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Source: Derick Brinkerhoff, ed., *Rebuilding Governance in Post-Conflict Societies and Fragile States: Emerging Perspectives, Actors and Approaches* (New York: Routledge, 2007), 161-184.

8

REBUILDING AND REFORMING CIVIL SERVICES IN POST-CONFLICT SOCIETIES

Harry Blair

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The bottom line of the social contract between a modern state and its citizens holds that the state must secure the life and limb of its citizens, who in turn must give their first civic loyalty to the state.[1] In violent conflict both sides generally fail in these obligations, whether through inability or unwillingness to fulfill them, and it can take many years to reweave the social contract. It stands to reason, then, that the primary donor strategic objective in the post-conflict state has generally been to combine stability with an anti-poverty-oriented development program. The primary path to that objective has been to rebuild (or build) a state that is accountable to its citizenry, or in other words a democratic governance system. Very prominent among the institutions involved in that process should be the civil service, as the main agent delivering the state's obligations to the citizenry and encouraging the latter to accord legitimacy to the state. Surprisingly, though, while the international donor community has in recent years devoted much attention to the general problem of post-conflict reconstruction, it has given relatively little consideration to rebuilding and reforming civil services.[2] This chapter is intended to address this deficit.

The chapter opens by defining "civil service" and locating the post-conflict state within the general rubric of fragile state systems by employing several typologies and key concepts, in particular the "principal–agent" problem in terms of the civil service as agent. A second section explores a number of approaches to monitoring and accountability in post-conflict bureaucracies. The third and final section discusses these approaches as strategy options for donors.

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Definitions and typologies

Civil service

Definitions of "civil service" have varied from the British colonial concept of a small professional cadre of elite managers serving as the "steel frame" of empire (the Indian Civil Service) to an all-inclusive term covering everyone on any kind of government payroll. For simplicity's sake, I will employ the World Bank's definition of civil servants as "those personnel (outside public enterprises) whose salaries are supported by the central government's wage bill" (World Bank 1999: 1). This would include all "line ministry" (e.g. health, education, agriculture) employees as well as military and police personnel.[3]

Core state functions

In his introductory chapter to this volume, Brinkerhoff lists three core functions a state must undertake if it is to be a sustainable enterprise: assuring security; achieving effectiveness; and generating legitimacy. All three functions are dependent on a civil service. Security needs an operational police power and justice system; effectiveness as used here means delivery of essential services like water, health, sanitation, electricity, and education; and legitimacy requires a state to provide political governance that citizens are willing to accept as valid. In this chapter, our main interest centers on service delivery.

State legitimacy and accountability

For a state to be sustainable over time and promote development that will benefit the population as a whole, it must be accountable to its citizenry. The World Bank posits that there are two basic routes to accountability, as shown in Figure 8.1.[4] In the "short route" citizens/consumers deal directly with the providers (private firms, NGOs, INGOs, international public agencies, the state) in acquiring services by purchase or – especially in the early days of post-conflict assistance – by relief distribution. In the "long route," consumers exercise "voice" (participation in the political process) to influence the state (i.e. the legislature or the executive directing the bureaucracy) to offer services through arrangements (a "compact") with providers.

The short route is the most direct one, and, when the state can maintain the necessary operating conditions (property and contract rights, monitoring quality standards, e.g. for medicines), it provides the best way to distribute the goods and services that can be allocated through a market. For the services that cannot be allocated through a market – particularly those enumerated above as the "core state functions" – the long route is the preferred one, because it allows the citizenry to set the rules of behavior through representative government. And even when a market-managed short route is best, the long route must function to assure that the short route will be maintained in good working order.

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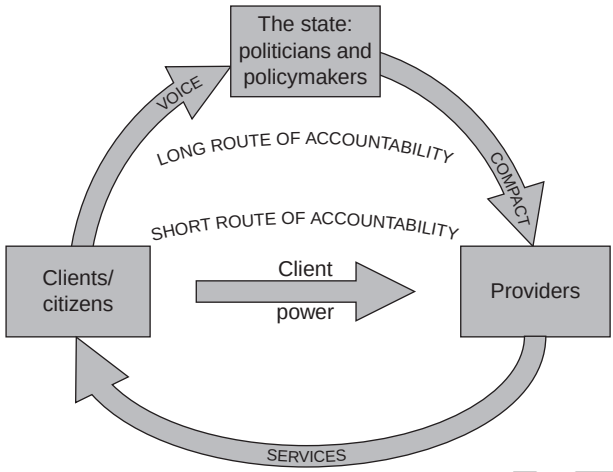

Figure 8.1 The long and short routes to accountability for service delivery (source: Adapted from World Bank (2004: 49)).

The central role of a civil service is to keep the right side of the long route operating and maintain the conditions for a smoothly functioning short route, as indicated in Figure 8.2. This role can be a large one, where various echelons of the civil service draw up the rules to implement the broad policies determined by the political leaders, operate the organizations to deliver services, and finally provide the services to consumers. Examples would be policing, public educa-

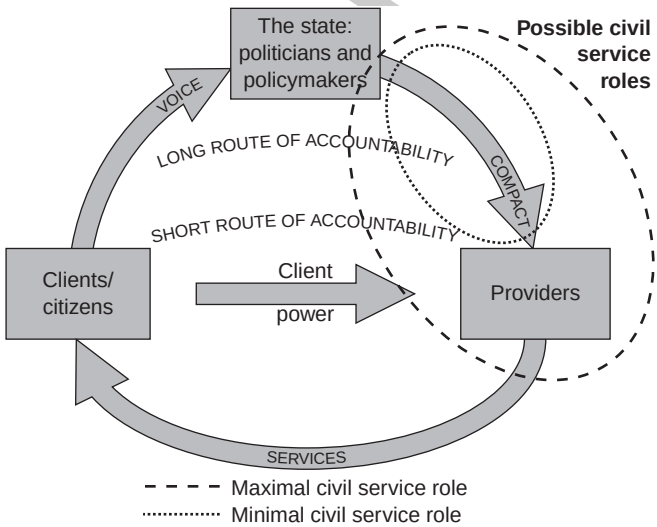

Figure 8.2 The long and short routes to accountability for service delivery: civil service roles (source: Adapted from World Bank (2004: 49)).

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tion, or a public sector railroad. The civil service role could also be quite minimalist – though nonetheless essential – as in overseeing a private sector pharmaceutical industry, and ensuring that drugs in the pharmacopoeia are up to standard.

The principal–agent problem

Over the past couple of decades, a leading paradigm for analyzing organizational behavior has been the "principal–agent" concept. In this approach, the principal (e.g. a municipal council) sets the goal (solid waste disposal) and assigns an agent (sanitation workers) to carry out the task. Agents are assumed to be individual utility maximizers who – given the opportunity – will use any opportunity to benefit themselves rather than the principal, by shirking, rent-seeking, offering goods of deceptively low quality, and so on. The principal's task, accordingly, is to shape the agent's incentive structure so as to align the latter's interests with his own (e.g. through close monitoring, piecework pay, soliciting consumer complaints).

The long and short routes illustrated in Figures 8.1 and 8.2 easily lend themselves to a principal–agent interpretation.[5] The first principal here is the citizenry, which through the long route exercises control of the state as its agent by exercising "voice." The state, in turn, acts as principal in its "compacting" relationship with providers. In the short route, the citizen/principal uses the provider directly as his agent.

A key assumption in principal–agent analysis is "methodological individualism" – the idea that each agent inherently maximizes his/her own individual self-interest, which of course does not necessarily coincide with the interests of the principal (or those of the organization, which may differ from the principal's, e.g. in a turf battle between bureaucratic agencies). The remedy for the principal, according to public choice theory, the dominant analytic perspective at present, is to impose transparency and monitoring to keep the agent in line. An older solution, as Fukuyama (2004: 61ff.) points out, is for the principal to encourage group norms that inspire agents to cooperate in common cause, as with an athletics team or a military unit.

The principal–agent approach faces two problems in a developing country context, even in normal times. First, methodological individualism is to a very large extent the product of Western development over the past two centuries. The prevailing orientation in many, perhaps most, developing countries with their neo-patrimonial cultures is one that may be described as "methodological clientism,"[6] in which individuals' basic motivation is not so much for self as for the kinship group – nuclear and extended family, then, in wider circles, community, caste, and tribe – while their *modus operandi* is to work not as part of an achievement-oriented organization but as a client serving a patron who will advance their interests in return for loyalty and support.[7] Not that self is unimportant (as anyone who has witnessed the lifestyles of developing country

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elites can testify), but patronage and its handmaiden corruption are at least as important in societal terms and arguably more so.

The second problem stems from degree of discretion and transaction intensity involved in providing services of all types, as shown in Figure 3.[8] In providing a service, the agent has a degree of *discretion* that can be quite narrow (e.g. inoculating children in a health campaign or serving school lunches) or very wide (deciding how much to emphasize preventive vs. curative medicine at health clinics or teaching primary school students). The former are easy to monitor and to gauge outputs and outcomes for. The latter are difficult in terms of either task (who can tell what is the real trade-off between preventive and curative efforts at village level or how much the pupils have actually learned in terms of useful life skills?). The range involved constitutes the vertical dimension of Figure 8.3.

The horizontal dimension captures the *frequency* of transactions involved. Some activities involve only a few decisions (though each one may be exceedingly complex), as in setting interest rates at the central bank or determining the national health strategy, while others require dozens or even hundreds of decisions daily, as with the policeman on the beat or the primary schoolteacher in class. Earlier efforts at civil service reform wanted to move activities upward and to the right (Figure 8.3); that is, to reduce discretion and increase the services provided, or in other words to routinize procedures by training and make them more available to the public by making the bureaucracy more efficient. This is the "Weberian imperative" in the figure, for which the extreme form would be Taylorism in the upper righthand corner.[9]

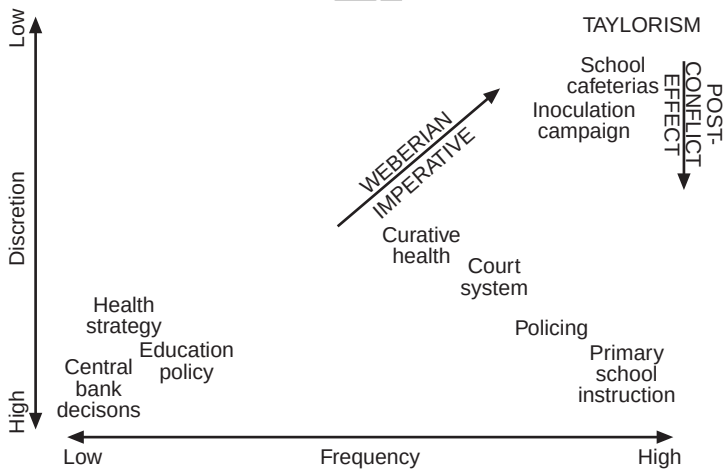

Figure 8.3 Transaction discretion and frequency for various sectors (source: Author).

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The post-conflict difference

In fragile states generally, and in post-conflict states especially, the long route is beset by difficulties citizens face in exercising voice vis-à-vis the state and by problems of patronage and corruption in the compact arrangements between the state and providers. A weakened bureaucracy is less able to offer services to begin with (transactions decrease) and the scope for discretion grows as monitoring becomes less feasible. Even the most routinized procedure, if available at all, becomes snared in even more corruption and patronage, as individuals with their families seek desperately to become clients in order to grasp at any hint of available public service. In terms of Figure 8.3, things move downward and to the left. As a consequence, state capacity drops sharply.

The donor community and post-conflict assistance

Into the post-conflict situation come the donors, generally with large initial aid flows at the outset, which are critical in providing first relief and then reconstruction, especially inasmuch as private investment flows – whether from within the country or without – are typically at low ebb in the immediate post-conflict environment. In the immediate post-conflict period, official development assistance zooms up, drops gradually for a couple of years, and then falls precipitously as donors lose focus, other world crises emerge, and funds are diverted elsewhere.[10] Private investment funding takes an almost opposite course, timid at first (except for some quick-return opportunities such as cell-phone systems), and then gradually picking up tempo as conditions normalize and investments seem more secure. The strategy implication for donors is that the immediate post-conflict period offers a brief policy window in which they can use the leverage of their assistance to press for civil service (and other) reforms. After just a few years, however, private investors have become the major players and will have begun using their resources to affect host government policies, displacing the donor community as the primary change agent.

Donors in the immediate post-conflict environment, facing a mandate to provide first relief and then essential services, find themselves making a choice between working through the institutions in place before and during conflict, or setting up ad hoc structures to do the job. Given the decrepitude if not outright absence of state institutions (certainly in the initial post-conflict phases), choosing the second option becomes the obvious choice. These alternatives may seem like the long and the short routes of Figure 8.1, and the choice taken may appear to embrace the short route but it in fact constitutes a third answer to the challenge of service provision by replacing both accountability routes with the donors themselves, as shown in Figure 8.4. For the donors have now become the principals, with their ad hoc providers acting as the agents, both within the state apparatus and as direct providers (hence the two funding arrows in Figure 8.4). Consumers have little power over providers, who are now accountable to the donors.[11]

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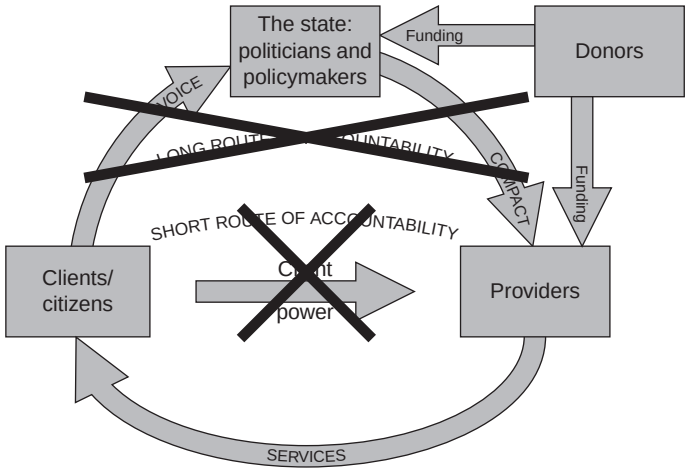

Figure 8.4 Post-conflict accountability for service delivery (source: Adapted from World Bank (2004: 49)).

Donors know that they must start immediately on building in-country capacity to deliver services, and in general there are at least four distinct ways to do this (Mckechnie 2003):

- build capacity *directly* by investing in government institutions;
- build *temporary* capacity by hiring from diaspora or foreign nationals;
- buy capacity by *contracting out* to the private sector or NGOs (domestic or more likely foreign);
- bypass weak government altogether and have *donors* do it themselves.

The first option amounts to reconstructing (if the previous state was democratic) or constructing (if it was not) the long route of Figure 8.1. The other three ways comprise variants on the short route. In some areas, notably the first and third of the "core state functions" noted earlier, donors have no choice. These functions – security/justice, and political governance – must be provided by the state.[12] In anything other than the shortest of terms, the long route is the only route to take in offering them. Only the second function – "essential services" – presents a choice between the two routes.

This "essential services" function comprises the overwhelming majority of what the state is obligated to provide for its citizens – health, education, transport, energy – taking up the largest portion of the budget and the highest proportion of civil service employees at all levels, and it is here that donors can choose from among the several options listed above. Immediate efforts in the health sector (e.g. combating epidemics, cleaning up polluted drinking-water), transportation (repairing main roads and bridges), energy (reconstructing the electric

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grid), communications (restoring the telephone system), even agriculture (re-establishing seed distribution networks) can be jump-started by donor-supported contractors, NGOs, or even donors directly (e.g. army engineers replacing damaged bridges). Some monitoring will be required, of course, to ensure that funds are properly spent, but initially donors can perform that function as well.

To sum up the discussion so far, the post-conflict situation tends to be characterized by:

- A host of immediate needs in all sectors, from security to food supply to health.
- A population desperate for assistance, especially in basic needs such as potable water and emergency medical treatment, and to a large extent more than willing to abandon Weberian expectations for engagement in patron–client modalities for service allocation.
- A civil service woefully short of skilled personnel, equipment, even basic necessities such as lighting, paper, and pencils.
- A prostrate economy with little employment or liquid assets.
- A rapid increase in discretion allowed to service providers, who can turn their ability to allot a scarce supply of needed services among many anxious supplicants into rent-seeking opportunities.
- Rapidly escalating levels of corruption as citizens pursue all possible avenues to obtain scarce services; whatever had been allocated according to Weberian bureaucratic norms (with perhaps a small bribe, such as an electrical hook-up or a vehicle registration) has now become subject to intense competition and much more serious venality.

In such circumstances, it is scarcely surprising that donors come quickly to rely on outside providers to get essential services back up and running, or even indeed that a post-conflict country finds itself with what amounts to a "second civil service" of NGOs and contractors performing the tasks that the original civil service had once undertaken.[13] Further downsides ensue:

- The "second civil service" comes at a much higher price than the first, as expatriates will not provide their expertise without high pay checks and living costs.
- Seeking to hold down expenses, donors hire local expertise wherever it can be found, but that often means raiding what is left of the already decimated first civil service, thus further weakening it.
- What accountability exists can only be exercised by the donors, as indicated in Figure 8.4. The long route is inoperative altogether, and even the short route only functions sporadically, for desperate citizens are in no position to exercise any accountability against providers.
- Everyone knows that the first civil service urgently needs thoroughgoing reform, and many understand that any serious reform is best done (and most likely only done) at the very outset of the post-conflict period, before things

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become locked in; but this is clearly a long-term task, while services must be provided in the immediate present, so reform is all too likely to be relegated to the back burner.

- In the meantime, as the first civil service slowly comes back to life, the discretion its members can exercise becomes if anything wider amid the confusion attendant upon restoring some kind of normality. The potential for corruption continues to grow.

The basic challenge, then, is how to reduce discretion among service providers involved with high-volume transactions, not necessarily to Weberian standards (that would be impossible anyhow for so many inherently high-discretion functions like primary schoolteaching), but at least to a position where services are in fact provided, rent-seeking is reduced to an acceptable level (it would be utopian to think it could be removed altogether), and providers are accountable in some workable fashion. Donors have a number of strategies for facing the challenge, both for providing services and assuring accountability, which will now be taken up.

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Approaches to monitoring and accountability in service delivery

Before agent/providers can be held to standards for their work and rent-seeking can be reduced, there has to be some way(s) for principals to ascertain what they have done and failed to do – in short, monitoring. Francis Fukuyama (2004: 59ff.) offers a number of options for monitoring, whether the principal is a donor or the host country government. With some additions, they are presented here in order of monitoring difficulty, beginning with the easiest, as shown in Figure 8.5, first for service delivery mechanisms, as shown in Table 8.1, and then for accountability mechanisms, as indicated in Table 8.2.

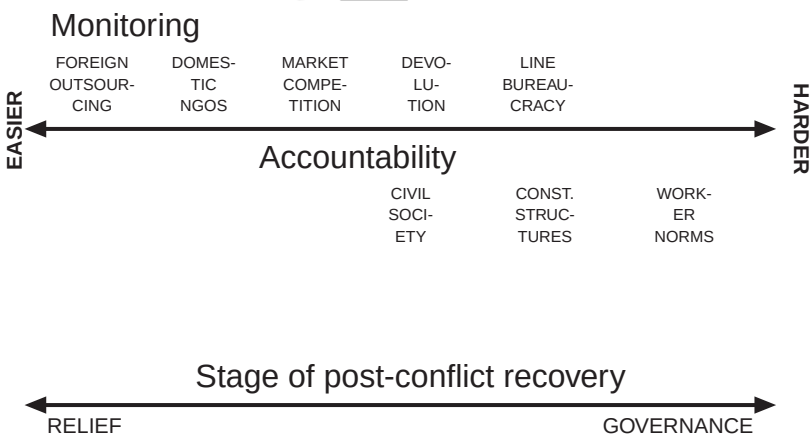

Figure 8.5 Monitoring and accountability dimensions for service delivery (source: Author).

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Table 8.1 Post-conflict service delivery mechanisms

Strategy	*Advantages*	*Drawbacks*	*Civil service role*	*Monitoring principals*
Contracting out ("outsourcing" to foreigners)	Quick start-up Quality work Least corruption	Most expensive No host-country capacity built Dependency Unaccountable to state or citizenry	Marginalized by "second civil service"	Donors
Domestic NGOs	Quality work Cheaper than foreigners Flexible work force Less corruption	More expensive than state provision Cannot cover entire need	Marginalization as above	Donors, then accountability mechanisms shown in Table 8.2
Private sector competition	Consumer choice ensures quality and affordability Market as monitor	Market failures Imperfect consumer knowledge Insider privatization sell-offs	Minimal involvement Easily corrupted	Market
Devolution	Services tailored High flexibility Citizen control Shorter route to accountability	Local elites become principals Corruption localized Increasing inequality between localities	Local expansion Fragmentation of career services Opposition to decentralization	Local citizens
Line bureaucracy	Experience in place Incremental expansion feasible	Bad habits endure Serious reform more difficult later on	Main service delivery agency	Accountability mechanisms shown in Table 8.2

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Service delivery and monitoring

Contracting out to foreigners

Donors can engage foreign private firms and/or NGOs to provide services, making contracts with reliable organizations that can maintain high levels of accountability for what they do. Intimately familiar with international standards, they can get their operations quickly up to speed, keep reliable records, do their own self-monitoring, manage honest procurement processes, and in general adhere to a high degree of probity.

Of course, these same foreign contractors are also extremely costly, generally do nothing to build up host-country government capacity (in fact they often undermine it by hiring away the more able civil servants), and tend to create dependency among both beneficiary populations and host country governments. And while as agents they are accountable to donors as principals, they can never become accountable to the state, which could never afford to pay their costs. The civil service remains at the margins, superseded by this "second civil service" of foreign providers.

Domestic NGOs

Although they will take longer to gear up to an acceptable level, domestic non-governmental organizations have many advantages. They can also do quality work (if perhaps not as professionally), and can do it at lower cost than foreign contractors. They are generally less prone to corruption than the civil service, and at the same time are more flexible, since their employees have no rights to tenure or due process, and in the uncertain post-war situation they are anxious to hold on to their jobs, however temporary. In many ways they are a good follow-on to foreign contractors, as donors begin to phase down their assistance budgets.

However, they tend to be more expensive than the civil service, and like foreign contractors they tend to marginalize it, perhaps more so in that they may stay on for long periods delivering services that in the pre-conflict era had been provided by the bureaucracy. While NGOs can be very effective, they cannot really cover more than a fraction of a country's total service needs.[14] Monitoring is likely to be the province of donors, at least at the beginning when outsiders are paying the bills, though the host-country government may be expected to take on a larger role over time.

Competition

Some services can be privatized, either in part or completely, so that the consumer becomes the direct principal and the market does the monitoring. Private transportation companies can be invited to compete against government bus

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operators, and private schools can be certified to enable competition with public schools. With the buses, riders can decide whether to ride public or private transport, thus forcing the two to compete with each other. With the schools, things are not so straightforward, in that public schools are generally free, while private operators run on tuition fees, so the competition is less than fair, though in many countries the cost of books, supplies, and uniforms for public schools makes up part of the difference, and the need to pay schoolteachers extra (as well as illegal) fees for private instruction to supplement deficient public schools' classes will make up more. In the United States, experimental voucher systems introduced in the 1990s award parents a stipend for each child, which may be spent in either public or private schools, further leveling the playing field, but this kind of scheme would be difficult to manage in most developing country settings, to say nothing of post-conflict situations. A bolder kind of competition can be induced by privatizing a whole sector, as with bus lines or a government airline. In these cases, the market may be relied upon to do the monitoring, with firms offering superior service and flourishing, while those providing inferior service will decline. The World Bank's short route to accountability is all that is needed.[15]

The bureaucracy will face large-scale lay-offs in the privatized sectors, and the reaction of retrenched civil servants may be intense and even violent. Those that remain will be charged with monitoring the newly privatized activities to make sure they are up to an acceptable standard (e.g. non-polluting buses, safe airplanes, achieving pupils). Naturally, such an assignment will also provide opportunity for rent-seeking abuses, whereby state inspectors take bribes in return for issuing bogus certificates of compliance.

Sometimes the market can monitor effectively, but as always there is the risk of market failure of one sort or another. Will one competitor attain a monopoly position which may then be exploited to public disadvantage? Will two or three competitors collude to form an oligopoly that does the same thing?[16] Will the consuming public have the knowledge to differentiate among providers (presumably it can with public transport, but likely not among illiterate parents choosing between schools). A second problem comes all too often with the initial privatization effort itself. Public assets can be sold off for a song to cabals of insiders, who then have little incentive to husband their cheaply acquired possessions, instead salvaging what is immediately worthwhile and ignoring or abandoning the rest. Services do not get provided as they had been, and accountability disappears altogether. The civil service has little more role than with the outsourcing option. At best it will monitor service delivery on behalf of the state (e.g. ensuring that private bus fleets maintain clean-air standards, overseeing adherence to education test standards), but corruption comes easily with such assignments, and aside from some rent-seeking opportunities, the civil service is not likely to have a large role to play.

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Devolution

Decentralization, if properly done, moves both responsibility and resources for service provision to lower levels of governance.[17] Local government institutions become the principals, while decentralized civil service personnel become the agents. Services can be tailored to local conditions in ways that centralized management could never accomplish, and the providers can be held accountable for what they do by representative local councils. The whole loop of the long route is shortened and made manageable.

At the same time, however, devolution has to face the question of just who are the principals. Are agents really accountable to representatives of an engaged public exercising its voice in determining public policy? Or have local elites managed to seize control of the new machinery, turning it into another avenue for exercising patronage? Can corruption be brought under control, or will it merely move along somewhat different channels? There are further questions as well. Will devolution lead to unacceptable regional inequalities, as some localities inevitably do better than others over time, thus increasing possibilities for renewed conflict? The total number of civil servants will probably expand as local government units take on more tasks in responding to citizen demand for public services. But the civil service cadres, now cut off from their mother line ministries and their previous career tracks, find themselves fragmented and reporting to local councils. Hopes for eventual promotion to the capital city (and in many cases the higher levels of graft that come with higher ranks) are dashed. How will they react to such reverses and with what consequences?

Line bureaucracy

This option represents a return to the status quo ante for most countries. The civil service continues to deliver (or recovers its position in delivering) essential services in health, education, infrastructure provision, and so on. Once the security situation has become normalized, the civil service can draw upon its experience and expertise, and quickly take over from whatever contractors or NGOs may have provided in interim services. If expansion is called for, incremental hiring can bring in new groups that have to be accommodated in a peace accord or de facto settlement, and the bureaucracy can expand to take on new tasks as needed (e.g. an environmental protection agency).

The downside, of course, is that all the bad habits – corruption, ineffectiveness, shirking – will return as well. The answer, of course, is thoroughgoing civil service reform, but from the donor standpoint, reforming the bureaucracy will probably be more difficult than any of the first three options listed here. Contracting, privatizing, and even devolution will seem simpler.

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Service delivery and accountability

The options shown in Table 8.2 are not service delivery agencies but rather "long route" accountability mechanisms ensuring that service delivery takes place at an acceptable level of quality for the four methods discussed above.

Civil society

When it works, competition forces agents to monitor each other in the interest of their principals, who are consuming the services provided. Civil society takes a different route, in effect organizing principals by bringing them together to promote their interests vis-à-vis providers. Parents put pressure on a school system by forming a parents' association. Water users do the same with respect to the agency managing an irrigation system. Neighborhood groups press for better waste collection, water delivery, and police protection.

Success for civil society advocacy depends on a suitable enabling environment to guarantee the right of association, autonomy from state control, and so on. It also depends on a free media so that citizens can gain and share information about what the state is doing and not doing. Its main attraction for donors in the context of monitoring and accountability for service delivery, however, is its relatively low cost and its central role in democratization generally. Generally there are at least some civil society organizations (CSOs) already on the scene, or at least groups that can become CSOs with a little training, so program expenses are not large and the preparation time is not lengthy. In addition, civil society operates on a continuous basis as a democratic engine, constantly demanding accountability to the citizenry. It is not subject to an electoral cycle

Table 8.2 Post-conflict service delivery accountability mechanisms

Strategy	*Advantages*	*Drawbacks*	*Civil service role*
Civil society	Citizens become principals Low donor cost Easy programming	Dependent on enabling environment, media Elite CSO bias "Demosclerosis"	Kept in line by CSO monitors
Constitutional structures	Legitimacy – ideal longroute to accountability Monitoring by representative bodies and rule of law	Costly Long maturation Flagging donor interest over time Difficult to get right constitutional formula	Subject to executive direction, legislative and judicial oversight
Bureaucratic worker norms	Self-monitoring professionalism Less need for the long route	Social capital needed Very long time frame Moral economy possibly neo-patrimonial	Legitimacy through probity

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or to the long delays characteristic of court systems. Thus it is easy to see why post-conflict donors find civil society an attractive strategy option.

But will CSOs represent the society as a whole? Donors do tend to emphasize poor and marginal elements in their civil society programming, it is true, but how representative are the CSOs they assist? Do women's organizations advocate for women generally, or are they more active on behalf of elite women (who usually form the core leadership of such groups)? One can ask the same question of ethnic minority CSOs, professional groups, or small farmers. One can pose these questions differently to ask whether CSOs will help minimize discretion on the part of civil servants (or service deliverers of whatever stripe) and steer them toward Weberian norms of behavior, or will they tend to steer them more toward satisfying the interests of their own groups – perhaps even the interests of elites within their groups – at the expense of the public interest? In other words, will they produce more gridlock and "demosclerosis" than realization of the public good?[18]

CSOs could serve as a system's main monitoring agency under any of the approaches outlined in Table 8.1 except foreign outsourcing. In all the others, accountability is domestic, so CSOs could conceivably take on a watchdog role with respect to competition, devolution, constitutional structures, or worker norms. But it is when the state itself is the main delivery agent that civil society assumes its most effective role as a monitor of civil service performance and as a force demanding accountability. The private sector is often too opaque for civil society to observe well, and devolution so fragments service delivery that it is difficult for civil society to spread itself thinly enough to monitor effectively. But with line bureaucracy and the constitutional structures discussed below, civil society can exercise a critical monitoring role.

Constitutional structures

Elections, representative legislative bodies, and legal systems do not themselves deliver services, but they comprise the main political (as opposed to civil society) structures for monitoring delivery and the ultimate institutions through which citizens can exercise accountability. Voters collectively can eject from office those who fail to provide satisfactorily for service delivery and individually can bring legal proceedings to compel performance. This is, after all, the essence of the long route to accountability.

Setting up electoral structures has by now become something of a production line industry among donors in recent years, and, all things considered, quality control has been impressive. Even in countries with virtually no electoral experience, it has been possible to set up and run reasonably free and fair post-conflict elections, as in Mozambique, although the results may not always be to the donors' liking. In states with some electoral history, these processes have by now become almost routine, as is attested to by many success stories in election assistance. It is what comes after a free and fair election that has caused so much difficulty. Legislatures that demand accountability from the executive on behalf

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of the citizenry and courts that enforce it have taken much longer and have proven much harder to attain than running elections. Furthermore, not only does this kind of institution-building take much longer, it is also much more expensive and takes a much higher level of political will to secure. If donors, political elites, and civil society can stay the course in keeping structural development on track, the long route to accountability will be realized, and the civil service will become subject to executive direction, legislative rule-setting, and judicial oversight. Combined with effective civil service monitoring, this is a very good formula indeed for accountability, but the time requirements tend to be too great for this path to fit into the post-conflict repertoire in most countries. Exceptions would be countries such as Croatia or Serbia where much of the constitutional infrastructure is already in place and can be reconstructed.

Worker norms

Whereas principal–agent thinking assumes agents are inherently individualistic self-seekers at the expense of their principals whenever possible and thus need monitoring, Fukuyama (2004: 63ff.) looks elsewhere, wondering why it is that in many institutions' agents do not shirk wherever they can but instead seem to act according to some kind of group norm of behavior. Why don't professors all go to sleep on the job once they have tenure? Why does professional pride so often induce workers to do more than is necessary? Why do policemen take more risks than is necessary? In the extreme case, why do soldiers sacrifice themselves for their comrades? His answer is that: (1) social capital produces a moral order that acts as a filter in determining behavior in many organizations, and (2) in successful organizations, leadership reinforces the group norms.

To the extent that they function, worker norms are the best monitor of all, since they amount to self-monitoring. And they exact the highest standards of accountability since they are self-enforcing, and the civil service attains legitimacy through professional probity and elán. But these norms assume social capital, and in fact they assume social capital of a particular kind that cements one's interest with that of co-workers and professional colleagues. Other, more common kinds of social capital strengthen ties with one's family, community, tribe, or kinship group.[19] The first can (and does) makes for a public-oriented moral order, while the second promotes what may be termed a familistic moral order. The latter type of course is the one commonly found in post-conflict societies and leads agents to steer their behavior even further from Weberian standards than mere individual greed. Indeed, it can make "methodological individualism" look like beneficence. It does generate a kind of long route to accountability, but this perverse neo-patrimonial path leads from particular familial (or caste/kinship) groups through patronage to the state and back down through the providers to the clients and consumers as indicated in Figure 8.1. Accountability is there, but only in distorted form and only to those tied into the reigning patron–client network.

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How can that first type of social capital be built in a civil service? It has happened, as with the Cornwallis reforms in India at the end of the eighteenth century leading gradually from the legendarily corrupt colonial "nabobs" of Robert Clive's era to the Indian Civil Service, noted for its professionalism, integrity, and social capital – much of which carried over into the Indian Administrative Service and the Civil Service of Pakistan following the partition of 1947. One could also point to the transformation of British and American national-level bureaucracies from their egregious corruption of the mid- and late nineteenth century to the trustworthy organizations they had become by the early twentieth century. Perhaps a more relevant case would be that of Taiwan. The Nationalist government bureaucracy was notoriously corrupt back on the mainland and in the early days after the flight to Taiwan, but by the beginning of the twenty-first century had attained a ranking above Italy in the Corruption Perception Index. Still shorter in length of time was the experience which Judith Tendler (1997) reports in northeast Brazil, where good leadership and (more importantly, she finds) a combination of decentralization, local civil society, and continuing involvement of higher level government forged a remarkable improvement in civil service dedication and performance. But even here the whole process took almost a decade to show real results. So these were long-term processes, not to be taken up lightly by donors with short program attention spans. However, the inculcation of professional worker norms along with democratic constitutional structures shows the direction in which reform must move. In the end, if some kind of internalized norm cannot be realized within the civil service, external monitoring of whatever severity will not be enough to build integrity within it.

The donor challenge

The strategic challenge facing donors in post-conflict interventions is to gauge how far and how fast it will be possible to move along the axis of Figure 8.5, as donor interest changes from *relief* to *governance*. Before progressing further, however, it should be clarified that the eight positions in Figure 8.5 (and correspondingly the five rows in Table 8.1 and three rows in Table 8.2) are not intended to be strictly sequential, nor are they meant to be hierarchical. For example, devolution does not replace competition, nor is it somehow superior to the latter. Rather, Figure 8.5's gradation moves from easier- to harder-to-implement, so it makes sense for donors to consider taking them up conceptually and to some extent chronologically in the order shown.

Donors and service delivery mechanisms

In the first stages of post-conflict assistance, when donor agencies feel intense pressure both on the ground and from back home to deliver critical services, and also when funding is relatively flush, *foreign outsourcing* will be the obvious

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choice. The extent to which contractors will be needed will vary greatly, of course, from situations like Afghanistan (where the domestic bureaucracy was shattered after decades of war and misrule) or Timor Leste (where it largely decamped along with the rest of the departing Indonesians) to various Balkan states like Macedonia (where it remained essentially intact). In the first two cases outsourcing was needed for almost everything, while in the latter it was hardly needed at all. Wherever much outsourcing is done, whatever exists of the earlier civil service will feel marginalized by the influx of resource-rich and highly remunerated outsiders. Because they are so expensive, however, the contractors will have to be replaced fairly quickly, thus reducing the threat of a "second civil service."

Domestic NGOs present a very attractive option for donors. Foreign contractors and NGOs can hand over operations smoothly as local NGOs get up to speed, donors can exercise a fair degree of control through their assistance mechanisms, costs become reasonable (at least compared to the foreign contractors), and the work done is generally acceptable in terms of quality. In addition, donors feel comfortable working with NGOs; there is a great deal of experience – much of it quite successful – to draw on.

But the marginalization issue will continue to exist, as civil service personnel feel less favored by donors and resent the higher salaries generally being drawn by their domestic NGO counterparts. There is also likely to be a "creaming" problem, as NGOs use their higher salaries to retain the best qualified people (often raiding the state bureaucracy) and select the best sites for their service delivery activities (urban areas, more progressive villages, marginally poor people as opposed to the truly destitute). The civil service, which will have to be the residual service provider, is left with fewer well-qualified personnel and less favorable places to work. In the short term, though, working with NGOs on a large scale as service delivery mechanisms allows donors to put off the messy and unpleasant prospect of dealing with civil service reform.

Private sector competition is also relatively easy to implement, in addition to fitting nicely within the "Washington consensus" on development policy. Moreover, privatization offers an excellent opportunity to eliminate wasteful subsidies. Finally, some services are likely to operate better in the private sector, such as bus transportation, or perhaps agricultural input provision. But donors and host-country governments will face several serious obstacles in any attempt at privatization. First, consumers will be angry at losing subsidized bus fares or artificially cheap irrigation water. Second, retrenched civil servants are sure to protest, perhaps disruptively. Third, the privatization process itself may be distorted through insider manipulation (as has happened in numerous cases). Fourth, the newly privatized sector will be subject to market failure through collusion and concentration of vendors. Finally, those state sectors charged with monitoring the newly privatized service provision will be sorely tempted to engage in rent-seeking.

But beyond all these problems are the real limitations of any privatization

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initiative, namely that many state sector activities simply cannot be made competitive. The judiciary (especially including police), roads, and sewage are all labor-intensive activities that cannot be privatized, and even those sectors that can take on a large amount of privatization will have to continue being publicly operated, as in health and education, where private actors cannot gear up to handle demand at all levels. In the end, donors and host country governments cannot avoid the need to build or rebuild a significant civil service capacity by taking a privatization route.

Devolution

Decentralization initiatives are attractive to donors essentially for two reasons. First, as mentioned earlier, devolution promises to bring decision-making about service provision closer to the citizenry, letting localities decide what they want and how much they want to pay for it. In many ways, this flexibility to meet inherently differing local needs is much superior to a "one-size-fits-all" operation that is run from a distant capital city (see, e.g. Beschel 2002). Furthermore, putting local folk in charge of their own governance has a de Tocquevillean appeal that is hard to resist, especially for American donors. Pitfalls abound, as is well known, for civil servants will resist being relegated to the countryside, central managers will try to undermine attempts to steal away their turf, and local elites will endeavor to seize control of whatever largesse comes their way from the center.[20] But the rewards are many as well.

The second reason for devolution's allure is less flattering to donors, namely that decentralization – like privatization – offers a way to avoid coming to grips with the need for fundamental bureaucratic reform that will tackle the abiding corruption and neo-patrimonialism which everyone knows exists and will cause immense problems if challenged. If responsibility can be offloaded on to the rural areas, then there will be no pressing need to face the fracas and turmoil that is sure to occur if a serious initiative is to be undertaken at civil service reconstruction. Moreover, the problems that decentralization will surely create will be out in the countryside and thus safely out of sight, at least in the short term.

Reforming the *line bureaucracy* will seem the most difficult option to anyone having much acquaintance with the country in question. Apart from the few cases like Timor Leste where everything must begin essentially *in vacuo*, there is a civil service that is already in place which can be continued and staffed through emergency recruitment efforts as needed. And speed will be essential, both to get the state machinery running again (especially in sectors such as the police) and in anticipation of donor drawdowns in assistance levels.

But this is where serious trouble begins, often starting with donors themselves, who are likely to have combed every conceivable source for trained people to manage their own relief operations, including the bureaucracy itself. Thus the net will have to be stretched further and lower to pull in enough people to run government operations. But such overhasty recruitment efforts are all too

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likely to lead to disastrous results. Lateral entry schemes (recruiting people directly to senior positions instead of bringing them up through the system) and quick promotions from within most often pull incompetent people in far over their heads. Overhasty vetting of candidates invites patronage and corruption to become even more salient than usual in filling positions. And these pathologies, added to a donor community that is only too anxious to "move money" in the early days of post-conflict recovery, will function as an open invitation to fraud and venality far in excess of the norm. Moreover, once in place and tied into the patronage systems that preceded them, these poor appointments and malevolent practices quickly become a part of the institutional structure itself, so entrenched that they cannot be removed without doing severe structural damage.

To preclude – or at least to attenuate – these unpleasant scenarios, the moment for planning and beginning a thoroughgoing civil service reform must come right at the outset of post-conflict assistance, at the very time when other more urgent priorities easily crowd such a task off the donor radar screen altogether. Bureaucratic reform will seem to be a challenge that can be deferred until later on after calm has returned, but, as indicated above, this will almost certainly be too late. The place to start should ideally be the creation of an administrative staff training college (or extensive renovation of an existing one) so that it can train higher level civil servants to an adequate degree (which will almost surely be higher than pre-conflict standards) and inculcate an *esprit de corps* that will provide the professional worker norms constituting the last and most difficult step in Figure 8.5.

Donors and accountability mechanisms

Like service delivery NGOs, advocacy *civil society organizations* offer a good option for donors. CSOs are not hugely expensive to create and train, they can draw on a good talent pool, and they accord very well with donor ideals of pluralist democracy.[21] Acting through CSOs, active citizens become the principals exercising the long route to hold service providers accountable. This is an area where Western donors do well, and one they are generally enthusiastic about working in.

So it is not hard to see how donors gravitate to civil society, not only as an addition to the other mechanisms discussed here, but even as a substitute for them. Sponsoring civic advocacy groups, after all, is much more gratifying and immediately rewarding than entering the morass of such efforts as bureaucratic reform or judicial reconstruction. Civil society can have a meretricious attraction in that it is all too easy to support citizen advocacy instead of taking on the more difficult tasks indicated toward the right of Figure 8.5.

A second problem with civil society lies in its connections to the rest of a political system; it is not a stand-alone mechanism. To function properly, or even at all, civil society needs a democratic enabling environment of free speech, right of assembly, and an open media, which in turn all depend on polit-

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ical will at the top. In post-conflict situations, this kind of political will may be hard to find, and even if it does assert itself, its duration may prove brief. Civil society, in short, cannot be depended upon to deliver enough accountability goods that it can substitute for constitutional structures or, in the long run, professional worker norms.

Constitutional structures entail high cost and long gestation as accountability mechanisms supporting the long route, particularly in comparison with civil society. An election or two may not be so difficult to manage, but a system guaranteeing free and fair elections on a regular schedule is much more elusive. Beyond elections, the executive and legislature placed in office by voters usually present deeper challenges for donors to build or rebuild, and judicial systems probably even more so. It is not surprising that success stories in these areas have been few, and that donor enthusiasm has tended to fade before serious reforms could have a chance to take root.

However, it is periodic elections that enable voters to act as principals giving (or withholding) a broad mandate to the executive and legislature as their agents, and these two branches in turn then become principals to monitor and hold accountable the bureaucracy as their agents. An independent judiciary acts in effect as a very remote (i.e. not removable, assuming that it is truly independent) agent for the citizenry, becoming in turn (like the executive and legislature) a system of principals helping to hold the bureaucracy to account. Thus if a post-conflict state is to develop a sustainable governance system, these structures will have to be strengthened, and most likely will need to be pretty thoroughly rebuilt in the process, for in all likelihood it was their failure to manage the state on behalf of the citizenry that was a key factor in initiating the conflict in the first place. In the end, the challenge is for nothing less than state-building. When all is said and done, nothing less will do.

The last mechanism in Figure 8.5, *professional worker norms* in the bureaucracy, is surely the hardest to set into place, for it attempts to change the cultures both of tradition – neo-patrimonialism and extended family kinship networks – and of the modernity portrayed in public choice theory, where individuals seek to maximize their own utility at whatever cost to the collective welfare. But with time and hard work, dedicated leadership and accumulated social capital can produce an organization in which a moral order creates a whole greater than the sum of its parts, where workers consistently exceed what is expected of them. This constitutes the real end game for a post-conflict civil service, and should be a goal donor's plan from the outset of their involvement. It is what makes state-building actually sustainable over time.

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Notes

1 This chapter is a revised version of a paper originally written for USAID's Center for Development Information and Evaluation (CDIE), under a contract with the Mitchell Group, of Washington, DC. The views expressed are solely those of the author and should not be attributed to USAID.

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2 For instance, see Cutillo (2006). This ambitious research monograph, commissioned by the International Peace Academy, covers fifteen years of post-conflict interventions and runs over sixty-six pages, but does not mention "civil service" or "bureaucracy" even once.
3 At times, depending on context, local government employees will be included as well, but for the most part, "civil service" will include only central government workers.
4 See World Bank (2004). For an excellent summary, see Meagher (2005: 16–19).
5 The discussion here is inspired by Fukuyama (2004: esp. ch. 2), though he does not employ the Bank's concept of long and short routes.
6 In some ways "methodological familism" might be a better term, inspired by Edward Banfield's "amoral familism." See Banfield (1958).
7 And to the extent that they move up in the system, individuals seek to become patrons, building up their position by bestowing favors on their own clients.
8 The basic idea here is taken from Pritchett and Woolcock (2002). Fukuyama (2004) takes a similar approach but, following Israel (1987), uses "specificity" (how specifically can outcomes be gauged) rather than discretion as the vertical axis. For an example of using Israel's concept to analyze development support, see Blair (2001).
9 Taylorism refers to the "scientific management" movement of the early twentieth century that sought to eliminate worker discretion by breaking tasks down into routinized components that specified in advance how to achieve them.
10 See Schwartz *et al.* (2004) for a study of ten countries for which post-conflict data were available over an eight-year period.
11 Except insofar as they can get the providers to become patrons who can be manipulated. See Scott (1985).
12 For the first and third functions, some short-term possibilities exist for external provision. To begin with the political leadership function, the first election or two can be managed by a team of outside consultants cobbled together with local hires given quick training in electoral mechanics, and some immediate security needs can be met at great cost by hiring private foreign contractors, as in Afghanistan or Iraq. It is also possible in at least some instances to fly in a few expert technocrats and set up an operable central banking system that can then be turned over to in-country economists and financial managers who had the good fortune to have been trained at Harvard or MIT and perhaps then put in a stint at the World Bank. But such tasks as managing the state executive branch, running the legislature, and operating the basic legal and criminal justice systems – which require far more personnel – will have to be undertaken by one form or another of civil service. Conducting diplomacy, maintaining the army, administering the court system, fielding a police force, are all examples of government duties that cannot be outsourced. Capacity in these areas will have to be built by investing in the state itself.
13 I have taken the expression from Cliffe and Manning (forthcoming).
14 Even in a country like Bangladesh with its huge NGO presence in the service delivery sector, the most generous estimate speculates that perhaps 80 percent of villages are reached by NGOs and 35 percent of the rural population. This represents an impressively productive record, but still leaves a great deal of work for other (presumably state) agencies. See Thornton *et al.* (2000: 2). Landell-Mills *et al.* (2002: 60), on the other hand, estimate that NGOs "have a strong presence in less than half of all villages" in Bangladesh – still a remarkable achievement, but leaving even more to the public sector civil service.
15 Many other services can be privatized as well, such as health delivery, water systems, waste removal, and electricity. The first would be similar to education and surface transport, while the latter are inherently monopolies in most cases, and so subject to all the problems of monitoring that monopolies entail.

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16 Even small-scale operators can combine against the public interest, as with the thousands of independent jitney (small bus) operators in the Philippines, who for years successfully opposed the introduction of more expensive lead-free gasoline.
17 The proviso is critical here. Frequently, decentralization initiatives are incomplete, and while responsibility may be shifted downward, resources (or even the ability to raise resources locally) are not. Stillborn decentralization schemes have a long history. See Manor (1999) and Blair (2000).
18 The term comes from Rauch (1994) and denotes a hardening of democratic arteries, as advocacy organizations plunder the public interest to satisfy their own constituencies.
19 Fukuyama (2004) deals only with the first type of social capital.
20 These difficulties have been abundantly documented in the literature. See Blair (2000) for a discussion.
21 Idealistic recent university graduates, often unable to find work in the post-conflict economy, form an almost perfect recruitment base for CSOs in many post-conflict countries (clearly there are exceptions, such as Cambodia or Afghanistan, where higher education was put on hold altogether for many years). As the economy picks up, many CSO staffers will move on to other careers, but in the meantime they provide an excellent workforce for civil service advocacy.

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