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Are Hybrid Political Orders
an Appropriate Concept
for State Formation?
Timor-Leste Revisited

A Response by Bjoern Hofmann

1. Introduction

Developing appropriate approaches to externally supported processes of state formation in the context of fragility is a formidable challenge. Volker Boege and his colleagues critically review the state-building discourse and suggest a way forward by introducing the terminology of "hybrid political orders". The authors stress that effectively addressing so-called fragile or failed states is currently one of the most important foreign policy tasks, and will likely continue to be so into the near future. After reviewing the development of nation states in Europe as well as the current state-of-the-art of state-building, the authors propose to reconsider the label "state" and to think instead of fragile or failing states as hybrid political orders. This terminology intentionally avoids judgement that something is failing or any association with the concept of state. According to the authors, this concept reflects in our mindset the Weberian/ Westphalian liberal state model, some of whose characteristics have been drastically simplified in the definition of the former Washington Consensus.[1] They argue that labelling states as "failed" or "fragile" implies that this ultimate, Westphalian model is the normative reference by which all states are categorised, along the broad spectrum of "strong" or "collapsed". Yet this model – common within the OECD world –

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[1] According to John Williamson, he "[...] invented the term 'Washington Consensus' to refer to the lowest common denominator of policy advice being addressed by the Washington-based institutions to Latin American countries as of 1989" (Williamson 2000, 251). Williamson summarised the measures in which he could see a consensus in ten points: (1) fiscal discipline, (2) public expenditure priorities, (3) tax reform, (4) interest rate liberalisation, (5) a competitive exchange rate, (6) trade liberalisation, (7) liberalisation of inflows of foreign direct investment, (8) privatization, (9) deregulation and (10) secure property rights (ibid., 252/253). Since its proclamation, the consensus has been criticised, abolished, revived, reinvented and rejected. For a critique, see Stiglitz 2003.

might prove to be an inapplicable reference for thinking about political order in the rest of the world, and especially in what are commonly referred to as fragile or failed states. More importantly, the tendency to approach state formation with a Weberian mindset possibly accounts for several failed attempts in the past, in which powerful international external actors and western-educated elites have imposed 'our' state concept. The authors suggest that understanding fragile or failed states as hybrid political orders allows for more unique, legitimate and creative forms of governance to emerge in the process of state formation and peacebuilding and opens new roads for international actors to make state-building more legitimate in the eyes of those with whom states, or peace, are being built.

The article by Boege et al. is a valuable contribution to the state-building discourse. Some aspects, however, should be elaborated in more detail. In particular, the underlying understanding of 'order', the implications which the argument has for peacebuilding and the presentation of Timor-Leste as an example of a misguided approach to state formation warrant closer inspection. These aspects will be examined in the following sections, specifically with regard to the claim that adopting the proposed terminology might change current approaches of state-building in the context of peacebuilding.

2. A Contentious Impression of Order

In general, it is crucial for academics and practitioners alike to discuss approaches to state-building, notably to explain its failures and develop improved ways and models in order to be more successful in the future. However, I have some concerns regarding the choice of words in the terminology suggested by Boege et al. The term "hybrid political order" carries the connotation that some kind of order exists. According to the Oxford Dictionary, order can be understood as "a state in which everything is in its correct place; a state in which the laws and rules regulating public behaviour are observed". Yet even though examples from Afghanistan to Timor-Leste show that traditional or cultural practices of conflict management, security provision and social cohesion continue to exist during and after war, and also in the absence of formalised state institutions, the mere existence of such traditional institutions does not, in my opinion, justify the use of the term "order". This is especially important when violence and suffering continue unhindered and create a situation characterized by disorder and lawlessness. Labelling these situations on a given territory as hybrid political orders might be misleading, giving the false impression to the world that order does indeed exist. Of course, if one philosophically assumes that there is order even in anarchy, violence and chaos, the use of this terminology might be justifiable and might not appear problematic.

Furthermore, the authors do not specify whether the adoption of this terminology allows for a categorisation of order, however difficult a precise definition might be – are we witnessing a weak order or some form of stable order? If the authors assume that such a categorisation should not be applied, it seems in my opinion problematic to refer equally to all fragile, failing or failed states as hybrid political orders without any possible indication of whether they have collapsed, are weak and volatile or comparatively strong. Indonesia, Afghanistan and Venezuela would simply be hybrid political orders without distinction. If, however, the authors allow for a categorisation of order along the spectrum mentioned above, some further elaboration would be helpful. Otherwise one is led to assume, based on the international power structure and dominant scientific discourses, that the understanding of order in OECD states would serve again as the reference point, in which case there would be no additional value in adopting the terminology of "hybrid political orders". Boege et al. argue that the latter choice of words would eventually lead to the insight that "it is important to stress

the positive potential rather than the negative features of so-called fragile states [… and focus] on hybridity, generative processes, innovative adaptation and ingenuity" (in this volume, 30). I doubt that the proposed change in terminology alone can achieve the authors' ambitions.

3. Top-Down and Bottom-Up Peacebuilding: A Discourse Rephrased

The authors clearly acknowledge that simply leaving states like Timor-Leste to evolve organically – with Australia and Indonesia, and indeed the rest of the world, relaxing in the role of a spectator – is not an option in the 21st century. The question then needs to be asked whether the proposed terminology has the potential to change state-building efforts by "shifting the focus from narrow models of state-building to understanding and engaging with hybrid institutions" (Boege et al. in this volume, 29). Introducing the idea of hybrid political orders, which according to the authors needs to be taken into consideration by any actor engaged in peacebuilding and post-conflict reconstruction, appears to me to be merely reframing the top-down versus bottom-up debate among academics and peacebuilders – especially regarding its applicability in practice. Speaking in general terms: the top-down approach focuses on building centralized state institutions which then would be gradually enabled to extend their administrative reach to the local community level. The rather traditional assumption of this model is that positive effects of a centralized, state-led peacebuilding effort will eventually trickle down to the local level (Richmond 2005, 197).

According to the bottom-up approach, on the other hand, supporting local initiatives and focusing on cultural institutions will lead to more sustainable and legitimate institutions of governance. This approach warns external actors to be aware of their own dominance and their hegemonic position in the process of state formation. Sceptical of coercion as well as conditionality, the bottom-up approach accentuates its discursive, consensual and negotiation-based requirements and has a more emancipatory and participatory character. In fact, in order to bolster their argument, the authors themselves refer on several occasions to successful bottom-up initiatives which in the absence of state institutions have led to more sustainable forms of governance and peace. I would argue that most scholars, and notably practitioners, agree that one approach cannot do without the other and that any peacebuilding process requires a structure to set the framework and rules of the process in which bottom-up initiatives can be supported, flourish and result in a more genuine form of governance (Richmond 2005, 221).

Of course, circumstances on the ground or preferences of donors and peacebuilders might lead to the adoption of policies which tend to lean more towards one side than the other, consequently constituting some form of dominant approach or consensus among these actors. But the large variety of actors with different ideologies and capabilities engaged in the politics of peacebuilding suggests that several approaches coexist, resulting in an overall balance of top-down and bottom-up initiatives. The existing plurality of actors with different approaches and philosophies also raises interesting questions for further research regarding the identification of a dominant peacebuilding consensus among these actors. This research would need to focus on the questions of whether a consensus can be identified, what this consensus encompasses and how the consensus changes in the course of one peacebuilding mission.

Analysis of past peace operations by Richmond (2005), Ramsbotham et al. (2006) and others illustrates that traditional state-centred approaches implemented in the early stages of operations shift towards more bottom-up emancipatory approaches over the course of time, since a successful implementation of the latter facilitates the gradual disengagement of external actors. Getting the

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balance between the approaches right is what Boege et al. demand when concluding that "engaging with communities and non-state customary institutions is just as important as working with central state institutions and governments" (in this volume, 30). If the interdependent coexistence of a top-down and bottom-up approach can be thought of as representing the realities on the ground as well as a shared understanding in principle among scholars and practitioners, Boege et al.'s argument would fall into this already existing line of thought and therefore re-state familiar arguments in support of a balanced approach to peacebuilding. Arguing for hybrid political orders would consequently lack novelty and thus might be limited in its potential to generate new insights.

4. Peacebuilding in Timor-Leste

The authors' analysis of the top-down approach adopted after the independence of Timor-Leste, with a strong focus of all initiatives on Dili as the capital, does in principle reflect the realities on the ground. However, it should be put into context. The idea of a unitary state was imposed on the Timorese people first by the Portuguese and then by the Indonesians. After independence, the newly established government and international organisations continued in these footsteps, while acknowledging and supporting the development of local forms of governance. This 'centrist' approach can justifiably be criticised – as is regularly done by national and international staff working in Timor-Leste – but there are promising signs that, similar to the patterns observed in other state formation processes, a more emancipatory and participatory understanding of state formation is now complementing the initial institution-centred approach.[2] In my opinion, the focus on Dili in itself does not lead to instability. Neither does it necessarily reflect an ideologically entrenched centrist, top-down approach, but rather a practicality when considering existing infrastructure, means of transport, available resources as well as possibilities to exert political influence. Moreover, customary forms of community organisation, decision-making and conflict mediation are used in rural areas as well as in the capital precisely because the government does not yet have the overarching administrative reach. The government, the administration and international organisations acknowledge these forms of self-governance and work alongside them, while at the same time aiming to strengthen the new administrative structures staffed by elected representatives.

Even though it is correct that the constitution does not mention traditional cultural institutions explicitly, it nevertheless demands that the governments of Timor-Leste have the obligation "to assert and value the personality and the cultural heritage of the East Timorese people".[3] Furthermore, with regard to local government, the constitution states that "the organisation, competence, functioning and composition of the organs of local government shall be defined by law",[4] therefore theoretically allowing traditional forms of local government to be incorporated into the new state structure by law (with the restriction that the legislation regarding local governance does not violate the principles enshrined in the constitution). Despite these constitutional provisions, Boege et al. identify that "there is a widespread feeling that the new state has marginalised East Timorese culture and customary life as sources of governance" (in this volume, 25). However, one must acknowledge that the diversity of cultural practices and symbols in Timor-Leste presents a challenge to any political process or culture-sensitive project planning, consequently demanding input and advice from national/local experts as well as consultation with national/local organisations.

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2 Discussions among peacebuilders and with government representatives often centre around the issue of the focus on Dili and developing possibilities to engage with the communities in rural parts of Timor.
3 Constitution of Timor-Leste, Section 6 (g), available at www.etan.org/etanpdf/pdf2/constfnen.pdf.
4 Ibid.: Article 72 (2).

The identification of the Timorese with their village and region remains strong, reinforced by varying cultural practices, family ties and lack of knowledge about their fellow Timorese's customs. Timor-Leste is characterized by a weak sense of shared identity among all Timorese, which barely goes beyond being proud of the successful resistance to foreign occupation and believing in 'One Timor'. Based on these findings, the authors rightly question the viability of creating a unitary centralized state on the territory of East Timor following independence, which would need to be built on one single Timorese identity. It is not surprising that in the absence of the uniting forces of an occupying power as the common enemy, the process of finding a new shared identity, identifying other existing uniting factors and taking responsibility for one's own future has sometimes been accompanied by violent conflict, as happened in 2006/2007.[5] Even though cultural commonalities do exist between the different cultural centres, these need to be clearly defined by the Timorese people in order to function as a basis for a shared Timorese identity.

I would argue that the government and international organisations are aware of these challenges. They consider the potential that these different identities and cultural practices embody and reflect on how they can contribute to the ongoing peace process in Timor. Practically, there is no other possibility for the government and international organisations than to work with communities and local institutions and respect cultural traditions, if sustainability of conflict management and development assistance is what they are aiming to achieve. Communities are increasingly being included in the planning and implementation of projects and, more importantly, in the monitoring of progress and management of facilities and infrastructure. For example, the process of reintegrating the approximately 70,000 Internally Displaced Persons (IDPs) living in camps in Dili and Metinaro since the political/military crisis in 2006/2007 clearly shows that most (international) actors concerned have some understanding of traditional customs of conflict management. This process was initiated by the Timorese government in April/May 2008. It was accompanied by dialogue and mediation processes organised by the Ministry of Social Solidarity and supported by several international actors such as the United Nations Development Programme, the International Organisation for Migration and other (inter-)national organisations. Community dialogues, which facilitated the return and reintegration of the IDPs in the receiving communities, are embedded in Timorese culture and therefore widely accepted. Furthermore, attempts are being made by the government as well as international organisations to reach out to the rural parts of Timor-Leste, where 74 percent of the population live, respecting their culture and traditions and strengthening local initiatives.

The general development in Timor-Leste since independence does seem to follow the pattern observed in other state formation processes, in which a more state-centred approach was adopted in the early stage and a shift occurred over time to a more inclusive bottom-up approach. The observer needs to follow closely whether enough space in this process is granted – by all actors concerned – to these traditional and cultural forms, whether creative and genuine forms of governance can be established and whether a common identity can emerge. Based on current trends and discussions with peacebuilders and government officials, I am optimistic that this political process does exist in Timor-Leste and will even be strengthened over time. This is not to assume

5 In April/May 2006 political and east-west divisions within the security forces spilled onto the streets of Dili, reinforcing the polarisation of people along these lines and resulting in eruptions of violence. Clashes between police and military in Dili, as well as violence by gang members against civilians, forced many easterners and westerners to flee their houses and seek refuge in camps. Up to 38 people were killed and at least 1,650 houses destroyed in the events between March and June 2006. Approximately 150,000 persons were displaced in the face of widespread arson and looting. The violence resulted in a political crisis, when the then Prime Minister Mari Alkatiri resigned. Outbreaks of violence continued well into 2007, sparked by several different factors such as rice shortage or mishandling of the crisis by the police. Opposing the formation of a government by the Alliance for a Parliamentary Majority (APM), the FRETILIN party, which had won a majority in the parliamentary elections, threatened further violence, resulting in continued house burning, looting, crime and an increased number of displaced people. For further analysis of the crisis and the situation of internally displaced persons, see Crisis Group 2008.

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naively that the process will go forward without (violent) conflict or to negate the marginalised role of Timorese culture and identity, or indeed its instrumentalisation in building the state of Timor-Leste (Trindade/Castro 2007). But if this process is conducted and accompanied prudently by all actors concerned, the chances of violent conflict can be reduced significantly, making Timor-Leste an example for a successful locally-driven peacebuilding and state formation process after all.

5. Conclusion

This response has aimed to illustrate that referring to fragile or failed states as hybrid political orders will not significantly change current approaches to peacebuilding. Existing concepts already provide enough space for recognizing the importance of genuine, legitimate forms of governance which might be *sui generis* forms and not correspond to the Westphalian state model. One question remains with regard to future research: how do we think about the state and what impact does this understanding have on peacebuilding? If we think of a state predominantly in terms of its administrative institutions and its powers, then state-building in the context of peacebuilding focuses primarily on the establishment of these institutions and invites us to adopt an institution-centred, top-down approach. We could, on the other hand, accept that a state is a rather abstract concept that encompasses more than mere institutions. After King Ludwig's exclamation "l'état c'est moi", the depersonalisation of the state concept that followed, and the re-conceptualisation of the state as a Leviathan, we could today convincingly argue "l'état c'est nous". The state manifests itself in the sum of the people on a given territory. The people form this state and delegate responsibilities and powers. Such state formation is based on trust and identity – trust among the people and trust in what is then perceived as the state. If we accept this concept of a state, then state-building can be seen in a much broader perspective, leaving enough political space for "generative processes, innovative adaptation and ingenuity" (Boege et al. in this volume, 30), while still speaking of state formation processes. In this context, state-building assistance would ideally find the balance between a top-down and bottom-up approach by responding to the demands of the people, valuing their inclusion in the process, respecting and strengthening cultural traditions and institutions while at the same time supporting central political state formation processes and institutions.

Building on past peacebuilding and state formation experiences, we should attempt to define in more detail the approaches that have proven to be successful, similar to the analysis presented by Boege and his colleagues for Somaliland and Bougainville. Rather than simply replacing the notion of state with the misleading notion of a hybrid political order, we should attempt to refine our own understanding of what constitutes a state and hone our own capacity to support state formation processes.

6. References and Further Reading

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See also...

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