



**Clingendael**

Netherlands Institute of International Relations

# Engagement with Non-State Actors in Fragile States:

## Narrowing Definitions, Broadening Scope

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***CRU Report***







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## **Executive Summary**

International actors concerned with state-building processes in fragile and conflict-affected situations increasingly acknowledge the leverage of non-state actors in building a legitimate state apparatus. However, as research for this paper reveals, the risk-averse nature of the current aid architecture means that aid is usually channelled through large, established INGOs to a narrow range of formally constituted local NGOs that are accountable to their donors rather than to their beneficiaries. A vast range of non-state actors – many of which, in the absence of functioning institutions, will have been fulfilling roles typically assumed to be the domain of the state – are left out of the picture.

This paper presents the findings of a review of literature on the role and functions of non-state actors in fragile states and an analysis of international policy frameworks that guide their involvement in state-building processes. It presents some of the main challenges for the New Deal on Engagement in Fragile States, and concludes that its success will rest or fall on donors engaging with a full range of non-state actors based on their assets and how their activities are relevant to the overall transitional goal rather than on their formal structure.





## Introduction

International actors concerned with state-building processes in fragile and conflict-affected situations increasingly acknowledge the importance of including non-state actors<sup>1</sup> in programmes geared towards building a legitimate state apparatus. These actors often have assets relevant to the overarching transitional goal. Indeed, while augmenting state legitimacy, accountability and capacity are central in achieving overarching goals, in reality the central state is no longer the sole actor at the heart of state building and stabilisation. For international actors, this implies a dual engagement strategy at both state and non-state level, and a commitment to strengthening state-society relations.

The World Development Report 2011 highlighted the key role of civil society organisations in fostering confidence in state-building processes and delivering services and early results to local communities.<sup>2</sup> In late 2011, 41 governments and intergovernmental organisations – members of the International Dialogue on Peacebuilding and Statebuilding – endorsed this notion in the New Deal for Engagement in Fragile States (New Deal). The New Deal puts an emphasis on inclusive country-led and country-owned transitions out of fragility. This transition is to be based on a country-led and -owned fragility assessment, which includes key national stakeholders and non-state actors.<sup>3</sup> To deliver the New Deal, the International Dialogue members have appointed seven pilot countries and committed themselves to all necessary actions and reforms on both the (pilot) country level and the global policy level, based on continuous monitoring and adjustment.<sup>4</sup> Practically deploying dual engagement strategies will be key to this process.

The rationale behind dual engagement strategies can be found in one of the essential characteristics of state fragility, in which the state's authority does not reach significant territory.<sup>5</sup> Instead, the state has to compete with informal types of authority, which fulfil functions typically ascribed to the state, such as service delivery, conflict resolution and security.

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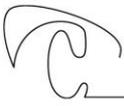
1 For a conceptualisation of 'non-state actors', see Chapter II of this paper.

2 World Bank (2011), *World development report 2011 – Conflict, security, and development*, Washington DC, p. 112, 115.

3 4th High Level Forum on Aid Effectiveness (HLF-4), 'A New Deal For Engagement in Fragile States', November 30, 2011, <http://www.aideffectiveness.org/busanhlf4/>, p. 2.

4 The New Deal will be piloted in Afghanistan, Central African Republic, Democratic Republic of Congo, Liberia, Sierra Leone, South Sudan, Timor Leste. See: OECD, 'A new deal for engagement with fragile states', <http://www.oecd.org/international%20dialogue/aneudealforengagementinfragilestates.htm>, viewed October 3, 2012.

5 Putzel, J., Di John, J., 'Meeting the challenges of crisis states', Crisis States Research Centre Report, London School of Economics and Political Science, 2012, p. 5.



While this serves to emphasise the importance of creating strong state/non-state partnerships, difficulties in determining the nature, functions and interests of these actors pose challenges to governments and donors attempting to understand with whom, and at what level, they need to engage.

Essentially, these are political considerations. Not all non-state actors will be seen as legitimate by the population or the state, for example. Many are embedded in socio-political cultures that uphold systems of exclusion and some may have strong links with illegally armed groups. Some may not want to be engaged in the state-building process, while others aspire to become part of the new state system. Attempts to strengthen local or alternative governance structures should also be balanced against the danger of undermining state capacity by setting up competing mechanisms. Finally, dual engagement requires donors to revise their understanding of fiduciary risk tolerance, by also supporting local initiatives that do not, or barely, uphold international standards of accountability.

Against this background, the New Deal pilot countries have to develop an inclusive vision of their own transition. Other International Dialogue members need to consistently assess their engagement against a spectrum of significant divisions in society and lack of trust between state institutions and other non-state authority mechanisms.<sup>6</sup>

Anticipating foreseeable challenges in this regard, the objective of this scoping paper is to problematise the concept of civil society and its supposed role in transitions. It argues that developing appropriate engagement strategies means approaching non-state actors in terms of their assets and how their activities are relevant to the overall transitional goal. This will help define a basis for pragmatic constructive engagement with non-state actors. To this end, the paper examines the range of non-state actors in fragile states and their functions in state-building processes against current policy guidance and mechanisms. Through this process, it identifies key challenges for those responsible for implementing the New Deal and engaging with non-state actors.

The findings in this paper are based on desk research, the focus of which was two-fold. The first stage consisted of a review of existing academic literature on the role of non-state actors in fragile states and related challenges and opportunities. The second stage involved mapping and analysing international policy frameworks that guide non-state actor involvement in state-building processes in fragile states.

Based on the findings of this analysis, Chapter 2 assesses the nature of non-state actors in fragile states and their various functions in state building. Chapter 3 examines the international policy framework and operational realities that inhibit engagement with a full range of non-state actors. Chapter 4 concludes by presenting some of the main challenges to be faced over the course of the New Deal implementation process, and makes recommendations on how to overcome them.

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6 Locke, R., Wyeth, V., 'Busan and Beyond: Implementing the 'New Deal' for Fragile States', Issue Brief, International Peace Institute, July 2012, p.5.



## Non-state actors' functions in state-building

### Box 1: Non-state actors

Non-state actors include all actors in the public domain, including, for example, local non-governmental organisations (NGOs); religious and faith-based organisations; tribal, traditional and other structures and networks of authority; workers' organisations; women's and youth networks; private sector organisations; media; academia; local community-based groups; and even influential individuals. Together, these actors are often referred to as 'civil society'. However, they should be regarded as informal systems of authority that co-exist or compete with each other and sometimes with the state. Socio-political settlements govern their behaviour and their attitudes towards and relations with state institutions, external actors and donors. Non-state actors are relevant to any transitional process, be it as constructive partner or potential spoiler. Groups explicitly engaging in illicit activities or armed violence to achieve their goals are outside the scope of this concept of non-state actors. International non-governmental organisations (INGOs) are a mechanism used to reach local actor level.

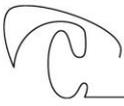
### Mapping the field

In situations of conflict and fragility, the concept of the state and the legitimacy of a state-building process may be heavily contested. In certain contexts the state itself could be near to non-existent. Power gaps are often filled and functions typically assumed to be the domain of the state – such as service delivery, conflict resolution, economic development and a certain level of security – are provided by non-state actors and informal authority structures, particularly at community level.<sup>7</sup> Where these non-state systems trump state institutions, they can act as important sources of legitimacy to those challenging the authority of the state.<sup>8</sup> It is therefore important that donors take this dimension of fragility into account when promoting state-society relations in the context of state building.

Dual engagement requires consistent assessment against the background of those multifaceted actors operating in the non-state sphere. Some actors will be formally constituted – such as non-governmental organisations (NGOs), associations or religious institutions. Others will be informal groups, such as spontaneous youth movements or loosely organised neighbourhood watch groups. Some may be locally accepted as semi-governmental – such as traditional authority mechanisms or community councils – while others are seen as part of the private sector. At first sight, outsiders usually see non-state actors as part of a specific public, private or civil society sector. However, many function

7 Boege, V. et al., 'Building peace and political community in hybrid political orders', in *International Peacekeeping*, Vol.16, No.5, November 2009, pp. 599-615.

8 Putzel, J., Di John, J., op. cit., p. 5.



informally across several sectors, though their connections with other segments of society and government may be less visible and therefore neglected.<sup>9</sup>

Specific sector models are unlikely to exist in conflict environments and distinctions in terms of activities and impact between archetypal civil society *organisations* and other actors and networks are increasingly irrelevant in the context of state building. For example, an entrepreneur can also act as a community elder and be locally accepted for his/her mediating skills. A local NGO can become part of the local economy by absorbing and regenerating large amounts of donor funds. For example, community members in Burundi were puzzled by the distinction between an NGO and a private company.<sup>10</sup> Informal neighbourhood watch groups may be providing the only form of security. In Colombia, community development councils (Local Juntas de Accion Comunal) are mandated by law to provide for their own security by installing community alarm systems and organising neighbourhood watch groups, thereby filling policing gaps.<sup>11</sup> In the case of pre-peace agreement South Sudan, churches were key providers of education, creating an infrastructure, and providing school materials and teachers.<sup>12</sup>

Because networks often evolve between actors, and because their functions often overlap, the non-state actor environment is highly complex. It is even less tangible when countries are in transition and power structures are in flux. Largely as a result of these multiple roles, which donors traditionally ascribe to the realm of the state, non-state systems and institutions sometimes function as a second state or, in some cases, as the only form of authority, and enjoy significant levels of power, local legitimacy and accountability.<sup>13</sup>

By engaging the ability of local actors to build links and provide coordination between sectors, and by applying their vast knowledge of the local context, non-state actors can contribute significantly to the state-building process. Conversely, top-down decentralisation programmes in areas where non-state authority systems trump those of the state can aggravate fragility.<sup>14</sup> In Afghanistan, for example, the buy-in of local non-state leaders has been identified as critical for the success of transitional programmes. That is why local governance structures currently promote their involvement in voluntary Community Development Councils, which will be instrumental in engaging non-state leaders in the

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9 Paffenholz, T., Spurk, C., 'Civil Society, Civic Engagement, and Peacebuilding', Social Development Papers, No. 36, 2006.

10 Stel, N., de Boer, D., and Hilhorst, D 'Multi-stakeholder processes, service delivery and state institutions – Service provision and the legitimacy of state institutions in situations of conflict and fragility. Experiences from Burundi, DR Congo, Nepal and the Palestinian Territories', Synthesis report, Peace, Security and Development Network, 2012, p 33.

11 Derks, M., 'Improving security and justice through local/nonstate actors: The challenges of donor support to local/nonstate security and justice providers', Netherlands Institute for International Relations Clingendael/Conflict Research Unit, April 2012, p. 11-12.

12 Interview with representative of ICCO and Oxfam Novib, 'Education Program in Sudan 'Educational programme for accessible primary education in Sudan', <http://m.icco.nl/en/projects/project&project=309>, viewed on October 2, 2012.

13 Scheye, E., 'Realism in Justice and Security Development: Supporting Improvement in the Performance of non-State/Local Justice and Security Networks', Netherlands Institute for International Relations Clingendael – Conflict Research Unit, July 2009, p. 8.

14 Putzel, J., Di John, J., op. cit., p. 5.



identification, planning and implementation of development projects in their communities.<sup>15</sup> Likewise, the Local Coordination Committees that arose from the popular uprising in Syria in 2011 function as a grassroots local governance system.<sup>16</sup> Involving them in the set-up of a post-conflict political settlement will be crucial for the stability of a future transition process.<sup>17</sup>

However, engaging with those types of actors entails recognising the fluidity and overlaps between the different types and acknowledging the (limited) legitimacy of multiple and varied non-state actors. In addition, not all non-state actors are appropriate to engage with upfront. They may be highly factionalised, and unrepresentative of the broader community. They are often embedded in socio-political cultures that uphold systems of exclusion based on patronage or ethnicity, corruption or exploitation. Some may not want to be associated with the new state, while others aspire to become part of it. Or they may have strong links with armed groups. For example, recently established local security committees in North Kivu province in the Democratic Republic of Congo officially liaise with local communities about security matters. Reportedly, however, these committees also recruit young people to join the M23 rebel movement and scrutinise those who oppose the M23 leadership.<sup>18</sup>

At the same time – and with a view to supporting state-society relations – attempts to strengthen local or alternative structures of governance through engagement with non-state actors should be balanced against the risk of undermining state capacity by setting up competing mechanisms or breeding apathy within the state towards its own responsibilities.

### **Function over form**

Whatever they are called and however they are constituted, what determines the role non-state actors can play in state building is first and foremost whether they are seen as legitimate and, if so, by whom and why. Local communities are likely to judge non-state actors according to their function rather than their structure.<sup>19</sup> Non-state actors often operate outside a strict interpretation of their roles, sharing characteristics and functions traditionally attributed to (local) government. The diversity of non-state actors may not be new, but their profiles become increasingly elevated in a situation of conflict or fragility. They fulfil key functions in situations where the state is unwilling or incapable of providing governance and are therefore relevant to any state building programme.

However, current aid architecture still focuses on tangible structures. It is easier for donors to work with particular types of actors – those that are formally constituted, can write project

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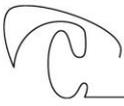
15 Islamic Republic of Afghanistan/Ministry of Rural Rehabilitation and Development, 'National Solidarity Programme', <http://www.nspafghanistan.org/> (visited on September 17, 2012).

16 LCC Syria. <http://www.lccsyria.org/en/>. (visited on 16 October 2012).

17 The Day After, 'The day after project', August, 2012.

18 Human Rights Watch, 'DR Congo: M23 rebels committing war crimes', 11 September 2012, <http://www.hrw.org/news/2012/09/11/dr-congo-m23-rebels-committing-war-crimes>

19 Also refer to: The World Alliance for Civil Society Participation (CIVICUS), 'Civil Society Index', [http://www.civicus.org/new/media/CSI\\_Methodology\\_and\\_conceptual\\_framework.pdf](http://www.civicus.org/new/media/CSI_Methodology_and_conceptual_framework.pdf).



proposals in the lingua franca of the aid business, are able to absorb money and can account for the support they have received. This means that some local groups or structures that perform important *functions*, or key actors pulling the strings in society, may be overlooked simply because there is no way of supporting them or monitoring and evaluating their outputs in a way that fits current donor support mechanisms. Where support to local actors is provided, it is usually channelled through trusted partners such as UN agencies or INGOs – depending on the amount of risk donors are willing and allowed to take.

Working through INGOs may not, however, have the stabilising effect it is supposed to and could have unforeseen side effects, such as unfair economic competition or an intellectual brain drain from the local economy and service system. In Rwanda, for example, concerns arose that '[t]he material advantages accorded to a small group of people and the lifestyles of the foreigners living in Rwanda contribute to greater economic inequality and the devaluation of the life of the majority.'<sup>20</sup> In Haiti, also, there are concerns that an overreliance on INGOs undermines local job creation.<sup>21</sup>

From a donor perspective, it is therefore important to assess non-state actor activity against a gradient of functional impact and legitimacy, which reaches beyond tangible structures and organisations. If the functions fulfilled are relevant to the state-building process, donors should become more inclusive and less risk averse, including towards those actors. The next chapter outlines how the current international policy framework inhibits donor engagement with a full range of non-state actors, thus restricting civil society engagement in state building.

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20 Uvin, P. *Aiding violence: The development enterprise in Rwanda*. Kumarian Press, West Hartford, 1998, p. 143.

21 Testimony of U.N. Deputy Special Envoy for Haiti Paul Farmer to the US Senate Committee on Foreign Relations, 27 January 2010, <http://www.foreign.senate.gov/imo/media/doc/FarmerTestimony100128a.pdf>, p. 5.



## International policy commitments in engaging non-state actors

### International policy commitments

Based on a comparative desk study of policy papers of 10 intergovernmental organisations and bilateral donors regarding state-building (see box 2 on page 11, for a list of policies studied for this paper), it appears that policy-makers ascribe three functions to non-state actors – usually referred to as ‘civil society’: building confidence between the state and its citizens; delivering essential services to citizens; and, conducting local analysis.

According to the OECD/DAC, for example, non-state actors play a key role in confidence building and providing insight into local social, economic and political backgrounds and power dynamics.<sup>22</sup> The World Bank, in turn, underlines the fact that overall capacity and local accountability can be strengthened by focusing on extending the role of civil society actors in state-building processes. Building effective and inclusive (enough) partnerships between international and national state and non-state actors should therefore be at the forefront of the international aid agenda.<sup>23</sup> Finally, the New Deal calls again for a need to realign strategies for engagement with non-state actors in fragile contexts.<sup>24</sup>

Bilaterally, this notion is supported by, among others, the Netherlands Ministry of Foreign Affairs (MFA), which emphasises the importance of civil society in the context of service delivery and the promotion of a legitimate social contract based on democratic values.<sup>25</sup> The United Kingdom’s Department for International Development (DFID) further argues that ‘CSOs can play an even more vital role in holding governments and others to account, enabling the poor to improve their lives and spreading knowledge, innovation and best practice in development.’<sup>26</sup> The Australian government, in turn, states that, ‘CSOs can be

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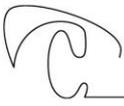
22 OECD, *Supporting Statebuilding in Situations of Conflict and Fragility: Policy Guidance*, DAC Guidelines and Reference Series, OECD Publishing, 2011, p. 51-52.

23 World Bank, op. cit.

24 HLF-4, op. cit.

25 Ministerie van Buitenlandse Zaken, ‘Beleidsnotitie maatschappelijke organisaties: samenwerken, maatwerk, meerwaarde’, 14 April 2009, p.11; Ministerie van Buitenlandse Zaken, ‘Veiligheid en ontwikkeling in fragiele staten. Strategie voor de Nederlandse inzet 2008-2011’, 2008, p. 14-15; Directeur-Generaal Internationale Samenwerking, ‘Focusbrief ontwikkelingsamenwerking’, DGIS-18/2011, 18 maart 2011; Eenheid Fragiliteit en Vredesopbouw, ‘Brief over het speerpunt veiligheid en rechtsorde’, EFV-190/2012, 21 mei 2012.

26 Department for International Development, ‘Operational plan 2011- 2015’, DFID Civil Society Department, Updated May 2012, p.2



powerful agents for change – as partners in the delivery of better services, enabling social inclusion and making governments more effective, accountable and transparent.’<sup>27</sup>

This is a snapshot illustrating how non-state actor engagement is presented as instrumental in improving governance and accountability by both multilateral agencies and bilateral donors. However, existing policies do not acknowledge the complexity required in developing appropriate methods of engagement with non-state actors. Nor are they specific on how those methods relate to broader principles of aid, which champion ownership by the host government and are inclined to promote risk-averse behaviour by donors.

For the recent New Deal to succeed in promoting local ownership, three main challenges need to be addressed: 1) Non-state actors are not properly defined; 2) Non-state actor support schemes have not been identified; 3) International aid modalities are not in sync with non-state actor support needs. Not accounting for these challenges will unavoidably lead to a programmatic translation of non-state actor engagement as NGO partnerships, thereby leaving the ambition to promote inclusive countrywide visions and plans for transitions out of fragility a hollow phrase.

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27 Australian Government/AusAID, ‘Civil society engagement framework: Working with civil society organisations to help people overcome poverty’, June 2012, p.2.

**Box 2: List of policy documents studied****High-level forums on aid effectiveness:**

- 'A New Deal For Engagement in Fragile States', November 30, 2011.
- 'Accra Agenda for Action', September 2-4, 2008.
- 'The Paris declaration on aid effectiveness', February 28 – March 2, 2005.

**International Dialogue**

- 'The Monrovia roadmap on peacebuilding and statebuilding', July 2011.
- 'Dili declaration. A new vision for peacebuilding and statebuilding', April 2010.

**OECD**

- *International Support to Post-Conflict Transition: Rethinking Policy, Changing Practice*, DAC Guidelines and Reference Series, OECD Publishing, 2012.
- *Supporting Statebuilding in Situations of Conflict and Fragility: Policy Guidance*, DAC Guidelines and Reference Series, OECD Publishing, 2011.
- *Supporting Statebuilding in Situations of Conflict and Fragility: Policy Guidance*, DAC Guidelines and Reference Series, OECD Publishing, 2011.
- *Do No Harm. International Support for Statebuilding*, Conflict and Fragility Series, OECD Publishing, 2010.
- 'State building in situations of fragility. Initial findings', DAC Fragile States Group, August 2008.
- 'Principles for good international engagement in fragile states and situations', April 2007.

**World Bank**

- *World development report 2011 – Conflict, security, and development*, Washington DC.
- 'Civil society and peace building. Potential, limitations and critical factors', World Bank Social Development Department and Sustainable Development Network, Report No. 36445-GLB, December 20, 2006.

**European Commission**

- PARTICIP, 'Evaluation of EC aid delivery through civil society organizations', Evaluation for the European Commission, Vol.1, December 2008.

**Netherlands/Ministry of Foreign Affairs**

- 'Brief over het speerpunt veiligheid en rechtsorde', EFV-190/2012, 21 mei 2012.
- 'Focusbrief ontwikkelingssamenwerking', DGIS-18/2011, 18 maart 2011.
- 'Beleidsnotitie maatschappelijke organisaties: samenwerken, maatwerk, meerwaarde', 14 April 2009.
- 'Veiligheid en ontwikkeling in fragiele staten. Strategie voor de Nederlandse inzet 2008-2011', 2008.

**United Kingdom/DFID**

- 'Operational plan 2011- 2015', DFID Civil Society Department, May 2012.
- 'Building peaceful states and societies', A DFID Practice Paper, 2010.
- 'Synthesis of country programme evaluations conducted in fragile states', Evaluation report EV709, February 2010.
- 'The politics of poverty: elites, citizens and states. Findings of ten years DFID funded research on governance in FS 2001-2010', 2010.

**Sweden/SIDA & Government Offices**

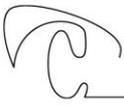
- 'Pluralism: Policy for support to civil society in developing countries within Swedish development cooperation', 2009.
- 'Development cooperation Sweden and Kenya: Reforms in governance key to success', SIDA52621en, 2010.
- 'SIDA's support to civil society in development cooperation 2007-2012', Policy in Development Cooperation, NGO Division at the Department for Cooperation with Non-Governmental Organisations and Humanitarian Assistance & Conflict Management, May 2007.

**Australia /AusAID**

- 'Civil society engagement framework: Working with civil society organisations to help people overcome poverty', June 2012.

**United States of America/USAID**

- 'Supporting Vibrant Civil Society & Independent Media', September 06, 2012.



## Obscuring concepts: Framing non-state actors as NGOs

By nature, civil society is complex, intangible, and highly context specific. This is also true of the non-state actors that operate in the civil society sphere. International fragile state policies therefore face severe difficulties in further understanding the term. Indeed, a commonly approved conceptualisation of the term and a joint strategy for assessing relevant non-state actors when developing transitional strategies is lacking from policy documents. Ultimately, this contributes to a propensity to translate ‘civil society’ into ‘non-governmental organisations’, as the latter are specifically designed to fit the international aid architecture. The Netherlands Ministry of Foreign Affairs, for example, states in its strategy on security and development in fragile states, ‘Sustainable development calls for a strong civil society to uphold human rights and protect the disadvantaged. In many difficult situations, NGOs are often the only functioning organizations. They are key partners for Dutch intervention in fragile states (...).’<sup>28</sup>

Others broaden the concept of civil society to include a wide range of actors,<sup>29</sup> or relate civil society to ‘the complex interplay of interests relating to security, political concerns and economic and social developments’.<sup>30</sup> The New Deal links non-state actors to inclusive and participatory dialogue,<sup>31</sup> but is not clear about how these non-state actors will be selected to participate. Understandably, when charged with the task to engage with these actors, most policy and programme officers fall back on formally constituted (international) NGOs.

Instead of encompassing a wide range of possible actors, in reality civil society is limited to a particular sector that has its own place in the aid architecture. Positioning NGOs as the main representation of civil society encompasses severe risks of hollowing out the potential of non-state actor contributions to state building and missing an opportunity to mitigate spoiler threats embedded in vibrant non-state authority mechanisms.

First, it may create an inclination for the development of a civil society landscape driven by external, rather than internal, needs assessments, which neglect to consider a sufficiently broad range of issues and underlying power structures. Second, it encourages commercialisation of the sector, thereby undermining a bottom-up approach to state building. After studying this dynamic, one academic concluded that, ‘International NGOs are part of the real ‘invasion’. (...) In most cases, the reality is that, while pretending to work with the local civil society, outsiders actually collaborate with other outsiders.’<sup>32</sup> And third, many development practitioners point to the ‘marketisation’ of aid. It can create dangerous competition between INGOs and local NGOs, leading to a fragmentation of efforts and a shift in local objectives towards funds rather than on the issues at stake and the sidelining actors

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28 Ministerie van Buitenlandse Zaken (2008), op. cit., p.14.

29 Australian Government/AusAID, op.cit, p.2; Department for International Development (2012), op. cit, p.2.

30 OECD/DAC (2011), op. cit., p.12-13.

31 HLF-4, op cit, p.2.

32 Pouligny, B., ‘Civil society and post-conflict peacebuilding: Ambiguities of international programmes aimed at building ‘new’ societies’, *Security Dialogue*, Vol. 36, No. 4, 2005, pp. 495 – 510, p. 501.



not organised in the form of an NGO.<sup>33</sup> Finally, because grant-receiving INGOs assume the position of intermediaries, they may also become risk-averse to engaging non-traditional partners.<sup>34</sup>

To conclude, the lack of a solid typology of ‘civil society’ further contributes to professional INGOs becoming the main beneficiaries of current aid architecture, in turn providing financial support at field level to local, formally constituted, NGOs.

### **Identifying support schemes: Capturing non-state actors’ leverage in transition**

In order to determine how the functions covered by non-state actors could be embedded in a state-building process, international assumptions about their roles and responsibilities need to be tackled. Contrary to claims in the international policy frameworks analysed for this study, non-state actors are as often – or as rarely – bridge builders, service providers or local analysts as those employed by the state.<sup>35</sup> When designing support strategies aimed to select those non-state actors that actually fit the profile set by the international community and consequently strengthen their assets, the core added value of engaging non-state actors in a state-building process may well be missed, i.e. their potential leverage in the transition.

Engaging the wide variety of functions performed by non-state actors requires innovative support strategies, informed by a vast local knowledge base. Although highly dependent on the local context, these strategies could range from small and accessible funding modalities to negotiation with local elites and networking to facilitate linkages between those who hold local positions of power and those who are capable of fulfilling certain functions relevant to a state-building process. It is critical to examine possible incentives for non-state actors to get engaged in a transition. In order to move away from individual financial or structural motives, these incentives should be first and foremost based on a common interest.

It is important to stress that whatever type of support is deemed useful, non-state actor engagement is political by nature. Ultimately, this means that support schemes that are often perceived to be technical – such as setting up funding channels, programme management training or representation selection procedures – should be complemented by an in-depth understanding of their political implications and diplomatic measures that relate to the underlying local power tissue.

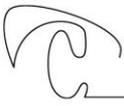
Opportunities for developing this type of innovative strategy, which underpins the ambitions expressed in the New Deal, remain limited. High-risk environments confront donors with an uncomfortable mixture of limited control over the impact of their actions and high domestic pressure to achieve rapid results, which renders them risk-averse. External financing is one

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33 INTRAC, ‘Whatever happened to civil society?’, International conference report, 2008, p. 5.

34 Tembo, F. and Wells, A., ‘Multi-donor support to civil society and engaging with ‘non-traditional’ civil society – a light touch review of DFID’s portfolio’, Overseas Development Institute, June 2007, p.7.

35 See for example: Gouzou, J., ‘Study on the Role of Civil Society in Governance Processes in the Democratic Republic of Congo (DRC)’, CARE International, ISaC and PSO, 2012.



of the few forms of engagement believed to be within donor control.<sup>36</sup> The tendency to narrow down engagement with non-state actors to financial support leads to three challenges.

First, donors' decisions on how and to whom to provide funding become easily politicised, both domestically as well as by the host government.<sup>37</sup> This puts a strain on opportunities to reach out to controversial non-state actors, who are often highly relevant to the success or failure of a transition. Second, it creates incentives for citizens to organise around issues identified by outsiders and inspired by financial and structural motives, rather than by ideas, values and desired outcomes. It can also discourage non-state actors from being critical of decisions made by the donor community. Tapping into the vision and interests of local non-state actors that are crucial to the success or failure of the transition can be a challenging task, as very often their stance towards the state has been oriented around opposition rather than partnership. Finally, monetising support holds the risk that donor support will countermand unfunded civil society activity, which also contributes to the creation of trust and legitimacy at community level. In addition, it may lead to flooding the non-state actor landscape with support that cannot be absorbed.<sup>38</sup>

### Non-state actors support modalities out of sync

Donors tend to focus on risk avoidance in terms of donor institutions' fiduciary and reputational risks rather than on managing risks of state collapse and return to conflict in a specific context.<sup>39</sup> There is an overall preference for working through multilateral frameworks, which contradicts the objective to build inclusive coalitions for state building. Most donors resort to pooled funding modalities, whose accountability frameworks are often incompatible with the reality on the ground.<sup>40</sup> In practice, this means that the funding chain in conflict environments is predominantly occupied by UN agencies, governmental organisations and INGOs, as illustrated in the following table.

**Table 1: Funding modalities in transition countries**

	Pooled Funds			Bilateral Funds	
Administration	United Nations		World Bank		Donor Country
Recipient	UN Agencies IGOs	INGOs	UN Agencies Government	INGOs	Any category or recipient, but mostly INGOs.
Implementer	INGOs and local partners		INGOs and local partners		INGOs and local partners

Source: Ball, N. and Beijnum, M. van, 2010.

36 OECD, *International Support to Post-Conflict Transition: Rethinking Policy, Changing Practice*, DAC Guidelines and Reference Series, OECD Publishing, 2012, p. 24-26

37 Ibid., p. 24

38 Dowst, M., 'Working with civil society in fragile states', INTRAC, Policy Briefing Paper 23, 2009, p.6.

39 Ibid., p. 11

40 Ibid., p. 21



The table shows that bilateral donors are more likely to directly fund local non-state actors. They are therefore decisive in accommodating international commitment to their engagement. The downside of this channel, however, is two-fold. First, there is the issue of coordination. Engaging non-state actors should be one of the core pillars of any state-building strategy if their relevance in terms of leverage, capacity and potential spoiler activities is to be taken seriously. The mere fact that countrywide strategies are designed and implemented within multilateral frameworks makes the bilateral channel suboptimal at best. Second, donors have not yet developed a tolerance for risk-taking in conflict settings. Since engaging non-state actors is less easy to control and account for, it is unlikely that bilateral donors will make an effort to directly engage non-state actors in overall state-building processes. In reality, bilateral donors mostly frame civil society support as funding international and – to a lesser extent – national NGOs.<sup>41</sup>

Within pooled funds, there is a trend to create NGO funding modalities, thereby accommodating concerns from advocacy groups that NGOs are downscaled to being implementers rather than actors in transitional contexts.<sup>42</sup> In reality, however, these funding windows still do not account for the need to include local organisations in the pooled funds' decision-making bodies. In some instances, civil society representatives are allowed onto a steering committee, but these positions are mostly occupied by INGOs. Appointing INGOs as civil society representatives is seen as a way to overcome divisions among local organisations, but at the same time leads to a disconnection between the pooled fund management structure and local actors.<sup>43</sup>

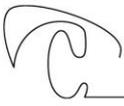
These NGO funding modalities are not an adequate response to the jointly identified need to engage non-state actors in state-building processes. Pooled funds are in essence technical ventures, created for the purpose of risk sharing, the implementation of comprehensive approaches, and the coordination of strategies. They are not fit for addressing the small-scale work of engaging non-state actors and not flexible enough to respond to underlying political processes determining the non-state actor field. They are open for applications, but do not proactively seek to engage relevant actors that do not fit the international aid architecture. Once again, the pooled funds focus on organisations rather than on functions. As a result, it becomes highly unlikely that donors have much room to explore ways and means to engage local non-state actors in the state-building process.

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41 Weijer de, F., 'Supporting civil society in fragile states: The devil in the detail', a report by ECDPM for DSO/MO, February 27, 2012, p.9.

42 See for example: Konyndyk, J., 'Developing NGO-led approaches to pooled funding: Experiences from Zimbabwe', *Humanitarian Exchange – Practice and policy notes*, Humanitarian Practice Network, No. 42, March 2009, pp. 28 – 31, p. 28; and, Fenton, W., Phillips, M., 'Funding mechanisms in Southern Sudan: NGO perspectives', *Humanitarian Exchange – Practice and policy notes*, Humanitarian Practice Network, No. 42, March 2009, pp. 25 – 47, p. 25.

43 Ball, N. and Beijnum, M. van, op. cit.



## **NGO partnerships by default**

Despite donors' intent and aspirations to engage with a wide range of non-state actors, in practice this often translates into donors funding a narrow range of local NGOs through large, established INGOs. The eventual outcome is a landscape that prioritises those organisations that have the ability to be accountable to donors rather than to their beneficiaries. In other words, narrowly conceived non-state actors fulfilling unaccommodating concepts of civil society are placed within rigid policy parameters and the landscape ends up being pliable to donor preferences rather than beneficiary priorities.

The narrow policy focus on established actors such as (I)NGOs and the lack of flexibility and capacity regarding methods of engagement is creating a lack of coherence between the policy framework and field implementation. There is therefore a need to further assess methods for engagement and pay attention to addressing related challenges. This entails: revising aid structures to address the unpredictability and narrow range of support available; increasing the implementation of engagement based on local political analysis; and developing the capacity of a full range of stakeholders as independent actors in their own right.

Engagement with non-state actors should ideally be based on an in-depth understanding of local non-state actor interests, values and commonalities, in the context of their potential contribution to state building. The current global context requires a broadening of the understanding of the non-state actor landscape. This can be challenging for donors mandated to work with a more rigidly defined local civil society sector. Concerted effort is therefore required in order to re-think instruments and methodologies to monitor and evaluate such engagement.



### Box 3: Examples of non-state actor engagement methodology in state building

#### **Community-Driven Reconstruction**

Community-Driven Reconstruction (CDR) is an approach to post-conflict reconstruction that offers valuable lessons on engaging with non-state actors. The methodology involves the setting up of community development committees, made up of elected representatives, to manage local development projects. In the short term, CDR is concerned with promoting material betterment and community cohesion, but in the long term it seeks to advance state-building processes through the fostering of capable local institutions integrated with official political structures and processes. Operating on the grassroots level, CDR is arguably more sensitive to local power dynamics, and more flexible in its strategies of local diplomacy, than many alternative approaches to post-conflict reconstruction, particularly ones focused on top-down institution building.

Source: International Rescue Committee and World Bank

#### **Community Score Cards**

The Community Score Card (CSC) methodology is essentially a rapid community feedback mechanism for service delivery and has been valued for its capacity to initiate dialogue between service providers and users. It is seen as a measure to increase mutual accountability and to build trust between communities and local governments. Although its focus is limited to the services provided, for instance water, sanitation and health care, CSC can account for a variety of needs and demands at the local level.

Source: World Bank Social Development Department

In spite of their documented benefits, CDR and CSC programmes can become captive to the same dilemmas as any effort for social and political reform. Seeking to put in place or strengthen new community actors (i.e. CDR development committees and CSC clients), they only engage other actors to the extent that this is expected to further the programme objectives. Under pressure to avert deadlocks and delays, the programmes may give undue influence to spoilers and elites, which may inhibit broader community involvement. While programme staff will always retain some clout in their control over funds and their ability to lobby on behalf of community members, the danger remains that certain groups and individuals will be given a disproportionate influence over decision making.





## **Conclusion: Overcoming Challenges in Non-State Actor Engagement**

Despite growing policy-oriented research in recent years, several aspects of non-state actor engagement and the changing dynamics within the non-state actor landscape remain unaddressed by international policies and programmes for fragile states. The sheer number and range of functions and overlaps between non-state actors, many of which are constantly changing and adapting to unstable socio-political environments, jar with the more rigid boundaries of international aid architecture and donor expectations. More precisely, a combination of inappropriate policy frameworks, instruments and delivery methods inhibit engagement with the full spectrum of non-state actors that are relevant to a transition process. For the New Deal to live up to its expectations, adjustment in those areas is critical.

The New Deal pilot process has created an excellent momentum for simultaneous efforts to improve non-state actor engagement at country level, as well as at the global policy level. In order to collect comparative case-based practices that can be followed through globally, the indicators designed for monitoring progress on implementation of the New Deal should account for the following areas of concern:

***Develop a joint typology of non-state actors.*** A stronger understanding of the actors involved, and the functions carried out by them, requires open concepts applicable to the civil society landscape in each context. To this end, a jointly approved comprehensive typology of non-state actors, networks and authority mechanisms can be helpful. This typology should focus on non-state actors' sources of legitimacy and enable an assessment of their role vis-à-vis other segments of society, the state, and state building in general.

As well as helping to identify entry points for linking transitional processes to the ground, it will further nail down the implication of implementing locally driven approaches in conflict environments. Ultimately, as a result of a broader understanding of the nature of non-state actors and their function in state-building processes, methods of engagement can be more specifically conceived within the implementing context. The International Dialogue members should focus on opening and maintaining the channels of engagement that could be filled by non-state actor activity.

***Challenge assumptions about linkages between INGO and non-state actors.*** Simultaneously, policy guidance driven by a broader understanding of the relevant actors and their roles and positions within communities would help prevent an 'INGOisation' of the support chain through which only a limited range of non-state functions can be reached. Such an approach would also strengthen the validity of policy frameworks, which place non-state actors as key to strengthening state legitimacy. Achieving this means reassessing basic principles of the aid architecture in relation to risk management and support strategies.



**Revise risk management strategies.** A related challenge is to overcome the impasse whereby donors are risk averse to engaging with local non-state actors that do not have proven organisational capacity, while these are often the only ones with some local ‘state-like’ capacity, authority and leverage in the transitional process. A first step is to understand risk in terms of programme ineffectiveness rather than fiduciary risk. In addition, it should be acknowledged that engaging in fragile situations requires a certain tolerance for risk. In working to balance these risks, the challenge will be to tackle the restrictions of aid architecture and the limited and untailored support it provides for.

**Innovate support strategies.** Aid to fragile contexts is often allocated to non-state actors on the basis of service delivery provision, in order to fulfil the most urgently perceived needs. While this remains a continued necessity, engagement with non-state actors needs to be conceived more broadly and on a longer-term basis, taking into account a wide range of non-state actor activities. This includes the rethinking of timeframes for and forms of engagement, placing emphasis on thorough contextual analysis as a precursor to engagement, and an assessment of non-state actors’ incentives for engagement. Investment is needed in the financial and human resources required to carry out such an analysis.



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# Engagement with Non-State Actors in Fragile States:

## Narrowing Definitions, Broadening Scope

International actors concerned with state-building processes in fragile and conflict-affected situations increasingly acknowledge the leverage of non-state actors in building a legitimate state apparatus. However, the risk-averse nature of the current aid architecture means that aid is usually channelled through large, established INGOs to a narrow range of formally constituted local NGOs that are accountable to their donors rather than to their beneficiaries. A vast range of non-state actors many of which, in the absence of functioning institutions, will have been fulfilling roles typically assumed to be the domain of the state are left out of the picture. This paper presents some of the main challenges for adequate engagement with those actors, and concludes that its success will rest or fall on donors engaging with a full range of non-state actors based on their assets and how their activities are relevant to the overall transitional goal rather than on their formal structure.

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### Colophon

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