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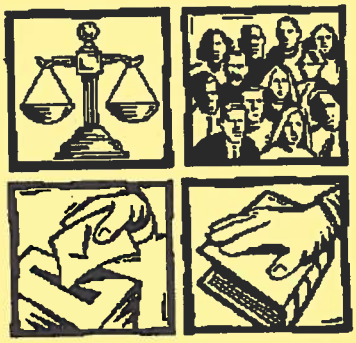
"...promoting the transition to and consolidation of democratic regimes throughout the world."

DEMOCRACY AND GOVERNANCE: A CONCEPTUAL FRAMEWORK



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ABOUT THIS PUBLICATION

This publication describes the Center's approach to democracy and governance assistance programs. It does so by presenting the strategic thinking underlying the Center's and the Agency's worldwide involvement in the areas of rule of law, elections and political processes, civil society, and governance. This publication is also meant to set the foundation for other Center technical publications exploring specializeddemocracy and governance sector subject matter.

Comments regarding this study and inquiries regarding USAID's ongoing work in the area of democracy and governance should be directed to:

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ABOUT THE CENTER

The Center for Democracy and Governance is the U.S. Agency for International Development's focal point for democracy and governance programming. The Center's role is to provide USAID and other development practitioners with the technical and intellectual expertise needed to support democratic development. It provides this expertise in the following areas:

- **Rule of Law**
- **Elections and Political Processes**
- **Civil Society**
- **Governance**

For further information regarding the Center or the Technical Publication Series, please contact the Center for Democracy and Governance Information Unit at (202) 661-5847.

The Center would appreciate your comments as to the appropriateness and utility of this handbook. Please contact the Center with any comments or suggestions.

ACKNOWLEDGMENTS

Democracy and Governance: A Conceptual Framework draws on internal USAID documents including the *Center for Democracy and Governance Strategic Plan 1997-2002; Highlighting Democracy Trends, Issues, and Challenges*, a regional trends analysis based on the Center's annual regional reviews; and extensive strategic planning documentation from the Center's technical teams.

Editor: Dan Turello

FOREWORD

The Center is pleased to publish *Democracy and Governance: A Conceptual Framework*. Its purpose is to provide a brief overview of what we do and why we do it.

The Center for Democracy and Governance was created in 1994 to help define and provide technical leadership to USAID's programs in democracy and governance. Over the last four years, the Center has undergone a tremendous process of institutional growth.

The Center has developed effective implementing instruments and can offer a range of flexible contract, cooperative agreement, and grant mechanisms to assist missions with DG programming. We have attracted talented staff and have developed an ambitious multi-year technical leadership agenda to place USAID at the cutting edge of democracy and governance assistance.

Our primary objective is to help USAID officers design and implement democracy and governance programs that are strategic and effective. In many cases, time constraints are severe and there is a need for clear, concise information on lessons learned and best practices. In March 1998, we launched a Center Technical Publication Series to meet the demand for distilled technical information. Since then, we have published the *Alternative Dispute Resolution Practitioners Guide*; *Civil-Military Relations: USAID's Role*; the *Handbook of Democracy and Governance Program Indicators*; and the *USAID Handbook for Fighting Corruption*. (Information on how to order these publications is on the inside back cover.)

By outlining the strategic thinking underlying the Center's objectives, *Democracy and Governance: A Conceptual Framework* is meant to set a foundation for our Technical Publication Series and to place the Agency's other, more specialized publications within a well-defined "big picture" strategic context.

I trust you will find this document useful.

Sincerely,

Charles E. Costello
Deputy Assistant Administrator
Director, Center for Democracy and Governance
Bureau for Global Program, Field Support, and Research
U.S. Agency for International Development

DEMOCRACY AND GOVERNANCE: A CONCEPTUAL FRAMEWORK

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I. U.S. INTERESTS AND GOALS

The United States Government works to encourage democracy in developing nations throughout the world on the basis of the ideals of liberty, personal and civic freedom, and government of, for, and by the people—values on which the United States was founded and which gird the social and political life of our nation. As U.S. Secretary of State Madeleine Albright stated to the Senate Foreign Relations Committee in January 1997, "We will continue to promote and advocate democracy because we know that democracy is a parent to peace, and that the American Constitution remains the most revolutionary and inspiring source of change in the world." [1]

Expanding the global community of democracies is a key objective of U.S. foreign policy.

Furthermore, while civil and political liberties are intrinsically valuable, the commitment to encourage democratic governance is also strategic. Promoting democracy serves vital U.S. national interests, and expanding the global community of democracies is a key objective of U.S. foreign policy. [2] Democratic governments are more likely to advocate and observe international laws and to experience the kind of long-term stability which leads to sustained development, economic growth, and international trade. Countries that are experiencing economic growth and are actively engaged in trading relationships are less likely to engage in acts of war.

In addition, the growing phenomenon of failed states is a profound area of concern for the United States. A lack of democratic institutions is a common factor among nations that have succumbed to crisis. Too often, these countries do not have the institutional capacity necessary to avoid escalating violence. The United States has a compelling national interest to prevent and avert crises before they occur. When potential crises erupt into genuine emergencies, mobilization of the U.S. military and the provision of humanitarian assistance become complex and costly, and economic interests usually suffer. Successful transition and development out of a closed system vastly improve a country's ability to manage division and conflict.

As articulated in the Clinton Administration's *National Security Strategy of Engagement and Enlargement*:

> ...The core of our strategy is to help democracy and free markets expand and survive in other places where we have the strongest security concerns and where we can make the greatest difference....Thus, we must target our effort to assist states that assist our strategic interest....We must focus our efforts where we have the most leverage. And our efforts must be demand driven—they must focus on nations whose people are pushing for reform or have already secured it. [3]

[1] U.S. Senate, U.S. Secretary of State Designate Madeleine Albright speaking to the Committee on Foreign Relations, 105th Congress, 1st Session (January 8, 1997).

[2] See also *United States Strategic Plan for International Affairs* (Washington, DC: U.S. Department of State, 1997).

[3] The White House, *A National Security Strategy of Engagement and Enlargement* (Washington, DC: U.S. Government Printing Office, 1996): 33.

II. GLOBAL TRENDS IN DEMOCRACY AND GOVERNANCE

With regional and country conditions in constant flux, it is a great challenge to understand and address the complex political environment found in transitional and democratizing regimes. Every country presents a specific set of circumstances and opportunities. However, some trends are evident in numerous countries. Delineating these broad trends helps describe some of the global challenges of promoting democratic governance, as well as some of the assumptions on which the U.S. Government bases its work.

The number of democratically elected governments worldwide continues to grow, but many countries have made incomplete democratic transitions. The consolidation of democracy is a lengthy process, and numerous obstacles remain. Fareed Zakaria notes the rise of "illiberal democracies" (*Foreign Affairs*, November-December 1997). A more accurate description may be that many democratizing countries have made partial or incomplete transitions, demonstrating some—but not all—fundamental aspects of a democratic political system.

Most newly established democracies exhibit limited competition within their political systems. In the vast majority of countries, both economic and political power remain concentrated in the executive branch, with little genuine oversight by other branches of government. Elections rarely offer citizens a real choice among clearly differentiated platforms and policies.

Many of the institutions considered key to democracy have yet to function effectively. In many countries, weak judicial systems are still too susceptible to political influence and lack the commitment and capacity to make rule of law a reality. While many countries are embracing decentralization, often local governments do not have the authority or the means to provide a meaningful opportunity for citizen participation.

Nongovernmental actors continue to play a critical role in pushing for political reform. While more developed in some countries than others, civil society organizations and the media are providing oversight and scrutiny of government actions in many countries around the world. Nonetheless, many governments see increasing capacity of the nongovernmental sector as a threat, and continue to support restrictions on the media and civil society.

In the vast majority of countries, both economic and political power remain concentrated in the executive branch, with little genuine oversight by other branches of government.

Expanding democratic participation and building a democratic culture is a long-term process. Despite many encouraging trends, most citizens still consider their political systems to be distant and unresponsive to their daily needs. Even in regions such as Latin America where democratization has progressed, most citizens feel disenchanted and isolated by their governments, lacking meaningful access to justice systems or to governmental decision-making processes. Additionally, endemic corruption has a corrosive effect on people's confidence in both public and private institutions.

Linkages between democratization and economic growth have become increasingly important. To remain viable, new democracies must improve the management of national

economies and expand the provision of essential services. At the same time, sustainable economic growth requires not only economic restructuring but also governmental reforms to improve transparency and accountability.

The disparities between urban and rural populations present an enormous challenge in the political, economic, and social spheres of developing countries. This is particularly true in the governance area, where efforts to strengthen democratic local governance have a difficult time achieving strategic (i.e., national) impact.

Women have been at the forefront of democratization movements in many countries. However, this involvement has not necessarily resulted in increased political opportunities for women in new democracies. The inclusion of women's rights in new constitutions, the setting of targets for women's representation in legislative bodies, and the establishment of links by women's advocacy organizations, both with elected officials and with the population at large, are evidence of change. Yet obstacles remain. For example, many women still lack the training and skills to make them more effective politically.

The sequencing of democracy programming continues to be hotly debated. Providing assistance to government institutions, in the absence of the political will necessary for those institutions to function effectively, has come under question in recent years.

III. USAID AND THE CENTER FOR DEMOCRACY AND GOVERNANCE

Shortly after taking office, the Clinton Administration identified "building sustainable democracies" as one of USAID's goals. The Center for Democracy and Governance was established in 1994 as a focal point for realizing this objective. The Center's role is to provide technical and intellectual leadership to USAID's decentralized mission-based structure. It does so by developing the tools and methodologies needed to support democratic development.

Democracy and governance programming has become an integral component of USAID's support for sustainable development.

Democracy and governance programming has become an integral component of USAID's support for sustainable development. The Agency believes that democratic institutions are key to a well functioning government, and that there are direct links among democratic institutions, good governance, and sustainable development. This places democracy and governance programming within the context of an integrated development agenda. Success in the other core areas of USAID's sustainable development agenda (economic growth; population, health, and nutrition; environmental protection; crisis and disaster prevention and response; and human capacity development) is inextricably linked to democratization and good governance. Seventy percent of USAID field missions have identified strategic objectives related to democracy and governance.

The Agency uses four categories to describe its democracy and governance activities—rule of law, elections and political processes, civil society, and governance.

The Agency uses four categories to describe its democracy and governance activities—rule of law, elections and political processes, civil society, and governance. This conceptual framework is described in depth in the sections to follow.

The conceptual framework is not meant to reduce democracy and governance programming to isolated building blocks. The democratization process is much more complex and organic. Rather, by describing the four components the Agency deems critical to democratic governance, the framework offers a common vocabulary and serves as a lens through which a developing country's political environment is analyzed and evaluated.

When implementing activities, categories are not always discrete. Many of the Agency's activities pertain to more than one of the areas described. For example, most Agency activities make it a priority to empower women, their increased role being integral to democratic development; an alternative dispute resolution program may relate to civil society as well as to the rule of law; and an anti-corruption initiative necessarily involves economic as well as political reform.

Given limited resources, the Agency must often make strategic decisions on how and where to invest limited assistance funds. While some political transitions may require rapid responses, a comprehensive assessment of the political situation in a country precedes implementation of long-term democracy programs. The Center has developed a strategic assessment framework that offers an approach for analyzing country-specific political conditions and crafting targeted program

strategies.

USAID's collaboration with other U.S. government agencies, nongovernmental organizations, and other bilateral and multilateral donors is described more fully in Section VIII.

IV. RULE OF LAW

Respect for the rule of law and a well-developed justice system are underpinnings of a democratic society and a modern economy. Effective rule of law resolves conflicts and fosters social interaction in accord with legal norms and widely accepted societal values. It also enhances predictability, equitable treatment, and a respect for basic human rights; provides services in accord with societal demand and expectations; and helps curb the arbitrary exercise and abuse of power by other branches of government, elites, and other privileged groups. In all these regards, justice sector institutions must perform their functions effectively. At the same time their operations must be transparent, accountable, and in compliance with the law.

In many states with weak or incipient democratic traditions and underdeveloped economies, the processes and institutions which are necessary to uphold the rule of law are incompletely evolved and ineffective. Often, their legal framework does not correspond to social reality and contemporary needs. Customary and informal practice may cause further deviations, so that legally established rights are not recognized, inequitable treatment is the "rule," and actions and decisions respond to partisan, particularistic, or pecuniary interests. The lesser relevance of formal law and institutions is often accompanied by the limited availability of justice sector services so that large masses of the population must rely on unofficially recognized alternative mechanisms which often have their own nondemocratic biases. When these conditions prevail, the rule of law, democratic reform, and sustainable economic development are all very difficult to advance.

Just as there are many ways of defining rule of law sector elements and problems, there are also numerous ways of developing rule of law programs. The Center supports work in rule of law in three areas:

- Improving outdated or otherwise inadequate legal frameworks and codifying human rights.
- Strengthening justice-sector institutions.
- Increasing citizens' access to justice.

The relative importance of these factors in a given country depends upon its cultural and historical legacy and other contextually defined conditions.

Respect for the rule of law and a well-developed justice system are underpinnings of a democratic society and a modern economy.

The Center also notes the importance of building constituencies for sectoral reform. Reform in any of the three areas outlined above is a political process and requires political support to succeed. Despite the many complaints about justice systems, and the often very clear picture of what needs to be fixed, reform programs are frequently stymied by a lack of effective local backing. When push comes to shove, vested interests, powerful opposition, or the sheer weight of inertia and fear of the unknown prevent all but the most minimal advances. Like the particular problems, the political obstacles vary from country to country, but in all cases, the common challenge is to generate broad interest, coordinate the actions and concerns of a variety of political actors, reach consensus on a common plan of action, and maintain support through its implementation.

Legal Frameworks and Human Rights

When a nation's constitution, its organizational, procedural, and substantive laws, and its regulations are inadequate to its needs, promoting the rule of law often requires major reform of the country's legal and regulatory framework.

Many developing countries inherited antiquated legal structures from colonial powers. Often, these structures are inconsistent with contemporary social and economic realities. In many cases, constitutionally recognized human rights guarantees are not duplicated in the secondary laws which effectively govern sectoral operations. Sectoral operations are also impeded by laws defining basic organization in ways which entrench inefficiencies, facilitate or encourage corruption, and undermine institutional mandates. Outdated laws often inhibit commercial transactions and prohibit the adoption of modern technologies and practices. Countries with non-Western or plural legal traditions face the additional challenge of accommodating indigenous values in a national legal framework which is adequate to the demands of a globalizing society and economy.

Improving legal frameworks commonly involves three areas of concern. First among these is the framework itself, which is the basis of the social contract between the governors and the governed. It provides a blueprint for the institutions, processes, and rules by which the government functions; it defines citizens' rights and responsibilities; and it establishes the relations among the branches of government. Whatever the quality and adequacy of the initial blueprint, over time some aspects may require alteration because society or its needs and values have themselves changed. A second concern is with legislation that often establishes the detailed organization and procedures of courts and other sectoral institutions in patterns that conflict with changing standards of efficacy and efficiency. A final concern is with substantive laws that often conflict with basic human rights principles, In some circumstances, solutions to these problems require the introduction of new societal preferences, or the efficient conduct of valued activities. In short, while legal change is not the only element of reform, it is sometimes essential if legal and justice systems are to contribute to broader political and economic development.

Justice Sector Institutions

Effective, equitable, and transparent administration of justice requires efficient and effective institutions. In most countries, the justice sector comprises several interdependent institutions—the judiciary, the prosecutors, the investigators and police, public defenders, and the private bar. To function fairly and effectively, all actors must be knowledgeable of and operate under the same interpretation of laws and practices.

However, in most countries transitioning to democracy, the system is out of kilter. It suffers from a lack of integration, uneven development, and often incompatible institutional mandates and traditions. In addition, simple ignorance or informal practices may further distort performance, for example, undermining even those human rights principles and guarantees officially recognized in the legal framework.

Ironically, in many countries, justice officials may be among the most common abusers of citizens' rights. Public sector professionals including judges, prosecutors, public defenders, and police throughout much of the developing world suffer from inadequate training, low salaries and insufficient resources, inadequate organizational structures, and varying, but rarely sufficient, degrees of independence from other branches of government. The resulting inefficiency in the courtroom; lack of adequate capacity for prompt, fair, impartial, and competent investigation, prosecution, and handling of civil and criminal cases; and inadequate availability of counsel in indigent criminal cases undermine citizen confidence. institutions—human rights ombudsmen or complaints offices for dealing with judicial and

administrative abuses. In other instances USAID programming is designed to ensure that judicial actors gain the necessary skills and resources to fulfill their mandate successfully in a reformed legal system.

Access to Justice

Equal access to justice—which ensures that all individuals are able to seek and receive redress for their grievances with other private parties and with state officials or organizations— continues to elude most developing societies. In many countries, years of colonialism and brutal dictatorship have robbed individuals of any expectation of fair treatment by governmental institutions. Often there is little understanding or information about rights and how to use the justice system to defend them.

Inadequate capacity of the courts and resulting case backlogs frequently mean that justice delayed is justice denied. In addition, judicial ineptitude, neglect, and corruption fuel a pervasive lack of confidence and discourage reliance on the formal justice sector. In most cases, the problem of access is further complicated by changes in the quantity and quality of demand for services. Social change produces both a greater number and a greater variety of conflicts among diverse groups of citizens with varying needs and resources. Responding to them adequately requires more and differently organized services.

Discriminatory provisions, often well-hidden in the legal framework, sometimes provide different grounds for using a court or mediation program based upon whether the applicant is a man or woman or is from a different religious, ethnic, or linguistic group. The uniform and often "legal" denial of access to the justice system for women is a constant challenge. In addition to women's inferior standing in most of the developing world—particularly institutionalized in many traditional societies—women's lack of access to capital and denial of the right to own property deny them legal standing. Access is also often denied to religious, linguistic, and ethnic minorities as well as to poor and disadvantaged populations that lack information about their legal rights and the financial means to cover court and other legal fees.

USAID works with host country actors to develop mechanisms to promote equal access to formal and informal systems of justice, as well as to develop legislative regulations and budgetary provisions for legal defense and dispute resolution.

V. ELECTIONS AND POLITICAL PROCESSES

Free and fair elections are indispensable to democracy. Although other elements of democracy can develop before competitive elections are held, a country can not be truly democratic until its citizens have the opportunity to choose their representatives. As a co-editor of the *Journal of Democracy* noted recently, "countries that hold free and fair elections are overwhelmingly more liberal than those that do not, and countries that protect civil liberties are overwhelmingly more likely to hold free elections than those that do not." [4]

Elections can be a primary tool to help force political openings and expand political participation. In recent years, elections have been a principal vehicle for democratization, as authoritarian governments have frequently fallen to democratic forces. Electoral campaigns also tend to foster political liberalization. For an election to be free and fair, certain civil liberties, such as the freedoms of speech, association and assembly, are required. Elections offer political parties and civic groups an opportunity to mobilize and organize supporters and share alternative platforms with the public. They also serve to encourage political debate.

Elections are also increasingly seen as a device to resolve conflict following years of civil war. Armed movements have often agreed to put down their weapons in exchange for the opportunity to contest power in fair elections. More often than not, such elections have helped to end civil wars and produced, if not democracies, more representative political institutions and more open political systems.

Many countries throughout the developing world have yet to hold credible competitive elections. Some countries have held a series of widely accepted elections, but have failed to develop representative political institutions. All too often, political parties in countries across the globe are viewed as distant, elite organizations unable or unwilling to articulate or represent most citizens' concerns. Women and ethnic and religious groups are often excluded from political participation. Even when successful elections are held, newly elected officials frequently need training and other support to effectively fulfill their roles as representatives in a democratic system.

A country can not be truly democratic until its citizens have the opportunity to choose their representatives.

In countries where an election could help spur or accelerate a transition to democracy, the institutional capacity to carry out elections is often weak. Election commissions may not yet exist or they may lack the technical capacity or political will to administer a fair election. Electoral laws may be antiquated and require major revisions. Legislators drafting a new law may lack sufficient knowledge of electoral systems and practices.

The Center has identified seven elements that are essential to fair elections and political processes:

- Impartial Electoral Frameworks
- Credible Electoral Administration
- Effective Oversight of Electoral Processes
- Informed and Active Citizenries
- Representative and Competitive Multiparty Systems

[4] Marc Plattner, "Liberalism and Democracy: Can't Have One Without the Other," *Foreign Affairs* (March/April 1998): 173.

- Inclusion of Women and Other Disadvantaged Groups
- Effective Transfer of Political Power

Impartial Electoral Frameworks

The electoral framework refers to those constitutional provisions, laws, regulations, and institutions that govern electoral processes. Although not a sufficient condition in and of itself, an impartial electoral framework is necessary for free and fair elections and electoral processes. Impartiality may take a number of forms, but is generally recognized by a broad public acceptance of the electoral framework. Impartiality is therefore best served by encouraging a substantive and inclusive debate on the electoral framework.

USAID supports the provision of technical expertise to election officials, legislators, and executive branch officials to assist with designing efficient and transparent electoral systems.

Credible Electoral Administration

The credibility of an electoral process depends in large measure on the capacity and impartiality of election officials. USAID assists election officials with managing the multiple aspects of an electoral process, including voter registration and ballot counting.

Effective Oversight of Electoral Processes

Election monitoring is key for effectively overseeing electoral processes. Election monitoring is designed to reduce the opportunities and incentives for electoral fraud; identify and address problems with the electoral process; and legitimize a peaceful transfer of power. USAID supports monitoring carried out by three types of actors:

- Political parties that deploy pollwatchers on election day.

USAID supports political party training activities

- Nonpartisan citizens' organizations that mobilize election monitors and may also make use of complaint mechanisms where they have the standing to do so.

- International monitors who evaluate a country's electoral framework and processes, comparing them to international standards.

Informed and Active Citizenries

In many countries, citizens are likely to be unaware of their rights and responsibilities as voters and political participants. They may be unfamiliar with the mechanics of voting or the range of parties and candidates from which they can choose. Independent civic groups, if any exist, often lack the resources and know-how to educate citizens and lobby for democratic reforms.

Civic education programs aim to develop an informed citizenry by introducing citizens to the key aspects of democratic political processes. Generally, voter education programs are specifically focused on upcoming electoral events. Voter education programs to develop an informed electorate are a time-specific application of civic education. In addition, voter mobilization efforts carried out by civil society organizations or political parties seek to activate citizens to participate in political and electoral processes.

Representative and Competitive Multiparty Systems

In many developing countries, political parties are often personality-based organs that lack the organizational capacity to campaign nationwide, present ideologically compatible candidates, and recruit and train pollwatchers. When new governments take office, they are often ill-prepared to staff, administer, and oversee government agencies. An election serves little purpose if the resulting government can not at least partially meet voters' expectations.
that encourage representative and competitive

multiparty systems. Representative systems share the following elements:

- Parties that demonstrate commitment to transparent, inclusive, and accountable democratic political processes.

- Parties that adopt institutional structures that enable them to reflect the interests of those they choose to represent, and to compete effectively in periodic elections at all levels.

- Parties that enjoy the confidence of citizens, encourage citizen participation, and reinforce the legitimacy of democratic governance.

Inclusion of Women and Other Disadvantaged Groups

A disadvantaged group is any group that has historically been excluded from fair participation in a country's political processes. The implication is that when inclusion is realized, the interests advocated by women and disadvantaged groups will be fully taken into account. USAID activities to support the inclusion of women and other disadvantaged groups include:

- Working to build direct representation of women and members of disadvantaged groups in political party organizations.

- Promoting voter education and mobilization activities targeted specifically at women and members of disadvantaged groups.

- Promoting the direct participation of women and members of disadvantaged groups in the administration and oversight of elections.

Effective Transfer of Political Power

Peaceful and efficient transfers of political power facilitate smooth transitions in democratic government. This essential element is especially important in political environments in which new individuals, groups, or political parties are coming to power in the legislative or executive branches of government at the national, regional, and local levels.

USAID provides post-election assistance to political parties and newly-elected and appointed political leaders. Assistance in this area includes:

- Activities to bring together newly-elected officials through training workshops on effective political representation.

- Political party training for effective party or coalition governance in the legislature as well as for constructive political opposition.

VI. CIVIL SOCIETY

The hallmark of a democratic society is the freedom of individuals to associate with like-minded individuals, express their views publicly, openly debate public policy, and petition their government. "Civil society" is the term that best describes the nongovernmental, not-for-profit, independent nature of the organizations that allow for this type of broad citizen participation.

It is through the advocacy efforts of civil society organizations (CSOs) that people are given a voice in the process of formulating public policy. Organizations including human rights groups, professional associations, religious institutions, pro-democracy groups, environmental activist organizations, business associations, labor unions, media organizations, and think tanks play a vital role in educating the public and the government on important local and national issues.

It is through the advocacy efforts of civil society organizations that people are given a voice in the process of formulating public policy.

Many civil society organizations take on controversial issues. They champion women's rights, ferret out government corruption and impunity, and spotlight business practices that are exploitative of labor and the environment. Their presence and activities help assure that government and citizens comply with the rule of law.

However, in many developing countries, CSOs' active role makes them a target of repression and harassment. In many cases, citizen and business groups are fearful of government reprisal if they are seen to be a source of support for reformist advocacy organizations. Repressive practices can range from outright banning of CSOs to more subtle measures, such as complex and costly registration requirements, or laws that forbid tax exemptions for the nonprofit sector. The lack of a supportive enabling legal structure prevents many civil society advocacy organizations from attaining a strong financial base and extensive public backing.

Sometimes, in traditional cultures that value contributions to charities but not to public interest causes, it is a challenge to overcome public apathy toward advocacy organizations. In some cases, this apathy is a condition fostered by authoritarian governments intent on marginalizing the role of the public in the life of the polity. The result is that many citizens have not developed the knowledge, skills, and sense of political efficacy associated with civic competence. Also, political leaders sometimes exploit ethnic and tribal tensions, creating conditions of political intolerance and distrust and thus limiting the social capital and political culture required to support democratic institutions and practices.

The Center places particular significance on the role of free and independent labor unions as an important sector of civil society. In many developing countries, the ability of the labor sector to organize freely and voice its support for political and economic liberalization is held in check by restrictive laws and regulatory practices. The absence of a vital labor sector has a number of adverse consequences. First, workers are often left to function under exploitative conditions, working excessive hours in extremely unhealthy work environments and with sub-livelihood wages. In many instances, a majority of these workers are young women and children who are frequent victims of violence and harassment in the workplace. Second, in the

absence of income growth in the labor sector, consumer-market demand stagnates, depriving both in-country commercial producers and U.S. exports of potential markets and thus undermining broad-based economic growth.

In general, the Center's civil society strategy focuses on strengthening those organized and progressive elements of civil society that are pressing for reform and seeking to initiate and consolidate the transition to democratic governance. The Center has identified five elements essential for civil society development:

- Legal Frameworks to Protect and Promote Civil Society
- Increased Citizen Participation in the Policy Process and Oversight of Public Institutions
- Increased Institutional and Financial Viability of Civil Society Organizations
- Enhanced Free Flow of Information
- Strengthened Democratic Political Culture

Legal Frameworks to Protect and Promote Civil Society

A vibrant civil society capable of monitoring government power and contributing to public decision-making cannot develop without a supportive legal regulatory environment.

Laws to protect the freedom of association; simple, timely, and transparent nongovernmental organization (NGO) registration procedures; and favorable tax policies for the nonprofit sector are all necessary for a supportive environment.

Sometimes, constitutional revisions may be required to assure the right to petition, for recall and referendum, and for public hearings. Also, changes in institutional mandates may be necessary to strengthen the role of legislatures, political parties, courts, and the media, and to open these avenues of participation to wider public access.

The legal enabling environment is becoming an important focus as USAID increasingly looks to civil society to help achieve goals in democracy and governance as well as in other sectors.

Increased Citizen Participation in the Policy Process and Oversight of Public Institutions

Civil society often provides the only viable opening for restructuring power and formulating a democratic social contract. Increasing citizen participation in the policy formulation process is a key role for civil society. It includes:

- Representing the interests of citizens.
- Articulating citizen interests to decision makers.
- Influencing policy decisions based on represented interests.
- Exercising oversight to ensure government and citizen compliance with adopted policies.

Civil society organizations need institutional capacity and an understanding of appropriate procedures, as well as access to relevant information, to carry out these functions. A large proportion of USAID's democracy and governance funding goes to activities in this area, especially in countries where government will and capacity for reform are weak.

Enhanced Free Flow of Information

The ability to access and publicize information is a fundamental need of a politically active civil society. A free media is the primary vehicle for state and society to communicate their interests and concerns, therefore, a plural array of nongovernmental, independent information sources including print and broadcast media and increased access to Internet connections is essential.

The media serve as a watchdog for government and for civil society itself. For this reason the

press frequently has few friends and is often the target of severe government censorship and control. Often, defamation and libel laws, as well as broadcast and press laws, are designed to maintain government controls rather than protect the media industry.

Reform of the legal and regulatory structures needed to support the growth of a vigorous media sector is fundamental. Access to information can also be reinforced by improving investigatory reporting and by strengthening the financial and management systems of media entities.

Strengthened Democratic Political Culture

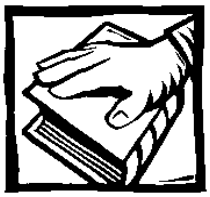
Civil society can not play its role effectively without the participation of a broad range of citizens. Civic education is the most common method of promoting a more democratic political culture, and USAID has a long history of programming in this area. A wide range of innovative educational methodologies is utilized in these activities, including in-school education for children, adult education, the use of mass media, and more activist approaches involving citizen participation in community development initiatives.

Other important communication channels also may be relevant. The use of media in combination with civic education and the promotion of linkages between civic advocacy organizations and government institutions are two examples.

Increased Institutional and Financial Viability of Civil Society Organizations

Sometimes, civil society organizations need to strengthen their institutional and financial structures to achieve their purposes. This may mean introducing democratic features to their management; strengthening administrative procedures such as strategic planning, monitoring, and evaluation systems; and complying with auditing standards. In addition, improved fundraising techniques are necessary to diversify and stabilize the financial base of the civil society sector and ensure its sustainability.

VII. GOVERNANCE



Many citizens of developing countries recognize the intrinsic value of democracy (e.g., elections, human rights, and representation). However, they are also concerned with a government's ability to function. In general, governance issues pertain to the ability of government to develop an efficient and effective public management process. Because citizens lose confidence in a government that is unable to deliver basic services, the degree to which a government is able to carry out its functions at any level is often a key determinant of a country's ability to sustain democratic reform.

...the process of governing is ultimately most legitimate when it is infused with democratic principles such as transparency, pluralism, citizen involvement in decision-making, representation, and accountability.

The Center is particularly concerned with democratic governance—that is, the political dimensions of the public management process. The Center believes the process of governing is ultimately most legitimate when it is infused with democratic principles such as transparency, pluralism, citizen involvement in decision-making, representation, and accountability.

Governance issues have grown in importance due to worldwide and regional trends and U.S. foreign policy interests. Corruption is increasingly recognized as a constraint to both building democratic societies and stimulating economic development in all regions. Efforts to prevent and control it are emerging. The trend toward decentralization continues around the world driven by several dynamics (including the failure of central governments to meet citizen needs). Local and sub-national governments are increasingly becoming the locus for decision-making and provision of government services. As democracy expands and deepens, legislative bodies must become independent power centers with stronger links to constituents. The way policies are made and implemented continues to be crucial to development. Increasing emphasis is being given to making the process more visible, transparent, accountable, and participatory. Finally, though the power and political influence of militaries vary widely, improving civil-military relations is an issue in all regions.

The Center organizes its governance work in five areas:

- Democratic Decentralization
- Legislative Strengthening
- Governmental Integrity
- Policy Implementation
- Civil-Military Relations

Democratic Decentralization

In countries worldwide, the devolution of power to local units of government is changing the distribution of authority and is increasing the potential for deepening democracy. With power more diffused and the creation of multiple channels for citizen involvement, reversion to centralized authoritarianism becomes more difficult. Also, government responsiveness may be improved as the locus for decision-making moves closer to those affected by it.

However, countries undertaking decentralization face challenges such as the aggravation of regional disparities or ethnic tensions. Often, oversight mechanisms such as a national press corps, comptroller general offices to carry out audits, or legislative checks and balances

established at the national level have not been instituted locally. Many local governments do not have the experience and capacity to carry out new functions and respond to citizen demands. Sometimes, lack of authority over resources makes local officials reluctant to raise citizen expectations by creating mechanisms for citizen participation. In fact many local officials find that involving citizens is time consuming, costly, and results in conflict. In other instances, following transitions from authoritarian regimes, local elites wish to retain centralized control, and local officials may be reluctant to increase transparency if they think it will limit their personal control of resources.

USAID works with national governments to evaluate whether decentralization can strengthen their democracies and, where appropriate, to implement decentralization programs. The Agency supports interaction between local and national level officials. At the local level, programming includes promoting town meetings to enhance citizen participation; supporting national municipal associations to promote local reform; training mayors and councilors to improve management; supporting public-private partnerships to strengthen service delivery; and encouraging municipalities to find new sources of finance.

Legislative Strengthening

As the primary arena for citizens to express and pursue their needs and interests, the legislature is a critical element of a democratic system. However, in many democratizing countries, legislative institutions are new, legislators are inexperienced and unused to their roles and responsibilities, and the jurisdiction of the legislature vis-á-vis the other branches of government (particularly the executive) is not sufficiently - defined. This means that legislatures are unable to effectively serve as fora for public debate, makers of laws, and providers of executive oversight.

Policy Implementation

USAID programming in this area focuses on developing the technology and techniques necessary for performing legislative functions such as analyzing budgets, holding hearings, and communicating with the public. Attention is also given to the political system in which a legislature operates and to the degree of political space available for developing its role.

Governmental Integrity

Some connections between corruption and developmental problems are clear and direct. When political figures and their associates divert aid and investment capital to off-shore bank accounts, poor nations become poorer. When political, bureaucratic, and judicial processes are put up for rent, civil liberties and property rights are endangered. In both instances, political and economic benefits are likely to flow to the few, while the costs are extracted from society at large—most often, from the powerless.

Tangible and immediate damage from corruption can be significant. Other effects are intangible, collective, and long-term. Over the long-term, corruption can erode the legitimacy of government and undermine democratic values including trust, tolerance, accountability, and participation. Corruption can also increase uncertainty in the commercial environment, thus depressing private investment. Reduced competition; lower compliance with construction, environmental, or other regulations; increased budgetary pressures on government; and organized crime networks are among other results of corruption.

USAID missions are developing targeted programs to fight corruption. The Agency works with civil society groups to mobilize demand for reform as well as with government officials to design and implement specific anti-corruption strategies.

Failure to implement democratic, sectoral, or economic policies, resulting in the ineffective use

of development resources, is a common cause of disappointment with democratization. Often, policy implementation is difficult. New policies entail changed roles, incentives, benefits, and costs for multiple organizations and individuals. Different ways of doing business must be accommodated and conflicts of interest resolved. The process must be managed to bring about the multiple changes required to make policy operational and sustained. Sometimes, when impediments to change are social, cultural, historical, and political, promoting policy reform poses intractable problems for country leaders and managers.

Organizations in developing countries rarely have ready access to technical support for the management of development change. USAID assistance with policy implementation can provide leaders and organizations with opportunities to positively influence the way basic decisions are made and implemented.

Civil-Military Relations

The role of the military and its relationship to government policymaking are central to a country's democratization. Countries with recent histories of authoritarian rule face particularly onerous challenges in making their military establishments politically neutral and subject to the types of control necessary for meaningful democracy. Civilian government officials, including legislators, often do not have the background and training necessary to perform their military oversight roles effectively or to develop the respect of military counterparts.

In most developed nations the military's mission is primarily external. However, less developed nations do not universally accept this view. Often, constitutions mandate that militaries play an internal security role, and frequently militaries are used to perform civic action programs, from building roads to providing rural health care, to engaging in police activities. But all too often such an armed presence has gone awry to become the source of repression, human rights violations, and corrupt practices.

USAID programming in civil-military relations aims to encourage dialogue between civilian and military actors. In addition, USAID works with civilians in and out of government to increase their expertise on national security and military issues so they are informed, capable of interacting as peers with their military counterparts, and able to perform their decision-making and oversight functions effectively.

VIII. POSTSCRIPT

When making programming decisions, USAID works closely with other U.S. government agencies and bilateral and multilateral partners. Numerous U.S. government agencies are involved in promoting democratic initiatives on many fronts. These include the U.S. Department of State (DOS), the U.S. Information Agency (USIA), the Department of Justice (DOJ), and the Department of Defense (DOD). These agencies work to coordinate with each other at all levels.

In addition to U.S. government agencies, several quasi-governmental and nongovernmental implementing organizations work to promote democracy in developing countries. The National Endowment for Democracy (NED), for example, is a nonprofit institution which is funded directly by the U.S. Congress to promote democracy overseas. NED supports grassroots organizations through discrete activities of short duration and limited purpose. Its aims include strengthening representative political parties, a free-market economy, independent trade unions, and a free press.

The Center collaborates closely with three of NED's "core grantees," the National Democratic Institute for International Affairs (NDI), the International Republican Institute (IRI), and the American Center for International Labor Solidarity (the Solidarity Center). Each of these organizations receives support through the NED and through grant monies from USAID. The Center also has awarded grants to the Asia Foundation (TAF), the International Foundation for Election Systems (IFES), the International Development Law Institute (IDLI), and Transparency International (TI).

Among the multilateral donors, the major players in governance support are the World Bank and the United Nations Development Program. Both emphasize the links between "good governance" and economic development in matters of DG programming. Their emphasis on governance is one that draws heavily on public management, information and communication theory, and the idea of encouraging government structures that manage resources efficiently. The Inter-American Development Bank and the Asian Development Bank are becoming increasingly involved in legal reform.

Bilateral donors often emphasize "democracy" as well as "governance," basing their strategies on the 1948 Universal Declaration of Human Rights, along with other international documents and accords. The Canadian International Development Agency, the British Overseas Development Agency, and the governments of Norway, Sweden, Denmark, Germany, and Japan are among the many entities involved and working with NGOs, voluntary associations, religious organizations, and local and national governments to promote democratic development around the world.

Given the range of multilateral, bilateral, and nongovernmental actors involved in democracy and governance assistance, ongoing dialogue to refine objectives and methodologies is key to improving programming and using resources effectively.

Among donor coordination mechanisms, the Development Assistance Committee of the Organization for Economic Cooperation and Development (OECD/DAC) provides a forum for consensus-building among donors on principles relating to democracy, human rights, good governance, public participation, and excess military expenditures. DAC position papers reflect a donor consensus that achievements in economic and social development are not sustainable without accountable, representative, and participatory political institutions.

The Center hopes this publication, and presentation of its conceptual framework,

contributes to the ongoing dialogue and understanding among donors regarding the role of democracy and governance assistance within a broad development agenda.

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