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FIRST STEPS IN POST-CONFLICT STATEBUILDING: ESTABLISHING CRITICAL FUNCTIONS AND SETTING PRIORITIES

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Abstract

Despite the many efforts undertaken at post-conflict statebuilding in recent years, there has been little effort to craft methods to prioritize and sequence first steps in enabling states to recover from conflict and attain sustainability. In this article, we attempt to lay out the essential core functions a state must provide and then suggest what we call a “flexible template” for prioritizing international support for these functions over the first two or three years after the establishment of a United Nations mandate.

Key words:

Postconflict peacekeeping; postconflict statebuilding; UN peacekeeping mandates

I. INTRODUCTION

Over the past fifteen years, international and bilateral development agencies have become more and more involved with post-conflict statebuilding (PCSB) efforts. More than 40 such initiatives have been undertaken, beginning with countries like Cambodia, El Salvador and Mozambique in the early 1990s and running through Kosovo, East Timor, Afghanistan and Liberia in more recent years.¹ New opportunities continue to emerge, as prospective candidates such as Somalia and Sudan hopefully wait in the wings for post-conflict assistance. Indeed, post-conflict state building has become a major focus within the international development community.

Yet despite all the experience the international community has accumulated in assisting the institution building process in these countries, there is as yet only a limited understanding of how to prioritize and sequence the first steps in enabling a post-conflict state to recover (or establish in the case of new states) the ability to provide essential state functions and manage the polity.

¹ For a list, see the United Nations' Peacekeeping website (UN 2007).

Study objective. This essay² aims to contribute to the development of a practical understanding of how best to begin (re)establishing basic state structures and institutions that can manage the planning, coordination, and recovery efforts that facilitate the emergence of a functioning state after a peace or political agreement has been signed or a Security Council Resolution has been endorsed. More specifically we aim to answer two questions:

- What state-performed *functions* are most critical in the post-conflict setting?
- How should these functions be *prioritized* over the first 24 months or so?

Our overall purpose is to suggest an approach that will include all the key state functions that must be taken into account in any PCSB effort and offer a method for prioritizing them so that the most critical ones get attended to first. At the same time we want to construct a model that will be adjustable enough that it can be adapted to the unique circumstances that will inevitably arise in any particular post-conflict situation. In sum, we will propose what might be termed a “flexible template” for prioritizing and sequencing donor-supported post-conflict statebuilding. Even the most flexible model cannot of course cover every possible contingency, but we believe our template will handle most PCSB situations, so long as they conform to a typical scenario that begins with a ceasefire and peace accord leading to a UN mandate and then proceeds to a statebuilding effort culminating in a turnover (generally after an election) to domestic authorities and continuing donor assistance in the period afterward.

Our essay opens with a look at the core state functions, most (and in some case all) of which the state has defaulted on in the more serious post-conflict situations. The next following presents a schema for prioritizing and sequencing donor assistance to support these functions.

II. CORE FUNCTIONAL DOMAINS

The focus on PCSB that has emerged in the last decade or so has naturally occasioned considerable discussion on just what comprises “statebuilding.” What is it that donors should support? What is it that a state must do or provide if it is to become viable over time? There seems widespread agreement that to survive and prosper a viable state must manage certain core activities or functions. There even appears to be a virtual accord as to what elements should be included within these core functions.

But so far there is no consensus on just how a list of such functions should be put together. One impressive compilation comes from a joint effort on the part of the Center for Strategic and International Studies (CSIS) and the Association of the United States Army (AUSA), producing a framework of four “pillars”: security; justice and reconciliation; social and economic well-being; and governance and participation (CSIS/AUSA 2002). The CSIS/AUSA framework has been taken up as a basic organizing concept by the New Partnership for Africa’s Development (NEPAD) in

² This essay is based largely on Blair and Ammitzboell (2007), a study sponsored jointly by the United Nations Development Programme and the United States Agency for International Development. Nothing in the article should be taken to represent any official position of either UNDP or USAID; all responsibility for such matters as well as for errors or other shortcomings rests with the authors. The original study (available at http://pantheon.yale.edu/~94/consulting_work.htm) included case studies of PCSB experience in East Timor and Liberia. The present essay focuses on the more generic aspects of the larger one.

crafting its own post-conflict statebuilding framework (NEPAD 2005). The NATO Parliamentary Assembly's Economics and Security Committee also adopted a similar version of the four pillars.³ In another variant, Ghani and his colleagues constructed a list encompassing ten essential state functions (Ghani et al. 2005). Richard Caplan offers yet another set of five chief statebuilding tasks (2005: 44).

Our own framework includes five core state functions or “domains” as shown in Figure 1. It largely parallels the CSIS/AUSA formulation with regard to security, justice/reconciliation and governance/participation, but splits social/economic well-being into economic and administrative components, and also adds the word “governance” to all but the security domain. Our ideas here are twofold:

- To emphasize the administrative aspect of PCSB, in particular the need to build state capacity to actually deliver the services included in all the functions, a facet of PCSB that is frequently underplayed or ignored.⁴
- To stress the need to think of the PCSB enterprise generally as a governance effort, i.e., one concerned with *how* and *when* to deploy donor and state resources to address citizen needs.

A brief discussion of the five functional domains and their components presented in Figure 1 follows.

[Figure 1 about here]

SECURITY

For quite some time, the accepted standard of viable statehood has been Max Weber's notion of a bargain between state and citizenry which accords to the state a legitimate monopoly over the use of violence, in return for which the state provides security of life (and usually property as well) to its citizens.⁵ This kind of “legitimacy” is what citizens grant to the state in exchange for the security the latter provides to them. Since maintaining this monopoly over violence⁶ amounts to the *sine qua non* of a state's existence, establishing and holding it must be the first priority for any PCSB enterprise.

In most immediate post-conflict situations, attaining an initial monopoly of violence will mean a concerted effort in *disarmament, demobilization, and reintegration* (DDR) of newly former combatants into civilian society.⁷ It follows that DDR – or more accurately the DD phases of DDR – becomes the first challenge confronting any PCSB initiative, which means that a DDR strategy will have to be

³ As reported by van Gennip (2005).

⁴ For more on the need to include administrative capacity building in a post-conflict context, see Blair (2007).

⁵ Weber's early 20th century formulation derives from Thomas Hobbes's mid-17th century account of the same bargain. Weber's notion of monopoly over violence is widely appreciated in the PCSB literature (e.g., Kraus and Juter-sonke 2005, Milliken and Krause 2002, Schwarz 2005).

⁶ Or perhaps it would be more accurate to say something like essentially holding it. States like India and Thailand do not enjoy a monopoly of violence over 100% of their territories, yet they are not seriously threatened by the festering violent minor conflicts they face in various territorial pockets.

⁷ “Most” situations does not mean all. In some (like East Timor) there will be few left with arms, while in others (like Afghanistan) there will be too many with arms to contemplate the first D in DDR.

devised before any activity can begin. Usually this task is undertaken by a UN peacekeeping force, which can number in the high thousands in some cases. How many troops and specific disarmament programs will be needed depends critically on the situation at the time of their deployment as well as their state of training and discipline, which can vary greatly from one PCSB effort to another.

Following the DD phase is supposed to come the R phase. This has generally been more problematic than DD, as donors have all too frequently failed to follow through on pledges made in the enthusiasm of the peace accord moment.⁸ Coordination has also been a serious issue, even when funding did arrive, as bilaterals will tend to outsource rehabilitation activities like training to international non-governmental organizations (INGOs) with little attention to making their contractors and grantees work together. DDR is a challenging process for several reasons: it is almost impossible to control the supply of weapons or eliminate incentives to use weapons as part of identity politics or as a means of income; providing alternatives to former armed forces or ex-combatants proves a difficult task at best. Private sector growth is lacking and many “DD’ed” people lack education and skills to take up government work. The transition from disarmament to reintegration is therefore a complex and longer-term process.

It must be added that DDR does not concern only ex-combatants. There will also be huge numbers of *refugees* that have fled to other (usually neighboring) countries and *internally displaced persons* (IDPs) who have sought refuge somewhere within the country itself, and how also need repatriation and reintegration. Together the two groups will generally number into the hundreds of thousands and at times millions. Many will find their own way back home, but a very large proportion will need help to do so.

Humanitarian assistance inevitably accompanies any DDR initiative. Most PCSB efforts include at the front end the provision of food and shelter to large numbers of displacees. Fortunately, this task is one in which the donor community in general and the UN family in particular along with many INGOs has developed much hard-won expertise over the last several decades, and which usually moves along reasonably smoothly. Accordingly, it can be fitted in as appropriate. We should note, however, that paradoxically humanitarian assistance provided by INGOs runs the risk of undermining the legitimacy of the state it intends to support, by highlighting the government’s inability to provide such support. And the better the INGOs perform, the worse the state itself looks.

Though it is an extremely important first step in providing security, the DDR exercise constitutes only a first step. Ongoing *internal and external security* must be sustained if the state is to remain a state. During the transitional period, the UN peacekeeping forces can generally discharge this task, but preparation must be made for maintaining security after their departure. By the time of the peace accords, both the police and the military will probably have been thoroughly discredited or even altogether destroyed. Both institutions will likely have to be rebuilt, possibly *en toto*, depending on how ineffective and brutal they were during the conflict stage. This rebuilding may well be a massive, lengthy, and costly process.

⁸ See UN, DDR report to SG, 2 March 2006: 4).

POLITICAL GOVERNANCE

The basic objective here is to secure and maintain the state's legitimacy not just in the sense of exercising a monopoly over violence, but in the sense of deserving the allegiance and support of the population in return for responsiveness to the needs and wants of its people. Inasmuch as a principal reason for the conflict in the first place was the state's failure to respond to these very needs and wants, as well as its lack of accountability for them, some serious statebuilding is in order. The post-conflict state will have to put into place a constitutional order that includes effective executive and legislative authority, to provide free and fair elections, to encourage independent media, to nurture an autonomous civil society, and to strengthen the rule of law – all of which institutions in the immediate post-conflict situation are either badly broken or never existed in the first place. In addition, the PCSB authority will have to identify and nurture a set of interim leaders as partners to manage the transitional state.⁹ In short, the state will have to perform politically as a state if it is to be legitimate. The requirements for doing so amount to a formidable list.

The first step in Political Governance will have to be establishing “*operating rules of the political game*” – a set of rules laying out how the polity will be managed over the transitional period in terms of structure (executive, legislative, judicial institutions and functions), participation (citizen rights, civil liberties), and accountability (especially elections). Some of these things will be specified in the peace accords or perhaps in the pertinent UN resolution establishing the mandate. Others may be already laid out in a constitution that essentially needs to be taken out of storage, dusted off, and put into effect. And still others will have to be established after the transitional governance structure has started operations, as it will not be possible to determine everything in advance. In any case, there has to be a set of rules determining what is or is not appropriate political behavior, and these rules have to be accepted by all who wish to operate in the political arena.

Assuming that operating rules are in place, the central priority for Political Governance (and one often specified in the peace accords) has most often been preparing for a *legitimizing national election* to establish a representative national authority to which the international PCSB authority can turn over responsibility for those functions it had taken on. While such a task would be quite straightforward (at least conceptually if not in practice) in circumstances where election machinery was well established amid an environment of long citizen experience with politics and voting, such as Northern Ireland, in most PCSB countries there has been little or no machinery or experience to draw on, certainly in the recent past. Voter registration, civic education, candidate selection, campaign rules, balloting logistics (for voting, monitoring, counting), and post-election dispute resolution all must be provided for, often from scratch.

In addition to their very real importance in determining who will manage the helm of state, these first elections often assume an incredibly significant role as a marker for both the PCSB donors and the recipient country, for they are perceived to designate the dividing line (which will hopefully prove to have been a watershed) between what was a transitional phase and a more long lasting and well laid out developmental path. In the NEPAD framework, for example, elections constitute the

⁹ Fostering legitimate national authority consists basically of two different but interrelated processes: a process for identifying national counterparts with which to engage and consult right after a peace or political agreement has been signed (and during an interim phase) up until a formal election establishes a new regime; and a process to foster local ownership by consultation, local participation and the building of legitimate political leadership.

end of reconstruction's transition phase and the beginning of its development phase (NEPAD 2005: 8).

But long before any election can take place, the PCSB authority must identify national counterparts with whom it can work in the meantime. Many and likely most of these persons will have been civil servants for the erstwhile government¹⁰ (though it may well take considerable time and effort to locate them), but in addition it will be necessary to find, vet and recruit citizens who can play a policy-making and higher-level public management role as a political leadership stratum. Sometimes such leaders are determined through the peace accords, while in other instances some of them emerge from the professional Diaspora.¹¹ Even when the international authority has what amounts to a trusteeship, it will still be necessary to locate such local counterparts, if only as policy consultants – an imperative that can only be ignored at much risk.

Two other elements of political participation and accountability needing early attention are the *media* and *civil society*. In the course of the conflict preceding a peace accord, whatever independent print and broadcast media that existed earlier had in all probability been either severely repressed or eliminated altogether. In many cases neither had existed at all independently of the state. In some cases, professionals from the Diaspora will return to start up or resume charge of media organs, but in others such institutions will have to start up *ex nibilo*. In any event, it will be necessary to initiate serious efforts to build and strengthen independent media organizations, for essentially the same reasons that Alexis de Tocqueville thought them so important in the America he saw in the 1830s: the media inform citizens about what is happening, and just as importantly media enable citizens to find out what their fellows are thinking about what is happening.

Civil society organizations are often less problematic, for even where they don't already exist, the immediate inflow of donor funds to the "third sector" encourages new NGOs to form and move into action, in many cases to provide services in sectors like health and education where the erstwhile state had long since defaulted on its obligations. In early days, some fraudulent "briefcase NGOs" will divert donor funds to personal uses, and some well-meaning NGOs will founder and collapse through their own incompetence, but overall a pool of experience will build up, which will begin to make demands upon the state for accountability. Donor-sponsored advice and training can encourage that embryonic capacity to take up the kind of civil society advocacy that strengthens democratic pluralism by supporting groups representing minorities, women, and other underrepresented communities, as well as previously ignored sectors like human rights and the environment.

The other three institutional structures noted in this subsection's first paragraph are a legislature, the executive, and the judiciary. After elections have been held and a new government installed, donor attention will have to be directed to the legislature to build its capacity to initiate policy and monitor the executive, but these activities will generally come considerably later than the 24-month post-conflict timeframe employed in the present report, so we will not cover them here. Building an effective executive decision-making capability¹² depends on putting an executive in place (whether it

¹⁰ These nationals and their roles will be discussed below under Administrative Governance.

¹¹ Such returnees often face resentment from those who stayed on through the conflict, though they can bring critical skills that would otherwise be absent.

¹² As opposed to administrative capacity, which is treated here under its own heading (cf. Figure 1).

be with a presidential or a parliamentary system), a step that likewise will come after the transitional period. Rule of law as a mechanism for exercising accountability against the executive falls very much within our timeframe, however, so importantly so that it forms a functional domain of its own, to be discussed below.

ECONOMIC GOVERNANCE

This domain comprises four functions, all essential to the promotion of economic recovery and growth, and all almost certain to be in more or less total disrepair at the outset of the PCSB process. The first and most immediate task is to nurture back into life a *market economy*. Some activities will begin almost immediately, for instance in setting up mobile phone systems (even where they did not exist in the pre-conflict era), but others will need considerable support, such as assisting credit facilities to support wholesale trade, transport, export promotion and the like. Even small-scale retailing may need help in the way of establishing market locations, though petty trading can be relied upon for the most part to resurrect itself.¹³

A second need is to *generate employment*. In most PCSB contexts, while there may be some employment in manufacturing or natural resource extraction, numbers tend to be quite small, so opportunities will lie primarily in construction, the service sector, and agriculture. Repairing the damage wrought by conflict will make available some jobs, and the service sector – particularly in transportation and retail trading – will offer more. Emergency job creation schemes can absorb numbers of ex-combatants and un-employed youth in these sectors, but all these occupations become quickly overrun with people offering to work. Accordingly agriculture as the residual sector will have to absorb the greater part of the labor force in most PCSB countries.

The third challenge needing attention is *public finance*: getting control over the national budget, resuscitating a central bank, setting up an environment to support the banking sector, scoping out sources of state revenue, and so on. High-level corruption and siphoning off of state assets was likely a principal reason why the former regime had forfeited its legitimacy, and much effort may be required to prevent new elites from pursuing similar behavior patterns; in addition to the political effects of elite venality come the economic consequences: public funds drained off into private pockets cannot become state revenues. And while things can coast for a little while on the influx of foreign aid that comes with the peace accords, that largesse will soon begin to dry up, and the state will be hard pressed to raise revenues on its own.

A fourth need is for state management of *natural resources, real property assets, state owned enterprises, and the environment*. In a number of African, natural resources like diamonds became in effect privatized, initially by ruling elites and later by warlords for their own benefit. In others agricultural produce was similarly diverted both in the case of legal crops like cocoa and coffee, and illegal ones such as poppy and coca and poppy. Often the environment will have suffered great damage, as with timber logging.

¹³ Donors can help stimulate the retail market economy by procuring supplies and equipment locally where possible.

ADMINISTRATIVE GOVERNANCE

The first Administrative Governance task will be simply to start *paying government workers*, who in most post-conflict cases will have been unpaid for months and even years. Many of them will have left their work, perhaps have become refugees or IDPs; those still on the job will have become badly demoralized after having no pay or possibility of working productively for a long time, and of course the services they had provided will have severely deteriorated or even disintegrated altogether. But some – probably a good portion – of these staffers will either be still at their posts or can be located and induced to return.¹⁴ If they are to begin getting drinking water, electricity, fire protection, waste removal, etc., back into working order, however, they must be given some minimal incentive to do so: They must be paid their salaries. And especially for the most competent civil servants those salaries must be sufficient to keep people from gravitating to a better-paying international community where UN agencies, INGOs and embassies can offer much better remuneration.

In PCSB's early days, as the civil service begins to pull itself back together, donors will find they have to rely on INGOs and foreign contractors to provide a large portion (perhaps even virtually all) basic social services. But soon funding for ex-patriate operations will begin to dry up, so it will become necessary to start building domestic capacity to provide essential services. Some of this capacity can come from the non-public sector through in-country NGOs or private businesses on contract, but much will have to come from the public sector itself in the form of direct provision or oversight of non-state providers to ensure that standards are met and fraud prevented. This will mean a massive reform and *civil service rebuilding* effort to turn what had been an ineffective and corrupt state administration into a capable and honest one which can both manage the higher tiers of the system dealing with public finance, state assets, and the like, and can deliver the services that the state will have to provide such as electricity, education, etc.¹⁵

We now come to what the bureaucracy will actually do: provide *infrastructure* and *essential services*. The country's basic infrastructure is sure to be in a state of sad disrepair, with unusable roads, disabled electric grids, destroyed water systems, shattered port facilities, and so on. All these have to be re-established and maintained, and the services that use these facilities will have to be restored: transport, electric supply, drinking water, shipping, etc.

A final casualty of the conflict will have been *investment in human capital*. Schools will have operated only haphazardly in much of the country, if they have been functioning at all. Older children will have missed several years worth of education, and younger ones will not have entered the school system at all. Likewise, the health delivery system will have badly deteriorated, such that gastrointestinal diseases, mosquito-borne infirmities, and the like will have become epidemic, with severe consequences for life expectancy. Moreover, the challenge will not be just one of restoring the *status quo ante*, for the levels of pre-conflict human capital investment were almost surely both inadequate and biased toward urban areas and elite constituencies within those areas.¹⁶ To even begin providing equitable investment in human capital will require a great deal of work.

¹⁴ In many cases, a Diaspora offers a rich source of expertise that can be tapped to help with the rebuilding effort.

¹⁵ Or can oversee the provision of those services (e.g., electricity) that might be allocated to the private sector. For a more extensive discussion of post-conflict civil service rebuilding, see Blair (2007).

¹⁶ As with infrastructure and general service provision, inequities in human capital investment were likely to have been high on the lists of grievances that precipitated the conflict in the first place. Along with Political Governance,

JUDICIAL GOVERNANCE

There are two primary needs here. One is for *truth and reconciliation* efforts to begin bringing some relief and closure to those who have suffered abuses and atrocities during the conflict period. Prosecution of the more serious offenders can be postponed for a while, but to the extent that the PCSB enterprise succeeds, sooner or later increasingly widespread demands are sure to mount for bringing the more egregious perpetrators to book, as recent evidence from countries like Argentina and Chile has amply demonstrated.

But of at least equal – and arguably greater – importance is the whole judicial sector itself. For while truth and reconciliation go on – or even if they get stalled – the regular judicial system is sure to need a major salvage effort to pull it out of the near total dysfunctionality into which *rule of law* has almost certainly fallen. A civil law system will have to be rejuvenated to establish and guarantee the contract and property laws that will be necessary if the economy is to attract entrepreneurship and investment whether from home or abroad. The criminal justice system will also have to be rehabilitated if personal security and protection from criminal behavior are to contribute to the legitimacy the state will need in order to survive. And finally, the judicial system should provide a check on the state itself – a process for citizens to seek redress against state abuses. Thus courts will have to be renovated, equipped, and manned with qualified personnel as judges, prosecutors and administrative personnel. These are all daunting prospects.

During transitional phases, there will inevitably be an overlap between a new or refurbished rule of law paradigm based on liberal principles/international norms and *traditional justice systems*. Before and even during the conflict, customary law and other traditional legal practices may have operated more or less unaffected at the local level and may in the post-conflict setting offer helpful alternative dispute resolution mechanisms in the absence of a formal and codified legal system. Customary law is not a panacea for the contemporary rule of law vacuum, but building on its assets can help while longer-term efforts to build the formal system move along.

III. PRIORITIZING AND SEQUENCING

We begin this section by distinguishing which among our five domains and 18 core functions most immediately need to be attended to as a UN mandate is put into place. We then go on to develop some approaches to prioritizing the remaining functions in a phasing process.

THE FIRST PHASE: MOST CRITICAL FUNCTIONS

All the functions we have been discussing could be called “critical” – for criticality is after all the basic idea of “core state functions” that must be handled in the post-conflict situation. Each of the functions on our list in Figure 1 will have to be fulfilled if the state is to endure over time as a viable system. But are some functions “more critical” than others? The answer, of course, depends on context, but we can say that several could be considered “most critical” – especially those needed in the very short run, immediately after the peace accord or other instrument goes into effect.

Administrative Governance functions will have to be performed adequately for the state to attain legitimacy in the eyes of its citizens.

In Figure 2 we have divided the PCSB timeframe into three phases.¹⁷ The initial startup phase comprises the time between the UN mandate and the setting up of a transitional governance structure, generally several months as peacekeeping troops get into place. The second phase basically denotes the lifetime of the transitional arrangement. The third phase begins with the turnover of authority to a domestic governing structure, with the division between the second and third phases generally marked by a national election occurring somewhere around 18-24 months after the initial peace accords.¹⁸ For each phase in Figure 2, we have depicted some core state functions as “most critical” (heavy shading in the figure), others as somewhat less critical but nonetheless serious (medium shading) and still others as having a lower priority (no shading). Needless to say, the exact designation of “most critical” will differ from one post-conflict situation to another, but the basic idea of making these distinctions should remain valid across all PCSB experiences.

Security. The most obviously critical of these functions lies within the Security domain, namely establishing a *legitimate monopoly on the means of violence both external and internal*. Without this, as has been all too evident in collapsed state situations like that experienced in Liberia in the 1990s or Somalia in the present decade, nothing else can work. To attain that monopoly entails taking charge of the DDR process, beginning with the DD phase.

[Figure 2 about here]

The R for *reintegration* in DDR is also most critical, for unless the ex-combatants are reintegrated into civilian life as contributing members of the society, they will soon get both themselves and the society into trouble again. Experience to date with the R has been considerably less than totally successful, it is true, but this only means that better methods have to be developed. Even before DD begins to unfold, though, refugees and IDPs will begin to try returning home, generating chaos in the transportation system and needing food and shelter as they work their way homeward. Accordingly, *repatriation* will be among the first orders of business, and *humanitarian assistance* to them will quickly become a most critical function.

Economic Governance. Yet externally provided security does not by itself automatically translate into institutional development and capacity-building. Other functional domains must be addressed right away as well, most especially that of Economic Governance. DDR for ex-combatants and repatriation for civilian displacees will not achieve any lasting effects, unless there is work for those who have gone through these procedures, so *employment generation* has to be very high on the “most critical list.”

Getting a *market system* working again and strengthening private sector growth will also quickly become “most critical,” for the entire population – citizens who remained in place during the conflict, as well as ex-combatants and civilian returnees – will need to obtain food and other basic necessities. A large proportion in each category will have been living hand-to-mouth for some time

¹⁷ The original idea for the three phases comes from CSIS/AUSA (2002). The word “phase” implies that the first phase should stop before the second one begins, but in PCSB the phases should overlap. For example, work on restoring the electric grid, must begin at the outset of PCSB. Our use of the “phase” idea, then, differs somewhat from that of others like CSIS/AUSA (2002) and NEPAD (2005), who have employed a more strictly sequential approach.

¹⁸ This is the finding of a study covering 16 cases (Ammitzboell and Torjesen 2006).

before the conflict ended, and collectively they will put immense pressure on PCSB authorities to enable them to obtain the necessities of life. Humanitarian assistance operations will of course meet some of the need here in the short run, but even a huge scale of efforts will not fill the gap, and in any event cannot be sustained for very long. Thus *market formation and maintenance* for subsistence necessities will have to be a “most critical” function. Some kind of currency will have to be made available, key farm-to-market transport links re-established, wholesalers for consumer dry goods enabled to resume operations, etc.

Administrative Governance. The *civil service* itself will likely be in a state of meltdown by the time the PCSB authority begins work, unpaid for months on end, demoralized, and finding little incentive to return to work. Putting civil servants (or at least the essential ones – “ghost workers” can be dealt with later on) on a payroll and back to work will surely be a “most critical” function.

SECOND PHASE: TRANSITION

Security does not stop with DDR; post-conflict countries need *policing and border control*, both of which have generally become vitiated, if not altogether defunct, during the conflict period. Reconstituting both must be a high priority. In some settings like Liberia, rebuilding the police will be most important, while in others like East Timor, creating a national military force may assume equal priority with the police. Cross-border movement of arms and ex-combatants can also be a major threat, as in Afghanistan.

The DD enterprise will have wound down by the end of the first phase – in fact the completion of both the Ds in DD will be one of the markers signifying the movement from the first to the second phase. Similarly refugees and IDPs will have returned home and humanitarian assistance will have largely (if not completely) come to an end. *Reintegration*, however, will most likely be ongoing, for both ex-combatants and returnees, who will continue to need assistance in readjusting to ordinary life.

Political Governance. Creating a monopoly over violence will establish the state (or *pro tempore* the PCSB authority itself, backed up by its peacekeeping force) as the countrywide epicenter of power and control. So long as it keeps its side of the social contract (providing security to the population against non-state actors in exchange for their not challenging its monopoly over violence), the state can retain that monopoly. But in any longer timeframe the state must acquire political credibility and legitimacy, which it can only do by providing services, fostering political participation, and establishing accountability. The first step along this path is generally a new *constitution* or establishment of interim “*operating rules of the political game*” that can serve to guide the nation toward a *legitimizing national election* that will determine to whom the PCSB authority will hand over its power in a transition.

To facilitate both these endeavors, *civil society and the media* must acquire enough capacity both to publicize what is going on in the political arena and to enforce some accountability against the players operating in that arena. This latter point becomes especially important as the other two main agencies for exercising political accountability will not yet be up and running: The electoral process is not in place (it generally comes at the end of the second phase) and the judiciary probably has not become capable of exercising any serious role either.

Economic Governance. *Management of public finance* constitutes another second phase priority. A regulatory framework must be developed, currency must be stabilized, banks must be empowered to grant credit, foreign exchange facilities must be set up, revenue sources for the state must be established, a national budget must be developed and adhered to, and corruption must be curtailed to sustainable levels (assuming that it will never be eliminated).

Employment generation will continue to demand serious attention in the second phase, for all the ex-combatants and returnees (to say nothing of all those whose income streams were disrupted by the conflict but who stayed in place) will not have found work by the time the first phase ends. Both unemployment and underemployment will remain unacceptably high.

Administrative Governance. For a post-conflict country to move beyond re-establishing bare subsistence (or even to move very far into it), basic *infrastructure and service delivery* will have to be rehabilitated. The road (possibly rail as well) network will have to be made usable, which will in most countries entail rebuilding bridges and culverts as well as repairing the roads themselves. The electric grid – always one of the easiest and most vulnerable targets during conflict – will need to be reconstituted. Water and sewage services in the towns must be put back in working order. And for countries enjoying access to the sea, port facilities will have to be made usable again.

As the initial wave of INGO providers recedes, a thoroughgoing and lengthy bureaucratic reform process will have to be undertaken to inculcate new skills and – more important by far – new norms of probity and concern with the public weal.¹⁹ The second phase is the time to launch such an effort, which can be significantly aided by civil society and the media in promoting transparency and demanding accountability.

As implied just above, a major task for the civil service will be to manage *human capital investment*, particularly in the education and health sectors. Both are invariably early casualties in conflict situations, and where protracted conflict has engendered state collapse or where occupying military forces have consciously destroyed all facilities providing these services, a concerted (and costly) effort will be needed to reopen and restart them.

Judicial Governance. As noted earlier, this domain comprises two main functions, *Rule of Law* and *Truth and Reconciliation*. Citizen clamor will be for T&R, and this is important, for people must believe that what happened to them and to their families and neighbors during the conflict period will not be forgotten and ignored by the new polity or by history. Even if accountability and retribution cannot be had immediately, recognition of wrongs is sorely needed and can be established through truth commissions, and reconciliation can be at least initiated. Accordingly, efforts to set up a T&R commission should be launched in the first phase, but this will take a while to accomplish. A T&R commission cannot be expected to begin any serious work until the second or even third phase. So it will be in the latter two phases that T&R becomes a top priority, as indicated in Figure 2.

The justice system itself will almost invariably exhibit deeper pathologies than T&R, for it has been around for much longer, generally in various degrees of indolence and decrepitude. It is arguably both the most difficult sector of all to reform (because of all the encrustations built up over time)

¹⁹ For more on these themes, see Blair (2007).

and the easiest to ignore (because so many of its abuses like inaccessibility, huge case backlogs, and overflowing prisons are hidden from public view and impact society in a chronic rather than an acute manner).²⁰ But ROL reform will be critical for the state to gain (and retain) legitimacy over time if the economy is to function at much more than subsistence level. Accordingly, planning for such reform should begin in the first phase, and the reforms themselves should receive high-priority attention in the second and third phases (and beyond, for they will take many years to fully implement).

The process of building capacity in this sector can be measurably speeded up by strengthening *customary legal systems*, which often exist – often at several several levels – to take some of the burden from the formal judicial system. Though generally looked down upon as hopelessly primitive by those in the formal legal structure, these traditional systems have enormous potential as alternative dispute resolution bodies that have built public trust over the years and can materially reduce formal court backlogs.

THIRD PHASE: POST-TURNOVER

In our third phase go the remaining core state functions not initiated earlier. As with those in the first and second phases, these functions will have to be provided for the state to continue in business over time, but the need for them to be up and running is not as great as for those we've placed in the first two phases. It should be noted also that a number of the core functions begun in the first phase (e.g., employment generation) and especially the second phase (e.g., human capital investment, judicial reform) will have to be carried over to this final phase.

In the Economic Governance domain, countries with exploitable *natural resources* like oil, diamonds, and metals will have to assert control over them and manage their extraction and disposition. Historically where they exist they have been pillaged and frequently privatized on a *de facto* basis (though officially they may have remained in the public sector). During conflict they have been commandeered by military factions for foreign sale with proceeds going toward personal profit and to sustain the combat effort. And in the post-conflict era, their exploitation is subject to corruption at all levels, especially at the top of the political structure. The result of this history has been a state exchequer perennially starved of resources to support development (the “resource curse” did not get its name for nothing). Much the same considerations apply to exportable cash crops,²¹ both legal (diverted through parastatals) and illegal (controlled by mafias). Managing the disposition of these resources and cash crops, whether they are in the public or private sector has to be a critical priority for the state.

With respect to Administrative Governance, the *state management of service delivery activities* will have to receive high priority in the third phase. In particular, the state directly (or indirectly through domestic NGOs) will have to replace the INGOs that had been delivering essential services, even though the civil service rebuilding begun in the second phase will not have been completed by this time. But foreign funding will have begun to dry up by now, and, perhaps more importantly, continued reliance on outside sources will tend to preclude the state from strengthening its own capacity to provide services.

²⁰ For a discussion of ROL reform, see Stromseth et al (2006), also Carothers (1999: 170-177; and 2006).

²¹ “Cash crops” should be interpreted here to include commodities like rubber, coffee and cocoa, but also timber.

An additional word would be in order at this point, relating to *planning* for these functions. All will need some planning, of course, but several of those in the second and third phases will require planning far in advance of implementation. In particular, planning should begin immediately for elections, natural resource and crop disposition management, service delivery management and rule of law. All these functions will take considerable time to become operable – at least a couple of years before a credible election can be held and much longer before the rule of law will be effectively in place – but planning for them and investment in them should begin when the PCSB authority commences its work. An initial delineation of phases would be appropriate in the assessment exercise that comes during the first phase, as the PCSB authority gets itself into action. Thus any initial assessment report should lay out a set of phase guidelines.

CONCLUSIONS

In this essay, we have tried to develop a flexible template that incorporates all the critical functions which sustainable states must perform and that can be adapted to most post-conflict statebuilding operations during the first two to three years. Each situation will of course be unique, but the virtue of our template is that it can be fitted to whatever particularities might arise.

In most post-conflict experiences there will be several opportunities to determine the priorities and sequencing of the template and to modify both. The first will come with the *peace accord or agreement* that brings a formal end to the conflict itself. The parameters set out then will necessarily be more than somewhat determined by the exigencies of the moment, but a chance to modify things will come with the *UN Security Council mandate* that generally soon follows. A third chance for mid-course corrections will come in a post-mandate *needs assessment* when inputs can be gathered both domestically and internationally as to what needs to be done when. And finally, *periodic reviews* of the peacekeeping operation afford further chances to adjust priorities and sequencing. A flexible template of the sort we are proposing should prove well suited to such a series of opportunities for modification.

FIGURE 1. FIVE FUNCTIONAL DOMAINS IN POST-CONFLICT STATES

SECURITY

- Legitimate monopoly on the means of violence
- Repatriation/reintegration of refugees/internally displaced persons
- Reintegration of ex-combatants
- Humanitarian assistance
- Continuing security internally (police) and externally (border patrol, army)

POLITICAL GOVERNANCE

- Constitution (or operating rules)
- Legitimizing elections
- Civil society & media

ECONOMIC GOVERNANCE

- Basic market formation and maintenance
- Employment generation
- Management of public finance
- State asset management (natural resources, environment)

ADMINISTRATIVE GOVERNANCE

- Civil service (pay & reform/rebuilding)
- Infrastructure provision
- Management of state service delivery activities
- Investment in human capital

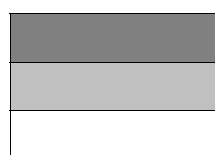
JUDICIAL GOVERNANCE

- Rule of law
- Truth and reconciliation efforts
- Customary law (in many cases)

FIGURE 2. CORE STATE FUNCTIONS, PRIORITIES AND PHASES

Functional domains	Core function	First phase (up to 4-5 months after UN mandate)	Second phase (up to 18-24 months after UN mandate)	Third phase (begins with turnover)
Security	Legitimate monopoly over violence (disarmament & demobilization)			
	Reintegration			
	Repatriation for IDPs and refugees			
	Humanitarian assistance			
	Police, border patrol, army			
Political	Constitution (or operating rules)			
	Legitimizing elections			
	Civil society & media			
Economic	Basic market formation			
	Employment generation			
	Management of public finance			
	Management of natural resources & export crop production			
Administrative	Civil service (pay)			
	Civil service (rebuilding)			
	Infrastructure & essential services			
	Human capital investment			
	Service delivery management			
Judicial	Justice system – rule of law			
	Truth and reconciliation			
	Customary law & ADR systems			

Key: Urgent & heavy priority
 Serious but less urgent priority
 Lower priority



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