
E-discussion on Informal Authorities in Local Governance

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Report

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There is a growing scholarly and policy awareness of the fact that public authority is rarely exercised only by the state. In fact, a host of actors – some visible and recognised, others invisible and less obvious – exercise public authority within communities. Some evidence suggests that the authority exercised by such actors may be stronger within communities that lie further away from the centres of state power, both in terms of distance (remote communities) and in terms of ideology and power structures (minority groups, militant groups, marginalised classes), though this is not always the case. These actors may play an important role in local governance, especially in strengthening citizen participation, encouraging inclusive decision-making and improving service delivery.

However, our understanding of the role that such “informal” actors play is fairly limited, and our discomfort with their inclusion in development interventions is often fairly high. Furthermore, our ability to usefully organise such actors and institutions into analytically relevant typologies is even more limited. To address this, SDC and IDS organised an e-discussion to complement an on-going learning project on mapping informal authorities and their role in local democracy. The discussion included members of SDC’s Democratisation, Decentralisation and Local Governance Network (DDLGN) from around the world, a few colleagues from IDS, and a number of invited researchers that study informal and traditional authorities. The discussion aimed to share our collective experiences across the network, as well as the contributions of lead thinkers on the subject on the role of informal institutions and the ways in which they engage and interact with local government.

The e-discussion was set up around the following questions:

- What types of “informal, traditional or religious authorities/institutions” organise citizen interaction and engagement with the state in different parts of the world?

- How do they work, and what types of governance functions do they take on? What role do they play in the areas of citizen participation, inclusive decision-making, and service provision?
- What is the potential for their more formal inclusion within local governance processes, and how will this help advance policy objectives and the promotion of democratic practice? How does it impact on socially inclusive governance practices and gender equality?

The invited researchers that joined the discussion included IDS researcher Mariz Tadros, who has worked extensively with religious authorities, and ODI researcher Diana Cammack, who has studied informal authorities in Malawi. It also included Jennifer Brick Murtazashvili from the University of Pittsburgh, who worked on informal authorities in Afghanistan, and Kripa Ananthpur at the Madras Institute of Development Studies, who has published on the interface between customary and formal local institutions of governance in southern India. The discussion was also joined by Charlotte Cross from the University of Northampton, who has conducted research on local security and community policing in Tanzania, and Snezana Mihajlovic from the Centre for Management, Development and Planning, who has worked on informal institutions in Bosnia and Herzegovina. The team leading the learning project on informal authorities at Helvetas joined these leading thinkers.

This report summarises the main points of the e-discussion. In particular, we provide an overview of: (a) ‘common’ definitions of informal authorities/institutions; (b) the roles that informal authorities play in local democracy, and examples of this from around the world; (c) the ways in which various programmes engage with these; and (d) the key conclusions and big questions that remain.

1. Definitions

Our limited understanding of the role of informal authorities and institutions – and of their impact on democracy and local governance – stems to a certain extent from a lack of definitional clarity. The terms are used to describe a host of phenomena. To gain some conceptual clarity on what we may be referring to, the first part of the e-discussion focused on what informal authorities are, and what types of "informal, traditional or religious authorities/institutions" organise citizen interaction and engagement with the state in different parts of the world. This was an important task, given the ambiguity of the terms, as well as the fact that these actors and institutions may vary greatly across different parts of the world. Our job was not to decide on a definition of informal authorities but rather to get a sense of the type of authority and institution we were talking about.

Participants’ responses made it obvious that there is indeed a large variation in the types of informal institutions and actors we were discussing. They referred to religious and tribal leaders – *imams*, priests, *mullahs*, churches, *maliks*, khans – and other faith-based organisations. At the same time, they also talked about citizen associations, movements, unions, doctors, school principals, respected and trusted people of the community,

homeland associations, musicians, poets, and even the market and business groups. Informal authorities, it seems, can gain legitimacy from tradition, religion and custom, but also from citizen collectivities and the market. In other words, informal authorities can refer both to traditional institutions but also to newer emergent actors.

In definitional terms, informal authorities were also referred to in multiple ways. Some pointed out that they were 'unusual' actors that influence local governance processes. Others pointed out that what was common across them is that they are traditionally rooted, context specific, conduct locally specific practices, and exercise authority over a specific village or settlement. Some other participants focused on the definitional separation between organisations and institutions, and between "traditional" and "customary". They argued that what we were discussing were institutions, rather than organisations, since they formulate the rules of the game, and that they were customary, rather than traditional, because they are not static. Instead, they are dynamic, and they evolve and adapt in response to various stimuli. Yet others believed that they are less visible, sometimes semi-formal¹ institutions that function more in developing countries and post conflict contexts. Some participants focused on their role in the democratic process and typified them as institutions that were often selected through undemocratic mechanisms, were hereditary, elitist, and both excluded and marginalised women, minorities and low-income or low-caste groups. Some drew this out further by equating informal practices with clientelism, and in some cases even with corruption.

A key definitional question that came up repeatedly concerned the source of legitimacy of these institutions and actors, given that they operate largely outside the formal system. Some suggested that legitimacy emanates from local contexts and practices, and that it remains strong, even if this is not institutionalised in policies or legislation. Examples include religious and tribal leaders. Of course both the degree and the source of legitimacy varies, depending on the type of institution we are talking about, and the perspective from which we approach them, but in almost all cases, their legitimacy comes from outside the state.

The conceptual debates that emerged overall were the following:

- The distinction between 'institutions', 'organisations' and 'authorities', with participants leaning towards the terms institutions or authorities;
- The difference between 'traditional' or 'customary', and the fact that there may be 'modern' informal institutions, and more 'traditional' ones;
- The need to think of 'informal power' when we talk of informal institutions, and that it is difficult to speak of institutions and authority without considering the ways in which they manifest power relations;
- The need to distinguish spaces that these institutions/authorities occupy, and whether they exist purely in the informal, or whether their role makes them more 'hybrid', or 'semi-formal';

¹ They are not formal but participate in formal processes, or are recognized as formal but function informally.

- The need to understand how informal authorities are selected and removed from power, and the extent to which this can help advance our collective understanding of how these institutions function and from where they draw legitimacy.

Despite the variety of perspectives and the richness of the debate, it seemed that an overall consensus did emerge in that we were all talking about a fairly similar phenomenon – institutions that are not part of the set of formal institutions in each country but that affect formal governance nevertheless. This separates them from other traditional/customary authorities that may work within local communities but which do not affect local governance and do not engage with the state. However, there is a clear need to advance this definitional and conceptual debate forward.

2. Roles and relationship with formal institutions

Another aim of the e-discussion was to identify the role that informal authorities play in local democracy, and the types of governance functions that they take on, particularly in the areas of citizen participation, local decision-making, and service provision.

Participants once again provided a rich variation in their comments while answering this question. Some pointed out that informal authorities perform the role of an intermediary and “connector” between the citizens and the state. For example, clan leaders and community elders in Tanzania act as mediators between citizens and local government, and community policing groups work with the state police to provide security at the local level in Tanzania. Others pointed out cases where informal authorities perform governance functions and developmental activities more effectively and end up replacing the state. For example, *mesni zajednicas* that solve water supply issues in Bosnia, or *jirgas* that resolve local disputes in Afghanistan.

Participants argued that informal authorities can play both positive and negative roles. On the positive side they represent the interests and needs of their communities to formal authorities, and can be drivers of change and development. On the negative side they may restrain decentralization and democratic processes through nepotism and clientelistic practices. In either case, participants made a case to understand them better and to be aware of their presence and role because they can affect developmental projects and governance processes.

2.1. Examples from around the world

Participants provided a number of examples of informal authorities in different parts of the world. These included *ayllus* in Bolivia, *comunidades campesinas* in Peru, village *panchayats* in India, *maliks* and *biraderi* networks in Pakistan, *sukus* in East Timor, *shalishs* in Bangladesh, chiefs in Polynesia and Malanesia, *pagoda* associations in Cambodia, *abavuga rikijyana* in Rwanda. Here we list some of the details of the role that such institutions play in local democracy and governance.

Africa

1. In Malawi locals approach town chiefs or *mfumu*, who may be traditional chiefs, political party leaders or ex-NGO and development committee leaders, for different reasons, including for dispute resolution, to maintain peace and security, and to ensure payment of any fines and penalties.
2. In Somalia elders gather under a tree and conduct a consultative process in which decisions may be made on issues such as pasture rights, politics or on-going conflicts.
3. Religious authorities in Benin influence social, cultural and political issues and resolve local disputes, such as those regarding marital issues or property disputes. Local informal authorities maintain social order, manage natural and land resources, and participate in local council debates.
4. Clan leaders, who tend to be middle-aged or elderly men, mediate governance processes between the state and citizens in Tanzania.
5. Local community policing groups in Tanzania collaborate with the police force to conduct night patrols, arrest suspected offenders and provide other security and peace-keeping services.

Europe

1. Semi-formal *mesni zajednicas* in Bosnia and Herzegovina act as substitutes for municipalities when they get involved in providing water to remote communities.
2. Religious institutions in Macedonia have played a role in controlling conflict and building trust between different ethnic groups.

Asia

1. In **Pakistan** religious leaders have collaborated with the government to help humanitarian aid programmes by making some health interventions more acceptable within conservative communities.
2. Also in Pakistan, communities in the north use *jirgas* for conflict and dispute resolution rather than formal judicial mechanisms that seem too time consuming and corrupt.
3. ‘Ward platforms’, composed of volunteer village-based groups that perform developmental tasks, act as a liaison between citizens and local governments in Bangladesh.
4. Homeland associations in Mongolia provide support and resources to migrants in rural areas through donations, fundraising, sporting events, or by diverting public funding mechanisms.

5. In Afghanistan community representatives (*maliks*), religious leaders (*mullahs*), and community councils (*shuras/jirgas*) resolve local disputes and also provide public goods to the community.
6. Customary neighbourhood councils, *mahallas*, in Uzbekistan and Tajikistan regulate and represent community needs.
7. Customary village councils in India perform a range of activities such as conflict resolution, social welfare, and raising funds for developmental activities, such as building schools and hospitals. They also interact with the local government as representatives of citizens.

America

1. Traditional community leaders and assemblies play an intermediary role between state and citizens in rural Mexico, and have developed mechanisms to keep the state accountable to their needs.

3. Working with Informal Authorities

Participants' contributions underscored the point that in many parts of the world informal authorities and institutions are more the norm than the exception, and that they often compete with or substitute formal processes. This led us to ask, how then should development interventions include and work with these actors and institutions? This is an important question, given that participants had pointed out that informal authorities can both drive and restrain development and local governance processes. In some cases it may be easier and more acceptable to work with such institutions, especially when they contribute positively to local governance and democracy, such as the ward platforms in Bangladesh, or the *jirgas* in Afghanistan, or the community assemblies in Mexico. However, in other cases informal authorities have been generally invisible within developmental efforts. This is especially true in areas where the general perception is that informal authorities exclude women, entrench and reproduce patriarchy, or marginalise vulnerable population groups.

Participant comments varied on this aspect and covered a full spectrum of responses. In some cases SDC country offices had worked directly with informal authorities, in others they had consulted them but not directly included them in their programmes, and in yet others, there had been no engagement at all to date. At the very end of the spectrum, some participants pointed out that informal authorities were excluded even from efforts that sought to map local actors, and that they were largely invisible within development efforts.

We asked participants about their experience of working with informal authorities and how this helped advance policy objectives and the promotion of democratic practice. They provided the following examples:

1. The Pakistan government and development agencies have worked with religious leaders to affect behavioural change within communities that have been distrustful of humanitarian aid programmes, such as those working on the use of chlorine in drinking water or vaccination programmes. Religious leaders wield authority and are trusted by community, and this makes implementation of some projects easier. Similarly, since some communities in the north of the country prefer to use *jirgas* for dispute resolution rather than the formal courts, a programme working on the rule of law works with *jirgas* to make them more equitable and easy to access by vulnerable and marginalised population groups.
2. In Somalia, years of conflict have left people with little faith in formal institutions and with a higher regard for informal institutions led by community elders. Several peace and reconciliation conferences utilised informal institutions for signing peace deals and selecting interim authorities. Currently federal government is utilising elders and business elites for the formation of the federal state. In fact, in Somaliland elders from various Somali clans form the upper house of the legislature.
3. In Nicaragua informal authorities are included in project analysis within a Municipal Support Program. This is especially true of regions further away from economic centres where municipalities are weaker, and informal authorities, such as the church and local leaders, are influential within the community. Of particular interest are wealthy immigrants, mostly cattle and dairy farmers, whose wealth allows them great influence over formal procedures and decision-making at the municipal level.
4. In Kosovo the Decentralization and Municipal support programme has set up local councils in partner municipalities, whose elected leaders will link up with the local municipality to help improve local governance. These community leaders will also receive training on municipal procedures.
5. In the area of rural policy, the European Commission and member states transfer part of the formal powers of government to newly formed informal bodies. This is part of the EC's bottom-up, territorial-based policy framework. Partnerships are formed with local informal authorities called Local Action Groups (LAG), and these receive financial support for the implementation of local development strategies.

4. Key questions that remain

While we recognise more and more that informal institutions and authorities take on various governance-related functions within local communities, including in the areas of citizen participation, local decision-making and service delivery, our understanding of these is limited. We continue to have little real sense of exactly how they work, what they really look like, or how development cooperation can engage with these actors. The e-

discussion sought to build greater understanding of informal authorities on the basis of the experiences of the DDLG network. Our aim in conducting the e-discussion was not to provide concrete conclusions. Several people rightly noted that there is no one approach that will work in each context. Instead, the idea was to see how much these institutions matter for development programmes, and what the major questions are that we should consider and study further.

Besides the need for greater definitional and conceptual clarity noted earlier, three main questions emerged from the two-day discussion that could lead future research:

1. Which way does causality flow: are state institutions weak because informal institutions are strong, or are informal institutions strong because state institutions are weak? This question gets at the reason for the existence of informal institutions and the legitimacy of informal authorities. It captures the fact that we do not fully understand why informal institutions continue to exercise authority in democratising states, and why they adapt and survive, rather than disappear, as formal authority expands or becomes stronger.
2. Are informal and formal institutions necessarily competitors and opposites, or have they learnt to live together? This continues on from and deepens the previous question, and seeks to understand the ways in which formal and informal institutions adapt to one another and create situations in which both formal and informal actors simultaneously exercise authority.
3. What happens when we flip the lens and look at this from the perspective of informal institutions, rather than donors or projects? This was based on the idea that our understanding of informal authorities is shaped largely by our position as external, development actors whose perspectives are informed by systems in the developed world. Instead, these institutions need to be studied through an inverted lens as an essential part of the context within which development projects are implemented, so that we can understand their nature, role and contribution without normative value judgements.

Participants also raised some questions that were more specific to the way in which development interventions are organised and implemented. These included:

1. If a donor decides to work with the informal authorities, how can they ensure legitimacy, accountability, social inclusion and equity are respected?
2. How do we work with unorganized civil society?
3. How do we deal with program cycles and financial management requirements when working with informal authorities?
4. How can we reconcile a log-frame logic with a process orientation while working with informal institutions, or should we look for new ways for planning, monitoring and evaluation?
5. Considering that some strategies of informal institutions may work better than formal authorities, should we consider the formalisation of these approaches or create public policies that accommodate and work with informal practices?

6. How do we deal with elite capture within local informal institutions that leads to the exclusion of sections of the population?

Interestingly, participants also made repeated reference to the need to employ a political economy lens while studying informal authority, which would focus on and examine power relations. These are all important issues to take forward within the DDLG network.

E-Discussion: List of Participants

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|----|------------------------------|---|
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| 24 | Tom Goodfellow | University of Sheffield |

Informal Institutions E-discussion:

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