

ESF Exploratory Workshop on

**Post-conflict politics: building on political
legitimacy**

Paris (France), 10-11 December 2009

Convened by:

**Karine Gatelier and Claske Dijkema, Modus Operandi,
Grenoble**

**Pierre Calame, Fondation Charles Léopold Mayer pour le
Progrès de l'Homme, Paris**

SCIENTIFIC REPORT

1. Executive summary

The meeting lasted one and a half day and was divided into three sessions. Each session was organised around the presentation of one paper (20mn) and followed by a discussion. This methodology was chosen to allow extensive discussions on three different themes linked to the core issue.

In total 23 people participated, coming from 13 countries (Australia, Croatia, Denmark, Finland, France, Germany, Italy, Iraq, the Netherlands, Switzerland, UK, US, Uzbekistan).

The location permitted additional informal interaction during coffee breaks and lunches that took place on the premises. Dinners also enabled exchanges.

The general atmosphere was very lively, enthusiastic and relaxed.

Scientific objectives

The workshop's main objective was to discuss political legitimacy in the framework of post-violent conflict and post-political crisis. By this, we mean a large variety of contexts. 1. Political transition from war to peace, with or without the involvement of the international community. Some cases discussed were Timor Leste, Iraq, Afghanistan, Bosnia and Cote d'Ivoire.

2. Political crisis that a state can go through. The following countries have been discussed in this context: Pakistan, post-Soviet republics of Central Asia, Arabic peninsula, Latin American Andean countries , Southern Africa, the Philippines and Mexico.

We choose the post-conflict context because it catalyses and exacerbates the dynamics that are of interest to us. Firstly, in post-conflict situations, a new power equilibrium has to be found at a more urgent pace as the conflict brings high levels of destruction, in many domains including the social fabric. Secondly, as a result of the transformations linked to conflict, identity affiliation, loyalty and authority often shift from some actors to others and new actors can appear. Thirdly, in the process of de-legitimisation of the state, as is common during conflict, political competition is more open and gives more importance to new political actors.

Our working hypothesis is that both situations of post-violent conflict and post-political crisis are comparable and can be analysed together.

The objective of the workshop was to carry out a form of assessment of the political forces involved in the crisis and imagine the possibility of a better articulation between them. It will lead us to rethink the form and functions of the state as well as its relation to society.

Agenda of the meeting

This workshop chose to focus on political legitimacy in a very specific context: the aftermath of violent conflict and deep political crisis. Beyond this conceptual choice lies a methodological approach.

The experience of international operations that have been mandated for “state building” and “peace building” has encountered many obstacles and failures because of the normative approach that they generally adopt. This normative approach consists mainly in transferring Western models of the state to non-Western countries. A recent expression of this approach is the term “failed states” which was later replaced by “fragile states”. Whatever the terminology, these categories take the Western state as a singular model for all states. Our approach instead moves away from positivism in order to study political legitimacy. An empirical approach enables us to study what is rather than what should be. The normative approach moreover favours a state-centric approach which prevents us from observing the capacities of societies to find their own particular solutions.

When analysing political legitimacy, we do not want to be limited only to the legitimacy of the state. Since the state is seen as a diffuse field of power relations¹, and since these power relations involve the citizens, the scope of political legitimacy has to be broadened in order to include the practices of society and its process of active meaning creation. A clear-cut distinction between the state and the society does not seem relevant as the state is the result of a negotiation: social actors negotiate power and meaning constantly. This means that the state is produced by a broad and continuously shifting field of power relationships, every day practices and formations of meaning².

Rather than a positivist approach, it seems more relevant to examine the real dynamics of power on the ground and the political forces involved, this means an empirical approach. It implies an analysis of the balance of power, the political practices and the collective imaginary. It allows us to analyse the “functional dysfunctionality”³, where the processes that provide legitimacy through generating order at the sub-national level, create forms of political order.

Political legitimacy seals the state-society relationship in the form of trust⁴, consent⁵, reciprocity⁶ and loyalty⁷. Consent has to be thought of as a dialectic that is both socially constitutive and reproductive of state power (in the case of democracy, among other examples). If this link is broken – in situations of lack of legitimacy – there is a risk of crisis or conflict. Political legitimacy therefore can be interpreted as a link, a relationship, what happens between those who have power and those who are under that authority. Therefore it tells us about how people relate to their ruling elite (*at all levels of a society and of the state; and between the society and the state*). As this is a link that operates as a form of dialogue, it is constantly undergoing change and movement.

¹ Abrams, P., 1988. ‘Notes on the difficulty of studying the state’, *Journal of Historical Sociology*, 1 (1): 58-89.

² *State formation. Anthropological perspectives*, Ed. Christian Krohn-Hansen and Knut G. Nustad, Pluto Press, London, Ann Arbor MI, 2005

³ Roland Marchal, « Post-Crisis state transformation : rethinking the foundation of the state », ESF conference, May 2009, Linköping, Sweden

⁴ Giddens, A., *The constitution of society: Outline of the theory of structuration*, Berkeley, CA: University of California Press, 1984

⁵ Balandier, G. *Anthropologie politique*, Paris, Quadrige, PUF, 1995 (1967); Lapierre, J. W., *Vivre sans Etat ? Essai sur le pouvoir et l'innovation*, Paris, Le Seuil, 1979

⁶ Bratton M. and Hyden, G., *Governance and Politics in Africa*, Boulder, CO, Lynne Rienner, 1992; Hyden, G. and al. *Making sense of governance: Empirical evidence from sixteen developing countries*, Boulder, CO, Lynne Rienner, 2005

⁷ Boege, V., Brown, A., Clemens, K.P., Foley, W., Nolan, A. « State building reconsidered : the role of hybridity in the formation of political order”, *Political Science*, vol. 59, n°1, June 2007, 44-56.

Overall conclusion

Legitimacy has been recognised as a very unstable reality. In an effort to describe the phenomenon of the different and shifting actors that accumulate legitimacy, the concept of “legitimacy casino” has been put forward during the discussions. There are different sources of legitimacy (if you have charisma, you have some extra shift, you can provide security, etc.). You can lose legitimacy over night however, which is the casino aspect. Moreover, legitimacy is exposed to inflation, people get used to power and therefore it devalues over time. If you have some spiritual background, does this provide some legitimacy?

The volatile character of political legitimacy can, among other points, be explained by the fact that it is the result of a relation among actors as well as between actors and institutions. As a relational concept, it varies according to position, perceptions and imaginaries of the people. Legitimacy has different timeframes, it changes overtime, which is another explanation to its volatility. Besides, it was observed that social norms are also dynamic and in constant evolution. This interrelation is not surprising as it was initially stated that political legitimacy is a function of sets of social norms, relevant in the society.

The issue of measuring political legitimacy emerged: international organisations (UNDP was mentioned) tried to set indicators few years ago (public confidence in the public institutions) but the majority of participants agreed on the fact that political legitimacy can't be measured. An empirical methodology can show what are the practices (to resolve a conflict for example) and what is the legal framework. What is important is to identify who is solicited to help (solidarity) or to resolve a conflict (authority).

This methodological proposition was massively favoured during the debate.

Then all participants agreed on the crucial concept of security in analysing and understanding political legitimacy. In some cases, it was associated to predictability. Security can be provided by the state or by non state actors in contexts of conflict or political crisis. Inability to provide security can contribute to a loss of legitimacy and the provision of security by an emerging actor will help to bring about legitimacy.

Three other issues were debated:

- A dichotomy between material sources and symbolic sources of power and political legitimacy.
- The non elective or non democratic forms of political legitimacy, i.e. the legitimacy outside the framework of democratic processes, as well as legitimacy without or outside the State.
- New actors, new forms of power and political legitimacy appear due to post conflict context driven by deep social transformation. Among the new actors, we can find spoilers or non appropriate actors.

2. Scientific content of the event

Session 1

The 1st session was dedicated to the sources of political legitimacy. In the concept paper, legitimacy was defined as accepted forms of power, which lead to the following questions:

- What are the resources of power?
- What are the sources of social norms and normativity?

These questions opened the debate to the different forms of legitimacy, sharing research on social institutions, different political processes, and political practices. They oriented the discussion towards the dichotomy between material and symbolical sources of power; non elective or non democratic forms of legitimacy (outside the framework of democratic processes) and the appearance of new actors in post conflict situations. In the end new forms of power and legitimacy appear (spoilers, actors considered as inappropriate).

Didier Péclard presented the first paper, which will be published in 2010/ 2011 and will be the introduction to a special issue on negotiating statehood and the dynamics of power and domination in post colonial Africa. It is co-written with a former Swiss Peace colleague who is now at the University of Zurich. It is the result of a research project within a program on how states function in fragile contexts. The geographic focus areas of the coordinated research group are Africa and Latin America (Bolivia, Peru).

Session 2

The second session is building on the results from the ESF international research conference "Post-crisis State Transformation, rethinking the foundations of the State" which took place from 1-5 May 2009 in Linköping Sweden. The latter focused on state and non state actors fulfilling the tasks and roles usually attributed to the state. Papers and discussions during the conference identified who are the actors and what kind of social services, security and economic opportunities they provide in absence of or in addition to the State? For example:

- *non state actors* - armed military movements that take over state functions. The issue of governance in Chiapas, Mexico was described as a Swiss cheese: parallel governance of geographically very limited areas. It also looked into separatist movements and local government structures and their relationship with the state. The question is legitimacy of different forms of governance imposes itself.
- *customary authority* was described in the vases of Vanuatu and East Timor (Anne Brown)
- *traditional leaders* in Somaliland that are *institutionalized* (issues of accountability and legitimacy vis-à-vis of the population that they are suppose to represent) (Louise Wiuff Moe)
- *NGOs and their role in terms of service delivery in both the Philippines and Kyrgyzstan* (Helen Delfeld and Tatyana Mamatova)
- *religious brotherhoods* in the Arab peninsula (Marc Valeri)
- *Ethnic self-protection groups* (Anne Brown)

This workshop wanted to go beyond the identification of actors and ask the question of the linkages between them and national and international actors? (Because although they cannot be defined as distinct, they do legitimate themselves through linkages with others). The three questions on which the discussion focused were:

1. How to **practice the principle of 'active subsidiarity'**, by which we mean that each territory and each level of governance attempts to bring specific responses to issues that must be collectively dealt with. How to create a system that allows political participation through dialogue?
2. What are some of the **risks associated with simply integrating local actors into the State**, rather than creating plural political orders? For example, how does their integration in the State transform their role, affect their legitimacy and dynamics of accountability? What opportunities does this represent for instrumentation and manipulation by state actors and the other way round?
3. How to deal with some of the **contradictions that are associated with the transposing of norms and practices that are shared and legitimate in geographically limited areas to a national level**? Local values and political projects might reinforce ethnic differences, gender inequality and present other forms of exclusion. They thus contradict constitutions and international regimes like the *universal* declaration of human rights. Even though these might make little sense in local areas, they do in the international arena. The national level becomes the locus of this contradiction. How does the State choose its interlocutors, how does it assess their legitimacy if they are not chosen? Allowing local voices to be heard at the national level creates tension in the relation between the national and the international level. It forces international actors to acknowledge contradictions that have existed for long but have been denied as long as, at least formally, national actors complied with them. The question in post-conflict situations is, how to make some of these categories (clan, Hutu/Tutsi) matter and not matter at the same time (like race or gender)⁸?

Session 3

The last session of the workshop was devoted to the concepts that should be associated with the larger concept of political legitimacy. The concepts that emerged from the debate and that were discussed were:

- Identity
- Loyalty
- Neo patrimonialism

Then, related to these concepts, the following ones, were debated:

- predictability; trust; security;

This session made it possible to come to a synthesis of the debate aiming to broaden the research field of political legitimacy, to underline the convergences and divergences of different approaches.

3. Assessment of the results, contribution to the future direction of the field, outcome

The following points were mentioned as concluding comments or questions:

1. Question of methodology: Do we *really* have to measure, to assess legitimacy?
2. Elections and their ability to allow the emergence of legitimacy. Are elections capable to bring new elites and legitimate actors to power in countries without democratic culture/experience, ? Or do they reinforce the authority of the same leaders?
3. Competing of social norms, can they be analysed as generation conflicts

⁸ Lidwien Kaptijns, discussion prior to conference Linköping, May 2009

4. Is the opposition between rural and urban still a relevant approach in understanding post-conflict politics, or has this opposition disappeared as a result of urbanization and societal transformation? An argument put forward was that the opposition remains relevant at the level of identification (example of Uzbekistan) but that we should integrate observation like the following, that traditional leaders for example in South Africa are not a merely rural phenomenon but that as a result of rapid urbanisation, they are also relevant among population groups in the urban areas.
5. Does predictability bring the rule of law?
6. Transformation and linking into other different actors can be a legitimization strategy. Example: Sudan (stop inviting the war lords at the negotiation table, because this way their power/legitimacy is increased). South Africa Thabo Mbeki (never lived in rural areas, but legitimized his own power through rural symbols – referring in his opening speech as president to cattle)
7. The human rights discourse, in some cases, can be instrumentalised by opposition parties. For example in Sudan, the opposition intends to weaken the central government by invoking international critique against human rights violations. The use of this discourse is motivated by a strategy to increase one's power rather than a real interest in the amelioration of the human rights situation.
8. We should guard against the romantization of customary leadership. While we argue in favor of more attention to these institutions and more research into their functioning and their role in governance, we should be very careful about generalisations. This type of leadership is very context specific. Legitimacy might be different from one village to the other. Moreover, they are not some panacea for weak or absent government. In cases where customary leadership is not relevant, international actors should certainly not recreate them (example based on anecdote about the reinvention of traditional leadership by international actors).
9. There are many conflicting forces on the local level. We should be careful not to take them for granted and marginalize some while favouring others (Iraq, strengthening women in society can strengthen other structures).

Concrete actions that are were decided as a follow-up:

- Participation in an Online database Coredem: participants will develop definition and approach of a selection of concepts, that they can share online.
- Project of an edited volume : “Legitimation and order in post-conflict societies: a Multiplicity of Icy-Footed Bedfellows”. 10 participants are part of the project.
- Informal working group on “Strategies of Legitimation in Authoritarian Regimes”

4. Final programme

Wednesday, 9 December 2009

Afternoon *Arrival*
19:00 *Dinner at Restaurant l'Industrie,*
16, Rue Saint Sabin, tel : +33 (0)1 47 00 13 53

Thursday, 10 December 2009

09.00-09.40 **Welcome by Convenors**
Pierre Calame (Director, Fondation Charles Léopold Mayer pour le Progrès de l'Homme, Paris)
Karine Gatelier (Modus Operandi, Grenoble, France)

09.40-10.00 **Presentation of the European Science Foundation (ESF)**
Silvia Mihailikova (ESF Standing Committee for Social Sciences (SCSS))

10.00-10.30 *Coffee / Tea Break*

10.30-12:30 Morning Session: Assessing the resources of power, material and symbolic

10.30-11.00 **Introduction to theme 1: Karine Gatelier**
Paper Presentation
Didier Péclard (Swiss Peace Foundation)

11.00-12.30 **Discussion**

12.30-14.00 *Lunch*

14.00-17:00 Afternoon Session: The interactions between levels of legitimacy, from local to international

14.00-14.30 **Introduction to theme 2 : Claske Dijkema** (Modus Operandi, Grenoble, France)
Paper Presentation
Anne Margaret Brown (Australian Centre for Peace & Conflict Studies)

14.30-15.30 **Discussion**

15.30-16.00 *Coffee / tea break*

16.00-17.00 **Discussion**
19.00 *Dinner at Restaurant Boukhara,*
16, Rue Saint Sabin, tel : +33 (0)1 47 00 13 53

Friday, 11 December 2009

09.00-12:30 Morning Session: Concepts to be associated with political legitimacy?

09.00-9.30 **Introduction to theme 3: Karine Gatelier and Claske Dijkema**
Synthesis and presentation of a selection of concepts that came up during the debates, to be discussed and deepened.

9.30-11.00 **Discussion**

11.00-11.30 *Coffee / Tea Break*

11.30-13.00 **Discussion on follow up activities and future plans**

13.00-14.00 *Lunch*

5. Final list of participants

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6. Statistical information on participants (age bracket, countries of origin, M/F repartition, etc.) The statistics to be provided under section 6 can also include repartition by scientific specialty if relevant.

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Louise Wiuff Moe (Denmark), F, Political scientist, Junior researcher, Joint research project Crisis Management Initiative and Finnish Institute of International Affairs, Helsinki

Gender balance:

11 males and 8 females

Different disciplines:

1 Historian

9 Political scientists

4 Anthropologists

4 Sociologists

1 Development studies