Local governance and peacebuilding

Challenges of legitimate representation
Ken Menkhaus

One of the scarcest commodities in violent conflict is legitimate representation for peace processes. The question “who has the right to represent whom?” is always contentious and is especially difficult when violence features a proliferation of armed groups and high levels of social and political fragmentation, and when it goes beyond conventional notions of war to include communal and criminal violence. Many efforts to build peace over the past two decades have foundered over the selection of illegitimate or contested representation.

International peace actors have repeatedly observed that the most legitimate community representatives are often found in local-level governance systems that either survive or spring up to provide basic protection and order in dangerous, lawless environments. Not surprisingly, international mediators have wanted to tap into local administrations and their leaders as participants in peace processes.

This section of Accord 25 explores links between local-level governance systems, legitimate authority and violence in Syria, Afghanistan and Brazil. It looks at Syrian civil society efforts to organise locally and resist both regime and opposition violence; at initiatives to support community reintegration of ex-combatants in Afghanistan as part of a national reconciliation strategy; and the relationship between the state, communities, militias and drug traffickers in favelas in Rio de Janeiro.

As an introduction to this section, this article tackles a fundamental question: how viable is the aspiration to harness the legitimacy of local leadership for national peace processes? The article proposes four key determinants of whether local leaders can or cannot play a positive role in peace processes: (1) the actual legitimacy of local leaders; (2) their political will for and interest in engaging in national peace processes; (3) their capacity or opportunities to engage; and (4) what local governance systems have to offer.

Legitimacy of local governance in conflict zones

Local leadership is not a panacea for conflict. In many violent settings, local governance systems are not legitimate and must not be idealised. They include warlord fiefdoms, crude protection rackets meting out vigilante justice, or communal enclaves that advance the security interests of one group at the expense of others. Local leadership can sometimes constitute thinly veiled platforms for political figures seeking to advance their own parochial ambitions.

Local governance systems can also embody ethnic or communal demands for autonomy or even secession that, whether justified or not, can complicate rather than complement a national-level peace process. Local governance leadership is often self-appointed, unelected, and, even at its most enlightened, reliant on forms of customary or religious law. The Brazil case study shows how militias operating in some favelas in Rio de Janeiro...
have established alternative governance structures that rely on coercive power in the absence of any meaningful state presence. Local leadership is often unconstitutional and can fall short of basic standards of due process and equality.

Nonetheless, in an impressive number of cases, local governance arrangements in conflict and post-conflict settings have not only provided basic law, security, and routinised dispute resolution, but have also helped to solidify inter-communal peace accords at the local level. The Syrian case study in particular highlights concrete local efforts at inclusive grassroots organisation and self-rule that have tried to span sectarian and other divides amid the most destructive and pervasive fighting. For millions of people caught in zones of protracted violent conflict and fractured authority, local governance arrangements are the only form of protection and order they have. This has earned some local governance arrangements “performance legitimacy” among their populations, and has attracted the interest of diplomats and mediators seeking to identify grassroots representation in peace processes.

But performance legitimacy can be situational and perishable. A local government’s ability to “deliver the goods” of basic law and order may earn it legitimacy and public gratitude in a turbulent war setting, but in a more peaceful environment restive local populations may demand greater voice, services or an end to exploitation by their protectors. Some local leaders whose principal value to their community is their ability to provide protection against external threats can develop an interest in perpetuating communal tensions as a way of maintaining their local value. Context is thus critical in determining when local leadership is genuinely representative.

Political will and interest in peace
Local governance authorities may or may not have an interest in joining peace processes beyond their immediate sphere of influence. It is useful to distinguish between local and regional governance. Truly local governance systems – at the district, town, neighbourhood, or village level – are quite distinct from self-declared regional polities. Regional polities typically represent (or claim to represent) large ethnic or communal groups, attempt to replicate state-like administrations (including assuming the title of governor or president), are keen to assume prominent roles in national peace processes, and are led by figures with national political ambitions. Thanks to their strong bargaining position, sub-national regional polities usually enjoy a seat at national peace processes.

Local governance systems at the village or town level are not necessarily interested in national peace processes but maintain primarily local ambitions, and the governance arrangements over which they preside are informal and hybrid. They often perceive national-level political processes either as distant affairs over which they have no say, or as potential threats. The idea that a peace process could pose a threat may seem counter-intuitive, but makes sense for many local actors because most national-level peace processes focus entirely on the allocation of positions, power and resources in central government. The new political order emerging from these deals rarely recognises existing local authorities and can sometimes undermine local peace and governance arrangements.

Moreover, many local authorities and their constituents are keenly aware that, precisely because the stakes are so high, national level peace processes carry a high risk of heightened communal violence if they fail to produce an accord that is acceptable to all. National peace processes can trigger major political changes, and local-level governance arrangements tend to be defensive, survivalist and risk-averse. All this points to a common obstacle to inclusion of local governance arrangements in national peace processes: their own reluctance to be drawn into processes they understand poorly and view with suspicion.

Local leadership and national peace processes
The provision of effective local governance in violent settings is a major accomplishment and requires a wide range of skills. In Syria, grassroots administration has managed to survive and provide a range of local services and functions in the midst of intense civil war. But local governance skills are not necessarily relevant for peace. The case study of Rio de Janeiro in this section shows that local militias know perfectly well how to work politically in their environment: by monopolising external relations and protecting communities from state violence, they have bolstered their own power and their control over residents of the favelas.

The capacity to govern locally does not necessarily translate into the right knowledge, skill sets and mandate to engage in peace processes at regional or national level. And there are also challenges of opportunity. The Syria case study describes how local coordination committees have struggled to gain access to national peace talks, despite their convincing claims to significant representation within Syria – not least in comparison to diaspora bodies like the Syrian National Coalition, which is now officially recognised by some governments as the “legitimate representative” of the Syrian people.

The gap between the capacity to govern locally and represent nationally is a challenge for many traditional authorities who can find themselves out of their depth.
Putting unprepared local authorities in national peace talks can not only lead to failure, but can erode their legitimacy back home. Discerning when local governance authorities do and do not possess the capacity to play a constructive role in wider peace processes is thus critical if the “do no harm” principle is to be respected.

Four factors matter most in local capacity. The first is knowledge of the political and conflict issues at play in wider peace talks. Local authorities must not only understand what their constituents want out of a peace process, but must be able to master the many complexities of national-level politics. Peace processes often focus on matters such as provisional constitutions involving issues ranging from systems of electoral representation to executive-legislative relations, and to citizenship and land laws. Few local authorities have adequate knowledge of these kinds of national political issues, and are usually not in a position to learn quickly enough to play a constructive role.

They may also not have competence or fluency in the language employed in peace talks, and so cannot appreciate the nuances and implications of word choices in peace accords. All this can result in peace processes being dominated by a small number of seasoned political figures and the marginalisation of local representatives. On this score, the most promising local authority representation is by hybrid groups including both traditional leadership and professionals or former civil servants who understand the political implications of different options raised in peace processes. If allowed to work in teams like this, local authorities can overcome knowledge deficits in peace processes.

A second, related factor involves skill sets. Local political leaders may find themselves in talks with powerful militia figures, national-level politicians and senior international diplomats, and may be addressing conflict issues that overwhelm the tools they use to manage conflict locally. An elder may not find that skills in the use of customary law to manage land disputes or murders locally prepare them for ethnic cleansing or war atrocities.

But local authorities also have much to offer national-level peacebuilding. Legitimate local administration represents what good governance looks like, and sets a high bar for aspiring national elites. Their experience and skills in building and maintaining community cooperation on functional issues of order and basic services locally are invaluable. Their “performance legitimacy” is a critical reminder to national elites to deliver a peace dividend to citizens – not just in the abstract but also in specific places and on specific issues.

Third, local leaders need a mandate from their constituents to represent them. Local support for maintaining law and order may or may not translate into a mandate to represent the community at the national level. This is especially challenging when a local administration reflects a governance accord between two or more communities. In national peace processes, having a seat at the table can become critically important to ethnic or communal groups, so that a leader they support for local administration can be unacceptable as a national representative. Mediators need to be confident that local government leaders have the backing of their people to take on a new task in the wider peace process.

Finally, local governance leaders need to be able to implement the broad terms of peace accords to which they are a party. Local governance arrangements in some violent conflict settings derive much of their legitimacy from consensus-based, consultative and inclusive decision-making processes that give all local groups a sense that they are stakeholders in local governance. These “powers of persuasion” are tested when leaders sign accords that require local compromises. Legitimate local authorities do not need to rely on force.

Underlying these four factors is the fact that local governance authorities are often able to manage local spoilers and militia leaders – in part because comparatively little is at stake (in strategic terms, at least) in remote towns or villages. But once local leaders assume a role in regional or national peace processes, the strategic stakes are raised and competition over the right to represent becomes much fiercer. This is even likely if local leaders support peace processes that threaten the interests of powerful armed groups. Peacebuilding is high risk, and local governance arrangements can be vulnerable to reprisals by militia groups, unscrupulous political elites and others with the capacity to undermine local government, sow local divisions, offer bribes, or coerce local leaders. Local governance systems that lack the resilience to withstand these external pressures may not be viable participants in peace processes.

What local governance systems have to offer

Legitimate local governance systems in violent settings work because they embody and advance shared communal interests in law, order, security, predictability, basic regulatory functions and access to markets and basic services. These are tangible and essential needs that cut across conflict lines and focus communities on functional cooperation for mutual benefit. Local governance arrangements also routinise conflict over resources (which at the local level are usually quite modest) in ways that reduce the likelihood of renewed violence.
Trust – a critical commodity for the legitimacy of any governance arrangement, and one that is in notoriously short supply in countries emerging from communal violence or civil war – is somewhat easier to rebuild at the local level, mainly because local communities have long-standing business and social ties. They may not like each other, but at least they know each other.

Local governance arrangements have several other advantages. Local leaders are in much closer contact with the community, so constituencies enjoy a degree of communication, information, oversight and voice that enhances the legitimacy of the governance structure. They can also draw on customary and religious laws that local communities know and understand.

Customary dispute resolution is typically compensational rather than punitive in nature, and negotiated rather than adjudicated, which helps to promote peace after a crime or clash. Finally, local governance in conflict zones is often an informal, fluid, hybrid arrangement that draws together a wide range of social groups, including religious and ethnic leaders, business figures, women’s groups and others. This gives local governance a high level of flexibility and resilience as well as greater legitimacy across a full spectrum of local interests.

The virtues of local governance arrangements are precisely what is usually lacking in national-level peace processes. National peace processes are a “trust desert”. They are approached by protagonists as a zero-sum game, the object of which is to settle the critical question of “who rules?” Resolution of core conflict issues is invariably postponed while representatives haggle over positions in a unity government and debate clauses in draft constitutions that promise but rarely deliver decentralisation of power to local polities. The figures invited to the talks are often militia leaders or elites with few links to wider society, and who hence enjoy little legitimacy. Under the right circumstances, bringing in legitimate local government leaders can help inject a greater level of representation and popular voice into wider peace process.

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