



Hybrid Security Orders in Africa

Concept paper

Although most African states claim authority within the boundaries of their internationally recognised territory, non-state institutions of governance have survived or emerged in large parts of the continent. As Scheye (2009:5) puts it, the post-colonial state is characterised by “the rule of the ‘intermediaries’, a series of networks and polities that substitute and compensate for the lack of authority of the central, legally constituted state and its ability to deliver essential public goods and services”. These non-state systems effectively function as a ‘second state’ delivering public goods and services in a continually negotiated relationship with the formal institutions of governance. Nowhere is this more striking than in regard to the core security, policing and justice functions of African states. Far from possessing an effective monopoly of force, states and their security institutions operate alongside a diverse array of non-state bodies, some violently challenging state authority, others working alongside or cooperating with it.

Nevertheless prevailing approaches to statebuilding, peacebuilding and security governance have tended to stress Weberian paradigms of the state characterized in principle by its monopoly of violence, effective public authority and legal-rational norms and institutions.¹ In this context African states have frequently been stigmatized as ‘failed’ or ‘fragile’ because they do not live up to these standards. Yet the goal of policy has largely remained unchanged: that is to rebuild them in the Weberian mould as authoritative states with the capacity to deliver security, development and other public goods to their citizens.

In particular, security sector reform (SSR) more often than not has concentrated on the formal arrangements of the state and its security and justice institutions, focusing on tangible policy goals such as stronger mechanisms of civilian control, parliamentary accountability, budgetary management, training and professionalization, police and court reforms. In practice, however, it has proved extraordinarily difficult to implement even modest programmes of reform, let alone significant transformations in security governance.

Such approaches have been fundamentally at variance with the underlying realities of the African context, where state authority and hence security is not only exercised but also contested by a vast array of different actors: some active within the formal arenas of the state; others in informal arenas outside the state; and others cooperating or carrying their disputes

¹ Max Weber himself, however, cannot himself be held responsible for the stereotypical characterisations of the ‘Weberian state’ in the statebuilding literature and in critiques of the latter. His seminal essays on ‘Politics as a Vocation’ and on ‘Bureaucracy’ (both published in English in Weber (1948)) offer more nuanced interpretations of the state, political authority and rational-legal organisation that one finds in much contemporary analysis.

across state and non-state, formal and informal divides. Whilst references to the informal security and justice sector have crept into the SSR and ‘state-building’ toolkits, thus far they have been based upon incomplete empirical understanding of how this sector actually functions, and in particular of the complex interplay between formal and informal actors and institutions, which determine how policies play out on the ground and impact (or not) on the lives of citizens and communities as well as on the security of the state. In a sum, analysis and policy have so far barely touched upon the deep politics of reform. Nor have they drawn in any systematic way upon the critical literatures on the state, hybrid political orders and security that we will consider below.

Hence the goal of this paper and of the research programme, which it introduces, is to create a framework for empirical analysis of how security governance works and for whom, based upon critical understanding of how formal and informal, state and non-state systems overlap, interrelate, and interpenetrate at complex levels. We use the term ‘hybridity’ in this context to capture these intersections of formality and informality; to illuminate the complex nature of security governance in Africa; and to provide a more informed and realistic understanding of decision-making processes and power distribution in African security sectors, where a variety of actors draw on varying sources of authority and legitimacy. We argue that the concept of ‘hybridity’ is particularly appropriate for understanding security governance in countries in conflict or emerging from it, where non-formal institutions are often the only ones left standing after conflict, and thus tend to be widely implicated in delivery of security (as well as in the creation of insecurity) and can provide resiliency to local communities and (arguably) a basis for reconstructing the state.

We shall draw upon the insights of political economy, critical security studies and political anthropology to better understand the day-to-day functioning of African security, policing and justice institutions (at both central and local levels), including the competition, tensions, and conflicts within them and the wider social networks and political alliances within which they are rembedded. We hope this will contribute to a better understanding of security governance itself, including the conditions in which SSR processes alternatively take root, run into difficulties or fail. We shall focus especially on hybrid security systems at the local or grass roots level, including how they are experienced by their supposed beneficiaries; how they impact the lives of vulnerable groups; and how they shape citizen expectations of security and security entitlements. We will scrutinize as well the less palatable Janus-face of local-level security arrangements, including in some cases the reinforcement of local and national-level inequalities, gender discrimination and linkages to patronage networks. We propose to bring these different strands of analysis together in order to strengthen the research and evidence base for security governance in Africa. Our ultimate intent is go beyond the use of ‘hybridity’ as an analytical tool to explore how the concept can provide the underpinnings for a more realistic approach to building more legitimate and effective security and security governance systems, and hence more durable peace-building and state-building processes.

1. Formal, Informal and Hybrid Security Governance: Analysis and Definitions

From African independence analysts have been commenting on the vast gap between the official narratives of ‘nation-building’, ‘civil-military relations’, ‘the developmental state’, ‘state-building’, ‘post-conflict reconstruction’ and (latterly) ‘security sector governance’ and

the apparently chaotic, fractious and violent realities of statehood on the ground (Zolberg 1968 provided an especially prescient critique of the limitations of conventional political analysis in the context of African political disorder). In response there has been a florescence of shifting terminologies – among them ‘neo-patrimonialism’ (Erdmann and Engel 2007 and Bach 2011 provide useful critical reviews of this influential concept), ‘prebendalism’ (Joseph 2014), ‘praetorianism’, ‘clientilism’, ‘the politics of the belly’ (Bayart 1993), ‘the postcolony’ (Mbembe 2001), ‘instrumentalized disorder’ (Chabal and Daloz 1999), ‘the criminalization of the state’ (Bayart et al 1999), ‘warlord states’ (Reno 1998) and more recently ‘state fragility’ (Boas and Jennings 2005; Brock et al 2012; Call 2008; OECD 2008 and 2010) - but rather less in the way of analytical consistency and clarity.

Certain common themes stand out, however, and are relevant to our discussion below. First the idea that formal state structures have been informalized, instrumentalized, captured or (at the most extreme) dissolved by African social actors and modes of social interaction. Bayart (1993) indeed talks of the reassertion of the historicity of African societies after the end of colonial rule, rendering Western notions of liberal democratic statehood largely irrelevant.

These processes, however, have been hastened by processes of globalization, which forced African states to renegotiate their domination and their security in response to global shifts in power and profit. The end of the Cold War released many African states from the grip of external powers, but also reduced the military aid and budget support which sustained their security spending. Moreover, it also exposed them to new forms of globalization in which shifting market forces together with neo-liberal policies insisted on by international financial institutions and donors reshaped their national economies, constrained their budgets and reconfigured their state structures, including their security apparatuses.

African states have lost leverage over their national economies and simultaneously their monopolies of organized violence have fragmented. Myriad external actors have penetrated African political and security marketplaces (De Waal 2009): including resource-extracting firms, private security companies, international NGOs, aid agencies, peacekeeping forces, diasporas, criminal mafias, transnational jihadist networks and others. These external actors have presided over flows of surpluses and political goods (arms, security assistance, aid, conflict resources, illicit commodities etc.), which they have converted into the currency of influence within and across African political systems.

Direct links have formed ‘between, on the one hand, deregulation and the rise of the market and, on the other hand, the rise of violence and the creation of private military, paramilitary, or jurisdictional organizations’ (Mbembe 2001: 78-79). Power and resources have more and more been networked through informal channels, which tend often to transcend state boundaries, making it all the harder to determine how and by whom political authority is exercised and security determined.

Analysts such as Bayart (1993), Mbembe (2001), and Chabal and Deloz (1999) argue that this apparent informalization of the state and the emergence of new forms of disorder and conflict should not necessarily be considered regressive. They may indeed serve to catalyse the emergence of new forms of political regulation and authority with arguably deeper African roots. As we shall see similar claims have been made about the potentially innovative nature of the hybrid political and security orders considered later in this paper.

The informalisation of the state has seldom, however, been a peaceful or a socially inclusive process. The tendency has been for political power to be grasped by ruthless, the strong, the venal and the violent - above all by those controlling the means of violence and able to instrumentalize disorder. Hence it continues to be extremely difficult to establish a stable and broadly accepted basis for legitimate public authority and security.

In many cases the social contract between states and citizens has been seriously eroded (Leonard and Samatar 2011; Leonard 2013) if it ever existed in the first place. On the one hand citizens have been alienated from a distant state, with which they scarcely identify. On the other hand state and its elites have lacked the commitment and the means to deliver the public goods, which might ensure the loyalty and participation of citizens. Above all they are failing to deliver basic law, order and security, opening major security and policing gaps, sometimes filled by the informal and local providers scrutinised in this paper.

This adds up to a fundamental critique both of African statebuilding and of current aid and security governance paradigms - although for reasons that will be explained later, we do not endorse it in every respect. What is crucial for our purposes is that it heralds crucial shifts in the way scholars and policy analysts are framing the issues.

In the first place it calls attention to what may be termed the 'real politics' or 'real governance' of African states and their security and justice systems: how authority is continually negotiated and disputed among powerful groups within and outside the state in contrast to the ideal-typical models of well-functioning states on which governance reform and aid policy have tended to take as their starting point. Second, it calls attention to the informalization and the privatization of power and of security - including their decentering beyond the formal confines of the state. Third it leads to an interest in how non-state or informal institutions can and do substitute for failing states, exercising de facto public authority, providing services and assuring security alongside or instead of formal state agencies and structures. All of these are dimensions of what we discuss below under the heading of 'hybrid political and security orders'.

Defining formality and informality

The study of informal institutions is hardly new either in general or in an African context. Forty years ago Ekeh (1975) outlined an influential analysis of the 'two publics' in Africa, which can be regarded in some ways as a precursor of recent accounts of informal institutions and hybridity. The first public, that which constitutes individuals as citizens of the postcolonial states, has shallow roots and is easily subverted through corruption and abuse of power. The second public of traditional authorities, local communities, kinship groups, religious faith groups and so forth includes more intimate and at the same time more compelling moral communities, which resonate more with the day-to-day lives of most Africans. People who would not dream of defrauding a neighbour would feel fewer qualms in defrauding the state. Conversely those who feel helpless in dealings with abusive agents of the state or predatory élites, enjoy much more agency in the context of their local communities. There are dangers, however, in romanticizing the second public which as we shall see is more complex and more unequal than such an analysis might suggest. Moreover the bifurcation of the two publics tends to skate over the relationship between them including the ways they are mutually constituted. Nevertheless the narrative is a compelling one and crops up again and again in accounts of Africa's informal security and justice institutions.

North (1990) explores the concept of informality in his analyses of institutional change. He defines institutions as constraints that structure political, economic and social interactions, consisting on the one hand of « informal » constraints (sanctions, taboos, customs, traditions, codes of conduct, conventions, norms of behaviour) and on the other hand of formal regulations (constitutions, laws, property rights etc). However, “there is a plurality of definitions of the informal and formal institutions as well as a difficulty in measuring phenomena which are not well defined” (Sindzingre 2006). In particular, there has been little consensus on the term ‘informal’ which is used to characterize a wide spread of different phenomena such as civil society associations, personal kinship and clan networks, patron-client ties, corruption, vigilante groups, mafia organizations and criminal networks – the list is almost endless. It is important therefore to clarify what we mean when using the terms ‘informal’ and ‘formal’ institutions. This task is complicated by the fact that analysts draw the formal/informal distinction in varying and not necessarily compatible ways.

Some focus primarily on the state-societal distinction considering that « formal institutions » refer to state bodies (courts, legislatures, bureaucracies) and state-enforced rules (constitutions, laws, regulations), while “informal institutions” refer to societal rules (for instance kinship relationships) or societal organisations such as civil society associations, religious communities, chieftancies (de Soysa & Jütting 2006). Some instead concentrate upon the location of rule enforcement suggesting that informal institutions and norms are self-enforced whilst formal ones are enforced by a third party, usually the state. Thus for instance de Soysa and Jütting (2006:3) suggest that “While formal rules are enforced by official entities, such as courts, judges, police, bureaucrats etc, informal institutions are largely self-enforcing through mechanisms of obligation, such as in patron-client relationships or clan networks, or simply because following the rules is in the best interests of individuals who may find themselves in a ‘Nash equilibrium’ where everyone is better off from cooperation. (...) Formal rules are generally thought to be codified entities that officials (rulers) ostensibly apply through regularized enforcement mechanisms”. Others articulate their distinction around the concept of culture supposed to shape informal institutions. For instance, Scott and McLaughlin (2012) considers that “Whilst formal political systems are generally publicly announced, for example in laws, regulations and codes, informal systems are embedded in socio-cultural institutions, norms and standards”.

Highlighting the limitations of such distinctions², Helmke and Levitsky (2003:5 and 2004:727) provide an arguably more rigorous conceptualization, namely: “formal institutions are openly codified, in the sense that they are established and communicated through channels that are widely accepted as official (...) Informal institutions are socially shared rules, usually unwritten, that are created, communicated, and enforced outside of officially sanctioned channels”. Hyden (2006: 10) adds further relevant criteria to better capture the essence of informal institutions which can be summarised as follows: (1) actors share a common set of expectations, (2) they rely on simple forms of reciprocity, (3) rules are understood by each actor, (4) they are implemented confidentially and with no particular attention to detailed objectives or methods³.

² To Helmke and Levitsky, the state-societal distinction does not allow one to take into account a number of informal institutions, including the official rules which govern non-state organizations such as political parties or churches. As regards the enforceability criteria, ‘informal rules’ are in their view sometimes as coercive, enforceable and subjected to sanctions as are ‘formal’ laws and judgements. They also point out that informal institutions should not be confused with culture which embodies only one feature of some informal institutions.

³ Hyden includes two other criteria with which we tend to disagree. First the self-enforcement criterion, not relevant in our view for the aforementioned reason; second the non-contractual essence of informal exchanges. Contrary to Hyden, we consider that informal exchanges in African polities are often contractual, in the sense that they

Our definitions are inspired by those two approaches and in this research programme:

- **Formal institutions correspond to the rational Weberian ideal-type of officially and legally-established rules, norms and standards** - such as constitutions, laws, decrees - framing/shaping administrative, organisational and bureaucratic structures - such as ministries, legislatures, rule of law institutions or political parties.
- **Informal institutions are implicit practices, rules, understandings and socially sanctioned norms of behavior** (attitudes, customs, taboos, conventions, and traditions (de Soysa & Jütting 2006)), relying on expectations of reciprocity which are not officially established nor codified, but are commonly and widely accepted as legitimate.

Although we propose these definitions we caution that their application to real world situations is by no means straightforward. Many institutions that are commonly categorised as ‘informal’ such as chiefly institutions, traditional courts or even mafias have highly codified (and sometimes written) standards and procedures. Many seemingly prototypical Weberian structures are regulated and indeed held together by complex informal understandings and unwritten precedents. The British state, its constitution and its common law system is an especially notable example, contrasting with the far more codified constitutional and juridical frameworks of France and of its former dependencies. Our interest is precisely in such ambiguities.

The concept of hybridity

It is in order to analyse and observe both the informal within the formal and the formal within the informal that we use the concept of hybridity. For our purposes hybridity denotes “the multiple sites of political authority and governance where security is enacted and negotiated” ... “including “the multiple ways traditional, personal, kin-based or clientelistic logics interact with modern, imported, or rational actor logics in the shifting historical conditions of particular national and local contexts” (Luckham and Kirk 2013: 7. See also Bagayoko 2012a). It belongs within a wider family of concepts, which emphasise the contingent, constructed and contested nature of governance, public authority and security. Other related formulations include the notion of ‘governance without government’ (Menkhaus 2006/7; Raymaekers et al 2008), ‘real governance’ (de Sardan 2009; Titeca and de Herdt 2011) ‘negotiated states’ (Hagmann and Peclard 2010), ‘mediated states’ (Wennmann 2009), ‘twilight institutions’ (Lund 2006) and ‘institutional multiplicity’ (Goodfellow and Lindemann 2013). We prefer ‘hybrid’ to such formulations, however, because it places the emphasis squarely on the complex and shifting interrelations and interactions between formal and informal institutions.

It is worth noting that the term ‘hybrid political orders’ was initially popularised by scholars to analyse state-formation and peacebuilding in small countries in the South Pacific and Southeast Asia, as well as the Horn of Africa (Boege 2006; Boege et al 2008, 2009). Their principal focus was on local approaches to conflict transformation (including the use of

persist across time and have a strong element of obligation. They are in accordance with Eric Scheye in considering that ‘The relationships between the state and non-state networks is between polities, one that ebbs and flows based upon the circulation and dynamics of balances of power. Furthermore, the relationships between and among the differing layers of authority is an integral part of the social contract that establishes the state’ (Scheye 2009: 7). Social exchanges embedded in informal institutions are also contractual in essence but it is the basis of the contract which differs (Leonard, 2011).

traditional authorities, customary institutions and informal intermediaries) and on the interface between these and Western liberal approaches to peace-building. They deliberately chose to “stress the positive potential rather than the negative features of so-called fragile states – deemphasising weakness, fragility and collapse, and focusing on hybridity, generative processes, innovative adaptation and ingenuity” (Boege et al 2009:16). As Debiel and Lambach (2009:) have put it “Far from being cultural remnants as orthodox state- building approaches portray them, hybrid political orders are vibrant mechanisms of governance”.

Other analyses have extended analysis of hybrid political orders still further by linking them specifically to situations of political disorder and violence. In contrast to those who have characterized violent conflicts primarily as state-building and development in reverse (Kaldor 1999; Collier et. al 2003), they portray them as potential “sites of innovation and reordering resulting in the creation of new types of legitimacy and authority” (Duffield 2001: 6). In line with Tilly’s (1985) deliberately provocative analysis of state-making as organised crime, it is argued that non-state armed actors, including guerrilla formations, paramilitaries, militias and even criminal mafias, are obliged to legitimise their control in order to survive and prosper. In so doing they are able to translate their initially predatory grip upon regions falling outside the control of the state into more durable and legitimate forms of local-level governance, constructed around alliances with local business and public sector elites. In the process they may be transformed into law-makers rather than law-breakers (see among others Menkhaus 2006/7; Boege et al 2008; Raeymaekers et al 2008; and Raeymaekers 2010, which should be read alongside Meagher’s (2012) incisive critique). Similar arguments concerning conflict situations as a matrix for the creation of viable alternatives to existing state and security institutions in conflict situations are put forward in recent studies of ‘rebel’ or ‘insurgent’ governance (Mampilly 2011).

Such critiques present a fundamental challenge to prevailing notions of state fragility and failure, which view the latter as a one-way process reversible only by restoring the normality of a well-governed Weberian and preferably liberal democratic state. They are equally much a challenge to the neo-patrimonialist analyses of African political systems referred to earlier, which tended to reduce states and their security institutions to the ‘politics of the belly’⁴, i.e. to the informal politics of tradition, patronage, plunder and ethnic solidarity, disregarding the possible synergies between informal institutions and the formal structures of African states.

Hence we shall not confine our own analysis of hybridity to traditional, customary or informal institutions alone, or assume a priori that they work better for the citizens of African states than state delivered security. For the rush to embrace the ‘traditional’ can obscure the potentially regressive and violent features of governance beyond the margins of the state (for critiques along these lines see Meagher 2012 and in relation to vigilantism Pratten and Sen 2007). Likewise recognition of the potentially transformative aspects of conflicts should not blind one to their destructive impacts along with the challenges they pose to legitimate public authority. Moreover even when political disorder ‘works’ for local elites (Chabal and Deloz 1999), it may not work so well for the majority of citizens, including the poor, marginalized and insecure.

Contrary to those who hold that the formal organs of African states lack roots in African soil and are incompatible with the informal systems of power, which prevail throughout the continent, we see them as both complementary and contradictory. Informal institutions undergird the state, supplement and subsidize the functioning of its institutions, and provide it

⁴ The term ‘politics of the belly’ was coined by Bayart (1993). However, he cannot in all fairness be accused of the reductionism prevalent in many other analyses of African neopatrimonial states.

with a modicum of resiliency, but at the same time they erode its rational-legal norms. What emerges are dual, overlapping hierarchies and systems of power in which both modern and traditional elites are invested, but which are to a very large extent regulated (if at all) by norms emanating from outside the ‘rational-legal’ sphere. How and for whom hybrid institutions work; the precise nature of the relationship between formal and informal; and the relationships to political violence on the one hand and security on the other are all issues that this research programme will investigate empirically rather than assume in advance.

In sum our goal is to capture the security dimension of African hybrid political orders by focusing on the complex amalgam of formal and informal, statutory and non-statutory security actors and institutions, which together constitute what we call ‘hybrid security orders’. **Hybrid security orders in sum are characterized by the co-existence and interaction of multiple state and non-state providers of security, as the state shares authority, legitimacy, and capacity with other actors, networks and institutions across the formal/informal divide.**

Neo-institutionalism as a theoretical framework

Our analysis of hybrid security orders in this research programme will draw upon a neo-institutionalist theoretical framework, which defines institutions as the set of formal and informal rules, customs, habits and routines by which decisions are made concerning the distribution of power and the organisation of a given society. Whilst rational choice institutionalism focuses on rational actors pursuing their interests and following their preferences within political institutions, defined as structures of incentives, according to a ‘logic of calculation’ (Schmidt 2006: 3), both historical and sociological institutionalism hold that decision-making processes are not exclusively nested in formal institutions: a wider variety of institutions operate alongside or within formal political institutions and are at play in decision-making processes and public policies, most of which are informal in essence.

Historical institutionalism concentrates on the history of political institutions and their constituent parts, which have their origins in the (often unintended) outcomes of purposeful choices and historically unique initial conditions, and which develop over time following the ‘*logic of path-dependence*’. Hence to understand current security governance in African countries, one should examine the historical trajectory of the security sector, including the influence of the colonial legacy on the way in which the security sector has been governed since independence. Of particular importance for our analysis of hybridity is the colonial tradition of indirect rule in some African countries. Even in contemporary African states state elites have often continued with strategies of indirect rule: forming alliances with local elites; codifying ‘traditional’ law and sources of legitimacy; formalizing traditional chiefs and justice bodies; and subcontracting security provision to local policing bodies and militias etc.

Sociological institutionalism sees political institutions as socially constituted and framed, with political agents acting according to a ‘*logic of appropriateness*’ that follows from socially specific rules and norms (March and Olsen 2004). Such a ‘logic of appropriateness’ views human action as driven by rules of appropriate behaviour, organised into institutions: rules can be defined as ‘routines, procedures, conventions, roles, strategies, organizational forms, and technologies around which political activity is constructed’ but they also refer to the “beliefs, paradigms, codes, cultures, and knowledge that surround, support, elaborate, and contradict those roles and routines” (March and Olsen 1989: 17). Sociological institutionalism suggests

that far from consisting exclusively of formal institutional frameworks, institutions generate and depend on interpersonal trust that is more immediate and exclusively reliant on unwritten rules in use. According to Hyden (2006:5) “sociological and historical institutionalists consider that institutions have a life of their own shaping agency through socialization over time. Informal institutions, however, do not preclude a form of rationality”.

Accordingly this research programme will analyse both the continuing historical transformations of hybrid security orders, as well as the complex ways African states and informal networks⁵ are embedded one into the other. “While government institutions are important, the state qualities of governance – that is, being able to define and enforce collectively binding decisions on members of society – are not exclusively nested in these institutions. A wider variety of institutions are at play in this enterprise” (Lund 2006: 685).

In sum we consider that the way in which formal security institutions work is dependent on how informal institutions operate⁶). Moreover the way formal and informal institutions interact is in many ways linked to the structure, distribution and legitimation of power within governance arrangements⁷. The instrumentalization of informality (rules, networks and actors) can give access to resources and power, including to the less tangible forms of power. As Chabal observes “the success of the State [is] measured domestically, by both rulers and ruled, in terms of how well it performed according to the criteria relevant to the workings of the informal political sphere” (Chabal 2007).

Towards a critical analysis of security

We hope that this research programme will contribute in new ways to a critical understanding of security. **We see “security” as a deeply problematic and contested concept**, which has varying meanings for different people, communities, regions and states. Included in the security debate are issues such as social security, environmental security, economic security, human security, gender security, migration, cultural security, cyber security and military security.

⁵ A long tradition of organisation theory, going back to the French sociologist Michel Crozier (1964) has focused on informal networks and forms of power in bureaucracies. Focusing on their respective social systems – namely interpersonal relations, group relations, and power relations – Crozier challenged and re-examined Weber’s concept of efficient ideal bureaucracy in light of the way institutional bureaucracies have actually developed. Such a theory inspired the way Luckham (1971) analysed the micropolitics of military and security institutions in Nigeria.

⁶ Brinkerhoff and Goldsmith (2002) suggest that informal systems of powers (such as patrimonialism and clientelism) and formal political systems (including processes such as liberalisation, democratisation, decentralisation and civil service reform) are not isolated from each other or society at large: according to them, informal systems are based on existing patterns of power, and they can adapt to the development of formal institutions and coexist with them.

⁷ Mushtaq H. Khan (2010:1) “In advanced countries, the distribution of power is largely based on the distribution of incomes generated by formal institutions and rights. The correspondence between power and formal institutions explains why Weberian states in advanced countries can effectively enforce formal institutions. In contrast, the distribution of power in developing countries draws significantly on organizational abilities based in non-capitalist sectors. In many cases, the historical roots of these capabilities go back to colonial history or earlier. Here, formal institutions alone cannot support distributions of benefits consistent with these distributions of power. Informal institutions like patron-client allocative rules, and informal adaptations to the ways in which particular formal institutions work play a critical role in bringing the distribution of benefits supported by the institutional structure into line with the distribution of power”.

Here we focus our analysis on two contradictory yet complementary faces of security (see Luckham and Kirk 2013b for a more detailed discussion).

(a) Security can be seen as a process of political and social ordering, stabilizing state and local power structures (hence our focus on ‘security orders’).

(b) Security also concerns the entitlements, safety, welfare and rights of citizens and more universally human beings, including preservation of their livelihoods and of the communities in which they live.

Our focus is precisely upon the interface between these two dimensions of security: i.e. on the ways in which the authority and legitimacy of both official and non-state security and justice institutions depend upon their capacity to guarantee the safety, rights and welfare of citizens and communities.

Whilst we draw upon the conceptions of human and citizen security, which have in recent years been incorporated into mainstream analysis by the United Nations and the World Bank (World Development Report 2011), our approach also has a great deal in common with critical security studies (Buzan and Waever 2004; Krause and Williams 1997; and Booth 2005). As Booth (2005: 276) eloquently argues “we can decide to study (security) in ways that replicate a world politics that does not work for countless millions of our fellow human beings; or we can decide to study in ways that seek to help to lift the strains of life-determining insecurity from the bodies and minds of people in real villages and cities, regions and states.” To simply adopt conventional accounts of human security without taking non-material considerations such as culture, religion, ethnicity and gender into account, is academically and in practical terms, incomplete, inconclusive and deeply flawed⁸.

From a methodological perspective, we believe that critical security analysis can be enriched with the methods used by anthropology, for which informal rules and institutions have always been a central object of study. This research programme will therefore explore ways of drawing on the 'tool kit' of anthropological studies to understand hybrid security arrangements. Fortunately, there is already a substantial body of anthropological research on informal or local-level security, justice, policing and vigilantism on which we shall draw in the second half of this paper. The relationship with anthropology potentially runs in two dimensions. Yet anthropologists have been suspicious of anything that goes under the label of ‘security’ – for good reason given the murky history of collaboration by anthropologists both in the colonial enterprise of indirect rule and in the counterinsurgency programmes of the Cold War era. The tide has been turning, however, and now anthropologists like Goldstein (2010) call for a critical ‘security anthropology’, that recognizes the significance of security discourses and practices to the global and local contexts in which anthropology operates. In a post-9/11 world, “many issues that have historically preoccupied anthropology are today inextricably linked to security themes, and anthropology expresses a characteristic approach to topics that today must be considered within a security rubric” (Goldstein 2010).

⁸ This is the approach followed within the research programme ‘Constructing Human Security in a Globalizing World’ (CONSEC) based in the Department of Social and Cultural Anthropology, Vrije Universiteit Amsterdam. See Eriksen, Thomas, Bal, Ellen and Saleminck, Oscar (2010) *A World of Insecurity: Anthropological Perspectives on Human Security*. London: Pluto Press.

2. Hybrid Security Orders in Africa: an Analytical Framework for Research

Our core argument can now be summarised as follows:

Security in Africa is seldom in practice delivered in accordance with authorised scripts by security institutions following bureaucratic and rational-legal rules and acting on the basis of official mandates. Instead there tend to be complex amalgams of state and non-state security providers whose decisions tend to be influenced by prevailing power relations, by the social networks in which they are immersed and by norms and codes of behaviour framed in the language of ‘custom’, ‘tradition’ or ‘religion’⁹. These various dimensions of informality are not separate from formally recognised security institutions, and indeed acquire significance through their interactions with the latter.

More than a decade ago Brinkerhoff and Goldsmith (2002: 35) argued that there is a need for a “more detailed understanding of the embeddedness of social relations and state-society interaction patterns” and for a “recognition that there are functional aspects to these relations and patterns”. Whilst there is now a growing body of scholarship on different forms of hybrid or non-state security provision, this has tended to neglect the latter’s interactions with the state and with formally constituted security structures. This research programme proposes a systematic interrogation of these interactions drawing upon some of the analytical tools considered in the preceding section. In particular we recognise that **both** ‘formal’ **and** ‘informal’ institutions are constituted through their own norms and rules; both are animated by a diversity of social actors; and both are held together and also divided by cross-cutting social networks. Hence our focus will be on the interactions:

- between codified and non-codified rules
- between statutory (state) and non-statutory (non-state) actors¹⁰.
- between official and non-official networks
- including the interplay between rules, actors and networks in each institutional context

Yet informal institutions resist classification in simple dichotomous (functional versus dysfunctional) terms¹¹. Informal institutions often have ambiguous, double-edged, and even counter-intuitive effects. A useful approach to analysing the interactions between formal and informal institutions is proposed by Helmke and Levitsky, who categorize them in four stylized ways:

- **1. Complementary.** Informal institutions can work with effective formal institutions when they have converging goals – and indeed render formal institutions still more effective in achieving such goals.

⁹ It is important to differentiate two different phenomena:

- on the one hand, hybrid systems of governance in which different systems of governance overlap. Such systems have always existed, for instance in France from the Middle Age to the French Revolution;
- on the other hand, situations where informal networks operate within the formal structure. This second situation is the focus of this paper.

¹⁰ Following North (1990), informal institutions should be distinguished from *informal organizations*, which only amount to separating the ‘rules’ from the ‘players’.

¹¹ We will focus on both functional and dysfunctional informality because a lot of embedded solidarities are functional and there are many situations in which they are absolutely key to make effective Weberian institutions.

- **2. Accommodating.** Informal institutions may accommodate formal ones when they diverge from formal institutions without undermining them - not violating the letter of the law even if violating its spirit. That is, they may coexist with the formal institution but drive outcomes not entirely intended by the formal rules.

- **3. Competing.** Informal institutions may compete with formal ones when the two diverge and formal institutions are ineffective. This is true for instance where formal law is poorly enforced, or is simply ignored by the authorities. The literature on legal pluralism shows how people resort to multiple sources of justice where competing laws and norms operate at various levels, particularly where inherited legal systems after colonial rule operate side by side with customary law.

- **4. Substituting.** Informal institutions can substitute for absent or ineffective formal institutions, by doing what the latter should have been doing – as when non-state actors provide public goods, such as health, education, justice and security in place of an absent or under-achieving state.

Building on these analytical perspectives we identify four key sets of issues for research. Each will be explored in greater detail below:

- 1. How are the official security, policing and justice institutions of African states ‘hybridized’ through (a) their instrumentalization by political and economic elites and (b) their penetration by informal norms, solidarities and networks?**
- 2. What role do ‘non-state’ or ‘informal’ actors and institutions play in security, policing and justice? In what ways do they complement, accommodate, compete with or substitute for the formal security provision by the state?**
- 3. What is the impact of hybrid security arrangements on the security and entitlements of citizens in African states, in particular those who are vulnerable and excluded? In what ways if any do they foster more effective, equitable and accountable security provision; or do they instead reinforce existing inequalities and local-level disempowerment?**
- 4. How can more effective, inclusive and accountable security, policing and justice be negotiated in contexts of hybridity and informality, so as to foster new forms of public authority better suited to African realities?**

2.1 How non-codified rules and non-official networks are embedded in formal security provision and instrumentalized

Africa’s formal military, security and justice institutions have been fairly comprehensively ‘hybridised’. They seldom deliver according to their official mandates; they tend to suffer from indiscipline and internal conflict, sometimes violent. They tend to be penetrated by patronage networks and social hierarchies and to enjoy close ties to political elites. And they are hardly ever completely neutral players in the political game.

The starting point for analysis is a mapping of the rules and social hierarchies and “socially embedded forms of reciprocity” (Hyden 2006: 1), which penetrate security institutions and determine their interactions with elites, patronage systems and other social networks. These can cover a wide range of social relationships, including those among socioeconomic classes (for instance caste systems), ‘traditional’ hierarchies and ethnic or religious communities. Depending on the particular national context, the following may be relevant:

- Caste systems, for instance within the highly stratified societies of the Sahel
- ‘Joking relationships’¹², for instance the *sinankunya* system in West Africa
- The Korugan Fuga Charter¹³ and similar sets of orally transmitted norms and principles
- Informal forms of reciprocity and social capital, including mutual help, family and community assistance
- Social bonds created through the initiation rituals of hunters associations, secret societies, lodges and so forth
- Traditional hierarchies including elders, chiefs and other local notables
- Patron-client ties, including relationships between ‘big men and small boys’
- Gender relationships and in particular patriarchal forms of authority
- Religious allegiances to faith communities, religious sects, brotherhoods and militant bodies
- Networks formed around kinship, clan, ethnic, ‘home town’ or regional solidarities
- Inter and intra-generational networks, for instance old school or young men’s associations

Secondly, there is a need to carefully identify the non-official networks who do interfere with state security structures, especially

- powerful secret societies seen as ‘guardians of culture as of community’;
- Extended family and kinship;
- Clans and tribes;
- religious networks, sects and brotherhoods;
- informal peer groups within security institutions themselves;
- Transnational including diaspora networks ;
- Patronage networks ‘big men and small boys’;
- Criminal networks and warlord alliances
- Linkages with the informal economy, including both legitimate business and mafia or criminal networks
- Transnational networks, including those with diaspora communities.

This research programme demands that serious attention be given to the micropolitics of security institutions themselves and to the ways they are penetrated and influenced by these informal norms and social ties. African state structures, for the most part inspired by the legal-rational form of the Western state, are modified by the incorporation of indigenous norms and

¹² In particular, a thorough knowledge of names and patronyms is needed to understand social but also professional relationships.

¹³ In the early thirteenth century, following a major military victory, the founder of the Mandingo Empire and the assembly of his wise men proclaimed in Kurukan Fuga the new Manden Charter, named after the territory situated above the upper Niger River basin, between present-day Guinea and Mali. The Charter is one of the oldest constitutions in the world albeit mainly in oral form.

social practices, which follow their own logic and divert the state from its Weberian ideal-type. Indigenous informal solidarities embedded in state structures, often based on kinship or ethnic solidarities, can become the subject of power struggles between competing social groups and their leaders, and are utilised by those groups and leaders for their own benefit, regardless of the needs of the 'nation' or the 'citizenry'.

Conversely, the constitutional and legal resources offered by the formal framework of the African state can be used to shape political decisions on the basis of mutual gains with the members of chain of solidarity. Legally-established security structures can be instrumentalized and diverted from their initial purpose to meet informal social requirements (for instance economic and social solidarity duties) but also political interests. We require better understanding of these processes by which state institutions are appropriated, including the efforts made by security elites to adjust (or to manipulate) the legal-rational arrangements to make them congruent with informal rules and norms. In practice the most powerful political factions tend to ensure that the administrative/bureaucratic apparatus operates in ways that are compatible with the requirements of the informal rules¹⁴.

Indeed since colonial times state security elites have instrumentalized ethnic, religious and other identities to cement their grip on power, to divide their opponents, to 'map' threats¹⁵ and to marginalize dissenting voices. This has had profound impacts on how state security institutions work and for whom. Yet the micropolitics of these institutions, including the ways they are penetrated and influenced by informal hierarchies, norms and networks is a crucial yet understudied topic. Although in principle their command and control structures and professional duties are supposed to be autonomous, in practice they are seldom insulated from the contested social and political arenas in which they function. In part this is because their personnel – soldiers, police, intelligence operatives, court personnel etc – tend to be bearers of multiple identities, which normally extend beyond the boundaries of security institutions themselves.

African regimes and political elites tend to utilise these chains of solidarity to navigate the contradictory terrain between the formal and informal orders, to consolidate their power and to keep security institutions loyal. They do so through recruitment and promotions policies which favour particular clans, localities or ethnic groups; by introducing the mechanisms of political patronage and influence-buying into security institutions themselves; or by establishing parallel structures including presidential guards, paramilitaries and militias linked by particularistic ties to the regime.

In some countries like Togo, Gabon, Sudan, Zimbabwe and (previously) Cote d'Ivoire this has consolidated hybrid security arrangements, which have managed to stabilise autocratic or in some cases formally democratic regimes over long periods of time. In others the intersection of ethnic politics with bureaucratic struggles over professional, peer group, officer-soldier or interservice rivalries, has spawned coups, revolutions and prolonged periods of instability, as previously in Nigeria, Ghana, Uganda or Ethiopia. In a growing number of countries, however, the boundaries between state and non-state security institutions have eroded

¹⁴ For instance, as shown by Thierry Nlandu (2012) in the case of the DRC, presidential leadership in the security sector – as acknowledged and promoted by the Constitution – is structured around particularistic, personalised, networks, which are embedded into formal institutions and legislations.

¹⁵ See Enloe's (1980) classic book on 'ethnic soldiers', which argues that both colonial and post-colonial security elites tend to use 'cognitive ethnic security maps' to categorize the people and groups security threats and to distinguish them from those considered loyal.

to the point where they have become almost indistinguishable and their personnel are virtually interchangeable, with armies, police forces, paramilitaries, militias, insurgents and militants all competing for power and economic rents within the same political marketplace, as currently in the DRC, South Sudan, CAR, Mali or Cote d'Ivoire.

Political elites consciously coordinate formal state with informal security policies to control policing, power and representation down to the most local levels.¹⁶ Such processes can be described as clientelistic in that patronage networks usurp governance structures at the expense of public interests. "In a way, the whole debate about neo-patrimonialism, clientelistic networks and patronage (...) revolves around this usurpation of imported formal governance structures by indigenous informal societal forces" (Boege et al. 2009). Furthermore patronage and other networked forms of influence tend to corrupt security systems, degrade their capacity to deliver security and justice, and damage public perceptions of their fairness and impartiality.

That is not to say, however, that formal security, policing and justice institutions are in all cases subverted, corrupted or incapable of performing their security functions. Political elites would not seek to coopt them in the first place if they were not at least minimally effective. Analysts of African military institutions point out that they are just as prone to fracture around organisational as identity-based cleavages; indeed it is the combination of both which tends to be most dangerous¹⁷. Some African military establishments (but fewer police organisations) maintain high professional standards yet remain politically close to the existing regime, as in Ethiopia, Rwanda or (in a different way) Botswana. Many have participated in peacekeeping forces in Africa and elsewhere. Even the most tattered and ineffective security institutions sometimes contain pockets of professionalism as well as reform constituencies of officers and men that can potentially be mobilized in support of security sector reform

Most security sector reform programmes aim to improve formal mechanisms of control, and accountability and to root out patronage and bias. Human resource practices emphasise fair, balanced and equitable recruitment in order to redress social, ethnic, regional and gender imbalances. Even so criteria for recruitment and promotion within the security forces still tend to be characterised by a high degree of opaqueness, and privileges and promotion are more often than not allocated on a subjective basis. Even in countries where there is no exclusive ethnic-based policy, ethnic affiliations and regional ties still tend to matter as much if not more than professionalism.

Moreover the instrumentalisation of ethnic identities and of 'traditional' social obligations tends to be even more intensive at grass roots. It is not only political elites who deploy formal and informal security policies to influence policing, power and representation at local levels.¹⁸

¹⁶ There is an important literature on the hybridity of African states and of their governance arrangements, which has put the stress on multilayered governance and networked power in development contexts. Bayart (1989) deals with the formal institutions of the modern state exported by the French colonial power, analysing the extent to which African governments have shaped the outcomes and appropriated Western governmental institutions to pursue long-established strategies. Banegas (2003) has analysed the same dynamics at stake in electoral democracies, confirming Bayart's conclusions.

¹⁷ See in particular Luckham (1971 and 1998) and the studies collected in Hutchful and Bathily (1998)

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One needs to pay greater attention to the way local-level actors instrumentalize traditional social norms and obligations at grassroots, especially as such norms can be much more powerful than obligations as public servants or ‘citizens’. Reform-minded national officials have to be careful in applying and interpreting customary rules, so as for instance to take into account the influence of initiation rituals or kinship obligations. This requires from state decision-makers a certain amount of knowledge of and familiarity with local customs and traditions to make their security policies effective on the ground.

In sum non-statutory rules, norms and networks can be essential to the legitimacy and the capacity of security institutions and to their ability to function within the hybrid political and social spaces in which they operate. In Sierra Leone for instance the National Security Agency has created a relatively effective and responsive intelligence system around linkages with local and traditional institutions in rural areas. The issue for African security institutions is how to ‘work with the grain’ of traditional and other informal institutions, without themselves becoming coopted by patronage networks or participating in national and local struggles for political power.

2.2 The roles of ‘non-state’, ‘informal’ and ‘customary’ security actors in security and justice provision beyond the confines of the state

From colonial times state elites in Africa have pursued strategies of indirect rule: forming alliances with local elites; codifying ‘traditional’ law and sources of legitimacy; formalizing traditional chiefs and justice bodies; and subcontracting security provision to local policing bodies and militias. The role of non-state security actors – tied into networks of social relations and a web of mutual obligations – remains enormously important and has given rise to a rich literature over the last few years (Kassimir 2001; Keulder 1998; Ayoade and Agbaje 1989; Jorgël and Utas 2007; Heald 2007; Baker 2004).

This flowering of interest in security and justice provision beyond the confines of the state stems from the perception that state institutions are failing in their core functions and lack legitimacy and public support. In an important number of African countries, “the Westphalian assumption that monopoly over the means of legitimate coercion lies with the state and its institutions meets a veritable challenge in the face of the wide support and legitimacy enjoyed by non-state security institutions” (Ebo 2007: 10–11). [The] security sector has... typically manifested both formal and informal tracks. Even in states which are ostensibly stable, statutory institutions have been unable to provide security to all categories of its citizens at affordable levels, with supplementary roles being played by an array of traditional security actors”.

In particular, traditional security providers are often seen by local communities as more effective and efficient than those of the state, and also as much more legitimate. Official procedures enforced by the states are often seen as hardly understandable or accessible. The way in which traditional security providers deliver security seems more congruent with norms and historical legacies of communities and populations who rely on their services.

A very broad range of non-state security actors, not all of them obviously linked to the delivery of security and justice, have to be taken into account, including among others:

- Chiefs, elders and other traditional authorities
- Customary courts and dispute resolution bodies, recognised and unrecognised

- Community and local policing bodies
- Hunter's and similar associations including Kamajors or Dozos
- Men's and women's secret societies and ritual bodies
- Women's associations, young men's associations etc.
- Neo-traditional ethnic, community or home town bodies, offering various forms of protection (such as OPC in Nigeria)
- Traditional healers and anti-witchcraft practitioners
- Churches, mosques, religious brotherhoods and other religious organisations
- Civil society organisations and voluntary associations
- Community protection, militant or vigilante bodies
- Paramilitaries, militias and other non-state armed groups
- Criminal mafias and gangs offering protection in bad neighbourhoods and unsecured borderlands

Many but not all of these non-state actors are integrated into customary societal structures (extended families, clans, tribes, religious brotherhoods) and traditional authorities (village elders, religious leaders, headmen, clan chiefs, healers). Their influence is particularly important in rural and remote peripheral areas. In some African countries, traditional policing actors have not only provided their support to the reinstalment of the state security forces at the local level but also have cooperated with them and even been entrusted a number of duties.

It would be misleading, however, to see traditional and customary practices as unchangeable and static. Far from being frozen in past practices, the interventions of traditional and customary actors are subject to re-formation and reinvention. Traditional and customary institutions are undoubtedly highly adaptable and resilient. Nevertheless they are subject to important changes and are exposed to external influences, being penetrated and informed both by central and local state apparatuses, through political mechanisms, via their interactions with the marketplace and by international norms and cultural influences. New practices, not strictly customary but rooted in customs, are emerging through highly dynamic processes, especially in heterogeneous urban centres.

A pertinent example is the hunters associations in parts of West Africa (*Kamajors* in Sierra Leone and *Dozos* in Cote d'Ivoire: see Hoffmann 2011 Introduction and Part 1). Cultural memes and norms, which arose among groups of hunters and warrior-protectors in forest communities, were then reinvented and applied variously to social clubs for elites, community protection organisations, civil defence forces in times of civil war, vigilante groups, armed political militants and (in an era of neo-liberal economic reforms) private security protection bodies.

A key issue for analysis and policy is the role of these diverse informal or customary security arrangements in equitable security governance. Scharf and Nina (2001) argue that when the state does not adequately protect the poor, they tend to rely on informal security providers Ero (2000: 26) sees vigilantes and local militias, including the *Kamajors* of Sierra Leone in their capacity of civil defence forces – as cheap, community-based forms of security provision outside formal state structures.

Such analyses see customary and informal security arrangements as substituting for and in some case complementing deficient state provision. In some cases, however, they may compete with or even undermine state security provision and weaken its capacity to limit violence in peripheral regions and contested political spaces. This has tended, for instance to happen when

a convergence of interests has developed between criminal networks and local communities. Indeed, some criminal networks involved in drug trafficking, terrorist activism, etc. are embedded in traditional societal structures and tied back to kinship-based entities and common localities of origin. It is claimed that vigilante groups, militias, faith-based militants and criminal mafias, etc in some cases offer credible protection and are seen as legitimate by local communities. But one also must factor in the wider impacts of entrenched criminality and routine violence in eroding the state's monopoly of legitimate violence, on the rule of law and on human rights.

In sum our aim is to draw upon both existing and new research to develop a more accurate understanding of non-state security actors by mapping the following:

- their social composition, including whom they include and exclude;
- the nature of their claims to deliver security and justice;
- their capacities to deliver on these claims;
- how and by whom they are controlled and resourced;
- their penetration by the patronage networks of local and national elites;
- their interconnections with state security and justice institutions, including the ways they complement or compete with the latter
- how far their influence and capacity to achieve results depends on the one hand upon patriarchal authority, intimidation and violence; and on the other hand on negotiation, consensus and public support
- their main sources of legitimacy and public support, including traditional norms and cultural practices.

2.3. The impacts of hybrid security arrangements on the security and entitlements of citizens, particularly in situations of vulnerability, exclusion and inequity

Our interest is less in hybridity per se than in its impacts on security provision and especially on the welfare, safety and rights of citizens. Empirical studies largely confirm that local people and communities themselves regard informal security and justice institutions as more legitimate, accessible and effective than their formal counterparts. Yet this is not always the case and popular perceptions are not always the best guide to how hybrid security institutions work and whom they benefit. Moreover they fit within much wider patterns of inclusion and exclusion and of violence, often linked to the functions and dysfunctions of African states. Citizens find themselves navigating and even legitimizing these contradictory as well as complementary spheres.

Detailed field research on hybrid security arrangements themselves needs to be combined with scrutiny of how they link to wider patterns of patronage, corruption, inequality and violence. The issue at stake is to explain who benefits from hybrid security. Before taking a normative position it is important first to empirically demonstrate how and for whom informal arrangements do or don't work, be these élites, citizens at the grass roots level or both. When do non-state security and justice institutions merely consolidate the position of traditional and local elites and reinforce social and gender inequalities? When on the other hand do they draw upon the wider trust networks, which bind local communities and familiarize citizens with public authority? When (as with certain vigilante groups) do they encourage or even depend upon intimidation and violence? When instead do they provide mechanisms through which disputes can be resolved by more peaceful means?

The starting point for any such analysis is an investigation of citizen's vernacular understandings and practical experience of insecurity and security in their everyday lives (Luckham and Kirk 2013a), especially those who are poor, marginalized and vulnerable. This includes how citizens navigate the contradictory relationships between the formal and the informal. It is important on the one hand to establish whether their experiences are predominantly negative to the extent that hybrid institutions may simply be captured by elites or by criminal and warlord interests, reproducing patterns of violence, patronage, corruption and exclusion. Or conversely, to establish if those experiences are more positive in that informal security and justice institutions are easier for them to relate to, provide simple and speedy justice and ensure popularly endorsed dispute resolution. Both of these positions find support in the existing research literature [add citations]. Particular attention should also be given to the agency of individuals and groups, including their coping strategies, how they are able (or not) to pursue their rights as citizens and members of communities as well as to exit from abusive institutions, to seek redress or to mobilize for reforms¹⁹.

There is an important but often neglected gender dimension to the ways informal as well as formal security and justice institutions impact on the security and entitlements of citizens. Not only do official security, policing and justice hierarchies tend to be highly gendered, more so even than other state institutions. In addition masculinized 'informal', 'neo-traditional' non-state security and justice bodies tend to reinforce gender biases in manifold ways. It is necessary to investigate both how these biases arise in official and popular framings of security and how they are created and reinforced within formal and informal security institutions alike. Such biases clearly have major impacts upon the rights and day-to-day security of women and sexually marginalized groups (LGBT), which are in urgent need of empirical investigation.²⁰

Gender biases arise not only in official framing but also at the customary level. Women's secret societies can sometimes marginalize women as much as if not more than men's organizations.²¹ Gender is consequently, seen as larger than just a concern with women's vulnerabilities and rights. Taking a gender perspective presents an opportunity to reconsider the relationships between formal and informal security provision and indeed more generally between state and society in Africa.

2.4. Building viable and accountable security institutions in contexts of informality and hybridity

We believe that the concept of hybridity can encourage rethinking of the entire basis of security, justice and legitimate public authority in an African context. Hence a fundamental question is what follows for public policy, for security governance and for social action to ensure that security institutions are more responsive to the needs of the population at large as well as to the security of the state.

¹⁹ We hope that the case study "*Organization of Safety and Security of Urban Poor Communities in Nigeria: Case study of Lagos, FCT, and Imo*" will help answer such concerns.

²⁰ There are already, however, a number of case studies in particular national contexts, to which the proposed case study on "*Sexual Citizenship in South Africa*" will add.

²¹ As will be investigated further in the Sierra Leonean case study

Formal and informal governance systems do not necessarily feed into each other in predictable, still less democratic, ways. In Africa the formal institutional, organisational and bureaucratic frameworks modelled on Western institutions established at independence have not been automatically conducive to democratic security governance. In some cases indeed these inherited institutions (particularly those based on the French model) have paved the way to undemocratic practices. Consequently, formal legality has become a resource employed mainly by elites to advance their own interests. Under such conditions, security sector reform – which aims in practice to reform and transform governance and power distribution in security systems by democratising them – can be a highly controversial endeavour. As such it has almost invariably involved political conflict. Powerful political interests are at stake in any security sector reform because such a process – which features efforts to reverse the neo-patrimonial state by introducing more human security-centred governance – can threaten the existing distribution of power.

It is into this politically charged context that states as well as international actors have been trying to incorporate traditional security mechanisms into their security governance strategies. In some cases, informal processes have been codified into laws or officialised by state authorities. A number of states have sought in this way to assert their control over non-statutory security provision, as for instance, in Uganda, in Niger or in Togo (Hassane Boubacar 2010). Other national authorities have also been trying to incorporate the role of traditional and customary mechanisms, even if less formally. A number of international actors, notably the Organisation for Economic Co-operation and Development (OECD) and the UK Department for International Development (DFID), are presently paying growing attention to the role of non-state/local actors and to customs and traditional mechanisms. DFID, in 2004, recognised the importance of non-state/local justice and security networks. The OECD followed suit in 2007 with an analysis of justice and security service delivery in fragile states: the OECD has itself recognized the vitality of non-state/local justice and security networks, stating that “a growing interest in and willingness to work with local institutions of governance is also welcome. Traditional systems, which may not be recognisable in western states, may still perform the same functions and generate the same outputs as formal state institutions. Respect and willingness to accommodate such systems [...] can be helpful in restoring governance” (OECD-DAC 2008: 36; OECD 2007).

“The ability of donors to support non-state networks is limited, but achievable if conducted appropriately. For instance, developmental personnel, having gained technical expertise in justice and security development, may not be sufficiently versed or experienced in unraveling the webs of political relationships within the post-colonial state, particularly when confronted by an underlying notion of the state that does not resemble their Westphalian preconceptions. Furthermore, to disentangle the relationships may also require extensive knowledge of how power is distributed and circulates at the micro level within the ‘second state’ and that may be beyond the capacity of outsiders who rotate in and out on two-three year development cycles. Understanding that circulation may be of prime importance given the role that social efficacy and capital may play in creating virtuous circles through the delivery of public goods, community-driven development, and social cohesion.” (Eric Scheye:)

The central issue is to identify security governance mechanisms likely to ‘work with the grain’ of informal institutions and relationships, and to be reinforced by them – without diminishing the rights and day-to-day security of citizens. Informalization and the presence of parallel lines of influence raises particular problems for those promoting security reform, trying to curb the abuses of security institutions or seeking their accountability, be they donors, government

decision-makers, NGOs or civil society organizations. Those stakeholders have to resolve a number of dilemmas such as with whom should they work; should they work through or around informal elite networks; and will they further reinforce the latter by cooperating with them.

Some lessons can be learned from existing efforts to renegotiate security and justice institutions ‘from below’ around customary institutions or on the basis of vernacular understandings and popular framings of security. From this perspective, Somaliland’s experience of peace-building is of special interest because (a) it was locally-based with minimal involvement of international actors; (b) it drew upon a variety of traditional and other groups (clan elders, fighters, women’s groups, diaspora groups); (c) it did so both to negotiate a peace and to reconstitute the state, including its security framework; and (d) it seems to have enjoyed a broad basis of popular support. For these reasons, Somaliland remains an important example of alternative ways of negotiating security. The efforts to codify ‘Palava Huts’ in Liberia and to make them more compatible with international standards, with the support of the international community, seems to be another relevant but much more limited example

In sum, rethinking security through the lenses provided by such experiments in security transformation can assist in the identification of new forms of public authority and mechanisms of accountability better suited to the governance of security in African countries, especially at grass roots. These would consist of the following three core elements:

- **Firstly, accountability.** Better empirical understanding is needed of how and for whom oversight mechanisms work in situations where parallel channels of influence and informal networks determine the allocation of resources and security provision. The key task is to determine how the different checks and balances rooted in traditional and informal forms of authority can reinforce democratic oversight and accountability. Research can provide a more accurate picture of these questions, even if it cannot resolve them.
- **Secondly, legitimacy,** without which security institutions cannot hope to function effectively, let alone assure the rights and security of the mass of citizens. Legitimacy is not easily won and is also easily dissipated, for instance through excessive use of force, failure to consult or disregard of traditions and cultural sensitivities – which again require careful empirical investigation.
- **Thirdly, inclusiveness.** Informal orders (rules networks and actors) are not public in the sense that they do not address the concerns of every citizen. To the contrary they often tend to be exclusive. Even when there are positive features in some informal orders, they do not advantage everyone equally. The real challenge for many African societies is to effect transition from a sectarian order to a more inclusive one and to reform the system of public authority, including security so that it works effectively and more democratically, without reinforcing the non-democratic tendencies inherent in some informal structures.