

# Dominating with Aid

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**Raise and development of International policies of Aid.**

**The case of Support to Justice Reform**

**(1990 – 2010).**

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*“Our main objective is **NOT** the Development for the pure love of Development.*

*Our main substantial objective is to offer the maximum of opportunities to the private and industrial initiatives of the United States of America.*

*The main problem is to evaluate how the program of assistance and aid that we are organizing can give the maximum support to the interests of the United States in the countries where we are operating” .*

(R. Coffin, Vice-President USAID, 1964)

# Lesson Structure

- *Aid as a Political Category in the State-Nation dimension*
- *The Unstoppable rise of International Aid Policies. Aid as a new Instrument of Domination in the system of International Relations*
- *A proposal of periodisation of Aid Policies after the second world war.*
- *The Third phase (after Berlin wall) : post-war and post-communist scenarios*
- *Justice and Home Affairs Programmes and Projects*
- *The case of Serbia. After war, before peace*
- *The case of Russia. From victim of the Aid to a Donor play maker (1990-2010)*
- *Conclusions: working these cases in discussion – (20min)*

# AID– a political category

- XIX Century- The German school and the raise of the State-Nation Doctrine and Reason of State (Botero 1589 \Macchiavelli revised \Hegel and the mono-ethic state).
- O.Hintze– National Interest and International Relations dominated by War–Trade as channels of interaction
- The evolution of the realism (E.Carr) and power politics liberal realism (M.Wight \ E.Carre).
- Idealism vs Realism: the rhetoric's of the Defense vs War, since 1949
- After WW II : the raise of AID as a political category in International Relations

# The unstoppable raise of the International Aid Policies after WWII

- 1949 Truman and the Task of the Donors to “operate for the Development”. The new Frontier for the West. “International Cooperation” as new instrument of old State nation’s power ambitions.
- Defining a new concept of Technical Assistance.
- The new dimension of the liberal democratic State in the international frame moves to “AID” as a new instrument of political obligation
- Reading back the International Relations History since the end of WWII from the perspective of the AID relations
- Impossible to analyze the evolution of a political, social and economical system (geo-political system) in transition without evaluating in depth the flow of AID entering or exiting a State.

# International Aid Public Policies – a definition

- Weakness of the traditional concept of International Cooperation
- The need for a wider, inclusive definition of AID to be ex-post operationalized on the specific case studies
- Definition of **AID**: DONORS vs BENEFICIARIES
- Definition of **International**: DIFFERENT STATEHOODS
- Definition of **Public**: PUBLIC BUDGET INCIDENCE
- Definition of **Policies**: STRATEGIC PLANNING AND ACTION PLAN IMPLEMENTATION

# AID Policies - Typologies

*Defined by:*

- Actors (Donors + Beneficiaries)
- Intervention Scenarios
- Type of Assistance \ Aid

# Proposal of Periodisation

- 1815 -1945—/Liberal Period (Aid Policies only *within* the State Nation)

## The three phases (1949 – 2010)

- 1945-1960 / Post WW II (Primary Objective: Reconstruction e Economic Growth)
- 1960-1990/ New Independencies (Primary Objective :Primary Development \ Infrastructure)
- 1990 –today/ The New Crises/ Post-war (Emergency)+ Post-soviet –(Technical Assistance \ Radical change of the models)



# The 90s: The New Crises - 1

## *INTERVENTION SCENARIOS*

- End of Bipolar system. Redefining the international geo-political framework
- New types of European Intervention Scenarios (post-war, post-communist, double transition). High pre-crisis levels of development \ sophisticated institutional set ups \ statehood \ accessibility and closeness of intervention scenarios\ rapid evolution
- **Post War**(Croatia\Bosnia\Serbia – Kosovo)
- **Post Communism \ Soviet**(Central Europe + Collapse of USSR)

# The 90s: The New Crises - 2

## ACTORS

- Increase of potential Actors: both Donors and Beneficiaries (directly active and with political expectations and ambitions).
- Indicators of definition of Typologies:

Public/ Private sector

Multilateral \ Bilateral

Central/Local

(Inter-governmental vs Multi-governmental)/

Central/ Local \ Institutionalized /ad hoc \

Main-core (one issue)/ Multi-core organizations

# The 90s: The New Crises - 3

## ***TYPES OF ASSISTANCE***

- Traditional models of International Cooperation from the 70s are out of date.
- New and more complex set of needs > beyond simple “development”.
- New Key Words :

European humanitarian emergency \ Primary Needs-

Free Market Economy – (Key Word of the First Flow of Aid)

Democratic Transition (Human Rights)

Institution Building –

Democratic Consolidation (Participation)

Rule of Law (Constitutional Development + Judicial Reform)

# Justice\Judicial Reform reform interventions

- Justice Reform concentrated on reform of the Judiciary
- Projects focused on MoJ \ Judges \ Prosecutors \ Court Staff
- Minority of Projects for Constitutional Court \ Parliamentary Committees \ Notaries
- Areas of intervention :
  - ◆ *Legal Framework (policy, legal advice, legal drafting)*
  - ◆ *Institutional Framework*
  - ◆ *Institution Building and PA reform \ Strengthening \ Capacity Development*
  - ◆ *Human Resource Development*
  - ◆ *Court Management and Operations (Backlogs)*
  - ◆ *Jurisprudence*
  - ◆ *Access to the Justice System – Free Legal Aid - Legal Awareness*
  - ◆ *Dispute Settlements – Mediation*
  - ◆ *Information Technology*
  - ◆ *Information Resources*
  - ◆ *Transparency and Anti-corruption*
  - ◆ *The cross cutting category of Human Rights*

## *The basis for empirical research:*

# **-AnalysisIndicators -**

### **General Aspects**

Level of interest of Donors and Beneficiaries

Level of Donors Coordination vs Donors Competition

Level of Sovereignty e ownership of the public policies

Level of Overload

Level of Overlap

Level of Demand Driven assistance vs participation to the planning of the aid initiatives

Level of relationship between Projects and Subjects (institutionalization of the Project Cycle Management PCM)

Level of transparency in the procurement procedures and of control of efficiency effectiveness of implementation.

Level of Multi-lateral vs Bilateral assistance.

### **Specific Aspects**

- Level of circulation of judiciary models (best practices)
- Level of awareness and absorption capacity of the indicators of efficiency of Justice.

# Donors and Justice Reform in Serbia

- 1992 - 2000—**Opposition to Milosevic** Values \ Human Rights and Non Governmental Organisations (between NGOs and GONGs). (the case of the Association of Judges).
- 2000 - 2003—**Euphoria and technocracy**. The UN political predominance II (UNDP – the Capacity Building Fund).
- 2003 - 2009—**Towards EU accession**. The EU political predominance (the European Agency for Reconstruction). The stock and the carrot.
- 2010 - today—**Instability and impasse of the transition**: The competition among strategies of Justice reform. The relevance of the bilateral USAID approach.

# Donors and Justice Reform in Russia

- 1992 – 1999–*The post-ideological escape*.– Russia on sale. Donors invasion and random positioning.
- 2000 – 2005–*The return of the primatus politicae*– Renewed Reforms Agenda at the Kremlin. More focused interventions. The Foreign Donor – a foreign Agent. Renegotiating the Aid.
- 2005 – 2008–*The raise of the Jurists*– Justice reform back in the center of attention.  
Consensus building through Liberal Development (Rule of Law\Constitutional Development) with limited democracy (participation)
- 2009 –oggi–*State Modernization*–Tecnocracyand progressiveauthonomisationof the aid process. Russia from Beneficiary State to Donor State.

# -Comparison-

## Russia

- \*) Progressive reduction of the role of the Donors.
- \*) Strong negotiating capacity visavis Donors
- \*) Few Programmes
- \*) Classical Implementation instruments
- \*) Raising ownership of the reform process
- \*) Technical Local Specialization
- \*) Low Political Debate.
- \*) Increase of the role of Local Expertise.

## Serbia

- \*) Prolonged phase of Donors Competition and Donors mushrooming
- \*) Weak negotiating capacity visavis Donors
- \*) Several Programmes,
- \*) New instruments (EAR)
- \*) Demand and Donors driven process of reforms
- \*) Low absorption capacity
- \*) Very high political tension
- \*) Late and marginal role of Local Expertise

- Donors stronger and more confident where instable political system and limited sovereignty



# Trends in Programmes and Projects Implementation

- More Projects–Less Subjects\Actors.
- The role of Contractors in the Political Systems of the Donor Countries.
- Weak re-adaptation capacities in course of project implementation
- Donors Competition vs Coordination
- Aid Overload and Overlap
- Efficiency vs Effectiveness
- Conflict of Interest, Procurement rules, Corruption

## Top Open Issues (not only in Judicial reform)

- Expectations met? > Which were actually the objectives?
- Should Rule of Law (Constitutional & Liberal Revolution) and Democracy & Participation come at the same time (R. Dahl)?
- Should Beneficiaries become (bridging) Donors to third Countries in need?

Ultimately,

- Can (legitimate) National Security and State National Interests coexist with an overall stronger effectiveness of the Aids system.

# Key Conclusions \ Theses

- Aid in International Relations is primarily a political category
- Aids a Key instrument of International Relations and PowerPolicies
- Donorshave a greater(political interest)compared to Beneficiaries.
- Greater number of Donors than Beneficiaries
- Great Countries: Ambition of Beneficiaries to become Donors
- Small Countries: Advantage of Institutionalization of Beneficiary.
- Inverse relation between amount of aid, actors and effectiveness

- *Americans are smarter than the Russians. They make their intelligence through Aid initiatives. Do the job. And also get a Nobel price for it.*

*(G.Andreotti, former Italian PM)*

- *We have three “D” priorities. Diplomacy, Defence, Development.*

*(H.R.Clinton, former US State Secretary)*