



## CENTRE FOR THE FUTURE STATE

### *Are informal institutions good for local governance?*

The political systems of many poor countries are especially likely to be ‘unconsolidated.’ This means that the formal institutions of the modern state have not established the kind of dominance over other sources of public authority that is associated with successful state-building. Even in countries that are politically stable at the national level, political authority frequently is contested and ambiguous at the local level. There are many contributory reasons. Sometimes drug traders or similar criminal groups shut out the state as a way of protecting their business. We read much about these in, for example, the *favelas* of Rio de Janeiro and, recently, in Kingston, Jamaica. This kind of informal local authority is indefensible. By contrast, there is a wide variety of more ambiguous cases: where local authority is in various degrees informal or extra-legal, undemocratic, and embedded in local socio-economic hierarchies, but nevertheless relatively effective, legitimate and valued locally, perhaps provided in a relatively consensual and pluralistic fashion, and preferred to the actual existing alternatives. However, these kinds of informal local authority systems often pose major problem for policymakers in many poor countries.

### *Why is informal local authority so problematic?*

- First, so much of it can be traced historically to colonial systems of ‘indirect rule’ through ‘traditional authorities’, and is therefore condemned by historical association. There were many variants of indirect rule. The common feature was that, at some level, formal bureaucratic organisations ceded general local territorial authority, including often policing and judicial authority, to (‘traditional’) chiefs, clans, councils or landlords. At worst, and most commonly in sub-Saharan Africa, the practice of indirect rule provided backing for local tyrannies. The forms of rule that resulted were often different from – and worse than – what went before. In broad-brush terms, colonial settlers were treated as ‘citizens’ of colonial states, and most Africans as ‘subjects’. In many parts of Africa and Asia in particular, many educated people have blankly hostile attitudes to notions of ‘traditional authority’, and thus to any institutions currently bearing that label. They easily get locked into rhetorical conflict with people who take the polar opposite view, and romanticise ‘traditional institutions.’

- Second, the issue is not fading away with time. Instead, there has been a revival of informal ‘traditional authority’ in recent years in a large number of countries of Africa, Asia and Latin America. In some places, including Benin, Bolivia, Cameroon, Congo, Cote d’Ivoire, Fiji, Ghana, India, Mozambique, Namibia, Niger, Rwanda, Somaliland, Tonga, Uganda, Zambia and Zimbabwe, governments have formally ceded more authority or status to traditional authorities. In others it has been a more spontaneous response to the failure of the formal state to provide basic services. In others, as for example in Bolivia, Fiji, India and Uganda, support for traditional institutions has been a way for politicians to mobilise ethnic, regional or caste constituencies.
- Third, the form of informal local authority can vary widely from case to case or from village to village. It is difficult for policymakers to develop a consistent attitude to institutions that vary so much – and on which even apparently knowledgeable people have very different attitudes.
- Finally, and closely related, we know little about informal local authority because researchers have in most cases paid little attention to it. The research conducted by the Centre for the Future State started with some very surprising chance discoveries about the extent of relatively benign informal local authority in India. It is clear that, in parts of India at least, villagers are sufficiently aware of outsiders’ prejudices against informal local authority that they do not easily disclose information. The degree of misrepresentation of these organisations in the Indian mass media is astounding. In particular, village councils that perform productive services of many kinds on a consensual basis are confused by the media with caste and sub-caste organisations that occasionally act with great brutality in enforcing ‘rules’ about marriage and sexual relations.

Researchers from the Centre for the Future State are undertaking in-depth comparative research on informal local governance in rural areas in Karnataka and Rajasthan in India and in Punjab Province, Pakistan. The types of informal local authority vary widely, from individual hereditary landlords, who dominate in the Punjab, through to more corporate local or village councils. In Karnataka, these informal village councils tend to be especially formal, institutionalised, accountable to their constituents, pluralistic, representative and wide ranging in the kinds of activities they undertake. They are like ‘mini-states’ at local level.

<b>To whom do villagers prefer to take disputes for resolution? (%)</b>						
Type of dispute:	<b>Punjab Province, Pakistan</b>		<b>Rajasthan State, India</b>		<b>Karnataka State, India</b>	
	State agencies	Non-state agencies	State agencies	Non-state agencies	State agencies	Non-state agencies
Family	4	96	2	97	3	97
Criminal	37	63	34	65	21	79
Water	22	78	36	60	17	83
Land	34	66	33	66	15	85

There are seven general conclusions from this research relevant to policymakers:

- Informal local institutions can be quite flexible and plastic; they change a great deal over time. Their ‘traditionality’ may lie more in the ways in which they are legitimated in the eyes of the people they serve than in any actual historical continuity. Some have changed radically.
- Informal local institutions often interact a great deal with formal local institutions. The police may rely on them to deal with most disputes and many crimes. They may help raise funding for local development projects nominally the responsibility of formal government or electoral organisations, or exercise a great deal of influence over who stands for election to formal local councils.
- Where formal and informal institutions interact, they often influence one another in a variety of ways.
- The extent to which informal or traditional institutions will act dictatorially depends in part on the extent to which they enjoy monopoly power. Punjabi village landlords and caste councils in India may exercise harsh authority because there are few alternative sources of authority to which their victims may turn. Many village councils in Karnataka and Rajasthan act with great restraint and make great efforts to consult and to establish consensus because their leaders know that, if disappointed, people can turn instead to local politicians of different political parties, the police, the courts, or connections in the public service.
- As far as we can judge from our field data, those informal local institutions that have been most subject to these external influences and constraints – and therefore are the most reformed and the least objectively ‘traditional’ – are, at least in the relatively democratic environments of South Asia, most likely to meet basic standards of effective and consensual governance. Conversely, the most objectively ‘traditional’ informal local institutions are those least likely to merit support.
- Notions of ‘traditionality’ and ‘modernity’, and the powerful emotions often associated with them, are the enemies of sensible debate about informal local institutions.

- The returns to serious comparative field research on this topic are likely to be high; there is a vast ocean of near-ignorance, illuminated only weakly by random and possibly unrepresentative case studies.

### ***Informal local governance institutions in Afghanistan***

Debates about local governance in contemporary Afghanistan illustrate the problems posed for policymakers. After NATO forces took control, surveys were undertaken of village governance. It was widely claimed that there was an institutional vacuum at local level. On the strength of this understanding, a vast programme – the National Solidarity Programme – was put in place to create, support and finance democratic local councils. This was implemented by international NGOs. This programme effectively by-passed a plethora of diverse informal local governance institutions. The challenge now is to try to find out how far this large scale external funding has supported, converted, perverted or by-passed the organisations that were on the ground before.

#### **Further reading:**

AnanthPur, Kripa and Moore, Mick (2010) 'Ambiguous Institutions: Traditional Governance and Local Democracy in Rural South India', *Journal of Development Studies* 46.4: 603-623

Leonard, David (2009) *Recreating Political Order: The Somali Systems Today*, IDS Working Paper 316, Brighton: IDS, 2009