Sustainable peace and security depend on functioning institutions and relationships of trust and cooperation between people and the authorities that serve them. As local and international non-governmental organisations (NGOs), we work in contexts where protracted conflict has damaged or destroyed many institutions and undermined state-society relations. Building (or rebuilding) trust and cooperation takes time and requires skills and resources, and must be done in a way that ensures all relevant groups are included.

In fragile and conflict-affected countries, government institutions are often weak, under-resourced and susceptible to corruption. In such contexts, communities often rely on customary authorities to access justice and security, finding them more accessible and comprehensible than state authorities. Customary authorities are not unproblematic, however: their views and practices often diverge from the rule of law and the principles of inclusivity, human rights or gender sensitivity. Government authorities also typically fail to meet these standards, even if legally obliged to do so. NGOs working to enhance peace and security often need to work with or alongside both sets of institutions.

There are risks – but also significant benefits – to such cooperation. In order to learn from and improve interventions, the Sudanese Development Initiative (SUDIA), ZOA and Saferworld organised a learning event to discuss and critically review our work with and alongside government and customary authorities. This brought together practitioners from Sudan, South Sudan, Ethiopia, Somalia, Uganda, the Democratic Republic of Congo and Burundi to share experiences of community-level security and peacebuilding work and to learn from each other’s diverse experiences. Organisations participating in the workshop and also sharing their experiences were CARE, Somali Women Development Centre, World Relief and Action Pour la Paix et la Concorde.
1. How community structures can and do address conflicts

SUDIA, ZOA and Saferworld work with communities across Central and East Africa to build peace and security. We also facilitate the kind of cooperation needed between people, government and customary authorities to jointly identify and prioritise problems and develop solutions. We believe such initiatives should be community-led, as people know best what their own security concerns are – and if they can shape and implement solutions to these issues then they are more likely to succeed in the longer term. Authorities, whether state or customary, should ultimately be providing security and justice as a service, responding to popular demand.

We work with communities to establish groups called local peace committees (LPCs) and community action groups (CAGs). These groups bring people together to define what security and peace mean to them personally, and how they believe they should be achieved locally. LPCs and CAGs are community groups whose membership is voluntary and inclusive of the diverse social groups found in any context (such as men, women, youth, elders, customary authorities, members of different ethnic or geographic identities, and religious groups). LPCs focus on conflict mediation at the community level and play an important role in conflict prevention, resolution and early warning. CAGs focus on collectively identifying key drivers of conflict in communities, prioritising the most pressing issues and developing action plans to intervene. Working with and through such community-based structures, SUDIA, ZOA and Saferworld focus on brokering and facilitating changes in behaviour and relationships.

Community structures cannot address conflicts in isolation, however. Many conflicts have their root causes at higher levels of authority and powerful actors often drive or influence conflict from outside any given community. Accordingly, linking community-based structures with government and customary authorities, and strengthening authorities’ role in the provision of peace, justice and security, has become a higher priority for both NGOs and donors.

2. Cooperation and engagement between community structures and government authorities

2.1 Trends in collaboration with government authorities

Providing security and justice are key state functions, and ultimately achieving sustainable peace and security requires the involvement of government. It is clearly strategic to engage with and influence governing authorities when working on these issues. However, there are many tensions and challenges that NGOs – often hesitant to work with government authorities – need to consider and overcome if this work is to be successful.

Government authorities are often sceptical or suspicious of NGOs, and particularly those working on issues of peace and security. They often regard international, and internationally financed, NGOs as being over-critical of their policies, as entities that fail to address their most pressing priorities or deliver tangible benefits, and even as serving hidden political agendas, rather than peacebuilding. Governments in conflict-affected countries often perceive NGOs as resisting transparency about their own activities, especially in relation to budgets and other financial matters. They may also perceive NGOs to be advancing donors’ interests as opposed to those of the country, and of not respecting the sovereignty of the state. Governments usually expect NGOs to register, coordinate with a line ministry, obtain formal approval and report on their activities.

Governments usually prefer donors to support them directly to deliver services, rather than providing funding to NGOs; however, donors are often more comfortable financing NGOs rather than governments, particularly due to concerns about risks of corrupt practices and financial accountability for the use of taxpayers’ money. NGOs, on the other hand, cite concerns about governments’ capacity to cooperate and work meaningfully with them and see governments as inclined to restrict their freedom to operate.

For both strategic and practical operational reasons, it is almost always necessary for peacebuilding NGOs such as SUDIA, ZOA and Saferworld and the community-based structures we work with (CAGs and LPCs) to engage and cooperate with government authorities at some level, even if it is the minimum required for safe implementation. Avoiding doing so not only poses risks to NGOs, their partners and participants in their activities, but misses opportunities for change. A good risk analysis that is regularly reviewed is essential to manage this process.
2.2 Best practices on collaboration with government authorities

As peacebuilding NGOs, we see our role as facilitating dialogue and linking community structures to relevant government institutions, thereby strengthening relationships and trust between CAGs/LPCs and government, and increasing the responsiveness and accountability of governing authorities to local populations. We support CAGs, LPCs and government to jointly identify security issues, plan responses and agree on action plans. Facilitating vertical linkages to higher levels of authority is also important to enable LPCs and CAGs to influence government policy, engage with the national peacebuilding architecture in their countries, and contribute to addressing higher levels of conflict.

Best practices include:

- Acknowledging and anticipating risks related to working with government authorities, and having mitigation strategies in place (including conflict sensitivity analysis). In addition to being a fundamental good practice for any type of activity, this increases the possibility that collaboration with government/state authorities will lead to successful changes, and minimises the danger that it will be abandoned when faced with problems or conflicts that put people at risk.

- Encouraging leadership in CAGs, LPCs and government to make the cooperative relationship work. It helps to identify one or two influential people in LPCs and CAGs, and correspondingly in the government authority, who will serve as champions and act as the key drivers of collaborative action, encouraging and assisting progress.

- Investment in building trust and relationships as a continuous process. This can be a slow process, particularly where there is a history of grievance and/or mistrust. Momentum should be maintained from the start to ensure that engagement is sustained and fruitful. For example, at the local level we bring together communities, partners and police to tackle security concerns in a given locality, ideally building cooperation between them and challenging negative perceptions that police might hold about the community or that the community might hold about the police. Such work is intended to build trust and give hope that problems can be resolved in a fair way.

- Distinguishing the roles and mandates of CAGs, LPCs and government to minimise tensions and build mutual understanding of how they can be complementary. Security provision is an important role of government while conflict mediation and providing input to government security plans might be important roles for CAGs and LPCs. To avoid tensions and minimise the perception that CAGs/LPCs/NGOs are encroaching on the government’s role, the role and mandate of each actor should be discussed from the start so that the parties can determine how best to work complementarily in responding to community security needs.

- Assisting LPCs and CAGs to hold constructive meetings and discussions with government authorities. This can help build relationships, increase accountability, and encourage governments’ interventions to be more inclusive, informed by people’s concerns and responding to people’s priorities. Supporting CAG/LPC members to influence higher-level policy, such as by participating in civil society roundtables or networks, helps engagement with government at sub-national or national levels.

- Promoting referral of dispute cases to CAGs/LPCs and/or government authorities, depending on the nature of the case. With effective collaboration, CAGs and LPCs can become the preferred mechanism in some disputes (depending on the type of case – criminal cases should be referred to the formal justice system) or the ‘first stop’ for people seeking resolution of disputes. Government authorities refer petitioners to CAGs and LPCs when relevant, and CAGs and LPCs refer cases that are beyond their remit to relevant authorities. This mutual support allows both parties to be effective and address more cases satisfactorily.

- Strengthening the capacity of government authorities to support community security and peacebuilding. Due to low institutional capacity of governments in fragile contexts, enhancing government staff skills in organisational management, communication, community approaches, effective response to community security concerns, transparency, good governance and accountability is critical and can contribute to ‘buy in’ and support of CAGs’ and LPCs’ interventions. Joint capacity building bringing together both government and LPC/CAG representatives can foster mutual recognition and trust. Any capacity-building support provided must be acceptable and relevant to the government authorities, and officials must be confident that they have clearance to participate, or at least that they will not face negative repercussions for doing so.

- Cooperation with government can enable NGOs to gain access to conflict-affected areas. In most cases, security authorities remain the gatekeepers to accessing populations in these areas and so their acceptance – or, at the least, their lack of opposition to the work – will be a pre-requisite.

- Supporting and encouraging LPC and CAG members to assume positions in government or parliament. CAG/LPC members may well have the skills to assume the responsibilities of government office or parliament, bringing with them their experience as activists and representatives of their communities. This is something that NGOs should advocate for and encourage.
The risks and challenges involved in cooperating and engaging with government authorities are real, and a number of NGOs have learnt how to mitigate many of them, using experience and critical judgement. The risks are explained in more detail below.

If CAGs and LPCs are formally incorporated into government structures, there is a risk of them becoming part of the government bureaucracy and losing their connection to the community. Corruption and government interference in decision-making processes can then undermine community empowerment. This calls for vigilance to protect community ownership.

Governments tend to be reluctant to allow NGOs, CAGs and LPCs to work on security and peace issues. This can include the imposition of associated controls and restrictions, gatekeeping access to specific people or locations, and restrictions on what vocabulary can be used when discussing peace and security. Restrictions often include government clearance for any activity carried out by CAGs and LPCs, and requirements that a government representative (or security official) attend all meetings. This constrains communities’ freedoms of speech and association, and can make the meetings an ‘unsafe space’ for communities to discuss and agree on sensitive issues.

If there are unaddressed perceptions that an NGO or community structure – or both – is affiliated to a political party or movement, it can compromise their public credibility and/or perceived integrity. Working with communities can be seen by government as aligning with the opposition; while collaborating with government authorities can be perceived by communities or other NGOs as ‘sleeping with the enemy’. In some instances, such perceptions can lead to threats and personal security risks for the staff of NGOs and partners and for participants in their activities.

Where government or state officials are perceived as being either perpetrators of abuses or parties to conflict, there is a conflict of interest. For instance, a government selling communal land to commercial investors creates tension, further escalating resource-based conflict in communities. Although including culpable officials in community dialogue processes may create an avenue for engagement to address the issue, unequal power dynamics may prevent community members from feeling safe to raise their grievances and the process may not be appropriate for addressing the issue. This might undermine overall confidence in the process.

Guaranteeing the safety and security of CAG and LPC members when engaging with a government that does not protect and promote the rights of its citizens is extremely important, and demands proper risk assessments.

Weak government capacity in security and justice means that there are often only a few security and legal staff in rural areas, with limited resources, and this is frequently compounded by high government staff turnover.
2.4 Opportunities for NGOs

NGOs are well-placed to play a liaison role in establishing and building trust between LPCs and CAGs and relevant government authorities. Government authorities often struggle to reach rural populations, in particular in conflict-affected areas and areas that have been or are controlled by opposition groups. Those NGOs that do have access are often not trusted by the local population. When both government and communities trust them, NGOs can bridge this gap and strengthen the relationship between authorities and communities.

NGOs have the access and opportunity to facilitate communication and information sharing, given that they work with communities in conflict-affected contexts. NGOs have updated information on peace and security from a wide range of sources, and attend meetings on a variety of issues including early warning, conflict prevention and management, and peacebuilding. Presuming that authorities see NGOs’ insights as valuable, this can strengthen the relationship between NGOs and local authorities and can minimise the perception that NGOs, CAGs and LPCs have hidden agendas of taking over the work of government. What is critical is that NGOs properly manage the sensitive information they hold, ensuring that they protect community members and their relationships with communities.

NGOs have the potential to help enhance the capacity of government authorities, and this serves as an entry point to working with them to enhance the accountability of government to communities. NGOs already conduct capacity assessments of local partner organisations, which they use as a basis for strengthening their partners’ skills in areas that complement the implementation of peace and security-related programmes. This approach could be used to bridge the knowledge, skills and capacity gaps of government personnel.

Case study

Appointments of members of community structures to government in South Sudan and Somalia

In South Sudan, appointments of this kind have led to improved relationships and trust between communities and government authorities and acknowledgement by government of the significant role that CAGs play. CAGs subsequently feel encouraged to take on more tasks such as broader oversight on border-related issues, and communities report positive perceptions of CAGs. In Somalia, members of community structures who have been appointed into government have successfully lobbied and influenced laws and policies that address key drivers of conflict, including resource scarcity and sexual and gender-based violence in Somalia’s South West State.
3. Cooperation and engagement between community-based structures and customary authorities

3.1 Trends on collaboration with customary authorities

Where traditional leaders have legitimacy, NGOs see cooperation and engagement with customary authorities as a critical part of their work in the security and justice field. These authorities have tremendous influence on norms and values. They are often trusted, easy to access and known to promote restorative justice and reconciliation. Conflict resolution in most African communities takes the form of negotiation, mediation, reconciliation or arbitration by elders. Disputing parties sit together informally and resolve disputes and conflicts to maintain social harmony and restore social bonds. The work of customary authorities takes different forms: incorporating customary leaders as members of CAGs and LPCs; the use of customary laws to resolve conflicts and maintain peace; preventing and managing conflicts; and carrying out mutual referrals. Customary justice systems (CJS) are typically flexible, focused on consensus-based decision-making and are well established, having been in place for decades. They have a specific role to play and are usually preferred by communities. However, a serious consideration in working with CJS is the way they disadvantage or consolidate discrimination against certain groups, such as women, youth and ethnic minorities, and can therefore be seen as inhibiting access to justice. NGOs are becoming more cautious and aware of the limitations of CJS, and seek to ensure that the collaboration with LPCs and CAGs does not reinforce marginalisation or undermine principles of equity and equality under the law.
3.2. Best practices on cooperation and engagement with customary authorities

- Cooperation and engagement between community-based committees and customary authorities can be challenging. While many CJS are contested because of their inadequate provision of justice to marginalised populations, there are entry points and opportunities for reform and legal empowerment. Such potential can be harnessed through nuanced and pragmatic interventions that are locally driven and owned, and reflective of the local context.

- Enhancing the capacity of customary leadership – including training on conflict resolution, mediation and leadership – will strengthen the quality of interactions. Training should be offered to recognised customary authorities as well as marginalised groups, to support them to challenge dominant interpretations and applications of customary norms.

- Encouraging meaningful participation of marginalised groups in dispute resolution mechanisms, like LPCs, contributes to overall satisfaction with dispute resolution and enhances access to justice in contexts where there are widespread inequalities and power asymmetries – most notably with respect to gender. This is in part because sharing perspectives, views and experiences helps prevent exclusion and marginalisation. Such efforts, however, must be complemented by some form of accountability mechanism, such as legal rights awareness raising for the broader community.

- Sensitivity in advancing legal empowerment and reform in a way that is locally legitimate preserves the strengths of CJS. This can be done through ensuring that well-respected local resource persons are employed to be trainers of customary leaders, marginalised groups, and community groups like CAGs and LPCs. The training methodology should draw from sources that are locally recognisable and accepted, including customary values and context-specific examples. Facilitating local debate on challenging concepts such as gender equity, power sharing and human rights in a way that allows them to be woven into the existing fabric of culture and customary law promotes uptake. Preserving other strengths of the customary systems, such as geographic and economic accessibility, is crucial for people living in poverty to access justice. This ensures that reforms aimed at increasing access to justice for marginalised groups can be facilitated in a way that holds local legitimacy, without dislodging important elements of the customary process.

- Promoting women’s role in peacebuilding and as mediators enhances access to justice for women involved in disputes. Women mediators, if well supported and provided with sufficient resources, are likely to deal with issues relating to gender, particularly gender-based violence, in different and more transformative ways than most men mediators and chiefs. Women disputants feel more comfortable approaching women members of community-based conflict resolution committees, and women mediators are typically more inclined to make referrals to the formal justice system in cases where they believe that the customary system would not guarantee an equitable outcome for the victim.

3.3. Challenges and risks of cooperation and engagement with customary authorities

There is increasing recognition that working with customary authorities and CJS is a potentially important means of improving access to justice, as people in Central and East Africa tend to use CJS instead of their formal counterparts. However, CJS often vest responsibility in leaders with limited accountability to their communities or a higher authority, making them prone to corruption, politicisation and nepotism. Working with customary authorities and justice systems does not come without risks, which can be overcome with sensitivity and a commitment to promote the rights of women, youth and minority groups.

NGOs should be aware that any collaboration adds legitimacy to both customary leaders and the LPCs/CAGs in which they are members, and, by extension, their decisions based on customary law. Given that CJS uphold customary norms and practices, this has obvious risks for access to justice, particularly for marginalised and vulnerable groups.

Other challenges include:

- Clashes between local legitimacy of customary authorities and (inter)national laws. Practices of CJS are often not consistent with (inter)national laws and norms. Sanctions imposed, such as corporal punishment, humiliation, banishment and retaliatory murder, violate the right to life, the right to freedom from cruel, inhumane or degrading treatment, and the right to freedom from discrimination. The compensatory nature of many CJS can deny the right to a remedy or to equality before the law when customary justice decisions are determined based not on the nature of the crime but on the gender and social status of the victim. Further, customary law is typically not written and it is subject to different interpretations or even misinterpretation.

- Customary leaders can lack legitimacy. Customary leaders may use their authority for personal gain – selling justice to the highest bidder – and may be prone to bribes by government, or to nepotism based on tribal and clan affiliations. For NGOs, working with customary leaders who are not trusted by communities is likely to reinforce marginalisation and power imbalances in communities.

- Where CJS are not recognised by the state and operate outside of a legal framework, they typically lack safeguards that protect the rights of disputants, like the right to defence and due process and the protection of the privacy of disputants and witnesses, raising serious issues for women and children in particular. In some contexts, participation as disputant, defendant, witness or mediator in dispute resolution is restricted based on the gender, social status and/or ethnicity of the person. Sanctions handed down may violate women’s rights. This is obvious in cases such as wife inheritance (when a widow is forced to marry a male relative of her deceased husband), forced marriage, and the exchange of women or young girls as a resolution for a crime or as compensation.
Bridging the generation gap that causes tension and conflict between elders and youth by ensuring that both customary leaders and young people participate in CAGs and LPCs, and through joint meetings where elders actively listen to youth. Inclusion and participation of young people in customary decision-making – by vesting such groups with leadership responsibilities, or expanding the dispute resolution ‘circle’ to include youth representatives – are good goals to work towards. Any initial steps towards achieving these goals can be taken by including young people and customary leaders in CAGs and LPCs, so that they become used to working together and familiar with each other’s perspectives and potential contributions.

Encouraging more inclusive discussions on how to address local conflicts and security dynamics by including customary authorities in CAGs and LPCs, alongside other sectors of society such as women, youth and minority ethnic groups. In these community committees, joint and open conversations can take place about how local conflicts can be mediated in a way that serves the interests of all, including women, youth, men and different minority ethnic groups. The committees may practice new ways of conflict resolution that, though still based on customary law, are adapted to make CJS more inclusive. This helps elders also to understand and appreciate the changing nature of conflicts.

3.4. Opportunities for NGOs

The benefits of working with customary authorities lie in their dynamism, flexibility, legitimacy and accessibility. This fluidity makes customary systems capable of adapting and reforming in progressive ways, such as: expanding the breadth of participation in customary decision-making; the codification of customary law; the introduction of procedural safeguards into customary processes; being open to skills-building for customary leaders; the elimination of harmful customary practices; the revision or reinterpretation of customary law; and enhanced oversight of customary justice processes. NGOs’ experience shows that such reform can be encouraged in the following ways:

- Raising awareness and disseminating information to provide clarity and predictability about customary justice procedures. NGOs should facilitate this process by creating safe spaces for these issues to be discussed openly and without fear. They need to create opportunities to learn how customary law is applied in practice, and enable communities and customary authorities to realise the strengths and weaknesses of CJS. There are potential benefits of aligning custom laws with the written law, identifying where custom and written law are already aligned or at least close to each other, and addressing those areas where they are not. Using creative art like drama can enhance knowledge on these issues and help to highlight how CJS align to the formal justice processes.

- Supporting receptive and influential customary and religious leaders to serve as champions for reform to customary justice processes. This is particularly relevant to issues such as gender equality and challenging harmful practices such as female genital mutilation, forced marriage, or sexual and gender-based violence.

- Facilitating skills-building for customary leaders to improve the quality of customary adjudication. These leaders can be seen as both the gatekeepers to rights protection and potential vehicles for social change, and are clearly important elements in any reform strategy. Although such leaders are often among those who benefit from discriminatory norms and maintenance of the status quo, they also have incentives to be responsive to changing community expectations because their ability to maintain order and social harmony is closely linked to their authority.

- Advocating for proper and adequate resourcing and recognition of the role of customary leaders, and strengthening the positive aspects of CJS.
4. Key learnings and messages to fellow practitioners and policymakers

- Understand the conflict context and policy and institutional environments in order to design conflict-sensitive interventions. Context analysis – comprising political economy analysis and conflict and gender analysis – is necessary for peacebuilding project design and implementation. Knowledge of local power relations, particularly among conflict actors, allows NGOs to design strategies that mitigate against corruption or political manipulation. NGOs can use this knowledge to identify the extent of acceptable engagement with government and customary authorities and settle on the type of cooperation needed, and to push for collaborative action that will really make a difference.

- Support interventions that strengthen vertical linkages and local and national government 'buy-in'. Securing buy-in by government and customary authorities can impart greater legitimacy. Political buy-in can expand the reach of interventions by CAGs and LPCs, particularly where authorities speak out in support of such interventions and community structures. This kind of coordination reduces tensions and the perception by government that community interventions are competing with their responsibilities. Links to line ministries in government mitigate such tensions and contribute to buy-in, while involvement of relevant line ministries is important for the sustainability of community interventions by LPCs and CAGs. If line ministry staff are familiar with community processes and procedures and have concrete roles to play, a community approach can be adopted on a wider scale.

- Ensure that CAGs and LPCs do not work in isolation. Help them to work within the wider context of strategies for reform and mitigation of the root causes of conflict (such as inequality, poor governance and ethnic divisions) and to work in collaboration with like-minded actors in promoting responsive interventions in communities that contribute to security and peace. CAGs and LPCs alone cannot achieve sustainable peace and rule of law.

- Advocate for harmonisation among donors to ensure that the community structures that are established and/or strengthened complement each other, and encourage donors to pool resources to support joint community interventions by CAGs/LPCs and authorities where this approach strengthens security and peacebuilding.

- Build a mechanism at the onset that facilitates sharing of best practice from different contexts on cooperation and engagement with government and customary authorities, and the associated challenges and opportunities. This could foster exchange visits between implementation sites, promote learning and identify approaches in one context that might be piloted in another. NGOs and donors must learn from collective experience and not re-invent the wheel.

- Explore the potential of institutionalising CAGs and LPCs as entities in the overall peace and security architecture, while protecting against government or political co-option. CAGs and LPCs have the potential to be more permanent structures, with links to relevant government authorities. This requires more emphasis on the role and responsibilities of CAGs and LPCs in long-term peacebuilding, sustaining community ownership, and engagement with customary and government authorities to mobilise resources.

- Acknowledge that conflict and violence have profound impacts on individual mental health, community dynamics and the social fabric. Individuals and communities may not be ready to engage in constructive collaboration with government authorities or on peacebuilding processes. Community-based mental health interventions help people to build trust in themselves and others, and to grow their confidence to reach out to local customary and government authorities.
About Saferworld

Saferworld is an independent international organisation working to prevent violent conflict and build safer lives. We work with people affected by conflict to improve their safety and sense of security, and conduct wider research and analysis. We use this evidence and learning to improve local, national and international policies and practices that can help build lasting peace. Our priority is people – we believe in a world where everyone can lead peaceful, fulfilling lives, free from fear and insecurity. We are a not-for-profit organisation working in 12 countries and territories across Africa, Asia and the Middle East. For more information see: www.saferworld.org.uk

About SUDIA

Founded in 1996, the Sudanese Development Initiative (SUDIA) is a non-governmental, non-profit organisation working for peace, development and good governance in Sudan. The organisation works with a broad cross-section of actors and stakeholders implementing programmes and providing services that build peace and human security, improve the management of natural resources and conserve the environment, and promote democracy and human rights. Youth engagement, innovation and technology, and sustainable livelihoods represent cross-cutting themes across SUDIA programming areas. For more information see: www.facebook.com/SUDIAorg

About ZOA

ZOA is an international relief and recovery organisation supporting vulnerable people affected by violent conflicts and natural disasters in fragile states, by helping them to realise dignified and resilient lives. ZOA operates in challenging locations where our field staff together with our partners provide assistance to the most vulnerable victims of displacement and conflict. ZOA works in the area of food security and livelihoods, WASH, education, shelter and peacebuilding. ZOA is present in more than 15 countries in Africa, Asia, the Middle East and Latin America. For more information see: www.zoa-international.com

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