

Stabilisation Issues Note

Governance

Revitalising Public Administration

Purpose

Stabilisation Issues Notes provide a short summary of what the Stabilisation Unit has learned to date. They have been developed on the basis of experience and are aimed at improving the effectiveness of our practical engagement in various aspects of stabilisation. They are aimed primarily at the Stabilisation Unit's own practitioners and consultants, and those of other HMG departments. They are not a formal statement of HMG policy.

Key Messages

- Public administration interventions in stabilisation contexts aim to enable the state to deliver its basic functions, as well as possible, in extremely difficult circumstances. Even very basic delivery of these basic functions should help improve the authority and legitimacy of the state in the eyes of its population, as well as contributing modestly to citizen welfare. These will be vital contributions to stability. Basic public administration is also a key pre-requisite to the provision of a range of other stabilising activities from economic recovery to security, justice and service delivery.
- The key is to aim for a 'good enough' public administration, adapting pragmatically and incrementally to what exists and to the political opportunities and constraints of the context.
- In stabilisation contexts, it is usually necessary to focus simultaneously on supply (improving the legitimacy and capacity of public administration to deliver) and on demand (enabling parliaments, civil society to demand more effective public administration).

Introduction

Stabilisation is support to countries emerging from violent conflict. The overall objective of stabilisation activities is to:

- Prevent or reduce violence;
- Protect people and key institutions;
- Promote political processes which lead to greater stability;
- Prepare for longer term non-violent politics and development.

Public administration interventions in stabilisation environments aim to ensure that central and sub-national governments can fulfil their 'core' or 'survival' functions. These are generally agreed to be:

- To assure the security of the population and of the state, through control (if not monopolisation) of the use of force, control of borders and the maintenance of law and order.
- To make and implement essential policy and laws.
- To provide basic services (e.g. health, education, water supplies, communications and transport infrastructure).
- To stabilise the national currency and manage the national budget.
- To manage the exploitation of natural resources, for the benefit of the population and to protect the environment.

Public administration reform is by definition a long term process, especially where systems have suffered years of neglect, under-investment, destruction of infrastructure and deterioration of human capacity. Stabilisation activities are by definition comparatively short term, exploiting small, often fragile windows of opportunity to advance a political settlement. This paper discusses what can be done in the short term, whilst preparing for sustainable public administration reform over the medium to longer term.

HMG's Approach to Public Administration in Stabilisation Environments

In a stabilisation environment, establishing a 'good enough' system for administration of public resources should help promote stability and a reduced tendency to violent political contest. Support to public administration should enable management of resources and delivery of basic services (security, justice, health and education etc) to the population, in order to improve the legitimacy of government and improve citizen welfare. In order to do this the system of public administration needs laws, rules and procedures which allocate roles, responsibilities and resources, clearly and efficiently; it needs a competent civil service, with the right capabilities; and it needs a system for managing all of these resources transparently and efficiently. In most stabilisation environments these are 'aspirational' ideals and will take many years if not decades of patient support to implement. In the meantime there is an urgent need to deliver quick, visible improvements to help create government and citizen support for stability. Improving public administration in stabilisation environments requires balancing support to short term improvements with attention to the multitude of structural reforms required for effective administration.

HMG's approach to revitalising public administration in stabilisation environments will vary between contexts. Where a government – or some parts and levels of government - remain characterised by unacceptable levels of corruption, predation, human rights violations and incompetence and there is

Nigeria and Somalia

During the Government of General Abacha in Nigeria, it was felt to be impossible to work constructively with the government. The focus of UK engagement was instead directed to NGOs and civil society. The UK adopts one approach to its relations with South Central Somalia, whilst it maintains more 'normal' relations with Somaliland and Puntland.

no evidence of political support for reform, efforts to reduce the harm done to stability and to populations by their government may take precedence over concerns with efficiency

and effectiveness. In extreme situations, by-passing government altogether may be the only option in the short term.

In many stabilisation environments, public service provision is complemented by a range of 'informal' systems for provision of some or all of these functions and services. The key is often to try and forge linkages between the formal public sector and the informal sector, exploiting the assets of the informal sector, reducing any of its negative effects - and using the forging of linkages to improve relations, trust and confidence between formal and informal power bases.

Assessment

When support to public administration is deemed critical to stabilisation, we will need a rapid assessment of the current situation: What needs to be done? What can be done? What should be done where, when, with whom and how?

This assessment should include attention to the following:

- The interplay between ongoing political contest and the system of public administration: there are likely to be tensions between the need to maintain the support of potential spoilers by offering them key positions of power, and the desire to see a more equitable, 'merit based' allocation of roles and responsibilities.
- Overall government capacity, especially the match between responsibilities and resources.
- Existing laws, rules and procedures relevant to public administration and the capacity to make and implement laws.
- Systems and capacity to manage human, financial and physical resources
- Incentive systems of reward and sanction.
- Central-local government relations and local government capacity and responsibilities.
- Capacity and effectiveness of central management agencies: President's Office; Cabinet; Ministry of Finance; civil service management.
- Capacity and effectiveness of formal oversight and accountability bodies (Parliament, Audit Office or anti-corruption agency).
- Capacity and effectiveness of the population to demand better governance and hold government to account (civil society at its broadest: private sector associations, the media, trade unions, professional associations, NGOs, pressure groups).

Southern Sudan

The first priority for the Government of Southern Sudan was refurbishing the GOSS office complex and building a temporary HQ for the South Sudan Police Service. Governments cannot function sitting under trees and need a basic minimum of physical infrastructure. Support to government's own priorities infrastructure can also help cement relations, easing subsequent attention to more sensitive areas: responsiveness, corruption or natural resource management.

Prioritisation

When 'everything is broken', it is critical to devise a mechanism for prioritising what should be done first; this assessment should be based on a mix of the following criteria:

- Security: what is required to ensure the basic safety and security of the population? Are there threats to the state which need to be addressed? What can be done to (re)establish a minimum of law and order to enable citizens to go about their daily business?
- Political factors: Engagement in support to public administration is inevitably engagement in the political dynamics which characterise a stabilisation environment. Competition for positions of authority which control allocation of desirable appointments, natural or financial resources may be fiercely contested. Insistence on strictly 'rational and bureaucratic' administrative systems, or on 'merit based appointments and rewards' may be impossible. Local, popular tolerance for inefficiency and political appointments will vary but the population may prefer peace to efficiency over the short term. Making an assessment of local preferences is probably the best guide to tolerable compromise.
- Balancing technically critical engagement with exploitation of opportunities. A technical assessment of support to public administration may indicate the centrality of e.g. support to public financial management – or the power Ministries - which may or may not be practically or politically feasible. Initial assessment may also indicate opportunities to engage with other parts of the public administration system where there is more 'pull' – or at least less resistance. Demonstrating progress in less contentious institutions may be a way of establishing relationships, trust and credibility, and reducing resistance elsewhere in due course.

Kosovo

The withdrawal of Serb forces from Kosovo in June 1999 meant their governmental institutions disappeared from the Province. Private armies soon filled the security vacuum, while other government services either collapsed or came to be dominated by unofficial groups. As Kosovo came under international stewardship, the immediate priority was to re-establish security, and the NATO-led Kosovo Force KFOR was created for exactly this purpose. A new UN administration was established, and immediately recognised local political realities and international aspirations by co-opting Kosovo-Albanian and Kosovo-Serb leaders into decision-making. Meanwhile, the provision of shelter, electricity and a stable currency (the Deutschmark was brought in to replace the Serbian Dinar) was rated more urgent than health, education and several other government services.

Balancing Short and Long Term Reforms

The acknowledged need to demonstrate 'quick wins' may encourage stabilisation agents to disregard risks to longer term structural reforms. It is absolutely critical for those engaged in stabilisation to understand the need to balance the value of quick impacts

against the risks. For example, there have been examples where external actors have decided to 'buy-in' capacity to manage essential state functions.

This must however be accompanied by efforts to create locally sustainable capacity as soon as possible. 'Buying in' capacity may entail costs which are unsustainable in the long term – so attention must be paid to the financial implications of short term solutions. Inequities in salaries within a state institution can create tensions – which equally need to be carefully managed. We need to remember that improved service delivery in and of itself does not guarantee either stability or confidence in the state, but needs to be accompanied by the creation of legitimacy and acceptance among the population.

Sierra Leone

In the wake of the troubles in the 1990s in Sierra Leone, there was no local capacity to run the vitally important Ministry of Finance and Economic Development. The temporary solution was to bring expatriates into executive positions for several years. The fact these were mainly Sierra Leonian migrants attracted back on expatriate terms made acceptance easier. The Ministry was too important to wait for local capacity to redevelop.

At the same time, insistence on 'sustainable' solutions, which address the 'root causes' of weak capacity may require multiple and complex improvements along a number of strands – over a long period of time. Waiting years for such benefits to materialise may preclude the establishment of stability required for such sustainable capacity development to take root.

A balanced approach combines inputs aimed at short term gains with activities which help lay the foundations for more durable improvements. It is important to ensure that the former do not undermine the prospects of successful engagement on the latter.

Coordination of External Support

The principle obstacle to effective public administration is the extent to which political contest is played out in the public sector, creating a fractured polity, characterised by sometimes violent competition within and between institutions. Where there are multiple external actors (UN Agencies, IFIs, bi-lateral interests (civilian and military), NGOs), there is a significant risk that external support unwittingly exacerbates these tensions. Coordination is therefore not 'nice to have' or even just more efficient: it is essential. It is also extremely difficult in practice. The urgency of the situation, political pressures to be seen to be doing 'something' almost always preclude sufficient investment in effective coordination mechanisms, or in joint assessment and prioritisation.

The best guarantor of coherence is for donors to align behind a government's own strategy. However, new, weak or fragile governments often cannot provide overall strategic leadership and may not have the will or ability to direct the contribution of international partners.

Liberia

In Liberia, the UK supplied the support for the main technical expertise that wrote the Civil Service Reform Strategy approved in 2008. But the whole exercise was lead by the Director General of the Liberian Civil Service Agency.

Afghanistan

Afghanistan represents a reasonable example of good practice in public administration reform. In late 2001 immediately after the Taliban were ousted from Kabul the World Bank, DFID and other partners carried out a rapid institutional assessment of public administration. This recommended, inter alia, the following tasks be commenced as soon as possible:

- Ensure that civil servants country wide are paid in full and on time.
- Establish the Civil Service Commission - to increase the likelihood that civil service recruitment and promotion is merit-based.
- Establish Capacity Building Groups (donor funded) and in house Senior Management Teams (budget funded) to kick start service delivery - and begin the long term development of the Civil Service.
- Establish a Commission of Ministers to oversee functional reviews, rationalise government structures and identify priorities for restructuring.
- Set out the Procedures for Cabinet - to ensure coherent decision-making and follow-up.
- Adopt a Ministerial Code of Conduct - to define Ministerial responsibilities, 'accountability', 'collective decision-making' and 'conflicts of interest'.
- Initial support focussed on adoption of a 'priority reform and restructuring' programme which encouraged key government departments to undertake structural reform, including merit based appointment or redeployment of personnel and rationalisation of processes and procedures. Those (re)appointed on the basis of merit were paid enhanced salaries.

Key to developing the initial programme was rapid deployment of an integrated team of administrative reform specialists with extensive experience in post conflict situations, supplemented by local professionals. This team had to demonstrate not just the necessary technical expertise but also highly developed social and interpersonal skills applied in an exceedingly volatile situation. This team worked together to assess, prioritise and design an emergency programme, aimed at re-vitalising the public administration system. Attention was initially concentrated on key Ministries and functions (e.g. Ministry of Finance). Adopting an 'asymmetric' approach to reform – rewarding Departments keen to participate in 'priority reform and restructuring' – created an effective incentive structure, which encouraged other Ministries and departments to follow suit.

Donor coordination was made possible by the establishment of the Afghanistan Reconstruction Trust Fund. This enabled donors to support the Afghan budget, providing funds for the payment of salaries, whilst maintaining a low level of fiduciary risk. As payments to the Government were made in arrears, the Afghan financial management system quickly adapted to the required processes and procedures. This in turn helped to create capacity and to embed a culture of effective and transparent public financial management.

In the absence of national leadership, international organisations (UN, IFIs) or a lead bilateral often play an important coordinating role. Encouraging external actors to work together to agree overall strategy, division of labour, and aligned systems can however be challenging, and time consuming as some donors are more willing to coordinate than others.

Pooled financing in support of a single national programme can be beneficial where management of a pooled financing mechanism encourages and enables effective coordination of activities (e.g. the Afghanistan Reconstruction Trust Fund). Benefits can include more flexible allocation of resources on the basis of prioritised needs, reduced transaction costs, greater engagement with government and effective management of fiduciary risks. These benefits can however evaporate where management is poor, processes and procedures are onerous and time consuming and priorities are not agreed with partner institutions.

Specific Challenges and Possible Responses

The specific challenges encountered in stabilisation environments will vary between contexts. As noted above, a basic analysis of the public administration system will reveal which challenges need to be addressed immediately, how political contest enables or impedes effective external support and where there are positive opportunities. A checklist of key issues and possible responses is presented below:

Political Influences and Impacts

There are a number of **political** challenges to revitalising public administration:

- Where the government favours some and excludes others from jobs, services or access to resources, greed, grievances and instability can be increased; on the other hand, political appointments may help secure the political support of faction leaders. Tolerance of such political appointments – and the subsequent ‘inequitable allocation of posts, and resources’ may be the price of interim stability – the reduction in violence required to make longer term and sustainable stabilisation possible. Astute political judgement and extensive local consultation will indicate where the bounds of such tolerance should lie. This judgement will need to take account of popular demands for stability and equity versus the willingness of powerful actors to ‘spoil’ stabilisation processes. International actors may themselves have immovable demands – especially in relation to those responsible for human rights violations. Popular support may enable the introduction of vetting procedures for at least senior appointments, in order to preclude appointment of those responsible for human rights violations.
- However, once political appointments are entrenched, external actors may have little direct influence on the introduction of more equitable, merit based appointments or resource allocation. Here external support may be better directed to empowering Parliaments, political parties, the media and civil society (in its broadest sense) to demand more transparency and accountability, monitor public appointments, budget allocations and service delivery. Again astute political judgement will be required to assess when it is ‘safe’ to encourage more active popular demand for better governance.

Incentive Systems

In unstable environments, public administration incentive systems may be dysfunctional: pay may not be proportional to effort, results or responsibilities, be massively below a 'living wage', and paid late or not at all. As a result, motivation is low, performance poor and corruption and rent seeking endemic.

- Introducing performance management systems can help create confidence that effort will be rewarded, especially if communicated effectively to officials and seen to be implemented.
- Even if pay levels are very low, ensuring that civil servants are paid in full and on time (or at least to an agreed timetable) contributes to a sense of normality and to confidence in government. Particular attention should be given to ensuring that employees of sub-national government are not left out as their contribution to stability is often crucial.
- Where pay can be increased (even marginally), this can improve performance as officials see that government is trying and there is movement in the right direction. It is however critical that external support for e.g. enhanced salaries remains in line with a country's fiduciary potential. Short term payment of unsustainable salaries simply pushes the problem forward in time – and may increase future risks of instability when and if external support is withdrawn.
- Increases can also help acceptance of less popular measures such as performance based management, anti- corruption programmes and codes of conduct.

Relations between the Executive, Legislature and Judiciary

The relationship between the executive, the legislature and the judiciary may be uncertain, confrontational or dysfunctional; political competition overrides cooperation or concerns with delivery; legal frameworks may be contradictory and unclear.

- Peace processes usually include establishment of a new government which presents an opportunity to achieve a consensus around a new set of relationships.
- New legal constitutional frameworks are often part of a peace process. External support, such as helping to draft a new Constitution, should be carefully balanced against the risk of insufficient local ownership or buy-in. An imperfect – but genuinely owned new Constitution is preferable to an ideal Constitution which moulders on the shelf. Again, astute political judgement should complement technical support.

Security Sector Considerations

The security sector often presents a specific set of challenges which require attention.

- The 'power Ministries' (defence, security, policing, intelligence, justice, corrections) are often the mostly hotly politically contested as well as being most desperately in need of rational reform. Donor driven public administration programmes often neglect defence, security, and intelligence institutions and the links between them, or ignore the political dynamics which affect technical reform. However, failure to engage effectively with the 'power Ministries' often equates with failure to address some of the key causes of insecurity and instability¹.
- It is critical that efforts to reform the security sector benefit from political, governance and institutional reform expertise as well as technical security/ justice sector support. Development agencies need to work closely with their political, military, police or judicial counterparts to ensure that the right combination of tools is applied.
- Parts of the country may be inaccessible due to security concerns. This may cause unequal treatment of sub-national entities, which may compound grievances and exacerbate tensions. Special efforts to redress imbalances and secure access can be beneficial to stabilisation.

Revenue Generation and Collection

Failure to set or collect taxes results in low revenues, which create fiscal constraints to public administration financing. Grossly inadequate revenue bases are almost inevitable in stabilisation contexts, but it is important to try to build them up.

- It is crucial to define which tax collecting opportunities will yield the most significant revenues in the short term: collecting customs and excise duties on cross border trade and establishing 'large tax payer offices' for the few big businesses that are functioning may be more productive than introducing broad based individual income tax.
- On the other hand broad based taxation is a key link between citizens and government: introducing modest, 'fixed rate' taxes for small businesses can help create popular interest in holding government to account.
- Revenue raising systems need to be monitored to ensure that they do not simply become new opportunities for corruption and rent-seeking.
- Increased revenues must be complemented by improved budgeting and financial management systems, if they are to be utilised effectively.

¹ See the Stabilisation Issues Note Security and Rule of Law for further discussion of the particular issues associated with security and justice.

Corruption

Stabilisation environments are usually characterised by corruption at all levels, and the corrupt behaviour of state officials can be a major cause of political instability and popular discontent. However, it is important to differentiate between 'acceptable' and 'unacceptable' instances of corruption. For example, people may tolerate the demands of petty officials for small 'presents' (direct taxation), but be rightly aggrieved by police extortion or the appointment of people with known links to organised crime. Public administration interventions are key to reducing corruption:

- Improving systems of public financial management will reduce opportunities for the misappropriation of public revenues; where donors are supporting the national budget, external audit and payments in arrears can help reduce misappropriation and increase public confidence.
- Vetting and the application of clear transparent rules for public service employment, will reduce gross abuse of the appointments system, although as noted above – this needs to be balanced against the possible need to tolerate a measure of political appointments in support of stability.
- Encouraging effective oversight and publicity (by elected bodies, civil society, and the media) will help reduce the culture of corruption.
- A few high profile cases of prosecution for 'grand corruption' can act as a deterrent and create public confidence in the willingness and ability of the state to reduce corruption; however we need to remain mindful of the political risks which attend the pursuit of powerful players.
- Extensive publicity for efforts to 'clean up' government are important as long as they are accompanied by actual visible action; if there is no action, public attitudes soon turn to frustration and cynicism and to a continuation of corrupt practices.

The creation of anti-corruption commissions needs careful consideration, especially if these have unilateral powers of prosecution. Their impact can be effective if they are honest and have the backing of the highest political powers. But they can be counter productive where prosecutions are blocked, fail in court or are seen to be politically biased.

Accusations of corruption can swiftly become another political tool, especially where large scale and petty corruption is rife. Too often anti-corruption commissions focus on 'low hanging fruit' but avoid pursuit of the politically powerful. This undermines the utility of anti-corruption to overarching governance and stability objectives.

Sierra Leone

Sierra Leone created a high level ACC in 2002 with extensive UK support. While it made some initial impact, eventually the ACC became ineffective. Cases were not prosecuted successfully by the Director of Public Prosecutions (the ACC itself had no prosecutorial powers) and high level political support became lukewarm as the Commission began proceedings against senior figures in the ruling party.

Centre:Sub-National Government Relations

As local government is 'closer to the people', improving the ability of local government to respond to the needs of citizens can be an important component of a stabilisation operation. Before we decide where and how to focus our efforts, it is critical to understand both the formal and informal relations between central and sub-national government in any given context:

- What powers are formally devolved to sub-national government? Key areas include revenue raising, local budget formation, recruitment, creating the regulatory environment for business, natural resource management, and service provision.
- Are local responsibilities matched by available local resources? What proportion of local revenues come as transfers from the centre?
- Do local power brokers abide by the rules which govern centre: sub-national relations? Or are sub-national entities managed as separate fiefdoms? Are locally raised revenues submitted to the centre or retained – for whom and to what end?

Understanding is a critical pre-requisite to engagement lest we inadvertently weaken the 'centre- periphery' relations which constitute state cohesion.

- In stabilisation environments, the first priority may be simply to improve the flow of information, decisions and resources between centre and sub-national government.
- Making existing systems work, ensuring that civil servants are paid or that recurrent costs are met can make useful contributions to the sense of return to normality.
- Conversely, radical solutions such as massive decentralisation should be postponed until there is sufficient political stability to withstand what is bound to generate fierce debate - and even moves to separatism. We need to avoid the 'either/or' (centralisation or decentralisation) mentality, in stabilisation and initially encourage small changes which improve the effectiveness of sub- national government in serving citizen interests.

Local Government Responsibilities and Resources

Most developing countries that have placed major reliance on decentralisation and local government have fallen into the trap of decentralising responsibilities without anything like the resources required to carry these out. This is almost always the situation in post conflict countries (e.g. Rwanda, Sierra Leone, Southern Sudan) but has also been a characteristic in e.g. Uganda, Ghana where there is less pressure on resources.

State Owned Enterprises and Privatisation

Though not part of the system of public administration, there is often little differentiation between 'employees of state owned enterprises' and the 'civil service'. State owned enterprises are often economically inefficient, usually over-staffed (often with 'ghost workers'), and provide ample opportunities for rent-seeking. They are also an important source of political power through the control and allocation of resources; as such, attention to the management of state owned enterprises is often critical to overall efforts to improve state performance, resource management, legitimacy and stability.

Concerns with economic efficiency often encourage external actors to recommend hasty privatisation of state owned enterprises. This should however should be avoided, as it risks creating destabilising levels of unemployment whilst creating opportunities for some to exploit their advantageous positions. It is often preferable to support improved performance over the short term, even if this entails ongoing state support.

Privatising State-Owned Enterprises in the Balkans

Bosnia and Kosovo inherited several Yugoslav enterprises, which were infamously owned by 'everyone and no-one'. Most, such as the large utility companies, were massively over-staffed and provided very poor levels of service. But reforming these state-owned utilities had to wait until a degree of political stability had taken root – only then could vested interests that preserved the status quo in these firms be challenged. Earlier attempts to reform these enterprises tended to fail since they ignored political realities.

Conclusion

Revitalising Public Administration is an essential component of a stabilisation strategy, wherever lack of state capacity, legitimacy and responsiveness is a factor in ongoing instability. Although comprehensive public administration reform can take decades, careful primary assessment can indicate where and how targeted external assistance can make a difference in the short term.

A twin track approach is the best option, combining activities which will produce quick and visible wins with investments in the foundations of longer term reform. Short term activities might include:

Rebuild essential civil service infrastructure and ensure that civil servants are paid in full and to the agreed schedule. Small improvements in pay and conditions can engender the support of civil servants for stabilisation. Introducing 'not too contentious' changes in performance management can improve morale as well as service provision. These small initial changes can also help produce a platform on which further structural reforms may be implemented in slower time.

Visibly improve service provision in sectors where quick improvements are possible; improvements even in postal services or traffic policing can help demonstrate that improvements are happening. The restoration of social services such as basic health care and education are an important mechanism for generating popular support for

stabilisation: encouraging a new/ fragile or weak government to deliver such services can introduce a measure of responsiveness to a post-conflict political culture.

Support capacity in the central government management agencies of (especially the President's Office, Cabinet Office, Ministry of Finance), enabling the development of leadership and increasing the accountability of government agencies.

Support the 'demand' side of better governance - the ability of elected bodies, the media, civil society and citizens more generally to hold government to account.

Create structures and systems to facilitate a consensus around longer term structural public administration reform; create a political consensus around: reform of the legislative framework and regulatory environment, starting with the most essential only; establishment of transparent systems for revenue collection, budget formation and execution and procurement together with audit and oversight mechanisms; reform of civil service recruitment and management, reward and sanction, including pensions; rationalisation of centre: sub-national relations and systems to ease the flow of information, decisions and resources; reform and possible privatisation state owned enterprises, once the political risks can be managed effectively. These discussions can help promote stability by giving political actors a focus and a forum for pursuit of combined political and governance objectives.

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