Chapter 1

The need for change in a context of risk

Fragile and conflict-affected states have specific challenges and risks, which current development and humanitarian approaches are not properly designed to meet. This chapter outlines the main reasons why current approaches are inadequate, including: i) a fragmented aid architecture where response is spread across multiple institutional mandates and budget lines; ii) policies and procedures for international engagement and risk management that are not tailored to the context; iii) the inability of international actors to support strict prioritisation due to the absence of national leadership in planning processes and internationally agreed objectives of transition/development strategies; and iv) the duplication and lack of coherence in aid instruments. It provides a number of recommendations on how approaches to risk management can be adapted to enable effective engagement, including through enhanced use of joint approaches for assessing and managing risks and by using simplified procedures for engagement.

What are the challenges during transition?

People living in countries emerging from crisis need sustained and coordinated support to tackle the particular risks, insecurity and vulnerability they face. The improvement of people's lives must be at the heart of international support, because the human and financial costs of renewed conflict and crisis are simply unacceptably high. Yet the international community needs to recognise and address the political challenges and risks associated with their engagement in these transitional environments (Box 1.1). These include prioritising and delivering aid where state legitimacy is put into question, where governments are incapable or unwilling to protect and defend human rights, and where large-scale violations and insecurity prevent effective monitoring of support.

Effective aid delivery in these circumstances requires collective engagement by different policy communities, who will need to reconcile their different principles for engagement. The complexity of the challenges in these situations means that no single organisation or agency can provide adequate support on their own. Instead a shared space is needed to allow different

Box 1.1 What do we mean by transition and transition financing?

The term "transition" describes countries and regions that are emerging from armed conflict or violent instability. These are normally fragile and conflict-affected situations where the pace of change — political, economic and social — is matched by uncertainty, and where international aid may be one strategic part of a wider foreign policy agenda. As they become more stable, these countries have the potential for sustainable development, and this is the shared goal of the governing authorities and the international community. In these situations there is also a transition from the external provision of services towards greater state ownership and responsibility for the safety and welfare of its own people. International engagement typically combines humanitarian, development and security-related interventions within a broader peacebuilding and statebuilding agenda, and different communities are required to operate in parallel and in a shared space.

Transition financing covers a broad spectrum of resource flows to countries in transition. Transition financing traditionally lies between humanitarian and development engagement, and includes recovery, reconstruction, security-related and peacebuilding activities. Funding itself is not limited to international donor financing, but also encompasses domestic resource mobilisation and debt relief.

See OECD (2010b), Transition Financing: Building a better response, OECD, Paris.

actors to operate in parallel, based on mutual respect for individual mandates and objectives and a collective commitment to improve co-ordination and coherence. Such a shared space is critical to deliver peace dividends, which require speed and flexibility, and to strengthen legitimate and inclusive institutions that can lead and deliver sustainable development.

Transition financing should come primarily from the rapid release of development financing. This implies a shift away from using and stretching humanitarian aid as a tool to deliver broader recovery activities, towards a strategic approach to address transition priorities. It also implies a flexible use of different budget lines and instruments and willingness to accept a level of strategic simplicity that does not comply with existing norms for aid effectiveness. Transitional needs call for different objectives to be met simultaneously using different methods and aid instruments, which means that all actors will be required to think about how their mandates and objectives can be used more actively to support transition.

Why is the international community not meeting these challenges?

Bilateral and multilateral donors provide substantial and increasing amounts of aid to fragile states. Official development assistance (ODA) to fragile states has doubled over the past decade. It reached USD 46.7 billion in 2009, accounting for nearly 40% of total ODA (OECD, 2011d).

The increase in ODA flows has been complemented by improvements to the international capacity to deliver during transition. Advances in the collective ability to address complex and protracted humanitarian and peace-keeping needs have saved many lives. Reforms to the humanitarian system have resulted in improved financial mechanisms through pooled funding, and strengthened partnerships, co-ordination and leadership through the establishment of a system of "clusters" (see Chapter 3). More recently, the creation of the UN peacebuilding architecture has renewed the focus on the need for policies to link political, security and development agendas during transition. Donors have also recognised the need for different approaches in fragile states and for more whole-of-government co-ordination in these contexts. In 2007 they adopted the Principles for Good International Engagement in Fragile States and Situations (FSP) and widened ODA definitions to enable more targeted support to peace and security (OECD, 2009b).

However, overall support to transitions remains inadequate. More than half of the total funding goes to only eight countries, leaving limited resources available for the majority of fragile states (OECD, 2011d). Much is also provided as humanitarian aid, which has a limited impact on broader statebuilding prospects. The fact that no low-income fragile or conflict-affected country

has yet achieved a single MDG (World Bank, 2011) is a stark reminder both of the needs that drive donors and their partners to focus on fragility, and of the challenges that remain.

Transitions are non-linear and complex. The tensions between maintaining a fragile peace, meeting humanitarian needs and building resilient states and societies are real and hard to navigate. In this space, a series of overlapping policy agendas and principles have emerged, often driven by different goals and political agendas. The proliferation of agendas — each with resources aligned to different budget lines (humanitarian, development, security), and operating under different rules, regulations and political strategies — has led to further fragmentation of the international system in exactly the contexts where it needs to be most coherent (UN Senior Advisory Group, 2011). Specific challenges include the following:

- Priorities are not targeted: Most aid does not target appropriate objectives, and international actors struggle to prioritise their support and link activities to specific aid instruments that can provide focussed yet flexible financial support. Too often priorities are shaped more by the supply side than by real prioritised needs, and as a result plans have become inflated and based on unrealistic assumptions about what can be delivered within short timeframes.
- Whole-of-government co-ordination is lacking: International actors are struggling to find ways to provide efficient support during transition. Despite significant work in recent years, driven largely by engagement in Afghanistan and Iraq, donor governments find it challenging to move beyond information sharing and co-ordination towards more integrated approaches (SDC, 2009). This continued challenge has shown itself most prominently in attempts at co-ordination between aid (humanitarian and development), defence and diplomatic actors, and the increasing pressure on aid instruments and resources to meet strategic objectives related to peace, security and stabilisation.
- Efforts of humanitarian and development actors are fragmented: These actors often work as two unconnected parts of a donor strategy and engagement in a particular country. While the separation of these agendas may be a necessary reflection of different objectives and operating principles, the distinction is by no means absolute: basic services and social protection are often provided under externally driven humanitarian programmes because no viable alternative exists. But in the end these are developmental challenges and part of the central function and responsibility of the state. As a result, aid

- agencies are often left struggling to create links between humanitarian and development instruments when the transition requires a mix of activities that encompasses all instruments.
- Development assistance arrives too slowly: Donors are generally expected to pledge development funds once a national plan has been developed and sufficient local ownership is in place to guide international engagement. This artificial sequencing of events is driven in part by the Paris Declaration (PD, Box 1.2), which is explicit on the need to deliver aid with and through country systems.3 It is an important reason for the significant lags in response time that have been witnessed in places like Haiti, Liberia and Sudan (Box 1.3). Transition contexts are fluid and fast-changing environments that are not conducive to medium-term development planning cycles and complicated planning processes. Important opportunities are missed because aid is tied up in instruments that are not adapted or are insufficiently responsive to fast-evolving situations. These instruments are linked to narrow institutional mandates and guided by policies and principles that are not fit for purpose in transition contexts
- Over-reliance on humanitarian aid: A side effect of delays in development instruments has been the stretching of humanitarian aid instruments, which are asked to fund ever-broader needs and objectives. Humanitarian funding continues to support the majority of basic service needs and is perceived as more risk tolerant and flexible than development aid. But humanitarian aid almost always by-passes central state institutions, and does little to build state capacity beyond the local level. Nor is it a cost-efficient approach in the long run, as it relies heavily on external capacities and supplies.
- International aid principles are incompatible with the reality on the ground: This has become a major impediment to effective engagement in transition situations (Box 1.2). An additional challenge comes from the PD commitment to focus aid in fewer countries and fewer sectors, which means that donors are often reluctant to provide funding beyond humanitarian assistance because this has to be reported as bilateral spending.
- Corruption and lack of capacity in fragile and conflict-affected states
 raise concerns: Transition contexts are characterised by weak human and institutional capacity and often by complex issues related
 to political will, state legitimacy and corruption. Development assistance has been delayed by the lack of capacity and overly bureaucratic

and risk-intolerant systems, shielded by the PD provisions. International actors must recognise that development funding is required even where full government ownership does not exist, and find ways to deliver rapid support to strengthen capacities and systems for ownership at national and local levels. Immediate and sustained investment in strengthening country systems in a way that addresses these concerns can lead to more efficient and co-ordinated development programmes, greater government ownership and improved budget and expenditure systems, assuming that the government is committed to and capable of undertaking the necessary reforms.

There are too many levels of accountability in the aid architecture: This further complicates results delivery and raises dilemmas for those involved. National governments must meet their constituencies' expectations as well as a multitude of reporting requirements and overlapping aid principles. Similarly, international actors (bilateral and/or multilateral) are primarily concerned with accountability to their domestic constituencies and only secondarily to counterparts or citizens in the countries in transition. This "dual accountability dilemma" (World Bank, 2011) leads to a misdirected focus on risks, as highlighted earlier. Donor concerns about domestic constituencies are another disincentive for channelling development funds through transition countries' own institutions or accounts. In the long run, this under-uses government capacities in partner countries and undermines the ability of donors to achieve the strategic objectives of their engagements. This in turn undermines donor relationships with their constituents.

For these reasons, partner countries and some international actors are calling for a paradigm shift in the way aid and support is provided in fragile and transitional contexts (g7+, 2010; World Bank, 2011; Permanent Mission of India to the UN, 2011; UN, 2011). At the core of this call is the recognition that the MDGs do not provide an adequate framework to guide international support to transition. A broader view of support is required, focussing on i) the need to support statebuilding by strengthening the political settlement, core state capacities, and the legitimacy of the state; as well as ii) strengthening civil society and state-society relations; while iii) continuing to guarantee access to basic services for the people (IDPS, 2011a).

What are the risks for donors in transition contexts?

Countries affected by repeated cycles of political and criminal violence represent a central challenge for development and are a priority for many

Box 1.2 Challenges and opportunities of different principles for engagement

Several sets of principles have been developed over the last decade to guide appropriate and effective international assistance, and to which donors and implementing agencies have signed up. The aid effectiveness agenda is a set of international initiatives and agreements that underline the importance of harmonising aid activities: the Paris Declaration on Aid Effectiveness (OECD, 2005), the OECD DAC Principles for Good International Engagement in Fragile States and Situations (OECD, 2007), the Accra Agenda for Action (OECD, 2008) and the Busan Partnership for Effective Development Co-operation (2011). There are also principles for Good Humanitarian Donorship (GHD, 2003). These donor initiatives are proceeding in tandem with efforts to improve co-ordination and harmonisation in the multilateral system, most notably the UN "Delivering As One" process.

These principles and processes have improved how humanitarian and development assistance is managed and have increased its impact and benefits. For example, the PD has resulted in more frequent use of in-country funding instruments, and has also encouraged donors to undertake joint assessments and establish joint offices and development plans in places like Liberia and Sierra Leone. Some donors are using joint sector approaches backed by budget support and division of labour as standard modes of operation, and groups of like-minded donors have developed joint institutional strategies for relationships with multilateral agencies.

Similarly, the GHD principles encourage donors to strive towards more flexible and predictable funding and a more holistic approach to humanitarian assistance. Together with the process of UN humanitarian reform, initiated in 2005, this has resulted in the establishment of pooled financing mechanisms at both global and country levels, i.e. the Central Emergency Relief Fund (CERF) and Common Humanitarian Funds (CHF) and the cluster approach of the Inter-Agency Standing Committee hd(IASC), which aims to improve co-ordination and avoid gaps in the provision of humanitarian aid. GHD provides an operational framework to advance the humanitarian principles of impartiality, neutrality, independence and humanity, and is premised largely on the prevailing assumption that the affected state is either not willing, or not able, to adequately assist and protect its citizens in times of crisis. As a consequence, humanitarian actors tend to work around formal state structures, although GHD recognises the need to "provide humanitarian assistance in ways that are supportive of recovery and long-term development, striving to ensure support, where appropriate, the maintenance and return of sustainable livelihoods and transitions from humanitarian relief to recovery and development activities" (GHD, 2003).

The Principles for Good International Engagement in Fragile States and Situations (FSP) were created to complement the PD in contexts where donors are \triangleright

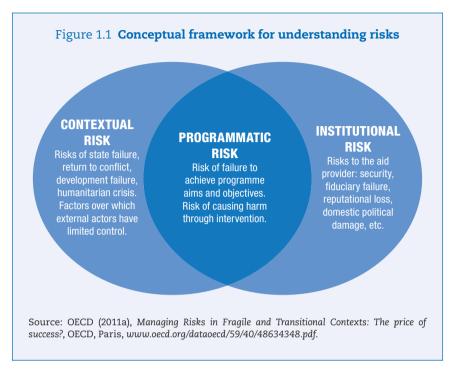
Box 1.2 Challenges and opportunities of different principles (continued)

unable to adopt a state-to-state approach because the state lacks legitimacy, capacity and/or will. While both the PD and FSP frameworks strive towards alignment, harmonisation and accountability, one key difference is that the FSPs at present lack mutual commitments for results. The biannual monitoring survey of the FSPs, required by the Accra Agenda for Action, is one step towards providing such a mutual commitment.

A particular challenge with having multiple sets of principles is that, in some countries, the different principles might apply simultaneously and be subject to periodic re-configuration as the context fluctuates. For example, in Sudan, donors were operating according to the GHD principles in Darfur and the FSP in Southern Sudan. This raises challenges for how different policy communities are able to engage. For example, capacity building is a real challenge for humanitarian actors funded under short-term contracts that require immediately quantifiable results. Humanitarian assistance also has no division of labour requirements, which complicates transition funding for donors and means that once peace takes root they may have to disengage from sectors where they have significant experience and have built long-term, effective partnerships in order comply with the PD provisions.

states' national security interests. They face the toughest development challenges and the highest risks of political instability, violent insecurity and failure of basic state functions. Aid plays an important role in these situations, not least because it offers one of the few available means to positively influence peacebuilding and statebuilding processes and introduces hope into devastated areas by delivering on critical humanitarian and developmental objectives. International assistance can make (and often has made) the difference between continued conflict and progress towards stability and sustainable development. But the results of interventions are unpredictable: they can be positive in unexpected ways as well as negative, and there is no clear, pre-defined pathway to peace.

Transitions are high-risk environments, where positive outcomes are hard to define and achieve and the risk of regression and relapse into conflict is high. External financing is one of few things within donor control in these contexts, and as a result, decisions on what and how to provide financing can easily become politicised. Yet these are contexts where the strategic risks posed by failure to engage outweigh most risks to individual donor institutions and programmes. Given the low starting point, effective aid in transitional contexts can do more, for more people, than aid in most other situations.



What are the risks and opportunities that donors face? Figure 1.1 provides a new conceptual framework for aid-related risks, based on a three-fold distinction between contextual, programmatic and institutional risk (OECD, 2011a).

The importance of contextual risk has long been understated and poorly analysed by bilateral and multilateral donors (OECD, 2011a). Many aid agencies continue to use general project and programme management frameworks that have not been adapted to the risks faced in fragile states (OECD, 2011a). Partially as a result of this, current risk management practice is primarily focussed on reducing institutional risk — in particular to address fiduciary and reputational risks to the donor. But risk management is not just about the aid provider reducing or avoiding risk: it involves balancing risk and opportunity, or one set of risks against another. Effective aid in these contexts may demand a significant degree of risk appetite — a willingness to consider risk in relation to opportunities. Risk management should be an enabling process, not only a precautionary one, and it should focus on how to enable strategic success (i.e. how to tackle the contextual risks shown in Figure 1.1).

All aid programmes carry the risk of programme failure. These risks are heightened in fragile and transitional contexts, where readiness to fail may be

a prerequisite to success.⁴ At the same time, decisions need to continue to be context-based and well thought-out, and should not overburden or "over-test" new approaches and initiatives that could do more harm than good. Expectations concerning results and reporting must reflect dynamic and complex political, social and economic realities. Specific outputs and outcomes may simply be impossible to guarantee.

Pressures to demonstrate rapid results and to meet generic reporting and accountability requirements make donors and their implementing partners risk-averse. Current accountability and reporting requirements are unrealistic in many transition contexts and need to be better adapted to their contexts and capacities. The question is where the appropriate balance lies in a given context between control and flexibility, what bottom lines are set, and how risks can be effectively mitigated without undermining the capacity to achieve sustainable results.

Opportunities to influence the course of events (at the operational and tactical levels) in these contexts may be short-lived, given the pace of events in transition contexts. This requires rapid action and flexible financing, which rely on swift aid decisions and using new approaches and/or untested partners. Standard development mechanisms and procedures rarely allow for such approaches. Yet, just as life-saving objectives have led donors to accept a higher degree of risks in humanitarian instruments, so should the extreme human and financial costs of recurrent conflict and natural disaster be an argument to accept a certain degree of risk during transition.

Given the high-risk nature of transition contexts and of aid engagement in such contexts, the prevailing emphasis on institutional risk avoidance needs to be replaced by a more balance approached to risk management and by risksensitive aid strategies. A more dynamic approach to risk management does not imply passive acceptance of risk. Issues of staff security, state legitimacy and corruption, for example, will rightly remain a major issue for donors and a core concern in risk management strategies. But these risks can and must be better assessed and managed as part of a calculated and conflict-sensitive approach oriented towards achieving strategic objectives in each particular context. Without a careful balance, and an approach that embraces risk as a way to enable strategic success and greater impact, the current modus operandi of risk avoidance will endure. Indeed, the more risk-averse the approach, the narrower the range of achievable goals. The present culture of risk avoidance is reflected in inflexible policies and procedures that were developed for more stable environments. It has also become part of the culture of institutions where reward depends more on "avoiding failure" than on achieving success.

Recommendations: Strategies for dealing with risk

As highlighted earlier, significant changes are needed to improve coherence in the global aid architecture to deliver results during transition. One key way forward involves balancing risks and opportunities, and amending procedures to improve context-specific risk management. Specific recommendations are:

i) Clarify relationships between different guiding principles

• At the international level, assess and address overlaps and challenges in existing principles and modes of engagement. Additional analysis is needed to understand how different principles interact and complement each other, and how they can be used to manage different risks during transition. Joint performance assessments at country level should also be developed to more effectively map donor activities and reforms, possibly under the auspices of existing regional peer review mechanisms and/or the DAC peer reviews, recognising that the Paris Declaration often sets the bar too high in transition contexts and that different approaches are required to manage transition challenges. The international community should also consider adopting the Principles for Good International Engagement in Fragile States and Situations (FSP) as the overarching guiding framework for transitions, which will require converting the FSP into joint principles with buy-in from both fragile states and donors.

ii) Improve the assessment of risk

- Recognise that effective risk management requires realistic and modest assessments of what can be achieved. International plans and schedules underestimate the difficulty of implementation and often set unrealistic goals. This has consequences: failure to adapt to context and capacities, failure to deliver results and, more importantly, building expectations that will not be met. Realistic assumptions about absorptive capacity and a higher degree of humility and pragmatism will be critical.
- Improve communication of risks and risk mitigation strategies. Risk assessment methodologies need to be simplified to provide clear language and arguments for politicians, senior managers within aid bureaucracies, and taxpayers in donor countries, as to why certain risks must be tolerated and how they are assessed and managed.

Be transparent about risks and ready to share risk assessments as an explicit
mitigation measure. Assessments should be shared among donors and
with host governments as the basis for constructive dialogue about
risk mitigation measures. Communication on risks should nonetheless be balanced against the need for confidentiality, recognising that
sometimes talking about risks makes their outcome more likely.

iii) Take collective approaches to risk assessments and management

- Agree to jointly assess and identify contextual risks. A joint understanding between donor and partner governments of the major contextual risks is a critical starting point for designing more effective responses. This should facilitate stricter prioritisation by highlighting those areas and activities that hold the highest potential for contributing to strategic objectives. Risk assessments should be linked more closely to country-specific policy assessments, such as staff assessments conducted by the International Monetary Fund (IMF) in Article IV contexts (IMF, 2011).⁵
- Establish a joint donor risk management framework based on the conceptual framework for understanding risks proposed in this guidance (possibly under the auspices of the OECD-DAC). As a rule, risks to individual donors are higher than risks to donors working as a group. Commitment to better collective risk management and risk "burden sharing" are critical elements of more flexible engagement.

iv) Reform bilateral and multilateral procedures so that risk management can be context-specific

- Amend normal aid regulations and practices when engaging in transition contexts to reflect specific risks. Application of "emergency procedures" for financial management and procurement should be combined with an explicit focus on building local capacities to perform fiduciary and accounting functions and a commitment to collectively manage risks associated with such approaches. Financial and procurement arrangements should also be simplified. This could involve using national procurement rules with appropriate international oversight for procurement up to a certain limit, and to shift donor oversight from ex ante to ex post reviews. As part of this, the role of donor fiduciary staff could shift from being external regulators of internal rules to facilitators of good procurement outcomes from national rules.
- Urgently reform procurement policies of those institutions managing pooled funds (e.g. the United Nations and World Bank) to facilitate more rapid

Box 1.3 Pooled funds, fiduciary risks and the limits of effectiveness

The Multi-Donor Trust Fund for Southern Sudan (MDTF-SS) has been widely criticised for its slow disbursement of funds and its lack of results. This experience raises lessons about the limitations created by unrealistic donor expectations, strict fiduciary rules and regulations and overly complicated governance structures.

The World Bank was appointed by the government and donor community to act as the MDTF-SS trustee, as it was felt that the bank's fiduciary rules and regulations would provide the best guarantee against corruption and misuse of money (a very real threat in post-Comprehensive Peace Agreement Southern Sudan). However, serious delays in allocating funds were partly due to the preconditions and safeguards requested by the donors. These same donors, nevertheless, have been competing to brand the MDTF-SS a failure and to blame the World Bank. They have also initiated new, often competing funds, to ensure delivery.

The World Bank did indeed make some major mistakes in setting up the fund and its operational facilities, but blame cannot simply be assigned to the Bank. It was not able to allow for more fiduciary risk taking because its board does not allow the Bank's fiduciary rules and regulations to be relaxed. The same donors that criticise the World Bank for this inflexibility sit on the Bank's board. The problem is that these board representatives are usually staff from ministries of finance or treasury departments, whose perspective is different from that of the donor representatives who deal with fragile states. To make things more complicated, donor representatives in the field are usually less risk-averse than their counterparts in headquarters. With all these different perspectives, there is a great risk of miscommunication, misconception and different expectations.

Sources: OECD (2011a), Managing Risks in Fragile and Transitional Contexts. The Price of Success?, OECD, Paris.

delivery and use of local procurement. Conflict prevention is a valid justification to apply emergency procurement procedures until the overarching transition objectives are met.

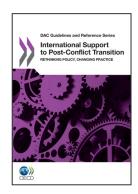
a) Avoid "risk dumping" and set realistic expectations for implementing agencies

When delegating control, donors need to make sure they give implementing
partners enough room and the necessary means to take risks and respond
flexibly. Greater honesty and transparency about exposure to all risks

is needed between donors and those they fund, along with greater realism between managers and financial controllers about the parameters within which aid interventions in these contexts can realistically be accounted for. Those on the front line of programme delivery are currently faced with competing demands that require changes in the way donors have traditionally worked, as highlighted by the case of South Sudan (Box 1.3). Donors should discuss these issues in the governance boards of relevant multilateral agencies, and should consider efforts to strengthen multilateral collaboration and leadership at the country level (including through the Resident/ Humanitarian Co-ordinator – see Chapter 4 for more).

Notes

- In 2009, half of ODA to fragile states went to only eight countries. These were (in descending order of ODA allocations): Afghanistan, Ethiopia, Pakistan, Palestinian Administered Areas, Iraq, Democratic Republic of Congo, Côte d'Ivoire and Sudan. See OECD (2011d) for more.
- 2. In its analyses of resource flows to fragile states, DAC-INCAF uses a list of countries in fragile situations that is neither an official DAC list nor an official definition. It is a compilation of two lists: the Harmonised List of Fragile Situations (2009; World Bank, African Development Bank, Asian Development Bank) and the 2009 Fund for Peace Failed States Index. The list includes Pakistan, Nigeria and Bangladesh, which together represent one-third of the total population living in these 45 countries. See OECD (2011d) for more.
- According to the Paris Declaration and the Accra Agenda for Action (OECD, 2007), country systems and procedures typically include, but are not limited to, national arrangements and procedures for public financial management, accounting, auditing, procurement, results frameworks and monitoring.
- 4. See Natsios, A (2010), The Clash of the Counter-bureaucracy and Development, Center for Global Development Essay, Center for Global Development, Washington DC, www.cgdev.org/content/publications/detail/1424271.
- 5. IMF staff assessments are part of an ongoing process that culminates in regular (usually annual) comprehensive consultations with individual member countries, with discussions in between as needed. The consultations are known as "Article IV consultations" because they are required by Article IV of the IMF's Articles of Agreement. During an Article IV consultation, an IMF team of economists visits a country to assess economic and financial developments and discuss the country's economic and financial policies with government and central bank officials. IMF staff missions also often meet with parliamentarians and representatives of business, labour unions and civil society.
- "Emergency procedures", as coined by the World Bank, are a set of simplified rules and regulations to facilitate rapid and flexible responses during emergency recovery efforts.



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