



# Local governance in fragile states

**Ignoring informal non-state authorities can considerably undermine any effort to reform local governance, whereas exclusive reliance on non-state authorities in service delivery can undermine efforts to strengthen state capacity and legitimacy in local arenas.**

October 2008

Early support to local governance in fragile states is vital for enabling socio-economic development in the countryside, laying the seeds for local democratisation, improving the legitimacy of reform by strengthening local service delivery, and recovering the relationship between the central state and marginalized populations. This view challenges two dominant positions: a) a strictly state-centric focus concerned with building central state institutions as the exclusive entry point for support in fragile states; and b) a strictly civil-society focus that uses parallel service-delivery mechanisms and ignores local government institution-building in the first phases of support.

There are three significant issues regarding support to the local level in fragile states with no large-scale armed conflicts: (i) a focus on local governance in the early stages of support; (ii) local service delivery; and (iii) the role of informal non-state authorities and civil-society organisations in local governance.

We employ a broad definition of governance to include the exercise of economic, political and administrative authority, and the use of institutions to allocate resources and control affairs in a society. This definition covers both political (legitimacy) and technocratic (effectiveness) elements of governance. It goes beyond seeing governance as the monopoly of state and formal government institutions. Local governance covers not only formal local governments (whether elected or state administrative), but also other institutions and actors, both formal and informal, that exercise authority in a given geographical area.

Support to local governance should not be overly ambitious. Rushing into comprehensive decentralised government reform is risky in contexts where capable state institutions are not in place and human and material resources are weak. More viable is a step-by-step strategy that takes its point of departure in strengthen-

## POLICY RECOMMENDATIONS

- (i) Comprehensive local government reform is unrealistic in fragile states. Service delivery should be the point of departure and be carefully combined with small-scale efforts to build local governance capacity and legitimacy, as well as state-building efforts.
- (ii) Short-term investments in service delivery and reliance on non-state actors should consider the long-term objectives of democratic decentralisation and state-building. Care should be taken not to undermine longer-term objectives by strengthening anti-democratic local governance practices.
- (iii) External engagement in local governance needs to be based on a political strategy that confronts the realities of *de facto* local governance systems as an integral aspect of building formal government institutions.

ing local service delivery and slowly builds sound local governance practices that can lay the seeds for more comprehensive democratic decentralisation. This strategy confronts the immediate livelihood needs of destitute populations while carefully balancing this with efforts



to build state and local government capacity and legitimacy from the outset.

State fragility seldom entails vacuums in local governance. Different forms of more or less well-organised and locally legitimate informal non-state authorities often fill the gap of absent, ineffective or illegitimate formal government institutions. Donor support to local governance should include a political strategy that explicitly confronts this reality as an integral aspect of building formal local governments.

Based on these considerations, we recommend an *integrative approach* to local governance that from the outset balances support so as to: a) strengthen and reform central state institutions and policies on local government; b) draw on and reform formal state and informal non-state institutions in local governance matters; and c) combine tangible development results through local service deliveries with the capacity-building of local-government service-providers and support to civil-society organisations and citizens' empowerment. In each context, it is important to consider the timing and sequencing of priorities and partners in the short, intermediate and long terms.

## THE NATURE OF LOCAL GOVERNANCE IN FRAGILE STATES

There is never a complete absence of local governance in fragile states. However, *de facto* local governance systems – i.e. those that actually administer a territory and to varying degrees deliver services and protection, as well as controlling resources and people – vary across and even within fragile states. Four well-known, not mutually exclusive situations of local governance in fragile states include:

- a) Strong state centralisation and control of local-level state institutions. A lack of democratic participation and central state/government will, but not capacity, to serve all citizens and regions equitably with services and protection. A lack of strong civil-society organisations (e.g. Iraq, Angola).
- b) Extensive formal democratic decentralisation and a long history of active civil-society organisations, but *de facto* state-centralised control that undermines democracy and equitable service provision.

Non-state authorities such as traditional leaders are often co-opted by the regime. A lack of central government will, but not state capacity, to distribute services equitably (e.g. Zimbabwe).

- c) Decentralisation by default where non-state actors fill the gap of absent state and formal local-government institutions in terms of service-delivery and security. Non-state actors may include traditional authorities (chiefs/elders), warlords, militias, religious leaders, vigilante groups, NGOs and so forth (e.g. Mozambique, Sierra Leone, Somalia, Liberia).
- d) State officials and local-government institutions present in local arenas, but detached from central state regulation and linked to informal, non-state power-holders (e.g. warlords, commanders, customary authorities, religious leaders), and partly financed by illicit economies (e.g. Afghanistan).

These different situations require a variety of strategies to meet the longer-term objectives of democratic local governments, state-building and poverty-reduction. However, comprehensive political, fiscal and administrative decentralisation reforms are rarely the way forward. In situations A and B, such reforms are unrealistic because of a lack of central government will to actually devolve power. In particular, in situation B decentralisation is at risk of being appropriated by the central regime to enhance its control, rather than further the autonomy of local governments and the political spaces for citizens' participation. In situations C and D comprehensive decentralisation risks reproducing state fragility, which has been partly caused by the informal decentralisation of governance in the first place. It can thus strengthen centrifugal forces and fragmentation, as well as bolster those local informal authorities who are undermining state legitimacy.

## LOCAL SERVICE DELIVERY AS AN ENTRY POINT FOR LOCAL GOVERNANCE REFORM

In consideration of these risks, we suggest local service delivery as the entry point for reforming local governance. This applies to all four local governance situa-



tions, which share high levels of poverty among local populations and inequitable distribution of services, irrespective of the degree or quality of services or who delivers them.

Improving the local delivery of basic services (health, education, water, sanitation, and personal security) is a vital entry point for reforming local governance. Services can improve the livelihoods of poor populations and thereby boost the legitimacy of the state and of local-government institutions. Service delivery can also be an entry point for the capacity-building of local service-providers and triggers local democratic action by mobilising citizens around demands for services and participation in planning processes.

To accomplish this, an *integrative approach* is needed. In addition to 'getting services to the people', such an approach considers from the outset political-institutional elements that can lay the seeds for local govern-

ance reform and state-building in the long term. An integrative approach covers three levels of intervention: policy-making; building the capacity of local service-providers; and empowering citizens to demand services through awareness and mobilisation. The combination and weight of these levels should be adjusted to the particular local governance situations and the nature of the state's fragility. Central to the approach is that donors commit to long-term investments.

### **RELIANCE ON NON-STATE ACTORS**

Inclusion of non-state actors in service provision ranges from reliance on traditional and customary authorities in the provision of security and justice, to the inclusion of civil-society organisations (CSOs) and the mobilisation of local user-groups in service management and deliveries. Certain risks and trade-offs in this approach need careful consideration.

### **INCORPORATING TRADITIONAL CHIEFS IN LOCAL GOVERNMENT IN SIERRA LEONE**

The new Local Government Act in post-war Sierra Leone includes extensive devolution of powers to locally elected councils (including service provision, development planning and taxation). The process is supported by donors. The Act reserves 1-3 seats for traditional chiefs in the new councils partly to ensure the Act's local legitimacy. The incorporation of chiefs is also seen as a way to counter their resistance to decentralisation, as well as to make local councils more effective. During the war chiefs played a major role in controlling resources, taxation and security, and they continue to control the allocation of 'native' land. In practice, however, the incorporation of chiefs has challenged the district councils and the process of democratisation. Chiefs seek to control the choice of candidates for the councils, which they by-pass in questions related to taxation and control of resources. The key problem is that the integration of the chiefs into local councils has not been accompanied by reform of the chieftaincy system to suit the objective of democratising local governance. The illicit and non-democratic practices of chiefs (such as the exclusion of young people, gender inequality, forced labour, imposing illegal fines and revenues, and involvement in the illegal diamond trade) have not been addressed.

### **HUMAN RIGHTS AND CUSTOMARY LAW IN SOMALILAND**

In Somalia, clan elders and traditional authorities have played a significant, but dubious role in local affairs. Many elders are closely associated with warlords or are warlords themselves. Although having contributed to conflicts, violence and abuses of human rights, customary courts of elders also cater for the resolution of a large majority of reported crimes. The complex reality and extensive powers of elders have been addressed by certain donors, including the Danish Refugee Council in Somaliland. Instead of ignoring or by-passing the powerful elders, DRC has treated them as both targets and agents of change in an attempt to reduce clan conflicts in a wider peace and state-building process. Human rights training and consultations with elders have been effective activities in areas where inter-clan conflicts have been strong. Ministers at the central level have been involved, and one result was a revision of customary law in accordance with human rights standards. Moreover, the work has led to improved collaboration between the elders, local governments, CSOs and the police in settling conflicts and promoting human rights. Conflicts and killings have decreased, and this has permitted the implementation of schooling and health projects in former conflict areas.



First, reliance on CSO service-providers may meet short-term demands, but can make central government indifferent to taking responsibility, which is detrimental to state-building in the long term. However, civil-society providers can be involved in building effective state and local government institutions through partnerships and alliances. Such partnerships may strengthen the incentive of state officials to deliver services in an accountable and equitable manner.

Secondly, reliance on non-state authorities (e.g. traditional authorities, warlords, religious leaders, or clan elders) in service delivery and local governance can be effective in reaching marginal populations and help boost local legitimacy for reform, but such authorities often operate in ways that are at odds with liberal-democratic values (by promoting e.g. gender inequality, the exclusion of young people, forced labour, illicit trade and revenues). Moreover, the incentives of non-state authorities to provide services equitably and reach poor and inaccessible groups cannot be taken for granted. Thus, non-state authorities should be regarded not only as 'agents of change', but also as 'targets of change'. Incorporation of non-state authorities should be combined with transformations of those practices, alliances and views that undermine democratic lo-

cal governance in the long term. In some situations this needs to be combined with a demobilisation strategy, as in the case of armed militias and warlords. A strategy of incorporation and transformation is necessary because so-called spoilers whom some would like to marginalise do not disappear when reforms ignore them, but continue as shadow authorities, in particular if they have economic power.

Thirdly, reliance on non-state providers in service delivery risks creating parallel structures that are not aligned with formal state and local-government institutions. Moreover, the allocation of resources to non-state authorities and recognition of their authority bolster their positions of power, which cannot easily be dismissed when formal local governments take over responsibility. Therefore, it should be realised that the organisation of service delivery is as much a political as a technical issue.

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## FURTHER READING:

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