

Strengthening state legitimacy in fragile situations

What role and which policies for donors?

WORKSHOP OF THE OECD INCAF TASK TEAM ON PEACEBUILDING, STATE BUILDING AND SECURITY

TERMS OF REFERENCE

Co-organized by SciencesPoBordeaux (CEAN) and the Institute for Research and Debate on Governance (IRG) with support of BMZ, DFID, French MFEA, NORAD and OECD

March, 16th 2009

I. Background

State-building in fragile situations and in countries emerging from conflict stands as the central objective of OECD-DAC “Principles for Good International Engagement in Fragile States and Situations”. Early 2007, DAC Fragile States Group (FSG) set up a FSG Task Team on State Building : i) to improve the understanding of state-building in fragile contexts; ii) to share best practices within the international community on how best to support harmonised state-building or state reform efforts in diverse fragile contexts; iii) to suggest modifications to existing donor policies, and develop new tools and methodologies; iv) to make progress towards the development of practical guidance for donors on statebuilding in fragile situations. On January 1st 2009, the CPDC and the FSG merged into the International Network on Conflict and Fragility (INCAF).

Under its 2007-08 work programme, the FSG Task Team commissioned two studies, one focusing on “how can donors do no harm and maximise their positive impact” in relation to state-building in fragile states and a second one discussing the legitimacy of the state in fragile situations. France and Norway, supported by the UK, jointly took the lead of this second research on state legitimacy. It was anticipated that the study will inform discussions in OECD/DAC and will shape the conceptual understanding of state-building as a process that strengthens the legitimacy of the state and vice versa, an understanding of legitimacy as a process that contributes to state-building. The research was conducted by Dr. Séverine Bellina (Institute for Research and Debate on Gover-

nance), Pr. Dominique Darbon (African Studies Center, SciencesPoBordeaux), Dr. Stein Sundstol Eriksen (Norwegian Institute for International Affairs) and Dr. Ole Jacob Sending (Norwegian Institute for International Affairs and Christian Michelsen Institute).

A one day workshop will take place on the 16th of March in at the OECD Conference Centre in Paris. It aims at discussing the study main findings; at examining its operational impact; and finally at assisting OECD-DAC drive to improve donors' engagement in Fragile situations.

II. Themes and objectives of the workshop

1) The objectives of the study were first to deepen OECD/DAC's understanding of legitimacy in states in fragile situations and second to identify processes and issues likely to help donors to improve their policy making processes directed to fragile states.

The main outcomes of the study are fourfold:

- A state or any other institutions is legitimate to the extent that the population regards it as satisfactory, believes that no available alternative would be vastly superior and grants it at least a passive support. **Legitimacy concerns the very basis on which the state and the society are linked and interact and by which state authority is justified. It is about a vision of what the authority and the community who shares it is about and is to do.** It is related to the provision to people of goods and services (basic services, growth, security, etc.), processes and procedures organizing state and citizens relationships in a predictable way, and finally symbolic expectations (values, society project, etc.). Legitimacy is thus a core issue for state in context of fragility. It discussed the very nature of state and society in context of fragility. How may aid policies and donors actions interfere with state legitimacy and both state and society building processes?
- **State legitimacy is about developing mutually reinforcing relations with society, favouring the definition of common norms, rules and regulations that are recognized, shared and accepted by both state and society and that are feeding general interest.** "Ineffective or poor mutually constructive linkages between state and society are defining

features of states in fragile situation.” In contexts of fragility, state actors and institutions contributing to the making of a public sphere are weak because they fail capacity and lack legitimacy. State legitimacy is intimately related to state capacity. Legitimacy brings extra capacities to the state (by attracting people’s support) while state capacity is likely to bring it extra legitimacy (by convincing people of its goodness). Legitimacy acts as value added that grants state capacity extra efficiency and allows power holders to act as the overarching authority over a territory and a population. **What can donors do to initiate, favour or strengthen state society relations and make them be mutually constructive?**

- In states in fragile situations, alternative beliefs, values systems and sources of authorities may be strong enough to mobilize sources of legitimacy and are thus likely to challenge state building drives and to offer alternative authorities and institutions. While normative pluralism does exist in any society, it takes a particular meaning in fragile situations where the state fails to stand as the overarching authority over its people and territory and lacks both capacity and the legitimacy that improves it to channel society initiatives and organise constructive linkages between existing diverse normative and regulations systems. **Legitimacy is thus at the very core of any state making process.** How can donors contribute to generating and strengthening legitimacy in such contexts of normative pluralism?

Legitimization is a never ending process that results from complex interactions between a wide range of internal and external actors and institutions developing conflicting power strategies. States in fragile situations generally fail to attract a strong and constant support from their people. They either lack capacity to act as the overarching authority, or are confronted to strong alternative authorities and institutions, or are weakened by leaders that are more interested by their control of state power than by the strengthening of the state. In a number of cases in fragile situations, state legitimacy formulas borrow to different sources of legitimacy. **Blending, miscegenation, hybridization are major features of state legitimization in fragile situations. How can donors contribute to state building in such unsteady and changing situations?**

2) From these outcomes, core themes have been identified to be deepened within the context of the workshop in order to help improve donors’ engagement in fragile situations.

The workshop will thus focus on legitimacy and state building and particularly on two major issues:

- How a clear support to legitimacy by donors may contribute to strengthen mutually constructive state and society building processes ?
- How may donors contribute to the strengthening of state legitimacy in a context of conflicting interests and values ?

The discussion will notably try to answer the following concrete questions: How can donors contribute to the strengthening of partnerships between stakeholders from the society and the state involved in public sphere making? How to build appropriate programs and policies? How to organise and plan out them? Which techniques and processes could be of major interests to support these objectives? Can guidelines be drafted?

This workshop should provide donors with concrete axis for policy guidance in complement of the study one. It aims at looking at some proposals in a more concrete way, and identifying key levers for legitimacy driven policies.

III. Methodology used for the Conference: a space for dialogue and proposals based on exchange of experiences.

In order to address these issues and to deepen the study outcomes and proposals, the workshop will dedicate, as much as possible, time for exchanges on concrete experiences.

Sharing of experiences and perceptions between different types of stakeholders such as donors, civil society organisations, officials and leaders of recipient countries and academics will be systematically organised to share perspectives and draw lessons from past experiences and practices.

Debates will take place both in French and English and simultaneous translation will be provided. Participants are not expected to deliver a formal speech or presentation. They are to discuss their own experience of how legitimacy contributes to the success (or failure) of state building processes supported by donors. A questionnaire will be drafted to help participants their participation in the workshop .