

NOTE NO 3

Promoting democratic governance and human rights in situations of conflict and fragility

Topic overview

In 2012, 16 % of development assistance from the EU to fragile and conflict-affected countries went to strengthening government and civil society (OECD statistics, 2014). Moreover, a lot, if not most of development assistance

'I realise with fright that my impatience for the re-establishment of democracy had something almost communist in it; or, more generally, something rationalist. I had wanted to make history move ahead in the same way that a child pulls on a plant to make it grow more quickly.'

Vaclav Havel

provided outside of the governance sector, had a direct and sometimes profound influence on democratic governance and human rights.

'Respect for human rights and democracy cannot be taken for granted' (2012 EU Strategic Framework and Action Plan on Human Rights and Democracy). Violations of human rights and governance shortcomings constitute

both a cause and a symptom of fragility. If addressed inadequately or too mechanistically, governance challenges risk further feeding the fragility cycle and missing the EU goals of peace, security and sustainable development.

This note aims at providing EU staff with practical guidance to define objectives, engage with relevant partners and adopt a realistic tailored approach to **promoting democratic governance and human rights in fragile situations**.

Key issues

Supporting partners in a fragile situation to promote democratic governance and human rights assumes taking calculated risks inherent to both fragile situations and governance support, and weighing different possible avenues of action. There rarely is only one obvious option. For example, Burundi and Rwanda shared similar conditions (geography, social fabric, history) in the 1990s, but have taken very different trajectories to exit fragility and conflict in the 2000s. Understanding country context and priorities while engaging in in-depth political and policy dialogue in the context of EU values and obligations is the foundation for a successful and viable transition out of fragility (*The European Union: Furthering Human Rights and Democracy across the Globe*, 2007). The following steps can help to establish this foundation.

SUMMARY

- Tailor response to needs and will to reform, and in accordance with EU values: support policies and political dialogue with all relevant stakeholders able and/or willing to reform, and identify and manage who stands to lose from reform.
- Allocate specific support to CSOs, human rights defenders and vulnerable groups, but as part of broad-based local alliances for reform to promote democracy in an effective and sustainable manner.
- Adopt a systemic but realistic approach: consider what chain of interventions is critical to enhanced democracy and pluralism, both upstream and downstream of election day — yet focus on priority needs, current opportunities in the country and areas of EU comparative strengths.

Step 1. Define strategic but realistic objectives tailored to context, needs and will to reform

1.1. Assess the governance and human rights situation and compare your analysis with that of other actors

Understanding the politics and informal rules of the game conditions adequate responses and helps to prioritise action. Conducting in-country assessments (see [Note No 1](#) on analysis) is useful prior to deciding on Country Strategy Papers and Human Rights Country Strategies (see the example in Box 1). EU instruments such as the European Instrument for Democracy and Human Rights (see [EIDHR Strategy Paper 2011–2013](#)) can help to set up overarching objectives to guarantee the mainstreaming of democracy and human rights.

As elsewhere — but especially in fragile situations — national ownership over governance reform and human rights protection is central to systemic change and integral to effective work on poverty alleviation and conflict resolution. Test your analysis with national stakeholders (see [Note No 7](#) on engaging with national counterparts) and other international actors.

BOX 1 Human rights and capacity development in South Sudan

In March 2013, a workshop brought together representatives from the EU, CSOs and the Human Rights Committee of the Parliament of South Sudan to facilitate a debate on challenges in building human rights capacity, ways to overcome these and possible avenues for EU support. The main issues identified included the impact of armed conflict on civilians and refugees, a lack of basic services and customary laws, and the weak capacity of government institutions. This workshop allowed an informed analysis of priorities and resulted in a set of recommendations for the EU to address the main capacity shortfalls in this field.

Source: [South Sudan: Enhancing capacities for human rights](#), Policy Department DG External Policies, 2013.

1.2. Define areas of intervention in close consultation with national counterparts and other international actors, and define your approach

To avoid mechanistic and inadequate responses, [learn from past EU experience](#), pick a best-fit model of intervention tailored to the country's situation and define your role as underlined in [The Role of EU Delegations in EU Human Rights Policy](#) (2013).

Define both immediate priorities and long-term objectives in a continued policy and political dialogue with a broad range of state and non-state actors willing to engage in the process, through in-country consultation, workshop and/or information-sharing activities (see, e.g. DfID's [Drivers of Change](#) guidance).

To enhance performance, two approaches are possible: conditionality and sanctions or dialogue and incentives. Evidence shows that while constraints can support the transition process, incentive-based approaches have produced more positive results as they encourage participation and commitment (Box 2).

BOX 2 Scaling down versus 'more for more' in Arab Spring countries

The EU often cuts back relations with countries violating human rights and imposes wide-ranging restrictive measures against repressive regimes, directing aid instead towards civil society and affected populations. This was the case in Syria, where a worsening humanitarian crisis and systematic human rights violations led to the EU suspending its bilateral financial assistance and imposing a strong package of sanctions, channelling support directly to the affected population.

More recently, the EU decided on a 'more for more principle' approach, i.e. countries that progress furthest with specific, measurable democratic reforms receive greater support. Throughout 2012, the EU implemented that response to the Arab Spring. The Support for Partnership, Reforms and Inclusive Growth (SPRING) umbrella programme gives tangible form to the principle by providing additional support to partner countries that show real commitment and progress.

Source: [Annual Report 2013 on the European Community's Development and External Assistance Policies and their Implementation in 2012](#).

Step 2. Identify and engage with relevant stakeholders

Policy and political dialogue is among the main EU instruments to promote democratisation and strengthen a culture of human rights protection. Smartly choosing your partners in line with their capacity and willingness to become drivers of change facilitates this process (Box 3).

2.1. Allocate specific support to CSOs, human rights defenders and representatives of vulnerable groups

Non-state actors including citizens and representatives of vulnerable groups, CSOs, human rights defenders and national institutions such as human rights commissions and ombudsmen have an important role in holding their government accountable, transparent and protecting of their

BOX 4 Women's rights in fragile and conflict-affected states

Women are not only victims of war and violence. They also play active roles as combatants, peacebuilders, politicians and activists. The equal participation of men and women in these roles is both an essential goal and a means to help prevent and resolve conflicts and promote a culture of inclusive and sustainable peace. There is a close link between the prevention of sexual and gender-based violence and the opportunities made available to women to participate politically, to achieve a sustainable livelihood, and to feel secure in their communities during and after conflict.

Source: Comprehensive approach to the EU implementation of the United Nations Security Council Resolutions 1325 and 1820 on women, peace and security.

BOX 3 Governance in Burundi: the benefits of a participatory approach

In 2007, the EU launched the GutwaraNeza programme supporting participatory good governance in Burundi to strengthen the rule of law, support transparent and equitable public management, and support the decentralisation process. The programme adopts a participatory approach, as its beneficiaries are both institutions and populations. Both participate in programme implementation notably through recruitment decisions (members of the communities were members of the jury selecting provincial council advisors), programme activities (focus groups have been organised to reflect on judiciary support activities and decide on campaign material contents), and implementation of selected activities (such as specific subvention to an association to raise awareness on women's rights).

Source: Les bailleurs européens et l'approche participative dans le secteur de la sécurité et la justice au Burundi, groupe sectoriel sur la sécurité, 2010.

rights and in building proactive participatory approaches and dialogues. Among CSOs, women's organisations have a key role to play in promoting gender equality and fighting discriminatory legislation, gender-based violence and marginalisation (as per the [EU Strategic Framework and Action Plan on Human Rights and Democracy](#)) (Box 4). Select specific support modalities among EU tools to directly support and empower local actors, such as the [European Endowment for Democracy](#).

2.2. Focus on broad-based local alliances for reform

Research shows that focused support on specific institutions 'can cause capacity imbalances and ignore the potential offered by broad-based local alliances for reform' (OECD, 2013). Adopting an accountability systems approach that looks at the linkages among actors and how these can be strengthened over time is a way to overcome that difficulty (Box 5). To this end, you may find the [Principles for assistance to accountability actors and institutions: Elections, political parties, the media, parliament and revenue matters](#) useful.

BOX 5 Accountability support in budgeting, decentralisation and education in Mali

A study of donor support for state-citizen relations with regard to the budget process and service delivery was completed in Mali in 2012, just prior to the crisis. It underlined that 'donors have tended to provide targeted support to specific institutions rather than grouping accountability actors and strengthening what could be called "communities of accountability". There was a lack of understanding about what accountability meant, and of the different roles and responsibilities of state and non-state actors in the accountability landscape. As a result, the impact chain was unclear and monitoring of accountability difficult to grasp'.

Source: Accountability and democratic governance: Orientations and principles for development, OECD, 2013.

Step 3. Adopt a systemic but targeted approach

3.1. Adopt a systemic approach

Democracy and human rights promotion is often focused on election day. While necessary, impact is greater with a more systemic approach that considers interventions both upstream and downstream of election day.

- **Upstream:** to promote inclusive policy and political process, institution-building and effective check and balances. Depending on context, this may include support to transitional mechanisms (2012 [Joint Communication: EU Support for Sustainable Change in Transitions Societies](#)), engaging with political parties and community representatives

BOX 6 Post-election transitions of power: EU lessons from Africa

Based on eight case studies, this policy brief examines violence around sub-Saharan African elections and identifies key recommendations on how the EU can help to reduce it. It studies factors increasing or mitigating risks of violence, drawing on diverse political contexts. Suggested general measures include identifying countries at risk and assessing danger, sustaining engagement, promoting conflict resolution and mediation activities among political parties and other relevant stakeholders, helping EU observers, looking beyond electoral assistance to support the entire election cycle, and strengthening regional capability.

Source: [How the EU Can Support Peaceful Post-Election Transitions of Power: Lessons from Africa](#), Directorate-General for External Policies of the Union, Briefing Paper, 2012.

(including traditional leaders) on a non-partisan basis; providing technical assistance for elections promoting best practices to prevent post-electoral violence (Box 6); and support for law-making based on inclusive processes.

- **Downstream:** to promote effective functioning of institutions and respect for rule of law and human rights through [support to parliaments](#), decentralised authorities, civil society and human rights organisations, other spokespersons for communities in need, the media and through the promotion of a legitimate, transparent and effective justice sector (Box 7). In some countries, this may involve collaborating with traditional justice and reconciliation mechanisms (see examples in [Traditional Justice and Reconciliation after Violent Conflict: Learning from African Experiences](#)). They play an important role, complementing that of formal justice institutions.

'It was a great risk we ran by introducing multi-party systems in countries that were insufficiently integrated as nations, in a context of great poverty and illiteracy. What happened had to happen: increased tensions; ethnicism and clientelism.'

J.P. Ngoupandé, former Prime Minister, Central African Republic

BOX 7 The added value of a comprehensive approach: the example of Tunisia

In Tunisia since 2011, the EU has supported the transition with a broad democracy package, including support to constitutional and electoral reform, political parties and the promotion of freedom and democratic values. The EIDHR was used to fund experts, train local election observers and strengthen political parties' capacities. EU budget support is part of this broad package in line with the [Council Conclusions on the Future Approach to EU budget support to third countries](#), providing financial assistance to overcome immediate economic challenges jointly with other donors during the political transition.

Source: [Joint Staff Working Document—EU support for sustainable change in transition societies](#), Brussels, 2012.

3.2. Adopt a targeted approach, focused on critical areas

Democracy and human rights promotion can entail a wide, almost infinite range of intervention areas. To avoid overstretch, note the following.

- Consider the specificities of country context to avoid doing harm and support transition processes when elaborating and implementing governance and human rights strategies. Developing these using the [EU Strategic Framework and Action Plan on Human Rights and Democracy](#) and the [Instrument contributing to Stability and](#)

[Peace \(IcSP\)](#) allows you to ensure implementation of specific tailored programmes, mainstreaming democratic values and flexibility in EU responses.

- Focus action on the four main consolidated EU fronts in a coordinated manner with other donors: establishment of constitutional and electoral processes; strengthening of democratic institutions; strengthening of political parties, civil society and the media; and gradual development of a democratic political culture. All actions will foster child protection at all stages and include specific activities on gender equality (2011 [Joint Communication to the European Parliament and the Council: Human Rights and Democracy at the Heart of EU External Action – Towards a More Effective Approach](#)).

3.3. Think ‘quick wins’

Establish mutual trust through early achievements such as the recovery of basic rights and freedoms, and the creation of legitimate representative institutions and constitutions to help foster citizen and state commitment to further democratic developments.

Additional resources

You can draw from EU knowledge platforms such as [capacity4dev](#), [strategic frameworks](#), relevant [studies and evaluations](#), [guidelines](#) and [reports](#) to inform your democracy and human rights programmes. Of particular note are the following:

- 2012 [EU Strategic Framework and Action Plan on Human Rights and Democracy](#)
- 2012 Joint Communication: EU Support for Sustainable Change in Transitions Societies
- European Instrument for Democracy and Human Rights (EIDHR) ([EIDHR Strategy Paper 2011–2013](#)).

Other sources also provide practical guidance, such as the [International IDEA Handbook for practitioners](#) and DfID’s [Drivers of Change](#) guidance.

Case study

Democracy and human rights in Myanmar: taking advantage of windows of opportunity

SOURCE	Manuel de Rivera, Peter Hazdra and Vaclav Svejda, EU Delegation to Myanmar
CONTEXT, CHALLENGES AND OPPORTUNITIES	<p>Emerging from decades of authoritarian rule and armed conflicts between government and various ethnic groups, Myanmar has, since 2007, embarked on unprecedented political and economic reforms. President U Thein Sein has pledged to make peace a priority and has initiated an unprecedented effort aimed at achieving lasting peace with the ethnic armed groups.</p>
ACTIONS TAKEN	<p>The programme for promoting reform in Myanmar identified bottlenecks to reform and provided urgently needed policy advice, capacity building and skills development for Myanmar institutions in the field of electoral reform, trade and economic issues, human rights and land reform. This assistance also laid the foundation for long-term capacity development funded by the EU Development Cooperation Instrument (DCI).</p> <p>The EU has responded quickly to the Myanmar democratisation process by mobilising funding through the IfS (now replaced by the IcSP). This support has provided urgently needed expertise on a wide range of topics, from electoral reform to macro-economics and human rights.</p> <p>The IcSP also provides comprehensive support to the peace process in Myanmar, aiming for the promotion, implementation and monitoring of ceasefires, political settlements and other peacebuilding strategies by strengthening and enabling institutional and civil society structures and peacebuilding actors.</p> <p>Specifically, this initiative foresees (i) a multi-faceted support to the Myanmar Peace Centre (MPC), a new institution created by the government to foster national reconciliation and advance the ethnic peace process, and (ii) activities targeting various non-governmental actors, including NGOs, civil society and grassroots groups. The latter aim for improved and conflict-sensitive media coverage of the process through the training of journalists, support to civilian ceasefire-monitoring mechanisms, strengthening the capacities of ethnic political parties to contribute meaningfully to the peace process, providing restorative justice with regard to forced labour cases, and creating mechanisms for the better promotion of labour rights.</p> <p>With EU support, the MPC has organised numerous negotiations with ethnic armed groups, including ongoing preparations for a nationwide ceasefire agreement and its implementation arrangements. A framework for an inclusive political dialogue is expected to be rolled out in the second half of 2014. The MPC also played an important role in bringing together the government and political dissidents, such as representatives of the 88 Generation, in order to further enhance national reconciliation.</p>

A separate programme focused on civilian mine action also provides concrete support to the peace process. It aims to foster the establishment of capacity building for a national mine action centre, overseeing and coordinating all mine action activities in Myanmar and conducting systematic non-technical surveys in selected areas. As far as the political situation permits, the programme might also carry out actual mine clearing.

Recognising the need for fundamental reform of the Myanmar police and following up on requests from the government as well as the Chair of the Rule of Law Committee of the Lower House of the Parliament, the EU launched a training and capacity-building programme for the police in the areas of community policing and crowd management. The project will also provide important assistance in modernising the police's vision, updating its doctrine/manuals and legal framework, improving police accountability to Parliament, and liaison with civil society and the media.

The EU was the first donor to provide substantial support for reforming the police, focusing on community policing and crowd management — an initiative much appreciated by local counterparts. A constructive working relationship with the police has been established, and the programme has delivered early results: community policing has already started in four pilot areas in Yangon, and 3 000 police officers have been trained in crowd management in line with human rights standards and best international practices. In addition, work has begun with various stakeholders, including parliamentary committees, to bring the legal and doctrinal framework of the police into line with international standards and ensure parliamentary oversight over the police. Consultations with media and civil society took place in order to improve their capacity to coordinate with the police and hold them accountable to democratic standards, with the aim of creating liaison mechanisms between the police and CSOs as well as the media.

The nature of the actions funded under the EIDHR has shifted as the country has gradually opened and embarked on the process of reform. Initially, the EIDHR funded projects focused primarily on documenting human rights abuses and raising awareness of people's rights and freedoms. More recently, we have been able to fund projects that support civil society actors, including communities, to work closely with state authorities in helping the country to better comply with the international human rights legal framework. Democracy remains a vast field to plough. This was also confirmed by an in-country identification mission in September 2013, which immediately mobilised additional funds (EUR 2 million) for four targeted projects in support of the transition process.

OUTLOOK

The peace process is making progress, although many interlinked challenges still need to be addressed, notably in terms of democratisation, economic development, human rights and peace, including intercommunity relations. A nationwide ceasefire agreement remains to be signed, and a comprehensive political settlement needs to be hammered out to ensure sustainable peace.

