

REFORMING BUSINESS ENVIRONMENTS AMID FRAGILITY AND CONFLICT

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CONTENT

| | |
|---|-----------|
| INTRODUCTION | |
| Executive Summary | 3 |
| Key Findings | 4 |
| BACKGROUND | |
| THE PRIVATE SECTOR AS A DEVELOPMENT PARTNER AND PEACE-BUILDER | |
| Building ownership, transparency and confidence in reform efforts | 6 |
| Using inclusive dialogue to support telecommunications reforms | 7 |
| Focus on domestic and foreign private investors | 8 |
| Focus on transformative investment opportunities | 8 |
| Address the links between informality, fragility and conflict | 9 |
| Social enterprises – a unique opportunity for inclusive development | 10 |
| SUMMARY AND CONCLUSIONS | |
| Recommendations and the support you could request from the ICR Facility | 11 |
| Further readings | 12 |
| IMPRINT | |
| | 13 |

REFORMING BUSINESS ENVIRONMENTS AMID FRAGILITY AND CONFLICT

WHAT ARE KEY CONSIDERATIONS FOR GOVERNMENTS AND BUSINESS REPRESENTATIVES WHEN REFORMING BUSINESS ENVIRONMENTS AMID FRAGILITY AND CONFLICT?

EXECUTIVE SUMMARY

Often, it is the countries that need private investment and economic growth the most that are also the most difficult to invest and do business in. Not only do businesses in these countries struggle to access markets and obtain the inputs they need to compete, but their governments are also challenged in their efforts to manage the business environment and economy. **As a result, unemployment and poverty remain excessively high in these countries, contributing to further fragility and conflict.**

This report looks at the challenges for business environment reform within fragile and conflict-affected situations. It examines the ways governments and business representative organisations can come together to **support changes** that improve the conditions for business development and economic growth. Furthermore, it makes **suggestions** how the ICR Facility can provide concrete support.¹



The report builds upon an **online event** the ICR Facility delivered on this topic.² [Watch the recording here >>>](#)

1 The ICR Facility delivered a live event on improving the investment climate through gender sensitive reforms in times of COVID-19, which looks at the role of the private sector to stop and reverse the widening gaps due to the corona crisis and how ACP governments can tackle gender-sensitive business environment reforms for a sustainable recovery. Recording: [Improving the investment climate through gender sensitive reforms in times of COVID 19 >>> YouTube](#)

2 Speakers included *Simon White* (an independent policy advisor), *Rima das Pradhan-Blach* (EU's Territorial Integration and Planning Facility for the Inclusive Local and Economic Development Programme in Somalia) and *Maisara Latiph* (Member in the Philippine Parliament for the Bangsamoro Autonomous Region).

KEY FINDINGS



Conflict and fragility affect the business environment in which local enterprises start and grow. While some private enterprises may benefit from and learn to operate amidst fragility and conflict, the broader private sector is a force for productive change. It is essential to understand the impact of conflict on the business environment and specifically on the enterprises themselves. By doing this, it will be possible to find ways that government and business can work together to support stabilisation and peacebuilding.



Public-private dialogue allows for government and business to come together and join forces on economic development. Especially in fragile contexts, inclusive models of public-private dialogue can broaden the range of actors involved. Inclusive dialogue involves businesswomen, people of different ethnicities, informal enterprises and enterprises operating in strategic economic sectors. Indeed, inclusive models of public-private dialogue may even bring together conflicting groups.



It is important to recognise that both foreign and domestic investment can drive enterprise development and economic growth. While foreign direct investment and multinational companies provide a country with access to capital, jobs, skills, technology, and international business networks that are unavailable domestically, local investors are closely connected to the business community and key protagonists in development and peace-making.



A more 'deals-based' approach to reforms that focuses on the specific needs of transformative investment opportunities helps unlock private investments into strategic sectors or clusters in fragile and conflict-affected situations. Governments and businesses can identify the opportunities for pragmatic reforms that focus on bottom-up, transformative investment opportunities, rather than relying on broad, national and economy-wide reforms.



Unemployed women and men in fragile and conflict-affected situations often have no other choice but to begin some form of informal income generation to survive. Reformers can address high levels of informality with well-coordinated policies that take into account country-specific conditions and combine longer-term efforts to formalise the economy with shorter term efforts that address the immediate problems many informal actors face.



BACKGROUND

REFORMING BUSINESS ENVIRONMENT AMID FRAGILITY AND CONFLICT

There are many challenges for business environment reform within fragile and conflict-affected situations.³ As a part of the investment climate, the business environment consists of the policy, legal, institutional, and regulatory conditions that govern business activities. Ideally, the business environment establishes the relationship between public, private and civil actors and influences how these actors interact. However, in conflict and fragile settings, these interactions are not always based on formal rules. This creates

challenges for governments and businesses. Improvements to the business environment typically rely on a close engagement between state and non-state actors to identify and manage reforms designed to improve the conditions in which private investors operate.⁴

The World Bank Group says the challenges created by fragility, conflict and violence are ‘context-specific, complex, and nuanced, requiring approaches tailored to the distinct geography, history, and conflict drivers of each setting’.

THE THREE ELEMENTS AFFECTING THESE SITUATIONS ARE:⁵

(1) FRAGILITY



where countries with deep governance issues and state institutional weakness are characterised by deep grievances or high levels of exclusion, lack of capacity and limited provision of basic services to the population

(2) CONFLICT



where countries exhibit active conflict based on a threshold rate of conflict-related deaths

(3) VIOLENCE



where countries contain high levels of interpersonal and gang violence, including gender-based violence and violence against children

While the private sector in these situations plays an important role in creating new incomes and jobs, and driving economic development, it faces many barriers that inhibit its ability to perform these functions.

Many businesses in fragile and conflict-affected situations are informal with poor management capabilities and lack access to the finance they require to start-up and expand. The markets they operate in are often underdeveloped and can be dominated by state-owned enterprises and other forms of market distortions. In addition, infrastructure

is inadequate and supply chains are often broken. These problems are exacerbated by a weak legal and regulatory environment, low government capacity and weak public institutions.

This report highlights some of the latest findings from research and engagements with Investment Climate Reform (ICR) Facility partners on how to improve the business environment in these conditions. It focuses on the key starting points for government and business and outlines how they can work together to find common and effective solutions.⁶

³ For a list of fragile states, see the ‘FY21 List of Fragile and Conflict-affected Situations’ by the World Bank Group: [FCSList-FY21.pdf \(worldbank.org\)](#)

⁴ See DCED (2008).

⁵ World Bank Group (2019) *World Bank Group Strategy for Fragility, Conflict, and Violence 2020–2025*. World Bank Group, Washington DC.

⁶ White, S. (2020) *Business Environment Reforms in Fragile and Conflict-Affected Situations*; A Discussion Paper, DCED, Cambridge, UK

THE PRIVATE SECTOR AS A DEVELOPMENT PARTNER AND PEACE-BUILDER

While the private sector has often been a catalyst to ‘strife’ and conflict, it can also play an integral role in restoring and maintaining peace.⁷ It is important to recognise that the private sector is diverse and represents a range of interests. It contains enterprises of various sizes, types and ownership structures, while operating in a wide range of sectors and markets. A dynamic, ‘vibrant and inclusive private sector can ignite economic growth, provide jobs and services, and help stabilise societies’.⁸

Governments and local communities often lack the capacity to cope with fragility and conflict. Yet, private enterprises in these situations also find it difficult to invest, compete and expand.⁹ While some private enterprises may benefit from and learn to operate amidst fragility and conflict, the broader private sector is a force for productive change. When joining forces, the private sector has the potential to advocate for and promote peace whilst encouraging investment and the rebuilding of livelihoods and infrastructure.¹⁰

There are ways in which governments and the private sector can work together as development partners and peace builders. Evidence shows how private sector development can create jobs, while increasing livelihoods, encouraging business continuity and contributing to stabilisation and peacebuilding in times of war.¹¹ However, achieving this requires a clear understanding of the link between economic development, business, jobs, fragility, and conflict. It also requires reformers to adopt a ‘business perspective’ while addressing the causes of economic marginalisation.¹²

Business environment reform in fragile and conflict-affected situations provides an opportunity to focus on more inclusive business environments that improve the growth and competitiveness of businesses. These reforms can have a positive effect on the society, as well as those social groups traditionally excluded from the economy.

Recommendation for ACP stakeholders:



Design business environment reforms based on a clear understanding of the ways businesses are affected by fragility and conflict and how government and business can work together to support stabilisation and peace-building.

BUILDING OWNERSHIP, TRANSPARENCY AND CONFIDENCE IN REFORM EFFORTS

The process of public-private dialogue, in which state and business actors come together to discuss practical issues that affect them, has been found to build ownership, transparency and confidence in reform efforts. However, dialogue between governments and businesses in fragile and conflict-affected situations is often limited to a small group of unrepresentative actors who are not always committed to promoting peace and stability. Thus, business environment reforms will often begin by expanding the range of actors and representatives participating in dialogue. This should include businesswomen, people of different ethnicities, informal enterprises and enterprises operating in strategic economic sectors. Inclusive public-private dialogue can prevent governments from creating regulations that could worsen existing conflicts.¹³

7 See: Peschka, M. (2011) *The role of the private sector in fragile and conflict-affected states*. World Bank (Washington DC).

8 World Bank Group (2019) Op. Cit.

9 OECD (2016) *States of Fragility 2016; Understanding violence*, OECD Publishing, Paris.

10 See example from Sri Lanka: Miriyagalla, D. (2016). Business and Peace in Sri Lanka: *The Roles of Employer and Business Membership Organizations*. ILO.

11 Schrade, U., B. Seibel, C. Weinreich, and S. Reichenbach (2017) *Is there a case for private sector development interventions in contexts of open and sustained violence?* GIZ, Eschborn.

12 Datzberger, S., and M. Denison (2013) *Private sector development in fragile states*. EPS-PEAKS, London, UK.

13 GTZ (2008) *Private sector development in (post-) conflict situations*, GTZ, Eschborn.

For example, inclusive models of public-private dialogue in Somaliland have been used to identify, prioritise and implement critical policy interventions to address constraints to private sector development, investment promotion and economic growth. Public-private dialogue has provided an engagement mechanism that ensures more inclusive and sustainable policy solutions through a structured, evidence based and participatory reform process. This complements [national PPD](#) efforts undertaken by the Federal Government of Somalia and the Somalia Chamber of Commerce and Industry, which the EU and World Bank supports.¹⁴

Text Box 1, below, provides an example of how inclusive dialogue involving national and subnational governments, farmers and pastoralist is being supported to drive telecommunications reforms.



Recommendation for ACP stakeholders:

Support inclusive forms of public-private dialogue that open up these processes to a wide range of women and men and businesses of various sizes in strategic sectors.

TEXT BOX 1:

Using inclusive dialogue to support telecommunications reforms

In the Sahel, SNV, the Dutch not-for-profit international development organisation, has been working to improve the incomes of pastoralists and farmers' households by providing access to reliable geo-satellite based data provided by mobile telephone networks.¹⁵ This programme supports public-private partnerships in these fragile settings to find digital market based solutions.

More recently, the programme has sought to expand its scale of impact by supporting legal and regulatory reforms in telecommunications in Mali and Burkina Faso. Telecommunications services are critical for the success of new digital market-based solutions and reliant upon a legal and regulatory framework that provides investments into mobile telephony infrastructure in remote areas and the interoperability of network services.

To succeed, these reforms require dialogue that involves pastoralists, farmers and small agribusinesses, who are not typically involved in this kind of reform consultations. Thus, SNV is working with the relevant national and subnational governments, farmer and pastoralist representative organisations, and the network providers along the common West African corridors used by nomadic pastoralists.

¹⁴ A 2019 *EU-funded study* has developed a roadmap to increase investment in Somalia from development finance institutions.

¹⁵ This includes the *Sustainable Technology Adaptation for Mali's Pastoralists* (STAMP) programme and the *Mobile Data for Moving Herd Management and better incomes (MODHEM)* in Burkina Faso.

FOCUS ON DOMESTIC AND FOREIGN PRIVATE INVESTORS

Business environment reform in developing economies, including those affected by fragility and conflict, are often concerned with attracting foreign investment and growing the potential for multi-national enterprises to increase their levels of investment.¹⁶ While foreign direct investment and multinational companies can provide a country with access to capital, jobs, skills, technology, and international business networks that are unavailable domestically,¹⁷ there are also local investors who play an important role in economic growth.

Approximately 90 per cent of investment in fragile and conflict-affected countries comes from domestic investors, and two-thirds of foreign investment comes from neighbours and diasporas. Non-extractive foreign investors are seldom interested in conflict-affected zones, so investor-friendly reforms should focus on attracting domestic business investment.¹⁸ Indeed, many small and medium-sized enterprises and middle-class households in countries affected by fragility and conflict often look for ways to invest their savings outside of the country. These are domestic resources that can be tapped for national development.

The EU-funded Private Sector Libya (EU4PSL) programme, implemented by Expertise France, has supported the creation of a Help Desk to support and facilitate private investment and boost cross border trade along with a one-stop-shop to reorganise administrative formalities under one roof. It has formed close partnerships with the Ministry of Finance and has strengthened the chambers of commerce, which has produced a 'White Book' containing the business community's priority reform recommendations.

FOCUS ON TRANSFORMATIVE INVESTMENT OPPORTUNITIES

Business environment reform efforts typically focus on national reforms. While common assessment tools, such as the World Bank's *Doing Business* assessments, are used to compare and rank national business environments, the opportunities for reform and investment vary by location and sector.¹⁹ In developing countries affected by fragility and conflict, it is very important to recognise the 'microclimates' faced by different kinds of firms and sectors.²⁰

Rather than supporting large, national reforms that affect the entire investment climate, it is often more feasible to focus on investments that are more strategic and lead to economic transformation. Sometimes described as 'deals-based' reforms, this approach seeks to achieve better growth outcomes by concentrating reforms on the implementation of targeted policies and reforms. These reforms focus on the specific needs of transformative investment opportunities and move, over the longer-term, to more comprehensive reforms. Strategic reforms address pragmatic problems, such as costly or inadequate power supply or key infrastructure to improve access to markets. These approaches help to unlock markets and improve competitiveness, which can be enough to jump-start a country's growth acceleration.

For example, the United Nations Development Programme in Somalia, through its Capacity for Investment and Economic Development project, supported the federal government in the preparation of the National Investment Promotion Strategy. This strategy applies an enterprise-driven approach to economic development, focusing on improving the policy and regulatory regime for private enterprises. The strategy introduces 'deliberately targeted' investments, such as 'game changing' investments into 'anchor' projects that can generate other investment, such as free trade zones, trade corridors and energy. An enterprise-driven approach also strengthens the connections between government reforms and business. A recent report into investment reforms in Somalia by the European Commission and DEVCO Trade and Private Sector Facility found a low level of trust between business and government. It recommends that government clarify the role of various ministries in investment promotion and improve coordination, while the private sector should find opportunities for self-organisation and representation to improve information sharing and promote investment-ready projects.²¹



Recommendation for ACP stakeholders:

Recognise the importance of both foreign and domestic investment in driving economic growth, balancing the interests and roles of multinational enterprises with national and local enterprises when designing reform programmes.

16 For example, the OECD Guidelines for Multinational Enterprises (OECD 2011) are recommendations addressed by governments to multinational enterprises to ensure that the operations of these enterprises are in harmony with government policies, to strengthen the basis of mutual confidence between enterprises and the societies in which they operate, to help improve the foreign investment climate, and to enhance the contribution to sustainable development made by multinational enterprises.

17 Whyte, Robert, and Carlos Griffin. 2014. *Promoting foreign investment in fragile and conflict-affected situations*. World Bank Group (Washington, DC).

18 Channel, W. (2010) *Business environment reforms in conflict-affected contexts*. International Alert, London

19 There is also a growing demand for subnational *Doing Business* assessments.

20 Pritchett, L., K. Sen, and E. Werker (2018) 'An introduction to the conceptual framework', in *Deals and development: The political dynamics of growth episodes*, Pritchett, Sen and Werker (Eds.) Oxford University Press, Oxford

21 Osman, H., A. Osman and D. Ibeke (2020) *Roadmap for DFI investment in Somalia; report*, August, European Commission and DEVCO TPSD Facility


Recommendation for ACP stakeholders:

Pay greater attention to strategically focused, ‘deal-based’ reforms that drive bottom-up, transformative investment opportunities, rather than broad, national and economy-wide reforms.

ADDRESS THE LINKS BETWEEN INFORMALITY, FRAGILITY AND CONFLICT

Often, countries characterised by fragility and conflict experience unusually high levels of informality. This can be a result of the limited capacity of governments to implement policies and enforce legal and regulatory instruments, and to provide a degree of economic stability and predictability, as well as weak and distorted markets that make it difficult for enterprises to flourish. Often, unemployed women and men have no other choice but to begin some form of informal income generation to survive.

As a result, it is important to consider the links between informality, fragility and conflict. This may include efforts to support the formalisation of the informal economy by making business registration and licencing easier and cheaper.²² There is a growing body of evidence that shows that business environment reform, on its own, is often not enough. There needs to be a mixture of making it easier to register and comply, creating incentives to formalise and improving governance.²³

Addressing informality, fragility and conflict can also create a greater demand for business models that are more inclusive and community-oriented. For example, see [Text Box 2](#).

More attention is being given to finding ways to work with informal enterprises. This is a complementary or parallel approach that runs alongside a formalisation agenda. Because processes of formalisation are unlikely to absorb all informal enterprises and their workers, there is a need for reforms that respond to the current challenges and vulnerabilities they face.²⁴ These issues include improving access to finance and skills development, technology and cross-border trade, as well as social protection measures. The ICR Facility is liaising with the EU in Chad to explore ways in which high levels of informality can be addressed through a combination of supporting for business environment reform while improving the incentives and capabilities of informal firms to formalise and expand.


Recommendation for ACP stakeholders:

Respond to high levels of informality with well-coordinated policies that take into account country-specific conditions and find a balance between formalising the economy in the long-term and at the same time addressing the immediate problems many informal actors face in the short-term.

²² For a fuller explanation of the options for formalising the informal economy see: International Labour Conference, *Transition from the Informal to the Formal Economy*, Recommendation 204, 2015. Also see Donor Committee for Enterprise Development, *Business Environment Reforms and the Informal Economy*.

²³ See Bruhn (2012) ‘A tale of two species; revisiting the effect of registration reform on informal business owners in Mexico’, and Henrique de Andrade, et. al., 2013 *A Helping Hand or the Long Arm of the Law? Experimental Evidence on What Governments Can Do to Formalize Firms*.

²⁴ See [Overseas Development Institute](#)

TEXT BOX 2:

Social enterprises – a unique opportunity for inclusive development

New forms of enterprises are being used to promote inclusivity within fragile and conflict-affected situations. In particular, social enterprises have emerged as a practical way for local people to engage in income generation and community building. The British Council in Sudan is promoting social enterprises to help address social and environmental problems. These enterprises generate income like other businesses, but re-invest profit into their social mission, creating positive social change. They create jobs, reduce inequalities and bring together the entrepreneurial skills of the private sector and the values of public service.

The programme supports ‘social enterprise practitioners’ and other change-makers who lead a social enterprise or run social enterprise start-ups. A 2020 report finds that social enterprises in Sudan are serving diverse communities and working across a range of industries. It recommends the reform of policies and procedures to improve social enterprise access to public procurement opportunities and the creation of a robust, supportive and flexible legal framework that helps social enterprises distinguish themselves as businesses which trade but which also maintain a commitment to a social purpose.

Similarly, in the conflict-affected southern island of the Philippines, the British Council and the European Union, both ICR Facility partners, have facilitated a partnership with the Regional Government of the Autonomous Region in Muslim Mindanao, civil society organisations and the local business community. This partnership aims to build a robust environment in which social enterprises can flourish. It promotes the role of social enterprises in providing essential goods and services to local populations, giving local women and men a stake in peace and stability in the region.

SOURCE: British Council (2020) ‘The state of social enterprise in Sudan’, Global Social Enterprise, British Council; British Council (2017) How social enterprise is creating change in fragile Mindanao communities, London

SUMMARY AND CONCLUSIONS

This report has examined some of the major challenges for business environment reform within fragile and conflict-affected situations. It has described the ways governments and business representative organisations can come together to support changes that improve the conditions for business development and economic growth.

When designing business environment reforms, it is important to have a clear understanding of the ways businesses are affected by fragility and conflict. Based on this, governments and business representative organisations can work together to support stabilisation and peacebuilding.

Inclusive public-private dialogue involves a wide range of women and men and businesses of various sizes in strategic sectors. This goes beyond the closed, often elite forms of dialogue that are common in fragile and conflict-affected situations. More open and inclusive approaches build confidence and transparency and encourage a broader ownership of reform initiatives.

Rather than focus on national, generic reforms, it is often useful to pay greater attention to ‘deal-based’ reforms that focus on bottom-up, transformative investment opportunities.

Successful reforms recognise the importance of enhancing both foreign and domestic investments. Reforms should focus on the pragmatic issues private investors face.

In fragile and conflict-affected situations it is often important to consider more inclusive models of business, such as social enterprises and cooperatives. Business environment reforms can be introduced that allow these forms of enterprise a legal space that both governments and business can encourage.

Often, countries characterised by fragility and conflict experience unusually high levels of informality. Thus, business environment reforms should be based on an analysis of the drivers of informality and take into account country-specific conditions. Reforms should find a balance between formalising the economy in the long-term and addressing the immediate problems many informal actors face.

RECOMMENDATIONS AND THE SUPPORT

YOU COULD REQUEST FROM THE ICR FACILITY



Based on the analysis provided, this report is making six recommendations for governments and business representative organisations to support changes that improve the conditions for business development and economic growth in fragile and conflict affected situations. Policy makers as well as private sector representatives influencing policy makers, development practitioners and other relevant stakeholders in ACP countries are able to request short term technical assistance to help them implement the recommendations put forward in this report.²⁵

Suggestions for concrete support the ICR could deliver include (but are not limited to):

- Business environment diagnostics that generate evidence on the priorities for reform;
- Political economy assessment of the business environment to

identify the links between fragility, conflict and the role of the private sector;

- Support for inclusive forms of public-private dialogue;
- Development of a communication plan which promotes a transparent process;
- Design business environment reform in a way that supports business models fostering the SDGs, such as social enterprises and inclusive business.

²⁵ For more information see here: <https://www.icr-facility.eu/request-form>

FURTHER READINGS

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