

Commented Review of the Desk Study titled:
*“Traditional Structures in Local Governance
for Local Development¹”*

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1 Executive Summary

1. The Desk Study on *Traditional Structures in Local Governance for Local Development* is a very valuable document as it sets out concepts, criteria and tools for analysing the role of traditional structures – and possible strengthening of it – in local governance. It sets out clearly the tenets of tradition vs. modernity and brings the reader to understand better why the relationship between traditional authorities and local government is often a difficult one. The examples presented, both in the text and as separate case studies, illustrate as well very aptly the information presented. Finally, the use of graphs and tables helps comprehend better some of the more complex analytical models.

2. Since the objective of a review is to provide constructive comments and suggest modifications / additions, we have structured it in two parts:

- Generic Comments: They come from an overall appreciation of the Desk Study and present issues which are more fundamental in the way the subject was tackled by the writers.
- Specific Comments: They follow the text of the Desk Study and range from simple editing to more substantial suggestions for addition / modification.

This review does not present the points where agreement is total with the authors as these would have been too many. Therefore, wherever no comments are presented, we fully concur with the contents.

3. Generic Comments:

- The *concepts* underpinning the subject of the Study (traditional societies, structures, authorities, leadership, etc.) could be more clearly defined and distinguished from each other through in order to facilitate the conceptualisation effort needed from the reader to fully appreciate the information set out in the Desk Study.
- Use the concept of *continuum of paradigms* to analyze how traditional structures evolve towards modern structures not always through clashes and revolutions, and to better judge in any given situation the relevant level and methods of integration advocated between traditional structures and local government.
- *Governance* in general is a process relying on a dynamic balance between various stakeholders. It does not have to be defined in terms of good or bad but rather be seen as a process where various forces are at play, sometimes pulling in a different directions, sometimes working in synergy, depending on the level of *social capital* present in that context.

4. **Specific Comments:** some of these suggest a different viewpoint for analysis while others propose additions of information / examples. Some of the graphic models for the integration of traditional structures with local government have been amended and are presented again in the review under their modified version.

5. **Comments on Style and Format of the Study:** In order to increase the readability of the Study and organize more systematically some of the points tackled – in particular the description of analytical tools – we would recommend resorting to a less cursive style and use more often to tables and bulleted / numbered lists.

2 Generic Comments

2.1. Towards mapping concepts of traditional structures

The following terminology is used in the study: traditional structures, traditional societies, traditional authorities and traditional leaders. In Chapter 2 (*What are traditional structures...*), attempts are made at defining each of these expressions in a distinctive manner since they all refer to distinct – even though interrelated - concepts. However, the reader might develop the impression when progressing into the document that these distinctions and hierarchies are not completely enforced after the first chapter. For example, *traditional structures* tend to be equalled, or rather reduced down to, *traditional leaders* (see Chapter 4.2). Indeed, the issue of integrating traditional structures with formal local government structures often crystallizes around the roles given to traditional leaders in that process but still, there is more to traditional structures than their leaders or chiefs.

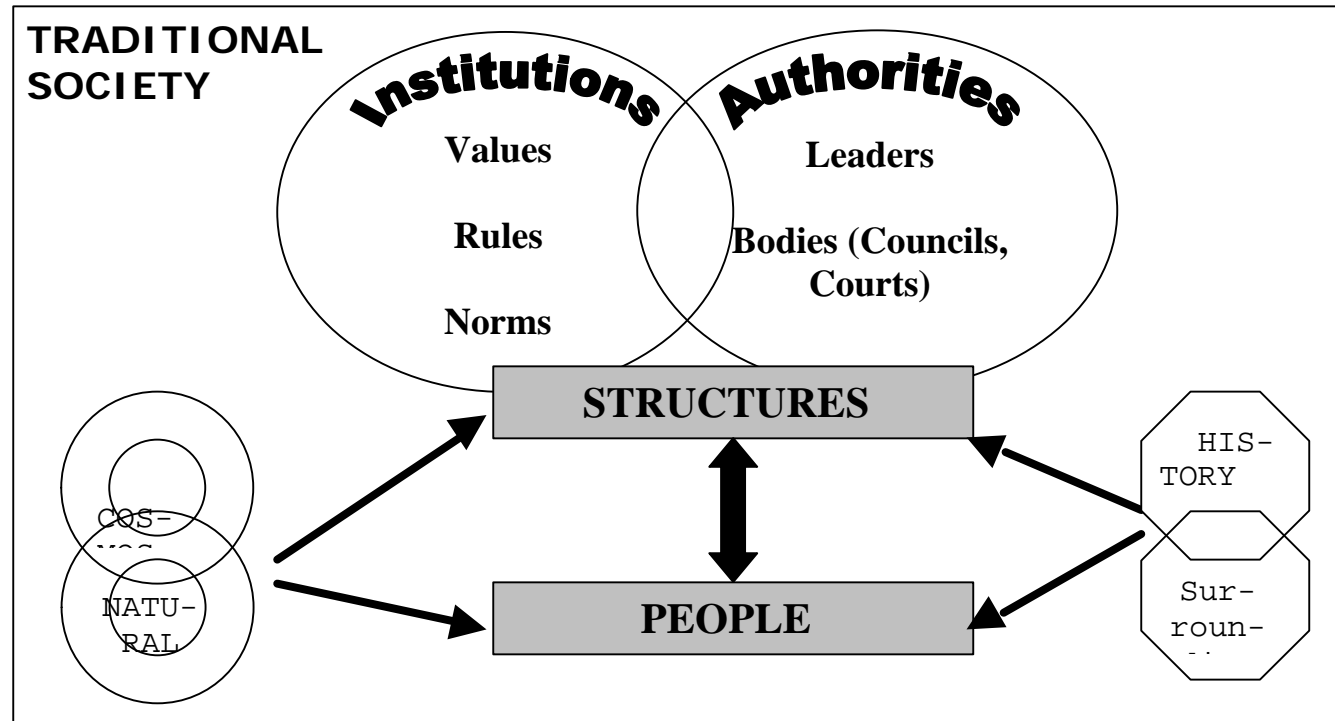
As well explained in p.6/§2, traditional society and traditional structures are separate notions and one can evolve without the other doing much of that. This hints to a possible dichotomy of the concept of *traditional structures*, making it something bigger, more complex and inclusive than simply *traditional leaders*. In short, there is more than authority to traditional structures.

In order to avoid confusion, we recommend using a formula and a graphic model which attempt at establishing clearly – or at least as clearly as possible – separations and links between each of the four core concepts. To that end, we also need to introduce the notion of *traditional institutions* in order to complement the concept of *traditional authorities* in building what forms the focus of this study, i.e. *traditional structures*.

The formula proposed looks like the following:

<p>Traditional Society > Traditional Structures = institutions + authorities</p>
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A possible graphic representation of a traditional society according to this formula is presented hereunder:



In this diagram, we have not represented of external factors (globalization, democratization, revolutions, geopolitics, IT) which will of course play a major role in the relations between the different elements represented here.

2.2. Tradition vs. Modernity: a continuum of paradigms

It would be quite handy to be able to schematize the relations between tradition and modernity into a clash between two well-defined paradigms, sitting each at opposite extremities of the governance field. While the study does not openly follow such short-cuts – there are indeed references to tradition being an elusive notion and traditional structures being caught into an evolution dynamic, like any man-created social structure (see p. 43) – for the sake of building models and analytical frameworks, the debate is often presented as one involving indeed a stereotype of fully traditional structures vs. fully democratic modern governance structures.

This evolution dynamic is powered by two kinds of forces which often work in synergy:

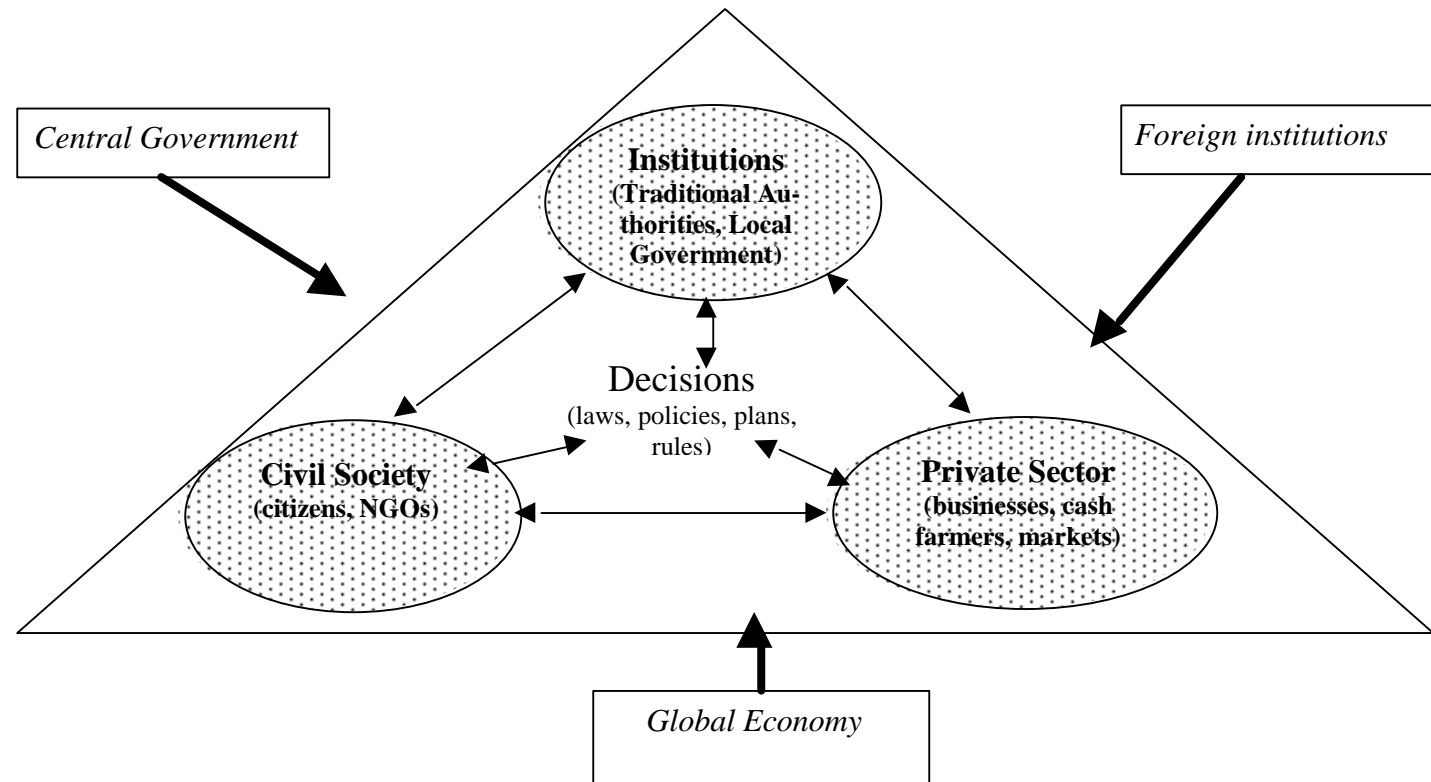
- *Endogenous pressure*: At the level of any given *traditional* society, there are elements within it, which are more inclined to follow rules and values that tend towards the modern side of the continuum, but who still see themselves as part of the traditional paradigm because they were born, raised and still exist as social beings within that society. These elements are usually educated youth, demobilized freedom fighters, merchants and the few who managed to enter the government workforce. Their influence can yield important changes in the traditional structures, while not directly challenging their very existence. They are avenues for the introduction of modern governance ideas into the society. If the traditional authorities refuse or are unable to adapt in any way, tension may arise and evolution leap frog, either towards a sudden demise of more traditional prerogatives or through the opposite, a tightening of traditional institutions (Arab world). But in most cases, what will happen is a gradual shift of traditional authority functions towards the local government and/or the wider recognition of democratic values (like gender equity, separation of powers, equal participation in decision-making). It would be interesting to research a typology of evolutionary stages based on actual cases and determine which are the functions / mechanisms of traditional authorities that are usually reformed / abandoned first to the profit of modern-type ones.
- *Exogenous pressure*: This is the more typical scenario – and one which is most commonly referred to in this study – whereby the traditional society comes under pressure from the modern world, its government, its economy, its political life, its mass media, and has no choice but adapting by integrating some of the modern world values and structuring elements. In a way, decentralization where modern local government structures are gradually reinforced or even integrated with traditional ones is just the formalization of a transitional process which happens anyway due to the globalisation of the planet.

Along this continuum, there is a particular phase during which societies shift from a paradigm dominated by the traditional vision of the world to one where traditional structures become one among other stakeholders of the local governance. When, in any given situation, research is carried out to define an intervention to reinforce or mainstream traditional structures into local governance, knowing whether this phase of the evolutionary continuum has been passed or not, is definitely something which should be looked at carefully.

2.3. Local Governance and Social Capital

There are plenty of complicated definitions of governance. The one chosen by the authors (UNDP) is one such example but it sets out the founding triumvirate on which governance

A basic graphic representation of this paradigm is shown below:



Local governance does not happen outside of external influences. The major ones are represented in this model, each bringing its own sets of values (modern democratic state for central government, geopolitical interests for Foreign Institutions and Free Trade for the Global Economy).

In order to achieve a balanced governance system with this model, one where all three pillars are involved in decision-making, not obligatorily with equal powers but with a role that fits optimally their mandate – as they all represent vested interests and constituencies – and capacities, **social capital** is needed. Social capital indicates, among other things, mutual trust, reciprocity and collective action. Thus social capital refers to stocks of social trust, like norms and network that people can draw upon to solve common problems.

2.4. Good local governance... according to whom?

This desk study is mostly done from one perspective: that of the engineers of good local gov-

2. *Criteria used to define good local governance performance*: the study lists legitimacy, social inclusion, basic human rights, responsiveness, transparency and accountability. However, this is seen from a democratic paradigm point of view and reflects also very much models driven by the international community into countries where traditional societies are still strong. One can assume that, because of their apparent universality, these criteria apply as well in the people’s evaluation scale. However, given that the legitimacy of traditional authorities is also based on non-rational criteria like cosmic order, or on belligerent capacities – either to defend the community’s land and/or expand it – criteria of *good local governance* alone would not suffice to explain how a local community assesses the performance of its traditional leaders. Our guess is that other criteria not mentioned here would come into play and might even win over those listed in the study, for example:

- Feeling of security against potential aggressions by neighbouring communities
- Ownership and benefits of natural resources remain inside the community
- Cosmic order is respected
- Justice is done according to traditional rules (linked to cosmic order).
- Living conditions are improved
- Social values are respected and that might include respecting some forms of caste systems in certain environments.

If a traditional leader were not to perform well in one or more of these, then whether or not he is accountable, responsive and transparent, might not offset the fact that the people will have a bad impression on his governance.

In order to better understand which integration model works best in a given situation, it will be crucial to research first the people’s expectations on both the traditional authorities and the local government. This knowledge will somehow compensate for the usually top-down oriented approach of decentralization initiatives.

2.5. Other Non-State Authorities

The Desk Study was specifically commissioned to look at the role of traditional structures in modern-day local governance systems. The definition of traditional structures was taken *stricto sensu* as being structures built over time, dating from pre-colonial eras and answering ancestral paradigms. However, another basic assumption for analyzing these structures is that they still retain power and prerogatives – until attempts at integration are conducted – outside the formal sphere of government. This latter characteristic is shared by others groups of non-

ties coexist with traditional authorities (see East Timor, Sudan, Andes, Palestine), are they functioning in synergy or do they rather neutralize each other? Do they function according to similar mechanisms? Do they impose on / draw from the people a legitimacy that governments do not enjoy? Such a debate would be most welcome to prepare some of the country studies (Bolivia, Sierra Leone, Guatemala, Kyrgyz Republic, Sri Lanka, Nepal) where such non-state non-traditional authorities will be found.

3. Specific Comments

In the following sections, we will present comments in a linear way. For better referencing, we always mention at the beginning of a comment the page and paragraph number (see attached version of the study with numbered paragraphs).

3.1. Introduction

p.2/§2:

(i) Meaningful participation of the population in local governance not only translates into their inclusion in decision-making processes but as well into their realization that participation is a pre-requisite to the improvement of local governance. Participation is both a right and a duty. Often, participation tends to be described as a univocal process whereby the civil society is advocating to a reluctant government for its right to participate. One should also keep in mind that in plenty of cases, it is the opposite: the local population does not see its interest in participation – or rather this interest is outweighed by other constraints of social and economic nature, if not by the sheer reluctance to engage in anything seen as “political” for it is associated with “conflict”. In the end, the notion that might be needed in this paragraph is that of *social capital*³ as it encapsulates the idea of reciprocal efforts and readiness to engage with each other.

(ii) The inclusion of all relevant actors helps also in mainstreaming political tensions which prevail in the local community. If avenues are created for the peaceful and constructive expression and experiment of political platforms, the risk to see these claims used as fuel for political violence is reduced.

p.2/§3: A compounding problem to the lack of capacities for good local governance in places where governmental activities have been very limited is the sheer lack of awareness of, basically, what government is for. One thing is to establish structures, select and train local government officials, support the civil society in playing their role in local governance mechanisms, another thing is to educate the local population on what can be expected and what can-

p.3/§6: The first statement on democratic theory is a bit blunt. If one shortens democratic theory to the question of representative democracy only (one person = one vote), then, yes, that might be true in many traditional societies. However, if one expands democratic theory to notions of the common good prevailing over individual interests, or the rule of law (whatever this law says) or simply the fact of having a set of rules organizing the relations between members of the community and setting their rights and duties within it (i.e. the *raison-d’être* of a constitution is), then we would rather say that *most people are familiar with some aspect of democratic theory and would more readily embrace the whole of it if it were properly linked to their current paradigm*. This way, the challenge of integrating traditional structures with *modern* democratic governance does not look so much as one of convincing people as much as helping them realize that they are already doing it.

p.3/§8: *Social capital* could be added as a concept to be discussed on its own, maybe before social inclusion and participation as it impacts directly on both.

p.4/§11:

(i) This paragraph may need some re-drafting as it states that there are two different situations where traditional structures can be important. The first one is presented clearly (post-conflict situation) but the second one is absent.

(ii) In East Timor and South Sudan, after years of war against colonial powers, traditional structures were not the only remaining and functioning form of social organization. On the contrary – and for having experienced both countries – traditional structures find themselves in these places in a rather odd relationship with the local government which have emerged from the armed resistance. CNRT⁵ in East Timor and the SPLA in South Sudan were de-facto (informal) governing powers during and after the conflicts. They relied on traditional structures to gather political and logistical support for their war efforts but did not administer the territories they liberated according to these traditional structures for many of their leaders were ideologically influenced by democratic and socialist theories. It is a common mistake to think that in post-conflict situations, first, there is a political void because formal structures have collapsed and, second, that this void is automatically filled by traditional structures.

3.2. Chapter 2: What are traditional structures, traditional societies and traditional authorities?

p.5/§12: Local governance structures born out of revolutionary movements (see East Timor, Sudan) can also be seen as formal in the sense that they establish a cessation point with traditional structures. Formality does not depend so much on the legality of the governing power as much as from the attempt it sets at breaking away from traditional structures which are not based on ideology and progress, and remain often unwritten, but rather aim at perpetuating a

p.6/§17: Traditional leadership does not depend just on a selection process. And actually, in some cases, traditional leaders can be chosen through some form of public vetting, if not exactly what we call elections, but closer to a caucus process in which household representatives (or representatives of other relevant societal units) chose their leaders at the tribal / clan level. This is, for example, common in the Arab world. As stated in Chapter 2 (Generic Comments), traditional authorities (including leaders) are the ones *mediating the adherence of the society to rules derived from traditional institutions*. It is this executive role serving traditional rules which make a leader a traditional one, not so much the way s/he is selected as this selection can be done in many ways, including some which emulate *democratic* practices.

p.6/§18: Present day monarchies in the Arab world are mostly a product of the colonial period – with the noticeable example of Morocco. In other countries presently or formerly ruled by a monarch (Jordan, Saudi Arabia, Libya, Egypt), these monarchies have/had no legitimacy going back far into pre-colonial times. Even under the pre-colonial times, when most of the Arab world was under the Ottoman rule, sultans and emirs came to power by the use of might and conspiracy and not through the kind of hereditary legitimacy which is known in European monarchies. Therefore, instead of “monarchic” in this paragraph, I would use the term “tribal” as it is really where the persistence of traditional structures is the most vivid in the Arab world, regardless of the state of modernisation of the society.

p.6/§19: See Chapter 2.2. of this review (Continuum of paradigms)

p.7/§21: Instead of *family units* under Traditional society, I would use *household unit* as in many such societies, and especially in Africa, production units are not based on families as understood in Western societies. In some cases, even household units would not be as relevant as larger units based on reciprocal labour or communal labour in which assets and productions are owned collectively (e.g. slash-and-burn farming systems in the Amazon or Central Africa).

p.7/§24: Where does informal economy fit in that paradigm? Since it is so prominent in countries where both the modern state and traditional societies are cohabitating, for the better or the worse, could informal economy be described as an form of economy which escapes the regulative function of the modern state because it is inherently linked to *traditional institutions* in terms of norms and values?

p.9/§30: The divide between tradition and modernity is not just geographical at the level of a country. It is also societal as in one single community, rural or urban, one will find segments of the society more inclined to follow a modern economy which comes with its modern values of tax collection and state functions (provision of social services and safety), while another segment – usually the majority - are still more inclined to align their productive functions with more traditional concepts of solidarity and kinship-based safety net. This relates to the concept of *continuum of paradigms* exposed above wherebv in one single societv. one can

underlying ambiguity inherent to the way people deal – and use – both the traditional and modern paradigms to advance their interests.

p.10/§33: It might be interesting to mention here a few examples like the Chinese populations in Indonesia, the Indians in Eastern Africa or the dramatic Tutsi / Hutu confrontation in Rwanda, which are all based on the superimposition of ethnical, economical, educational and in the end, paradigmatic (traditional / modern) cleavages.

p.11/§34: A third dimension could be added here: History of State-Building. Not only the extent of foreign influence (colonial, donor-driven, globalisation) in the modern state-building process definitely has an impact on how traditional structures in any given country are nowadays integrated with / separated from the modern establishment, but also the occurrence or absence of revolutionary periods – which are usually marked by drastic paradigmatic changes.

p.11/§38: This issue of small indigenous minorities in countries which are overwhelmingly governed by modern structures is not always one of forced integration, a process in which they cannot resist culturally. It is nowadays, just as much, in certain developed countries, a problem of *re-separation* (Aboriginals in Australia, Inuit in Canada, Amerindian communities in the USA and Brazil) where these groups are basically encouraged to live in large reserves where their traditional way of life and rules can be maintained while contact with the outside world is strictly minimized. However, the problem lies with the fact that it is indeed a process of re-separation, after attempts at integration have failed. Modernity, after being propelled as the unavoidable – and desirable – next stage for these indigenous minorities is shunned again for being the source of too many evils.

p.12/§40: Indeed, in urban areas, people are much more exposed to Western structures, values and norms than in rural areas. But this does not always trigger a process of adoption and integration with the modernity paradigm. Indeed, many communities in urban areas, especially the ones which have been lured to the city for economic reasons but end up living in slums and eke out a miserable living, will have been so disillusioned with this *modern world* that they resort back to traditional values and leaders with even more enthusiasm than when established in their original rural communities. A good example is given by the rise of Islamism in a country like Egypt. In the 80's and 90's, the hotbeds for Islamic activism were found in a couple of Cairo shantytowns in which had taken root the most traditional forms of Islamic rule and behaviour as well as completely parallel governance structures, based on mosques, Islamic charities and the traditional *sheikh el hara*^o and *emirate* leadership system. The same happened later on in Algeria and is in the making right now in Iraq. This leads us back to examining the effect of integration not just as a unidirectional process but rather as a back-and-forth one. Also, it shows that new forms of *traditional societies* can emerge since, in the case of Cairo, these Islamist communities were in a way more conservative and strictly organized than any of the rural communities present at the same time in Egypt.

him will have a direct impact on the way they submit to his rule or challenge it. In a modern society, the cosmic and historical factors are replaced by political ideology considerations, but for the rest, people will look also, when making their choice, at a set of personal characteristics that they wish to find in their future representative.

→ *And through which mechanisms can these criteria influence the choice of a representative?*

Of course, the simplest and most direct way to express these criteria is through an election. In traditional societies where some form of popular referendum on the future leader is not the norm, there can still be some vetting mechanisms (usually under the form of a Council of Elders) which can avoid that leadership passes on to someone whose inherent characteristics are too incongruent with the needs of the community, even if s/he has the right cosmic legitimacy.

Again, the complexity of the different forms of traditional structures makes it difficult to oppose tradition and modernity on clear-cut grounds when in fact they are both involved in a continuum of paradigms.

p.13/§46: In the end, maybe one could say that the legitimacy of the leadership selection process will be evaluated by the people in the light of the roles and functions played by the leader. If a chief only remains with ceremonial powers, no one might argue that he cannot inherit his power; while if the same chief delivers justice and allocates land, for example, his integrity will be at the centre of preoccupations and people might try to influence his selection.

p.14/§47-c: There might be cases as well where, in post-colonial periods, traditional functions were kept but endorsed by non-legitimate individuals according to the local paradigm. This would be most probable in countries where the traditional authorities have been swept away by revolutionary movements which failed in establishing a modern state and quickly established instead autocratic regimes. In this case, one would see appointed regional / municipal executives re-appropriate to themselves the functions fulfilled before them by the now-discredited traditional leaders.

p.15/§48: This paragraph should come very first in the chapter as it establishes the fact that the issue of *tradition vs. modernity* is not one of a clash of paradigms but rather of evolution along a continuum. Traditional societies are subject to change, of course, as any living thing. This is why the analysis of such societies has to be based on a series of criteria which can be looked at separately first, then in a systemic manner, with the objective of positioning them on a tentative scale graduating the continuum.

p.15/§50: In relation to the above, if one accepts the idea of traditional societies always evolving, how is the legitimacy of traditional leadership defined other than by historical factors, since yesterday's historic legitimacy might not be relevant anymore tomorrow? Is it by the

p.17/§57:

(i) Legitimacy: people accept the decisions of the authorities *when they see their leaders as being legitimate in the roles and functions they play.*

(ii) in the list of commonly-marginalized groups, I would add: disabled, HIV/AIDS patients, IDPs/Refugees, immigrants.

p.18/§59:

(i) It is not just legitimacy which is paramount in linking the people with the authority. It is also the existence of *social capital* which actually contains the idea of legitimacy, but goes beyond by including as well aspects of trust, mutual respect and ability to engage with each other. Citizens will accept authority when enough social capital has been built⁷.

(ii) In most traditional societies – and in some ways in modern ones as well since any electoral outcome reflects before all the view of the majority – it is not the individuals who confer legitimacy but the group as a whole. It would be interesting to study further how legitimacy develops inside a group psyche compared to in an individual.

p.18/§62: *The source of legitimacy of traditional authorities is historic and **cosmic**, and often goes back...*

p.20/§70:

(i) The absence of participation of women and youth in traditional leadership is indeed a valid criticism, when looking at it from a modern paradigm angle. However, from a traditional institution level, this non-participation is based on a value system which assigns distinct roles to genders and age classes, without necessarily implying a derogative vision of the skills and capabilities of women and youth, because the society is based on a cosmic order which dictates such distribution of roles. Again, when studying the compatibility of traditional structures with good local governance models, it is necessary to evaluate what would be *good* governance in the people’s eyes. For example, in East Timor, propelling women overnight to leadership roles in the CEP village councils⁸ did not impress any of the local citizens nor did it serve the women’s cause in the end, as their participation was seen only as a conditionality to receive grant money and not as a mean to genuinely empower women in decision-making.

p.21/§71:

(i) If the selection of local leadership is done through traditional electoral processes (like caucuses), there is still little chance that women and minority groups will be represented in any way. Therefore, the central government can have a corrective action when appointing some of the local leaders to make sure that these groups are represented as well.

(ii) It would be quite useful here to remind that the electoral system used in local elections

tions should be dealt with within the broader context of legitimate representation which is not, as stated before, the monopoly of modern democratic societies. By essence, traditional structures are usually based on the assumption that because legitimate leaders have the legitimacy to enforce the rules and norms of the society, then they are the most indicated to also apportion punishment to those who breach these laws. Hence the very common feature of traditional leadership retaining both executive and judicial power⁹. The transition to a fully-separated judiciary is of paramount importance in terms of paradigmatic shift since it implies that (i) *the actions of the traditional leader can be put into question and even revoked by a third party*, (ii) *the rights of the people are better protected when not directly under the jurisdiction of the traditional leader*. If on top of that, the traditional leadership is anointed with some level of god-given legitimacy and magic powers, taking from them the judicial power is a major dent in their status as quasi-divinities. It would be essential in any further field study to carefully review the concentration / separation of powers in the traditional societies under review, as it can give a good indication of the stage of development they have reached on the “tradition-to-modernity” continuum¹⁰.

p.24/§82-b: One should not forget popular demonstrations, strikes, civil disobedience and – ultimately – uprising as other oft used sanction mechanisms against government authorities. In a normal democratic state, these forms of protest are all legalized, except for uprising of course. Still, even these can lead to constitutionally sanctioned government changes, like in the Philippines in 2001 with the ascension to power of the present President.

p.24/§83: Voters can also force through impeachment processes against failing leaders, either through their representatives in national-level assemblies or through the recourse to popular referendum (see latest developments in Venezuela).

p.24/§84 - 85:

(i) These paragraphs would gain in clarity by adding the idea of internal / external accountability of traditional leaders. Because the criteria used for judging their legitimacy and hence performance will differ whether it is the people judging (internal) or the central government (external), accountability criteria and mechanisms will not be the same in both cases. Hence, in some cases, a traditional leader may be under attack from the central government for mismanagement or overstepping his responsibilities while he retains the full support of his people because they do not hold him accountable for such deeds.

(ii) Another dimension which is absent from the central government accountability system, is the cosmic one. Traditional leaders are sometimes only accountable to the cosmic order for some of their actions. If a ritual of particular significance is performed wrongly by a traditional leader, this will upset the cosmic balance protecting the community. Any sign that this

3.4. Chapter 4: The relations between traditional structures and local governance

p.27/§93: People will not look, most often, at the traditional sphere and the modern sphere separately but will apply different criteria for evaluating their legitimacy and performance. They will also behave with each quite differently. It was striking, for example, in East Timor, to see the extremely exigent attitude of local populations towards any local government agency / staff, often translating by quasi-aggressive acts, while discontent towards a traditional leader would rather be voiced softly, usually in the form of rumours. And if this particular leader happened to have any official function in the government apparatus, then he could even be subject to both kinds of accountability methods depending on which of his function was at stake.

p.27/§94-a: It should be clarified here if the authors mean whether the partial acceptance of traditional structures is at the level of the country – separating it in regions with different levels of prevalence of traditional structures – or at the level of a single community. If the latter is true, then it would be interesting to have a case study to illustrate this point. Indeed, it seems potentially dangerous to recognize a traditional authority over part of a community when the rest of its members, allegedly from another ethnic group or unwilling to submit to any traditional authority share the same space and resources. This also raises the wider issue of traditional structures in multi-ethnic contexts, which should be tackled at some point in the study.

p.28/§95: In some situations, political power at the central level is rooted in traditional power structures at the local level. Without the support and mobilization efforts of traditional leaders at the local level to rally citizen support to the ruling party / group, that one would lose elections. This situation was again strikingly exemplified in East Timor, where all parties in the 2001 elections did their best to link their leaders and candidates to traditional structures in various governorate – or all over the country for the most powerful party, Fretilin – in order to make sure that traditional authorities would call the people to vote for them – an injunction usually respected in a highly illiterate society unaware of the tenets of democratic rule (Hohe, 2003).

p.29/§96: the following opportunity could be added to the list: *Strengthening of Social Capital*

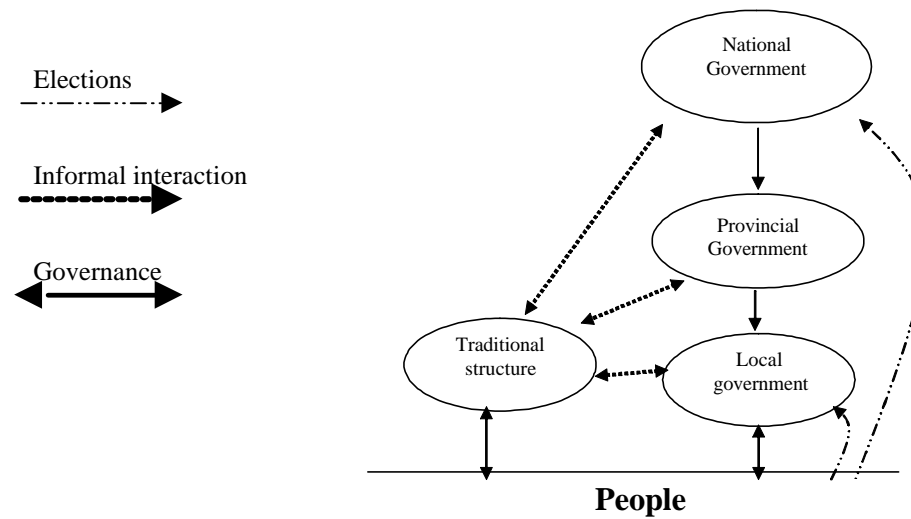
p.30/§97-b: see comment earlier under 27/94-a. For newly-arrived communities, following migratory movements, submitting to the traditional structures in place – or at least to some of their prerogatives – could also be ferment of integration. If one can make the parallel, migrants to Western countries have to follow the constitution and rules of their new country of residence. They are not given the choice to continue following their own paradigms. If traditional authorities in a country are given an official status in the local governance apparatus

p.31/§104:

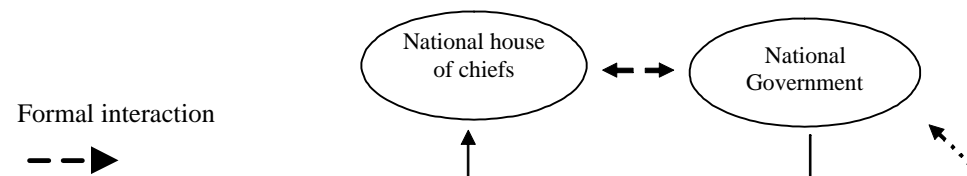
Suggested revisions to the model:

(i) the distinction rural / urban is not necessary. In most cases, even in rural areas in countries where traditional authorities are the de-facto power at the local level, there might still be some form of representation of the State, even if ineffective and merely present for the sake of consistency with the rest of the country. In the same way – and as explained before in the case of Egypt – traditional powers are often surprisingly vivid in poor informal areas of large cities.

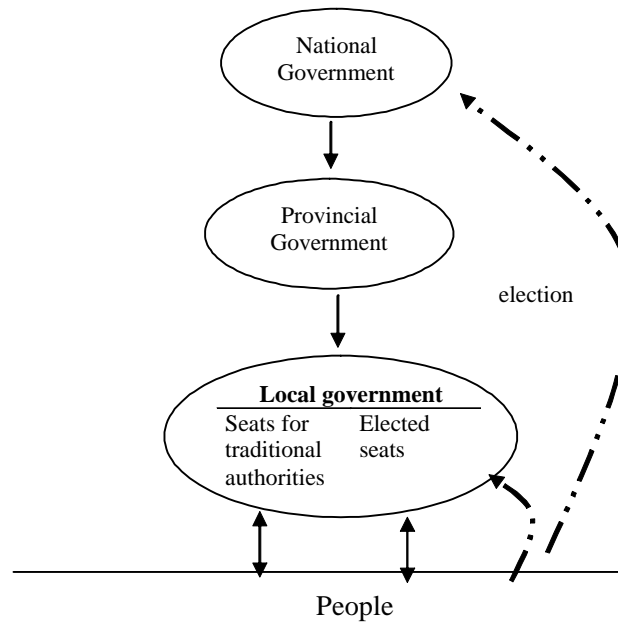
(ii) For this model like for the other ones, advantages and disadvantages should be presented under the form of a table and bullet points.



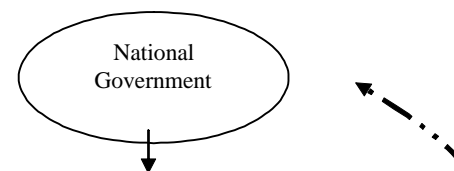
p.32/§105: For this model, apart from the same table of advantages / disadvantages, more precision on how the roles and functions of the different houses of chiefs supplement those of the various levels of government would be welcome. This is to avoid giving the impression of a looming conflict of jurisdictions between both structures at all levels.



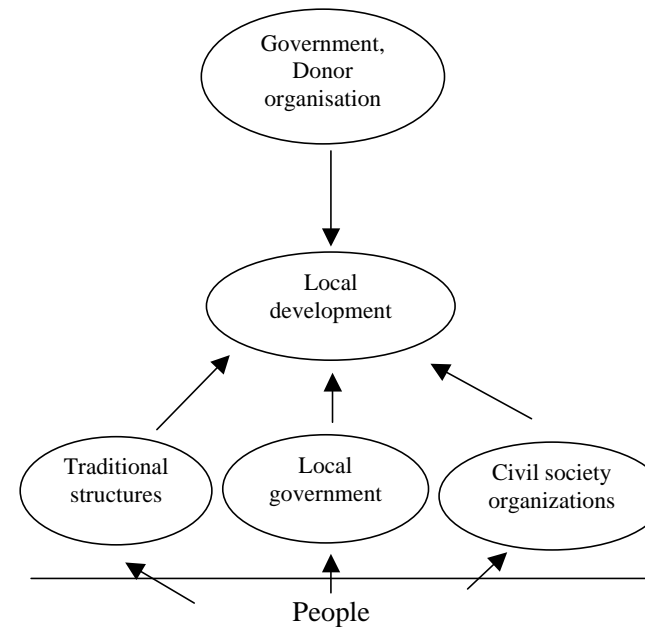
p.33/§109: According to this model is defined and represented, only traditional leaders are integrated in the local governance paradigm, not traditional institutions (rules and norms). Since traditional structures cannot be reduced down to just their leadership, some clarification has to be made here: does the model really intend to present a partial inclusion of traditional structures through their leaders (who serve the modern state paradigm since they have been made part of it) or rather a full inclusion whereby traditional leadership comes in the local government apparatus together with the rules and norms they would normally enforce? Also, are the seats for traditional authorities filled through the same electoral processes than for the rest of the local government (using a quota system) or appointment?



p.34/§110: This model is quite similar to the second one, except for the absence of traditional structures representation at the regional and national level. Maybe it doesn't need to be made a model on its own but could be mentioned as a variant of Model 2.



p.35/§113: at the end of the paragraph, suggest using *strengthening the social capital necessary to linking community groups and ...*



3.5. Chapter 5: What role for traditional structures in local development?

p.36/§116: The mission statement for local governance could be rephrased the following way in order to include references to sustainability and equality: *local governance should provide services which are accessible to all, sustainable financially and environmentally and which contribute to the constant improvement of the social, economic and environmental conditions for citizens at the local level.*

p.36/§117: In order to govern at the local level in a system where accountability will also have to be given to the higher echelons of government – according to the criteria of a modern state – traditional authorities might not always be prepared in terms of necessary education level and skills.

p.36/§118:

(i) In a development perspective, local governance – whether modern or traditional – cannot

(ii) There is one scenario where the re-establishment of traditional authorities might be the most indicated scenario: post-conflict situations in where the central state has totally collapsed and state building will therefore be a long and arduous process which usually, and wrongly maybe, starts from top to down. Actually, this re-building process is usually home-grown and happens even before the international community – who usually assumes the role of caretaker during the immediate post-conflict period – embarks on it. Recent examples of such scenario are: East Timor, Iraq, Afghanistan and Kosovo (to a lesser extent).

p.37/§119-c: What is meant by “*conflict between the modern and the traditional*”? This needs more explanation. Besides, if a conflict appears in a locality where traditional authorities do have a conflict-resolution / judiciary function and one of the parties to the conflict comes from outside the local paradigm (e.g. migrant, aid agency, government contractor, etc.), the conflict can still be resolved according to traditional forms of conflict resolution; even more so if it is conflict which revolves around the use / misuse of a local resource usually under the jurisdiction of the traditional institution. The judicial power of traditional authorities is linked to the territory as much as to the people who inhabit it. Where the conflict took place and whether it involves any community member is more relevant to decide if traditional forms of conflict resolution can apply, rather than if one of the party to the conflict symbolizes “modernity”. See example presented in Chapter 4.

p.37/§119-d:

(i) Yes, traditional leaders can be one of the many stakeholders in a local development process, but in order to increase chances of success, a special role – whether a leading one or a more honorary one – has to be carved out for them. Too much levelling of roles, rights and responsibilities might clash with the local paradigm.

(ii) The complexity of decision-making at the local level might indeed be less than at the level of a country, but the complexity of power struggles, internal politics and rivalries, is just the same. This is a good enough justification to involve traditional authorities in mediating local development (planning) and implementation effort as they bear the most weight when it comes to consensus-building, and not just because local development is less complicated than the national one.

p.38/§120-b: The increased complexity of the needed infrastructure calls for resources and skills which come from outside the community. This is usually a reason why both the people and their traditional leaders do not see it any longer as their sole responsibility to maintain such infrastructure. As an example, in the local paradigm, if a rural road is built with government funding then the road belongs partly to the *outside* world and that world is equally, if not more, in charge of assuring the maintenance of the road¹¹. People might even not be ready to contribute labour freely while they would do it for free if the building of the road – and the

maintenance, etc.) while all operational details are left to a state employee. And if the traditional authorities are integrated to the local government structure, they will benefit from the support of skilled technicians like any other elected local authority would.

p.40/§125: At the end of this paragraph, it would be necessary to actually mention which monarchies the authors are referring to (Saudi Arabia? Jordan? Morocco? Gulf Countries? Brunei?).

p.40/§126: Last sentence (*the role of...*): instead of traditional society → traditional authority.

p.41/§129: First sentence, *government* instead of *governance*. Both words refer to different concepts since local government is one of the pillars of local governance. Also local government is a structure while local governance is a process.

p.42/§130: The usefulness of this table is questionable since it relies again on criteria of *good governance* which are not necessarily those used at the local level. How do the people rate their traditional authority’s performance as “high”? It is certainly more complex than just a matter of service delivery and local development, two criteria which will be more readily used for local government. In any case, even outside this dilemma, the analytical model presented here for judging the relevance of including traditional authority into local governance – in a formal way since they *are* part of local governance, by nature – is based on clear-cut static situations (high/low) which do not reflect the complexity of a real situation where the performance of both entities – local government and traditional authority – will be made of highs and lows, depending on the function considered, and which cannot just simply be aggregated into one single performance score.

p.43/§132: This is a crucial point, linked to the one made in p.15/§48 (tradition vs. modernity) and it should be tackled right at the beginning in Chapter 2. This way, the reader will keep in mind that various models and analysis presented are a simplification – sometimes even a bold one – of the reality where paradigms on both end of the spectrum (traditional and modern) are made of multiple elements, sometimes at odds which each other, and in any case, are entities subjected to various currents, taking them forth and back, like the society they are supposed to serve.

p.43/§135: What are the objectives of integrating traditional authorities into local government? Improving local governance. Since traditional authorities are part of the local governance paradigm, integrating them into local government means also looking for their amelioration as entities capable of, among other things, abide by criteria of *good* local governance. Any plan to integrate, in a way or another, traditional authorities into local government, will

4. Case Study: Traditional Justice and Corruption in East Timor¹²

The World Bank started in East Timor, right after the end of the Indonesian colonial occupation when the country was under UN administration, a vast community development program called CEP (Community Empowerment Project). The aim of the project was to help the reconstruction of the country (which had very badly suffered during the 3 weeks of militia-organized violence following the 1999 referendum on independence), in terms of housing, public facilities, productive capacities and to kick off some micro-economic development activities. The specificity of the project, however, resided in the fact that communities (based on village units) were allocated a certain amount of money – depending, among other criteria, on population size – and could decide without any form of external interference, what to do with it. In order to manage these micro-grants, village councils were elected – from which traditional village chiefs were excluded – and in each council, two facilitators (a man and a woman). Invariably, young people were elected to these positions as the accountability for this project was linked to the outside world and not to the local paradigm, where traditional leaders still had the main role. The project was scheduled in various phases with higher grant limits for each phase. Traditional authorities were not totally left out though, since a Council of Elders (present in each Timorese village), had an advisory role in case of conflict. Here is an example of one such conflict and how it was solved:

In the village of Tapo, on the border with West Timor, the first CEP grant had been used to buy plastic furniture for each family since all furniture had been looted by militias during the 3 weeks of mayhem in September 1999. The two CEP village facilitators were tasked with going and purchasing the furniture at the capital city, Dili. Quickly after they came back and disclosed the financial report to the villagers and to the CEP regional coordinators, it became obvious that they had cheated on the purchase price and had, therefore, diverted some of the funds. The CEP regional team tried to solve the issue through their own channels first, but it did not work as the facilitators coordinators pretended that they could not pay back the money missing. CEP then involved the local UN representative, as acting local government, but he could not either convince the facilitators to pay back the money and solve the issue amicably. The last resort seemed to be involving the police and the transitional judiciary system established by the UN, something that the CEP personnel wanted to avoid at any cost no to jeopardize the reputation of the project. This is when the Council of Elders came in. They ruled that this corruption case would upset their gods because the money was supposed to benefit each household and therefore could be considered already as a local communally-owned resource, like grazing land. If it were managed badly, it would probably threaten the cosmic balance in the community. They decided that a ritual ceremony would be held during which the two coordinators would pay back the money and a cow would be killed. To every-

This example shows that:

- **A conflict involving the modern world can be solved through traditional mechanisms**
- *If issues of the modern world can be translated first into elements fitting in the local traditional paradigm, then they are taken more seriously by the population (see **competing moralities**). If the project’s money had been meant to repair a communal road or a school building, the Elders would have probably not exerted as much efforts to solve the situation¹³.*
- *Integration of tradition with modernity works better when the principle of **subsidiarity** is respected. They are meant to complement each other, not to vie with power. If CEP had really wanted to solve this case through court, in order to show its strength, it would have taken much more time and probably a lot of resentment would have been felt among the population for tarnishing on the public place in Dili (only functioning court in the country) the reputation of Tapo.*
- **Social capital** is built when the local government representative leader (here the UN Coordinator for the sub-district) accepts to enter the traditional paradigm - regardless of his aversion for animal sacrifices and the fact that, in the modern world, corruption deserves more severe punishment – and when a traditional authority accepts to deal with an issue which is not codified in its institutions (traditional laws) because what is at stake is the villager’s welfare (if the money had not been paid back, Tapo would not have benefited from the second round of grants).

5. Bibliography

(Publications not listed in the Study but used for this review).

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