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Contested public authority in marginal urban areas: challenges for humanitarians

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In urban contexts where multiple governance actors compete for authority, a clearer approach is needed on whether and how to engage these various actors in order to reach the most vulnerable host and refugee populations.

When Syrians fleeing civil war began to seek refuge in Jordan and Lebanon in 2011, initial relief efforts by the international humanitarian community focused on supporting national governments. However, in recognition of the vital role that municipalities play in providing support and services, over the last five years there has been a strong shift in the international community towards supporting them, as part of a broader localisation agenda.

The search for low-cost multi-occupancy housing has driven large numbers of Syrians into informal urban settlements where the most vulnerable host communities, economic migrants and refugee populations live. Such neighbourhoods, which include official Palestinian camps and unofficial 'gatherings', have urbanised yet have typically been subject to historic neglect: municipal

authorities have not operated here, or have had only limited presence. Globally, analyses show that in the absence of active municipal governance – and particularly in marginal conflict-affected or post-conflict urban settings – other mediators emerge in the poorest urban areas. These actors include traditional leaders, tribal networks, influential individuals, criminal gangs, labour brokers, militias, faith-based groups and local committees.

Our research,¹ which included consultations with the Global Alliance for Urban Crises and with humanitarian and development actors in Lebanon and Jordan, suggests that the localisation agenda currently fails to take proper account of such influential local governance actors. Ignoring their critical role in the de facto governance of the most marginalised urban areas impedes humanitarians' ability

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to broker support for highly vulnerable populations living in these areas.

Shifting focus onto municipalities

Donors are increasingly directing support towards urban municipalities and mayors in order to strengthen local capacity. In Jordan, the 2015 Decentralisation Act has given municipal authorities new mandates and powers. This has led to competition for authority between national Members of Parliament and municipal actors and provided new ways for tribal networks to exert influence over State workings. Simultaneously, as aid resources shift towards supporting municipalities, local community-based organisations now face much tougher competition for funding and survival.

In Lebanon, the expanded mandates of municipal authorities have not been matched by adequate financial and administrative capacity, and decisions and actors at governorate or central levels can thwart municipalities' abilities to act; this can create space for non-State actors to step in.

Typically, non-citizens, including migrants, stateless people and refugees, are not politically represented in municipalities. Furthermore, urban municipalities neither politically represent nor are accountable to large proportions of Lebanese residents, who are registered to vote in their native villages. This disenfranchisement endures, given long terms in office (six years) and the fact that parties' control over municipal councils typically lasts over multiple terms. Similarly, in Jordan, some tribes (such as in the city of Ma'an) pre-select candidates for municipal elections from among their members, in turn preventing non-members from standing for office. This is detrimental to wider representation and accountability.

Whereas the Jordanian State has been supporting the upgrading of informal urban settlements for many years, many Lebanese municipalities refrain from servicing informal areas for fear of legitimising their existence and of violating the law that forbids municipalities from providing services to such neighbourhoods. Yet in some areas governing actors have found ways to improve

the condition of informal settlements. After Israeli bombardments in 2006, the Hezbollah resistance movement and political party led a successful 'build back better' campaign in Ghobeiry municipality in Beirut. Elsewhere, in Sour, one of Lebanon's larger cities, the municipality has institutionalised practices that enable Lebanese residents – but not stateless Palestinian inhabitants – to circumvent the usual requirement for building licenses to improve housing infrastructure in informal areas. But as non-State actors step into the vacuum left by municipalities' lack of engagement in marginalised areas in Lebanon, it is unclear whether and through what mechanisms they can be held accountable.

Programming in low-income urban settings in Jordan and Lebanon

The humanitarian principles of humanity, neutrality, impartiality and independence in theory provide for international actors to work with all actors at the city or neighbourhood level, including State and non-State, formal and informal actors. However, humanitarian interventions can compromise the principles of neutrality and impartiality if/when they inadvertently or intentionally support or deny the legitimacy of local actors who seek to exercise authority.

Municipalities often insist that humanitarian actors seek permission to access hard-to-reach communities. Interventions, therefore, can be viewed as being approved by – or even extending – the municipality's authority. Municipal endorsement, however, is not always enough to enable humanitarian and development programming. In environments where access to health, education, water and other services is not a question of rights but often bestowed by patronage, non-State authorities also seek to broker aid for vulnerable populations to legitimate their claim to authority. In Lebanon, non-State actors (as well as central government authorities) are known to stop interventions – despite prior municipal endorsement – for security and other reasons. Populations may distrust absent municipal authorities, while non-

State actors that provide important security, welfare and conflict resolution services may be seen as having significant legitimacy.

Donors also play a significant role in shaping the ability to operate in areas controlled by urban non-State actors. They may, for example, deem tribal authorities to be insufficiently inclusive of women, refugees and other less-represented groups. Interventions often focus on separating municipal governance from tribal influence. Donors provide incentives and assistance to municipal actors to help them develop sources of legitimacy that are not linked to or depend on tribal identity, including their performance and elections. They also support new, non-tribal organisations, whose sustainability and local legitimacy remain unproven.

In Lebanon, Hezbollah holds elected State offices (from municipal council to parliament) and governs large swathes of impoverished urban areas. Yet it is considered a terrorist organisation, and proscribed, by several Western countries including the US, UK, Canada and the Netherlands. This proscription severely constrains humanitarian programming and challenges humanitarian principles. The party itself also scrutinises and permits – or not – prospective aid programmes to take place.

Implementing partners face the dilemma of navigating diverse donor restrictions on the one hand, and respecting the democratically elected office of mayors, municipal councillors, parliamentarians and ministerial offices on the other. Ignoring some political parties who govern specific urban areas, while supporting others, may make it impossible to develop municipal capacities without also unjustifiably punishing people living in these areas, who may or may not be supportive of the party in control. Aid distribution may also disrupt a fragile balance of power between political parties and thereby undermine efforts to maintain stability.

Creating wider, more principled engagement with non-State urban actors

Humanitarian actions in urban contexts inevitably encounter local struggles for power

and authority, and may be used as a means of legitimising authority. With this in mind, we identify five key recommendations for designing and implementing humanitarian and development interventions in complex, low-income urban areas:

- Establish **strong context analysis** for effective programme design. This needs to be done at local area or neighbourhood level and include stakeholder mapping, analysis and simultaneous equal engagement with State and non-State actors to build productive relationships ahead of programmatic interventions. Critically, analysis should not overstate the division between formal and informal actors.
- Communicate with communities to **build meaningful consensus** on programme objectives before a programme starts. This is time-consuming and resource-intensive yet critical. The order in which stakeholders are engaged is also important and can close doors later if one makes a misstep early on.
- Foster greater **dialogue between implementing partners and donors**. This is necessary in order to understand how to sensitively deal with multiple competing authorities, and to learn from experience. Donors could offer more practical guidance on how to operate with non-State public authorities that are deemed to exclude certain groups, and provide greater clarity on 'red lines' in the case of proscription policies. Moreover, aid agencies should be encouraged to give feedback to donors about operational realities in trying to reach complex, high-need areas.
- Place greater emphasis on the **role of the UN Humanitarian Coordinator**. Doing so could assist with negotiating access with local public authorities, in line with the Lebanon Crisis Response Plan or other response frameworks. This should aim to ensure that 'hard-to-reach areas' are still receiving a wide array of support.
- Support **primary data collection**. There is an acute need to fill gaps in existing

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literature by conducting substantial primary data collection. This would help to generate deeper knowledge of the impact of humanitarian and development interventions on the legitimacy of State and non-State actors governing low-income informal urban settings.

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