengths in public financial management issues post-conflict, as well as in other CPAF issues, such as human resource management, and has in recent years significantly developed its own work on peacebuilding and statebuilding, most visibly through the *World Development Report* process. In all the case study countries covered by this review, it was a recurring concern that work on post-conflict CPAF needs to be better coordinated between the World Bank and the United Nations. Thus, it is recommended that a United Nations-World Bank working group be established to hammer out the specifics, based on the broader recommendations in the *World Development Report 2011*, other recent World Bank reviews of post-conflict lessons learned[172] and this report, possibly under the auspices of the CivCap process.

IN ALL THE CASE STUDY COUNTRIES COVERED BY THIS REVIEW, IT WAS A RECURRING CONCERN THAT WORK ON POST-CONFLICT CPAF NEEDS TO BE BETTER COORDINATED BETWEEN THE WORLD BANK AND THE UNITED NATIONS.

The IMF: Until fairly recently, the IMF has maintained a relatively narrow, though essential, focus on macro-economic issues in post-conflict settings. However, the following are three areas in which better joint work between the IMF and the United Nations on CPAF issues could and should be explored.

First, the rapid CPAF needs assessment proposed by this review would benefit greatly from being done together by the Bretton Woods Institutions and the United Nations, or alternatively in a coordinated or parallel manner that will ensure synergy and a more truly multi-disciplinary response to the needs identified, particularly related to public financial management and aid coordination.

Second, the availability of quick-disbursing support from the IMF's Rapid Credit Facility[173] would serve to jump-start the restoration effort in key processes related to revenue and budget management. It would also bring technical assistance needs in this sector to the early attention of all three parties, each of which will have valuable contributions to make in areas of comparative advantage.

Third, it would be of major mutual benefit for any United Nations mission in general and for any SRSG/DSRSG in particular to remain in close contact with the IMF, especially prior to and during the IMF's periodic Article IV Consultations with each host government. The IMF will be able to draw on the United Nations mission's understanding and insights into the political and institutional realities in the host country, while the institutional context analysis of the United Nations mission will be enriched by the IMF's fiscal sustainability analysis.

CHAPTER 6: FINDINGS

- An existing deficit in coordination on CPAF is exacerbated by the fact that no operational United Nations agency has a mandated responsibility to ensure that support to CPAF is provided in the immediate aftermath of conflict, nor do frameworks for integrated support to CPAF exist. The review recommends that **at the level of the Policy Committee, a United Nations policy framework on support to CPAF in post-conflict environments is articulated, with country-level implementation entrusted to the Resident Coordinator/Humanitarian Coordinator.**
- To be effective, the policy framework needs to be complemented by the designation of an agency within the United Nations system that is mandated to take responsibility for leadership on CPAF issues post-conflict. This review recommends that **UNDP is requested to accept this leadership, provided it is prepared to resource and support the role.**

171 Peace and statebuilding goal no. 5 is entitled 'Revenue and Services' and aims to 'manage revenue and build capacity for accountable and fair service delivery.'

172 The World Bank is finalizing: (1) a lessons learned review on Institutions Taking Root (identifying what it takes to build successful institutions post conflict); (2) a study on governance and public sector reform in fragile and conflict affected states (towards better operational guidelines form practitioners); and (3) a study on public financial management in post-conflict environments.

173 For details, see www.imf.org/external/np/exr/facts/rcf.htm.

- It is recommended that the United Nations system develop a broader concept and architecture for statebuilding, acknowledging the growing demand for United Nations support to fragile states in this area.
- Accordingly, the review recommends that support to CPAF be treated as a priority in the United Nations system's main planning and prioritization processes (including the Integrated Strategic Framework and the Integrated Mission Planning Process), and that the in-country United Nations leadership be provided with the required capacity and expertise to make that happen. This priority should be appropriately manifested within the Integrated Mission Planning Process, e.g. by inclusion of CPAF objectives in the Integrated Strategic Framework and by the earliest possible creation of an effective Thematic Working Group on CPAF with Bretton Woods Institution participation.
- The increased attention to CPAF that this review recommends imposes on the DSRSG/Resident Coordinator/Humanitarian Coordinator (as well as on the field personnel of OCHA and UNDP in particular) a responsibility to ensure that **United Nations system support for CPAF restoration is well coordinated across existing peacebuilding/humanitarian/development lines of demarcation**
- As a corollary to a sharper focus on CPAF at the country planning level , efforts must simultaneously be undertaken in New York to ensure that **staff of the DPA's Security Council Affairs Division** – **when drafting and later revising United Nations mission mandates** – **and the Mediation Support Unit have ready access to expert knowledge and advice on the essential role of CPAF** in the overall peacebuilding process, and on the United Nations system's growing experience and emerging policy guidance on these issues.
- However, United Nations support to public administration, especially its role in institutionalizing and expressing the political settlement, requires an extension of current practice. In particular, **better analysis is needed on the links between the political process and state institutions.**
- The United Nations should develop a protocol for the rapid collection of basic data and capacity assessment of public administration (when possible with gender-disaggregated data), ideally with the involvement of the World Bank, the IMF and the International Network on Conflict and Fragility (OECD/DAC).
- **The United Nations needs to improve the sharing of analysis between missions and UNCTs.** The Resident Coordinator's office would seem to be the logical home to coordinate such functions, but United Nations agencies should also be helped to integrate these diagnostics into their own programme and project formulation and implementation**.** The United Nations Secretariat and UNDG should produce joint guidance on the content, production and distribution of United Nations political and institutional context analysis at the country level and on how best to apply these to relevant planning processes.
- As a standard practice, the United Nations should compile basic data on, and a description of, public administration in all conflict-affected countries where it is present and ensure that this is made widely accessible to the international community. As with the analysis, this information collection does not need to cover all elements of the administrative structure, but should at least enable the UNCT and the wider donor community to acquire a basic understanding of the current system and dynamics for use in the planning and programming of the UNCT.
- The review has concluded that the Post-Conflict Needs Assessment remains the best available entry point for a heightened focus on CPAF concerns in the immediate aftermath of conflict, especially if the three identified weaknesses can be remedied. Towards that end, the review recommends that **UNDP take the lead, in close cooperation with the World Bank and with DOCO, in the development of a distinct module within the Post-Conflict Needs Assessment with direct focus on special post-conflict CPAF needs**.
- CPAF represents multiple complex fields of activities, and the **human resource tools used to recruit expertise in this area must therefore also be improved**. Without that, the United Nations will continue to face the risk that in the search for expertise in the restoration of government, there is an over-supply of generalists with a strong grasp of the wider issues, but a serious under-supply of specialists with the requisite skills and experience to ensure that all aspects of the institutional machinery of a government apparatus are put back to work in the chaotic first weeks and months of the post-conflict era.
- It is recommended that **a United Nations-wide Knowledge and Learning Portal be established** which can serve as a permanent home for knowledge development and learning specifically on public administration/CPAF in post-conflict settings.
- This review recommends that **an inter-agency dialogue be initiated soon**, particularly involving the United Nations Emergency Relief Coordinator/OCHA and UNDP, aimed at ensuring that: (a) in the future relevant United Nations practitioners in the field will have at their disposal a certain number of technical templates for CPAF-rel-

evant early recovery assistance that are pre-accepted as eligible for funding from emergency assistance sources; and (b) governance and CPAF concerns will not only be included in the early recovery segments of future Consolidated Appeals Processes and Humanitarian Action Plans, but also backed up by proposals that are well justified and well designed.

- The larger Post-Conflict Needs Assessment process has well-established funding arrangements, with each participating agency normally covering its own costs. But in the interest of speed and inclusiveness, this review recommends that **a fast-track CPAF assessment be carried out through a pre-funded multi-agency mechanism.**
- It is therefore recommended that current discussions with the World Bank and the IMF on post-conflict issues be expanded to include their joint participation or closely synchronized involvement in the proposed CPAF assessments, so that they become an integral part of any future inter-agency plan or protocol guiding international support for post-conflict CPAF.
- It is recommended that all future transition compacts include a mandatory section on measures needed to ensure effective post-conflict CPAF. It is recommended that a special CPAF module be included in all future post-conflict multi-donor trust funds to provide both host governments and donors with a simple and nimble funding source for support in this vital area. Given the prolonged time horizon required for support to public administration, deliberate steps must be made to pre-plan an orderly succession of funding arrangements in this sector. The review team recommends, therefore, that **the agencies most active in post-conflict CPAF agree to map out and codify a variety of pre-arranged dove-tailed funding arrangements,** i.e. options aimed at providing a realistic path for CPAF support provided in the immediate aftermath of conflict to be followed by a second (and even third) generation of CPAF assistance which will safeguard the initial progress made and stay the course towards longer-term consolidation of the required CPAF-related institution building and modernization outcomes.

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DPKO The DPKO website on 'United Nations Peacekeeping' (www.un.org/en/peacekeeping)

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DFS Independent website of the Senior Advisory Group for the CivCap Review hosted by the United Nations Department of Field Support (www.civcapreview.org)

G7+ The recently created website of the G7+ Group of 19 conflict-affected and fragile states, titled 'Goodbye Conflict, Welcome Development' (www.g7plus.org)

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UNCDF The United Nations Capital Development Fund website's section on local government (www.uncdf.org/english/local_development)

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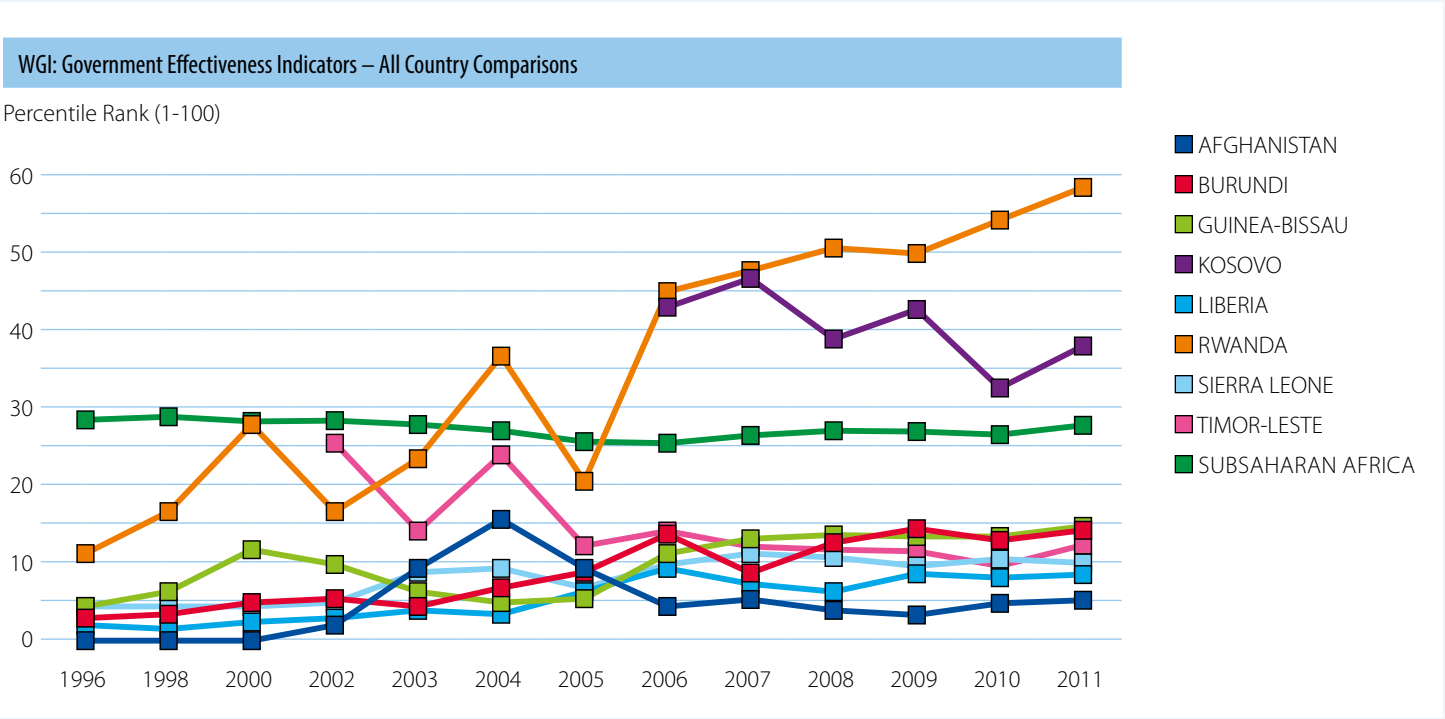
ANNEX 1 - COMPARATIVE DATA ON PUBLIC ADMINISTRATION

There are very few data sets that allow cross-country and temporal comparisons on the performance of core public administration functions for the case study countries, and those that exist have numerous methodological problems. Two widely cited indexes are the World Governance Indicators constructed by the World Bank and the International Development Association's Resource Allocation Index.

World Governance Indicators (WGI) – Government Effectiveness

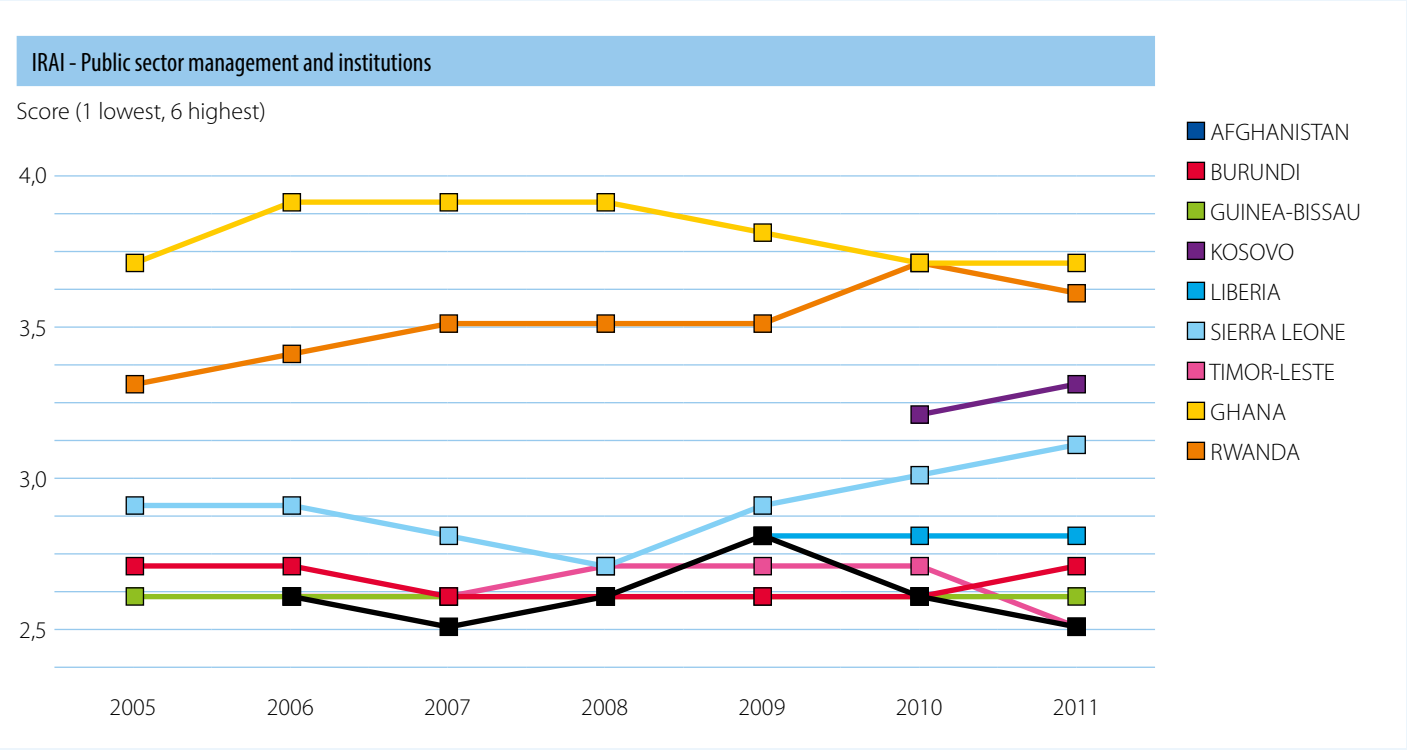
According to the WGI project: "government effectiveness captures perceptions of the quality of public services, the quality of the civil service and the degree of its independence from political pressures, the quality of policy formulation and implementation, and the credibility of the government's commitment to such policies." Below is a chart showing rankings of the government effectiveness indicators for the review countries over a 15-year period (as well as two other entities - Rwanda and Sub-Saharan Africa - for comparison purposes).



For details on the criteria and methodology used for the WGI, see: http://info.worldbank.org/governance/wgi/index.asp.

International Development Association's Resource Allocation Index (IRAI) – Public sector management and institutions

The International Development Association's Country Policy and Institutional Assessment rates countries against a set of 16 criteria grouped in four clusters: (1) economic management; (2) structural policies; (3) policies for social inclusion and equity; and (4) public sector management and institutions. The criteria are focused on the key factors that foster growth and poverty reduction. The overall score is referred to as the IRAI. The specific IRAI score for public sector management and institutions is made up of sub-scores for property rights and rule-based government, quality of budgetary and financial management, efficiency of revenue mobilization, quality of public administration, and transparency, accountability and corruption in the public sector. The chart below shows the IRAI scores for the review countries and two other countries (Ghana and Rwanda) for comparison purposes.



For details on the criteria and methodology used for the IRAI, see: www.worldbank.org/ida/IRAI-2011.html.

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