Contributing to Democratic Consolidation and Sustainable Peace in El Salvador and the Philippines

Overcoming the Quest for Stability

Kimana Zulueta-Fülscher

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Abstract

In the context of high levels of violence, El Salvador and the Philippines have had relatively successful democratisation processes. Nonetheless, despite decades of external institutional support, both countries have not yet achieved peace, nor fully consolidated democracy. What explains the lack of effectiveness of external state-building and democracy-support policies, and how could it be overcome? I argue that one explaining factor is the lack of commitment to pursue structural reforms, both from the donor and the partner side. It is what I call the "ownership dilemma". With the connivance of local elites, external donors mainly focus on capacitating certain state institutions, rather than on advancing the inclusiveness of the democratic system. Donors' policies reflect the existence of unresolved conflicting objectives between the alleged goals of state-building and democracy-support programmes – democratic consolidation and sustainable peace – and policies that both donors and partners are ready to implement. At the same time, however, as both case studies show, windows of opportunity enable donors to support change and overcome local elites' hesitations.

Contents

Abbreviations

ARENA	Alianza Republicana Nacionalista
ARMM	Autonomous Region in Muslim Mindanao
AusAID	Australian Aid
BDA	Bangsamoro Development Authority
BIFF	Bangsamoro Islamic Freedom Fighters
CPP/NPA	Communist Party of the Philippines / New People's Army
CSO	Civil Society Organisation
DAC	Development Assistance Committee
DIE	Deutsches Institut für Entwicklungspolitik / German Development Institute
EU	European Union
FES	Friedrich-Ebert-Stiftung / Friedrich Ebert Foundation
FMLN	Frente Farabundo Martí para la Liberación Nacional
FUSADES	Fundación Salvadoreña para el Desarrollo Económico y Social
GDP	Gross Domestic Product
GPH	Government of the Philippines
ICG	International Contact Group
IMT	International Monitoring Team
INGO	International Non-governmental Organisation
MinDA	Mindanao Development Authority
MILF	Moro Islamic Liberation Front
MNLF	Moro National Liberation Front
MS13	Mara Salvatrucha
NGO	Non-governmental Organisation
OECD	Organisation for Economic Co-operation and Development
UN	United Nations
UNDP	United Nations Development Programme
UNYPAD	United Youth for Peace and Development

1 Introduction

In an attempt to end endemic conflict and advance peace and stability, states such as El Salvador and the Philippines are engaging non-state armed groups in peace negotiations. However, the consensus in both theory and praxis is that the resulting peace agreements, while sufficient to secure short-term stability, are insufficient to secure sustainable peace in the absence of capable and legitimate institutions (Call 2012, 33; Paris / Sisk 2009, 1–2; see also Paris 2004).[1] Still, decades-long external institutional-support has not led to democratic consolidation and sustainable peace, not even to a sustained reduction in conflict levels. Why? And what can be done to overcome this situation?

This paper assesses how donors[2] engage peace processes and institutions in both El Salvador and the Philippines in their support of democratic consolidation and sustainable peace. Policies aimed at strengthening the institutional framework refer in this paper to either state-building or democracy-support policies.[3] Additionally, this paper identifies the main factors contributing to effective state-building and democracy-support policies in these specific country-contexts.

Indeed, El Salvador and the Philippines seem to have little in common, as they differ with regards to a number of factors, such as location, geographical composition, population size, gross domestic product (GDP) growth and presence of natural resources. At the same time, these countries share a number of crucial characteristics. Both are presidential democracies with low levels of authority – resulting in high conflict rates – but relatively high levels of state capacity (Grävingholt / Ziaja / Kreibaum 2012; Call 2011; Besley / Persson 2011).[4] I argue that these similarities shape not only the design but also the effectiveness of democracy-support and state-building policies.

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1   When this paper refers to a legitimate institutional framework, it is in reference to an inclusive and democratically organised institutional framework able to respond to the demands and grievances of large sectors of society.

2   This paper uses the term "donor" or "external donor" to denote member states of the Organisation for Economic Co-operation and Development (OECD) Development Assistance Committee (DAC), as well as the development banks, such as the World Bank, the Asian Development Bank, the Inter-American Development Bank and specific UN organisations.

3   The OECD (2008, 2011) defined state-building as an *"endogenous process to enhance capacity, institutions, and legitimacy of the state driven by state-society relations."* Concurrently, Paris and Sisk define state-building as *"a particular approach to peacebuilding, premised on the recognition that achieving security and development in societies emerging from civil war partly depends on the existence of capable, autonomous and legitimate governmental institutions"* (2009, 1–2; Paris 2004). Democracy support can be defined as those policies *"designed to foster a democratic opening in a non-democratic country or to further a democratic transition in a country that has experienced a democratic opening"* (see Carothers 1999, 6). Both policies overlap to a great extent, in as much as the given state accepts democracy as its governing system, and the democratic institutional build-up as one of its aims.

4   This paper is part of a bigger German Development Institute (DIE) research project on "Democracy and Stability in Contexts of Fragility". Both case studies were chosen using three distinct criteria: structural similarity in terms of state capacity, authority and legitimacy, following Grävingholt, Ziaja and Kreibaum's (2012) multi-dimensional fragility typology; absence of a democratic relapse or improvement in aggregate democracy levels (Polity IV); and increasing "governance and civil society" assistance funds over the past 10 years (OECD/DAC). The time period we looked at spanned from 2002 to 2012.

Assuming that external state-building and democracy-support policies will only have a limited impact in supporting peace and democracy, the analysis of El Salvador and the Philippines shows that these policies face two interrelated challenges. The first is what I call the "ownership dilemma". Although the 2005 Paris Declaration on Aid Effectiveness and the 2011 Busan Partnership documents asserted that "country ownership" was a crucial factor for aid effectiveness, they assumed that partner countries already have "development-oriented political leaderships" (Booth 2012, 537; Faust 2010). Political elites in both El Salvador and the Philippines, however, either reject or postpone the structural reforms necessary to build more inclusive and democratic institutions. The ownership dilemma flourishes when external donors thwart their own official goals – peace and democracy – to abide by action plans agreed with governments unwilling to pursue reforms (Zürcher 2011; Zürcher et al. 2013).

The second challenge is that this ownership dilemma mirrors the existence of unresolved "conflicting objectives" between, on the one hand, supporting structural reforms aimed at democratic consolidation and at peace sustainability and, on the other hand, maintaining short- and medium-term stability (Grimm / Leininger 2012). External policies usually focus on enhancing the institutional *capacity* of the state rather than supporting *inclusive and democratic* institutions (Call 2012; Doyle / Sambanis 2000; Paris / Sisk 2009), thereby supporting short-term stability rather than long-term peace and democracy (Joshi 2013).[5]

The analysis is based on field trips to El Salvador in November 2012 and to the Philippines in February 2013.[6] I used both secondary literature and 135 semi-structured interviews with key stakeholders – policy-makers, officials of donor organisations, civil society representatives and experts – for data-gathering and triangulation. The ambition of the analysis is exploratory.

The paper is structured as follows: section two compiles relevant theories that respond to the main research question: Why has sustainable peace and democratic consolidation been so difficult to reach after decades-long institutional support, and what can be done about it? It presents two interrelated claims: first, the ownership dilemma and conflicting objectives as potential explanations for the lack of effectiveness of these policies, and second, windows of opportunity where external donors might be able to support leaps in the democratic consolidation of a given country. These arguments are further exemplified in sections three and four through the analysis of the two case studies, El Salvador and the Philippines. In these sections, I first describe the institutional context that embeds the process of democratic consolidation and current peace processes in these countries. Second, I analyse the way in which external donors engage these processes, clarifying both challenges and opportunities for the effectiveness of their policies. Section five concludes.

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5   Policy recommendations with regards to how to externally support the institutional framework in emerging democracies – such as El Salvador and the Philippines – when they aim at sustainable peace are limited (Grimm / Leininger 2012, 392; Zulueta-Fülscher 2014).

6   The clustering of both countries within the same group is based on average 2007–2009 data. According to this baseline, the authority in both states was relatively low, whereas their capacity was significantly higher. Variation with regards to their state legitimacy is normal within this country cluster.

2   Contributing to democratic consolidation and sustainable peace

The literature has repeatedly thematised the relationship between democratisation process-es and conflict (Mansfield / Snyder 1995, 2002, 2005; Ward / Gleditsch 1998; Gleditsch / Ward 2000). Mansfield and Snyder (1995), the initiators of this debate, argue that there is a positive relationship between countries in transition to democracy and the likelihood of war. Later they specify that the positive relationship between democratisation and conflict only ensues in states that suffer from institutional weakness (Mansfield / Snyder 2002, 2005).

Therefore, in those states where the institutional framework is weak, Mansfield and Snyder (2005) contend that donors should prioritise strengthening institutions before committing to full-scale democracy support due to the risk of instability. But wherever state institutions have a certain capability, donors should gradually combine state-building policies with supporting democratic values and principles (see Carothers vs. Mansfield / Snyder 2007).

Parallel to this literature, the latest peace- and state-building theory argues that for peace to be sustainable, state institutions need to be both capable and legitimate (Call 2012, 4; Joshi 2013; OECD 2011; Paris / Sisk 2009; World Bank 2011). A broadly legitimate insti-tutional framework is one that includes, gives voice to and responds to demands and grievances of large sectors of society (Call 2012, 39). Such an inclusive institutional framework is, in turn, part and parcel of any well-developed democratic system (Savoia / Easaw / McKay 2010, 146).

Limited institutional support and the ownership dilemma

Both El Salvador and the Philippines are still consolidating democracies with increasingly well-functioning – but relatively exclusive – state institutions, mostly captured by a lim-ited number of interest groups and political elites. The understanding that an imperfect institutional framework lies at the root of persisting conflict in these societies leads exter-nal donors to focus their efforts on strengthening institutions through state-building and democracy-support measures (Fox / Hoelscher 2012). Despite institutional strengthening, however, crucial progress in terms of achieving peace sustainability has been slow and stimulated only by governments themselves initiating peace negotiations.[7]

One possible explanation for this lack of effectiveness of external support concentrates on the donor side. Part of the literature claims that state-building operations focus more on capacity-building than on creating an inclusive and democratic – and therefore legitimate – institutional framework that could ensure sustainable peace. Some authors argue that there are contradictions and dilemmas inherent to state-building policies that impede a deeper engagement or higher effectiveness of external policies (Paris / Sisk 2009).[8] Others

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7   The very fact that these countries suffer from violent conflicts today can be understood as the failure of previous state-building measures, as state institutions are not *"capable, autonomous and legitimate"* (Paris / Sisk 2009, 1) enough to deal with conflict, in turn enabling groups to challenge or undermine the state.

8   Some of the contradictions and dilemmas Paris and Sisk (2009, 307–309) refer to include footprint dilemmas, duration dilemmas, participation dilemmas, dependency dilemmas and coherence dilemmas.

argue that there is a deliberate focus on institutional capacity that excludes support for an *inclusive* institutional framework (Call 2012; Schneckener 2011). According to these authors, the focus of external donors on institutional capacity is precisely what limits the impact of state-building policies (see the UN SG Policy Committee Decision, May 2007).

I argue, concurrently, that these explanations are only symptoms of a broader issue that I term the ownership dilemma. That is, partner governments are unwilling to pursue structural reforms, and donor countries concede to development action-plans designed – and usually also implemented – by partner governments' institutions (UNDP Country Programme Document 2012–2016, 7).[9] Capacity-building, therefore, becomes a priority in development plans, as opposed to creating an inclusive or democratic institutional framework. An inclusive and democratic institutional framework likely requires structural reforms.[10] Hence, if institutions are relatively exclusive – not representative, participative, open and accountable – making them inclusive or democratic would require that traditional elites cooperate and relinquish at least part of their power (Acemoglu / Robinson 2012; Call 2012).[11]

Two different issues concur in this regard: first, the reticence of local elites to give up power, and second, the need to give up power when establishing inclusive or democratic political institutions. Acemoglu and Robinson argue that *"there is no necessity for a society to develop or adopt the institutions that are best for economic growth or the welfare of its citizens, because other institutions may be even better for those who control politics and political institutions"* (2012, 44; see also Booth 2012; Faust 2010; Zürcher et al. 2013).[12] In other words, if inclusive institutions lead to a change in the balance of powers – and to some elites either losing power in favour of other elites or in favour of a majority – elites in power will likely oppose this type of institutional reform.

At the same time, external donors are not always ready to use their own political leverage if local elites resist. According to Zürcher (2011, 88), in peace-building contexts, international actors are often ready to compromise their own values and principles – democracy, in this case – whenever they do not wish to risk instability. This lack of commitment on

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9 The role of local (or government) elites has gained traction in the recent past within the peace-building (and generally, the development) literature (Leftwich 2010). Especially in emerging democracies – where civil society organisations and/or political parties are either not representative, only partially representative or too weak – local ownership usually means the ownership of local (or government) elites.

10 This is, of course, not a new phenomenon, but one that has been analysed with increasing interest since the 2005 OECD Paris Declaration, which calls upon donors to take "country ownership" into account, but without defining what exactly is meant by country ownership, government ownership or general public ownership.

11 Charles Call (2012) *"sees the consolidation of peace as dependent foremost on a state whose main social groups see the state as offering them acceptable levels of representation and participation"* (Call 2012, 226). Indeed, Call's central finding is that political exclusion – rather than economic or social factors – plays the decisive role in most cases of civil war recurrence: political exclusion acts as a trigger for renewed armed conflict. He refers to political exclusion as *"the perceived or actual deprivation of an expected opportunity for former warring parties, or the social groups associated with them, to participate in state administration, through either appointed posts or elective office. In separatist struggles, those opportunities are concentrated in authority over a substate territory"* (Call 2012, 4).

12 Zürcher et al. talk about "adoption costs", *"shaped by whether actors feel they stand to gain or lose physical, political, and economic security by playing the democratic game"* (2013, x).

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the part of external donors may happen in any context where local elites oppose necessary institutional reforms. External donors will, as a consequence, refrain from resolutely pushing for those reforms.

Conflicting objectives

This ownership dilemma reflects the persistence of conflicting objectives in state-building and democracy-support policies. Grimm and Leininger (2012, 397) define conflicting objectives as *"the clash of two competing goals, whereby the achievement of one goal is impaired by the achievement of the other goal"* (see also Spanger / Wolff 2007).

Although both scholars and practitioners acknowledge that inclusive and democratic institutions are necessary for sustainable peace (Acemoglu / Robinson 2012; Call 2012), external donors often fall short of systematically supporting structural reforms that could lead to further inclusiveness and democratisation of national governance systems, for example by supporting the legislative or the political party system (Diamond 1994, 32; Keefer 2008, 59; Merkel 2010). This is the result of formal or informal bargaining processes, by which external donors and local elites come to agree on the kind of institutional framework they are both able and willing to support (Zürcher et al. 2013, 6).

The result of these bargaining processes depends on a number of factors. According to Zürcher et al. (2013, 132), assuming that the priority of external donors is to support long-term democratic consolidation and peace sustainability, the bargain will nonetheless result in prioritising short-term stability and postponing long-term peace and democracy, if the cost of adopting structural reforms is high for local elites and the leverage of external donors is low.[13]

Where this is the case, external donors may be more inclined to focus on strengthening the institutional *capacity* of the state and only supporting civil society organisations (CSOs) after government agreement. In those rare occasions where external donors decide to support CSOs to pressure the government for reforms, the leverage of CSOs will be limited, at best. This is the case when either external donors are unwilling or unable to back these policies with direct (diplomatic) pressure, or in the absence of inclusive, democratic and reform-oriented political parties able to support the process from within (Diamond 1994, 15).

External donors, for the most part, demur supporting both political parties and parliaments. There are at least two reasons for this: first, a myriad of stakeholders regard the direct assistance of these actors by external donors as undue interference in domestic affairs; and second, direct assistance for both of these institutions depends on demand, and demand is low, if existent at all (Carothers 1999). At the same time, external donors also forgo other instruments at their reach, such as diplomatic pressure and conditionality clauses, to bring about crucial reforms in these areas.[14]

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13   The opposite would be true if adoption costs were low and the leverage of donors was high.

14   According to Zürcher et al. (2013, 140), when donors are unable or unwilling to apply conditionality, or lack the coherence or the commitment to support democracy over other concerns, then *"aid does not effectively increase donor leverage or mitigate adoption costs."*

Generally, external donors pursue democracy-support policies in a non-intrusive, cooperative, top-down fashion, always in agreement with the relevant local authority and rarely challenging the *status quo* (Grimm / Leininger 2012, 406). This type of external support runs the risk of ignoring precisely those social and political structures that are either at the root of conflict or that could represent a viable solution to conflict if properly targeted, that is, political parties in the legislative. At the same time, it runs the risk of ignoring the process of democratic consolidation altogether, and therefore neglecting one of the main sources of sustainable peace (Savun / Tirone 2011, 241).

Leaps in the democratic consolidation of a country, however, do not necessarily depend on interventions by external actors. In fact, such processes might ensue in spite of – or independently of – external interventions, as I argued before. Windows of opportunity might arise, bringing about change and forcing local and external actors to revamp their relationship. If successful, these windows of opportunity might become critical junctures (Acemoglu / Robinson 2012; Capoccia / Kelemen 2007; Mahoney 2001). These include moments in history where change hits path dependency, irrevocably altering (institutional) behaviours. The role of international actors may be to support the emergence of these windows of opportunity, but more likely support their survival and sustainability (Schmitter / Brouwer 1999).

In short, an inclusive or democratic institutional framework is a necessary factor for sustainable peace. External donors, however, have mostly focused on institutional capacity rather than on supporting the emergence of inclusive institutions. One possible explanation relates to the ownership dilemma. This dilemma partly mirrors conflicts between the overall goal of policy initiatives – sustainable peace and democratic consolidation – and the actual practice of capacity-building. Still, change is possible, but more often than not it materialises out of internal dynamics, irrespective of external support. In these rare occasions, external donors have the opportunity to support change and its sustainability.

The next two sections exemplify these dynamics and analyse the role of external donors in supporting sustainable peace and democratic consolidation, given the political elites' relatively low commitment to reform. In the case of El Salvador, as opposed to the Philippines, we see how external interventions in some instances decisively contributed to leaps in the democratic consolidation process, precisely by supporting these windows of opportunity.

3   El Salvador

3.1   Context: democratic consolidation and the state

El Salvador went through a democratic transition in the 1980s and 1990s, during and after a 12-year civil war between the government of El Salvador and a left-leaning guerrilla group, the Frente Farabundo Martí para la Liberación Nacional (FMLN). The war ended with the 1992 Chapultepec Peace Accord. This Peace Accord set the stage for a number of economic and political reforms that were to deeply transform the state's institutional framework (Call 2002, 832). Institutions were to become more democratic, and therefore more accountable and responsive to the demands and grievances of most citizens (Rubio-Fabián et al. 2004). These reforms were not to happen overnight – 20 years after the Peace Accord, progress in El Salvador's democratic consolidation is still ongoing.

Parallel to this consolidation process, levels of violent conflict have steadily risen since the end of the war. Violent conflict has been mostly related to organised crime, specifically violent youth gangs, such as the Mara Salvatrucha (MS13) and the Barrio 18.[15] In 2011 the Salvadorian government decided to take the short road to peace, "facilitating" talks among both youth gangs.

In this subsection, I first focus on the sometimes hesitant process of democratic consolidation in El Salvador, specifically concentrating on the evolving interaction among state powers and the newly-won independence of the judiciary. Next, I focus on the peace process, whose sustainability depends on the development of an inclusive and democratic institutional framework. In the following subsection, I analyse the engagement by external donors of both the peace process and the process of institutional reform, addressing opportunities and challenges for the effectiveness of their policies.

Consolidating democracy

With regards to the system of government, the 1983 Constitution established a presidential system with a multiparty legislative, the National Assembly. The Salvadorian electoral system favours a three-party system, wherein none of the two major political parties can itself obtain a simple majority in the Assembly (Artiga-González 2008).[16] To achieve a majority, *de facto* the two largest parties need to agree to a common position, or one of them needs to look for a hinge coalition partner to boost its weight in the Assembly.[17] This is crucial because, theoretically, it curbs presidential powers, as the political party close to the President will need to find at least one coalition partner to guarantee its majority in the Assembly.

It became even more important following the signing of the 1994 Peace Accord, because the former guerrilla group, the FMLN, entered the political process as a political party. The inclusion of the FMLN in the Salvadorian political process fundamentally changed the existing balance of powers in the National Assembly. Before 1994 the Assembly had been overwhelmingly conservative, but after 1994 it increasingly included left-leaning constituencies. The FMLN started standing for elections in 1994, constituted the second largest political party in the National Assembly until 2000, and became the largest party after that. In 2009 the FMLN candidate – Mauricio Funes – finally won the presidency.[18]

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15   On the one hand, rising conflict levels hamper the democratic consolidation process, clogging the judicial system and further polarising parties in parliament. On the other hand, they are the consequence of insufficient institutional consolidation and lack of opportunities in the broader sense.

16   The two major political parties in the Salvadorian National Assembly from 1994 onward were the conservative Alianza Republicana Nacionalista (ARENA) and the left-leaning (former guerilla group) FMLN. The third-largest party was, until 2009, the conservative Partido de Conciliación Nacional, substituted in 2012 by the Gran Alianza por la Unidad Nacional, an ARENA splinter party headed by former President Tony Saca.

17   A third option to reach a majority in the National Assembly would require representatives from one of the two largest parties to leave the party cadre and to join another party.

18   Broad sectors of society saw Mauricio Funes as a carrier of hope and instigator of much-needed change, as stagnation was starting to seize previous transformation efforts. Funes was neither part of the traditional political elite nor a party member before becoming the FMLN candidate. He was a renowned

This change in the balance of powers affected a number of state institutions that depended on the relative weight of political parties in the legislative, such as the judiciary. The constitution establishes the need for two-thirds majorities in the Assembly to elect or dismiss, for example, the Attorney General or the magistrates of the Supreme Court, including the magistrates of the Constitutional Chamber. This should have ensured the de-politicisation and independence of judicial nominations, as it calls for broad-based coalitions in the National Assembly. However, deep political-party polarisation in the National Assembly hampers the constitution of "great coalitions". And in those instances where the two largest parties in the Assembly are unable to agree to common candidates – or unable to reach a sufficient majority – an impasse ensues.

However, significant leaps in democratic consolidation have occurred in the process of resolving some of these impasses. In 2009, for instance, after the presidential and legislative elections, four out of five magistrates to the Constitutional Chamber were to be newly elected. Disagreements among both major political parties as to their preferred candidates meant that none of them were able to reach a two-thirds majority in the National Assembly. The impasse was only broken by President Funes, whose mediation was necessary to find compromise candidates. Four independent judges were finally nominated for a nine-year term. This was an essential improvement to a *"judicial system* [that still] *remained weak, inefficient, antiquated, overly partisan, and subject to corruption"* (Call 2002, 859) almost 20 years after the signing of the Peace Accord. It was also the sign that domestic and external observers of the democratic consolidation process in El Salvador had been looking for: a domestic reformist figure who would work to overcome political party polarisation and strengthen judicial independence – both issues being key to fighting endemic corruption and crime.

These judges had indeed promised to start decongesting the Constitutional Chamber by delivering judgments on a number of pending cases. But their sentences were far from uncontroversial, as they touched upon key political institutions and powers, such as the executive, the legislative, political parties and even the media. For example, they enabled independent candidates to stand for elections; they ruled for open – as opposed to closed and blocked – lists of candidates for elections to avoid political party elites from directly nominating parliamentarians after elections; and they restricted presidential discretionary budget use, which, from then on, had to be approved beforehand by the National Assembly. Essentially, they defended the constitution as the legitimate regulatory frame for co-existence, a true breakthrough in democratic terms (see Olson 1993).[19]

As a consequence of these rulings, however, a new dynamic started to take shape. Both executive and legislative powers confronted the Constitutional Chamber, which was clear-

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independent political journalist, with a high reputation and legitimacy, campaigning to fight inequality, violence and corruption.

19 On the "improbable transition from autocracy to democracy", Olson claims that *"autocracy is prevented and democracy permitted by the accidents of history that leave a balance of power or stalemate – a dispersion of force and resources that makes it impossible for any one leader or groups to overpower all of the others"* (1993, 573). What I claim is that stalemates may also induce transitioning democracies to democratic leaps, despite initial reticence from political elites.

ly an attempt to undermine its newly-won independence. In June 2011, the executive passed the so-called 743 decree, which was to force the Constitutional Chamber to vote by unanimity, effectively immobilising this institution.[20] Pressure from both civil society and part of the international community contributed to the final revocation of the decree and the continuation of the reform process.

After the May 2012 legislative elections, another incident displayed the attempts by state powers to thwart judicial independence. The National Assembly was to nominate a new Attorney General. Political positions were as polarised as ever. The FMLN nominated its own candidate *before* the new National Assembly was sworn in, that is, while it still had a sufficient majority in the National Assembly in coalition with other parties. The Constitutional Chamber declared this nomination unconstitutional, but the case was brought to the Central-American Court of Justice, whose competency in this case was unclear. Again it was pressure from civil society and the international community that eventually safeguarded judicial independence, by forcing the FMLN and the executive to accept the sentence of the Constitutional Chamber and let the newly-elected National Assembly vote for a candidate (UN News Centre 2012). Still, it took the National Assembly until December 2012 to find a sufficient majority to appoint a compromise candidate.

These cases and other similar ones allow for some preliminary conclusions. First, the election of a reformist presidential candidate from the FMLN constituted a window of opportunity for the democratic consolidation of El Salvador. However, his reformist credentials were soon to be tested, crucially with regards to supporting the independence of the judiciary. Unfortunately, Funes' readiness to support structural reforms was short-lived and the dynamics of institutional capture continued in attempts to undermine judicial independence (see Call 2002, 853). The election of independent magistrates to the Constitutional Chamber in 2009, however, also motivated CSOs and external actors to raise their voices and pressure both the executive and the legislative to play by the rules, contributing to yet another leap in the democratic consolidation of El Salvador.

Second, without external pressure, and in absence of a significant political party law,[21] political parties in the Assembly are more likely to favour those institutions that will enable them to maintain their privileges rather than those that will threaten those privileges (Cepeda Ulloa 2001; Acemoglu / Robinson 2012). The long-term sustainability of the newly-acquired judicial independence is therefore unclear, as political parties will likely just wait for their next chance to remove the magistrates.

Third, without the much-needed sustainability of judicial independence at the highest level, it will be more difficult for other courts at the local and regional levels to effectively fight corruption, patronage and violence. Although standards have considerably improved in terms of effectiveness, efficiency and transparency at all levels (Call 2002), without a fully functioning and independent Supreme Court and Constitutional Chamber enforcing the rule of law from above, all advances made at the lower levels will be limited, at best

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20   Four out of five judges of the Constitutional Chamber were considered to be independent, but the fifth judge was linked to the conservative ARENA.

21   A political-party law was passed in February 2013. It moves away from what civil society organisations had proposed, in terms of mandating internal democratic proceedings for political parties, and having to be transparent about private donations (see below).

(Carothers 2006). This relative lack of independence and capacity of the judicial sector at large increases the sense of impunity of broad sectors of society, and corruption and violence therefore prevails.

Sustaining peace

When the institutional framework is weak, the ability of the state to curb both corruption and violence – including criminal violence and organised crime – is limited. Youth gangs are a case in point. While constituting a symptom of both societal and institutional weaknesses – not least being the lack of employment opportunities and inclusive growth – gangs further destabilise and undermine the institutional framework by, for instance, hampering development, inhibiting investments or further clogging the judicial and penitentiary system (Boyce 1996). This phenomenon is predominant in three Central American countries, including El Salvador.

Furthermore, formal reforms in the security sector after the war *"did not lead to fully accountable, responsive citizen-oriented public security"* (Call 2002, 844; Zinecker 2007). Some central issues with regards to the police include, even today, high levels of corruption, lack of trust from the population and broad human rights violations, aside from a critical lack of resources. Policies of *"mano dura"* [tough hand] and *"super mano dura"* [super tough hand] – enacted in 2003 and 2005 by two consecutive conservative (ARENA) governments, in addition to the 2007 law against organised crime – reinforced repressive behaviours among security forces and was ultimately unsuccessful in curbing the violence (Cruz 2010; Zinecker 2007).

By the end of 2011, the Salvadorian government decided to engage in a heterogeneous "pacification process" – the truce – where the interlocutors included the two largest youth gangs in the country, Mara Salvatrucha, or MS13, and Barrio 18. These youth gangs are allegedly responsible for 80 per cent of the total number of homicides in the country.[22] By the end of 2012, the results of the truce were generally positive – a reduction in the homicide rate of more than 50 per cent. Still, the process had been conceived as profoundly non-inclusive and non-transparent. The National Assembly had not played any significant role, nor did, for instance, the business sector, which could have been a crucial element in securing the long-term sustainability of the process.[23]

Furthermore, peace sustainability depends on an institutional framework that is able to respond to the demands and grievances of most sectors of society once an agreement has been reached. Institutions should serve to prevent and to respond to conflict dynamics. In addition, they should include not only a capable police force, judicial system and general

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22 Facilitators to the truce included a former FMLN leader, Raúl Mijango, a catholic bishop, Father Colindres, and (informally) the then newly-appointed Minister of Justice and Security (now security advisor for the President), former General Munguía Payés, with the direct support of the Organisation of American States.

23 Only at the end of 2012, when the second phase of the process began, did the facilitators of the conflict start calling for the inclusion of different sectors of society – crucially, the business sector. This sector was to ensure investments and job opportunities for ex-gang members, which would assist the sustainability of the reduction in conflict levels. But the majority of the business sector, however, was highly reluctant to engage, as was suggested in different interviews, also those with the business community in San Salvador.

administration, but also an accountable executive, a responsible parliament and democratic political parties. Unfortunately, the executive has been slow in opening up the peace process to the public, and has been even slower in moving forward with some structural reforms that could decisively democratise state institutions.

The attempt to undermine judicial independence and the "facilitation" of a peace process among criminal groups reflect the two conflicting objectives referred to in the previous chapter. The government clearly is prioritising stability by attempting to reduce homicide rates and by supporting institutional reforms, but only if they help fight short-term instability. However, the executive is much more ambiguous about democratic reforms when these have a direct impact on its powers, for example an independent judiciary or democratic political parties (Boyce 1996, 10). Now, how do international donors behave in a context where the government might be keener on resolving the (symptomatic) lack of stability than substantially reforming the institutional system and deepening democracy?

3.2 Supporting peace and democracy from outside

Contributing to sustainable peace?

Resolving violent conflict and crime in El Salvador – and in the region – constitutes a top priority for most donors in their country- or regional strategies. Donors supported the regional organisation System for Central-American Integration, for instance, in publishing the Central-American Security Strategy in June 2011. This strategy included four key areas that governments should focus on in their fight against crime, namely repression; crime prevention; rehabilitation, reintegration and prison security; as well as institutional strengthening. Most donors have been keen in the past to support states in crime prevention and institutional strengthening. As early as November 2012, some of them seemed open to the possibility of contributing to rehabilitation, reintegration and prison security – an area they had previously avoided. The aim was to support the sustainability of the truce.

All donor representatives interviewed coincided in their assessment that the sustainability of the truce depended both on the process becoming more inclusive and transparent, as well as on an institutional framework able to deal with the demands and grievances of different sectors of society. With regards to the peace process, only the Organization of American States was directly involved as an external "legitimator" to the process and as a mediator between different stakeholders that had initially been excluded from the process, such as the business sector and various CSOs. Due to the heterogeneous nature of the peace process itself, the role of embassies and other international donor organisations has been far more detached. Most of them continue working on crime prevention, mostly engaging youth and women at the community level, and strengthening the institutional framework of the Salvadorian state. But none of their measures, as was repeatedly suggested, have been directly related to the truce.

The other element that allegedly contributes to the sustainability of the truce is the presence of capable and responsive state and non-state institutions. According to the Creditor Reporting System of the OECD/DAC, however, donors focus their "governance and civil society" sector assistance on a limited number of institutions and organisations. There is a

fairly consistent and significant concentration on the capacity development of state institutions, through engagement with public sector institutions, the bureaucracy, and the legal and judicial system, including support for anti-corruption policies and security-sector reform (mainly financed by the United States). But on the other hand, there is a virtual absence of assistance towards capacitating the legislative, political parties or the media.[24] Additionally, support for "democratic participation and civil society organisations" has been decreasing (championed in the past by Spain), although Spain maintains its assistance with regards to "women's equality organisations and institutions", which has increased since 2003, and reached approximately US$ 5 million in 2011.[25]

Most donors address government institutions directly through technical or financial assistance, advisory work and training. The United States, for instance, supports the justice system in its implementation of the law by working with the office of the Attorney General, training judges to be able to decongest the criminal justice system, improving community-police relations and increasing the capacity of investigative crime units. At the same time, most bilateral and multilateral donors support CSOs that are trying to increase their participation in public policy planning and evaluation – at the very least by asking them for advice – as well as supporting them in their work within local communities (Macdonald 1997; Banks / Hulme 2012). These dynamics, however, also expose at least one key aspect of the Salvadorian political system that donors assess as crucial but mostly fail to address, namely insufficiently democratic and transparent political parties and the resulting polarisation in the legislative and the media.

Challenges and opportunities of supporting peace and democracy

One of the reasons why donors focus mainly on capacity-building of state institutions – and to a lesser extent on CSOs – is the way in which development assistance is negotiated and agreed upon. The government largely negotiates and agrees separate bilateral multi-annual action plans with each donor organisation. The role of CSOs in the planning phase is mostly of an advisory kind. The government furthermore insists on its indispensable role as a broker in the coordination of international donors,[26] and on its prerogative of deciding which areas it wants international donors to concentrate on.

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24 Briefly on the media, the two largest newspapers – *La Prensa Gráfica* and *Diario de Hoy* – are owned by the right-wing Salvadorian business class. There are several digital media, but only one of them appears to pursue investigative journalism, *El Faro*. But only the Open Society Institute officially supports it as an external donor. Although the UN lists *El Faro* as one of its partner organisations, I was unable to find the UN's logo on *El Faro*'s website.

25 According to the Creditor Reporting System of the OECD/DAC, the three largest donors to El Salvador for the 10 years prior to 2011 – and despite the financial crisis – included the United States (45 per cent), Spain (20 per cent) and the European Union (9 per cent). From 2002 to 2011, total official development assistance averaged approximately US$ 300 million every year (for a total GDP in 2011 of US$ 23 billion for approximately 6 million inhabitants), of which, in average, approximately 14 per cent – or US$ 40 million – was dedicated to "government and civil society"; see online: http://stats.oecd.org. These data have to be taken with special prudence, as, for instance, the World Bank is one of the largest multilateral donors to El Salvador, but assistance is not reported through the OECD system.

26 At the same time, lack of coordination within government institutions sometimes hampers donor coordination and slows down implementation (Interviews San Salvador). Lack of coordination unfolds either between the deputy minister for cooperation under the Ministry of Foreign Affairs and the under-secretary of state under the presidency, or between the executive and the legislative (La Prensa Gráfica 2012).

Unsurprisingly perhaps, the main priority of the government has been, for now, maintaining stability, rather than pursuing structural reforms that could potentially endanger stability by threatening the *status quo*, for example the independence of the judiciary, as was previously mentioned, or democratically organised political parties (Call 2002, 849). Acemoglu and Robinson (2012) call this the fear of "creative destruction", which, according to them, lies at the root of institutional inertia.

At the same time, bilateral donors are also reluctant to get involved in such political undertakings as supporting political parties, parliament or media. Political party foundations usually assume this responsibility, but only in cases where political parties themselves call for assistance. Otherwise, their presence is limited to organising workshops and trainings with uncertain short- and medium-term impacts. This is an example of what I previously called the ownership dilemma.

Bilateral and multilateral donors focus mostly on capacity-building at the state and non-state levels at the request – or with the connivance of – the executive. Almost exceptionally, donors might support CSO initiatives to pressure both the executive and the legislative for reforms. For instance, the European Union (EU), as the lead donor, supported a group of Salvadorian independent think tanks – Iniciativa Social para la Democracia and Fundación Dr. Guillermo Manuel Ungo, among others – on a project about "Political rights and the political party law: strengthening the link between the representative and the represented." This project ended up as a political party bill in the National Assembly in September 2012. In February 2013 the Assembly approved a slimmed-down version of the bill, in which those articles that referred to transparency on private donations were attenuated (FUSADES 2013).

Thus, without external pressure, the impact of CSOs pressuring the executive for reforms is limited. On the other hand, of course, donors walk a tightrope between their own diminishing leverage, with regards to consolidating democracies, and the democratic principles they claim to support. Several interviewees (San Salvador), however, suggested that they would welcome a more consistent use of diplomatic pressure and conditionality clauses, as had happened after the war.[27] Some recent positive examples can be depicted, as diplomatic pressure that was added to grass-roots civil society mobilisations had a crucial impact in forcing both the executive and the legislative to abide by rulings from the Constitutional Chamber, in turn generating leaps in the democratic consolidation of the country.

In conclusion, the realistic expectations of donors should be that their impacts on the emergence of democratic institutions in El Salvador is – and will be – limited. This partially relates to the fact that the planning and coordination of development assistance programmes depends on an executive (and a legislative) that is only partially committed to reform. Still, when reform happens despite the blockade from some of the stakeholders, donors have the opportunity to help support it and make it sustainable. Usually, this happens by further capacitating state institutions or by supporting NGOs in urging the state for reforms. Occasionally, as we have seen, donors successfully use their diplomatic leverage to pressure the state for reforms. Rarely, some donors, specifically the United States,

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27 After the war, for instance, only conditionality and international pressure made the government purge the army, and thereby abide by what the Salvadorian Truth Commission had mandated (Call 2002, 836; Boyce 1996, 5, on a criticism of dealings by international donors regarding conditionality).

do support reformist figures from within certain institutions to push their transformation agendas (Interviews San Salvador, Washington, DC). The success of external interventions likely lies in the combination of all these different measures.

4 The Philippines

4.1 Context: democratic consolidation and the state

In 1986 the Philippines started its own transition to democracy after President Ferdinand Marcos tried once again to steal the presidential elections. He was subsequently overthrown by the famous "people power" revolution in the streets of Manila (Thompson 2010, 155). Soon thereafter, Cory Aquino – mother of the current President, Benigno Simeon Aquino III – became the first President of the transition. During her mandate, Congress passed the 1986 Constitution, setting the stage for a new (at least formally democratic) institutional framework.

Despite the new constitution, existing accountability institutions and control mechanisms continued to be weak. In early 2001, *"corruption charges against former film star and populist president Joseph Estrada sparked a middle class-led and military-backed* [second] *'people-power coup', later granted dubious constitutional legitimacy by the Supreme Court"* (Thompson 2010, 156). His Vice-President, Gloria Macapagal Arroyo, took over, ended Estrada's term, stood for the 2004 elections, and presided – in defiance of strong opposition due to corruption and election fraud allegations – until 2010.

In 2010, Benigno Simeon Aquino III – also known as Noynoy Aquino – won the presidential elections by a landslide, in elections generally perceived as free and fair.[28] Decades of almost uninterrupted corruption at the highest level; growing inequality and migration despite high growth rates; and persisting violence led to calls for change. Aquino's reformist agenda appealed to a majority of the population (and the international community), as it represented an opportunity for structural reforms.

In this subsection, I address one of the main challenges to the democratic consolidation process in the Philippines and to Aquino's reformist agenda, namely the country-wide dynamics of institutional capture by political dynasties, and how this dynamic plays out in the state's separation of powers. Next, I focus on the various peace processes, specifically the one taking place in the southern island of Mindanao with the Moro Islamic Liberation Front (MILF), whose sustainability depends on the development of a capable and inclusive institutional framework at the national and regional levels. In the following subsection, I analyse how external donors engage the peace process and the process of institutional reform, and what factors might contribute to the effectiveness of their policies.

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28 The country-wide automation of the voting procedure, assisted by the US Agency for International Development and the International Foundation for Electoral Systems, contributed to legitimising the elections, which were widely perceived as free and fair. This automation, however, did not address other widespread phenomena such as family voting, vote buying or fraudulent voters (Interviews Manila).

Consolidating democracy

The system that embeds Aquino's administration is one where family clans and political dynasties largely control economic and political institutions at the local, provincial and national levels. Already in 1993, the World Bank suggested that *"Philippines policy making has historically been captive to vested interests that have shaped economic policy to protect and enhance their privileged position, often to the detriment of national well-being"* (World Bank 1993, 169; see also Boyce 1996, 7). Institutional capture, moreover, hampers any real separation of powers at the state level and undermines the power of the state, in terms of its capacity, authority and legitimacy (Kreuzer 2008, 48; Kreuzer 2012, 32; Neumann 2010, 71).

Even though Aquino himself represents one of those political dynasties, he became President by promising to reform the system and make it more accountable and inclusive. His administration has indeed been very active in addressing some of the symptoms of institutional weakness, such as the high levels of corruption, inequality and violence (see Besley / Persson 2011, 386). Concrete policies enacted include: the impeachment of the chief justice of the Supreme Court for corruption allegations (The New York Times 2012); the arrest of former President Gloria Macapagal Arroyo on charges of electoral fraud (The Wall Street Journal 2011); political symbols for Aquino's anti-corruption campaign; the reproductive health law that would have enabled the country's poorest women to have access to birth control[29]; the revamp of the 2008-initiated conditional Cash Transfer Program *"to poor households, conditional upon investments in child education and health as well as the use of maternal health services"* (Chaudhury / Friedman / Onishi 2013); and the renewed commitment to a peace agreement with the MILF. These policies have a short-term impact on citizens' well-being and allegedly contribute to stability, at least in the short term.

On the other hand, the long-term sustainability of these policies depends on structural reforms – or as some interviewees phrased it, on "institutionalising reforms"[30] – that would address some of the challenges faced by the democratic consolidation of the Philippines. These challenges are generally related to the institutional capture by political dynasties or family clans, as well as to the insufficient separation of state powers. This reflects, for instance, in a weak political party system in which political parties only constitute "temporary political alliances" (Aceron 2009, 5) with no membership, allegiance, programme or distinct ideology. Furthermore, political dynasties apparently *use* political parties to compete for power in the executive and legislative through formally democratic elections, rendering both institutions non-accountable and non-transparent (Interviews Manila).[31] An equally non-transparent judicial power and judicial appointments marred by political inter-

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29 It was suspended indefinitely by the Supreme Court on 16 July 2013.

30 Many interviewees pointed to the fact that the sustainability of Aquino's reforms depended on subsequent presidents pursuing similar reform agendas. Some also stressed the fact that, without institutionalisation of reforms, these were not likely to survive in the long term, precisely because it was unlikely that successors to Aquino would have a similar reform agenda in mind (Interviews Manila, Davao).

31 According to Kreuzer (2012, 32), *"the core pattern of domination in everyday politics is personal control over material and non-material resources, as these are necessary elements for self-enrichment and the development and upholding of clientelistic networks. The persistence of widespread corruption and illegal activities suggests that the elite is not really interested in surmounting the problem."*

ference further increase the sense of impunity at every level (Vitug 2010). Insufficient capacity and high levels of corruption in the armed forces further add to this grim picture.

One initial step to deal with some of these challenges would include the approval of a number of bills that are currently in the legislative awaiting presidential prioritisation. These include: the freedom of information bill – for enhanced transparency and accountability of state institutions; the anti-trust bill – which may restrict the formation and existence of monopolies and oligopolies, opening up the economy to national and international investors; and the political-party reform bill – which would restrict party members from changing their party allegiances for non-ideological reasons, as well as regulate the internal financing of political parties (FES 2009). These bills would affect entrenched economic and political elites at the state and non-state, local, provincial and national levels. Against the background in which these elites control most institutions, however, one can understand why these bills have not yet been prioritised (see Carothers 1999, 153).

Sustaining peace

These institutional limitations generate the space for widespread violence across the Philippines. Violent conflict is related mainly to a number of ethnically-based armed groups in the western part of the southern island of Mindanao, including the MILF,[32] as well as a country-wide communist insurgency – the Communist Party of the Philippines / New People's Army (CPP/NPA) movement – and other criminal elements that feed on the state's relative absence in some parts of the country.

Whereas the peace process with the CPP/NPA movement is currently blocked,[33] the peace process with the MILF in western Mindanao – the Bangsamoro region – is moving ahead as one of Aquino's main priorities.[34] As was suggested in several interviews (Manila, Davao, Cotabato, New York), both the government of the Philippines (GPH) and part of the international community have their hopes on its success, which would not only bring some highly-needed stability to the region, but would also set the stage for conspicuous governance reforms and economic development in the poorest region of the Philippines. Moreo-

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32   Other armed groups include the Moro National Liberation Front (MNLF), founded in 1969, during Marcos's rule. The MILF formally split from the MNLF in 1984, after the 1976 MNLF-led peace process with the government of the Philippines. In 1991 the Abu Sayyaf Group split from the MNLF and is considered a terrorist group for its engagement in *Yihad* and kidnap for ransom. Abu Sayyaf is mainly located in the islands west of Mindanao.

33   Some of the reasons for this blockade include that agreements between the CPP/NPA leadership and the GPH do not guarantee agreement from lower CPP/NPA cadres, as the movement has become more decentralised. Additionally, one of the root causes for this conflict is the relative absence of the state in some parts of the country – an issue that is difficult to remedy and would require deep-seated social and political reforms (Interviews Manila).

34   The peace strategy of the GPH, according to the International Contact Group (International Crisis Group 2012, 2), is based on the "principle of convergence", or, in other words, bringing together three elements: a peace agreement with the MILF, the reform of the ARMM and the review of the 1996 final peace agreement with the MNLF. Allegedly this "convergence strategy" tries to amend the lack of inclusiveness of the 1996 final peace agreement by unifying the Bangsamoro behind one comprehensive peace agreement. One sign of this increased commitment to inclusiveness is the participation in the process of a number of (local) civil society organisations representing marginalised groups, for example women, youth and indigenous peoples.

ver, if successfully accomplished, these reforms would, in turn, constitute a role model for the entire Philippines (Interviews Manila, Cotabato), presenting a window of opportunity for change.

Peace negotiations in the Bangsamoro region

Past attempts to broker peace between the government of the Philippines and various insurgency groups in Mindanao have not succeeded and development in the region has stalled. Since the MILF splinted from the MNLF in 1984, it has been a consistent opponent and critic of peace deals reached between the GPH and the MNLF, including the 1996 final peace agreement with the MNLF based on the 1989-constituted Autonomous Region of Muslim Mindanao (ARMM), which included some – but not all – of the Muslim-populated provinces in western Mindanao.

The 1996 final peace agreement failed for several reasons. First, for lack of inclusiveness of the peace process itself – many of the stakeholders to the conflict, such as the MILF, were either not included in the process and/or rejected it – and, second, for lack of implementation of the agreement. This lack of implementation was a result both of the lack of willingness on the part of the government of the Philippines, but also of the insufficient institutional capacity of the ARMM. Furthermore, this peace agreement resulted in the weakening of the MNLF against the MILF. By making the MNLF run such a weak institution as the ARMM, it not only enabled and protected traditional clan leaders in their competition for control of the provinces (see International Crisis Group 2012, 1), but it also strengthened the MILF in its appeal to fight for a *real* Bangsamoro government.

In 2011, President Aquino was able to break the stalemate that started in 2008 after the Supreme Court declared the Memorandum of Agreement on Ancestral Domains unconstitutional. This agreement, which former President Arroyo had negotiated with the MILF, would have increased the power of the ARMM. On 15 October 2012, the GPH and the MILF signed the Bangsamoro Framework Agreement, to be complemented by four annexes – on regulating transitional arrangements, on power-sharing, wealth-sharing and "normalisation" (meaning in effect disarmament, demobilisation and re-integration) – before December 2012. The framework agreement and its annexes were to set the stage for a comprehensive peace- and state-building agenda for the Bangsamoro region. The Transition Commission has been nominated – constituted by MILF and GPH officials – but is (temporarily) disabled, because only two of the four annexes have been agreed upon: the annexes on "regulating transitional arrangements" (February 2013) and on "wealth-sharing" (July 2013). The two other annexes are still being negotiated.

As a high-ranking MILF leader asserted in an interview in March 2013, the initial vision was for the ARMM to be dismantled and a new and more encompassing autonomous region to ensue. This region would function as a multi-party parliamentary democracy with a ministerial form of government, and at least one democratic political party, namely the one that the MILF would create. From July 2013 onward, however, there has been an increase in violence between the government of the Philippines and an MILF splinter group – the Bangsamoro Islamic Freedom Fighters (BIFF) – which is partly supported by the MNLF and threatens to disrupt the peace negotiations.

However, once the peace agreement between the GPH and the MILF has been signed, peace sustainability will depend, first, on the inclusiveness of the process itself and the commitment of local actors to comply with the agreements.[35] Second, it will depend on the emergence of inclusive and democratic institutions at both the national and regional

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35 On the one hand, it might have been a positive sign that after the May 2013 elections, the elected ARMM governor and deputy governor, and all ARMM provincial governors, were GPH-backed and welcomed by the MILF, and therefore allegedly supportive of the peace process (Philstar 2013). On the other hand, politics in the Bangsamoro region – and the Philippines in general – are extremely complex, with many layers of family, clan, ethnic and national (power) allegiances playing diverse and changing roles over time (see Kreuzer 2012; Neumann 2010, 65; Rood 2013). Indeed according to the International Crisis Group, *"the machinations of the archipelago's elite are unpredictable and opaque and lie well beyond the national government's control"* (2012, 2).

levels (see box above). Support from the international (donor) community to ensure the inclusiveness and sustainability of the process and the *post*-peace process period could be crucial. For this we turn to the following section.

4.2   Supporting peace and democracy from outside

Contributing to sustainable peace?

The conflict in Mindanao has long constituted one of the main priorities for donors regarding their country strategies. Indeed, the international community has been fully involved in the various peace processes. For instance, since 2005, there has been an International Monitoring Team (IMT), whose activities include monitoring the ceasefire and supervising socio-economic agreements between the GPH and the MILF negotiation panels.[36] Furthermore, in 2009 the parties to the conflict established an International Contact Group (ICG), whose mandate is *"to maintain trust between the parties and ensure the implementation of mutually agreed approaches"* (Conciliation Resources 2013).[37]

Arguably, through the ICG, the international community plays an important role in accompanying the process and ensuring the parties' compliance. Still, the leverage of the ICG, with regards to the negotiating panels, is limited (Rood 2012). On the other hand, the presence of the IMT, and its local civil society component, guarantees the inclusion of grass-roots CSOs in the monitoring process. Both mechanisms are therefore contributing towards the inclusiveness of the peace process initiated in 2011.

But the sustainability of any peace process − as we saw in the failure of the 1996 final peace agreement − also depends on a sufficiently capable and inclusive institutional framework, at the national and regional levels, that is able to draw the parties to implement the agreements. Although the Creditor Reporting System of the OECD/DAC only reports commitments and disbursements at an aggregate level, it already indicates some interesting trends in this regard.

Unsurprisingly perhaps, over the past 10 years, in average, a quarter of the sectoral assistance on "governance and civil society" to the Philippines was dedicated to "conflict peace and security", specifically to "civilian peace-building, conflict prevention and resolution".[38] Most relevant, however, the rest of this sector assistance has been primarily concentrated on public sector institutional development and capacity-building, with a special focus on judicial and legal reform, including anti-corruption measures, mainly financed by the United States and the EU. As in El Salvador, there is, at least officially, an almost total absence of assistance towards capacitating the legislative, political parties or the media. Assistance to "democratic participation and civil society organisations", human rights, and

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36   The IMT is constituted by Malaysia (also the facilitator to the process), Indonesia (which joined in 2013), Libya, Brunei, Japan, Norway and the EU.

37   The ICG comprises four countries − Japan, United Kingdom, Turkey and Saudi Arabia − and four international NGOs: Muhammadiyah, The Asia Foundation, the Human Dialogue Centre and Conciliation Resources.

38   The largest contributors in this sub-sector have been the United States, Germany and Australia; Norway, Spain and Japan are some distance behind.

"women's equality organisations and institutions" is extremely scattered along the whole spectrum of OECD donors.[39] For the past 10 years, Germany has been the most consistent supporter of this type of assistance – with an average support of US$ 3.5 million a year, as reported by the OECD/DAC.

In the Bangsamoro region, the Bangsamoro Framework Agreement signed in October 2012 gave a new impetus to donors regarding their commitments in the region. However, the absence of a thorough development plan for the new Bangsamoro institutional framework is leading some donors to herd in front of the exit line in anticipation of such a plan, and other donors, for example the Japan International Cooperation Agency, the United Nations Development Programme (UNDP) and the World Bank, to support the transition to the incipient Bangsamoro government mostly through advising, training and capacity-building (World Bank 2013).

Challenges and opportunities of supporting peace and democracy

One of the most obvious challenges to sustainable peace in the Philippines is that the GPH has a number of different peace processes running in parallel, with no integrated strategy and different paces of development, respectively. Aside from the peace process with the country-wide communist insurgency (the CPP/NPA), only in the Bangsamoro region are there several peace processes running at the same time: the current peace process with the MILF and the revision of the failed 1996 peace process with the MNLF. Additionally, there are other armed groups in this region that the government is not engaging with in diplomatic talks, such as the MILF splinter group – the BIFF – and the Abu Sayyaf group.

Another important challenge for sustainable peace is that the peace process with the MILF is advancing much more slowly than expected. Both parties to the conflict – the MILF and the GPH – have repeatedly postponed completion of the annexes to the Bangsamoro Framework Agreement (Minda News 2013). By October 2013, only two of the four annexes had been agreed upon – the annexes on "regulating transitional arrangements" (February 2013) and on "wealth-sharing" (July 2013) – delaying completion of the annexes on "power-sharing" and "normalisation" (meaning in effect disarmament, demobilisation and re-integration). The Transition Commission, therefore, also delayed the drafting of the Basic Law, as the Commission *cannot proceed with the drafting of the Basic Law until and unless the parties of the negotiations conclude the negotiations on the Annexes"* (UNYPAD 2013; Inquirer News 2013). This means that concrete features of the state design that both the GPH and the MILF envision for the Bangsamoro region have yet to be decided upon. Additionally, the international community can only engage in an advisory role.

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39 According to the Creditor Reporting System of the OECD/DAC, the three largest donors to the Philippines for the 10 years prior to 2011 included Japan (40 per cent of total official development assistance), the United States (17 per cent), and Australia (10 per cent). Behind them are Germany (5 per cent), the EU (3 per cent) and Spain (2 per cent). From 2002 to 2011, total official development assistance averaged approximately US$ 940 million every year (for a total GDP in 2011 of US$ 224 billion for approximately 95 million inhabitants), of which, in average, approximately 12 per cent – or US$ 92 million – was dedicated to "government and civil society"; see online: http://stats.oecd.org. These data have to be taken with special prudence, as, for instance, the World Bank is one of the largest multilateral donors to the Philippines, but assistance is not reported through the OECD system.

Related to the absence of a plan for the constitution of a Bangsamoro state, donor officials complain about the lack of a functioning coordinating agency at the regional level (Interviews Manila, Cotabato). The nascent coordinating agency in the Bangsamoro region, the Bangsamoro Development Authority (BDA), does not yet have the capacity to coordinate international assistance. The consequence of which is, first, the continued presence of donor-led programmes, for instance, the World Bank-led Mindanao Trust Fund for Reconstruction and Development Program, which started in 2006 as a mechanism for development partners to pool resources and coordinate their support (through the World Bank), and, second, informally coordinated assistance elsewhere (Interviews Manila).[40]

In contrast to the Bangsamoro region, donor coordination at the national level works particularly well. The central institution is the Philippines Development Forum, which is co-chaired by the GPH and the World Bank.[41] However, as we saw in the case of El Salvador, increased capacity in policy planning and donor coordination at the national level increases the leverage of partner countries *vis-à-vis* the donor community. This means that the government has an increased prerogative to decide which areas it wants international donors to support and focus on.

Moreover, the general fear of causing instability prevents the GPH from engaging in structural reforms, such as, for instance, addressing institutional capture by political dynasties (Kreuzer 2012, III; Kreuzer 2009, 59). As a consequence, bilateral and multilateral donors focus most of their democracy-support and state-building activities on strengthening or capacitating public sector institutions. Some donors also support the executive in several of its initiatives in the fields of transparency, citizen participation, accountability, and technology and innovation, designed in consultation with civil society networks, business leaders and associations, and development partners (Open Government Partnership 2013; AusAID 2012). Still, the focus on CSOs is leading both the executive and most external donors to neglect those institutions that would most directly contribute towards creating a stronger link between the state and society, namely the legislative and the political party system (Merkel 2010, 167; see also Keefer 2005; Keefer 2008).

Two international actors directly support political parties in the Philippines, namely UNDP – limited in funds – and, crucially, the German political party foundations.[42] The

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40 Hence, while donors may include local actors in the planning phase of their activities, donors are unlikely to empower local actors to take on coordinating responsibilities. As was suggested in several interviews (Manila, Cotabato), the European Union allegedly has an especially bad reputation in terms of delegating coordinating powers to local actors – as I was told by an EU representative in Manila on condition of anonymity – because local organisations generally lack the capacity to manage these responsibilities.

41 With regards to Mindanao, for example, there is the "Mindanao Working Group" and a Mindanao Development Authority (MinDA), which coordinates donor activities for the whole of Mindanao. According to one donor official, however, they are mostly focused on socio-economic development in the entire region rather than on specific peace-building activities in western Mindanao (Interview Manila). Relations between MinDA and the BDA are tense, as their particular competencies have not been clearly defined yet.

42 These foundations usually work with political parties with whom they share core values and principles. Therefore, the social-democrat Friedrich Ebert Foundation works with the centre-left "Akbayan" party list, the liberal Friedrich Naumann Foundation works with the (President's) Liberal Party, and the con-

goal of the German party foundations is, on the one hand, to support the passage of a comprehensive political-party reform law and, on the other hand, to help existing or newly-created political parties to strengthen their democratic credentials. However, a lack of commitment to political-party reform limits their impact.

In conclusion, the risk-averse government of the Philippines and the risk-averse international community are contributing to the lack of structural reforms that would lead towards inclusive institutions and peace sustainability. The stalled political-party reform law, the freedom of information law and the anti-trust law constitute potential windows of opportunity in this regard. However, those actors who are willing to put pressure on state institutions to reform – some local NGOs and the German political party foundations – lack the clout to compel those institutions to act. Like-minded countries, as well as multilateral organisations, could be in a different position, but only if they are ready to use their diplomatic leverage to push for reforms. Though its potential for success is unclear, diplomatic pressure might, in the short term, be paramount for reform. Strengthening state structures and CSOs remains – just as in El Salvador – the long and uncertain way towards change.

5 Conclusion

Summing up, both case studies analysed in this paper include examples of the shared challenges that international donors face when supporting democratic consolidation and sustainable peace. Despite obvious differences among the two countries, similarities related to the dimensions of statehood (Grävingholt / Ziaja / Kreibaum 2012), the governing and government systems, as well as the levels of state-building and democracy-support programmes allow for a comparative analysis of the specific challenges faced by donors regarding their increased commitments towards effective state-building and democracy-support policies.

The analysis of both case studies has confirmed, first, the fact that donors mainly focus on capacity-building rather than on building an inclusive and democratic institutional framework (Call 2012). This is the result of what I called the ownership dilemma, according to which the partners' resistance to structural reforms meets the donors' unwillingness to pressure partner governments for reforms. The Philippines offers a clear example of this ownership dilemma, as Congress's unwillingness to pass a number of reform bills is met by an international community unwilling to pressure the government to prioritise those bills. In the case of El Salvador, however, we saw how diplomatic pressure can help overcome the gridlock resulting from this ownership dilemma. The international community decided to assist the newly-independent judiciary by pressuring the Salvadorian government to respect its rulings and uphold the resulting reforms. And it worked.

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servative Konrad Adenauer Foundation decided to support the constitution of a new fully-democratic political party, the Centrist Democratic Party, after having worked for years (unsuccessfully) with former President Arroyo's political party.

Second, in both cases, the unaddressed conflicting objectives between long-term peace and democracy, and immediate institutional reforms are at the root of the ownership dilemma and of the relative ineffectiveness of state-building and democracy-support policies. According to Grimm and Leininger (2012, 405), *"if local and international actors fail to address these conflicts constructively, they are likely to hinder the effectiveness of democracy promotion in transitional, post-war, and developmental contexts."* In other words, by aiming at short-term stability, donors hamper the democratic consolidation process. This is the case because, third, the advent of sustainable peace is directly related to the democratic consolidation process, that is, both goals are not only compatible but mutually reinforcing.

Supporting the executive in its ability to plan, coordinate and deliver – as well as increasing the capacity of CSOs to implement and monitor projects – is certainly necessary for democratic consolidation and peace sustainability. These policies, however, do not necessarily touch upon entrenched social and political structures. In both countries, other forms of support, such as political party or parliamentary assistance, are also urgently needed (Diamond 1994, 32; Keefer 2008; Lipset 1994). Actors that directly implement this kind of assistance, however, are limited in number (i.e. political party foundations and international organisations), funding and leverage. Bilateral donors could decisively assist them, either through direct funding or by continuing to support local CSOs to urge governments to reform. At the same time, bilateral donors could also use diplomatic channels to support the political mandates of regional organisations, Special Rapporteurs or international organisations such as UNDP, thereby strengthening their leverage *vis-à-vis* local elites.[43] Furthermore, international actors have the responsibility to embrace and act upon emerging windows of opportunity to carry out their potential in consolidating peace and democracy.

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43 On the need to use diplomacy, aid conditionality, and/or international and regional organisations to enhance external actors' legitimacy in supporting inclusive processes, see Call (2012, 274).
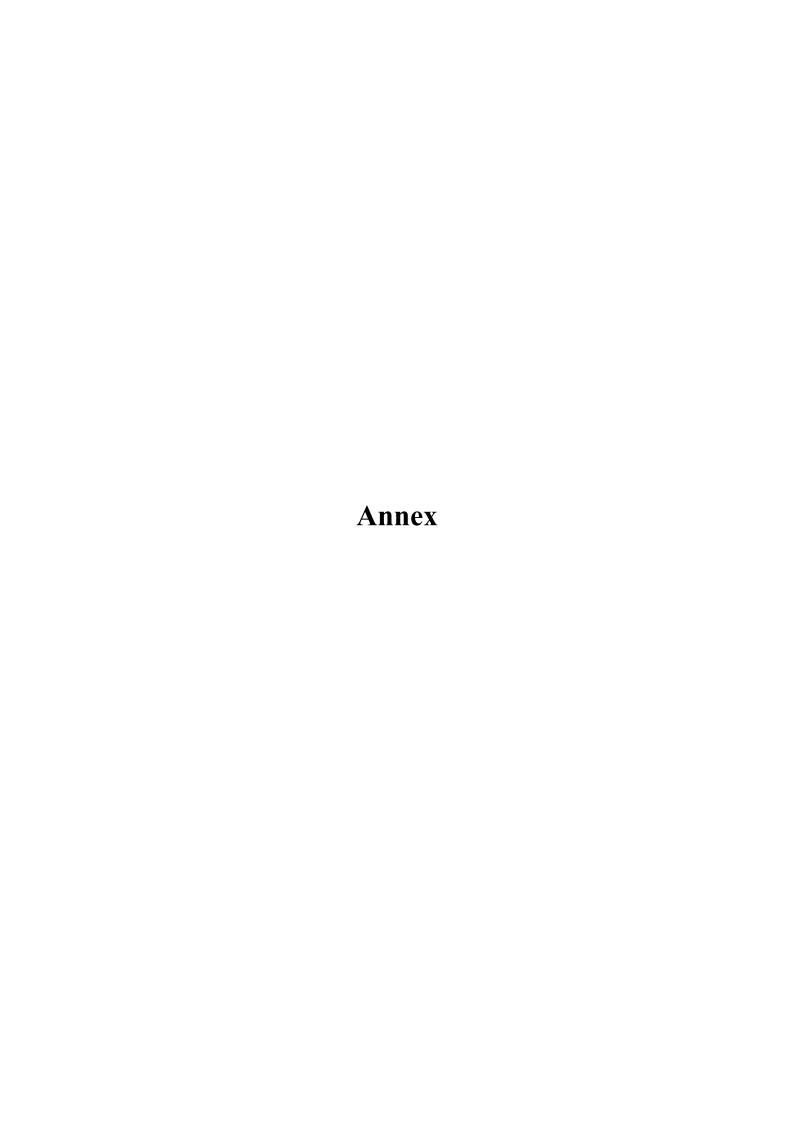
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Annex

Lists of interview dates and interviewees

Interviews in San Salvador, El Salvador

Day	ID	Origin	Works as/for
12.11.2012	1	Domestic	Academia
	2	International	Bilateral Agency
13.11.2012	3	International	Bilateral Agency
	4	Domestic	NGO
14.11.2012	5	International	Bilateral Agency
	6	International	Multilateral Agency
	7	Domestic	Media / Government
15.11.2012	8	Domestic	NGO
	9	Domestic	Government
16.11.2012	10	Domestic	NGO
	11	Domestic	Politician (FMLN)
19.11.2012	12	Domestic	NGO
	13	Domestic	Politician (FMLN)
	14	International	Bilateral Agency
	15	Domestic	Politician / Government
20.11.2012	16	International	Regional Organisation
	17	International	Regional Organisation
	18	International	Multilateral Agency
	19	International	Multilateral Agency
21.11.2012	20	International	INGO
	21	Domestic	Government
22.11.2012	22	Domestic	Local Government
	23	Domestic	Politician (ARENA)
	24	Domestic	Politician (ARENA)
23.11.2012	25	International	INGO
	26	International	Regional Organisation
	27	Domestic	Academy / Think Tank
24.11.2012	28	International	NGO
	29	Domestic	Local Government
	30	Domestic	NGO

	31	Domestic	Local Government
26.11.2012	32	International	Regional Organisation
	33	Domestic	Politician (ARENA)
	34	Domestic	Business / NGO
27.11.2012	35	International	Media
	36	Domestic	Business / NGO
	37	Domestic	Business / NGO
28.11.2012	38	VISIT TO PRISON	
	39	International	Bilateral Agency
	40	Domestic	Government
29.11.2012	41	Domestic	Media

Interviews in Washington, DC, USA

03.12.2012	42	International	Multilateral Agency
	43	International	Bilateral Agency
04.12.2012	44	International	INGO
	45	International	Regional Organisation
	46	International	INGO
	47	International	Multilateral Agency
05.12.2012	48	International	INGO
	49	International	INGO
	50	International	INGO
	51	International	INGO
	52	International	INGO
	53	International	INGO
06.12.2012	54	International	Regional Organisation
	55	International	Bilateral Agency
	56	Domestic (ESV)	Academia / Think Tank
	57	International	Academia / Think Tank
07.12.2012	58	International	INGO
	59	International	Bilateral Agency

	60	International	Regional Organisation
	61	International	INGO
	62	International	INGO
	63	International	Multilateral Organisation
08.12.2012	64	International	INGO

Interviews in Manila, Philippines

12.02.2013	65	International	Bilateral Agency
	66	International	Bilateral Agency
	67	Domestic	Bilateral Agency
	68	Domestic	Academia / Think Tank
13.02.2013	69	International	INGO
	70	International	INGO
14.02.2013	71	Domestic	Bilateral Agency
	72	International	Bilateral Agency
	73	International	INGO
	74	Domestic	Business / NGO
	75	Domestic	NGO
	76	Domestic	NGO
15.02.2013	77	International	Bilateral Agency
	78	International	Bilateral Agency
	79	International	Bilateral Agency
	80	International	INGO
16.02.2013	81	Domestic	NGO
18.02.2013	82	Domestic	Academia / Think Tank
	83	Domestic	NGO
19.02.2013	84	International	Bilateral Agency
	85	Domestic	Government
20.02.2013	86	Domestic	Media
21.02.2013	87	International	Bilateral Agency
	88	International	Multilateral Organisation

	89	Domestic	University / Think Tank
	90	Domestic	NGO
22.02.2013	91	Domestic	INGO
	92	Domestic	Academia / Think Tank
	93	Domestic	Politician / Government

Interviews in Davao, Mindanao, Philippines

	94	Domestic	NGO
23.02.2013	94	Domestic	NGO
	95	Domestic	NGO
25.02.2013	96	Domestic	NGO
	97	Domestic	NGO
	98	Domestic	Local Government
	99	Domestic	Local Government
26.02.2013	100	Domestic	NGO
	101	Domestic	NGO
	102	Domestic	Academia / Think Tank
	103	Domestic	Government
27.02.2013	104	Domestic	NGO
	105	Domestic	Academia / Think Tank
	106	Domestic	INGO

Interviews in Cotabato, Mindanao/ARMM, Philippines

28.02.2013	107	Domestic	NGO
01.03.2013	108	Domestic	Local Government
	109	Domestic	Local Government
02.03.2013	110	Domestic	NGO
	111	International	Multilateral Agency
	112	International	Multilateral Agency
	113	International	Multilateral Agency
	114	International	Multilateral Agency
03.03.2013	115	Domestic	Local Government

Interviews in Manila, Philippines

04.03.2013	116	International	INGO
	117	International	INGO
	118	Domestic	NGO
	119	International	INGO
05.03.2013	120	Domestic	Government
	121	International	Multilateral Agency
	122	International	Bilateral Agency
06.03.2013	123	Domestic	Government
	124	International	Bilateral Agency
07.03.2013	125	International	Regional Organisation
	126	International	Regional Organisation
08.03.2013	127	Domestic	Government
	128	Domestic	Government

Interviews in Brussels, Belgium

19.03.2013	129	International	Multilateral Agency
	130	International	Multilateral Agency

Interviews in New York, NY, USA

17.10.2013	131	International	Multilateral Agency
	132	International	Multilateral Agency
	133	International	Multilateral Agency
	134	International	Multilateral Agency
21.10.2013	135	International	Multilateral Agency

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