DIGITAL DEVELOPMENT DEBATES

Who are the 'development actors' where states are missing?
Eric Gutierrez

It is often left unsaid that in large swathes of territory in fragile and conflict-affected states, the state and its agents are usually missing.[1] It will be too dangerous, for example, for prosecutors and judges to live beyond the relative safety provided by military checkpoints. Teachers and health workers too, may find it safer to locate their families in better-protected capital towns, and would prefer to commute to their places of assignment when no fighting is imminent and transport is available.

In extreme cases, even elected officials do not even get to set foot in the political jurisdictions they are supposed to govern. The transitional Somali parliament, for example, was able to meet on Somali soil only after Ethiopia's invasion; and its members were quickly stranded in Djibouti after Ethiopia's subsequent withdrawal. In the troubled areas of southern Philippines, quite a few mayors (local chief executives) who attempted to visit their municipalities only triggered clashes between their military escorts and rebel fighters. As a result, the typical functions of local government – such as updating civil registries or issuing local business licenses – are administered ex situ in 'satellite' locations, such as the mayors' second homes inside capital towns.

Such absence poses quite a serious dilemma. If jobs and justice are to be created, as recommended by the World Development Report (WDR) 2011, but in areas beyond the military checkpoints where state institutions are effectively missing, who could be in charge? Surely, local entrepreneurs who can fill the role can be found in such areas. Civil society organisations may also be active in the communities. But what about where bandits, warlords or criminal gangs are the de facto authorities -- can drug lords, for example, be development actors too?

Engaging armed non-state actors
Engaging armed non-state actors is actually not unprecedented. Despite the high risks, for example, the humanitarian organization Geneva Call has been successful in getting an assortment of armed groups from more than 22 war-torn countries to sign a Deed of Commitment for Adherence to a Total Ban on Anti-Personnel Mines[2]. Earlier in the mid-1990s, the United Nations Development Program started a $25-million initiative in the Philippines that, among others, explicitly sought to build the capacity of the state revolutionary committees of the rebel Moro National Liberation Front "to be development catalysts and managers".[2]

In 2007, Noel Stott argued that the development community should be "negotiating in practice what is non-negotiable in principle" – that is, constructive engagement with non-state armed actors from a development perspective. Stott is well aware of the risks posed by this 'operational paradox', such as armed groups gaining political capital. Nonetheless, he maintains that the agreement of armed non-

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[1] Eric D.U. Gutierrez is Senior Adviser on Accountable Governance at Christian Aid, the international development agency. The views expressed here are his own, and does not necessarily reflect Christian Aid's position.

[2] For more on this UNDP initiative, see for example http://reliefweb.int/node/139430 . The initiative was quietly started even before the Peace Agreement was formally signed.

state actors is needed to conduct economic or humanitarian activity. Such approach can also be an important confidence-building measure.[3]

However, even where constructive engagement is pursued, it still needs to be maintained that the answer as to who could be in charge, in the long-term, could only be the state, no less. Indeed, the state or its agents may be missing - but it is precisely in such situations where state-building is all the more important. Having parallel structures -- or a dual 'public sector' that typically results from relying on non-state actors – will, in the long run, only create more problems than it resolves. No less than the Organisation for Economic Cooperation and Development (OECD) has warned about such long-term damage in its 2010 paper: "Do No Harm".[4]

State-building and political settlements

What constitutes state-building, however, needs to be carefully clarified. An increasing number of development agencies and think-tanks point out that where the state is missing or not in control, the alternative is not necessarily lawlessness or a complete absence of governance. There can be informal governance structures, traditional institutions (such as clan leadership), or quid pro quo arrangements among various actors that allow for some order to emerge, and which in many ways explain resilience in those communities. What is necessary is for the state and its agents to recognise that these institutions or arrangements exist, and where possible, seek to build relationships with such institutions.[5]

The default state policy in such areas is to project strength and to deny actively that non-state actors have filled the void. State capacity-building usually comes next, following the assumption that absence can be resolved by improving capacity. But today, even the United States Agency for International Development (USAID) is starting to argue that capacity-building or transferring 'best practice' from elsewhere is not sufficient: state-building is more than just a technical challenge. The USAID paper on "State-building in Situations of Fragility and Conflict" (Feb. 2011) stresses the importance of a political process that involves negotiations with other actors in society, and towards arriving at a bargain. State-building is about what the WDR 2011 refers to as building 'inclusive-enough' coalitions, or in other words, arriving at a political settlement.

A 'political settlement' may be achieved even without direct, face-to-face contact among the parties involved. For example, a central government may decide to 'allow' or refrain from confronting certain rebel groups or criminal networks to engage in their illicit trade (e.g. smuggling, extortion, drugs and so on), in order to encourage them to 'behave'. Giving them a 'piece of the pie', it is said, makes these groups more pre-occupied with making their money, rather than in causing disruption. This could then allow the central government space and resources to consolidate its structures and build legitimacy, and over time, be in a better position to negotiate or address the core issues that drive the conflict.

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[3] Stott, Noel (2007). "Negotiating in Practice. What is Non-Negotiable in Principle: Development Policy and Armed Non-State Actors". Discussion Paper No. 8/2007. German Development Institute: Bonn.

[4] OECD (2010). Do No Harm: International Support for Statebuilding. Paris: OECD.http://www.oecd.org/document/30/0,3343,en_2649_33693550_44408734_1_1_1_1,00.html#Summary.

[5] Key documents that make these points include the OECD's "Principles for Good International Engagement in Fragile States and Situations" (2007); and "Concepts and Dilemmas of Statebuilding in Fragile Situations" (2008). More recent is USAID's paper "Statebuilding in Situations of Fragility and Conflict", which can be downloaded from http://csis.org/files/publication/110218_Statebuilding_in_Situations_Fragility_Conflict.pdf

It is important to recognize that bandits, warlords, rebels and other non-state armed groups enjoy some form of popular legitimacy. The myth of Robin Hood has been used as a metaphor to explain this legitimacy[6] -- Robin Hood was an outlaw, a criminal and an exceptionally violent person; yet he enjoyed popular support and received protection from peasant communities that he and his Merry Men were embedded in. 'Robin Hoods' have not become extinct today; they seem to have just taken on many different forms. But a basic pattern remains – to local people, Robin Hood's legitimacy often increases as fast as the Sheriff's legitimacy shrinks. This legitimacy is all the more reason why a political settlement ought to be pursued.

The answer to this article's question, therefore, is that in places where the state is missing or not in full control, there are various actors, including the 'Robin Hoods', who can play or are already playing development roles. But those roles need to be set within the framework of an inclusive political settlement. Effective state-building in fragile and conflict-affected areas is less about a state projecting strength and more about a process of negotiation and coalition-building. The desired outcome is a political settlement -- "the balance or distribution of power between contending social groups and classes on which any state is based" or "rolling agreements at national or subnational level among powerful actors that are constantly subject to renegotiation and contestation".[7]

Re-casting political actors

Another issue to address is how non-state armed groups are typically depicted as distinct social entities, or conventional organisations that have clear identities and boundaries, with fixed memberships, clear chains of command, fixed abodes, or a fixed hierarchy of authority. This can create problems, such as for example, the misimpression that these groups and individuals can always be found separate or discrete from the general population. Experience shows how quickly rebels and bandits can 'melt' back into local communities, or how their multiple or 'blurred' identities reveal shifting loyalties or constantly renegotiated allegiances. These are quite important attributes in understanding how they shape the politics as well as the patterns of violence in areas where the state is not in full control.

An illustration of just how embedded armed actors could be within local communities is the incident in Jamaica that started in May 2010, when the government finally started an operation to capture and extradite the drug lord Christopher Coke to the United States. What was supposed to be a quick police operation to apprehend one man turned into a months-long siege of west Kingston, especially because the local community protected Coke. The Red Cross, it was reported, was initially unable to collect dead bodies in that siege because both the Jamaican and US governments considered the operation an internal police matter. Allowing the Red Cross to intervene, those governments feared, could 'internationalise' the incident.[8]

In his book Muslim Rulers and Rebels, Thomas McKenna provides another most useful illustration. He looks at the puzzle around the treatment of Moro rebels who surrendered, and were subsequently returned to their predominantly Muslim communities as militias of a government generally regarded

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[6] The seminal work on 'bandit history' came from the English historian Eric Hobsbawm, who coined the term "the ancient politics of Robin Hood" in his book Bandits.

[7] Di John, Jonathan and James Putzel (June 2009). Political Settlements, Issues Paper, Governance and Social Development Resource Centre, www.gsdrc.org/docs/open/EIRS7.pdf.

[8] This account on the Red Cross in that siege came from Dan Smith, the head of the NGO International Alert, during a public forum on the WDR 2011, held at the London offices of the Overseas Development Institute on 25 May 2011. The prevention of the Red Cross from intervening has happened too in southern Philippines.

as anti-Muslim. Contrary to expectation, the ex-rebels were not told by the local community to leave, nor were they treated as traitors. They were even seemingly tolerated by the rebel leadership that they had abandoned or whose lives they can very well put in danger. McKenna's explanation is that the ex-rebels were seen as a lesser evil. For example, traders can more easily negotiate passing through the checkpoints if these were manned by the ex-rebels – after all, they speak the local language, have probably grown up together with the traders, may even be distant relatives of common folk passing through those checkpoints, and can be expected to at least know and even respect local customs and behaviour.[9]

Even for those directly involved in the actual fighting, the ex-rebels can be an indispensable channel for unofficial communication between rebel and military commanders. For example, the ex-rebels were used by both sides to pass on information about their movements. Battle-weary rebels will find out when a military patrol will be sent out and will then make themselves scarce to avoid a confrontation or a chance encounter. Government troops posted to guard public places will temporarily be sent on another mission on the day that camp-based rebels go to the market to purchase their supplies, again to minimise the chance of them crossing paths and having to shoot each other. Over time, a curious modus vivendi emerges among battle-hardened combatants.

Overlapping layers of identity and roles can explain a lot about the confusing politics of non-state armed actors. A local strongman in eastern Congo, for example, can be the leader of an ethnic militia that is the sworn enemy of a nearby group. But this strongman can also be a businessman, i.e. a trader of 'blood diamonds', who will engage with whoever brings him business, even if they are 'sworn enemies'. Understanding his behaviour alone just on the basis of ethnicity will not be complete – it will be shaped as much by his business ties, and vice versa.

Bandits are not always just simple criminals. They can be active instruments of politicians too, or be made to serve certain ends. For example, bandit attacks timed before elections can intimidate voters into staying home -- thus tilting the balance in favour of a candidate or a party. The presence of bandits in a particular area can be an effective deterrent to the expansion of a rebel group, hence, it will be in the interest of some political actors to direct the police into a different direction. In which case, focusing on bandit activity alone will miss on who are the ultimate sponsors of violence and criminality.

The bottom line is that all too often, non-state armed groups are framed into immovable discrete boxes that obscure their links to other sections of society. As Ugarte and Turner point out in their recent paper, labels have come to shape reality. Their case study shows how interpersonal linkages possess an overriding importance that could hinder the emergence of binding group loyalties, or how wider networks of clients and patrons can strengthen the leadership of a criminal or terrorist entity. Rather than classify their case study as a conventional organisation, Ugarte and Turner prefer to use the term 'dark networks' where identified leaders can have no more than a 'nominal authority'. They conclude that while "the 'Abu Sayyaf' gangs involved in the kidnappings constituted a network, it was a loosely coupled one, in which no actor or group could make binding decisions for the others. It quickly moved towards the random network type in which power and leadership are randomly distributed."[10]

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[9] McKenna, Thomas (1998). Muslim Rulers and Rebels: Everyday Politics and Armed Separatism in the Southern Philippines. Berkeley and Los Angeles: University of California Press.
[10] Ugarte, Eduardo F. and Mark Macdonald Turner (September 2011). "What is the 'Abu Sayyaf'? How Labels Shape Reality" in The Pacific Review, Vol. 24, No. 4. London: Routledge.

Conclusion

To sum up, this paper has presented the following points:

- It is essential to recognize (or admit) that in fragile and conflict-affected areas, the state or its agents – such as prosecutors, judges, teachers, health workers, local government officials, etc. -- are not always present. Such absence poses the dilemma of whether non-state actors can fill in the void and be development actors too.

- As the nature of conflict changes, it may be inevitable to pursue constructive engagement with non-state armed actors. However, even when constructive engagement is pursued, it should not lead to having parallel structures or a dual public sector. Over the long term, the key agenda remains to be state-building, which is about building 'inclusive enough' coalitions or political settlements.

- The roles of non-state armed actors need to be properly understood and recast. For example, there is a mistaken assumption that they can always be found separate and discrete from the general population. Case studies show that they often have multiple or blurred identities, shifting loyalties, or constantly renegotiated allegiances, and are invariably linked to other key social and political actors. Many groupings can be described better as 'networks', rather than conventional or 'discrete' organisations, in which no actor or group could make binding decisions for others.

To reiterate, there are various actors, including the 'Robin Hoods', who can play or are already playing development roles in areas where the state is missing or not in full control. These actors need to be properly understood beyond the labels that have been used to describe them. Constructive engagement with these actors may have now become necessary, but this should not be at the expense of state-building, and this needs to be set within the framework of an inclusive political settlement.

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