

Aid for Human Rights & Democracy: Challenges of Design, Management and Evaluation

- Gunnar M. Sorbo and Arne Tostensen

INTRODUCTION

In recent years, concerns with human rights and democratization (HRD) have figured prominently on the agendas of Western donors. Support for HRD has been justified both as an end in itself (universal respect for human rights and democracy holds the prospect of a better life for all humankind), and for its instrumental value (there is a presumed correlation between HRD) and the ability to sustain economic and social development. A variety of strategies has been adopted to promote human rights and democracy - among them, calls for multi-party elections, more efficient government institutions and an independent judiciary, combined with demands for the protection of civil and political rights. Initially, negative sanctions were applied as an instrument promoting human rights and democracy. Recently, however, there has been a growing recognition that negative sanctions are a fairly blunt and not always particularly efficient policy instrument. Greater attention has thus been given to identifying positive measures that may help guide the political processes in the desired direction.

Support for human rights and democracy marks a major shift in donor behavior- from an erstwhile policy of non-interference in the political affairs of another country to accepting that "getting prices right". This new approach involves placing demands for political reform on sovereign states, which is still a controversial issue in the international community. To justify interventions of this kind, the donor community has partly chosen to invoke international human rights convention as manifestation of human rights law. The call for democratization has, however, also emerged out of a "good governance" agenda concerned with making institutions more effective and

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efficient¹. As an integral part of this new drive, emphasis has been put on policy dialogue with recipient countries.

While funding for HRD activities remains rather modest in monetary terms or as a share in overall aid allocations (approx. 10 percent of total bilateral assistance in the Scandinavian countries), it increased rapidly during the 1990s. A Canadian study of CIDA's bilateral HRD experience suggested in 1994 that the volume of HRD as a programming area had grown as a result of a *permissive* rather than a *prescriptive* management approach. There was generally a lack of clear policy and programming guidelines. Programme officers in donor agencies have drawn on their general knowledge to do what makes sense in an often difficult and uncertain social and political context. Many see HRD programmes as high risk and open-ended undertakings compared to conventional aid programmes. The Canadian study revealed that HRD, among CIDA staff, carried the label of untidiness: there is much work involved and often little short-term output. Programming initiatives mostly follow foreign policy priorities, often in response to pressure from the Ministry of Foreign Affairs to act, rather than being shaped by CIDA policy. While there is a sense among aid officials that different skills and sensitivities are required to operate efficiently in the HRD area as compared to others, it may not be clear what those specific skills and competencies are and how they can be acquired. The study suggested that where imaginative, relevant and effective programming had been put in place, it resulted from individual and small group initiatives, rather than stemming from lessons generated by CIDA's experiences or guidance from above. This freedom of action at the project team level has been appreciated; yet there is considerable anxiety about the absence of guidelines or a sense of "what works".²

Uncertainties still remain among donor agency staff, and the pressure to evaluate and "obtain results" has led to corresponding uncertainties about how to assess and evaluate HRD assistance. There seems to be a feeling that we do not possess the tools and methods for understanding the processes at work that would enable officers to make sound decisions when utilizing

¹ The concept of good governance should not be confused with that of democracy. The former is rather more concerned with the output of political processes towards specific policy prescriptions that donors prefer. A system of democratic rule, on the other hand, does not imply a particular normative orientation with regard to output.

² CIDA, *Lessons Learned in Human Rights and Democratic Development: A Study of CIDA's Bilateral Programming Experience*. Ottawa: Canadian International Development Agency (CIDA), 1994.

indicators and specifying realistic results to be achieved. As noted in an evaluability assessment done for the Swedish aid agency, Sida, HRD projects cover an enormously wide range of different interventions. It is thus "unrealistic there ever to be developed (*sic*) an agreed approach to evaluation or a set of indicators that could both be manageable and be applicable across all such projects".³

It is also increasingly recognized that it is difficult to measure *impact*. In this regard it is helpful to keep in mind a distinction between evaluations and involves tracing the causal process from inputs to outputs of an aid intervention, including an assessment of its cost-effectiveness. The latter, on the other hand, centers primarily on the outcomes or outputs, ie. The sustainable results of an aid intervention in short, medium or long-term perspectives. Evaluations and impact studies share tough methodological challenges: (a) disentangling the specific effects of an aid intervention from those of intervening variables and contemporaneous events; (b) attributing, with reasonable justification, observable effects to the aid intervention in question; and (c) establishing the counterfactual: what would have happened in the absence of the aid intervention?

Ideally, the attribution problem can only be resolved by way of control groups in quasi-experimental designs in order to establish a referent not subjected to the relevant aid intervention. In the social sciences, however, this is generally not feasible. This is so partly because aid interventions have multiple objectives and partly because both the groups exposed to aid and the comparator groups are unstable. Both types of real-life group tend to become "contaminated" over time through partial dissolution, migration, etc. Even if it were feasible to establish control groups, technically speaking it would hardly be ethically defensible.

Thus, in response to such methodological challenges Sida's 1997 policy document *Justice an Peace⁴e. Sida's Programme for Peace, Democracy and Human Rights* made the following statement about evaluating HRD projects:

To make a summary of experience in democracy, human rights and conflict management assistance across countries is virtually impossible. Results have generally not been quantifiable or

³ ITAD Ltd. *Logframe-related evaluation of Sida's democracy and human rights support: Phase 1 Evaluability assessment, Main Report*, Stockholm: Swedish International Development Co-operation Agency (Sida), 1999, p.3, unpublished report.

⁴ Sida *Justice and Peace: Sida's Programme for Peace, Democracy and Human Rights*, Stockholm: Swedish International Development Co-operation Agency (Sida), 1997, p. 44

quantified and outputs cannot be standardized. It has to be recognized that the impacts of the inputs made on processes of democratization and conflict management are difficult to measure in a way that makes them comparable over time and across countries.

The evaluation and impact assessment problem stem largely from *the question of scale*: many, if not most, HRD projects are concerned with funding activities not considered ends in themselves but rather as means to achieving broader/wider objectives. While interventions may take the form of various technical activities, such as providing human rights training or supporting civic education in preparing for elections, the ultimate aim is to influence wider social and political processes. This means that evaluation, and particularly impact assessments, need to focus not merely on whether the envisaged outputs of the project have in fact been produced, they also need to judge whether these outputs have indeed contributed to the wider objective. Such a goal-oriented type of evaluation involves at least three problems. The first is (very often) inadequate and unreliable baseline data, if they exist at all. The second is that there may be many different ways of reaching the same goal, ie improvements in the HRD situation. The third problem is that of identifying what specific difference a given project activity may have made: the attribution problem referred to above. It is particularly difficult to analyze the links between a single project and changes in the overall HRD situation in a given country or region.

In addition, there is the *time* problem. There seems to be a broad consensus among donors and evaluators that making significant advances in the areas of human rights and democracy requires a long process. Significant advances cannot be expected in a short time span of a project (2-5 years), especially not on the basis of one-off discrete projects.

Clearly, then, the evaluation of activities aimed at bolstering human rights and democracy is replete with difficulties: how to identify impact when individual projects and/or the organizations handling them are such a small part of the overall picture; how to measure qualitative changes in the strength of institutions or the awareness of individuals: and so on.

Faced by such a daunting range of problems, there seems to be a tendency either to abandon completely the search for more rigorous performance criteria, and tracking impact, such as Logical Framework Analysis (LFA). In this paper, we shall argue that both of those tendencies are unfortunate, the

former because it fails to develop a systematic awareness of comparative experience and, therefore, reduces our chances of learning from past mistakes; the latter because it fails to acknowledge the dynamic character of the political processes into which HRD aid projects are inserted.

In our view, the design and management of HRD assistance as well as its evaluation are likely to be enhanced with greater attention paid to its inherently political character and the ramifications that follow from this feature. In addition, HRD support and its major sub-sectors (democracy, rights, legal sector reform, etc) tend to be loosely founded in terms of conceptual analysis. In fact, distinctions are not always made between them. Instead, it is often assumed that they move in the same direction, and that improvement in one area will automatically lead to progress in others. The lack of distinctions makes it difficult to work out whether a claim or statement refers to all of the sub-sectors or only one of them, and precludes reliable analysis of donor assumptions. It follows that as long as performance criteria remain vague, the accumulation of experience and self-critical learning is difficult to achieve.

CONCEPTUAL CLARIFICATION

Donors tend to be careless in their use of concepts - partly for deliberate political reasons of flexibility, but also because clear-cut conceptualization is elusive. This problem is particularly pronounced in the field of human rights and democracy where choice of definition has considerable bearing on the design, management and evaluation of aid programs. In order to avoid pitfalls and unnecessary obfuscation we shall endeavor in this article, therefore, to seek clarity as to our own understanding of these key concepts, even if the donor community may take issue with us.

Democracy

It is often hard to come to grips with the definition aid agencies have adopted with regard to *democracy*. Democracy is one of those grand concepts whose content is highly controversial and continuously changing. It is also a manifested concept whose elements are given unequal weight by different actors and stakeholders. Furthermore, its underlying cultural bases and historical genesis engender controversy, debate and cultural relativism. Moreover, its highly charged normative meaning makes it susceptible to abuse in rhetoric and propaganda as well as in 'aid speak'. Finally, democracy

is not a state of affairs which has been achieved in certain countries and not in others. It is rather an ideal to strive for - and so far only realized to some degree. In other words, a political system of governance is *more* or *less* democratic in a relative sense. Hence, democracy eludes precise definition.

David Beetham conceptualizes democracy in terms of a set of fundamental principles. The core idea of democracy is that of popular control over collective decision-making. In this perspective, its defining principles are that all citizens are entitled to say in public affairs, both through the associations of civil society and through participation in government; and that this entitlement is available on terms of equality to all⁵. A system of collectively binding decision-making may be deemed democratic to the extent that it embodies the above principles, and specific institutions or practices to the extent that they help to realize them.

Such a broad definition points to two insights. First, the central state is only one arena to which democratic principles may be applicable, and the notion of democracy as being primarily sustained by efforts from the top downwards must be complemented by a 'bottom-up' approach associated with local governance and popular participation. Second, democracy is not an all-or-nothing affair, but a matter of the degree to which democratic institutions and practices coexist with authoritarianism. Democratization is thus always and everywhere an ongoing process⁶.

A somewhat different approach sees democracy mainly in procedural terms, i.e. in terms of a set of rules and institutional practices that lead to legitimate decisions, or simply the rules of the political game. Thus the electoral process, involving multiple competing parties, is often seen as the defining feature of democracy, with the attendant freedoms and rights of expression, peaceful assembly and association necessary to make that process effective, free and fair. There are certain dangers with this approach. First, it may encourage a purely formalistic notion of democracy, in which procedural means, such as competitive elections or multi-partyism, become ends in themselves - summed up in the term 'electoralism'. Second, the preoccupation with the electoral process runs the risk of leaving out much else that is critical to democratic rule, such as the control by elected representatives over non-elected officials and institutions, inside and outside

⁵ David Beetham, *Human Rights and Democracy: A Multi-Faceted Relationship*, Leeds: University of Leeds, Centre for Democratization Studies, 1995 (Working Paper), pp. 23.

⁶ David Beetham, 'Conditions for Democratic Consolidation, Review of African Political Economy, vol. 21, no. 60, 1994, p. 159.

the state; their accountability and responsiveness to the public between elections; the control ordinary people exercise over their conditions of life at the local level; and so on⁷.

Notwithstanding its inherent dangers the procedural approach may, on the other hand, be seen as an *operationalisation* of the fundamental principles espoused by Beetham, rather than an alternative approach. It is thus possible to arrive at a definition that satisfies minimum international standards specified below.

Free and fair elections form an indispensable part of any democratic system, although the electoral laws may vary considerably⁸. Elections are the mechanism whereby the people (the electorate) expresses their will (or an approximation thereof) when choosing their representatives or deciding on a substantive matter by way of a referendum.

To take part in elections means taking part in public affairs, albeit in a limited way. In a modern society, the citizens tend to take part in public affairs through elected representatives rather than directly. *Representative democracy* implies that powers to act on behalf of the electorate are delegated to elected representatives for a given period of time- participation by proxy so to speak. It is considered cumbersome and impracticable to involve scores of citizens directly in the day-to-day decision-making and management of public affairs through very frequent referenda. Many scholars also feel that such 'instant' democracy is susceptible to cheap populism and could have a destabilizing effect on governance.

Elections are also the mechanism whereby the electronic may recall representatives if they are deemed not to have performed as promised or expected. In other words, through elections the people may hold their representative *accountable* for their actions or inaction. In that sense, elections are non-violent method for changing the government.

For elections to be meaningful there must be a real choice of alternatives, between parties and candidates. This implies that multiple political parties must be allowed to form and to campaign for votes on the basis of their manifests or programs. This is best expressed in the term *pluralism*. In other words, contestation and genuine competition for votes are at the core of a

⁷ David Beetham, 1994, *op.cit.*, pp. 158-159.

⁸ See Article 25 of the International Covenant on Civil and Political Rights of 1966, and General Comment No. 25 of 12 July 1996. The latter gives an authoritative, specific Interpretation of Article 25 of the Covenant.

democratic system. Furthermore, elections must be held at regular and reasonable intervals typically 4-6 years.

A *free* election means absence of intimidation of voters by any party or force. Any form of undue influence, coercion or violence is anathema to the freedom of elections. In essence, for an election to be free the voter must have free access to voting for any candidate of their choice, and to be elected as a representative.

A *fair* election has above all to do with a so-called level playing field in the campaign and the run-up to polling day. The fairness concept embodies non discrimination, equal distribution of polling stations around the country so as not to impede voting by certain segments of the population. It also covers the right to publicity, eg. country-wide campaigning without hindrance so as to reach the entire electorate with alternative political programmes and policies with a view to offering a genuine choice. In this regard equal access to the electronic and print media is crucial. Fairness also incorporates proper counting of ballot papers after completion of polling.

The *rule of law* is generally considered one of the pillars of democracy. This means predictability and freedom from the arbitrary exercise of power by the state. Constitutions normally include a Bill of Rights, which sets out the fundamental rights and freedoms of citizens. Other laws define further the rights and obligations of the citizenry. By virtue of the rule of law the exercise of power is restrained; the rule of law acts as a protective shield for the citizens. A precondition is, of course, that the laws have been passed in a democratic fashion and are thus considered legitimate in the eyes of judicial review when allegations are made that breaches of the law have occurred.

An array of *human rights* is associated with democracy but not all human rights are an integral part of the democracy concept (see below). Yet, many would say that democracy entails protection and promotion of all human rights. At the very least, the freedoms of expression, peaceful assembly and association are indispensable in a democratic system. This notwithstanding, in the public and state interest certain restrictions may be imposed on freedom of expression, such as libel, racism, sexism, and matters of state security. Such restrictions should not necessarily be construed to be contrary to democracy, as long as they are reasonable. But they are open to abuse and should be subjected to constant public debate to prevent circumvention by the incumbent government and the political forces associated with it.

Once political leaders and representatives have been elected, governments are constituted on the basis of the constellation of political parties in the elected assembly. But in order to monitor and limit the exercise of power a system of *separation of powers* has been designed, with built-in 'checks and balances' between the three branches of government; the executive, the legislature and the judiciary.

Majority rule is basic to the democratic concept. But when majority decisions are taken it does not mean that the minority is completely marginalized. On the contrary, democracy means protection of the rights of minorities (see below). Genuine democrats tend to eschew notions of 'the winner takes all'. Democratic rule usually entails power sharing of sorts, or at least an opportunity for the opposition to return to a majority position come the next election. For that eventuality to be real the minority opposition must not be deprived of its means to function as an effective opposition and to epitomize the alternative to the incumbent party or coalition parties.

Various electoral systems and formulae have introduced to prevent the monopolization of power, eg. Proportional representation and compensatory member systems, as well as variant of federalism, confederalism and consociationalism. They all have their strengths and weaknesses but they have in common that they are designed to ensure a fairer distribution of power in the interest of legitimacy and governability.

In certain situations, particularly in divided societies, the winner(s) of elections may go as far as to invite the losing opposition into a government of national unity. In war-torn societies such a stance may be necessary to allay fears of victimization on the part of the opposition and to lay the foundation for reconciliation and reconstruction.

Whatever its definitional points of departure, the study of democratization is nearly half a century old. Yet clear-cut and unanimous answers are still elusive for hurried politicians and policy-makers who want to know:

- What is the most desirable sequence of reforms?
- When is the right moment to intervene?
- What tempo should be maintained?

One reason is that the experience of early democratisers is of limited relevance to today's reformers. The transitions to democracy witnessed during the 1990s have been conditioned by factors that did not exist in the

previous decades. The literature on democratization in what are now established liberal democracies may, therefore, be most valuable for its emphasis on the complexity of the process of building democracy. It calls for caution and a sense of humility in approaching the task of helping to change polities from autocracies to democracies.

In fact, most writers on democratization agree that the process of *consolidation* democracy, which begins when the "transition to democracy" elections after the demise of the autocratic regime, is a much more lengthy and difficult process than the transition itself⁹. Establishing democratic electoral arrangements is one thing, sustaining them over time without reversal is quite evolution of a *democratic political culture* is critical to the long-term consolidation of democratic rule. In fact, creating a democratic political culture amounts to the *institutionalization of democracy* as a sustainable system of governance. History shows that it is conceivable to hold sham elections from time to time and still retain a large measure of autocracy. To nurture a genuinely democratic political culture takes time because it involves socialization and the inculcation of democratic values in the minds of people. In practice it will involve broad *popular participation* in public affairs, way beyond occasional elections. In this regard, the role of civil society is important. Positioned between the state and the private sphere of the family, the associational life of *civil society* can play an active part in developing such a democratic political culture as the true spirit of democracy. Thus far, however, little research has been devoted to the importance of political culture to democratic consolidation.

A society characterized by a democratic political culture encourages *discussion and compromise* as means of conflict resolution. It promotes tolerance of difference and *forbearance* in dealing with opposing views. Although the formal protection of democratic rule as enshrined in law is no doubt important, no amount of legislation can compensate for a lack of democratic disposition on the part of political leaders and citizens alike.

While the project of democratic consolidation is clearly more difficult in some circumstances and countries than in others, there is also the additional challenge that the factors making for such consolidation may not be the same as those contributing to its inception¹⁰."

⁹ Beetham, 1994, *op.cit.*

¹⁰ Beetham, 1994, *op.cit.*, pp. 169-160.

Human rights

Historically, democracy and *human rights* have been regarded as distinct phenomena, occupying different arenas of the political sphere, one being a matter of the organization of government, the other a question of individual rights and their defence. Discounting collective rights, such as the right to self-determination, most human rights take the individual as their point of reference, and seek to guarantee individuals the minimum necessities for pursuing a distinctively humane life.

Many civil and political rights, however, constitute an integral part of democracy. Democracy without them would be a contradiction in terms, since the absence of freedoms of expression, of association, of assembly, of movement, or of guaranteed security of the person and due process, would be impossible¹¹. Human rights, therefore,

form an integral part of the global efforts to promote and consolidate democracy.

However, the two concepts should not be conflated as there are both connections and differences. There are components of democratic rights in the general human rights regime, but not many. There is the embryo of a body of norms for minorities, which has implications for both 'rights' (language, religion, etc.) and the organization of the state (such as autonomy or other forms of power sharing, electoral systems, etc.). 'Rights' are more precise than democracy, although not as precise as some people think. They are more specifically reflected in the constitution and laws than 'democracy'. The machinery for their enforcement is more specific than for the exercise of democracy. It may be easier, therefore, to establish *indicators* for rights than for democracy. We could investigate, for example, whether laws permit detention without trial, what restrictions are imposed on the holding of meetings, formation of associations, etc. One could examine instances of prosecutions of political opponents, the types of 'political offences' that are typically prosecuted, etc.

Most donor agencies claim that human rights are based on universal norms and standards from which there can be no deviation¹². However, the international human rights regime is not as 'monolithic' as it is often made

¹¹ Beetham, 1995, *op.cit*

¹² The so-called International Bill of Rights comprises the 1948 Universal Declaration of Human Rights, the International Covenant of Civil and Political Rights, and the International Covenant of Economic, Social and Cultural Rights, both from 1966.

out to be. Since, the Universal Declaration of Human Rights, there has been a remarkable development of norms, drawing inspiration from different sources. We now have instruments, on the one hand, for civil and political rights and social, economic and cultural rights, and, on the other hand, rights instruments covering particular groups, such as women, children, indigenous peoples and migrants. At least in the short run, it may be necessary to prioritize between these rights, because all of them cannot be achieved at once, given the scarcity of resources. There may, therefore, be a trade-off between different types of rights or beneficiaries of rights. Many countries are ethically divided with a history of exploitation and oppression of certain groups. A constitutional settlement may well require a trade-off or qualification of rights, as, for instance, the South African experience demonstrates¹³.

The relationship between democracy and what might be called 'cultural rights' is increasingly becoming an important issue in countries receiving HRD assistance. The history of democratic thought has tended to assume the existence of a relatively homogeneous population within territorial states, and has taken the questions of national identity as settled rather than as a matter of two central aspects of modern democracies. The first is the mass mobilization base of an electorate in the competition for political power, with the number of votes counting as the decisive criterion for access to office. The second is the procedure of majoritarianism as the method for resolving contested issues¹⁴.

As Beetham argues, both these familiar democratic procedures become problematic in the context of multicultural and multinational societies, which are increasingly the norm in the contemporary world¹⁵:

Where party competition coincides with the lines of cultural division, rather than cuts across them, then the struggle for power is often waged as an exclusive and particularistic one, in the interests of a specific community, however large, rather than of the society as a whole. Whether intentional or not, it becomes a struggle about who constitutes the nation, and who is to be privileged within it, as much as about policies *for* the nation. In such circumstances, the majoritarian procedure, which requires

¹³ The authors are indebted to Yash Ghai for a discussion on this topic.

¹⁴ Beetham, 1995, *op.cit.*, p.28

¹⁵ *Ibid.*, p. 29

minorities to accept the majority verdict and its consequences for policy, loses its justification, since the minority is a permanent one....

Thus, the principle of reciprocity – that the minority stands a chance of becoming part of a winning majority constellation in the future – no longer applies. The emergence of this lacuna in democratic legitimacy is, of course, most serious in recently established states, whose 'glue' of nationhood is still underdeveloped. Yet, given the salience of the politics of identity and the ease with which voters can be mobilized behind identities, multicultural societies are prone to this brand of politics. The right to self-determination for ethnic groupings within territorial states, or accommodating difference in other respects (religion, culture, language, etc.), may impinge on the constitutional design of those states through some power-sharing formula. Variants of federal systems have already been mentioned as a means of accommodation difference in order to forestall divisive politics of a virulent nature that might lead to violent conflict and the disintegration of the state altogether.

Finally, it should be added that there is also greater acceptance of variation in the interpretation of core rights, to the effect that the exact parameters of a right can be adjusted, to some extent, to local values and circumstances. An oblivious example is the ways in which different jurisdictions have defined the scope of freedom of expression, particularly as it relates to pornography or hate speech. Similarly, many national and international tribunals have accepted that the right to equal treatment may be qualified to meet urgent needs of compensatory justice or affirmative action. Consequently, there is some flexibility in the application of international norms in specific contexts.

THE POLITICS OF AID

The above conceptual discussion and clarification has a number of implications for HRD assistance and how we may assess it. One obvious implication is that the promotion of HRD is fundamentally a protected process of institution- building and political socialization, and not the occurrence or non-occurrence of single events. When donor agencies mount initiatives in support of HRD, they should not be overly preoccupied with single events and activities, but remain sensitive to the fact that

democratization requires the building of appropriate institutions of countervailing power and the establishment of a supportive political culture. Both are processes that unfold over relatively long periods. The holding of a single multi-party election, even if it is free and fair, does not by itself make a democracy. It is the periodic holding of successive elections over many years- the institutionalization of the process – that establishes one of the foundations for a sustainable democratic system. Programmes to support the electoral process must be conceived and designed accordingly. The same perspective must be maintained in designing programmes to strengthen other institutional arenas – the legislature, the judiciary, civil society, free and independent mass media, etc.¹⁶."

From this follows a second implication: a long-term perspective is essential because democratic practices and the protection and promotion of human rights evolve slowly and on the basis of short – and medium –term actions. There are inevitably setbacks along the way. Thus, reconciliation between different groups in post-crisis situation – critical issue in much of the current HRD assistance programmes – is an incremental process, if it occurs at all. As a social phenomenon, it may even be difficult to discern for decades¹⁷.

A third, and may be the most important point, is to recognize and take into account that, by prioritizing HRD, donor agencies have decided to intervene in what are extremely sensitive and contentious areas. Aid to HRD is different from traditional development co-operation in the sense that donors operate, more than in any other foreign aid activity, in a political considerations typically overshadow technical or economic feasibility criteria. Although some donor agencies have made efforts to apply conventional project as a growing body of experience indicates – generally defy such ambitions. Because the timing of inputs is so significant in this type of activity, political windows of opportunity are typically more important as justification for assistance than is the case in a conventional feasibility study¹⁸. A brief elaboration is warranted.

¹⁶ Joel D. Barkan, 'Can established democracies nurture democracy abroad? Lessons from Africa', in Axel Hadenius (ed), *Democracy's victory and crisis*, Cambridge: Cambridge University Press, 1997, p. 389

¹⁷ CMI, *After War: Reconciliation and Democratization in Divided Societies – Lessons Learned*. Bergen Seminar on Development 2000, Summary Report, p.2

¹⁸ Danida, Evaluation of Danish Support to Promotion of Human Rights and democratization. Synthesis Report, Copenhagen : Ministry of Foreign Affairs, 1999 (Evaluation Report 1999/11), p.7

As indicated above, there is no single methodology or predictable sequence that can be applied to all situations. In fact, different sequences of economic, social, political and cultural transformation may well lead to the same outcome in very different situations. Conversely, the same 'instrument', eg. Election, may lead to dramatically different outcomes in different contexts. Thus, while elections in Mozambique sustained the peace agreement, elections in Angola tore it apart.

Local contexts will differ in their requirements as to how policy-makers and other concerned actors should plan and implement their assistance. In all situations, the politicized and highly volatile nature of post-war environments increases the risk level and reduces the opportunity for carrying out 'normal' planning and implementing processes. Developments tend to be non-linear because institutions are weak, new and highly unpredictable. External aid actors must be willing to take and manage considerable risk. This will require in-depth, intimate knowledge and understanding of local situations and developments. It is only on this basis that the relevance, importance and wisdom of various interventions may be assessed. It also means that HRD assistance by the international community requires a combination of short and long term interventions, carefully planned support on the one hand, and swift, flexible responses to changing circumstances on the other. (see below)

Many donor agencies seem to hold the view that HRD produces stability. In the long run this may well be true but it is less likely in the short run in a great number of countries. In fact, HRD has the potential to generate and aggravate conflict and instability. HRD represents paradigms for the organization of public and private power that are different from those that existed historically or prevail today in many recipient countries. It is precisely for this reason that HRD is important. HRD assistance frequently threatens vested interests. The disruption of social structures and relationships, attendant upon the empowerment of new groups, can itself cause instability. Electoral processes may sharpen ethnic conflict as electoral support is often based on ethnicity and parochial interests. Even in quite propitious circumstances, democratization can be a messy process.

As mentioned above, *trade-offs* typically occur in the short run, between justice (incl. rights) and democratization, between democratization and peaceful resolution of conflict, etc. In fact, the question of trade-offs is a constant factor in decision-making about HRD assistance, perhaps

especially so in post-crisis situations. For instance, promoting peace may undermine the development of 'good governance' and democratization; affirming standards of justice and punishment in dealing with the past may impede reconciliation. Steps to develop democratic mechanisms such as political parties and early elections may have the same results.

There are many case studies that highlight such contradictions. Thus, in Bosnia and Herzegovina it was seen as important to create a legitimate government to comply with the terms of reference for the peace process. Every effort was made to ensure that elections were held early and that they were free and fair. The results showed that strong ethnic nationalists had been voted into office. The same people who had conducted the war thus became the formally constituted governing body to conduct the peace. Arguably, they had little commitment to reconciliation.

In the Bosnian case, the contradictions between reconciliation and democratization reflect the problems of holding elections in a divided country when other institutions of democracy are weak. In the case of the Palestinian Authority (PA), there are similar contradictions between the peace process and democratization, but stemming from different sources. While the PA obviously operates in extremely difficult conditions, the process of consolidation peace through the PA has served to strengthen the authoritarian elite that rules through the PA. The underlying contradiction is that the international community on the one hand supports an unfolding peace process that has yet to define respective areas of control. On the other hand, donors attempt to build political and social institutions under an undemocratic government whose existence is solely a function of that peace process.

Thus, there are not only typical trade-offs between democratization and reconciliation; the twin objectives may even be mutually exclusive in the short run. This dilemma should be recognized and addressed through long-term strategies to soften the contradictions¹⁹.

MANAGING HRD ASSISTANCE

Sida's evaluability assessment referred to above argues that the planning and management of HRD projects have suffered from "the avalanche of needs"

¹⁹ CMI, 2000, op.cit., p.2.

being presented to donors by governments and civil groups, combined with a political commitment on the part of donors to support processes of change. In quite a number of cases this led to a “curtailed project preparation process with the result that the planning deficiencies were so great that the overall effectiveness of projects was seriously reduced²⁰”. The report also claims that objectives tend to be vague, monitoring weak and project impact assessments very rarely conducted. It is one of its recommendations that objectives should be structured using the logframe method to ensure that projects have realistic, specific and measurable objectives.

As argued above, the provision of HRD assistance takes place within dynamic settings where donors themselves operate in a political process that places special demands on their mode of operation as well as their capacities and capabilities. To be effective in this comparatively new area of development co-operation, donors need to make several adjustments in the way they conduct their HRD assistance.

The first is to recognize that HRD programs are inherently personnel – intensive. Because most activities are multi-faceted in substance and take place in unpredictable political environments, a typical HRD program requires virtually continuous dialogue, oversight and adjustment. A related reason is that most forms of assistance are small and non-replicable compared to conventional programs of development assistance. Successful programs are not those which expand and repeat initial interventions after a period of testing and refining of a single package of assistance. Rather, they are programs tailored to particular political, economic, social and cultural contexts, proceeding through unique stages of implementation. Bigger is not utilizing large grants. Except for construction projects (eg. Building new court buildings or parliaments), HRD projects tend to be staff-rather than capital-intensive.

The evaluation of Danida’s support for promoting HRD revealed that HRD assistance is best when it is flexible, responsive, timely and ingenious²¹. Even in countries where implementation of long-term program is possible, there will still be a need for fast and flexible responses, both to exploit “windows of opportunity” that may emerge suddenly, and more generally to make adjustments to changing circumstances in unpredictable environments.

²⁰ ITAD Ltd., 1999, *op.cit.*, p. iii.

²¹ Danida, 1999, *op.cit.*, p. 53

Such flexibility must be based on, and combined with, adequate problem analyses, clarity of purpose, identifiable outputs, a longish time horizon and improved project appraisal. To emphasize the political character of HRD assistance does not imply the acceptance of a *laissez faire* attitude to planning and managing projects. Rather, assistance to highly politicized areas has special implications for the design, monitoring and implementation of projects. For example, in preparing programs there is a need to assess carefully the potential recipient institutions within their broader setting. With a view to understanding how they are influenced by external political forces, and to identifying the obstacles that proposed programs may face during implementation. This means doing broad, contextual analysis as part of the preparations as well as part of monitoring. In general, donors do a good job of gathering information, but tend to be weaker when it comes to using that information analytically, and to adapting the analysis to programming requirements.

The Logical Framework Analysis (LFA) approach has become a popular tool for administering development assistance and it has been recommended for use also in the HRD area by the OECD/DAC. The main benefit of this approach, if applied well, is that it helps to simplify and clarify very complex and interconnected problems, thereby inducing the analyst to identify factors that are important for understanding the implementation of a given project. The rather remarkable rise of LFA, however, can also be seen as part of “the audit explosion” within donor agencies²².

Logframes can be helpful in designing projects, but are relatively weak tools for studying processes and effects. The drawbacks include arranging problems in a hierarchical means –ends chain as if casual relationships are linear and undifferentiated. In using LFA for monitoring HRD projects, the analyst fails to acknowledge the dynamic character of the political analysis – the basis for stakeholder reasoning and action – are not particularly compatible. Those officials who use the former tend to create an imaginary setting that differs sharply from the reality in which actors supported by HRD funds have to operate. Even a participatory approach to applying the LFA method cannot anticipate and capture the political dynamics in which

²² M. Power, ‘The Audit Explosion’, in G.Mulgan (ed), *Life after Politics*, London: Fontana, 1997, p. 288

local actors will make their decisions, because the decision-making process is constantly changing and goals must, by definition, be ambiguous²³.

EVALUATION: IS SUCCESS IN THE EYES OF THE BEHOLDER?

The approach to an evaluation of HRD assistance must also reflect the complexity and uncertainty of such processes as outlined above. There are several important points to emphasize.

First, HRD assistance is deeply embedded in political processes. Policies considered beneficial by some segments of a population may be seen as discriminatory by others. Particularly in situations where efforts are being made in South Africa, Guatemala, the former Yugoslavia and a host of other countries - to accommodate rights-based ethnic diversity within the democratic framework of a territorial state, there are no blueprint solutions. It may very well happen that international support for HRD leads to a temporary deterioration in the HRD situation in a given country. A government may, for instance, respond to better reporting on human rights violations by increasing repression. However, negative short-term effects of this kind may not necessarily justify negative assessments of HRD assistance in a long-term perspective.

It follows, in our view, that an evaluation of HRD assistance must encompass and consider the responses and counter-strategies of different actors, which, in turn, calls for an evaluation of the *process*, not just of the outputs. Moreover, it will primarily be our understanding of the local contexts within which HRD activities take place that determines our judgments as to whether or not particular projects or programs are sensible, reasonable, wise and well thought-out interventions. This means that assessments of HRD assistance and specifically, these are some of the key questions we need to ask:

- Does the analysis (made by the evaluators) support the assumptions about the HRD situation held by the donor agency and policy-makers involved?
- What is the relationship between the donor's own assessment and the interventions adopted or chosen?

²³ Danida, 1999, *op.cit.*, p. 66.

- Are the social and political relations established in the process of gaining access and implementation conducive to improvements in the HRD situation, at least in the long run, or, are they part of the problem?
- How do other actors and stakeholders (individuals, groups, organizations) perceive the interventions and activities?
- Are relevant local opinions or activities ignored or possibly even undermined by the ongoing HRD activities.

This means that we have to be satisfied with more subjective articulations of appreciation from the various stakeholders involved, and draw our conclusions on the basis of their assessments of the legitimacy, relevance, management and cost-effectiveness of reform programs. Such "inter-subjective validation", combined with a process-oriented approach focused on learning lessons rather than efficiency and effectiveness, is the most useful approach for drawing conclusions about the nature of a given HRD activity²⁴.

To arrive at tenable 'inter-subjectively validated' findings, triangulation approaches may be helpful. Triangulation may be defined as the systematic use and combination of data collected by independent means. Its purpose is to validate finding by showing that independent measures of findings agree with each other, or at least, do not contradict each other. Essentially, triangulation seeks to corroborate findings by multiple means by multiple validation procedures. Triangulation may take many forms:

- *Data triangulation*: drawing on a variety of data sources in one and the same study, eg. Quantitative survey data in combination with qualitative in-depth interview data emanation from respondents of varying background and status (peasants, politicians, administrators, etc.);
- *Investigator Triangulation* involving several researchers, eg. from different academic disciplines, to study the same phenomenon;
- *Method triangulation*: using multiple methods to investigate the same phenomenon or aid intervention, eg. in-depth interviews, structured questionnaires, observation, perusal of documents and other secondary data sources, budget analysis, etc. ;

²⁴ *Ibid.*, p. 11

- *Theory triangulation*: applying multiple theoretical perspectives to the phenomenon or data set under scrutiny.

The nature of the phenomenon to be investigated will have a bearing on the appropriate triangulation 'mix'. In general, the more complex the phenomenon, the greater the need for extensive triangulation. But considerations of economy will ultimately constrain the extent to which triangulation approaches are applied.

By contrast, LFA approaches can only be of limited value in the evaluation of HRD programs. LFA considers and measures the achievement of intended effects in intended, programmatic ways. This routine-monitoring orientation is too narrow for an effects or process evaluation, since unforeseen routes and unintended impacts are typically of greater importance.

Both the core rationales for doing *ex post* evaluations militate against exclusive reliance on LFA. The first rationale – the need for ongoing learning because we lack perfect advance knowledge or full control – underscores the inadequacy of an approach that focuses only on intended effects. The second rationale – the demand for reporting and checking owing to the presence of various groups with differing interest and viewpoints and with low trust between them – limits the value of reports making statements in terms of “the project’s” objectives in a narrow sense.

THE ROLE OF COMPARISON

It follows from the above argument that policy-makers should not expect analysts to provide them with detailed instructions – a ‘flight plan’ specifying the safest and fastest route from autocracy and human rights violations to democracy and the protection and promotion of human rights²⁵. However, accumulated knowledge can help to construct ‘an instrument panel’ for use in navigating different possible courses and in judging progress. Signposts on this panel must be drawn from a more systematic awareness of comparative experience.

Thus, we know, for example, that the prospects for democratic consolidation are affected by the character of the old regime. A military regime leaves behind the difficult task of depoliticizing the armed forces,

²⁵ *Ibid.*, pp. 7-8.

and reorganizing them in ways that make their intervention in politics more difficult in the future. This task is easier where the regime ends in the discredit of military defeat (Greece, Argentina) than where it negotiates a guaranteed role or veto power for itself – even impunity – over its democratized successor (as in Chile). A communist regime, on the other hand, leaves behind the enormous task of introducing a market economy simultaneously with the democratization of the state²⁶.

We also know from research and other experience in Africa that transitions are more likely to result in democratic progress if they commence with comprehensive multi-party agreements on the fundamental rules of the game, either through constitutional reform or by constitution –like pact-making (South Africa, Mozambique), than if they begin with initial multi-party elections in advance of such rule-making (Zambia, Kenya, Ethiopia)²⁷.

And we know that a government’s choice of human rights instruments (truth commissions, trials or nothing) after gross violations largely depends on the relative strength or weakness of the outgoing regime. Policy choice will tend towards trials as the outgoing regime becomes weaker and away from trials as the outgoing regime becomes stronger. Truth commissions are the most likely outcome when the relative strength of the conflicting demands is roughly equal. Where human rights policy deviates from predictions, the government always does less than expected.²⁸

These lessons may appear to be rather banal. Our point, however, is simply that such comparative lessons could be drawn upon in *ex post* evaluations, as well as in the *ex ante* design and management of HRD interventions. In this effort, the knowledge of practitioners and of academics is complementary, and the two communities should liberally utilize each other, much other than has generally been the case so far.

CONCLUSION

A notable feature in the last decade of the previous millennium was the rise of human rights and democracy concerns within the international donor

²⁶ Beetham, 1994, *op.cit.*, p. 162

²⁷ James W. Harbeson, ‘Rethinking democratic transitions: Lessons from Eastern and Southern Africa’, in Richard Joseph (ed), *State, Conflict and Democracy in Africa*, Boulder, CO: Lynne Rienner, 1999.

²⁸ Elin Skaar, ‘Truth commissions, trials – or nothing? Policy options in democratic transitions’, *Third World Quarterly*, vol. 20, no. 6, 1999.

community. The erstwhile preoccupation with economic policies, restructuring and 'getting the prices right' has given way to considerations about the political sphere and 'getting the politics right'. Both negative conditionality and positive inducement have been applied as tools – sometimes in conjunction as 'carrot and stick' – but generally a preference has emerged for positive measures as being more effective.

Having embraced the political sphere, donor agency staff is still uncertain about how to handle this somewhat untidy field of development assistance. The requisite methodological tools appear to be lacking or inadequate. The logframe approach, which has been applied widely to conventional aid projects, is perceived to be of limited utility in treating politics. On the other hand, abandoning systematic analysis and proper performance criteria altogether is also considered unsatisfactory. The unease of aid officials is understandable but the problems cry out for some kind of solution.

In this article we have attempted to clarify some of the issues involved and suggested definitions of key concepts like democracy and human rights. We have also indicated a 'middle road' between too rigid logframe analysis and methodological *laissez faire* inter-subjective validation by means of triangulation.

Democracy defies precise definition but there are some fundamental principles to be observed. Essentially a democratic system of governance involves rules and procedure for making legitimate decisions in a transparent and accountable fashion. Free and fair elections at regular intervals are seen as the key mechanism by which the electorate may recall their representatives who are deemed not to have performed to satisfaction; the core of democracy is the genuine voice of the citizenry in public affairs – not only on polling day but also between elections. Although democratic rule is based on a majority principle, democracy also involves the protection of minorities and the rule of law in general.

The concepts of human rights and democracy should not be conflated; there are both differences and similarities. The respect of some rights is indispensable to a workable democracy, but not all of them. The full range of human rights is laid down in the so-called International Bill of Rights to which an overwhelming majority of states subscribes. However, in real life there are trade-offs to be made. Most Third World countries find themselves in economic hardship and are constrained in fulfilling their obligations in terms of the international human rights instruments.

Sometimes governments invoke cultural traditions in defence of their position of commission or omission.

Although we acknowledge the need of some flexibility in the enforcement of the human rights regime in light of the circumstances in which some countries find themselves, we take exception to any attempt to exploit this flexibility for malevolent purposes.

Promotion of HRD is fundamentally a protracted process of institutional – building and political socialization into a culture that serves to buttress democratic practices. When moving into this aid area donors should recognize the long-term commitment it requires and that they intervene in a very sensitive arena where outcomes are often unpredictable. Trade-offs are unavoidable throughout.

The management of HRD support is inherently personnel-intensive. Continuous dialogue, oversight and adjustment are necessary due to the somewhat amorphous nature of this field of assistance. The logframe approach is helpful only up to a point and needs to be complemented by other management tools of greater flexibility because politics tend to defy logic.

When evaluating HRD programs inter-subjective validation appears to be the only justifiable methodology. In applying this approach triangulation of multiple techniques in a process-oriented manner is recommended. Comparative analyses across countries – beyond the one-off case study – would be helpful in summarizing experiences and generalizing findings more widely.

