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DEMOCRACY, HUMAN RIGHTS, AND GOVERNANCE STRATEGIC ASSESSMENT FRAMEWORK

SEPTEMBER 2014

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This report was prepared by:

Tetra Tech ARD

159 Bank Street, Suite 300
Burlington, Vermont 05401 USA
Telephone: (802) 495-0282
Fax: (802) 658-4247

Tetra Tech ARD Contact:

Kelly Kimball, Project Manager
Tel: (802) 495-0599
Email: kelly.kimball@tetratech.com

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ACRONYMS AND ABBREVIATIONS

ADS	Automated Directives System
CSO	Civil Society Organization
DO	Development Objective
DRG	Democracy, Human Rights, and Governance
DRG Center	Center of Excellence on Democracy, Human Rights, and Governance
GBV	Gender-Based Violence
HDI	Human Development Index
ICT	Information Communication Technology
IGD	Inclusive Growth Diagnostic
LGBTI	Lesbian, Gay, Bisexual, Transgender, and Intersex
NAP	National Action Plan
NGO	Non-governmental Organization
NHRI	National Human Rights Institution
PEA	Political Economy Analysis
SAF	Strategic Assessment Framework
UNDP	United Nations Development Program
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
USAID	United States Agency for International Development

EXECUTIVE SUMMARY

The *Democracy, Human Rights, and Governance Strategic Assessment Framework* provides a structure for conducting a political analysis of a country; develops a strategy to advance democracy, human rights, and governance (DRG); and helps inform integrated development approaches. At its core, this assessment is a political economy analysis (PEA)¹ of the DRG sector—how and why is political power acquired, maintained, exercised, and contested? Who benefits? Who does not? Can the U.S. Government play a role in trying to change the power dynamics? If yes, how? Most importantly, how can the advocates for democracy, human rights, and good governance achieve greater success confronting the key challenges in their country with assistance from the United States Agency for International Development (USAID)? Honing in on the key challenges and opportunities of democracy, human rights, and governance provides a realistic analysis of actors, formal and informal institutions, opportunities for reform, and USAID’s operational environment. This strategic assessment framework (SAF) will guide resources to the DRG areas where they will have the greatest impact, thereby increasing the effectiveness and sustainability of DRG programs. This framework also will guide USAID Missions, which are ultimately responsible for developing and submitting strategic plans for program funds over which they have responsibility and authority. The document may also be useful to other parts of the U.S. Government, including U.S. embassies, the State Department, and the National Security Staff, as well as to other donors, although it primarily focuses on USAID policies and procedures.

The framework is divided into four parts to assist practitioners as they think through the main DRG challenges in a country and how to address them:

- An analysis of the challenges relating to democracy, human rights, and governance in a country [Step 1];
- A political economy analysis of actors and institutions that are likely to support or resist democratic reforms, protection and promotion of human rights, and improvements in governance [Step 2];
- Consideration of the U.S. Government’s and USAID’s interests and resources, as well as their comparative advantage *vis-à-vis* other stakeholders and donors [Step 3]; and
- Strategic and programmatic recommendations [Step 4].

The four steps do not necessarily occur sequentially in the assessment process. Once the core challenge has been diagnosed, Step 2 and Step 3 primarily serve as analytical filters to gain a better understanding of the constraints and opportunities for addressing the core challenge. Based on this three-step analysis, the assessment team produces a set of strategic and programmatic recommendations in Step 4.

Throughout the analysis, the assessment team should take into account that the state of democracy, human rights, and governance in a country may have different implications for and be experienced differently by men and women. Gender dynamics are closely linked to questions of power; they play a role in determining who is able to participate in politics and economic development and to influence decision-making. The framework calls for the identification of gender gaps and opportunities for women’s empowerment throughout the analysis, and for the assessment team to make associated recommendations

¹ Political economy concerns the relations among actors, their interests, resources, and strategies for maximizing gains.

in Step 4. In addition, the framework encourages the assessment team to think about those groups who may be excluded, either actively or passively, from political processes and institutions.²

Step 1: This step guides the assessment team to analyze the country context, the regime type, and the political direction of the country to identify the DRG landscape and core DRG challenge(s). It then focuses the analysis on five key elements of the political system that have been judged to have the greatest impact on achieving democracy, human rights, and good governance goals:

- **Consensus.** Is there basic consensus on questions of national identity, historical narrative, and fundamental rules of the game? Is the political contest played by those rules?
- **Inclusion.** Are there problems of exclusion or discrimination? Are parts of the population formally or informally excluded and disenfranchised from meaningful political, social, or economic participation, influence, or leadership?
- **Competition and Political Accountability.** Is there competition in the system? Are free, fair, and inclusive elections a regular feature of competition? Are there other mechanisms besides elections that ensure the government delivers on its promises and fulfills the public trust? Are there a competition of ideas, a free media, and a vibrant civil society? In other words, does the state broadly provide for adequate political rights and civil liberties? Is a healthy set of checks and balances present between branches of government or between levels of government?
- **Rule of Law and Human Rights.** Are political, economic, and social life bound by a rule of law? Does the government apply the law equitably to all citizens, including historically marginalized and oppressed groups and individuals? Does it hold itself accountable for adhering to the rule of law? Does the law incorporate fundamental human rights and civil liberties? Does the government enforce, protect, and promote those rights?
- **Government Responsiveness and Effectiveness.** Do public institutions respond to public needs and provide socially acceptable services? Do those services reach all citizens equally or do certain groups or populations face barriers to accessing services? Do mechanisms exist for all citizens to provide constructive feedback on government performance? Do robust internal mechanisms exist to hold government institutions accountable and guard against poor performance, fraud, and waste, as well as violations of human rights?

Step 2: Once the core DRG challenge(s) are defined, the framework examines the key actors and institutions that can support or obstruct DRG reforms. The actors, together with the institutions that structure their incentives, constitute the main drivers of political change. Identifying the proponents and opponents of specific reforms, along with the resources they can mobilize, is necessary to construct an optimal DRG strategy. The specific context and DRG landscape/challenge(s) in the country should direct the analysis to focus on the actors and institutions most central to opportunities for reform. The critical actors/institutions for Step 2 of the assessment can generally be grouped as follows:

- The Executive;
- The Legislature;
- The Judiciary and Legal Professionals;

² A number of groups are often singled out as being particularly vulnerable: women and girls; children; indigenous peoples; ethnic minorities; persons with disabilities; lesbian, gay, bisexual, transgender, and intersex (LGBTI) people, and/or those living in rural and remote areas. As a result of these particular inequities, the framework pays specific attention to these groups, and the DRG Center, as well as other parts of the Agency, manages specific programs to address their inclusion.

- National Human Rights Institutions;
- Security Services (including the Military, Police, and Intelligence Services);
- Local Government;
- Political Parties;
- Civil Society;
- Media;
- Private Sector Business Interests;
- Key Population Groups;
- Non-state Armed Actors; and
- International and Global Actors.

Step 3: Steps 1 and 2 point to an ideal strategy from an analytical standpoint, but not necessarily from a practical one. The U.S. Government and USAID also have interests, face institutional constraints, and have to make resource tradeoffs. Too often, these constraints are considered at the beginning of strategy development rather than, as here, near the end. The point of this framework is first to understand the country and the major DRG challenge(s) and then see if and how USAID can best address those challenges, based on opportunities identified in the stakeholder analysis. Only by taking this approach is it clear what compromises, if any, are made between the optimal program and the one that USAID will implement, given its interests, constraints, opportunities, and resources. The assessment team considers several aspects of the U.S. Government's and USAID's interests:

- U.S. foreign policy and USAID development interests;
- The host country/regional development priorities;
- USAID's current DRG program;
- Other USAID and U.S. Government assistance programs;
- USAID's resources;
- Donor coordination; and
- Practical constraints on the recipient side.

Step 4: The information gathered in Steps 1–3 should enable the assessment team to recommend a strategy and programming options to address the major DRG challenge(s) most effectively, including any gender inequalities that contribute to the challenge(s). The assessment team should also have a clear idea of the expected results given certain assumptions and contingencies. The intent is that this framework can help those who are committed to promoting democracy, human rights, and good governance to find a coherent way forward.

I.0 INTRODUCTION

1.1 PURPOSE OF A DEMOCRACY, HUMAN RESOURCES, AND GOVERNANCE ASSESSMENT

The United States supports democracy, human resources, and governance (DRG) as part of its development assistance for a number of reasons. First, the United States supports DRG as a matter of principle—our political system and national identity are built on the belief that all people are equal and share fundamental rights. Second, the United States promotes DRG as part of its broader development agenda to provide crucial services such as health and education and promote sustainable growth. Third, support for DRG forms part of the national security strategy for the United States and other donor countries because failed or authoritarian states pose a long-term threat to international stability. Fourth, promotion and protection of human rights is both a fundamental part of U.S. foreign policy and of the United States Agency for International Development (USAID's) development mandate, and is critical to achieving other government and Agency goals, including the promotion of gender equality and female empowerment. Host countries also support this work, at least officially, since large majorities have ratified or acceded to core human rights treaties and other international agreements that enshrine principles of democracy and good governance and guarantee universal civil and political rights, as well as social, cultural, and economic rights.

The purpose of a democracy, human rights, and governance assessment is to identify a country's primary DRG challenge(s), support USAID Missions in developing a strategy for addressing them, and guide resources to the DRG programmatic areas where investments will have the greatest impact. The most critical output of a DRG assessment is a recommended DRG strategy, including an objective or set of objectives along with a general plan for deploying resources to achieve those objectives. The DRG strategy guides the choice and sequencing of activities to achieve the desired result, and informs an overall country strategy. The recommended strategy will consist of an analysis of the DRG context, a definition of USAID's objectives, and a general programmatic plan for bringing USAID's resources to bear in a way that will have the greatest impact on achieving those objectives and for sustaining reform. Recommendations should include approaches for reducing gender gaps and advancing gender equality as related to the key DRG challenge(s), in line with the USAID *Gender Equality and Female Empowerment Policy*.³ The recommended DRG strategy will not consist of a list of programmatic tactics (such as which particular organizations should receive sub-grants) that may well change as the strategy unfolds and conditions change over its duration. Flexible, iterative programs that respond to changing situations are the goal. Moreover, the strategy the assessment team outlines is only a recommendation to USAID. It is then up to USAID to determine whether and how to address the recommendations, and develop a more detailed country strategy that satisfies Agency strategic planning guidelines and requirements.

The framework is a macro-level analysis. As such, the Mission may need to augment the DRG assessment with more detailed sub-sectoral assessments to flesh out its country strategy and provide more specifics for the project design process. If, for example, the analysis points to a focus on human rights and rule of law, the assessment team may not be able to dig deeply enough into the causes of abuses or into the

³ USAID's *Gender Equality and Female Empowerment Policy* (http://pdf.usaid.gov/pdf_docs/pdact200.pdf), as well as ADS guidelines, require the integration of gender analysis information throughout all programs. The findings of the DRG assessment and associated recommendations will be key resources for Mission DRG teams in complying with these guidelines.

statutes, courts, alternative dispute resolution mechanisms, and profiles of the various legal players and human rights non-governmental organizations (NGOs) to be able to make detailed rule of law recommendations for the Mission. Rather, the Mission may need to undertake an additional rule of law and human rights assessment for that purpose. Similarly, the assessment team may also identify the need for a more detailed gender analysis within a particular DRG sub-sector.

Because the framework is a political economy analysis (PEA) of the DRG sector, it will naturally investigate non-DRG sectors, including their actors, stakeholders, institutions, systems, rules, and dynamics, to determine the extent to which they affect the key DRG challenge(s) in a country. Further, to improve the Missions' understanding of how to design programs to promote change, the framework aims to explain how and why resistance to governance and human rights reform persist. The framework is a tool specifically tailored to the DRG sector; it is *not* intended to be used to conduct political economy analyses of other sectors, nor is it intended to serve as a framework for conducting country-level PEAs. A separate political economy tool formulated by DRG exists for that purpose. Using a PEA tool will facilitate that work by identifying which political, social, and economic forces—actors as well as formal and informal institutions—affect improvements in these other sectors.⁴

1.2 WHEN TO DO AN ASSESSMENT

DRG assessments are conducted primarily when a political or other strategic opportunity arises to design a new DRG strategy or significantly reorient a DRG assistance portfolio. This moment could come at the outset of a new country program or at the end of a strategy/beginning of a new strategy period. The analysis informs the development of a DRG strategy that will guide programming throughout the duration of the strategic plan. However, a DRG assessment may also be called for again when critical assumptions that underpin a current strategy are no longer true or the political context changes significantly. Important reversals or major shifts in political alignments, such as the withdrawal of military forces, or death of a charismatic leader may require this analysis to determine if the existing strategy still makes sense. Significant changes in U.S. Government foreign policy priorities or availability of resources may also warrant a new DRG assessment. Moreover, it is considered best practice to conduct an assessment every five years or so to test the assumptions under which USAID has been operating and to reassess the primary DRG challenges, in light of new operating conditions.

1.3 METHODOLOGY

Originally published in 2000, this framework was revised in 2013–2014 based on more than a decade of practical experience and in light of the USAID's new *Strategy on Democracy, Human Rights and Governance* (DRG Strategy hereafter).⁵ Consistent with the elevation of human rights in the DRG Strategy, the framework revisions expand and clarify the integral role of human rights in the DRG sector and provide additional guidance for examining human rights issues, stakeholders, and institutions. Other revisions based on the DRG Strategy include grounding the framework in a country-based approach that considers a country's political system and trajectory, as well as updated definitions, concepts, and policy references. This version of the framework also strengthens and integrates gender analysis more thoroughly, in line with USAID's *Gender Equality and Female Empowerment Policy*, and updates the methodological approaches, such as more systematic use of public opinion survey data and peer reviews.

⁴ As noted in USAID's *Strategy on Democracy, Human Rights, and Governance*, the SAF is recommended to help guide implementation of the DRG Strategy's first three Development Objectives. Other political economy tools should be used to develop recommendations for other sectors and to integrate governance into sector programs (Development Objective 4).

⁵ http://www.usaid.gov/sites/default/files/documents/1866/USAID%20DRG_%20final%20final%206-24%203%20%281%29.pdf

The framework includes other modifications reflecting changes in USAID policy priorities and based on feedback from those familiar with the assessment process and products.

The framework methodology draws upon a number of approaches, including (1) political science, which focuses on the interactions of social structure, culture, and political systems; (2) political economy, which is concerned with the relations among actors, their interests, resources, and strategies for maximizing gains; and (3) institutional analysis, which is concerned with the design of political institutions and focuses on institutions as a constraint or resource in different settings. The methodology is also consistent with many of the latest analytical approaches used by experts in the field, including systems thinking,⁶ inclusive growth diagnostics,⁷ and the local systems framework.⁸

The SAF is used to synthesize data collected from a variety of sources, including some or all of the following: key informant interviews, focus groups, desk studies, human rights reports and media reports, politician or civil society surveys, and public opinion surveys. Key informant interviews typically make up much of the in-country fieldwork, targeting host country government officials, private sector actors, civil society organizations (CSOs), key population groups, journalists, academics, social and political scientists, USAID implementing partners, international donors, and USAID and Embassy staff.

Although the analysis is purposely designed to be country specific, the assessment team should consider the country analysis using comparative analysis with other political systems to take into account information that may reinforce, or give reason to reconsider, conclusions and recommendations. The assessment team should make use of any particularly relevant studies, evaluations, gender analyses, or theories of democratization and state formation they identify to enhance the quality of the analysis, findings, and recommendations. Furthermore, the framework is a means to structure the research and analysis to enhance comparative applicability and policy relevance.

Key informant interviews are intensive interviews for providing a complete picture of the patterns of political and social processes in a country. They can provide qualitative and descriptive data that typically are difficult or time-consuming to unearth through structured data-gathering techniques such as questionnaire surveys, although the reliability and validity of such data are open to question. It is critical that key informant interviews reflect a diversity of voices in terms of gender, age, geographic location (to the extent possible), political perspective, and other demographic factors as appropriate to the country, including any populations who may not be well represented in the leadership of politics, academia, or civil society. Key informants should not only include the most informed stakeholders, but also reflect the makeup of the country itself (e.g., if more than 60 percent of the country is under the age of 30, it is critical that youth voices be reflected in those interviewed). Importantly, representatives of groups should not be compartmentalized and asked only about their group (women should not just be asked about the

⁶ Systems thinking is a problem solving process that seeks to understand how different elements and dimensions within a problem space (system) influence one another to create the overall observed behavior. It is the combination of integrative (rather than reductionist) methods, frameworks, and tools to address complex challenges more holistically. Systems thinking focuses on cyclical rather than linear cause and effect. It encourages “both-and” thinking to arrive at shared mental maps and identify solutions that can holistically address challenges.

⁷ An inclusive growth diagnostic (IGD) is a particular analytical approach within development economics. The purpose of an IGD is to identify the most important (“binding”) constraint(s) to sustainable economic growth that is not only rapid but also inclusive.

⁸ Consistent with the international development effectiveness agenda, the local systems framework approach is rooted in the reality that achieving and sustaining any development outcome depends on the contributions of multiple and interconnected actors. The focus is on the system as a whole: the actors, their interrelationships, and the incentives that guide them. This approach recognizes the inextricable linkage between promoting sustainability and supporting indigenous development processes. Local systems refers to those interconnected sets of actors—governments, civil society, the private sector, universities, individual citizens, and others—that jointly produce a particular development outcome. Local systems can be national, provincial, or community-wide in scope.

experiences of women), but also should be asked their perspectives on the full array of national issues and concerns. Each assessment team is expected to include in their analysis actors who may be marginalized within their country's social and political systems, in particular leaders of lesbian, gay, bisexual, transgender, and intersex (LGBTI) communities; indigenous peoples; and persons with disabilities. This inclusion should not only involve inviting them to participate in interviews, but also asking all people interviewed about the opportunities and barriers to these groups' political participation. The assessment team is expected to conduct some interviews prior to starting the fieldwork, including with relevant U.S.-based implementing partner staff, U.S. Government and USAID officials, and country experts.

The assessment team is also expected to review relevant academic studies, project reports, and literature. They should make use of quantitative data as much as possible, particularly existing country-specific and cross-national data, including DRG-specific indicators, such as those published by Freedom House,⁹ Minorities at Risk,¹⁰ Polity,¹¹ Bertelsmann,¹² Transparency International,¹³ and others. The team should also make use of non-DRG indicators, such as the United Nations Development Program's Human Development Index (UNDP HDI),¹⁴ Gender Gap Index¹⁵ (of which political empowerment is one dimension), and the World Bank's many economic and development indicators (including the Worldwide Governance Indicators and Gender Statistics). Ideally, assessments will be planned far enough in advance to collect data specifically designed to inform the assessment, for example, from omnibus survey questions or focus groups.

Public opinion surveys can also be an excellent way to understand the political situation in a country, and to give voice to ordinary citizens in the assessment process. The assessment team should consider using data from the rapidly expanding databases of country, regional, and global public opinion surveys supported by USAID and others. If time and resources permit, collecting survey data specifically designed for the assessment (e.g., by funding a survey or buying a set of questions on an omnibus survey) can provide data specifically targeted to USAID interests.

Focus groups are another research approach. They are planned, facilitated discussions among a small group of stakeholders designed to obtain perceptions in a defined area of interest in a permissive, non-threatening environment. Focus groups are often used as a means of triangulation with other data collection methods. Focus groups should reflect a diversity of voices and will ideally be conducted both in mixed groups and segregated by sex, age, and social status, to ensure all voices have an opportunity to be heard. However, focus groups conducted outside of the context of a public opinion survey cannot yield data that is generalizable beyond the particular participant group.

Most DRG assessments include an independent peer review of the final assessment report, which should be conducted by an analyst with country or regional expertise who has not been involved in the assessment process. Peer reviews provide an independent commentary on the how well a DRG assessment captures the essential political dynamics of a country and the soundness of the recommendations derived from the analysis.

⁹ Freedom House, Freedom in the World: http://www.freedomhouse.org/reports#.VCR5A_ldXQg

¹⁰ University of Maryland, Minorities at Risk (MAR) Project: <http://www.cidcm.umd.edu/mar/>

¹¹ Polity data series: <http://www.systemicpeace.org/polityproject.html>

¹² Bertelsmann Stiftung's Transformation Index (BTI): <http://www.bti-project.org/index/>

¹³ Transparency International, Corruption Perceptions Index: <http://www.transparency.org/research/cpi/overview>

¹⁴ UNDP, Human Development Index (HDI): <http://hdr.undp.org/en/content/human-development-index-hdi>

¹⁵ World Economic Forum, Global Gender Gap Report: <http://www.weforum.org/issues/global-gender-gap>

1.4 PROCESS, TIMING, AND LEVEL OF EFFORT

DRG assessments are typically conducted through a centrally managed contract out of the Center of Excellence on Democracy, Human Rights, and Governance (DRG Center), which can provide at least partial funding for the assessments. Additionally, DRG Center staff provide management support to facilitate all stages of the assessments and ensure quality control. Assessments typically take place over a three-to-four month period, which includes three weeks of in-country fieldwork. Most commonly, an assessment team includes three-to-four contracted experts, plus one-to-two USAID participants. Beyond fieldwork, the assessment team conducts preparatory research and writes the final report. Finally, the assessment is followed by an external, independent peer review. Although the vast majority of assessments conducted since 2000 have followed this model, the framework laid out in this document is flexible, and alternative models have been successfully utilized. For additional information on the details of the assessment management and mechanics, please see Annex A, Guidance to Missions on DRG Assessments.

1.5 USAID'S DRG STRATEGY

In June 2013, USAID launched its new *Strategy on Democracy, Human Rights, and Governance*. The strategy replaces a 20-year-old set of categories with a charter that says what we are accomplishing, not what we are doing. The strategy refocuses traditional DRG activities into objectives on participation, inclusion, transparency, and accountability, and establishes Agency objectives for integration and human rights. The strategy also takes into account the development parameters articulated by the *USAID Forward* reform agenda, including the principles of selectivity and focus, and captures a country-based

Democracy refers to a civilian political system in which the legislative and chief executive offices are filled through regular, competitive, multiparty elections with universal suffrage. It is characterized by civil liberties, including the rights to speech, association, and universal suffrage; the rule of law; and respect for pluralism and minority rights. **Human rights** includes the right to be free from violations of physical integrity (such as torture, slavery, and illegal detention), the collective rights of all citizens to enjoy political rights and civil liberties, and equality of opportunity and non-discriminatory access to public goods and services. **Governance** refers to the exercise of economic, political, and administrative authority to manage a country's affairs at all levels. It involves the process and capacity to formulate, implement, and enforce public policies and deliver services. Democratic governance takes place within the context of a democratic political system, is representative of the will and interests of the people, and is infused with the principles of participation, inclusion, and accountability.

approach with guidance on transitioning away from DRG assistance. Finally, the strategy underscores that DRG country strategies and program design depend on solid analyses, and recommends that Missions conduct DRG assessments using this framework, supplemented by other analytical tools for addressing DRG integration.

The goal of the new strategy is to **support the establishment and consolidation of inclusive and accountable democracies to advance freedom, dignity, and development**. To achieve this goal, the strategy lays out four mutually reinforcing Development Objectives (DOs). DOs 1 and 2 articulate, refocus, and reframe the intended outcomes of “traditional” democracy and governance assistance, and encompass the previous sub-

sectors of governance, civil society, rule of law, and elections and political processes. DOs 3 and 4 emphasize relatively newer areas of enhanced focus—human rights and DRG integration. Due to the crosscutting nature of these two objectives, they are deliberately designed to inform USAID programming broadly. The four DOs and corresponding Sub-Objectives are in Table 1.1 (next page).

As noted earlier in this section, this framework has been updated to be more consistent with the DRG Strategy, for example elaborating on the human rights aspects of the assessment to reflect the DRG Strategy’s emphasis on human rights. Like the DRG Strategy, the SAF has been and continues to be rooted in theoretical concepts linked to higher-level objectives, rather than being organized primarily around traditional programmatic areas. For this reason, the core of the framework remains relevant and consistent.

TABLE 1.1. USAID’S DRG STRATEGY

<p>Goal Statement: Support the establishment and consolidation of inclusive and accountable democracies to advance freedom, dignity, and development.</p>
<p>DO 1: Promote participatory, representative, and inclusive political processes and government institutions.</p> <ul style="list-style-type: none"> 1.1: Assist civil society and government partners to advance civil and political rights, including the freedoms of expression, association, peaceful assembly, and access to information. 1.2: Promote politically engaged and informed citizenries, active civil society organizations, organized labor, independent and open media, and representative political parties. 1.3: Support the implementation of participatory political processes by state institutions, including at the sub-national level. 1.4: Support the fair and impartial establishment and implementation of policies and laws.
<p>DO 2: Foster greater accountability of institutions and leaders to citizens and to the law.</p> <ul style="list-style-type: none"> 2.1: Provide electoral assistance that enables citizens to exercise their right to select and replace their leaders through periodic, free and fair elections. 2.2: Support the ability of civil society and independent and open media to provide oversight and an informed critique of government. 2.3: Strengthen institutions and systems that enable the rule of law, and checks and balances among branches of government. 2.4: Assist state institutions at all levels in delivering on the mandates of their offices, fulfilling the public trust, and providing public goods and services through transparent and responsive governance.
<p>DO 3: Protect and promote universally recognized human rights.</p> <ul style="list-style-type: none"> 3.1: Support mechanisms for protection, mitigation, and response to violations against human rights, in particular human rights violations affecting the most vulnerable. 3.2: Prevent violations by strengthening human rights frameworks, institutions, and oversight. 3.3: Promote human rights principles, in accordance with universal values and international norms.
<p>DO 4: Improve development outcomes through the integration of DRG principles and practices across USAID’s development portfolio.</p> <ul style="list-style-type: none"> 4.1: Strengthen country-based mechanisms for participation, inclusion, and local ownership across all USAID development sectors. 4.2: Encourage host governments and civil society to employ legitimate and effective accountability mechanisms. 4.3: Promote equality of opportunity and access to public goods and services, particularly with respect to poor and marginalized populations.

2.0 STEP 1: DEFINING THE DRG CHALLENGE

The first step in an assessment defines the challenge(s) for democracy, human rights, and governance in a country. It examines the contextual factors that shape broad political dynamics and influence the effectiveness of donor assistance, and then takes a closer look at the key DRG issues. The output from Step 1 is the identification of the central challenge(s) in democracy, human rights, and governance. The analysis should prioritize among the challenges to guide resource allocation when budgets are tight or to clarify second-best options when the primary challenge cannot be addressed productively.

2.1 CONTEXTUAL FACTORS

Certain background features define the setting in which politics are conducted. These contextual factors include, but are not limited to:

- Geography, natural resources, and neighborhood;
- Demographic, economic, and social factors;
- Socioeconomic endowments and cleavages;
- Historical legacies; and
- Country type and political trend.

Geography, natural resources, and neighborhood—including the presence of precious natural resources, features such as mountains or seaports, migration and settlement patterns, and neighbors—can affect domestic politics by creating incentives and disincentives for consensus, cooperation, democratization, and reform. These factors influence assistance as well since they affect the national interests of donors. Without doubt, Kazakhstan and Nigeria would be different without oil, Kenya without its port, Malaysia and Singapore outside the Straits of Malacca, Bosnia outside the southern edge of the European Union, and Mexico further from the U.S. border. These factors not only affect the internal political dynamics in a country, but also U.S. policy toward that country.

Similarly, *demographic, economic, and social factors* influence domestic politics. High rates of population growth and large youth populations, as in Madagascar and Yemen, can mean that even fairly robust economic growth does not translate into improved quality of life for most people, leading to insistent political demands. A rising youth bulge can also pose a potential risk for political violence and instability, especially where unemployment levels are high. In a positive way, the presence of a large youth cohort putting demands on their government can compel concessions that lead to significant reforms and improvements in human rights and governance. Economic and social endowments and cleavages similarly influence politics. Government policy is often tempered by fiscal imperatives and attributes that affect the exercise of power. Factors such as the state of the economy; education levels; physical infrastructure; urbanization; gender dynamics; marginalization of specific population groups; and social divisions based on race, ethnicity, language, religion, class, and sexual orientation and gender identity are often the issues that define personal or social identities, political parties, ideologies, animosities, alliances, and the parameters of participation in public life. For example, the caste system in

Nepal has historically led to the exclusion of a large portion of the population from economics and politics, and helped fuel the Maoist insurgency that started in the mid-1990s. Social norms that prevent women from participating meaningfully in their country's political life prevent the development of truly inclusive, democratic political systems and institutions.

Historical legacies can also have a profound influence on domestic politics and the involvement of outside actors in the country. Notable legacies include colonial history, conflict, genocide, apartheid, secessionist movements, foreign domination, military involvement in politics, and political instability. How societies do or do not engage in reconciliation or reparations processes, remember, and address widespread past human rights violations or atrocities is a critical yet often overlooked aspect of political, social, and economic development. In those countries emerging from conflict, the terms of the settlement—whether negotiated or military—have significant implications for political reform and stability. The degree to which settlements were inclusive is particularly significant, for example, in examining whether immunity was granted for crimes committed during conflict and the degree to which victims had a say in that decision.

Finally, *country types* shape broad political dynamics in a country. The degree of political openness and competition, including economic competition, greatly influences the nature of the DRG challenges in a country and shapes the opportunities for DRG programming. USAID works in three country types: authoritarian, hybrid, and developing democracies. Although some countries fit neatly into one of these categories, many do not. Some countries will have uneven development and have characteristics straddling different contexts. Trajectories will also differ, with some countries progressing and others backsliding, while others remain largely stagnant. Within these categories, each country will have unique characteristics with different implications for USAID programming. The DRG Strategy includes the following country types:

- *Developing democracies* include nascent democracies coming out of a political transition, slightly more established democracies at risk of backsliding or stagnation, and better-performing democracies striving to consolidate their progress. They have the potential to devolve into democratic failure and political crisis, but often have the most potential for assistance impact to consolidate democratic gains.
- *Hybrid regimes* are an expansive category, ranging from repressive semi-authoritarian regimes to political systems with more civil and political freedoms but with no genuine foundation for democratic governance and institutions.
- *Authoritarian regimes* include closed societies where autocrats and allied elites maintain firm control over a political process that limits meaningful participation of citizens and where there is little potential opportunity for a democratic opening in the near term. Many of these countries are non-USAID presence countries that receive little foreign assistance, while others are very large assistance recipients and make strong development partners in other sectors.

In addition to its placement along a continuum of freedom, human rights, and governance, a country may have additional characteristics that affect the nature of DRG challenges and opportunities. These include *conflict/fragility*, *transitional*, or *backsliding* characteristics that will shape the nature of USAID's policy, strategic, and programmatic engagement. Finally, many more countries, including some that are generally welcoming of foreign assistance, are taking steps specifically designed to obstruct, restrict, or undermine donor-funded DRG assistance programs, for example by restricting or prohibiting donor funding to local organizations. Such actions are not limited to authoritarian regimes and pose additional challenges that must be considered in the analysis.

The assessment team should consider all of these contextual factors, including how democracy, human rights, and governance are improving, deteriorating, or stagnating; why that is happening; and how

quickly any movement is taking place. Knowing the socio-political trends in a country helps inform the urgency of the situation and the dominant forces at work. In some countries, political change takes place within a narrow band as the political foundation is well established; in others, the regime itself can change in the wake of revolution, disintegration, invasion, or a *coup d'état* and usher in a more or less democratic successor.

2.2 FIVE KEY ELEMENTS OF DEMOCRACY, HUMAN RIGHTS, AND GOVERNANCE

After examining the contextual factors that shape broad political dynamics, this framework focuses on five key elements of democracy, human rights, and governance. No doubt there are others, but experience suggests that focusing on these five elements—*consensus, inclusion, competition and political accountability, rule of law and human rights, and government responsiveness and effectiveness*—will provide the information needed for a thorough DRG analysis in a country.¹⁶

Each country experiences challenges in many, if not all, of these areas to varying degrees. No country ever completely resolves the many, sometimes conflicting, issues within and among the five elements, but minimum thresholds in each must be reached to create the basis for democratic governance and respect for human rights. Each of the five elements and the core DRG concepts are defined quite broadly, creating possible overlaps among concept areas. For example, “accountability” tends to cut across most of the other categories. The assessment team should not become too fixated on placing challenges squarely within a single element. Instead, this section helps the assessment team utilize the analysis of challenges in each area to determine the nature and severity of the core DRG challenge(s).

The analysis that emerges from Step 1 should include the gendered dimensions of the core DRG challenge(s). Each of the key elements will involve different aspects of the power dynamics and relationships between men and women. The analysis should account for those dynamics to distill a gendered understanding of the core DRG challenge(s). Each element below includes key questions designed to elicit relevant gender analysis.

2.2.1 CONSENSUS

Although democratic politics center on competition for power or ideas, there can be no stability, let alone legitimacy, without consensus about certain fundamentals. The basic order of society cannot be constantly under question. For disagreements to resolve peacefully, or to have peaceful politics at all, the basic rules need to command consensus and legitimacy. Otherwise, they are likely to be resolved “extra-constitutionally,” that is, outside the rules of peaceful dispute resolution. Due to the collapse of an entrenched authoritarian regime in Somalia, for example, followed by a period of sustained instability, the country has lacked consensus, peace, or democracy for more than two decades.

Constitutions purport to define the most foundational rules of society and the mechanism by which the constitutions themselves can be modified. They often articulate the formal relationships among society and the individual, government and civil society, government and indigenous peoples, and various parts of government, as well as the process by which government will be created, operated, held accountable, and staffed. Typically, any balance among branches or between national and local government is formally delineated within constitutions, and where the most basic personal liberty, security, and property rights

¹⁶ These five elements represent critical DRG challenges that need to be addressed in a country. The DRG challenge may or may not be addressed by work within the DRG sub-sector that seems to correspond to it. That is, in a country where one of the DRG challenges has been identified as “competition and political accountability,” one should not assume that the appropriate DRG sub-sector in which to explore DRG programming options is “elections and political processes.” It is important to follow the remaining steps in the framework to determine where the programmatic options lie. For more information, see Section 1.3, Methodology.

are defined. Constitutions articulate the most basic principles of human rights, including civil, political, economic, social, and cultural rights. Since they define the basic rules about power, constitutions should garner broad support if the regime in general and the rule of law in particular are to have legitimacy. The impulse to lay out an “ideal” constitution needs to be balanced against the ownership of that document by contesting parties and interests and by the social reality in that country. If constitutions are to be more than rhetoric, they must articulate a political consensus among different, often contending, forces of society. National dialogues and other consultative processes are important in creating consensus in the drafting of a constitution. For consensus and political legitimacy to be durable, constitutions provide a common means of codifying the political and legal arrangements that express consensus within society.

The most frequently contested issue for consensus concerns national identity and narrative. Fundamental divisions based on race, ethnicity, tribe, language, religion, caste, and ideology have threatened peaceful coexistence and caused crises in every region of the world. A state’s failure to recognize the multi-ethnic plurality of its citizenry can lead to deepening marginalization of ethnic minorities and indigenous peoples. Few, if any, states are ethnically homogenous. Therefore, democracy building requires the development of policies that are not merely assimilationist, but recognize and respect the true multi-ethnic nature of the society. At the same time, it is important for states to create institutions and mechanisms for resolving problems that may arise between ethnicities. Lack of consensus about the boundaries of society and the state—who is in and who is out, and under what terms—creates structural instability at best, and civil war at worst.

Although national narratives of history are often contested on some level, the lack of consensus about the occurrence of widespread past human rights violations or atrocities and the failure to acknowledge and address such abuses can have profound political and developmental implications. Even in countries where the violations occurred decades ago, there might be a continuing impact on political culture, social cohesion, and the inability of previously repressed populations to overcome past traumas. In many contexts, these factors make democratization and economic development immensely more complex.

Gender often figures prominently in issues of consensus. Gendered norms about the appropriate role of men and women in public and private life can result in the exclusion of women and LGBTI people from meaningful participation in civic and political processes or peace processes. This exclusion raises two major concerns. First, the exclusion of at least half of a country’s population from public life is simply undemocratic. Second, the fact that such a large segment of the population may not be empowered to voice opinions or dissent, or to participate as political actors, means that there can be little understanding of whether there is consensus on key issues, including gender norms themselves.

Particularly in post-conflict societies, women often have little role in determining how peace will be made; as a result, there may not be true consensus around the terms of settlement. The passage of United Nations Security Council Resolution 1325 on Women, Peace and Security in 2000, and the subsequent development of gender-sensitive policies—especially national action plans (NAPs)—in over 45 countries constitutes a major achievement. That said, the implementation of these plans, and the goal of getting diverse women to the peace “table” for formal negotiations remains a significant challenge.

Even if consensus about national identity and narrative does exist, there must be some consensus about the fundamental structure and rules that govern the state. Structural disputes include questions about the type of government, the role of the state in the economy and society, and the role of religion in the state. Disagreement on the structure of the state plagued the post-communist states of Europe and the Soviet Union and often comes up as countries grapple with the role of religion and the state. The forces competing for political power in a country also need to agree on fundamental democratic principles, a basic set of rules for peaceful competition, and a democratic process for changing those rules.

Contestation is inherent to politics. Disagreements may be driven by differences about power, policy, and personality. That is what politics, and especially democracy, is about. The essence of democracy,

however, is ordered competition, respect for the rule of law, and respect for the rights of the individual and of the minority—even those with whom one disagrees. To engage in a peaceful, ordered disagreement, the participants need to agree about the basic rules that will govern how those disagreements are addressed and agree to accept the outcome of democratic processes. Where consensus does not exist, the political environment is often characterized by political gridlock, violence, instability, or gross abuses of human rights.

Achieving consensus often involves addressing the challenges of competition and inclusion. Those who wield power are reluctant to share it or risk it in a competitive arena, especially those who have achieved or maintained it by force. Demands for inclusion and competition become consensus issues when they raise fundamental questions about the boundaries of society, role of the state, rules governing political competition, or legitimacy of a state that excludes broad sections of society. Those who challenge the regime’s legitimacy or want it subjected to regular, competitive elections come up against those who believe that orderly competition will degenerate into civil strife, who believe they have some other principle for legitimate succession, or who want to control the political arena. Similarly, those who are excluded are typically asking for a new division of power—asking “winners” to share their resources with “losers.” Other issues, apart from competition and inclusion, may complicate the ability to achieve consensus (e.g., the role of *sharia* and customary or informal norms in the rule of law, the separation of religious institutions and state in public life, and the role of traditional leaders in community decisions).

Consensus challenges often prove much easier to identify than to resolve. Frequently, consensus begins with an agreement, or political settlement, among elites—those with the power to accept or reject fundamental agreements on behalf of followers. Sometimes donors can act as honest brokers for these agreements and create enough incentives to bridge the differences, although diplomats more often play that role. Increasingly, citizens are participating in efforts to forge consensus and generate social cohesion through national dialogues. Particularly in post-conflict countries or countries experiencing a major political transition, a broad-based participatory process has become a standard part of deliberations over a new constitution. In addition to providing technical assistance on drafting, donors can support outreach programs and public consultations in the constitution-making process and help generate agreement over fundamental issues. These programs often focus on supporting the participation and leadership of youth, women, and marginalized populations in the political process to ensure that their perspectives are reflected in constitutions and political arrangements. Inclusive, nationally owned transitional justice processes aimed at addressing the legacies of human rights violations are also essential to building national consensus. Transitional justice programs can support truth-seeking initiatives, documentation of human rights violations and archival processes, material and symbolic remedies, memorialization efforts, and civic education, as well as accountability measures such as criminal investigations and prosecutions.

Basic assessment questions generally include:¹⁷

- Do divisive questions of national identity pose a threat to social or political cohesion?
- Is there consensus on the multi-ethnic nature of the country? Is there respect among the citizenry for multi-ethnicity?
- Is there a basic consensus or agreed-upon framework on how to conduct politics? Do the forces striving to control the country agree on a basic set of rules for political competition? What forces promote or hinder consensus?

¹⁷ The assessment questions in this framework are best viewed as illustrative and indicative of the types of issues and dynamics to guide the assessment team, and for further refinement, based on the country context.

- Is there agreement on who is inside and who is outside legitimate political and economic life, what are the borders of the country, who is a citizen, and whether everyone is or should be treated equally under the law?
- Is there a shared political culture or common space for inter-ethnic, inter-faith constitutional agreement, or is society sharply fragmented into polarized political subcultures?
- Do legal documents require individuals to identify from a pre-defined list of caste, religious, or ethnic groups that may exclude some identities or fail to recognize that such identities can intersect and change?
- Are views of the past highly contested or is there a common national narrative that acknowledges past abuses? Have past atrocities been addressed?
- Is there consensus on the state's duty to articulate and protect fundamental human rights?
- Is there consensus on the role of women as citizens of the polity and members of society? Does national identity define roles for women and LGBTI people that exclude them from the public sphere and political participation?
- Do citizens feel the government represents them and that its authority is legitimate?
- Is there agreement about the relation between religion and the state? Is there consensus about the relation between state and society?
- Is there a social compact that allows ordered disagreement about policies to take place? Can the disagreements be resolved through a peaceful political process or are they so fundamental that politics cannot proceed routinely until they are resolved?
- Is there sufficient consensus *within* minority groups of the country? What opportunities do such groups have to forge consensus with other groups in the country?
- Do diverse ethnic or other communities share any common media space, or is society fragmented into divided information communities?
- How, and to what extent, have these factors evolved over the past decade?

2.2.2 INCLUSION

For a country to embody the ideals of democracy, formal rules and informal practices must be inclusive of all segments of the population. The universal franchise is one manifestation of inclusion, but not the only one. All citizens must be free to participate in decision-making processes, access government services, and participate in economic and social life. Widespread governmental guarantees for political, civil, and other individual rights are a *sine qua non* for effective participation in the public sphere and for human rights protection. Not only is exclusion undemocratic, it both breeds resentment toward the state or society that condones it and creates vulnerabilities for human rights abuses against marginalized populations.

Political inclusion presents a tactical challenge to the democratization process itself. As authoritarian systems liberalize, the political mobilization of previously excluded groups can have destabilizing effects that jeopardize the democratic transition. Transitions frequently begin with agreements among elites about limited reforms. Tension often arises between the aspirations for political representation by disadvantaged or excluded groups and the more limited reforms negotiated by the elites, especially if the agreements provide for a different kind of participation among the elites but not full democracy. Demands for full participation in the face of elite concerns for their own privileges, consensus, or security can

destabilize the agreements and liberalization. From a donor perspective, these are tactical questions, not principled ones. While full participation in the short term may be deferred to prevent reactionary backsliding, in the long term, stability is at risk if elements of the citizenry are systematically excluded.

In addition to political exclusion, social and economic exclusion can also lead to political instability. When the government promotes such exclusion and the population accepts it, discrimination against particular groups based on ethnic, religious, or other characteristics can lead to more egregious human rights abuses, especially when the legitimacy of the state is constructed around the exclusion of certain groups from the polity.

Women's participation is a fundamental component of inclusion. A country where half the population is excluded—*de facto* or *de jure*—from civic and/or political life is fundamentally undemocratic. Yet gender inequality in the political sphere remains a problem in virtually every country. In considering women's political participation, it is important to look beyond numbers of women in legislative bodies and consider whether women have political influence or are equitably represented in decision-making positions across government institutions and the broader political sphere. At the same time, as with many groups, inclusion of women may be limited to elites; while this may represent progress on women's participation, it also points to other questions of inclusion based on socioeconomic status or other factors.

Ensuring that indigenous peoples participate in political life is essential for overcoming historical inequities and discrimination. For them, inclusion means recognition of, and respect for, their collective rights, as elaborated in the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP). The UNDRIP was adopted by the UN General Assembly in 2007. In 2010, the U.S. Government announced its support for the declaration, stating "...the United States is committed to serving as a model in the international community in promoting and protecting the collective rights of indigenous peoples as well as the human rights of all individuals." Sustainable democracies depend in large part on a state's ability to guarantee protection of human rights, including the rights of indigenous peoples. However, many states still fail to recognize the rights of indigenous peoples, putting their continued existence under increased threat by granting concessions on their lands for settlement, logging, mining, oil development, industrial agriculture, and the construction of hydroelectric dams.

Narrowly considered, a democracy is inclusive if all of its citizens have equal legal access to policy-making fora, public services, and economic life, as well as roughly equal access in practice. However, legal access is insufficient if in practice people do not actually participate in decision-making processes or the economy, or use government services. In this view, signs of a weak democracy in need of strengthening include low voting rates, low attendance at public meetings, an absence of consultative bodies, infrequent contact between voters and legislators, little transparency on policy debates, few public hearings, restricted mass communications, weak citizen participation in civic organizations, and underutilization of public services. Apart from active barriers erected by the state or other groups to exclude some citizens, inclusion and participation can also be impeded by passive constraints such as a lack of civic awareness, illiteracy, language barriers, physical barriers, poverty, social intimidation, rural isolation, or a variety of other factors. Indeed, in highly stratified societies, those at the bottom often do not participate even when there are no legal barriers to participation. In many countries, a number of factors may combine to limit the political participation of women, youth, indigenous peoples, persons with disabilities, and LGBTI persons; informal structures in the form of societal, cultural, or religious norms, as well as family expectations, may act as barriers, even if legal access exists. In most countries, for example, gender identity markers do not allow transgender persons to reflect their gender accurately on national identification cards, thus excluding them from government services.

The extent, if any, to which a donor addresses these economic, educational, or health issues, let alone under the banner of democracy, is both a bureaucratic and a political issue. Democracy is doubtless healthier when large numbers of citizens actually participate. However, the *right* to participate is critical, not just desirable. Low rates of actual participation are less pivotal unless they are indicators of structural

impediments, a lack of consensus, or an absence of competition, for example. Problems of apathy are lower-order problems than access, arising more often when democracy is consolidating than before or during transition.

Basic assessment questions generally include:

- Are there formal guarantees set forth in law and policy for inclusion for all groups in decision-making processes? Are there social norms that allow for the broad inclusion of all groups?
- Are there technological innovations that enhance inclusion or level the playing field? Are there digital divides or digital literacy gaps in the population, resulting in reduced access to information or unequal participation by some segments of the population?
- Are parts of the population excluded, formally or informally, from meaningful political, social, or economic participation? Are parts of the population discriminated against based on race, gender, disability, age, sexual orientation, religion, language, ethnicity, caste, tribe, socioeconomic status, or geography? If so, what are the justifications for their exclusion?
- Do local social norms impose specific family or community responsibilities on women that restrict their abilities to participate in political, civic, and economic life?
- What efforts are being taken to include persons with disabilities, LGBTI and other marginalized groups (e.g., do transgender persons have the opportunity to participate fully based on their gender identity, and to indicate that identity on government documents?)?
- Do venues exist for youth to play an active role in political, economic, and social life? Do youth groups consider them sufficient? If not, why not?
- Are the collective rights of indigenous peoples articulated in a state's constitution and laws? Are there mechanisms/institutions to ensure that their rights are enforceable?
- Are there organizations that represent the collective interests of other marginalized populations and advocate for these populations to access economic, civic, and political life?
- What legal, regulatory, administrative, and/or normative barriers remain to all citizens having equal access to public services, such as courts and schools? Possible impediments to the use of public services include location; literacy requirements; official languages; cost; information access; or prevailing attitudes about gender, LGBTI identity, ethnicity, or other status. What mechanisms are in place to address such barriers?
- What laws and policies exist that ensure access to services for transgender, gender non-conforming, and intersex persons?
- In addition to voting, are there mechanisms (public meetings, hearings, consultative bodies, e-governance, transparent government databases, or Internet-based social platforms) for all citizens to provide their input into public decisions? Which citizens have the greatest voice in each of these mechanisms?
- How transparent and accessible is information on public budgeting, expenditure, procurement, and policy debates?
- Is participation low and apathy high? If so, who is apathetic and why? Is it because of disaffection with the system, informal exclusion, or are people basically content?
- How, and to what extent, have these factors evolved over the past decade?

2.2.3 COMPETITION AND POLITICAL ACCOUNTABILITY

Competition is a hallmark of democracy. It is the expression of popular sovereignty, the right of citizens to govern themselves. Democracy places choice in the hands of citizens for philosophical reasons, as a right in itself, but also for instrumental reasons. Because power corrupts, democracy provides a way to discipline power through the competitive process. In a democracy, politicians are not guaranteed political authority and can be replaced if they depart from the popular will. Elections provide a form of vertical accountability by serving as a check on politicians' behavior and giving them an incentive to respond to citizens' preferences. In addition, competition offers the best corrective for error and promise of efficiency in resource allocation as it aggregates and reflects individual choices.

Free and fair elections are the most important formal mechanisms of competition and political accountability. Instead of recourse to force, democracy tries to institutionalize peaceful competition—subject it to rules and make it accountable to the public—primarily through routine and regulated elections. Free and fair elections require (1) a competitive public arena accessible to all significant political parties or actors; (2) civil liberties that allow for meaningful public contestation, including free expression and association; (3) universal and equal access to the electoral process, including the right of women and minorities to vote and compete; and (4) formal rules governing the timing and spacing of elections. To promote the inclusion of previously disenfranchised groups, steps may be taken to address barriers to competition that limit the ability of some groups to gain representation in a democratic system; some examples include electoral quotas or candidate training programs for women, young adults, persons with disabilities, or other underrepresented groups. However, for efforts to increase effective, meaningful participation beyond just numbers, corresponding work must also be done within parties and elected institutions to ensure support for robust, equitable roles for women, youth, and minority candidates. Moreover, interventions that take an affirmative action approach, such as electoral quotas, should be closely examined to ensure they do not inadvertently cause a backlash against the marginalized group. For example, a 30 percent quota for women in Parliament can institutionalize gender inequities if the remaining 70 percent of seats are *de facto* reserved for men. Alternate affirmative measures such as using zippered party lists¹⁸ may facilitate higher numbers of participation.

While elections are contests among forces that do not agree, the rules governing those elections should be based on consensus. If elections are consensual and equitably enforced, losers are more likely to accept the legitimacy of the outcome and refrain from using extra-constitutional measures to gain power or impose their ideas. If those conditions are not met, election results likely lack legitimacy with the public, as was demonstrated by the opposition's reaction to the 2009 presidential elections in Iran.

Elections are not the only means of competition and political accountability. There are other institutional arrangements, procedures, and mechanisms that play an important role in ensuring that government delivers on electoral promises and mandates of the office, fulfills the public trust, aggregates and represents citizens' interests, and responds to ongoing and emerging social needs and concerns. In a democratic setting, these political accountability mechanisms may include political parties, investigative journalists, watchdog NGOs that track and publish government expenditures and performance, and citizen oversight committees. The democratic form of political accountability presumes that most people view themselves as citizens with well-defined rights to make demands on the state/government, that politics is competitive, and that information about government is freely available. It is also premised on the idea that political leaders will seek to provide quality services to safeguard the support of civil society and voters.¹⁹

¹⁸ Party nomination committees propose two candidate lists, one for each gender, and these are combined, like a zipper, alternating men and women.

¹⁹ In political science, this concept is called the "responsible party model" and it enshrines the essence of democratic accountability. The responsible party model claims that political parties compete for voters' support; in exchange, they represent

Non-democratic forms of political accountability may restrict “responsiveness” to groups and individuals privileged by tradition, political party membership, or position in society. Checks on corruption are considered in Section 2.2.4, Rule of Law and Human Rights, but political accountability through elections can also play a role in anti-corruption efforts.

Although formalized competition is essential to democratic governance, too much fragmentation can lead to political immobilization. The assessment team should therefore also consider the extent competing factions can collaborate and work together constructively within the context of institutional rules and arrangements arrived at through a consensual process.

Moreover, democracy is not just about political competition and the ability to hold public officials accountable. Democracy also entails the competition of ideas and public policy. Pluralistic civil society (the profusion of non-governmental forms of public organization) along with freedom of information, transparent rules and procedures, rights of assembly and expression, and a free media are indispensable to ensure a competition of ideas, inform analysis and debate, and check the power of government. As in the formal electoral process, a true competition of ideas in the public sphere must also be inclusive of and influenced by the voices of women, youth, LGBTI persons, indigenous peoples, and other underrepresented groups. Persons with disabilities, in particular, are at risk of exclusion; they are often physically isolated, unorganized, and among the poorest and least likely to participate in the labor force in their communities, with little social recognition of their rights to political participation. In addition, voting facilities are often ill equipped to meet their needs and the ballots themselves may not be legible (for the blind). Despite the activities of NGOs that explicitly represent these groups, each of them may also face unique social or cultural barriers that challenge their ability to influence policy debates.

Some degree of equity in the distribution of resources is also critical for genuine competition. Economic resources are necessary for financing independent media, supporting independent civil society, building the capacity of opposition parties, and other political activities. Political competition is difficult if not impossible without some degree of economic competition. To the degree that economic resources are concentrated or politically controlled, pluralism is likely to suffer; economic and political disempowerment can be mutually reinforcing. In particular, the ability of women, young adults, and the disabled to compete in elections is directly linked to access to economic resources. Persons with disabilities, youth, indigenous peoples, and LGBTI people are often excluded from the formal economic sphere and may have limited control over their own resources. Similarly, though women encompass a growing proportion of the wage-labor market in many countries and a significant proportion of labor in the agricultural sector, gender norms—especially those operating at the household level—may help justify limiting their control over economic resources as well.

Access to politically controlled economic resources comes at a price, usually political subservience. Even when a market economy has developed, the degree to which government and its allies control economic opportunities may affect the willingness of even democratically inclined actors to speak out or employ their wealth in the service of pluralism for fear of losing a job, contract, or business license. Similarly, organizations with business ties, such as professional associations or chambers of commerce (often the best source of independent resources), may be hesitant to voice criticism of, let alone finance opposition to, governments that can punish them or their members economically as well as politically. Lack of access to independently generated financial resources can significantly curtail all aspects of political competition, and an absence of political competition is eventually likely to undermine economic competition.

voters' political interests. If the elected party does not effectively represent voters' interests, then voters can vote them out of office. Thus, political parties will endeavor to present political platforms to attract voters' support and attempt to follow these programs to continue getting voters' support (Downs, 1957; Lipset and Rokkan, 1967; Dix, 1989; Chandra, 2005; Kitschelt and Wilkinson, 2007; Gonzalez-Acosta, 2009).

Finally, democracies often institutionalize competition within government itself through a balance of power between central and local government and among the branches of government at all levels. The arrangement provides, if not full competition, at least a healthy set of checks and balances. A dispersal of power from central to local government can create a kind of structural competition based on geography as each level aims to guard its domain. Similarly, the tripartite division among legislative, executive, and judicial branches endows each branch with its own realm of authority and the ability to check the other two. As the executive branch is usually the strongest, democratic reformers most need to safeguard the authority of the legislative and judicial branches. If the legislature lacks authority over the budget and the judiciary lacks the capacity to hold the other branches accountable to the rule of law, democracy itself is at risk.

Most donors, including USAID, have experience with support for competitive political processes, especially elections. Donors have supported election commissions, domestic and international election monitors, voter education, and political party assistance. Increasingly, donors are looking beyond elections as a mechanism for holding public officials accountable and focusing on other avenues of support, including watchdog NGOs, media, and citizen oversight committees. Efforts have also been made to increase competition of ideas through support for CSOs, media, and decentralization. Some economic growth programs targeting grand corruption have sought to increase competition in the economic sphere, while institutional capacity-building programs have helped the three branches of government fulfill their function of providing checks and balances.

Basic assessment questions generally include:

- How competitive is the electoral system in practice? What forces limit the competitiveness of the system? Are there major political forces that reject the competitive process?
- Who is competing? Are elections accessible to all groups? To what degree are women, youth, religious and ethnic minorities, persons with disabilities, LGBTI individuals, indigenous peoples, and other often-disenfranchised groups able to participate in elections, both as candidates and as voters (e.g., what provisions does the state make to bring mobile voting to persons with disabilities and the elderly and to make polling stations and voting procedures accessible? To what extent are indigenous people and religious and ethnic minorities and communities targeted by efforts to suppress their votes and their candidacies? What gender norms undermine women's leadership as candidates? Are efforts made to encourage and enable young men and women to vote and participate in political parties?)?
- Are there quotas within political parties or does the state legislate to encourage or require participation of candidates from particular groups?
- To what extent is the election process accessible to persons with disabilities? Are ballots available in Braille? Are voting stations physically accessible? Are persons with disabilities enfranchised with the right to vote?
- To what extent are elections framed around issues rather than personalities?
- What opportunities do women, youth, indigenous people, persons with disabilities, displaced persons, LGBTI persons, and other marginalized groups have to shape the issues raised by political parties, specific candidates, and the media?
- Beyond elections, how are public officials held accountable for their actions, and who are the main actors doing so? What is the nature of the relationship between political leaders/policymakers and society as a whole?
- How transparent and accessible is information on the decisions and performance of public officials?

- Are government budgets, services, and channels for citizen inputs available via in-person visits, phone, e-government tools, websites, and accessible methods? What efforts are made to make this information available in various languages, including Braille and sign language, so that all citizens can access it?
- To what extent is pluralism allowed or (ideally) encouraged in civil society and the media?
- Can people legally organize to pursue their interests and ideas or are there barriers to establishing civic organizations? Do certain types of CSOs, especially those advocating for human rights or government accountability, face greater challenges in operating freely?
- Are there distinctions in law or practice regarding registration or function of “mass-based” or membership organizations, such as trade unions, farmers’ organizations, or student organizations? Are such organizations able to operate independently of political parties, even where they may support particular parties?
- To what extent is media free to provide information, analysis, and a forum for the competition of ideas? Are there unfair or unreasonable barriers to owning media outlets?
- How much competition is there in the economic sphere? What is the level of equality (i.e., the Gini coefficient) in the country at large and between different regions of the country? How much of the country’s economic resources are controlled by the political authorities or those dependent upon them? To what extent do particular groups of people dominate particular sectors of the economy or professions?
- Is there competition within government? How is it organized and regulated? Is there a balance of power among branches of government and between central and local government?
- How, and to what extent, have these factors evolved over the past decade?
- What governance reform processes, such as decentralization, is the state undertaking? What are the tensions around the process?

2.2.4 RULE OF LAW AND HUMAN RIGHTS

There is growing recognition that promoting democratic governance rooted in the rule of law contributes to long-term, sustainable economic and social development. The term “rule of law” is used frequently in reference both to a wide variety of processes and desired outcomes. Although neither scholars nor practitioners agree upon a single definition, the term usually refers to a principle of governance in which citizens, corporations, and the state itself obey the law, and the law itself is derived from a democratic consensus.

Rule of law is a principle of governance by which all members and institutions of a society (including the state itself) are accountable to the law, particularly laws that adhere to international norms of human rights, are openly made by democratically elected representatives, are enforced fairly and equally by the executive, and are independently adjudicated by the courts. Unlike authoritarian states, which may be governed either by law or by personal power or loyalty, democracies require the rule of law.

The USAID Rule of Law Strategic Framework²⁰ proposes five elements that comprise the rule of law, each of which must be present for the rule of law to predominate over other forms of social organization and control: order and security, legitimacy, checks and balances, fairness, and effective application.

The law adjudicates between liberty and constraint. Constitutions provide the most common foundation for the rule of law. They express agreements on fundamental rules in a way that permits enforcement. In particular, they provide the weaker branches and civil society with political and legal recourse. It is harder for authoritarian impulses to find legitimate expression if a constitution defines the relation between the various parts of society and government, and thereby limits the power of the executive and protects individual rights. Of course, having such language in a constitution does not guarantee these rights will be respected in practice.

The alternative to rule of law, to ordered liberty, is brute force. Rule of law is absent when citizens are subjected to violence, intimidation, or human rights abuses perpetrated by state forces and non-state actors, including armies, police, special security services, or private militias. Equally corrosive of both order and democracy is personal violence. The fundamental, irreducible function and obligation of the state to society is to guarantee personal security. Personal security is usually the primary public demand when it is under assault. Growing crime rates feed the attraction of authoritarian leaders who promise the iron fist to restore public order and personal security. For example, cartels in Mexico, mafias in Russia, and thugs in Haiti threaten the social order by undermining personal security. Problems of personal security challenge all regimes, but particularly those committed to due process, respect for individual rights, and the presumption of innocence.

Gender-based violence (GBV)—violence directed at an individual based on his or her biological sex, gender identity, or perceived adherence to socially defined norms of masculinity and femininity—is a globally pervasive threat to personal security that cuts across ethnicity, race, class, religion, education level, and international borders. For example, an estimated one in three women worldwide has been beaten, coerced into sex, or otherwise abused in her lifetime, and people with disabilities face disproportionately high prevalence of GBV. Intimate partner violence is the most-common form of violence experienced by women globally. Other forms of violence include human trafficking; sexual violence, including when used as a tactic of war; and harmful traditional practices, such as early and forced marriage, female genital mutilation/cutting, and “honor” killings. Regardless of the form it takes, GBV is a human rights abuse; a public health challenge; and a barrier to civic, social, political, and economic participation. Effective rule of law must encompass criminalizing and prosecuting GBV in all contexts, including both family contexts and those in which perpetrators are state actors.²¹

All forms of governance, and consequently the economy, suffer from the corrosive impact of unbridled corruption, both on petty and grand scales. Petty corruption, which involves lower-level officials who abuse their discretionary public authorities for personal gain, has an insidious impact upon attitudes toward the political process and the rule of law when the incidence of petty corruption is widespread and accepted as the norm. Petty corruption also stifles economic opportunity and can kill the spirit of entrepreneurship, fostering instead anger, frustration, and despair. There is no better example than Mohamed Bouazizi, the Tunisian street vendor who inspired the Arab Spring by setting himself on fire in December 2010. Grand corruption, which operates at higher levels of government, can reach the levels of

²⁰ USAID, *Guide to Rule of Law Country Analysis. The Rule of Law Strategic Framework: A Guide for USAID Democracy and Governance Officers*: http://pdf.usaid.gov/pdf_docs/PNADT593.pdf, Updated January 2010.

²¹ The *United States Strategy to Prevent and Respond to Gender-Based Violence Globally* (2012) outlines this problem and establishes a government-wide approach that identifies, coordinates, integrates, and leverages current efforts and resources: <http://www.state.gov/documents/organization/196468.pdf>

political corruption known as “kleptocracy,” or rule by thieves who literally steal a nation’s wealth and promise from its citizens. When other socioeconomic factors stress the political system, such as falling living standards due to declining state subsidies and rising prices of basic commodities, perception of the impunity with which grand corruption is exercised can contribute to the mobilization of disaffected segments of society. Transparency International defines corruption as “the abuse of entrusted power for private gain,” and it can entail many forms, such as bribery, nepotism, embezzlement, kickbacks, and even forms of patronage.²²

Another form of corruption is when government officials, police officers, or others in positions of authority demand sexual favors in exchange for services. These acts are frequently (and mistakenly) not recognized as a form of corruption simply because the currency in these cases is not monetary. This form of corruption normally, although not exclusively, targets women and often goes unreported, given the potential stigma faced by victims.²³ How corruption is legally defined and how mechanisms for its prevention are established and enforced, are critical to being able to distinguish political influence from corruption. Moreover, corruption has various outcomes depending on the type. A political economy analysis would ask “why” there is corruption (of a specific type), what incentivizes it, who does it benefit and how, and what sort of power relations support or undermine its continuation.

Three branches of government have a formal role in the rule of law: the legislature passes laws, the executive implements them, and the judiciary adjudicates them. Where the rule of law is weak, institutional failure is often a prime target for assistance. However, the first analytical question should not be how to support the rule of law, but why it has failed in the first place. Often, that failure is no accident. It is frequently in the interest of powerful political forces for the judiciary, legislature, and oversight bodies, such as inspectors general and anti-corruption commissions, to be weak or corrupt. Indeed, judges, legislators, inspectors general, and anti-corruption commissioners would often like to be the instruments of a rule of law, but their institutions are kept too weak to provide any substantive horizontal accountability. A quarter of a century of support for the judiciary in Latin America has demonstrated some of the limits of institutional assistance absent the political will by powerful domestic forces to implement a true rule of law. Conversely, when that will exists, the opportunities for impact by donors such as USAID can be great. The problem for donors is to find opportunities for the institutionalization of a rule of law when political will is lacking or uncertain.

It is critical to consider whether all citizens have equal access to the systems of justice and whether there are formal but non-judicial, informal, or customary law systems that citizens also utilize. Assessment of a country’s justice systems includes analysis of the ways that access to the justice systems may be limited for a wide range of citizens, including women, persons with disabilities, LGBTI individuals, people in rural areas, internally displaced persons, or those from traditionally marginalized groups. The extent to which people receive fair, equal, or disparate treatment under the various, sometimes competing systems should also be assessed. For example, in some cases, customary justice systems—based on a set of customs, practices, and beliefs that accepted as obligatory rules of conduct by a community, people, tribe, ethnic, or religious group—may be where most citizens go to resolve disputes and seek justice or retribution. Customary justice systems are often a means of determining appropriate remedies, sanctions, or restitution following a perceived breach of rights over traditional knowledge, communally held land, and family law, including inheritance. They also often arbitrate whether violence within families and communities is considered legitimate. Women and girls living in a state that has domesticated the major

²² Transparency International, *Transparency International, Plain Language Guide*, 14, 2009. See http://www.transparency.org/whatwedo/pub/the_anti_corruption_plain_language_guide

²³ International Association of Women Judges, *Stopping the Abuse of Power through Sexual Exploitation: Naming, Shaming, and Ending Sextortion*, 2012. See http://www.iawj.org/IAWJ_International_Toolkit_FINAL.pdf

international human rights treaties below are more likely to receive justice under a state-based justice system than under a customary system.

Non-judicial dispute settlement processes, such as mediation, conciliation, and arbitration can also be critical elements of a well-functioning judicial system, as these processes lessen the burden on courts and can work well where judicial systems are weak. For example, mediation and arbitration are normal components of a well-functioning labor relations system, enabling workers and management to resolve disputes before either party files a case with labor courts. Such systems tend to have both strengths and weaknesses; for example, they may be more accessible for women or people in rural areas, but they may also involve the arbitrary dispensation of justice and fail to adhere to human rights norms.

The law is personalized in many authoritarian countries, serving the interests of the regime itself, the ruling elite, or the group it represents. If the law varies from case to case because of the political connections of the parties, there is no rule of law. “Telephone justice,” in which the judge is told how to rule over the phone by a government official, is not justice under a rule of law. Litmus tests include whether the regime as a whole abides by its own rules, whether the rules are public, whether similar cases are treated similarly, and whether the entire system is grounded in legal substance and procedure and adheres to international norms of human rights.

The rule of law must incorporate human rights. Virtually all states have adopted some human rights treaties, including regional and international conventions, as legally binding obligations. The key for the assessment is to see to what degree states that have signed and ratified such covenants have actually implemented operational approaches, via institutions and resources to ensure that the spirit and letter of those covenants are being observed. Some of the fundamental international human rights treaties include:²⁴

- International Covenant on Civil and Political Rights;
- International Covenant on Economic, Social, and Cultural Rights;
- Convention on the Elimination of Discrimination Against Women;
- Convention Against Torture;
- Convention on the Elimination of All Forms of Racial Discrimination;
- Convention on the Rights of the Child; and
- Convention on Rights of Persons with Disabilities.

While not a treaty itself, the Universal Declaration of Human Rights was explicitly adopted to define “human rights” and “fundamental freedoms” in the United Nations Charter, which is binding on all member states. These explicit commitments to respect individual rights are potentially useful tools for local and international actors seeking to promote accountability to the rule of law and advance democracy, human rights, and governance. Unfortunately, in too many cases, there is a yawning gap between human rights commitments on paper and the practice of governments—the worst of whom willfully trample on the very rights they have committed to protect. The challenge is often in implementation. For example, although South Africa is one of the first countries in the world to include sexual orientation in its constitution, the phenomenon of “corrective rape” disproportionately affects

²⁴ Although the United States may not be a party to certain human rights conventions, it is committed to working with partners to support universal human rights norms, many of which are guaranteed by U.S. law. Supporting partners who are implementing specific treaty obligations is often an important entry point for development assistance activities.

women, girls, transgender individuals, and gender non-conforming persons at an alarming rate, meriting closer attention to sexual and GBV.

The Universal Declaration of Human Rights and international covenants on political and economic rights generally do not contain provisions that favor a particular group. Rather, those documents prohibit discrimination based on gender, age, national origin, property, and other classifications. Considering the universal nature of human rights, giving a particular group additional attention would, in a way, defeat the purpose of viewing human rights as something for everyone. Despite the importance of viewing human rights within a universal context and not simply as something for the disadvantaged, instances arise when particular groups often require more attention to ensure human rights of those groups. This does not mean that these groups are being elevated above others, but rather they are particularly marginalized, facing certain barriers that are unique to their circumstances. For these reasons, human rights advocates have emphasized the significance of vulnerable groups and the need to pay special attention to the rights of those groups.

Any analysis of the rule of law must review the country's human rights record, including its use of torture, detention, and arbitrary arrest and its treatment of vulnerable populations whose status renders them most at risk to human rights abuses. The protection and promotion of human rights is the *sine qua non* of a rule of law.

Basic assessment questions generally include:

- Does the government abide by the laws and rules that govern its actions? To the extent that it does not, what explains this situation?
- Are public institutions and public officials committed to the rule of law? Are there low or high levels of corruption? Is the practice of using public institutions to dispense jobs, favors, and resources widespread? Is there a culture of impunity?
- Are personal security and freedom guaranteed by the state, equally for all citizens? Are public officials or security forces seeking to incite violence, particularly against those of historically marginalized communities?
- Are the public security forces themselves subject to the rule of law and judicial branch oversight?
- Are civil disputes and violations of law, especially criminal law, subject to the authoritative adjudication of the courts?
- Are basic rights of association, speech, and assembly respected and are all citizens free to exercise these rights equally?
- How fairly does the legal framework of the country treat women, LGBTI individuals, indigenous peoples, racial or ethnic minorities, and other marginalized groups?
- Is the legal code aligned with the human rights treaties and covenants the country has signed?
- What is the country's human rights record? Do security forces demonstrate respect for human rights? Is there evidence of systematic use of torture or arbitrary detention? Is there a record of widespread human trafficking?
- To what extent does the state make efforts to prevent, criminalize, and punish GBV and child abuse? To what extent is rape and domestic violence, for example, reported and adjudicated? Is law enforcement equipped to respond appropriately to cases of violence against women, domestic violence, GBV, etc., and do they?

- Do security forces give equal attention to addressing—or are they implicated in—violence against women, persons with disabilities, LGBTI individuals, indigenous peoples, or other marginalized groups? Which contexts and which kinds of perpetrators receive greater attention from the state? Are there patterns of certain types of violence being perpetrated with impunity?
- Do police target particular groups disproportionately (e.g., do people with disabilities, sex workers, transgender persons, and street children feel they are subject to greater levels of victimization by police forces? Do they feel protected?)?
- Are there institutions—such as human rights commissions or national ombudsmen—and/or frameworks that play an oversight role to monitor and prevent abuse of human rights? Are these institutions independent and do they have authority to hold rights violators accountable?
- To what extent do all citizens have access to fair and equitable systems of justice, either formal or informal? Do laws discriminate against citizens based on sex, ethnicity, religion, or other factors (e.g., do inheritance laws discriminate against women and girls or are the customary property rights of traditional communities protected under the law? Are there laws criminalizing homosexuality and/or transgender?)?
- How does the legal environment promote or impede economic opportunity, entrepreneurship, and competition?
- Are there effective systems of mediation and arbitration for any aspect of law, such as labor or commercial disputes?
- Are there informal justice systems in place? To what degree are they used and who uses them? What are the strengths and weaknesses of such systems *vis-à-vis* the formal system? Are these systems non-discriminatory and do they adhere to international human rights standards?
- How, and to what extent, have these factors evolved over the past decade?

2.2.5 GOVERNMENT RESPONSIVENESS AND EFFECTIVENESS

Ultimately, citizens will judge their government not only on procedural questions (is it consensual, legal, competitive, and inclusive?), but also on whether it responds to public need and “delivers the goods” fairly and impartially to all citizens. Most governments create and rely upon formal state institutions to provide essential public goods like public safety, justice and security, basic infrastructure, minimal social services, the instruments and policies for economic growth, and the like. Performance therefore is partially determined by state capacity (the quality, functionality, and durability of its bureaucratic architecture), which requires elements such as legal authority and a regulatory framework, clear policies and strategies, management and administration, sufficient financial and human resources, and leadership. However, beyond capacity, for a government to be considered effective, it must meet essential public needs with a low degree of corruption or wastage of public resources and in such a manner that is responsive and accountable to citizens equitably. Corruption is considered in Section 2.2.4 above, but this section provides further consideration of how functions of administrative accountability are handled.

A government is effective when it harnesses the capacity of its administrative infrastructure for consistent provision of desired services and when it is responsive to changing conditions and needs. These principles include merit-based civil service systems, evidence-based policy-making, transparent financial management, sound and regularized revenue collection, standards for the delivery of services, and simplified regulations and processes. They pertain equally to executive and non-executive branches of government, and to national- and local-level offices. Donors have considerable experience in providing assistance for administrative effectiveness across governments, recognizing its importance to other development sectors as well as democracy. Economic, health, social security, and environmental

programs founder when government effectiveness is poor. Effective government means not only having schools that open their doors, but also schools that increase literacy rates and pay their teachers on time; it means public financial systems not only collect taxes, but also accurately account for government expenditures. Ultimately, effective governments are accountable to constituencies that evaluate performance against expectations.

Accountability of public sector institutions is a core component of their effectiveness. In contrast to democratic or other forms of political accountability where citizens and various non-state actors make demands on the state, administrative accountability is primarily based on state mechanisms for control and oversight. For example, administrative accountability systems include meritocratic employment, results-based management, transparent financial management (including revenue collection), users' groups, consultative bodies, open government tools including those utilizing technology, and social auditing processes in which government solicits citizen feedback on service delivery. These and other types of institutionalized citizen participation can enhance transparency, provide more input for government responsiveness, and lead to more efficient and appropriate allocation of public resources. Citizen feedback mechanisms should be accessible to all segments of the population including women, youth, and other marginalized groups, and incorporate specific indicators of government responsiveness to those groups' concerns and needs.

This sub-section is not intended to provide a comprehensive description of administrative accountability mechanisms nor a ministry-by-ministry analysis. Rather, the objective is to make informed generalizations about the extent to which the principles and functions of effectiveness, responsiveness, and accountability are manifest in government performance. Accountability is often best understood from a systemic perspective that examines the interactions between institutions and between the government and citizens—particularly at the local level where most service delivery takes place. For example, examining the degree of accountability in the process of budget formulation and adoption, or the delivery of critical social services such as health care, can be instructive of the ways in which the executive, legislature, judiciary, non-governmental advocacy organizations, media, and/or sub-national governments participate in the process of governance.

Basic assessment questions generally include:

- Do public institutions respond to public needs and provide socially acceptable and accessible services? Are these institutions efficient, effective, and equitable in their operations? If not, what explains their lack of performance?
- How effective is the executive branch in implementing laws and policies, administering programs, and managing state finances? To what extent does this vary by sector or government agency and to what extent are gaps between policy and implementation a government-wide challenge?
- Are government employees' rights and interests protected? Are there equitable opportunities for both women and men, and people of all ethnic groups to gain, hold, and advance to leadership within the government? What types of incentives are in place for public servants? What protections exist for whistleblowers?
- To what extent are public institutions responsive to public needs or to some other interests? What, if any, mechanisms are in place for citizens to provide constructive feedback on government performance (i.e., client surveys, user groups, mobile technology platforms, websites linked to government data, citizen report cards, and consultative bodies)? Are these mechanisms accessible to all parts of the population, including women, youth, persons with disabilities, and marginalized groups, and inclusive of their interests?

- Do robust internal mechanisms exist to hold government institutions accountable and guard against poor performance, fraud, and waste? What is the nature of the accountability relationship between political leaders/policymakers and public servants, and between public servants and society?
- How, and to what extent, have these factors evolved over the past decade?

2.3 SUMMARY

Step 1 helps the assessment team identify contextual factors and political trends, as well as analyze the five elements of democracy, human rights, and governance in a country: consensus, inclusion, competition and political accountability, rule of law and human rights, and government responsiveness and effectiveness. The completion of this analysis should result in a concise yet nuanced summary of the central DRG challenge(s), expressed as a problem statement. Challenges may be characterized as deficits in one of the five elements or may be defined in other terms.

The key is to define the primary and any secondary or tertiary challenges of democracy, human rights, and governance. The prioritization of challenges guides resource allocation when budgets are tight or clarifies second-best options when the primary challenge cannot be addressed productively. Part of assessing whether a challenge can be addressed involves examining the actors and institutional arenas that support or oppose democratic reform. This is the focus of Step 2.

Problem statements should describe both the nature of the challenge and its impact on the country's democratic development. In addition, the assessment team should explain the problem in gendered terms—how the problem identified impacts men and women differently.

Example problem statements:

Weak rule of law and concentration of executive authority stifle democratic and economic development, limit competition, and contribute to citizen apathy. Women are disproportionately excluded from economic and political life highlighting a fundamentally undemocratic state.

Institutionalized concentration of power among economic elites who control political parties, and through them government institutions, prevents government from serving the interests of all citizens, while stifling political and economic development. The weak representation of women among those economic elites results in a significant gender gap in terms of influence in the political arena and the virtual exclusion of women's perspectives in government decision-making.

The central problem with the country's democracy is the dearth of competition and political accountability in the system. The lack of effective political competition undermines other key dimensions of democratic governance, leading to serious democracy deficits in other areas, including the lack of a predictable and impartial rule of law that maintains consensus and ensures that the rights of all citizens are respected, including their right to participate meaningfully in the political and economic process.

The most critical threats to long-term stability lie in the confluence of exclusion and contested state identity...The fundamental challenge is how the citizens can begin to address underlying structural problems of identity and exclusion within a political system designed to protect the interests of the political-economic elite and characterized by an almost complete absence of political accountability.

3.0 STEP 2: ANALYZING KEY ACTORS AND INSTITUTIONS (POLITICAL ECONOMY ANALYSIS)

After identifying the primary challenge(s) facing democracy, human rights, and governance in Step 1, the assessment team turns to Step 2 to examine the role of key actors and the institutions in which they operate. The actors, together with the institutions that structure their incentives, determine the pace, nature, and extent of political change. Identifying the proponents and opponents of specific reforms, along with the resources they can mobilize and the influence they can muster, is necessary to design an optimal DRG assistance strategy. This political economy analysis of the stakeholders is intended to help understand the context in which USAID is working and the feasibility of it promoting certain aspects of democratic governance. It is also intended to illuminate whether the institutional arenas in which these actors operate are amenable to reform. The actors themselves may be strong allies for change, but if they are constrained by the rules or incentives of the institutions in which they operate, they may not be able to actualize the reform they seek, limiting the effectiveness of supporting them. An actor must have both the will for reform and a pathway through which reform can feasibly take place. The output of Step 2 is the identification of opportunities for democracy, human rights, and governance (or a lack thereof) for supporting actors and institutions to address key DRG challenge(s) identified in Step 1.

3.1 STAKEHOLDER ANALYSIS

Although there are many actors operating in the political system, Step 2 of the assessment identifies the key actors who influence the continuation or resolution of—and those most impacted by—the DRG challenge(s) identified in Step 1, as well as the institutions in which they operate. These typically include:

- The Executive;
- The Legislature;
- The Judiciary and Legal Professionals;
- National Human Rights Institutions;
- Security Services (including the Military, Police, and Intelligence Services);
- Local Government;
- Political Parties;

- Civil Society;
- Media;
- Private Sector Business Interests;
- Key Population Groups;
- Non-state Armed Actors; and
- International and Global Actors

For each *relevant* key actor linked to the problem identified in Step 1, the assessment team analyzes their interests, resources, strategies, influence, and the institutional arena in which they operate. Although the assessment team is not expected to provide a detailed analysis of each actor, the report narrative may concentrate on the actors most relevant to the core DRG challenge(s) identified in Step 1 and require a more detailed analysis to inform and support the strategic and programmatic recommendations in Step 4. In examining key actors, the assessment team should consider their social makeup, particularly with regard to gender, age, disability, socioeconomic status, ethnicity or tribal affiliation, geographic region, religion, gender identity, and sexual orientation. The analysis of relevant key actors should include this information to illuminate whom these actors really represent and the degree to which they are reflective of the broader makeup of society. In addition, the “Key Population Groups” category provides an opportunity to look at the particular groups within a given country that play a critical role—either through their participation or their exclusion—in the development of a democratic state that respects human rights.

3.1.1 STAKEHOLDER INTERESTS

Interests embody the central concerns of actors for power, resources, ideas, and symbols. They are the impetus behind actors’ political activity. Politicians have an interest in achieving power, entrepreneurs in amassing wealth, unions in garnering better wages and working conditions, and so forth. Some stakeholders have a wholesale or partial interest in democratic reform, some prefer to maintain the status quo, and some benefit from political instability. Many actors in government, even in new and fragile democracies, oppose specific democracy and governance reforms if they challenge their position of ascendancy. At the same time, there are actors—both inside and outside of government—whose actions are driven by a commitment to serve the public good.

Actors need not support democracy, human rights, or good governance per se to be useful allies for reform. They need only *benefit* from, and therefore, support certain reforms, which in turn aid democracy. For example, entrepreneurs prefer a stable, predictable legal regime that enforces contracts so they are natural allies in supporting a rule of law. Similarly, they prefer access to information to compete in an increasingly global environment, so they have an interest in a relatively free media. Domestic allies need not carry pro-democracy banners in street demonstrations to support democratic reforms and improvements in governance. They need only support aspects of the DRG reform agenda.

Naturally, there are also opponents of democracy, human rights, and good governance who have an interest in stopping or even reversing a transition. Authoritarian leaders rarely have a genuine interest in democracy, although they may have self-interested reasons to improve governance, or more narrowly, government performance. Likewise, they may have reasons to improve rights for certain segments of the population, such as women, without fundamentally extending civil and political rights for all. They normally want to retain power; if they support democracy at all, it is usually because they have been forced to do so by the proponents of reform. Typically, these reforms are superficial and relieve the immediate challenge to their authority without changing the underlying structure of power. On the other hand, these leaders may make marked improvements in government performance, even if only to improve

the delivery of services or functioning of the economy to quiet domestic discontent. In these cases, the assessment team needs to weigh the likelihood that interventions may lay the groundwork for greater government accountability or responsiveness; merely making an authoritarian government more “effective” is not in keeping with USAID’s DRG objectives. A range of other actors may oppose democracy because they reject the nation state (secessionists), a “Westernized” status quo (violent extremists), the prospects of losing their ascendant position (elites), or other conditions associated with democracy and good governance. The DRG strategy generated from the assessment needs to consider ways to bypass, marginalize, or overcome these opponents, while leveraging key opportunities and champions of democratic development.

3.1.2 STAKEHOLDER RESOURCES

The success of political actors depends on the material and symbolic resources they can bring to bear and the skill with which they deploy them. Resources include money, arms, votes, political followers, connections, credibility, information, agenda-setting power, and dominion over investment, employment, service provision, public works, and other decisions. Politicians garner political resources and use them to advance their interests, including the accumulation of more resources. Around the world, social norms that privilege men’s voices and authority, and enable their mobility and access to and control over economic resources, ground systematic discrimination against women that constrains their abilities to mobilize the resources and networks necessary to compete politically. Similar systematic discrimination limits resources and network formation among other marginalized groups, which in turn limits their abilities to participate in mainstream political processes. USAID DRG programs have explicitly supported women and youth’s political empowerment and provided additional resources to reformers who often face opponents with considerable resources. In many cases, the resources available to reform opponents (such as the state security services) are much greater than those available to reform allies and potential recipients of DRG assistance. In these cases, the proposed DRG strategy should be modest in terms of its proposed impact.

3.1.3 STAKEHOLDER STRATEGIES

Taking into account their resources as well as those of their allies and opponents, political actors construct strategies for advancing their interests. That calculation may be implicit and unarticulated, and is often subject to luck and exogenous forces; yet it is often possible to discern a general underlying strategy in the words and deeds of political actors.

Part of that strategy may be the negotiation of alliances with other actors to advance their common interests and resources. Groups are themselves alliances of individuals whose interests, they believe, are advanced by their membership. However, the political environment, including the interests and resources of political actors, is constantly in flux and can lead to shifts in alliances and political maneuvers. While recognizing the fluid nature of political life, the assessment team should consider actors’ strategies and important alliances.

Successful alliance building illustrates that not all governance is moderated by adversarial politics. The behavior of civil society, non-political actors, or key population groups such as youth or women is often characterized by building coalitions and broadening constituencies through deliberative processes. Such actions can strengthen the position of traditionally weaker or marginalized groups and help adversarial actors reach common ground on how to make governance more effective.

Some strategies and alliances pose potentially greater risks to democratic development and good governance. For example, the influence of elite pacts, cronyism, state capture, patron-client relations, rent-seeking, and illicit networks may subvert the rule of law and fragile democratic institutions. Violence, in its many forms, can also be employed as a strategy: targeted threats, harassment, and assaults against and assassinations of individual political leaders; organized or coordinated violence limited to a

few targeted communities or political party activists; widespread violence perpetrated by rampaging thugs and political gangs that are not necessarily actively coordinating with each other; and systematic, mass political violence. Although these informal arrangements tend to operate out of public view, it is important for the assessment team to discern whether they are present and the extent of their operations.

3.1.4 STAKEHOLDER INSTITUTIONAL ARENAS

In addition to an examination of key actors themselves, the assessment team should identify the institutions that facilitate or constrain democratic reform. Institutions structure the reform process by routinizing and rewarding certain behavior, while sanctioning or failing to provide a channel for other behavior. The primary way in which institutions condition or constrain behavior is through their rules. Some rules are formal; others are informal. Formal rules are often embodied in laws and regulations; informal ones are embodied in norms, values, understanding, and expectations. Sometimes the two are in conflict. For example, patronage is the placement of political supporters and dependents in public positions, notwithstanding formal rules requiring equity; gerrymandering is the drawing of formally equitable electoral boundaries in ways that create advantages; and so forth. Since the rules condition behavior, politicians naturally want to shape them to serve their interests. They want rules whose incentives will advantage them and disadvantage their adversaries.

To recap, Step 2 thus seeks to re-examine the priority DRG challenge(s) identified in Step 1 in light of the political feasibility of resolving or mitigating the DRG challenge(s) through reform supported by DRG assistance. The feasibility of reforms is analyzed by considering political economy: the interests, resources, and strategies of key actors to ascertain whether a critical mass of reformists and resources exist to champion specific reforms, the power of vested groups that might oppose such reform, and the enabling environment that structures the engagement of actors through institutions. This PEA should help the assessment team identify potential partners in reform, and whether the institutional arenas in which they operate afford meaningful opportunities to address core DRG challenge(s) in the country. The assessment team may find great champions for reform but conclude that the rules and incentives that govern their behavior limit their ability to engage in reform productively. The key analytical challenge, then, is to ascertain why the actor is unable to advance reforms within that arena—is it a lack of capacity that could be overcome with technical assistance, training, or material support? Is it a lack of political will within the institution? Is it constraints imposed by rules, laws, or institutional structures? Is it because of the threat of force that serves as a strong deterrent to action? Is it part of a concerted regime strategy to limit the ability of reformers to advance a democratic agenda by disempowering certain institutions or limiting actors' ability to maneuver within that arena? Answering these questions is critical for devising a strategy in Step 4 that has the potential to succeed in strengthening democratic governance and human rights.

3.2 DISCUSSION OF KEY ACTORS AND INSTITUTIONS

3.2.1 THE EXECUTIVE

Executive functions are commonly thought to be the heart of government. When people think of their government and what it should be doing or not doing, they normally are referring to the executive branch. This is the part of government that delivers services, taxes citizens, regulates commerce, prosecutes wars, and negotiates peace. Its administrative apparatus touches every corner of the polity, bringing it in regular contact with the electorate.

The executive branch is normally the strongest and therefore potentially the most dominant part of the political system. A common DRG challenge is the over-concentration of power by the executive branch; this certainly applies in authoritarian and semi-authoritarian countries, but can also be a prominent issue in new and fragile democracies, as well as crisis and rebuilding societies. This scenario is especially likely where a single powerful party controls both the executive and legislative branches, and where the

opposition is weak. When the legislature is too weak or politically disinclined to check the actions of the executive, the political system becomes vulnerable to abuse and manipulation.

When the executive is strong *vis-à-vis* the other parts of government, it may perform poorly in the administration of public affairs. In many governments, public sector jobs, services, investments, contracts, and licenses are a source of patronage and not allocated by merit, need, or efficiency. Nevertheless, even when intentions are good, the resource constraints experienced in most developing countries pose a serious impediment to effective public administration.

A central challenge for democracy, human rights, and governance arises in making the executive both effective and accountable. To be effective, the many offices and agencies in the executive branch need clear mandates and lines of responsibility, adequate funding, and competent staff. To be accountable, the machinery of government needs strong political accountability structures (i.e., elections, free press, check and balances), as well as results-based management, streamlined procedures, control structures, oversight, a merit-based civil service, and citizen participation. These conditions are often missing and donors find many opportunities to restructure operations, improve facilities and equipment, and build capacity. While the opportunities may be vast, the assessment should help gauge whether such investments are likely to have worthwhile payoffs for democracy, human rights, and governance.

Basic assessment questions generally include:

- Is the head of the executive branch democratically elected? If so, are the elections direct or indirect? Is it a presidential or parliamentary system?
- How and to whom is the executive accountable, formally and informally? Does Parliament hold the executive to account? What other checks and balances exist, within the executive and between the executive and other branches, to make the executive accountable? Does the executive branch function fairly and transparently?
- To what extent does the executive use the office as a source of patronage? Are jobs within the civil service appointed fairly and distributed equitably? To what extent do particular social or political groups dominate the executive branch?
- Does the executive branch function efficiently? Is it effectively organized? How do organizational factors—salaries and distribution of decision-making power, information, and resources—contribute to generating or discouraging absenteeism, inaction and apathy, and corruption? Do members of the executive branch have the resources and skills to perform their job?
- What roles do members of the executive branch play in developing policy and at what level?
- Are there major differences in the efficacy and openness of particular sector ministries within the executive branch?
- To what extent does the executive branch encroach on the private sector and civil society?
- Does the head of state and executive branch demonstrate a commitment to promoting and protecting human rights?

3.2.2 THE LEGISLATURE

In democracies, the legislature serves as the people's branch of government and provides a way to articulate popular will. In parliamentary systems, it is the only directly elected branch; in presidential systems, it is still the one with the closest ties to the public. When they are effective, legislatures carry out three fundamental tasks in a democracy. Most significantly, they are meant to represent citizens by bringing their concerns and aspirations into the governance process and serving as a forum for debate on

public policy. Additionally, they should make laws, which guide people in their social, political, and economic interactions. Finally, they should oversee the executive by ensuring that laws and policies are implemented in accordance with legislative intent.

Many legislatures rely on the executive branch to draft and submit legislation for their consideration, while others take an active role in the construction of law through the party machinery, committee system, or some other instrument of the legislature. No matter who drafts the laws, the legislature is the arena in which the contending political forces argue their differences on a day-by-day basis. Sometimes the contention is among political parties, sometimes among factions within them, and sometimes among representatives of regions or ethnic groups irrespective of parties. These debates feed into a competitive process for reaching decisions on public policy.

The rules of the electoral system can have a large impact on how responsive and accountable the legislature is to the electorate. In systems with proportional representation and multi-member districts, for example, legislators are likely to be more responsive to the political party that nominated them than to the electorate. They do so because their positions on party lists determine the probability of their election and the identity of their electorate is more diffused. When their district constituents instead select legislative candidates, they are more likely to feel accountable to the district electorate. Yet proportional representation is often adopted because the primary need for representation is social or ideological rather than geographical. Proportional representation reflects social and ideological diversity much more than single-member districts, as every political element is mirrored in the legislature in direct proportion to its numerical strength in the larger population.

Many legislatures lack the capacity, internal structure, funding, and procedures to discharge their democratic responsibilities. Sometimes the executive deliberately keeps the legislative branch weak and members of Parliaments subservient. More often, it merely reflects a conception of government centered on a strong executive, especially in a parliamentary system characterized by a single powerful party, and at best, a weak opposition. Another common weakness is legislators' failure to attend to constituents between elections. The executive branch has a constant connection to the electorate through a myriad of services and regulations, and often through party activities and representatives. The legislature has no such organizational reach or touch; its strength and legitimacy depend on the contacts its members nurture with the electorate. It is common for donors who support the legislature as an institution to pay insufficient attention to the role of legislators as representatives.

Donors have a tendency to provide material and technical assistance even to anemic legislatures in the hope that institutional investments will help them mature into truly democratic arenas. However, if the legislature is not an arena for competition or accountability—both as a balance to the executive and internally as a forum for debate between political competitors—it represents a doubtful investment, at least in the short term. Such investments should probably await the development of a more mature legislature, or at least the foreseeable prospects for one. Indeed, material or technical assistance to a Parliament dominated by a single party can become just one more resource deployed by the dominant majority against the small minority constituting the weak, or even token, opposition.

Basic assessment questions generally include:

- How is the legislature elected? To whom and how is it accountable?
- Are legislative hearings and actions open and publically accessible?
- How much authority does the legislature have in comparison with other state institutions? To what extent does it independently exercise that authority? Are there factions within the legislature that are more powerful than others? How/why?

- What are the internal structures and processes of the legislature? Are they democratic? Are they conducive to equal participation by male and female members? What is their effect on the fulfillment of the key legislative functions (representation, law-making, and executive oversight)?
- Are there women's or youth caucuses or other internal structures that cut across parties? What is the makeup of the legislature in terms of age, gender, disability, ethnicity, region, or religion? What is the percentage of women in the legislature? Are women represented on committees and as committee chairs? Does legislation represent their interests and needs?
- Are there quotas or other affirmative measures for women, indigenous peoples, or other groups? Do they lead to meaningful participation of those members and representation of those groups?
- Are there openly LGBTI persons in the legislature? Is the physical space of the legislature accessible to persons with disabilities, as either members or constituents?
- Do legislators articulate the importance of protecting human rights in political discourse?

3.2.3 THE JUDICIARY AND LEGAL PROFESSIONALS

The legal system defines the fundamental rules that govern society. It includes constitutional law, substantive law, the implementation of law through the judiciary, and informal justice. The reach of the rule of law—the extent to which actors are truly constrained by a legal regime impartially adjudicated—defines the degree of impunity with which those in power can advance their interests. In a well-functioning democracy, the rules are equitably enforced and they bind the actors. However, the judiciary is often the weakest element in the structure of governance and the most tempting for non-democratic regimes to control to augment their power and resources.

Most regimes, democratic or not, have adopted at least the aura of the rule of law by adopting constitutions. It is the place where the powers of—and the limitations on—the state are designated and the place, if anywhere, that basic freedoms of speech, press, and assembly, and the rights of political and social minorities are formally guaranteed. The supremacy of the law requires respect for the law by citizens, politicians and officials alike, along with a commitment to its application.

The judiciary comprises the institutions that interpret and apply constitutional and subsidiary laws. The judiciary includes prosecutors, defenders, judges, and court personnel. To free it from political pressure and promote impartiality, the judiciary requires sufficient independence from the executive, including control over judicial budgets, appointments, and dismissals. To deter abuses and bolster public confidence in the rule of law, the judiciary requires mechanisms that strengthen internal oversight such as evaluation, inspection, and discipline, as well as external oversight by NGOs, the media, and citizen groups. Other factors that influence effectiveness of the judiciary include the professionalism, training, and competence of justice sector personnel; resources for buildings, equipment, and staff; and accessibility of courts to those in rural areas, minorities, women, and other potentially marginalized populations. The existence of mechanisms to enable dispute settlement between parties through conciliation, mediation, or arbitration is also an important factor in the effectiveness of the judiciary.

The informal justice system refers to dispute resolution mechanisms operating outside the state-run justice system. Informal justice systems are prevalent throughout the world, especially in developing countries. Working primarily at the local level, community leaders (e.g., village elders, mayors, mullahs, and police chiefs) can provide quick, cheap, and culturally relevant settlements to disputes. In post-conflict countries, where formal mechanisms may have been destroyed or discredited, informal justice systems may be crucial to restoring some degree of law and order. As noted earlier, however, such systems may not always adhere to international norms of human rights standards and the prominent role played by traditional leaders often leaves women and youth absent, and possibly discriminated against, within such systems.

Despite donor interest, effective assistance in strengthening the judiciary often depends on the willingness of political leaders to implement a rule of law and subject themselves to its constraints. Donor assistance to legal institutions has had disappointing results in the absence of political will. Leaders are more likely to support reform of commercial courts, however, which may have an indirect benefit for democracy; by improving the playing field for small- and medium-sized enterprises, improved commercial courts can foster competition and improve the distribution of resources in society. Nonetheless, the legal arena is the most specialized, technical, and complex of those described in this framework, especially when the substance of the law is included. Consequently, if the rule of law is an area that emerges as a primary target for assistance, a separate rule of law assessment²⁵ may be necessary.

Basic assessment questions generally include:

- How was the constitution drafted, negotiated, and adopted? Was it an inclusive process?
- Does the constitution include a clause referencing the promotion or protection of human rights? If so, to what extent are principles of human rights reflected in domestic law?
- Has the country ratified or signed any of the international human rights instruments?
- How is the constitution enforced? What body has jurisdiction over its interpretation?
- What are the role and powers of the judiciary, especially its independence (including terms of recruitment, compensation, transfer, and discharge)?
- What is the real and perceived effectiveness, integrity, and legitimacy of the judiciary (especially in the areas of politics and economics where corruption is likely to be highest)?
- Are justice institutions equally accessible and impartial toward all citizens regardless of age, sex, gender identity, ethnicity, class, region, sexual orientation, and ability (physical and mental)? Are outcomes for marginalized groups similar to outcomes for others? Do marginalized groups have the capacity to influence the norms governing informal justice systems?
- Who is a member of the judiciary and how are judicial appointments made? What is the makeup of the judiciary in terms of age, sex, ethnicity or tribal affiliation, region, religion, sexual orientation, and class? Are women equally represented as lawyers and judges?
- Is there a significant case backlog? Why? Are cases adjudicated in a timely manner or are they caught in the system for long lengths of time?
- How much do local populations rely on informal rather than formal justice systems? Why?
- In countries where state legal systems operate alongside informal legal systems in domains such as family and property law (e.g., what opportunities and mechanisms are there to enable women and other people whom traditional or customary law has disadvantaged to claim their rights under the state system?)?
- Are there justice system reform efforts underway at any level? Which people are likely to gain and lose power?

²⁵ USAID. *Guide to Rule of Law Country Analysis: The Rule of Law Strategic Framework. A Guide for USAID Democracy and Governance Officers*. Updated January 2010. http://pdf.usaid.gov/pdf_docs/PNADT593.pdf

3.2.4 NATIONAL HUMAN RIGHTS INSTITUTIONS

National human rights institutions (NHRIs) are independent and autonomous state bodies typically established by a constitution or legislation for the purpose of protecting and promoting human rights. NHRIs operate at the national level and are a key mechanism by which states comply with their international obligation to ensure the domestic application of international human rights norms through national law and practice. In addition to strengthening respect for human rights, NHRIs also promote the rule of law and good governance. NHRIs should not be confused with human rights defenders. Human rights defenders are individuals or groups of individuals representing formal CSOs, informal civic groups, political movements, political parties, or businesses who act to promote and protect human rights. NHRIs are part of and funded by the state.

International standards for the status, composition, and working methods of NHRIs are set forth in the *Principles Relating to the Status and Functioning of National Institutions* (Paris Principles).²⁶ This soft law document outlines the minimum requirements for NHRIs to fulfill their role effectively. These requirements include the need for a broad-based mandate, guarantees of independence, autonomy from the government, diversity of membership and staff, adequate powers of investigation, and adequate resources. Since the United Nations General Assembly adopted the Paris Principles in 1993, dozens of NHRIs have been established around the world. At present, there are more than 50 functioning NHRIs considered compliant with the standards provided for in the Paris Principles.

There is no single institutional approach to creating an NHRI. States have flexibility in deciding which approach to adopt. However, NHRIs tend to fall within three primary categories: ombudsman offices, human rights commissions, and specialized committees. While their mandates should be as broad as possible, NHRIs can be focused on particular human rights issues, such as torture, forced disappearances, arbitrary detention, or abuse of power. Many NHRIs are also dedicated to promoting and protecting the rights of religious and ethnic minorities, indigenous peoples, women, and children.

NHRIs should enjoy structural safeguards to ensure independence and autonomy, particularly from executive authorities, in exercising their official mandates. They should be vested with the funds, skilled staff, authority, and powers to function alongside and work with other state institutions, such as law enforcement, the judiciary, and legislative committees. Key NHRI competencies include, but are not limited to, the following:

1. Preparing official reports and recommendations on the national human rights situation;
2. Monitoring, investigating, and reporting on human rights abuses, including those based on receipt of public petitions;
3. Referring specific cases to policy and judiciary for review and action;
4. Assessing national laws, policies, and practices to ensure harmonization with binding international human rights instruments;
5. Recommending the adoption of new legislative or administrative measures to protect human rights measures; and
6. Increasing public awareness of human rights through use of media and integration of human rights into academic curriculum and trainings.

Basic assessment questions generally include:

²⁶ UN General Assembly, *Principles Relating to the Status and Functioning of National Institutions*, 1993. See: <http://www.unrol.org/files/PRINCI-5.PDF>

- What type(s), if any, of NHRIs exist? Were they established by the constitution, national legislation, or presidential decree? Do they enjoy structural safeguards to ensure independence?
- Who do NHRIs report to (i.e., legislature and/or executive branches)?
- Do NHRIs have broad mandates to promote and protect human rights generally; narrow mandates to address specific issues; or specific mandates to protect rights of particular populations, including women, children, and other vulnerable groups?
- What authorities do NHRIs have for monitoring and investigating human rights abuses, including those committed by the state? Do these institutions have authority to compel state institutions to provide the information it requests and to disseminate its reports?
- Do NHRIs enjoy and exercise the authority to refer specific cases and issues to judicial and/or law enforcement authorities?
- Do NHRIs have adequate funds, resources, and staff to carry out their mandate effectively?
- Do CSOs and members of society regard NHRIs as credible advocates and watchdogs for human rights in the country?
- Besides NHRIs and formal CSOs, where else can human rights defenders be found in society (political parties, business, indigenous groups, religious groups, informal groups)? Do these human rights defenders/organizations enjoy some degree of political power?

3.2.5 SECURITY SERVICES

In any given country, the security sector generally includes both formal and informal institutions and actors. In addition to state security providers, the sector includes civilian management and oversight bodies, civil society, and non-state security providers. Security providers may include a combination of military forces, civilian police, specialized police units, formed police units, presidential guards, intelligence services, coast guards, border guards, customs authorities, highway police, reserve or local security units, civil defense units, national guards and government militias, corrections officers, and other forces. Police and corrections officers are integral components of the justice system and should be analyzed in that context. A thorough mapping of the security sector might begin with the executive branch, such as the office of the president, the relevant ministries (such as defense, interior, justice, and finance), and the national security council or its equivalent. Legislative bodies, such as the committees for defense, security, and/or intelligence; procurement oversight committees; and appropriations committees (if one exists) can exercise significant influence over the security sector.

Civil society groups serve a variety of functions *vis-à-vis* the security sector. In addition to monitoring the performance of security actors, they articulate the public demand for safety and security. In some cases, particularly where a national government's capacity may be limited, civil society and other non-state actors may serve functions that provide security and justice to local communities or constituents. Civil society actors may include professional organizations, civilian review boards, policy analysis organizations (e.g., think-tanks and universities), advocacy organizations, human rights commissions and ombudsmen, neighborhood watch groups, NGOs, the media, and other actors. Women's organizations may be able to offer information on GBV and other security issues about which the state does not gather data.

Non-state security actors can encompass a broad range of groups with widely varying degrees of legal status and legitimacy. Depending on the country context, informal and customary systems can be integral parts of the security sector that have a tremendous impact on how people perceive and experience security. Non-state actors may include private security companies, citizen associations, and other locally

based safety and security groups. Some of these actors have explicit links to state police services and may be authorized by the state, by law, or by custom to engage in security provision.

Fragile states or states emerging from conflict may be characterized by the presence of other transitional security bodies and processes that should be included in the assessment. These may include disarmament, demobilization, and reintegration processes and oversight bodies; transitional justice mechanisms; and peace support operations personnel, including military peacekeepers, civilian police, and development personnel who may play a role in reestablishing a functioning security sector through mentoring and training activities.

Basic assessment questions generally include:

- What security and/or public safety threats do the state and citizens face? Do citizens have freedom of movement regardless of their identity group? Is the environment generally safe and secure?
- Does the government maintain a monopoly on the use of force? Does it possess the capacity and willingness to address the threats identified?
- What is the relationship between the security forces and the elected leadership? Have members of the security sector been involved with politics, corruption, or criminal activity? What is the relationship between the security sector and the business sector?
- What is the institutional culture of key security services? What is their ethnic/religious/socioeconomic composition?
- Do the security services remain subordinate to civilian rule? Have they traditionally been keepers of the peace, triggers for violent confrontation, or both?
- To what extent can one differentiate the institutional and economic interests of the security services from the executive branch of government and among the security services themselves? Are security services involved in grand or petty corruption?
- How legitimate are the security services in terms of popular support?
- Have security services been implicated in abuses of human rights, including the perpetration of sexual and/or gender-based violence and trafficking in persons? If so, how thoroughly have allegations of human rights violations been investigated? How effective have any remedial actions been? Are internal codes of conduct promulgated? If not, why not?
- What are public attitudes toward the various elements of the security sector?
- What security sector reform efforts have occurred in the past, and with what outcome?
- Are security forces used to repress political opposition, minorities, or indigenous peoples?

3.2.6 LOCAL GOVERNMENT

Many countries decentralize power and authority to local governments in an effort to make government more efficient, responsive, and accountable. Decentralization proponents have hoped to improve efficiency in the belief that local governments are more in touch with the varying needs of different localities, and to improve accountability with the argument that they are structurally and geographically closer to the citizens who can monitor them. Advocates also maintain that decentralizing from central to local government increases accountability by dispersing power and authority into separate domains. When decentralization works well, the result is a defense by each level of its prerogatives and a kind of structural competition based on geography.

Decentralizing government hardly ensures that it will be efficient and accountable, however. Regional or local bosses and warlords can be as, if not more, ruthless, corrupt, and authoritarian as national leaders. The balance necessary at the national level between different branches and levels of government and between citizens and officials is also necessary at the local level. Moreover, decentralization can only work if local governments have true authority in their domain, especially the independent authority to raise, direct, and dispense resources. This stands in contrast to deconcentration, which involves the transfer of power to an administrative unit of the central government located at the local level, without any transfer of authority to local officials or bodies.

Decentralization can also affect dynamics among majorities and minorities, satisfying or increasing minority demands for self-government. In some cases, decentralization can transfer sufficient autonomy to minorities to address their grievances, while in others it can enable minority leaders to advance a separatist agenda by appealing to local, sectarian interests. Their appeals can fuel violence and intolerance and can turn unfair with respect to sub-regional minorities. The problems of “sub-national nationalism” have beset Asia; Africa; and, more recently, Central and Eastern Europe and the former Soviet Union. Indeed, the level at which self-government is to be exercised defines the boundaries of the nation state. What is the relation between Chechnya and Russia? Would Afghanistan be better governed with a strong central government or a greater devolution of power to the provinces? The concept of the nation state (as opposed to the imperial state or some other form of statehood) places the relationship between minorities and majorities at the heart of legitimacy and authority. This is the motivation for the assessment’s concern about the problem of consensus.

Since local government often replicates national government, the issues relating to the executive, legislature, and other areas described in this section of the framework are all relevant to an assessment of local government. The assessment team will need to decide how much detail is warranted. Clearly, these issues should only be pursued in depth if decentralization is to be a central significant focus of USAID’s assistance.

Basic assessment questions generally include:

- Who sets the priorities on behalf of the community?
- Are local government leaders (i.e., councils and mayors) elected or appointed? By whom and under what legal conditions? Are there quotas or guidelines for electing or appointing people from particular groups to offices?
- What role do political parties play in local government (e.g., are local government leaders formally non-partisan or members of political parties)?
- Do local governments demonstrate responsiveness to community priorities for investments and services, as articulated by women and men? How/why?
- Do local governments have authority over the resource allocation, service delivery, or other decisions that affect citizens’ lives?
- If the country is formally devolving government authority, what form is it adopting: deconcentration or decentralization? Has formal decentralization policy been implemented? Why not? What have been the consequences?
- How is the local government authority organized? How accountable is it to the citizenry? What opportunities exist for citizen oversight and feedback on local government performance (e.g., if local governments develop and control their budgets, is that process transparent and open to citizen input and monitoring)?

- Does local government provide appropriate, equitable, and accessible services to all parts of the population? Do displaced and/or “stateless” persons have the same access?
- How effective is local government? Are local governments viewed as more or less effective than national-level institutions?
- To what degree does decentralization heighten or mitigate local/regional grievances?
- Does local government impede or promote economic activity and better services? Does it favor or disfavor economic actors from outside of the locality?
- Does the makeup of local government reflect the diversities of the local community?
- Are opportunities for participation of women or traditionally marginalized groups different at the local level versus the national level?
- What role, if any, does local government play in the reporting, documenting, monitoring, or investigation of human rights abuses?

3.2.7 POLITICAL PARTIES AND ELECTORAL INSTITUTIONS

Free, fair, regular, multi-party elections are the cornerstone of political competition in a democracy. Because they set the foundation for such elections and can advantage or disadvantage groups, electoral rules and administration are often the subjects of acrimony among different segments of the population. “Getting the rules right” and making sure the rules are fairly administered are critical to the acceptance of the results by losers and to their use of constitutional means to address their causes and/or grievances. Because elections register the consent of the governed (if only temporarily), they are also critical to investing winners with legitimate power and authority.

The type of electoral regime makes a difference in the complexion of politics. For example, proportional representation and multi-member districts result in a more accurate reflection of different elements of society, but often at the cost of factionalism; majoritarian (winner-takes-all) selection and single-member districts discount dissenting votes and dissuade sectarian parties, but may leave some voters feeling disenfranchised. As another example, a variety of affirmative measures are frequently put in place to ensure greater equality in women’s representation; these may appear in the form of quotas or as requirements on party lists (e.g., alternating male and female names). Other set-asides may be used for traditionally marginalized groups. In some cases, however, the guarantee of legislative representation to certain groups ensures their inclusion, but may be seen as undemocratic or risk hardening societal divisions. For example, in Lebanon, a certain number of seats in Parliament is allocated to each confession (sect), limiting voters’ choice. Further, presidential regimes provide the citizenry with a more direct voice in the election of the chief executive, but with reduced powers for the legislature, while parliamentary systems provide a more equal division of power between the branches, but only indirect participation by the electorate in the choice of the executive and fewer checks and balances. Some systems start out as presidential but in practice morph into quasi-parliamentary or hybrid arrangements with a strong executive dominating the legislature.

While the rules define the electoral contest, the actual players are most often political parties. Political parties are groups of individuals who have allied to advance their interests. Sometimes the alliances are loose, sometimes tight, sometimes enduring, and sometimes transient; but in a democracy, they alliances are always organized to gain power through election. In consolidated democracies, those interests usually have an ideological dimension; often there is at least a correlation between socioeconomic status and ideology: workers and peasants are often in center-left parties, entrepreneurs and small landowners are often in center-right parties, and so on. These interests, ideological and socioeconomic, give parties their character, resources, and energy. Without ideologically based or interest-based parties, the electoral arena

can be a chaotic competition between individuals or an ordered competition for power among ethnic groups, strongmen, religious interests, clientelist networks, and the like.

Although political parties based on interest, ideology, and policy (as opposed to personality, ethnicity, clientelism, region, language, etc.) are critical for democratic elections, donors have been at best tentative in supporting them. Some European donors support parties indirectly through links with their own national parties (e.g., Social Democrats and Christian Democrats). The U.S. Government is prohibited by law from “influencing directly or indirectly the outcome of any election;” however, it provides assistance “to the full range of parties committed to the democratic process” primarily through two organizations affiliated with its two largest political parties. Most other donors, and certainly the multilateral donors, provide no party assistance at all. They do fund processes supportive of democratic party politics and elections.

Because elections are so central to the concept of democracy, USAID and other donors want to help ensure their success. However, as with the rule of law, certain types of assistance in this area may not be productive if the political authorities are not themselves committed to credible, representative, transparent, and participatory elections. Support for the electoral commission, for example, is not likely to ensure fair elections unless the commission has real authority over the elections and is truly independent, funded, committed to running a free and fair election, and competent to use the assistance.

Basic assessment questions generally include:

- Does the electoral framework reflect principles of the *Universal Declaration of Human Rights* or the *International Covenant on Civil and Political Rights*?
- Does the administration of elections command broad respect, especially among the contestants? Is the administration of elections transparent? Are the elections monitored by independent groups?
- Are political parties free to organize and campaign? Do they have a reasonable legal and practical chance to succeed?
- Does the electoral system foster the participation of disadvantaged groups such as women, youth, indigenous peoples, or underrepresented castes? Are there provisions to ensure persons with disabilities can participate in the electoral process? Do LGBTI persons feel safe to participate in the political process, either as constituents or political candidates?
- On what interests are political parties primarily based? Are ideological, social, and economic factors most important? Or are factors such as personality, ethnicity, region, and religion more significant? Do certain “big man” politicians dominate (even own) particular parties and is this form of party commonplace? Do political parties seek to co-opt mass-based organizations such as trade unions, farmers’ organizations, or student organizations?
- Are the mechanisms for financing campaigns and elections transparent and fair? Do campaign contributions in practice come from a broad pool? Are foreign donations accepted? What is their impact?
- Is the make-up of political parties reflective of society as a whole or are there groups (e.g., women, youth, persons with disabilities, minorities, etc.) who are unrepresented? Within parties, do underrepresented groups hold positions of authority? Is there a quota system or other affirmative measure for candidates from disadvantaged groups, and does it promote or limit broader participation?
- How responsive are political parties to issues affecting women, youth, persons with disabilities, minorities, and other marginalized groups?

- To what extent do political parties articulate issues of human rights in campaigning and/or general political discourse?

3.2.8 CIVIL SOCIETY

Civil society broadly encompasses all associational life (i.e., water user groups, sports clubs, business associations, religious institutions, disabled people’s organizations, independent media, and labor unions). In a vibrant free-market democracy, most associational activity occurs outside government. Individuals join together to support common objectives, enjoy one another’s company or address myriad other needs. The immediate methodological problem is how to focus the assessment on those CSOs with the greatest impact on democracy, human rights, and governance. In addition to “traditional” DRG organizations such as advocacy or human rights groups, relevant service delivery organizations should also be explored, particularly at the local level, including organizations not explicitly focused on advancing DRG issues.

Looking at CSOs from the perspective of democratic governance, diverse grassroots organizations of citizens can perform one or more of three functions. First, CSOs *organize* people to meet common needs and advance a common cause by forming institutions with their own rules and actors. Internally, their governance can be democratic, autocratic, or anarchic. If they govern themselves democratically, they deepen the democratic attitude by which their members approach all social decisions and governance. Second, they *advocate* for that cause by public outreach, petitioning government authorities, monitoring the actions of government, and/or undertaking other actions independent of government. Third, they *provide social services* (which may or may not be inclusive) that complement government services. Religious and charitable organizations, for example, often support educational institutions or provide services to the poor and the sick. Governments and politicians are often eager to enlist the resources of these CSOs in their own interests. Given their varied roles, the relations between political actors and civil society are sometimes collegial, sometimes adversarial, and most often a combination. In most countries, CSOs are regulated by laws and overseen by various government agencies.

Some CSOs play overtly political roles, while others tend to have little concern with government unless their interests are threatened. Political parties sometimes court mass-based organizations, such as trade unions, farmers’ organizations, or student organizations, because they represent the interests of a large potential political base. When they aggregate interests or advocate positions, CSOs enter the competitive arena. Like parties, they supply ideas, energy, and resources, although they do not seek political office. A healthy democracy depends on a vibrant, pluralistic civil society to incubate and nurture new ideas and new leaders. To participate in political processes, however, CSOs depend on freedoms of expression, association, and information, and on opportunities to provide input into policy decisions and oversee government actions. Authoritarian regimes restrict those freedoms and opportunities precisely to gain control over social and associational life. In extreme cases, governments also establish parallel CSOs to occupy space that autonomous civil society actors would normally fill.

Due to the public policy and political implications of their research and educational outreach, universities, think-tanks, and advocacy CSOs are fundamentally important to democracy, human rights, and governance. These institutions, as reported and reflected in the media, can inject important research results, expert opinions, and seasoned analysis into open public debate and the marketplace of ideas. The interplay of diverse academic and civil society actors provides reasonable assurance that citizens have at least the opportunity to compare alternative interpretations and political claims against a wide range of information sources, without which informed competition cannot flourish. Alongside policy-oriented institutions and media, virtual online communities and mobile communications technologies are providing a powerful platform for the exchange of ideas and the coordination of civic action, especially in more repressive regimes.

Finally, CSOs can provide critical forums to raise issues that may not otherwise emerge in the public sphere. For example, organizations representing women, LGBTI people, youth, and persons with

disabilities often demonstrate unique insight into the barriers to and opportunities for their constituencies. These barriers often relate to meaningful participation in civic and political life, access to services and resources, and perhaps most importantly, opportunity to shape the political, economic, and development agenda(s) of their communities. That said, although such groups are often better represented in civil society than in other public spheres, the assessment team should note whether such situations result because civil society is viewed as a more “appropriate” or “safer” place for such social group actors to play a role.

Civil society also plays a critical role in defending, promoting, and protecting human rights. Human rights defenders can be organizations or individual activists that seek to expose violations and campaign for redress and accountability for victims of abuse. Journalists who expose legal and human rights abuses, community workers conducting human rights education, and lawyers who campaign against unjust and prolonged detention all play critical roles in protecting not only human rights, but in defending political space and rule of law.

Assessment teams should not overlook the valuable role service delivery CSOs can play in advocacy and encouraging government transparency in their respective sectors. They often have strong connections with national and local governments as well as communities. Although these organizations are often reluctant to speak out publically against the government, they can play a valuable behind-the-scenes role in advocating for policy changes and accountability.

In authoritarian and semi-authoritarian regimes where the government resists democratic reform, civil society may offer the donor’s best potential partners, with the hope that CSOs or coalitions can provide both the demand for reform as well as protection of political space and human rights. However, the struggle for expanded civil society protection is likely to be a long process with uncertain results. Government backlash against civil society and human rights defenders—particularly those funded by international donors—can create vulnerability for both the physical security and financial viability of organizations engaged in advocacy and oversight activities.

Moreover, civil society partners are not always inclusive or internally democratic themselves, nor fully representative of a broad range of interests. In fact, like other institutions in restrictive environments, civil society is also susceptible to elite capture or may marginalize diverse voices. The key is to find those elements in civil society whose interests are consistent with, or better yet, dependent upon democratic reform. Independent business organizations and labor unions—those that are not tied to or dependent upon the state—can be powerful allies for democratic reforms and improvements in governance. Even authoritarian regimes are likely to listen to business and labor—unless they are so corrupt that they exist solely to serve the private ends of the leadership. Even then, business and labor may often represent forces with which government authorities must contend. The assessment should also therefore investigate labor and business organizations—including foreign investor associations, local associations, and investor councils—as potential allies.

Finally, civil society increasingly uses and depends on information and communication technology (ICT) like SMS, social media, applications, and the Internet to increase their internal organizational and network effectiveness, gather information and conduct research, build constituents and coalitions, organize, mobilize actions, and communicate. In some countries, however, government authorities are pushing back by using ICT or changing ICT policies to monitor civil society activities, prevent CSOs from doing their work, or restrict access to information through content filtering/blocking or website attacks. This disturbing trend toward more restrictive ICT policies by some governments requires sensitization and advocacy around technology-related issues, like Internet governance and Internet freedom.

Basic assessment questions generally include:

- Do the basic legal conditions—freedom of speech, information, and association, and a law allowing CSOs to assume legal identity, financial viability, and independence—exist? Do they enable civil society to flourish?
- Are CSOs well versed on the language and tools of human rights, and its relationship to democracy promotion and development?
- Do the financial conditions exist to support civil society, especially financial resources outside government?
- Do CSOs have the capacity and vision to play their central role in political, social, and economic life? Do membership organizations, such as trade unions, faith-based organizations, or student organizations have internal democratic processes to ensure they represent the views of their membership? In general, what are the strengths of local CSOs and service delivery CSOs? What are the challenges?
- Are CSOs themselves democratic in their internal structure and procedures? Do they foster democratic attitudes among their members?
- What is the make-up of membership and leadership both within and among CSOs in terms of age, gender, disability, ethnic or tribal affiliation, or socioeconomic status? Does civil society provide an opportunity for participation to those who are otherwise marginalized by the political system and does it effectively represent the perspective of these groups?
- Are CSOs based exclusively in the capital or do they have broader regional or national reach? Are these CSOs representative of sections of the population and their needs or do they simply exist as groups of urban elite who mimic donor requirements to gain funds?
- Are business and labor organized and do they play an independent role in policy formulation?
- Do all minority groups feel that their concerns are adequately represented and voiced in CSOs? Do CSOs representing minority groups feel that they have sufficient tools to stay safe and not be subject to state or non-state actor violence and/or intimidation?
- What is the capacity level of CSOs to use ICT for their work effectively? Do civil society actors employ new media technologies to hold governments accountable and participate in politics?
- What physical and digital security measures do CSOs take to protect themselves, their data, and their operations?

3.2.9 MEDIA

The ability to access and disseminate information is fundamental to the health of a democracy. Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive, and impart information and ideas through any media. Ideally, media facilitate the free, open, inclusive and fully pluralistic exchange of information and opinions among all major societal actors (including citizens, civil society, political parties, businesses, legislatures, judicial system and executive authorities at all levels of government). Other important “Fourth Estate” functions include the professional responsibilities of media and journalists to verify facts, report objectively, and provide deliberative forums, reflecting the whole of society and all of its social segments equally, without regard to race, gender, sexual orientation, ethnic, religious or other distinctions. Media should serve as independent watchdogs over public and private sector authorities, holding institutions accountable and discouraging corruption or poor performance. Furthermore, media can play broad educational roles for

citizens across all key areas of democratic governance and development, such as elections, human rights, health, education, economic growth, and the environment.

These are tall orders, rarely achieved entirely even by the most advanced democratic media systems. Still, marginal improvements, or reversals, in the quality of a country media system can exert notable, even pivotal, influences on a country's prospects for advancement toward democratic governance. Relatively open information environments, with pluralistic discourse and professional journalism, enable more inclusive and better-informed decision-making, while closed and/or unprofessional media can stifle citizen participation and lead to poorly informed or authoritarian decision-making. In the extreme case of chauvinistic or inflammatory communications, the media can even spark violent conflicts. On the other hand, the media can be used to build bridges across real and perceived dividing lines.

A quick review of a country's media environment involves answering four basic sets of questions to determine the media's levels of inclusive pluralism, legal-regulatory safeguards, adherence to professional standards, and economic self-sustainability. Assessing a country's mass communications can usefully start by surveying the degrees of pluralism and inclusiveness found on the media landscape:

- Do media sector laws reflect the principles from the *Universal Declaration of Human Rights*?
- Do media accurately mirror the host society, adequately reflecting its various demographic, geographic, cultural, political or other important segments?
- In multilingual countries, do media operate in all languages, including those of linguistic minorities?
- Are all social classes and societal groups sufficiently served by the media? Are there "digital divides" or gaps in media service availability?
- What are the major media platforms and networks (radio, TV, press, Internet, social media, wireless services, etc.)?
- Is private or community ownership of media permitted, or does the state own and control what is disseminated?

In addition, media systems should reflect gender balance. In many countries, radio is the only accessible media outlet. As a status symbol, household radios can be controlled by men, while rural women who spend most of their time outside of the house have marginal access to the radio or may be unable to listen to programs of their choice. This may raise additional challenges in helping women and girls to gain political awareness or to be conversant on current political issues. Relatedly, unfavorable portrayals of women and other marginalized groups in the media can reinforce social constraints on their ability to participate in public and political life, as well as acceptance of GBV.

A second set of questions relate to the normative, legal, and regulatory safeguards enabling independent media:

- Are freedoms of expression and information guaranteed by the constitution and legislative acts?
- Does the government censor or restrict information? If so, why?
- Do laws and licensing regimes allow media to assume legal identity, financial viability, and independence?
- Are there unreasonable defamation, sedition, or libel laws subject to government or elite abuse?
- Are journalists, editors, and owners subjected to threats or attacks? Do women media professionals face distinct threats?

The third criterion for diagnosing the health of media systems regards the professional quality of media contents, particularly news reporting, public affairs, or development-related content, and the technical standards of media productions. Media in virtually all countries are incorporating digital technologies that encourage ever more “converged” media operations; newspapers with multifunctional websites; community radios linked to rural audiences via cell phone applications; or multimedia houses that broadly embrace television, radio, Internet, print, social media and/or wireless services. Media interact ever more intensely with their audiences; thus, it is incumbent on journalists to master new technical skills to function successfully in multimedia news environments.

For national and local political systems, too, moderating skills by webmasters, broadcast talk show hosts, and multimedia news aggregators are becoming crucial. Respected media moderators can draw disparate viewpoints into more constructive, issue-based discussions. They can clarify the most important trending issues and bring coherence to information-overloaded communication environments. They can also help make public affairs more accessible to diverse actors in the political system (citizens, CSOs, political parties, business, and government authorities). In addition to mastering new multimedia and improved moderating skills, journalists and media professionals need ongoing access to professional training and continued practical application in media production work. Yet, the actual practice of journalism may fall short in varying degrees and forms.

Notably, social media and other digital technologies are rapidly revolutionizing opportunities for “new” and “old” media to interact with audiences, giving voice to millions of citizens via blogs, citizen reporting and social media interaction. A virtual explosion of hyper-democratic communication in many countries offers positive opportunities to expand freedom of expression, participation, and information. However, accelerated mass communication can also fundamentally challenge political or media systems. For example, unverified facts or rumors can spread rapidly or empowered citizen demands can exceed public institutional capacities, prompting regime destabilization in some instances. The speed of information exchange, digitally catalyzed social movements, and political shifts have greatly accelerated as the result of this revolution in mass communication, creating potentials for dramatically faster societal changes that DRG assessments must increasingly take into account.

New media and ICT are transforming the political landscape, offering democratic reformers and allies the ability to expose government abuse, fraud, and corruption. For example, activists in Iran and Burma have used camera phones to record security forces mistreating peaceful protestors and then uploaded those images to the Internet for the world to see. Election observers have taken digital pictures of results forms and later compared them to the certified results. Bloggers and Facebook users in Egypt and across the Middle East used social networking sites to recruit and organize massive protests. These new technologies open up exciting possibilities for supporters of democracy, human rights, and governance, but they also have potential risks. Governments can use the new technologies to monitor citizens and their activities, and to incite violence and other illegal activities. The effectiveness of these methods is tempered by the ability of democratic actors to stay a step ahead of their opponents.

Regarding the media’s professional and technical capacities to handle these growing information demands and threats, illustrative questions might include:

- Do journalists effectively cover key events and issues, verify facts, properly identify sources, and adhere to other professional and ethical principles?
- What is the capacity level of media organizations to use ICT effectively for their work?
- Do media objectively cover multiple points of view? Are neutral media platforms available to help constructively moderate pluralistic points of view or do media tend to serve as mouthpieces for partisan or narrow interests, or for the rich and powerful?

- Is self-censorship by the media a problem?
- What biases exist in media? Do media outlets challenge or uphold stereotypes?
- What physical and digital security measures do media organizations take to protect themselves, their data, and their operations?

Finally, independent professional journalism depends on the economic self-sustainability of media outlets. Financial independence requires effective business management practices and diversified sources of revenue, which make possible the editorial autonomy of news reporting and other public affairs-related content. Favorable economic conditions for freer media also include competitive media and advertising markets, diversified ownership of the media, availability of credible audience and marketing data, and the apolitical application of business regulations. The bottom line questions are:

- Are media well managed, economically viable, and financially self-sustained?
- Do economic conditions allow media to start up, develop, and operate freely?

In sum, information environments will prove more propitious for democratic governance to the extent that media are more pluralistic; adherence to professional standards is more widely accepted; and legal-regulatory as well as economic/management conditions enable free, or at least, freer media to develop and prosper.

3.2.10 PRIVATE SECTOR

The private sector can play an essential role in the development of a democratic society. The middle class and business organizations can often lead the way in demanding freedom and holding government accountable. From small to large businesses, the private sector has rights and responsibilities as a key segment of society. A market economy and democracy can often share values such as fairness, rule of law, transparency, participation, and accountability. Spreading responsible practices throughout the economy can bolster responsibility in the political system. Private sector participation in policy discourse can provide independent voices of reform, contribute to effective policymaking, and enlarge the constituency for democracy. Similarly, the rule of law can promote the functioning of a market economy while underpinning free political competition. Moreover, strengthening property rights can support a framework for prosperity, as well as place positive constraints on government action, bolster civil rights, and support the development of democratic institutions.

Just as market institutions and democratic institutions can establish shared rules of the game and equality of opportunity, they can also monopolize or control private sector resources and opportunities for their own narrow interests. When the private sector and DRG sectors work well, they are mutually reinforcing. On the other hand, political and private sector elites often work together for their mutual benefit and become increasingly less responsive to citizens' needs.

Private sector actors include corporations and businesses; business associations; professional bodies; individuals; business leaders; and accounting, management and financial institutions.

Basic assessment questions generally include:

- Which private sector actors support the regime? Status quo? Other elites? Which actors advocate for economic and political openings? Are there institutional arrangements that tie political and private sector elites? Are there competing centers of economic and political power? Which economic actors benefit from poor governance and clientelism and might oppose reforms?
- What role does the private sector play with regard to good governance and democratic reforms?

- Does the private sector play a role in the promotion and protection of human rights? How?
- In countries with significant natural resource endowments—oil, forests, minerals—to what extent are private sector actors involved in supporting sustainable or environmentally sound extraction processes? To what extent are they implicated in land grabbing, complicity with government corruption, and other illegal practices? To what extent are they implicated in human rights abuses?
- What are the key property rights issues? What are the patterns of ownership in the private sector? Is the full range of property rights (real property, movable property, intellectual property, and intangible property) articulated? Do the property regimes inappropriately favor any particular groups—whether elites or majorities? Do women have equal rights to property ownership and use?
- Do the basic legal conditions exist that support a thriving or emerging private sector? Are the laws affecting commerce consistently enforced according to their terms?
- How is access to credit, banking, and finance structured? Do any particular groups or business interests control finance in the country? What opportunities exist for women and low-income people to access credit to join the private sector?
- Do private sector actors have the capacity and vision to play an important role in political, social, and economic life? Is there any philanthropy?
- Are business organizations themselves democratic in their internal structure and procedures?
- What is the make-up of the labor force among the private sector in terms of age, gender, ethnic or tribal affiliation, and/or socioeconomic status? Do businesses provide an opportunity for employment to those who are otherwise marginalized by the political system?
- What is the relationship of the private sector with the labor movement in key sectors?
- Do businesses have regional or national reach? Do they engage with government at national, subnational, and municipal levels to advocate for reforms? If so, do they engage only with the executive or with all branches?
- What is the role of subsidies? Who are related winners and losers (e.g., fuel subsidies may seem to benefit some small businesses, but often oligarchs who own large fleets also benefit significantly)?
- What is the extent of competition within the private sector?
- Are private sector actors able to distort the administration of justice or other governmental functions to reduce or eliminate competition?
- Is there conflict between the private sector actors and local communities or indigenous peoples? Are there arrangements/agreements between private sector actors and security forces?

3.2.11 KEY POPULATION GROUPS

This section represents an opportunity to examine a wide range of groups that might otherwise be hard to define as key political actors or institutions; it may capture those groups who do not have influence in the system, but whose exclusion has the potential to prevent or undermine the development of democracy. What key groups are relevant will be different in each country. In some cases, it might be as broad as youth or women (e.g., where demographics are such that youth make up a vast majority of the population or where women are systematically excluded from civic and political participation. Key population groups may also be ethnic, religious, or regional groups who play a political role or wield collective influence, but outside the formal structures of civil society or political parties. They may have been

historically marginalized or subject to human rights abuses. For example, key groups might be refugees or internally displaced persons, indigenous peoples in the Amazon, Kurds in Iraq, or Dalits in India.

Essentially, this is a moment for the assessment team to ask, what are the other key groups within this society who have the potential to influence the political system or whose exclusion has the potential to prevent or undermine democratic development? Within a country, multiple groups may warrant this analysis, and gender dynamics within key groups should be considered.

Basic assessment questions generally include:

- How do key groups interact with official structures? Are the groups excluded from political representation, participation, and leadership? If so, what are the barriers they face? What unique perspectives do they have that are not being represented?
- What human rights threats or violations do the groups face or have they faced in the past? Who are the perpetrators? Is there accountability for such violations? Have there been efforts to address them by way of official apologies, reparations, or other measures?
- What is the potential for key groups to have an impact on the political situation in the country, either in support of or opposition to reform? What are their primary interests/goals?
- Do group leaders speak for their entire group? What are the internal barriers to equal representation and participation? What gender differences and inequalities exist within these groups? Are women and youth represented in leadership roles?
- Have efforts been made previously to include or support these groups (e.g., positive discrimination)? With what outcome? Why?

3.2.12 NON-STATE ARMED ACTORS

Non-state armed actors—including gangs, militias, rebel groups, insurgents, terrorists, and/or criminal enterprises—increasingly pose a threat to democracy, human rights, governance, economic prosperity, and stability. They are both a cause and a consequence of instability and poor governance. These groups generally seek power, influence, and financial gain, often through illegal means. They reap financial rewards that far outstrip the resources of governments while simultaneously denying those same governments much needed income, such as lost tax revenue. Not only does their presence undermine the strength of the state, but it also distorts the relationship between the state and society.

Their varied structures may include hierarchies, networks, or cells and can consist of individuals both inside and outside of the government. They utilize a range of strategies to achieve their objectives including, but not limited to, corruption, infiltration and cooption of state institutions, exploitation, violence, and/or intimidation. Some may be seen to represent the interests of excluded groups and might be locally viewed as heroes.

Basic assessment questions generally include:

- How are such groups rooted in society and do they represent the interests of larger groups or leaders?
- What strategies do groups use to carry out their activities (corruption, infiltration, avoidance, violence, and/or intimidation)?
- Do activities appear to be concentrated in one geographic area or among certain groups?
- Do these groups provide alternative services (e.g., security, health care, assistance) or otherwise seek to support the local population, government, elites, or businesses?

- How much influence do different non-state armed actors exert?
- Are activities of one group linked to those of other kinds of non-state armed actors (e.g., gangs working with criminal cartels or terrorist groups)?
- What is the government's reaction to these groups? Does it attempt to constrain their behavior? Is the response unitary or fragmented?
- Has the presence of non-state armed actors created conflict or risk of conflict? In what ways is their presence destabilizing?
- Are these actors generating excessive profits? What effect does it have on governance? On economic prosperity? On stability and security? Are the funds staying in country or being funneled out of the country?
- What resilience exists within the government to counter the influence of non-state armed actors? How effective are formal and informal judicial institutions, law enforcement, and prosecution?
- Are there programs to prevent gangs and community violence? To foster community-based citizen security?

3.2.13 INTERNATIONAL AND GLOBAL ACTORS

The international and global actors can play a prominent role in the domestic politics of some countries. Assistance provided by donors can constitute a major source of revenue for the government and put resources at the service of key actors or interest groups. Military interventions and support to military efforts also shape the political landscape. For countries in or emerging from conflict, the role of outside military support can be decisive in advancing or impairing a democratic agenda. Diaspora communities can also play a notable role in furnishing resources and garnering international support for one side or another in political struggles. Other key international actors include multinational corporations, international NGOs, and regional and sub-regional organizations, such as the African Union, Organization of American States, International Criminal Court, and UN agencies and peacekeeping operations. Ad hoc and permanent tribunals are also important actors in many regions and countries.

Basic assessment questions generally include:

- Do international or global actors play a prominent role in domestic politics, rule of law promotion, and respect for human rights? If so, who are the primary actors and what are their interests in the country?
- Is the influence of outside actors beneficial or harmful for democracy, human rights, and governance promotion?
- Is the influence of external actors increasing, decreasing, or staying the same?
- Is the country party to international or regional human rights mechanisms? If so, which ones? To what extent has the government implemented its obligations to these mechanisms?

3.3 EVALUATING CONCLUSIONS OF STEP 2

The results of Step 2 may call for a reprioritization of the challenges identified in Step 1. The purpose of Step 1 was to identify the core DRG challenge(s); the purpose of Step 2 is to identify allies in solving those challenges and relevant institutions that are amenable to reform. Based on that analysis, assessment teams should consider reordering or revising the challenges and priorities. No matter how important the challenge may be for democratization, human rights, and good governance, if the pro-reform allies are too

few or too weak, or conversely the opponents of reform are too strong, USAID will need to reconsider whether to work on that challenge or move to a lower-level challenge that has greater prospects for being resolved. Likewise, if the institution in which pro-reform allies are found is not amenable to assistance or reform, the assessment team may need to focus on other interventions that have a greater chance for success. The success of the assistance depends on matching challenges that call for DRG resolution on the one hand, with effective domestic actors and institutions that can advance their resolution on the other.

4.0 STEP 3: CONSIDERING USAID'S OPERATIONAL AND PROGRAMMATIC ENVIRONMENT

The first two steps of the assessment lead to the identification of the central DRG challenge(s), the likely supporters and opponents of DRG improvements, and the institutions amenable to reform. The third step introduces U.S. and USAID's interests, assistance programs, resources, and comparative strengths and weaknesses. This information serves as a *filter* that identifies strategic or programmatic options that may fall outside the focus or capabilities of the Mission, and highlights those that are a good fit for the Mission. Information to complete Step 3 needs **to come primarily from the Mission and/or Embassy**. Given the U.S. Government's and USAID's operational and programmatic environment, Step 3 may call for a reordering of priorities in the strategy or even the recommendation that the U.S. Government undertake no DRG program at all. Its positioning at the end rather than the beginning of this process is important. Only after understanding the country context and the kind of DRG programs that are needed can all relevant actors appreciate any programmatic compromises they may need to make.

The purpose of this step is to consider the opportunities and constraints posed by USAID's operational and programmatic environment to ensure the strategic and programmatic recommendations emanating from this assessment are practical and can be implemented. This step is not meant to be determinative; constraints can be overcome and interests change. The assessment team is in a position to propose alternative options if the underlying conditions, interests, or resources change. This will be discussed in more detail in Step 4.

At least seven aspects of USAID's position should be considered:

1. U.S. foreign policy and broader USAID development interests;
2. Relevant U.S. Government and USAID policies and strategies;
3. USAID's current DRG program;
4. Other USAID and U.S. Government assistance programs;
5. USAID's resources;
6. Donor coordination; and

7. Practical constraints on the recipient side.

First, what are the various U.S. interests in the country? There may be political, economic, or military interests in a country because of its geography, natural resources, history, or geopolitical significance. They may be strong or weak interests, critical or ancillary, but they certainly need to be taken into account. The interests may constrain, if not define, USAID's programs. There may also be conflicting interests within the U.S. Government, particularly in countries where U.S. political interests are high. These conflicting interests and the trade-offs involved in prioritizing one interest over another should be highlighted in the strategy recommendations.

Second, what existing U.S. Government or USAID policies and strategies are applicable in this context? The assessment team should consider what crosscutting policies and strategies might need to feed into the development of a DRG strategy for the country. Of primary importance for the assessment, of course, would be the *USAID Strategy on Democracy, Human Rights, and Governance*. Other examples, however, might include the *USAID Policy on Gender Equality and Female Empowerment*; *USAID Policy on Youth in Development*; *USAID Countering Trafficking in Persons Policy*; *United States Strategy to Prevent and Respond to Gender-Based Violence*; or *U.S. National Action Plan on Women, Peace, and Security*.

Third, what is USAID's current DRG program? The assessment team should consider both past and current USAID funding in democracy, human rights, and governance, looking at lessons learned as relevant. When looking at current programs, the assessment team should keep in mind that if investments have already been made, they might create political constituencies within USAID, within the recipient country, and within the implementing entities. Although some existing programs may be a poor use of taxpayer dollars and should be wound down, it is more likely that existing programs can be made consistent with the recommendations. The team may recommend modifications to existing programs to align with a new strategic focus. They could also recommend that existing programs run their course while new programs—informed by the new strategic approach—are developed and put into place.

Fourth, where does DRG programming fit into the broader USAID and U.S. Government assistance portfolio in the country? Is it being integrated into other sectors? Are there opportunities for greater synergy across USAID programming sectors? How much attention is paid to democracy, human rights, and governance in the Mission's overall strategy? Is the Embassy or any other U.S. Government agency also providing support in these areas? What is USAID's comparative advantage? Is there a potential risk of overlap? Are there gaps that need to be filled?

Fifth, what are USAID's resources and capacity, both financial and human? What financial and personnel constraints will affect USAID's programming decisions? How flexible is USAID's funding for the country? Is some of it pre-determined through earmarks or other mechanisms? The strategically ideal program may be too costly, either in direct monetary terms or indirectly in terms of personnel. Sometimes the right people or organizations to implement or supervise the implementation are not available. Sometimes it may not be possible to stay the necessary course to see the strategy through to completion and it would be counterproductive to begin a program, which, from the outset, cannot be completed. This could lead local actors to take risks or make commitments they would not be willing to make if they knew that the donor did not have the resources to stay engaged for the long term. Although resources may limit programming options, assessment teams should not necessarily regard them as hard constraints. Rather, they should note if policy priorities and programming opportunities warrant an increase in resources. Assessment teams should also lay out the programming tradeoffs if no increase in funds or personnel is available.

Sixth, what are other donors doing and planning to do? Most likely, there are more needs than donor resources available and there is no point in donors trying to do the same thing. Indeed, they may well get in one another's way. In attempting to achieve donor coordination in the recommendations, the

assessment should consider where gaps exist, as well as the USAID's comparative strengths and weaknesses. How flexible are USAID's implementing options? How cumbersome?

Seventh, what are the practical constraints on the recipient side? Are the personnel resources of the host country adequate for the implementation of the strategy? Are there limits to how much assistance can be effectively absorbed? Do recipients have procedures in place to ensure effective management of funds and programs? Are there risks to recipients of working with donors generally and with USAID in particular? Are recipients receptive to U.S. assistance? How much do these factors influence the likely success of the strategy?

These practical considerations should help distill the analysis of DRG challenges and proposed responses into a recommended strategy. Step 4 provides guidance on this process and outlines the minimal requirements for strategic and programmatic recommendations as the outcome of this assessment.

5.0 STEP 4: OUTLINING THE PROPOSED DRG STRATEGY

The strategic assessment framework presented in this document helps to identify a country’s primary DRG challenge(s) and recommend a strategy for addressing them. It serves as a diagnostic tool to guide resources to the DRG areas where investments will have the most impact. Steps 1-3 of this framework generate information on the key DRG challenges, the actors and institutions that could support or resist reforms, and the U.S. Government and USAID position regarding providing assistance in those areas. The analysis from Steps 1-3 should enable the assessment team to develop strategic recommendations for DRG programming. The goal of the assessment team is to provide independent analysis with strategic recommendations that flow from that analysis. It is then up to USAID to determine whether and how to address the recommendations and potentially develop a more detailed DRG strategy.

The recommended strategy contained in the assessment report should include the following components:

1. **Summary of Steps 1–3.** The assessment team should succinctly summarize the information generated in the first three steps. This will ensure that the team connects their strategic recommendations to the analysis from Steps 1–3. For the core DRG challenge identified in Step 1 of the analysis, the assessment team should note whether the constellation of supporters and opponents or the institutional environment make addressing the challenge viable and whether USAID’s position would support programming in that area. The assessment team should ensure that the analysis of the gendered aspects of the core DRG challenge is reflected in this summary. The assessment team should then use their best judgment to weight Steps 2 and 3 and indicate whether USAID should develop programming to address this challenge or focus on a second tier challenge where there are greater opportunities to have an impact. The assessment team needs to rely on judgment rather than prescriptive guidelines because, for example, U.S. foreign policy and other interests may be paramount in some countries, but have minimal consequences for the analysis in other countries.
2. **Democracy, Human Rights, and Governance Objective(s).** For the core DRG challenge(s) identified for assistance, the assessment team should develop one or more DRG objective(s). In this context, a DRG objective is the most ambitious result the Mission can materially affect related to the core DRG challenge(s). *The assessment team should state the DRG objective in the form of a result.* For example, if they identified the key DRG challenge as “Rampant public sector corruption, ineffective government service delivery, and concentration of power in the executive branch is resulting in citizens’ increasing support for anti-democratic forces in the country,” then the DRG objective could be, “Deepened institutionalization of democracy by making government more responsive to its citizens’ needs and expectations.” Where relevant, the assessment team should draw on their analysis to identify the potential risks or scenarios that would derail the successful achievement of the DRG objective. The report must include recommendations about how to address the gendered aspects of the DRG challenge(s). The objective(s) may also capture efforts to reduce gender inequalities that are identified as contributing to the DRG challenge; these issues may also be addressed within the priority sub-sectors and/or illustrative activities (see below).

3. **Development Hypothesis.** The assessment team should articulate the development hypothesis, which explains why and how the proposed interventions, when implemented successfully, will lead to achieving the DRG objective(s). *The development hypothesis should describe the theory of change, logic, and causal relationships between the DRG objective and the proposed priority sub-sectors and illustrative activities*, often through if-then statements that reference the evidence that supports the causal linkages. In the example used above, the development hypothesis could state, “By strengthening oversight of executive branch institutions, improving public sector service delivery, and expanding citizen participation in decision-making and political processes, USAID will address citizens’ frustration with what they perceive as the failures of democracy and thereby enhance citizen support for democratic governance.”
4. **Priority Sub-Sectors.** The assessment team should then identify priority sub-sectors that are necessary targets of programming to achieve the DRG objective(s) and provide a sound explanation of why it is important to work in those sub-sectors. In the example used above, the strategy could aim to build citizens’ support for democratic governance by working in anti-corruption, service delivery, and citizen participation in political processes and decision-making. In some cases, the proposed strategy would also need to justify *not* working in particular areas, especially if work in these areas has influential constituencies within the country team, the host government, implementers, etc. The assessment team should also identify opportunities to reduce gender gaps or empower women within priority sub-sectors.
5. **Illustrative Activities.** The assessment team should also suggest illustrative activities in these priority sub-sectors. The assessment team should explain, to the extent possible, how such illustrative activities link back to the development hypothesis, theory of change, and/or the potential impact on the problem statement. Using the example above, the strategy might suggest the following illustrative activities:
 - a. Improving the anti-corruption commission’s ability to investigate corruption-related charges and prosecute offenders;
 - b. Building civil society’s advocacy skills and use of independent media to apply pressure on national and local government institutions to undertake targeted reforms;
 - c. Working with reform-minded government ministries to improve financial management systems and make public expenditure information available;
 - d. Establishing a civil service training and continuing education institute to improve professionalism and capacity within the executive branch;
 - e. Supporting citizen committees that work with local governments to monitor budgets and participate in local-level planning and financial management;
 - f. Supporting civil society and women’s organizations to conduct advocacy and outreach to political parties to increase the number of female candidates on party lists;
 - g. Providing support to local human rights groups to monitor abuse of power by executive branch institutions, including security services;
 - h. Strengthening the judiciary to serve as a check on the executive branch; and
 - i. Supporting civil society to advocate for decriminalization of homosexuality and the ability for transgender persons to change their gender markers on voter cards.

The depth and level of detail in these programmatic recommendations will vary depending on the country conditions and expertise of the assessment team. In each case however, this section of the

proposed strategy should include as much detail as is supported by the analysis and that the assessment team is comfortable presenting.

6. **Scenario-Based Planning.** In countries experiencing instability or undergoing a transition, the proposed strategy and programming may be highly dependent on factors outside of USAID’s control. In such cases, some discussion of scenarios or notable contingencies may be helpful. In the 2008 DRG assessment in Zimbabwe, for example, the assessment team discussed the possibility of continuity under Mugabe or his successor, a national unity government, or an opposition victory, and explained how the DRG strategy aimed at restoring a rule of law and how promoting accountable governance would change under each scenario.
7. **Gender Considerations.** As noted above, the assessment team should address relevant gender gaps and evaluate the impact of gender dynamics on defining the DRG challenge(s) throughout the analytical process. Although the DRG assessment is not expected to fulfill the requirements of a full gender analysis, it must identify key gender issues that relate to the identified DRG challenge(s) and integrate attention to gender dynamics and inequalities throughout its analysis and recommendations. Missions can then conduct more detailed analyses of key gender issues as needed. Considering gender throughout the analysis will involve examining:
 - Differences in the status of men and women and their differential access to assets, resources, opportunities, and services;
 - The influence of gender roles and norms on leadership roles and decision-making;
 - Potential constraints, opportunities, and entry points for narrowing gender gaps and empowering women and girls; and
 - Potential differential impacts of the recommended areas for intervention on men and women, including unintended or negative consequences.

In recommending programmatic areas for intervention, the assessment team should also explicitly identify programming areas that will contribute to reducing gender gaps and advance gender equality as related to the key DRG challenge. For example, if political parties are identified as a key actor, but women are poorly represented in parties and the parties do little to reach out to female constituents, recommendations for working with parties would include strategies for increasing women’s representation and parties’ capacity to solicit and respond to the interests of female constituents. The assessment team should take care to make recommendations that do not exacerbate gender inequalities. For example, recommending a focus on the use of new media in civic and voter education in a country where there is a gender gap in terms of Internet access could increase gender disparities in opportunities for civic and political participation, unless this recommendation is balanced by accompanying efforts to increase women and girls’ access to Internet and to produce some voter education using more traditional media. The assessment team should clearly explain how the proposed strategy could systematically incorporate these considerations of gender equality and female empowerment, in line with the USAID Gender Policy.

8. **Sequencing (optional).** If appropriate and supported by the analysis, the assessment team should note any sequencing related to the recommended programming, such as ensuring the existence of effective legal recourse before encouraging CSOs to demand legal sanctions for corrupt officials.

In the end, the purpose of a strategic assessment is to identify the primary DRG challenge and recommend a strategy and programming options to address it. The hope is that this framework can help those who are committed to promoting democracy, human rights, and governance find a coherent way to do so.

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ANNEX A: GUIDANCE TO MISSIONS ON DRG ASSESSMENTS



CENTER OF EXCELLENCE ON DEMOCRACY, HUMAN RIGHTS, AND GOVERNANCE

Democracy, Human Rights, and Governance Assessment Guidance for Missions

Congratulations on your interest in conducting a Democracy, Human Rights, and Governance (DRG) Assessment. Using a standard methodology (see *Conducting a DRG Assessment: A Framework for Strategy Development*, revised 2011), DRG Assessments help Missions develop strategies that address the core DRG problem(s) in a country and guide resources to the DRG areas in which they will have the greatest impact. By honing in on the key DRG challenges and providing a realistic analysis of stakeholders, opportunities for reform, and resources, DRG Assessments increase the effectiveness and sustainability of DRG programs.

While DRG Assessments have great value in developing a realistic DRG strategy and prioritizing DRG investments, it is important to note that these assessments are **not** sub-sectoral assessments or program evaluations, nor are they going to lead directly and immediately to program design. Oftentimes, Missions must follow a DRG Assessment with more targeted sub-sectoral assessments. DRG Assessments are also not designed to provide a detailed approach to DRG integration or cross-sectoral programming. They are primarily a look at the DRG sector, and while they can provide limited macro-level recommendations on opportunities for DRG integration, other tools, such as political economy analysis, is a more effective methodology for this purpose. DRG Assessments can be an important analytical input into the development of a Country Development Cooperation Strategy (CDCS) and can provide the foundation for the Democracy, Human Rights, and Governance components of a Mission's CDCS.

DRG Assessments are most useful when they provide a **candid and independent perspective** on the DRG challenges, dynamics, and opportunities in country. Missions and Embassies will not always agree with the analysis, findings, or recommendations. However, the independence and integrity of the analysis should be maintained. Of course, what the assessment team concludes is for USAID's consideration. USAID can then decide whether and how to use the insights and recommendations.

When to Assess

- At the outset of a new country program
- At the beginning of a new country strategy process

- If there have been significant shifts in the political environment
- If there have been major changes in U.S. policy
- If there has been a notable influx or decrease in available resources

Assessment Mechanics

- ***Mechanism and Cost:*** DCHA/DRG has a core Task Order under which DRG Assessments can be conducted. DCHA/DRG is able to partially fund DRG Assessments, but requests that Missions contribute a cost-share of up to half of the cost of the Assessment – or up to \$85,000. DCHA/DRG will take care of relevant procurement actions and approvals.
- ***Work Plan:*** Once the Mission and DCHA/DRG have agreed to conduct a DRG Assessment, DCHA/DRG will work with the Mission to review the standard assessment workplan and discuss any modifications that need to be made. Missions should not expect to make drastic changes to the workplan because it must remain consistent with the Task Order SOW and overall DRG Assessment approach and methodology. However, it is important that the Mission clearly convey if there are particular areas of analysis that the team should consider and what type of product they want given the unique circumstances on the ground. If DCHA/DRG concurs with the revisions, the workplan will be shared and discussed with the contractor and DRG Assessment team.
- ***Team Structure:*** In the standard assessment model, teams are comprised of an expatriate Senior Program Development Specialist (Team Leader) and Senior Political Scientist (Country Expert) as well as a local country expert, local logistician and other local support staff. Missions will work in tandem with DCHA/DRG and the contractor on team composition according to the standard model or an alternative staffing structure where appropriate.
- ***Alternative Assessment Models:*** In addition to the standard assessment model, DCHA/DRG is increasingly exploring alternative approaches and models for fielding DRG assessments. Beyond just obtaining an assessment document, many Missions increasingly view the assessment as an important process to deepen the knowledge of Mission staff or to build consensus across the Mission about the political dynamics in a country. In planning a DRG Assessment, Missions should consult with DCHA/DRG to consider the purpose of the assessment beyond the assessment document itself, and whether an alternative approach may be appropriate. A sample of alternative assessment models can be found in the document “Assessment Approaches and Methods.”
- ***DCHA/DRG Roles and Responsibilities:*** The TOCOR of the DRG Assessment Task Order, working closely with the relevant Regional or Deputy Regional Coordinator, will be the main POC in the DRG Center on issues related to the scope of work and team composition. After the team and work plan have been finalized, the Regional or Deputy Regional Coordinator in DCHA/DRG is the main POC on the planning, implementation, and follow-up work of a DRG Assessment. The Regional Coordinator, the TOCOR, and, as appropriate, other staff in DCHA/DRG, the Mission, and the assessment team will conduct an initial conference call to discuss the timing of the field work, logistics, the work plan (especially any deviations from the standard DRG Assessment methodology and approach), and other special considerations for the country (i.e. sensitivities with meeting certain partners/officials, security issues, Embassy concerns, etc.). The Regional or Deputy Regional Coordinator will set up a second conference call with the Mission prior to the team’s departure to hammer out the final details with regard to the assessment, interviews, logistics, etc. This will be an opportunity to ensure that any outstanding questions are answered before the team hits the ground. The Regional or Deputy Regional Coordinator will often arrange for the team to present its major findings and recommendations to interested parties in Washington, including USAID, State

Department, NSC, and DOD. DCHA/DRG will also distribute the final report to all interested stakeholders within the USG.

- **Team Preparation:** The team will prepare by reviewing key documents (many of which will be provided by the Mission); conducting meetings with USG officials and/or country experts, as appropriate; and creating a list of people to be interviewed in the field, in consultation with the Mission. The Regional or Deputy Regional Coordinator will set up the meetings with USG officials if the team has Washington consultations built into the work plan. See separate *Guidance for Assessment Teams* to understand preparations teams must undertake.

Mission's Role and Responsibilities

DCHA/DRG has found that the most useful and relevant assessments are generated when there is significant Mission participation and buy-in. While assessments are primarily organized and partially funded by DCHA/DRG, and are meant to provide an independent analysis, Missions have an important role to play in ensuring that teams have the right composition, interview the most critical actors, and understand the strategic and operational environment in which USAID designs and implements its programs. **For Step 3 of the assessment** – which introduces U.S. and USAID interests, resources, and constraints – **the onus is on the Mission to provide materials and information to the team.** The Mission does not need to draft this section but should provide the assessment team with the information and material it needs to develop pragmatic, relevant, and well-informed strategic and programmatic recommendations.

Mission participation throughout the process is essential for ensuring that the final product is useful. Ultimately, the goal is to have an assessment that the Mission *uses* to develop or modify its strategy and DRG programming, which is most often the case when the Mission is involved throughout the assessment process. While it is not always possible for the Mission to dedicate a full-time staff member for the entire duration of the field work, there is a lot of value to having regular interaction between the team and Mission personnel before, during, and after the field work. This helps ensure continuity and increases understanding of the process by which the analysis and recommendations are derived.

In addition, **in requesting a DRG assessment, the Mission is agreeing to undertake the following tasks.** Fulfilling these responsibilities in a timely manner is essential to the success of the assessment.

Before the team arrives in country

Managing Expectations

- Sensitize Mission leadership (and Embassy officials, as appropriate) on what a DRG assessment is and is not. Given the potential sensitivity of the analysis, it is important for Mission, and often Embassy, leadership to understand the assessment methodology, final product to be delivered, timeline for deliverables, and how the assessment will be used.
- Determine whether the final assessment document should be shared outside the USG. It is very important to let the team know up front whether there is a desire to share the document with host government officials, other donors, and/or implementing partners as this may affect the inclusion of certain content. In very sensitive environments, it may be preferable to make the document SBU to allow for candor.

Team Composition

- In consultation with the TOCOR, Missions should be involved in recommending the local expert(s) to be on team and approving the team leader and country expert.

- Identify Mission participation in the assessment, and if possible, identify a full-time member of the assessment team. Mission participation is critical to ensure that the analysis and assessment findings and recommendations are effectively absorbed and applied by the Mission, and that the team adequately understands the Mission's needs and perspectives.
- In consultation with the Regional or Deputy Regional Coordinator, identify a USAID/W participant where possible. USAID/W, and particularly DCHA/DRG, participation on DRG assessments can be critical in helping to provide quality control over the assessment and also ensuring that the analysis and recommendations inform Washington policy and other planning and strategy processes. Missions may be asked to finance the participation of a USAID/W team member.
- Where feasible, Missions should recommend other local team members, including the logistician and translator.

Communications

- Open the lines of communication with the assessment team at the outset of the process. During an initial conference call (to be arranged by the Regional or Deputy Regional Coordinator), the Mission and team should review the workplan and determine who is responsible for setting up interviews and making other logistical arrangements.
- Participate in a second conference call (to be scheduled by the Regional or Deputy Regional Coordinator) with the assessment team prior to their departure. This will be an opportunity to answer any outstanding questions about the assessment, interview list and protocols, logistics, etc. before the team hits the ground.

Documents

- Provide the team with core Mission documents including: Mission Strategic and Resource Plan, Country Development Cooperation Strategy (CDCS), program fact sheets or summaries, completed sub-sectoral assessments, completed sub-sectoral or programmatic evaluations, and budget summary.
- Recommend other key documents for the team to review, such as external reports, news articles, constitutional/legal documents, other donor analyses, etc.

Appointments

- Provide the team with list of recommended interviewees.
- Set up appointments with Mission personnel and Embassy officials; in addition to the documents provided above, these consultations should provide the team with the necessary information for Step 3 of the assessment.
- Write introduction letters and/or set up appointments with host government officials.
- Schedule other appointments, as determined between the assessment team and Mission. If USAID is primarily responsible for setting up interviews, the Mission will need to appoint a dedicated staff member to provide logistical support to the team.

While the team is in country

- Typically, when the team arrives in country, the Mission will conduct an in-brief, outlining the parameters of the DRG portfolio, conveying key strategic or operational issues, and finalizing logistical issues, such as meetings with government counterparts. It is recommended that the team receive an in-briefing from the Embassy as well.

- Designate a POC at the Mission to maintain regular contact with the team throughout their time in country (may be different than the POC responsible for logistical support).
- Encourage broader Mission participation, as appropriate. For example, the team may want to meet with other technical offices to explore potential synergies with proposed DRG approaches or programs. Ensure that the full-time Mission team member is freed from normal work responsibilities in order to fully participate as a member of the team.
- Accompany the team on important interviews, for example, with ministry officials [Note: Mission personnel and the assessment team leader should jointly determine whether USG participation in certain interviews will encourage or deter frank dialogue.]
- Schedule final presentation for the Mission and Embassy. Before departing the field, the team will present their preliminary findings to the USAID Mission and Embassy. [Note: At this point, teams will not have completed their analysis or thoroughly developed their strategic or programmatic recommendations.]

Following the assessment

- Review draft and provide comments in a timely manner (not to exceed three weeks). Within 3 weeks of departing, the team will produce a first draft of the assessment for the Mission's review. It is important for the Mission to give concrete feedback and substantive edits on this document within 3 weeks. **Comments should be reasonable, substantive, and limited to what is required, as codified in *Conducting a DRG Assessment: A Framework for Strategy Development, the Task Order SOW, and work plan*.** Assessment teams should not be asked to address issues or provide analysis that is superfluous to the main DRG problem(s) identified. If there are questions, the Regional or Deputy Regional Coordinator and TOCOR will make the final determination about comments to be accepted or rejected. The team will then address the Mission's comments and finalize the document within 2 weeks after receiving the feedback. The team will also produce an executive summary to accompany the DRG Assessment; this piece will also be vetted and approved by the Mission. [Note: The exact timeline may vary from team to team; deadlines should be clearly stated in the work plan.]
- Approve final document in a timely manner [Note: approval does not require that the Mission *agree* with all points of the analysis or the recommendations; after all, this is an independent assessment. Approval signifies that the team has met the terms of the Task Order SOW and workplan and made *reasonable* efforts to address the Mission's comments and feedback.]
- Provide feedback to DCHA/DRG on the quality of the team members and product. This input is very important for future assessments and ongoing monitoring of the contract.

U.S. Agency for International Development

1300 Pennsylvania Avenue, NW

Washington, DC 20523

Tel: (202) 712-0000

Fax: (202) 216-3524

www.usaid.gov