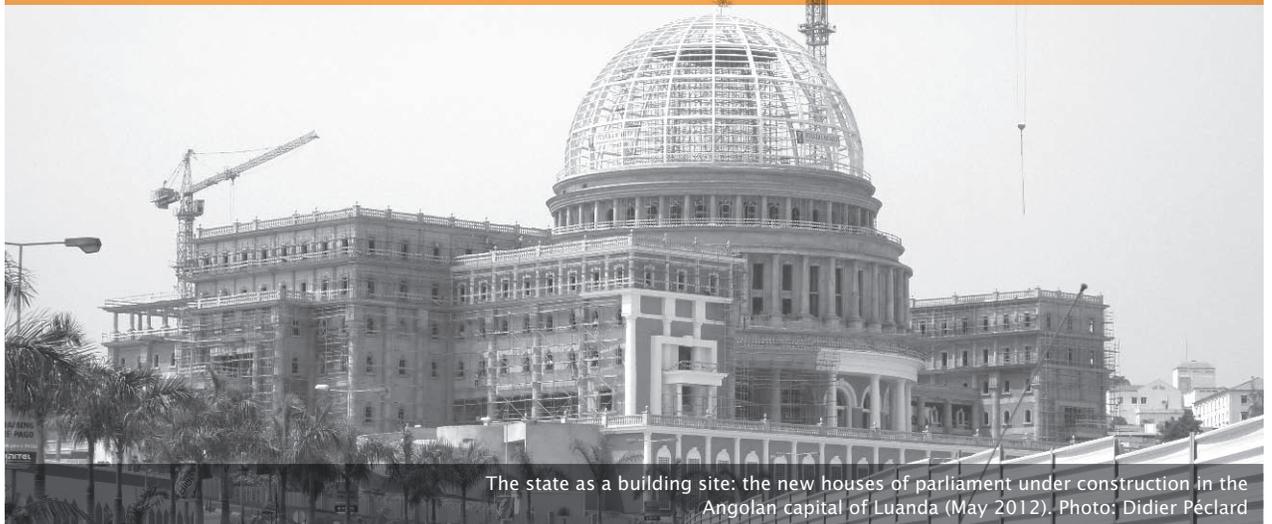


research evidence for policy



The state as a building site: the new houses of parliament under construction in the Angolan capital of Luanda (May 2012). Photo: Didier Péclard

State-building, legitimacy, and development in fragile contexts

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The case study featured here was conducted in: South Sudan

Policy message

- State-building is chiefly an endogenous process resulting from a complex and oftentimes chaotic, contradictory, and violent interplay between (1) long-term historical and social dynamics and (2) strategies of local and external actors aimed at developing an apparatus of control. Sustainable states cannot be engineered through outside interventions.
- State-building processes can at best be accompanied. To do so, intervening actors must invest sufficient resources to understand the respective state for what it actually is: how existing institutions work, how political legitimacy is constructed, and how state-building processes are negotiated. Equipped with this understanding, they can then strengthen existing institutions and improve state–society relations.

- Many of the world's poor live in "weak" or "fragile" states. Such states are perceived as a major obstacle to sustainable development and the fight against poverty. Supporting the development of strong and accountable states is seen as a crucial challenge for the international community. After two decades dominated by neoliberal policy thinking, with the market seen as the driving force in economic and social development, the role of the state as a driver of development is now gaining fresh recognition. But while strong and accountable states are one precondition for sustainable development, *what* exactly is a "fragile" state remains unclear, and *how* to build strong states remains problematic.

- Since the end of the Cold War, state fragility has gradually become a matter of primary concern to the international community. Especially after the terrorist attacks of 11 September 2001, so-called fragile or failed states are perceived as a major threat to security worldwide. They have acquired an image as safe havens for terrorist groups, as well as being linked in one way or another to problems such as mass migration, civil wars, and trafficking in drugs and arms. The issue of state fragility is also of major concern from a development perspective. An estimated 14% of the world's population lives in fragile states. They account for up to 35% of the world's poorest, 44% of ma-

ternal deaths, 46% of children out of school, and 51% of children dying before the age of five (DFID 2009). Even if such figures are debated, there is general agreement that the fight against poverty requires the reconstruction of such states as they represent a major obstacle to achievement of the Millennium Development Goals. An important share of bilateral and multilateral development aid thus flows to these countries. At the same time, the dominant opinion of the international community on the state's role in development has changed quite dramatically over the past two decades. In the 1980s, development practice was driven by the "Washington consensus", a

Definitions

Legitimacy is “a particular quality that is conferred upon a social or political entity by those who are subject to it or part of it, thus granting it *authority*. This means that *legitimacy is seen as an empirical phenomenon*. It depends on people’s beliefs, perceptions and expectations – which also implies that an institution that falls short of certain normative standards may still be considered legitimate, if those subject to it consider it so” (Norad 2009).

Statehood expresses the idea that states are not only a set of political institutions (government, parliament, army, education, health systems, etc.), but also and primarily a constantly changing historical process. There is a constant tension between the state as an “image”, or an ensemble of norms, and the state as everyday practices of governance and power (Schlichte 2005).

Negotiating statehood is an analytical perspective that aims at understanding how states are being shaped by such tensions and dynamics (Hagmann and Péclard 2010).

- neoliberal agenda that aimed to reduce the state’s importance to a bare minimum, while giving market forces a free hand in regulating economic (and social) development. Recently, a new trend has emerged: the state has again been assigned a major role in sustaining and fostering development. This trend was reinforced by the 2008 global financial crisis.
- Against this background, understanding and finding ways to support state-building in contexts of political, social, institutional, and economic fragility is an issue of great political and scientific salience.
- **What is “fragility”?**
 - But what exactly is a “fragile state”?
 - How is the concept defined and what are the criteria for measuring the “degree of fragility”? Neither the academic community nor policy literature offers a generally agreed-upon definition of state fragility.
 - However, the fragility of state institutions is generally “measured” by considering their output in terms of:

- **Service delivery** (health, education, infrastructure)
- **Governance** (law, justice, political representation, respect of basic individual freedoms and human rights), and
- **Security provision** (degree of control over the use of legitimate violence and over the national territory, capability to enforce law and order and protect citizens).

Beyond obvious differences between existing definitions, all consider the state as a set of institutions that are required to perform functions. Thus, “states are fragile when state structures lack political will and/or capacity to provide the basic functions needed for poverty reduction, development, and to safeguard the security and human rights of their populations” (OECD 2007).

That security, well-being, and fundamental rights are more likely to be guaranteed in a state that meets the above criteria appears certain. But this functionalist perspective is based on a highly normative stand. Accordingly, states are not considered “fragile” for what they actually are or how they act but for **what they fail to do or how they deviate from Western norms** (Hagmann and Péclard 2010).

A new view of the state

This prescriptive view is too limited. What is needed is a perspective that considers states in developing countries not as “fragile” or “failed” by-products of the international community, but rather as **political systems in their own right** that must be analysed both for their singularities and idiosyncrasies as well as for their similarities with other political systems.

First, **context matters**. States should be looked at from an empirical rather than a strictly normative standpoint. For instance, a striking feature of so-called fragile states is the number of non-state actors (traditional authorities, religious movements, community associations, local and international NGOs, private companies, etc.) performing state-like functions. From a strictly formal standpoint, this is a sign of state weakness. But viewing it from an empirical perspective shows that the delegation of state attributes and functions to non-state actors has been a crucial part of



Former officials in the Sudanese People’s Liberation Army, such as Peter Makuach, pictured here, have found new roles in the independent state of South Sudan. Mr. Makuach, once a policeman, is now executive chief of a local Payam (sub-county authority). Photo: Martina Santschi

the formation of these states. State domination, namely, has often been in the hands of non-state actors and statehood is constantly negotiated between state and non-state actors.

Second, states are more than the sum of the institutions that constitute them. **States are historical processes** that change constantly, always reflecting a temporary balance of political power. The development of states is thus neither linear nor predictable, and they are never definitively formed.

Third, states are often considered fragile because of a purported lack of autonomy of state institutions with regard to society. This appears to favour clientelism and corruption, preventing the development of an “objective” and “neutral” state apparatus. But the lack of a clear division between state and society is neither unique to fragile states nor a problem per se. Instead, **state-society relations are a key element** for understanding statehood.

Engineering states, or accompanying state-formation processes?

Indeed, strong and accountable states are crucial to sustainable development. But how to help build such states? The dominant view sees state-building as mainly a technical issue – a problem of finding the right devices and tools to bring about democracy, accountability, transparency, and efficiency in state institutions.

The emphasis on “good governance” in development policy reflects this.

However, state-building is not a technical issue. Rather, it is a “fundamentally political process led by political, social, and economic forces within a country” (OECD/DAC 2010). Hence, **states cannot be engineered** or crafted, even less so through outside interventions alone. They are constantly formed and re-formed by primarily “endogenous” (OECD/DAC 2010) historical and social dynamics, which shape outside interventions at least as much as they are shaped by them.

Stable and sustainable states are those where the exercise of power and authority is based on a – generally tacit and implicit – social contract. In this, citizens relinquish part of their power to specific social and political institutions. State authority is granted through social acceptance and recognition rather than (the threat of) physical force. **Legitimacy is key** to the emergence of stable states. Far from a culturally or socially given quality, **legitimacy is a historical construct** that results from protracted social struggles and trade-offs between groups and actors. Understanding how it is constructed is key to any effort at accompanying state-formation processes, especially since outside interventions are always integrated in local politics, and since they can have both legitimising and de-legitimising effects.

Featured case study

The “new” state of **South Sudan**, which became independent in 2011, is not being built in an empty political and institutional space. Rather, public authority, statehood, and access to resources are negotiated among a variety of actors: different layers of former government institutions, traditional authorities, youth, women’s groups, former armed groups turned into political parties, NGOs, returnees, and kinship networks.

Traditional authorities in particular play a crucial role at the local level. This is partly due to the weakness of the local state administration and the lack of funds. In areas such as local justice, political mobilisation, mobilisation for community labour, and the distribution of food supplies, chiefs are the central pillar of local political life. However, chiefs are also connected to the “modern” state apparatus, for instance through family and clan links with government officials as well as through ties developed during the long civil war.

To support the role of chiefs in local administration, it is crucial to take these links into account and to find ways to integrate traditional power into modern political structures, rather than simply protecting the chiefs’ authority by isolating them in councils and other traditional bodies (Santschi 2010).

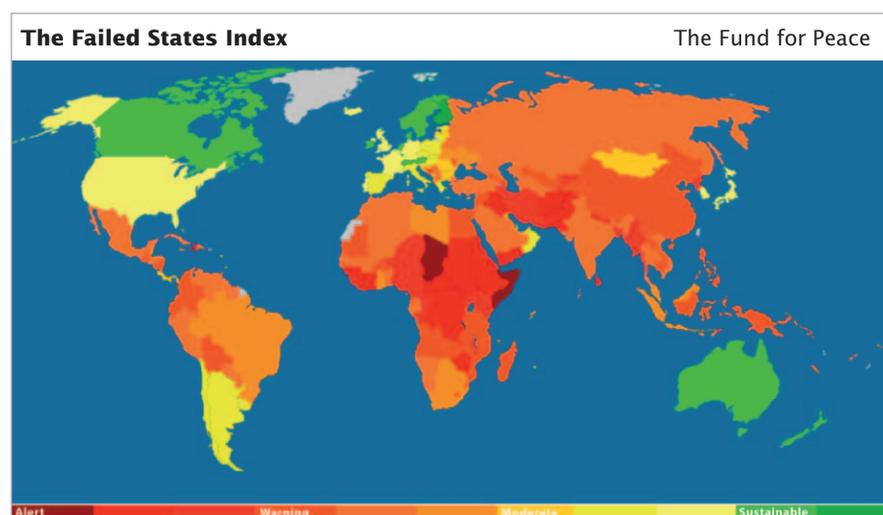


Figure 1: Measuring state fragility or failure against a set of normative pre-established criteria has been gaining popularity as a response to the perceived threats that such states represent. However, such indexes often give a distorted picture of the reality of governance relations on the ground, insisting on how (failed and fragile) states deviate from Western norms rather than providing insights into how they actually work. Source: <http://www.fundforpeace.org/global/?q=fsi-grid2011>



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Policy implications of NCCR North-South research

Identify and acknowledge how states work

State-building is inherently political. Therefore, before designing and implementing projects in support of “good governance” and “democratic” standards in fragile contexts, it is crucial to understand how state institutions actually work, despite their shortcomings. This means investing time and resources into deep and thorough understanding of local contexts.

Understand how legitimacy is locally perceived

State-building is a highly normative field. The social norms upon which states and local administrations claim legitimacy must also be taken into account even if they do not necessarily meet usual “good governance” standards. We must remember, however, that these norms are always socially and historically constructed and that external actors are always drawn into local processes of creating norms.

Support promising collaborations between state and non-state actors

Where state administration, particularly at the local level, seems unwilling or unable to deliver services to the population, donor agencies often bypass the state in the name of efficiency and accountability in service delivery. They either create new institutions, or they deliver state services themselves. In the long term, this has weakened state institutions both in their capacity to govern and in their legitimacy. Instead of bypassing the state, collaborations between state and non-state actors should be supported. This would reinforce state–society relations and, eventually, the control of state governance by civil society actors.

Further reading

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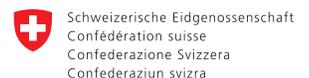
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