

How #PublicAuthority is legitimised by making decisions in the right way

In Northern Uganda, Public Authority is shared and contested between state institutions, traditional actors, local norms and cosmologies. With such a variety of actors, how are competing claims to public authority legitimised? Damir Kapidžić examines the role of mediation as a form of throughput legitimacy in land conflict-resolution processes in Northern Uganda.

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Public authority serves as a means to govern without high human and economic costs and entails a combination of imposed order and popular consent. In settings where the state's governance capacities are effectively reduced, other actors can acquire public authority to organise societal relations. In recently published research, I draw on research from peace and conflict studies and from comparative politics to explain how competing claims to legitimate public authority are made through decision-making on the resolution of land conflict in Northern Uganda.

By adopting the theoretical concept of throughput legitimacy to a hybrid governance framework, we can move away from state-centric notions of legitimacy and public authority. Simply put, throughput legitimacy is achieved by governing in what is considered "the right way". Hybrid governance is where formal state authority simultaneously competes and cooperates with traditional forms of lineage-based and customs-based authority. Public authority in Uganda is not solely the purview of the state. Indeed, it is shared and contested between state institutions, traditional actors, local norms and cosmologies. In such settings throughput legitimacy is claimed by making decisions that align with socially-accepted practices, behaviours, norms and values.

Conflicts over land are considered one of the more pressing problems in Uganda, particularly in the northern region of Acholi. Most land disputes do not extend beyond the family or village and are usually settled through mediation by family elders and the Rwot Kweri, an Acholi traditional local authority institution. While there are few larger conflicts between or among clans and districts they carry the most potential to turn violent and I have focused on these in my research. Many different actors were identified as important in solving complex land disputes. For example, in the subcounty of Palabek Gem the local court played an instrumental role, while in Paicho subcounty the local governance chairperson, also a formal actor, assisted in conflict resolution. In the subcounty of Labongo Aminda a group of Rwodi Moo (traditional heads of chiefdoms) provided a crucial incentive and in Acholibur subcounty a local Peace Committee, established with the assistance of several foreign NGOs, established an arena for alternative dispute resolution.



A mediation meeting taking place in Western Uganda
Image Credit: CREDUganda

The common thread bringing these different actors together was a reliance on mediation as a tool to solve conflicts and as a legitimising procedure. Mediation is performed in its various forms by elders, chiefs, local councils, religious leaders and even formal courts. Referred to as ‘the customary way’, it is a compound category that includes a plethora of authorities, references to societal norms and spirituality. Decisions reached through mediation are accepted as culturally resonant hybrid justice, characterised by procedural throughput legitimacy. The outcome is always viewed as a collective agreement and not an individual judgment.

Mediation is essentially considered the traditional and legitimate way of doing things. Both traditional and formal actors use the same procedurally legitimising mechanism of mediation to strengthen their claims to public authority, thereby gaining a degree of legitimate authority over the outcomes they helped shape. The resulting form of legitimate authority is inherently local, and always in the making. Outcomes produced under public authority that is achieved by throughput legitimacy can lead to more effective and efficient governance. But there is no universal rulebook on how to strengthen public authority by means of throughput legitimacy. The legitimacy of decision-making processes is firmly grounded in localised political culture and societal norms.

What is considered legitimate in some local contexts, such as Uganda, may not fully conform to liberal values, including human rights and gender equality. After all, mediation practices are rooted in local tradition, and therefore often serve to uphold existing social orders and existing injustices. This is especially true for the privileges of men in general and elders in particular. Practitioners and international development staff should be aware of the possible trade-offs between achieving stability through legitimate governance and fostering equality for the general population, especially women and youth.

Read the full paper, [Public authority beyond hybrid governance: creating throughput legitimacy in Northern Uganda](#) in the journal, *Peacebuilding*.

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