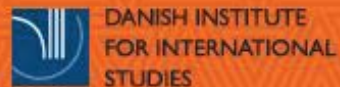


Participation, Decentralization and Human Rights

A Review of Approaches for Strengthening
Voice and Accountability in Local Governance

Esbern Friis-Hansen & Helene Maria Kyed



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Environmentally and Socially Sustainable Development Network
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Preface

The idea for this study was first conceived by Steen Jorgensen (World Bank) and Esbern Friis-Hansen (DIIS) and was further elaborated through discussions among DIIS researchers and dialogue with World Bank Staff. Andy Norton was the study's task manager at World Bank. The study is a response to the absence of documentation about the effects and potential synergies for local governance resulting from interactions between decentralization, popular participation and a rights-based approach, and the fact that very few projects have explicitly sought to integrate these three approaches at the municipality level. The desk study was made possible through World Bank funding. We are thankful for World Bank staff taking time to discuss the issues discussed in this report with the authors, including Rodrigo Serrano, Nilufar Ahmad, Reiner Woytec, William Reuben, Nicolas Perrin, Estanislao Gacitua-Mario, Serdar Yilmaz, Robert Chase, Steen Jorgensen and Andy Norton. We also grateful for receiving peer review comments on the draft report from Serdar Yilmaz and Sophia Georgieva of the World Bank's Social Development Department.

The study team identified possible cases by interviewing research colleagues with extensive experience within the areas of politics, governance and aid, including Neil Webster, Ole Therkildsen, Steen Folke and Søren Hvalkof (Danish Institute for International Studies, DIIS), Anders Balzer and Ole Winkler Andersen (Danida), Hans Otto Sano (DIHR), Christian Slot (UNDP). We are grateful for the initial directions and insights that these colleagues provided to us. Our joint effort has resulted in 12 new original case studies on which the boxes in the report are based. The development of these cases benefited from inputs by Peter Hansen and Mikkel Funder (DIIS) and Mr. Jakob Kirkemann Hansen, Project Manager (DIHR). Rachel Spichiger (DIIS) supported the study as a research assistant, Ellen-Marie Bentsen (DIIS) provided secretarial support and Robert Parkin assisted by proof-reading the report.

Esbern Friis-Hansen is the lead author who coordinated the study and is responsible for its professional content, including any possible errors.

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List of abbreviations

APDEL	Decentralisation and Local Development in Nicaragua
CAP	Consolidated Appeals Process for Somalia
CBA	Community based approaches
CBD	Community Based Development
CBO	Community Based Organizations
CDD	Community Driven Development
CMI	Chr. Michelsen Institute
CSO	Civil Society Organizations
DANIDA	Danish International Development Assistance
DCA	DanChurchAid
DDP	Director's Delivery Plans
DfID	UK Department for International Development
DFGG	Demand for Good Governance
DIIS	Danish Institute for International Studies
DIHR	Danish Institute for Human Rights
EMAD	Europe/Middle East/Americas
GGHR	Good Governance and Human Rights
G-RAP	Ghanaian Research and Advocacy Programme
HIV/AIDS	Acquired immune deficiency syndrome or acquired immunodeficiency syndrome
HR	Human rights
HRBA	Human rights based approach
(H)RBA	Middle-ground human rights based approach
HRBAD	Human rights based approach to development
ICHRP	International Council on Human Rights Policy
INGO	International Non-Governmental Organizations
LG	Local government
LGI	Local government institutions
NGO	Non-Governmental Organizations
OCHA	United Nations Office for the Coordination of Humanitarian Affairs
PAST	Transport Sector Programme Support (Danida program in Nicaragua)
PDDP	Participatory District Development Programme
PPLG	Public Participation in Local Governance programme
PRSP	Poverty Reduction Strategy Papers
RBA	Rights-based approach
SARDP	Sida-Amhara Rural Development Programme
SDC	Swiss Agency for Development and Cooperation
UDHR	Universal Declaration of Human Rights
UNDP	United Nation Development Programme
VDCs	Village Development Committees

Executive Summary

This report examines the theoretical and practical synergies between three intervention models that are currently being employed to improve local governance in developing countries: (i) democratic decentralization or devolution; (ii) community participatory approaches, and; (iii) (human) rights-based approaches. The aim is to identify the possibilities and challenges of an ‘integrative approach’ to local governance that combines the strengths of each of the three intervention models. It is assumed that an integrative approach can help enhance efforts to improve the downward accountability of local governments, enhance equity in the distribution of services and in various citizens’ access to influence, and increase citizen participation in local governance processes. This is supported by a number of empirical cases from Africa, Latin America, Asia and Bosnia-Herzegovina, which are presented in the report. Each case also highlights a number of context-specific challenges to using an integrative approach, such as available financial resources, national policy environments and local conflicts.

Participation, accountability and equity are seen as interrelated concepts that have a mutual effect on each other – i.e. downwards accountability of local government institutions (LGIs) to citizens requires active citizen participation in decision-making. Equity is important to ensure broad participation of different categories citizens as well as to ensure that LGIs are accountable not simply to the powerful few, but also to the poor and marginalized.

Development programs focusing on decentralization, community participation and (human) rights-based approaches ((H)RBA) share a number of common objectives and principles: increasing the capacities of local citizens, enhancing the responsiveness of government institutions to citizens’ demands, and improving public service delivery. Irrespectively, these three intervention models have tended to be implemented separately, as isolated or parallel programs and projects, supported by different donors and informed by different professional disciplines. In recent years experiences of direct synergies between decentralization and community participation have emerged. This has been due to a realization that improvements in local governance require that reforms in and support to both the demand (citizens) and supply sides (governments) of governance are needed. There are also some examples of synergies between (H)RBA and community participation, but these generally overlook the role of local governments and are therefore implemented in parallel to decentralization programs.

To date there are no existing attempts to analyze systematically synergies between all three intervention models. The report fills this gap by both identifying theoretical synergies and by drawing on the few empirical cases that exist. Following the Introduction (Chapter 1), Chapters 2-4 analyze each of the three local governance intervention models and the way they have evolved historically. In light of the many existing variants and interpretations of each of the three intervention models, the report identifies the variant that is most suitable for enabling an integrative approach that focuses on enhancing participation, accountability and equity.

(Human) Rights-Based Approaches

Enhancing downward accountability requires a focus on changing the relationship between citizen and states by establishing a social contractual relationship where state/government and citizens hold each other to account and engage in dialogue. (H)RBA seek to change the perceptions of citizens and state officials, arguing that they are embodied with rights and obligations. This requires that programs and policies simultaneously

work on both the demand and supply side or with rights-holders and duty-bearers, instead of as separate interventions.

Review of HRBA literature reveals a wide continuum in terms of the understanding and practice of this approach. Common for the various HRBA is that they take their point of departure in the internationally recognized framework of human rights (political, social, economic and civic), which are translated into shared standards for state obligations and citizen rights claims. It is also argued that HRBA with its focus on equal rights for all human beings places emphasis on broader political transformation (ensuring that all enjoy rights) rather than on a more limited focus on development benefits. Finally, HRBA claims to focus on both duty-bearers and rights-holders.

The report identifies three types of HRBA: (i) a legalistic or top-down approach, insisting on abstract individual rights (universalism) and a focus on national institutions and duty-bearers; (ii) an empowerment or bottom-up approach that emphasizes the community level, promotes locally articulated demands as context-specific 'rights' (particularism), and focuses on rights-holders; and a middle-ground approach that mediates the legalistic and empowerment approaches by focusing on a gradual realization of human rights (HR) with a point of departure in HR principles rather than abstract legal standards. The latter is also characterized by a simultaneous focus on strengthening rights-holders and duty-bearers at the local as well as at the national level. The term middle-ground (H)RBA is entirely invented by the authors of this report to capture a range of recently emerging contributions by researchers as well as INGOs and donors to improve existing rights-based approaches that either tend to be too legalistic and top-down or too disassociated from wider national change processes by focusing alone at the local community level. Theoretically, the middle-ground approach presents an attempt to mediate universalism and particularism as well as individualism and communalism.

The legalistic and empowerment approaches are dominant in most HRBA interventions. Both of them have tended to overlook local governments as important duty-bearers (either by focusing only at the community level or by focusing on national institutions alone). HRBA interventions have tended to be implemented separately from development activities, e.g. from sectoral programs and decentralization support programs. The legalistic HRBA with a focus on national institutions and legislation seldom includes genuine participation of the citizens. Rights are very abstract and not understood and translated to local contexts. Furthermore, the legalistic approach places little emphasis on group mobilization to challenge dominant power structures. The empowerment HRBA, on the other hand, focuses on the articulation of rights, as expressed by local communities themselves. This approach combines a rights vocabulary with community mobilization and participatory tools to enable local communities to place demands on state institutions. However, it fails to link these activities to national policy changes and does not focus on building the capacity of local governments as duty-bearers for the delivery of rights. The legalistic and empowerment RBAs share a focus on particular rights or issues, rather than on wider transformative processes.

Interventions that use a middle-ground HRBA are few and are poorly documented. While donor organizations such as DFID, SIDA and UNDP have mentioned this approach in their development discourse - mediating between the empowerment and legalist (H)RBAs - it has seldom been carried through in program implementation. Nevertheless, the few existing cases suggest that this middle-ground rights-based approach is well designed to add value to and be integrated with democratic decentralization and community participatory intervention models. The middle-ground HRBA promotes four HR principles: participation, accountability, non-discrimination and transparency, rather than fixed legal rights. It seeks to foster linkages between local and national institutions as well as between state, government, civil society, citizens, and other stakeholders horizontally. This is done through the creation of shared spaces of dialogue and collaboration

and multi-stakeholder training in rights and obligations. Support for community empowerment goes hand in hand with capacity building of duty-bearers to deliver rights/services. The middle-ground HRBA seeks to gradually insert HR principles in processes and outcomes by being context sensitive, based on careful analysis of political power structures, institutions, available resources and values.

Decentralization

Different approaches to decentralization co-exist, but the report focuses particularly on devolution, which is currently favored by bilateral and multilateral donors (i.e. the transfer of authority, responsibilities and finances from the center to relatively autonomous elected local governments). When all dimensions are fully implemented (political, administrative and fiscal) decentralization reforms can bring government closer to citizens and strengthen downward accountability. This is especially the case with recent support to social accountability mechanisms within LGIs that emphasize demand-driven service provision and citizen participation in development planning processes between elections. Moreover, decentralization support has contributed to the technical capacity building of local government officials and institutions, which is often not achieved through (H)RBA and community participation approaches, but is very important to ensure effective service delivery.

In reality countries are at different stages of decentralization, with varying degrees of focus on the linkages between discretion and accountability. In addition, decentralization does not in itself guarantee active citizen participation between elections. The majority rule principle can lead to elite capture and imply that minorities and marginalized groups are not given specific attention in service delivery or are represented in decision-making bodies. In other words decentralization does not in itself ensure equity or non-discrimination. Finally, there is the risk that decentralization can take focus away from the responsibilities of the central state and hence from its capacity to devolve adequate resources, ensure equity across regions and so forth. The report suggests that the current redirection of decentralization support towards the establishment of social accountability mechanisms can potentially benefit not only from already existing synergies with participatory approaches, but also from drawing on the middle-ground (H)RBA's focus on equity and central state responsibilities.

Community Participation Approaches

The report's analysis of participation approaches distinguishes between popular participation and participatory governance, and argues that the latter is most attuned to an integrative approach. While popular participation programs e.g. Community Driven Development (CDD) directly engage citizens in project implementation, such interventions are often inadequately linked to local government institutions and lack a political transformative dimension. Participatory Governance programs (such as sector specific demand-driven service programs and some CDD programs) seek to empower citizens to command services from LGI or private service providers. Such programs invite citizen participation into various local institutionalized forums and committees that are attached to LGI. The focus is therefore both on the demand and supply-sides. Participatory Governance is expected to enhance transparency and accountability and capture a more political sense of agency that may assist in mitigating the challenges of integration of emerging community-based approaches with traditional sector-based and decentralization approaches. Participatory governance does not however overcome the problem of equity, also associated with decentralization. The report argues that the middle-ground (H)RBA can add value to participatory governance in this respect.

Synergies between (H)RBAs, Decentralization and Community Participation Approaches

Chapter 5 analyzes the theoretical linkages between the three intervention models by focusing on shared objectives, core differences and how they can add value to each other. The chapter also discusses some existing practical examples of attempts to combine two of the three models. In doing so, it identifies both the positive consequences and the challenges faced by existing attempts to create synergies.

The chapter shows that decentralization and community participatory approaches are now being combined in various ways in development operations. This has resulted in the institutionalization of citizen participation in local governance processes such as demand-driven service delivery and local government development planning processes. It has enabled a combination of support to the demand-side (empowerment/mobilization of citizens) and supply-side (technical and managerial capacity building of LGIs) of governance, and the integration of different scales of support – at the citizen level and at the institutional level of local governments. Overall, this has enhanced the prospects for increased institutionalization of downward accountability. A practical risk of this combination of approaches at the local level is that they may result in a detachment from the national policy and national institutions. Also issues of equity may not be overcome.

There are an increasing number of attempts to combine community participatory and rights-based approaches. This has overall meant that rights advocacy has become more grounded in local needs and that rights claims are strengthened through different forms of group-mobilization. Conversely, RBA can add a more political edge to community participation, which has often been de-politicized, isolated to local projects and has overlooked local power relations. It does so by drawing attention to macro-politics, intra-community discrimination and power relations, as well as by translating local needs into rights that can be claimed from government institutions. In practice, the risk is that ‘community participation’ simply becomes a rhetorical device to enhance specific rights without genuinely engaging local communities and ensuring the tangible development benefits associated with community-driven projects. Moreover, there has been a tendency for projects that integrate RBA and community participation to overlook the capacity building of duty-bearers, especially at local government level.

Direct synergies between RBA and decentralization are very rare, and even if some decentralization programs share the HR principles of accountability, participation and transparency, they do not apply the language of rights. Similarly, it is only very recently that some HR organizations are beginning to explore ways in which devolution of power to LGIs can improve rights realization, namely because decentralization brings rights-holders and duty-bearers closer to each other. In theory RBA can add value to decentralization by placing emphasis on issues of equity in service distribution, which is often overlooked due to the principle of majority rule and planning procedures in local government programs. It can enhance the downward accountability of LGIs by translating local services into legally backed rights. It can also ensure that national government responsibilities are not undermined through devolution. However, the report also argues that integrating RBA and decentralization is only effective if it is combined with participatory methodologies that enhance citizens’ capacity to claim rights from LGIs.

Case Studies

Through analysis of four cases from Ghana, Malawi, Nepal and Nicaragua, chapter 6 analyzes experiences with a more integrated local governance approach that draws on all three intervention models. The four cases indicate that each of the three intervention models add specific value to the whole: (i) the middle-ground (H)RBA informs a consistent focus on equity (non-discrimination/inclusion of the marginalized), national government responsibilities, and a conceptualization of the citizen–LG relationship. It is based on each set of

actors becoming aware of and exercising their respective rights and obligations in local governance processes; (ii) decentralization (devolution) provides the overall institutional framework for local governance with, at least formally, devolved powers to local constituencies, and it brings into focus the capacity-building and transformation of LGIs and the creation of sub-district level institutions that are necessary to make downward accountability relations and citizens' demands meaningful and sustainable through institutionalization; (iii) participatory governance contributes with valuable tools of citizen mobilization regarding rights claims and demands to LGIs. These tools can also strengthen emerging social accountability mechanisms at local government level.

Conclusions and Recommendations

The different sets of possibilities brought about by linking the three intervention models into an integrative whole underscore the value of a 'systemic approach' that builds synergetic vertical and horizontal linkages: (i) horizontal activities at LG level, involving various actors within local government and civil society; and (ii) national-level activities involving policy and institutional changes. In addition, activities concerned with accountability, participation and equity are more liable to bear fruit if they are directly linked to tangible development outcomes (services and income-generation).

The final chapter of the report outlines four sets of challenges to an 'integrated approach' to local governance that are not simply overcome by combining the three intervention models: (i) The lack of financial resources at local government level to meet the demands raised by citizens and for LGIs to live up to their responsibilities is a serious challenge to producing the expected results of downward accountability, participation and rights realization. This depends on the overall economic situation of a given country. (ii) A lack of enabling policies and the political will, as well as capacity, to fulfill obligations, devolve resources to local governments and promote the quality of education; (iii) Weak capacity of LG staff. This underpins the relevance of scaling up on capacity-building efforts as part of strengthening participatory planning processes and spaces of mutual engagement between LGIs and citizens. (iv) The political dynamics of change at the local level. Local conflicts and political cultures can pose serious challenges for local participatory democracy and non-discrimination, but programs simultaneously require the support of local elites.

The report concludes that an integrated local-governance model requires that the mutual strengths of the middle-ground HRBA, devolution and participatory governance be built on, and that care must be taken that they do not conflict. There is a strong need to explore the country-specific political, economic and legal circumstances under which an integrated approach is likely to ensure social accountability mechanisms at the local-government level that result in: (i) improving the quality of public services; and (ii) enhancing inclusive citizenship, defined as active citizen participation in local-government decision-making and equitable access to services. Moreover it is realized that an integrative approach requires considerable donor investment and longer-term program time frames.

1. Introduction

1.1. Introduction

This desk study-based report discusses the characteristics of and relationship between three different development intervention models that are currently employed at local government level: democratic decentralization through devolution; community participation; and rights-based approaches. The aim is to identify theoretical and practical synergies between and possibilities for integrating the three models as an element of (i) improving the downward accountability of local government institutions; (ii) enhancing citizens' participation in governance, and; (iii) ensuring more equitable forms of local governance and service provision. This endeavor breaks new ground in research into support to local governance processes. While there are many experiences with and discussions of synergies between decentralization and community participation, and rather fewer on the relationship between rights based approach (RBAs) and community participation (Ackerman 2005a), there are no existing attempts to analyze systematically synergies between all three intervention models. Partly this is due to the few empirical cases available that explicitly demonstrate forms of synergy, but also to a tendency for the professional and programmatic separation of different development traditions. However, this report shows that there are a number of practical experiences and important theoretical linkages indicating the important gains to be made from exploring ways of integrating and combining the strengths of each of the three intervention models.

1.2. Background

Decentralization and community participation have inspired public-sector reforms in developing countries over the past two decades and are associated with significant investments. The use of RBAs at local-government level is relatively new, but they increasingly contain an influential intervention model that so far has been associated predominantly with smaller donor-funded or INGO-funded projects. The three intervention models differ in a number of ways.

Democratic decentralization involves the fiscal and political devolution of state resources and responsibilities to locally elected governments (councils/municipalities) and is commonly concerned with the “supply-side” of governance and the capacity-building of local government institutions in planning and executing development programs and public services. Democratic decentralization is associated with a representative democratic model in which regular local elections are held to ensure downward accountability of local governments, and is concerned with providing services holistically to the whole constituency over which it governs.

Community participation is a ‘bottom-up’ approach that seeks to involve local citizens directly in development projects and decision-making processes concerned with service provision and/or income-generating activities. It is associated with a group-based approach to the mobilization of citizens around particular projects, and when attached to local governments, with a more participatory democratic model, it is concerned with citizen participation between elections.

Rights-based approaches (RBAs) are concerned with the promotion and realization of a normative set of political, social and economic human rights standards, and commonly focus on political transformations of

the relationship between the state and its citizens. RBAs commonly seek to develop the capacities of both 'duty-bearers' to meet their obligations and of 'rights-holders' to claim their rights. They also promote a change from viewing the poor as the beneficiaries or recipients of services to viewing them as citizens of the nation state who are entitled to a particular set of rights. The consequence is that, as part of a wider political process, interventions also seek to ensure that the poor are aware of their rights and are empowered to claim them vis-à-vis the state and local governments. This goes beyond facilitating the organization of the poor around particular projects (such as road construction, agriculture and so forth) (community participation) and their participation in local government decision-making through regular elections (decentralization).

Despite their differences, the three intervention models do embrace many of the same goals and principles, such as increasing the capacities of local citizens, the responsiveness of local authorities to citizens' demands, and the autonomy of local institutions associated with greater downward accountability. Most theorists also seem to agree that changes of/support to both the demand and supply sides of governance are needed. In recent years, this has also been reflected in development operations and policies that increasingly stimulate direct community participation in decision-making as an integral element of democratic decentralization reforms, rather than as isolated projects. In addition there are emerging examples of different reforms and support activities being coordinated and resulting in synergies, such as support for community empowerment enhancing the effectiveness of local government-managed client- or demand-driven service provision. Moreover, in some cases RBAs are now being combined with community participatory approaches as a means of ensuring that rights are more directly based on local needs and involve local citizens.

Nonetheless, the three intervention models are often implemented in a parallel fashion and/or conflict with one another in a practical sense. Different agencies tend to implement their mix of approaches within the same local area and within or across sectors. Efforts to improve integration and synergies at the local government level have generally proved very difficult or simply been ignored. Partly this is because operational staff has seen the models as competing.

Proponents of decentralization reforms have criticized community participatory approaches (such as CBD/CDD-supported activities) for 'bypassing' local government or for failing to become properly integrated into local government administrative and political structures and thus for undermining the strengthening of local public institutions. Supporters of community participation have criticized formal decentralization and associated representative democracy for granting too little voice to the poor and for not necessarily improving downward accountability and the participatory governance of services between elections. RBAs have been criticized for being too legalistic and for promoting rights that are too abstract and not sufficiently locally grounded. This is particularly the case when RBAs are too focused on national reform processes. RBAs have also been criticized for threatening to produce conflicts and/or challenging the willingness of governments to cooperate, given their point of departure in normative principles and legal standards.

While some empirically-based understandings of synergies between decentralization and community participation have been developed (Helling et. al. 2005: i), there are hardly any solid empirical studies of the interaction between these two models and RBAs. This large gap in empirical-based knowledge is matched by a number of very recent theoretical and policy-related discussions of potential synergies between RBAs, community participation and decentralization. However, there are to date very few cases of actual synergies to draw on.

The central assumption of this report is that there are valuable areas of synergy between and potentials for working towards further integration of the three local governance intervention models in order to enhance participation, accountability and equity. The report will take its point of departure in the emerging view that support to local governance needs to work on both the supply and demand sides, and that RBAs may add further value to this. The report will describe our theoretical and empirical understanding of three different intervention models, and examine the potential joint effects of their interaction. It will do so by focusing on participation, accountability and equity in local governance.

The scope of this report is limited to an analysis of local governance processes between elections, i.e. service provision and popular participation, and therefore excludes any consideration of local government elections, political representation, political parties, and so forth. It is also beyond the scope of this report to develop fully or provide policy recommendations for a local governance model that integrates the three intervention models. This would require a more systematic, empirically based analysis of cases that are not available at present. The report will, however, discuss a number of potential areas of and challenges to integrated local governance models, as well as conclude by posing a set of questions that can be addressed in a study designed to produce evidence-based policy recommendations. Thus the literature review and the cases described here are intended to provide an overview of the theoretical and empirical literature that will allow the study team to identify gaps in knowledge, formulate relevant research questions and propose a program of fieldwork-based research.

1.3. Key Concepts

The report uses a broad definition of **governance**: the exercise of economic, political and administrative authority, and the use of institutions to allocate resources and control affairs in a society. This definition covers both the political (legitimacy) and the technocratic (effectiveness) elements of governance. It goes beyond seeing governance as the monopoly of state and formal government institutions. Thus local governance covers not only formal local governments (whether elected or state administrative), but also other institutions and actors, formal and informal, that exercise some level of governance in a given geographical area.

Accountability refers to a relationship between two parties where one is accountable to the other. Such a relationship may either be lacking accountability or be highly accountable. Different academic traditions (i.e. economists, sociologists, human rights advocates) each use their concepts to describe the accountability relationship. Agents being held accountable are characterized as supply-side (economists), accountees (sociologist) and duty-bearers (human rights advocates), while agents asking for answers and enforcing sanctions are characterized as demand-side (economists), accounters (sociologist) and rights-holders (human rights advocates) (O'Neil, Foresti and Hudson 2007). These concepts share the notion that accountability relationships are brokered by agents with fixed roles acting within formal accountability mechanisms.

The Local Governance Framework (World Bank 2007a) addresses the kinds of accountability relationships that a local government, with a given level of discretionary powers, enters into with surrounding local actors. It builds on earlier analytical work carried out in WDR 04 that assesses the roles of different actors in accountability relationships in a local governance context. The Local Governance Framework defines **downward accountability** as the ability of the government to be accountable towards its citizens, and upward accountability to describe the accountability of local governments to higher levels of government. In

addition, public accountability is used to refer to measures introduced by the public sector to improve both upward and downward accountability. **Social accountability** is described as a form of downwards accountability involving civil society-led activities oriented towards improving the downward accountability of local governments. “Social accountability mechanisms can act as a source of countervailing power, giving poor people a direct voice in the policies that local governments formulate and implement. These mechanisms are often part of broader efforts to deepen democracy and to ensure the existence of a robust public sphere that is needed for citizens to give feedback and control government action” (World Bank 2007a: 62). Examples of social accountability include: participatory planning, budgeting and expenditure tracking; citizen access to information; participatory management of investment projects or service provision; participatory monitoring and evaluation; citizen feedback for services (report cards, social audits).

In much current support for participatory governance, **participation** is framed narrowly as a methodology to improve project performance, rather than as a process of fostering critical consciousness and decision-making, thereby nurturing inclusive citizenship (World Bank 2005). Rarely is participation implemented as a mutual decision-making process in which different actors share power and set agendas jointly. Participation, in this sense, involves conflict and demands a capacity to analyze, negotiate and alter unequal relations at all levels. In addition to understanding participation as a methodology and decision-making process, a critical analysis of different spaces of participation is becoming increasingly important in building effective rights-based change strategies (Brock, Cornwall and Gaventa 2001).

The distinction between measures introduced by the public sector to improve downward accountability (i.e. public accountability) and civil society-led activities to influence local government programs (social accountability) is becoming increasingly blurred. What is important, when groups of local citizens or civil society organizations are invited to participate in downwards accountability relationships, is the extent to which the agendas are preset or circumscribed in ways that principally serve to legitimize prior goals, or whether they offer civil society real opportunities to become involved in key policy questions.

The concept of **equity** has been defined in different ways, varying by country and academic discipline. Economists link it to questions of material distribution; lawyers use the concept to describe impartial judgments. The common denominator is that equity relates to fairness, whether in families, communities, nations or across nations (WDR 2006:18-9). In this report we approach equity as a question equal opportunity and fair process, which is closely associated with the human rights principle of non-discrimination. Equal opportunity refers to a situation where the outcome of person’s life, economically, socially and politically, is not determined by background (gender, race, ethnicity, class background, place of birth, family origin, language, religion, social group membership, political opinion etc), but by capacity and efforts. Fair process refers to impartial or non-discriminatory treatment of persons by policies/laws, institutions and programs, irrespective of the above social, political and cultural background of a given individual or group. Equity as equal opportunity and fairness should apply both to: a) laws (such as equality before the law and equal rights of all groups); b) processes (such as impartial treatment of people in courts, in provision of public services, labor conditions, inclusion and participation in decision-making etc.), and; c) outcomes (such as equal quality of public services, fair court outcomes, quality of political participation etc.). In this report we therefore go beyond economic aspects of equity, i.e. of equal economic opportunities and material distribution, and focus on the social and political inequalities that influence the extent to which we can speak about an equitable society. Economic, social and political inequalities are approached as interlinked, and as together shaping the rules and performance of institutions in a society. For example unequal distribution of control of resources and political influence, not only underpins economic inequalities, but also perpetuate institutions that protect the interest of the most powerful (ibid: 22). Socio-cultural norms also

contribute to reinforcing political and economic inequalities. For example social inequality of women (restricted movement, lack of property and inheritance rights) also has economic and political consequences: women are less likely to get an education, work outside the home, participate in decision-making outside the domestic sphere, and get fair treatment by public institutions (ibid: 20).

In the 2006 World Development Report inequity, manifested by prevailing inequalities is presented as having a negative impact not only on distribution, but also on the “aggregate dynamics of growth and development” (WDR 2006: 21). People who are socially discriminated against and who have low access to education, health, political voice, and property, tend also to lack the capacity to engage (politically and economically) and to aspire for a better future, the report holds. To enhance development and growth, the task is to break existing “inequality traps”, where economic and material deprivation is closely linked to social discrimination and political inequalities (i.e. lack of voice and participation in decisions affecting their lives) (ibid: 71). Thus equity-enhancing policies and programs should focus not only on equitable distribution of public services and finances, such as state funds to secure equality between districts within a decentralized governance framework. They should also focus on changing the unequal power relations and socio-cultural norms that perpetuate inequality traps. This includes addressing questions of participation and inclusion of citizens, and of enhancing the downward accountability of public institutions towards the whole population, rather than alone the powerful and/or wealthy minorities. In the Human Rights-based approach literature equity is particularly focused on marginalized and vulnerable groups, who on cultural, social, economic or political grounds are discriminated against.

1.4. Outline of Report

This report is divided into four parts. After the introduction (Part 1), Part 2 (chapters 2, 3 and 4) provides an overview of the three different intervention models: (human) rights-based approaches, decentralization and community participation. Each chapter addresses the history of and the main justification behind the intervention models. This is followed by a discussion of the variants of each model and a more in-depth analysis of the variants that the report finds most relevant for enhancing participation, accountability and equity, as well as for establishing synergies with other models. Each chapter concludes with a discussion of the main strengths and weaknesses of the models.

Part 3 (chapters 5 and 6) analyzes the theoretical synergies between the three intervention models and provides a number of empirical examples, based on a desk study of fourteen selected case studies from Asia, Sub-Saharan Africa and Central America. Chapter 5 looks specifically at experiences with combining two of the three models, while chapter 6 moves on to discuss experience from four cases with explicit synergies between all three intervention models.

Finally part 4 (chapter 7) draw up conclusions and discuss needs for further research. The chapter analyze the value that each model can add to one of the other models concludes on the possibilities of creating explicit synergies between the three intervention models as a first step in the direction of contemplating an integrated local governance model. This is followed by an analysis of the challenges that synergies pose to implementation. The report ends with a short outline of possible research aim and questions needed to move our understanding forward.

Annex I contains a policy analysis of how RBAs are integrated with support for local governance for selected key multilateral, bilateral and INGO donor agencies. This analysis has been conducted based on available donor policy documents.

2. Human rights and rights-based approaches

2.1 Introduction

Human rights-based approaches (HRBA/RBA) represent a relatively new, but increasingly promoted development intervention model, the overall aim of which is to ensure that development processes and outcomes comply with human rights (HR) standards and principles. The historical root of HRBA/RBA is the 1986 UN Declaration on the Right to Development, which marked the first step towards directly linking human rights and development. It established that economic, social, political and cultural development was a human right, and that any human person had the right to be an active participant in it (Brun et. al. 2008). The 1993 Vienna Conference on Human Rights further emphasized human rights and development as interdependent and mutually reinforcing, as well as making calls to integrate HR into various development sectors (OECD 2006). A higher prioritization of social and economic rights (i.e. in relation to political and civil rights) also made it easier to align an HR with development cooperation (Nyamu-Musembi and Cornwall 2004: 10).¹

Nonetheless, it was only from the end of the 1990s that development donor agencies began directly to combine the fields of human rights and development. Until then the focus on rights in development had been promulgated predominantly by development and humanitarian relief NGOs. For the UN agencies² and some bilateral donors such as DFID (since 2000) and SIDA (since 1998), the shift towards linkages has led to the mainstreaming of HR in development cooperation and to the adoption of HRBA/RBAs in programming and implementation. However, many other donor agencies that now support the promotion of human rights in development cooperation have still not moved towards a full mainstreaming of HRBA. HR-promoting activities often remain separate programs detached from sectors-specific activities. Such separation is especially the case with respect to decentralization programs and other support activities at local government level. Most efforts have concentrated on establishing national HR institutions and changing laws or constitutions in the direction of realizing the Universal Declaration of Human Rights (UDHR) in developing countries.

Proponents of the need to mainstream HR in development and employ HRBA/RBA to a greater degree than is the case today base this on a number of *normative* and *operational* justifications. These emphasize the ‘added-value’ of HRBA/RBA in achieving the development goals of poverty reduction and democratization.

Normative justifications: A human rights perspective offers a common and internationally recognized normative framework for development that many countries now subscribe to, e.g. the Universal Declaration of Human Rights (UDHR). This, it is argued, provides a more powerful set of standards to hold states accountable for fulfilling their obligations and for citizens to claim their rights (Slim 2002). The normative justification also

¹ The UDHR itself makes no hierarchical distinction between rights of a civil and political nature, emphasising individual freedoms, and rights of a social and economic nature, focusing on regulation and redistribution. However, during the Cold War, there was general disagreement between the Western and Eastern blocs over the significance of these two sets of rights, with the former giving primacy to political and civil rights and the latter primacy to social and economic rights. This followed the distinctions between liberalism and socialism, though with some welfare states in the West also focusing on social and economic rights. The split led to two separate International Human Rights covenants (the ICCPR and the ICESCR) in 1996 (Nyamu-Musembi 2005: 41).

² In reform proposals in 1997 and 2002, the UN Secretary General argued that HR should be mainstreamed in all UN activities. UNICEF, however, had already begun to mainstream HR in 1995. The UNDP Human Development Report for 2000, devoted entirely to HR, was also a breakthrough in discussions about mainstreaming human rights.

highlights the idea that a human rights perspective should place values and politics at the centre of the development agenda, thus drawing development assistance towards transforming unequal power relations so as to secure equal rights for all human beings (Nyamu-Musembi 2005: 2-3). It also draws donors towards focusing on the excluded, discriminated and marginalized. This justification is vested in the universalism underpinning HR – i.e. non-discrimination, equity and equal rights for all people everywhere, irrespective of gender, nationality, class, ethnicity etc. (Ferguson 1999; Eyben 2003). Another core normative justification is that a human-rights perspective re-conceptualizes the role of people and states in development. It places the *active participation* of people at the centre of development processes and conceptualizes people as active citizens with rights ('rights-holders'), rather than as beneficiaries with needs or as passive recipients of aid (such as has been the case with the traditional 'basic needs approach') (Piron and Watson 2004: 79; Jonsson 2003). Conversely, an HR perspective, it is held, heightens the emphasis on *accountability* relations between states and individuals by conceptualizing states as 'duty-bearers' responsible for fulfilling their obligations towards citizens (Brun et al. 2008).

Operational justifications: HRBA provides analytical gains in terms of poverty analysis because it has a holistic view of poverty based on the principle of the indivisibility of social, economic, political, civil and cultural rights. Fixed HR standards also provide a common language for analysis, prioritization and programming that can enhance donor coordination. Operational justifications also highlight the legal weight of human rights standards as a means of making states more fully accountable for fulfilling their obligations. Framed as rights, the MDGs, public services and development goals more generally (such as those inscribed in the PRSPs) have legal weight in the sense that duty-bearers can be brought to justice if they do not work towards realizing their obligations (ICHRP 2004).³ Translating services into fixed rights standards can also be used by civil society organizations when lobbying for domestic reforms and improved service delivery (Piron and Watkins 2004). Operationally, HRBA is equally justified as a more holistic approach to development because it tries to change laws, institutions and practices, as well as simultaneously working to enhance the capacities of rights-holders (to claim rights) and duty-bearers (to meet their obligations) (ibid: 81; UN 2003), thereby linking the demand- and supply-sides of governance (Piron and Watkins: 10). Finally, proponents hold that HRBA add value to development operations because they focus not only on outcomes, but also on the process by which outcomes are achieved (Brun et al. 2008: 10).

These two sets of justifications frame a number of shared understandings of human rights-based approaches as a development intervention model, but how concepts are weighed and approaches implemented vary considerably. The remainder of this chapter provides an overview of different types of H/RBAs, including what they share, how they differ, and their strengths and weakness with respect to issues of accountability, participation and equity.

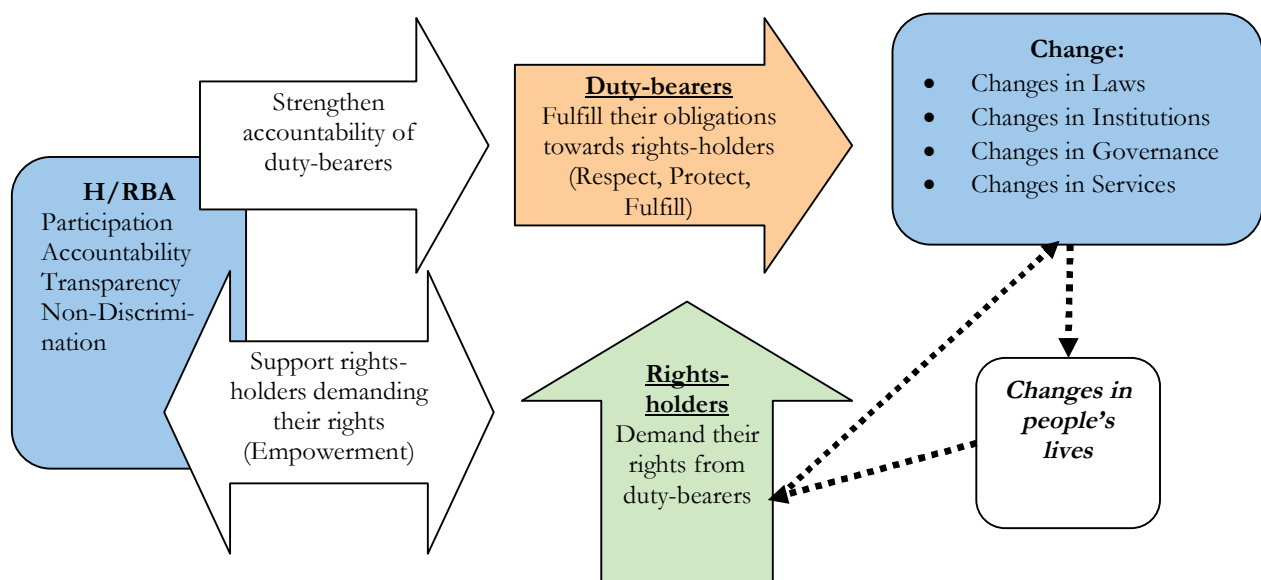
2.2 Common Grounds and Different Types of (H)RBAs

Different (H)RBAs share an understanding of poverty eradication as not only a development goal, but also as a matter of global social justice, conceptualized as the realization of rights and the fulfillment of duties. This embraces a conceptualization of development as encompassing the interdependence of the full range of civil, political, economic, social and cultural rights (Lundberg 2004). Another commonality is the emphasis on the

³ A rights focus is also advocated as a less openly intrusive way for donors to impose aid conditionalities on recipient states because it makes reference to generally accepted international standards (Nyamu-Musembi and Cornwall 2004).

HR principles of a) participation (people's active involvement in decision-making processes that concern them); b) non-discrimination or universality (all individuals have equal and equitable access to development benefits and rights, and not merely 'most' or the 'majority'); c) accountability (people are able to hold decision-makers to account for their decisions and obligations), and; d) transparency (people have access to information and accurate accounts from state authorities) (Lundberg 2004). These principles are supported by the UDHR and other international HR treaties. They are seen as both desirable outcomes and principles guiding the process by which outcomes are achieved (Burn et al. 2008). Finally, rights-based approaches claim to use a two-pronged strategy for development that focuses on strengthening the capacity of a) duty-bearers (usually state, but also some non-state actors) to be accountable and to protect, respect and fulfill their obligations; and b) rights-holders (citizens) to claim their rights (Nyamu-Musembi and Cornwall 2004).

Figure 1. Common Model of a (Human) Rights Based Approach



Source: Elaborated from Kirkemann Boesen, J. and T. Martin 2007.

Beyond this general model, there is presently a wide diversity of rights-based approaches being employed by international development agencies and NGOs (as well as advocated by researchers and policy-makers). These can be placed on a continuum between two diverging approaches, the legalist HRBA and the bottom-up RBA, which differ according to their modalities and levels of operation, as well as the weight placed on different HR principles. Theoretically they also differ according to the oppositions between: a) universalism (emphasis on universal rights and norms abstracted from local contexts) vs. particularism (emphasis on rights as informed by context-specific cultural and normative orders); b) individualist (focus on the individual rights-holders) vs. group-based (focus on collective rights and social mobilization as a means to realize rights).

2.2.1. The legalist human rights-based approach (HRBA)

This approach is legalist because it is tied to realizing international human rights standards (UDHR), which are seen as a goal in their own right. It focuses on legal codification and uncompromisingly heralds the

normative universality of rights (Eyben 2003). In development interventions, the focus has predominantly been on reforming constitutions and laws, strengthening formal government and state institutions, and helping to set up HR institutions to ensure duty-bearers' compliance with international human rights standards. The focus on enhancing the accountability of duty-bearers centres predominantly on legal mechanisms for assessing performance, including measurements for legal recourse if duty-bearers fail to abide by their obligations. Less focus is placed on how accountability can be enhanced through citizen participation and empowerment. The focus has predominantly been on enhancing the good governance of duty-bearers at the national level and/or on the legal mechanisms for prosecuting human rights violators (Nyamu-Musembi and Cornwall 2004). When efforts address the capacities of rights-holders to become agents who claim rights, this mainly takes the form of top-down impositions of rights as defined in UDHR as achieved through training, awareness campaigns, legal advice and civic education performed by 'experts' (Piron and Watkins 2004). It also tends to follow a predominantly individualistic focus on rights and citizen participation, with social mobilization and group-membership playing a very minor role (Englund 2006). This enforces a liberal-universalist conception of citizens as autonomous and abstract rights-bearing universal constructs detached from the local community and social ties (Jones and Gaventa 2002).

The legalist HRBA represents positive examples of challenging state practices and reforming national laws, but it has also been criticized for undermining the HR principle of participation by doing "little to develop people's sense of themselves as citizens and subjects of rights, or their capacity to engage with and reshape power" (VeneKlasen et al. 2004: 7). This is due, according to critics, to the legalist approach being essentially top-down and centered on national institutions. International human rights standards are seen as being imposed from the outside through political pressure or conditionality in development assistance, rather than through participation and dialogue. This practice has also been criticized for failing to take into consideration local contexts and the particular dynamics of political processes that shape the extent to which rights are enforced and realized in people's daily lives. (Nyamu-Musembi 2005: 36). This often means that the human rights being promoted often have little meaning for local people, and are therefore not effectively enforced (Uvin 2002; Nyamu-Musembi and Cornwall 2004: 5). Moreover a legalist approach, for example, presupposes that laws, legislative instruments and legal institutions are functioning, which is often not the case in many developing countries (Moser and Norton 2001). These aspects have been characterized as a 'crisis in the rights methodology', as the narrow legalistic HR approach "fails to expand the scope of rights or appreciably strengthen accountability and capacity to deliver resources and justice." (VeneKlasen et al. 2004: 7). Another negative side-effect is that the legalist HRBA, when generated by donors or INGOs rather than from within the societies in question, is experienced as patronizing and positions external agencies as morally superior to Southern citizens and states (Reddy 2002). Finally, the individualist rights perspective, focusing on individual freedoms and rights, has been criticized for implicitly reproducing power relations and economic inequalities (despite the official intentions of HRBA) because it takes the focus away from wider political and economic structures, as well as from the social relations that shape the marginalization of particular groups (Englund 2006).

2.2.2 The bottom-up rights-based approach (RBA).

This approach, also referred to as the empowerment RBA, represents a certain distance from international human rights declarations. It does so by emphasizing the generation of rights from 'below', that is, as informed by local people's own struggles for justice, their expressed needs and their understandings of what they are entitled to, rather than being based on pre-defined HR standards (Nyamu-Musembi 2005). This allows for an expansion of the range of claims that can be validated as rights (ibid: 31). The approach also implies a high degree of sensitivity to local contexts. Thus the point of departure is not formal, abstract

principles of equality, as in the legalist HRBA, but the actual power differences and hierarchical relationships that exist in a given society and as understood by the subordinated (*ibid.*: 32).

In development programming, the bottom-up RBA has focused predominantly on local-level community mobilization as a means to strengthen the organizational capacity of poor and marginalized people to claim rights and participate in decision-making (Nyamu-Musembi and Cornwall 2005: 20). This has drawn on community-based participatory approaches, known from other kinds of development assistance, and been more concerned with social mobilization than training. As a result, the bottom-up RBA privileges the HR principles of participation, non-discrimination and self-determination. It also implies a more group-based and less individualistic approach to rights realization. Social mobilization and community membership are viewed as necessary in enabling meaningful individual choices, supporting self-identity and realizing human rights (Kymlicka 1995; Piron and Watkins 2004: 114).⁴ This reflects a view of the individual not as autonomous, but as defined through his or her relations with others and embedded in his or her ethnic, cultural or religious community (Jones and Gaventa 2002).

In a few cases, the bottom-up RBA has also focused on policy advocacy campaigns at the national and international levels that are aimed at creating an enabling environment for rights realization for the poor and marginalized (Piron 2003: 6-7). However, as the work of Action Aid illustrates, methods and strategies for integrating high-profile HR with community-based efforts at the grassroots level are often lacking (Nyamu-Musembi and Cornwall 2005: 44). Less, if any emphasis is placed on the HR principle of accountability in the sense of strengthening the capacity of duty-bearers to respond and be accountable to citizens.

DfID officially adheres to an ‘empowerment’ school of the RBA and defines an HRBAD as a means to empower people to make their own decisions, rather than being the passive objects of choices made on their behalf, as well as to strengthen the accountability of governments to poor people. Hence development is not defined as charity: poor people have a right to expect their governments to tackle poverty (Piron 2003: 11). The emphasis is also placed on equality, and in particular on the main target groups of poor and marginalised people. A HRBAD, it is further argued, can help give greater moral force and legitimacy to the demands of the poor because rights have a legal status in national and international legislation (DfID 2000). At the heart of DfID’s HRBA is the view of participation as a human right in itself, which is regarded as prior to the realisation of other rights (Nyamu-Musembi and Cornwall 2004: 35). For further discussion see DFID section of Annex.

The bottom-up RBA presents positive examples of empowering rights-holders and ensuring that rights are locally grounded and meaningful. However, according to critics, its strong focus on local community empowerment has also meant that too little attention is paid to state obligations (duty-bearers) and wider political and institutional developments that are needed to meet the rights claims made by poor and marginalized people.

⁴ As opposed to the radical relativists, the bottom-up RBA does not reject universalism. It recognizes that poor and marginalized people can benefit from drawing on universal standards as an element in their struggles to realize what they find just (Nyamu-Musembi 2005).

Table 1. Overall Models of HRBA and RBA

Principles	HRBA – legalist	RBA – empowerment
Rights focus	Universalism/pre-defined rights vested in the UDHR.	Local needs converted to rights and local struggles
	Very legalist	Broadened rights beyond UDHR
Citizenship	Individual/abstract and formal rights	Individual as well as group-based/substantive aspects rather than merely formal rights
Objective	Output (measurements of whether formal rights been realized)	Process (participation, inclusion, empowerment)
Focus of intervention	National institutions	NGOs/CBOs/local community
Approach	Top-down (international charters, national constitutions, training by experts).	Bottom-up (locally generated, and context specific and sensitive)
	Tendency to be individual-based	Tendency to focus group/community-based mobilization

Taken together, and despite the official goals, the two rights-based approaches outlined above have the weakness of tending to focus either on participation and empowerment of rights-holders at the local community level (RBA), or on the accountability of and adherence to HR standards by duty-bearers at the national institutional level (HRBA) (Nyamu-Musembi and Cornwall 2004: 46).⁵ Not working in an integrated manner with both duty-bearers and rights-holders (the supply and demand sides) can be detrimental to rights realization and to the goal of political transformation shared by all rights-based approaches. For example, it is not enough for people to know that they have certain rights and that they are empowered to demand these from the state if the legal institutions are not in place and the duty-bearers do not have the capacity or will actually to realize rights (Nyamu-Musembi 2005: 40). In such cases, rights claims can be costly for poor people and can also create conflicts between citizens and state officials. Conversely, when human rights organizations or donor agencies using a HRBA work with national institutions in the capital cities and through professionals who claim to speak out on behalf of the interests of the poor, they fail to consider the active citizen and the political awareness-raising dimensions of participation (VeneKlasen et al. 2004: 15).

We further suggest that another common weakness of the two approaches is their failure to address local government institutions as important duty-bearers. The focus tends to be on either national institutions or local communities. Simultaneously, the respective HRBAs and RBAs have tended not to achieve the mainstreaming of HR principles into all sectors and aspects of policy, as well as all stages of programming, implementation and monitoring of aid. On the contrary, they are characterized by separate strategic approaches in which human rights are only taken into account as a basis on which to identify a selected number of human rights-specific interventions within particular sectors or as smaller projects (for example, health service delivery, women's rights, child labor issues, land rights, domestic violence, judicial system

⁵ It is difficult to determine entirely which donor agencies tend to employ the legalist HRBA and which the bottom-up RBA, because this may vary between and even within country programmes. However, there has been a tendency for development INGOs or local activist NGOs to employ a bottom-up RBA and for bilateral donors and HR INGOs to employ a legalist HRBA.

support, electoral processes and so forth). The flipside is that activities focusing on duty-bearers and rights-holders are separated in practice and that a focus on one selected right does not address wider goals of political transformation (Piron 2003).

The deficits facing the legalist HRBA and the bottom-up RBA have recently been addressed by donors and academics who put forward (H)RBAs that can be situated, we suggest, somewhere in the middle of the continuum. Such middle-ground approaches attempt to combine top-down and bottom-up interventions, and to elaborate strategies that link a focus on the accountability of duty-bearers and the empowerment of local communities and that try overall to mediate the universalism/particularism and individualist/group-based oppositions.

We suggest that it is these middle-ground rights-based approaches that are most conducive to realizing jointly the principles of accountability, equity and participation, and that are most suited to creating synergies with the decentralization and community participatory intervention models.

2.3 The Middle-Ground (H)RBA: Strengths and Weaknesses

The (H)RBA's that mediate the legalist and bottom-up approaches do use the UDHR as the benchmark for development objectives (Brun et al. 2008; UNDP 1998). However, the focus is less on the straightforward promotion of HR as legal standards and more on the integration and mainstreaming of core HR principles in development programs. Examples of the middle-ground approach can, for example, be found within the policies and country programs of DFID, SIDA and the UNDP, as well as being supported by the International Council for Human Rights Policy (ICHRP). However, policy adherence to this version of RBA has proven difficult to operationalize, and attempts to integrate it fully at the programming and implementation levels have been slow and are still ongoing. This underscores a number of core defining elements of the middle-ground (H)RBAs.

Mainstreaming HR principles or integrative HRBA. The human rights principles of *participation*, *non-discrimination*, *accountability* and *transparency* are integrated into all levels of programming (analysis, design, implementation, and monitoring and evaluation (M&E)) and across different sectors (Joy 2003: 1; SIDA 2002; UNDP 1998).

Box 1. Four key human rights principles

- *Participation*: all people are enabled and empowered to participate freely and meaningfully in decision-making processes that concern them, including in development of action plans, monitoring, and articulating expectations towards the state and other duty-bearers. Central is to strengthen the capacity and nurture the will to participate by enabling transparent information and creating favorable conditions and structures for participation.
- *Non-discrimination*: guarantying all people equality in dignity and human rights, and inclusion of everyone, irrespective of differences (gender, religion, ethnicity and so forth). Priority should be given to vulnerable and marginalized groups.
- *Accountability*: making sure that decision-makers and duty-bearers take responsibility and are held accountable for their decisions. This includes enabling rights-holders to claim political space and transparency and mechanisms for assessing and sanctioning duty-bearer performance. It also includes parliaments and local councils holding national and local governments to account, and the political leadership holding civil servants to account.
- *Transparency*: enhance people's right and access to information and ensure accurate and timely accounts of state authorities being made available to the public.

Sources ICHRP (2004; 2002).

The principles outlined in Box 1 are seen as both goals in their own right and as defining the process of reaching goals. They are also seen as overlapping and mutually reinforcing, and therefore should be pursued in synergy, rather than as separate initiatives. Efforts to strengthen the accountability of duty-bearers to avoid abusive rule and enable effective and efficient government operations should not simply be imposed by donor agencies, but directly interact with empowering citizens to participate in decision-making processes and to articulate demands to the state as an element in changing power relations between governments and people. Conversely, ensuring the participation of all rights-holders must be informed by the principle of non-discrimination, which emphasizes equitable access to development and influence, by drawing the focus towards vulnerable and marginalized groups. The principle of non-discrimination can also strengthen the scope of accountability efforts by drawing duty-bearers towards an equitable distribution of services (irrespective of class, race, ethnicity, gender, political opinions and so forth) and giving specific attention to marginalized groups. Finally, the principle of transparency (access to usable and understandable information) is necessary for meaningful citizen participation and to foster communication between rights-holders and duty-bearers, which can also enhance the accountability of the latter (Brun et al. 2008: 14-6). The integrative HRBA also implies that HR principles are employed and assessed in analysis, design and M&E, such as the participation of various stakeholders in defining objectives and indicators, as well as to analyze what and who the different vulnerable groups and duty-bearers are in a particular context (ibid: 22).

A recent World Bank report titled *Realizing Rights through Social Policy* propose a definition of rights-based approach to social policy, which is related to and compatible with our understanding of a middle-ground (H)RBA, namely to comprise (i) the definition and widespread communication of rights, entitlements and standards which enable citizens to hold public policy makers and providers to account for the delivery of social policy; (ii) the availability of mechanisms of redress where citizens can go if they are unable to enjoy specified entitlements or social minimums; and (iii) a commitment to the equitable delivery of the specified rights, entitlements and standards to all on a universal basis (World Bank 2008a: 8).

An example of mainstreaming HR principles is the SIDA-Kenya country program since 2003. It covers six sectors (governance and justice, health, water, agricultural extension, urban development, and roads) and has

replaced the previous confining of the HR perspective to the ‘democratic governance’ sector (i.e. support to civil society, HR organizations and the constitution process). The goal is not just to realize sector-specific rights (such as health, water and agricultural extension) as set standards, but to integrate the four HR principles as goals in their own right and as part of the whole program process. For example, standards are set in a participatory manner, and accountability mechanisms are combined with participatory processes and tools to include the poor and marginalized (Brun et al. 2008). DFID’s country programs in Latin America provide similar examples in which HR principles have been integrated in context analysis and implementation, including a particular focus on social exclusion and inequality concerns (Piron and Watkins 2004).

Systemic linkages and the holistic focus. This element is closely related to the integrative approach’s creation of synergies between the four principles, and adds to this an emphasis on linkages between multiple stakeholders, levels and institutions to provide a coherent framework for development programming. This implies not only a holistic approach to responding at *all levels of the system* – national, regional and local levels of government – but also linking different sectors (health, education and so forth) and organizations and institutions at different levels (government, CBOs, national HR organizations, civil servants) (ICHRP 2004, 2002; Joy 2003: 2-3). Operational examples include: alliance building of a variety of institutional partners; support coalitions of government, business and civil society around thematic common interests; engaging national government to design support systems based on local lessons provided by local governments and communities; and complementary upstream and downstream activity (Lundberg 2004: Joy 2003). This departs from the tendency to separate national and community-based initiatives, for example, by changing national policies without these being inserted within specific sectors, at local government levels and combined with community participation. The focus on systemic linkages also embraces local governments, including the provision of training in HR principles. It also means linking up national HR institutions with local processes and within different sectors. This departs from the tendency for gaps to exist between national HR organizations and local citizens, with the former often focusing on national governments and lobbying for HR on behalf of the poor and marginalized, rather than through dialogue and partnerships with local citizens and CBOs (Kashiani 2008). Finally a holistic focus covers analytical tools with which to analyze situations and contexts holistically (economic, political, social, cultural), including those of both national/local duty-bearers and rights-holders (Joy 2003: 2). Overall the holistic and systemic focus is based on the view that, for HRBA to be truly politically transformative and promote the four HR principles, it must look at each level of society as interlinked, rather than being concerned solely with the promotion of individual rights or a focus on particular groups or institutions. For example, change at the local level will be counterproductive if the adaptive changes needed at the central and middle levels of governance are not simultaneously addressed (Joy 2004: 12). The systemic approach requires strategic labor divisions and harmonization between different INGOs and bilateral or multilateral donor agencies.

To date there are no concrete examples of genuinely creating systemic linkages in HRBA development programming, which is probably due to the novelty of HRBAs as such. Even in the case of SIDA-Kenya referred to above, the mainstreaming of HR principles is confined to selected sectors, and it is only within these sectors that vertical and horizontal linkages between stakeholders and institutions are being forged (Brun et al. 2008). DFID’s country program in Malawi also integrates HR principles in various activities (i.e. linking the demand and supply sides of service delivery at the district level and in the health and education sectors, and HR work in legal and political reforms and so forth), but these are not strategically linked beyond ‘synergy meetings’ (Piron and Watkins 2004: 33).

Direct synergies between the capacity-building of rights-holders and duty-bearers. This refers to programs and activities that explicitly bring together citizens and state or government officials in spaces of dialogue and collaboration, joint training in HR principles, and forums or committees for development planning, M & E and implementation. It thereby covers direct synergies between the HR principles of participation and accountability, attempting simultaneously to strengthen the capacity of duty-bearers and rights-holders. One example is the SIDA-Kenya Stakeholder Forums within the agricultural and health sectors, which are situated at district level and bring together community members and state officials to engage in joint planning and budgeting, set policy directions, undertake training in HR principles, mobilize resources, and design and implement projects. While they aim to empower local communities to take care of their own development processes, they also enhance the capacities of agricultural extension officers to improve the delivery of services and to base decisions on local priorities (Khasiani 2008: 63-4). This has been combined with training staff in participatory monitoring systems and in addressing the principle of non-discrimination by drawing attention to the inclusion of poor and marginalized groups. Other examples include the integration of HR principles in different local development committees and consultative community forums, where rights-holders engage directly with local government duty-bearers in development planning (on Dfid see Eyben 2004). For example, in Malawi a DFID project on sustainable livelihoods at the district level is linking the demand and supply sides of service delivery by creating synergies between support to citizen capacity to demand rights and duty-bearers to provide services transparently. This replaced an earlier project focusing alone on empowering marginalized groups to realize their rights, which proved unsuccessful due to government resistance (Piron and Watkins 2004).

These different efforts draw on a number of bottom-up community participatory methodologies and intervention models that are not confined to HRBAs alone. However, synergies between rights-holders and duty-bearers also include linking up with national-level institutions, for example, by bringing these together in training programs (SIDA-Kenya) or in creating a dialogue between parliament and civil society (Dfid-Malawi). As a consequence, bottom-up and top-down approaches are being used to create synergies, with the latter also centering on setting national standards in policies and programs (Joy 2003; ICHRP 2002; 2004). This departs from the most common (H)RBAs. Although all (H)RBAs emphasize a focus on both rights-holders and duty-bearers, at the programmatic level, as noted earlier, this has usually been done separately, either by different agencies using bottom-up or top-down approaches respectively, or by the same agencies having separate program activities within country programs (see Piron and Watkins 2004; Eyben 2004).

Adjust international HR standards to contexts and ensure local ownership. As noted above, the UDHR provides both a central reference point and a normative framework. However, it is realized that simply imposing the various HR rights and principles as legal standards from the outside (such as the legalist HRBA) to be adhered to by governments in the short-term is counter-productive. HRBA must be sensitive to specific contexts, ensure local ownership and respect local knowledge, while also leaving space for the promotion of universal HR values (Brun et al. 2008). On the one hand, this implies a gradual realization of rights in accordance with the resources and institutional capacity available and the promotion of the four HR principles, based on thorough understanding of existing power relations and institutions (Lundberg 2004; Joy 2003). Thus the UNDP holds that there is a need to prioritize rights based on country contexts in order to ensure that a rights perspective is not seen as top-down and as an externally imposed fixed package (UNDP 1998). In the SIDA-Kenya country program, emphasis is also placed on working with already existing institutions, rather than establishing new and parallel ones. Adjustments can also be achieved by slowly integrating HR principles and standards in already ongoing programs, rather than imposing new HR program packages.

On the other hand, HRBA should be viewed as a gradual, long-term process through which HR standards and principles are progressively realized by actors *within* the countries themselves (Joy 2003: 3). This means placing the emphasis on the HR principle of self-determination and local ownership: “Country’s human rights realization must come from within and be supported from outside” (Alston: 41-2, quoted in Jonsson 2003). It should include not only national, but also local community and citizen ownership. DFID and the ICHRP maintain that the way to ensure local ownership is by privileging the empowerment of citizen participation as a core HR principle of HRBA, and Lundberg (2004) adds to this efforts to engage all stakeholders (national and local) in internal dialogue concerning HR policies and programming (Lundberg 2004). DFID-Bolivia pursues this by integrating HR principles into PRSP processes that bring together civil society, government and state officials. This element can be contrasted with the legalist HRBA, which begins with a complex array of rules and policies from the top downwards, and with the RBA, which focuses very little on national-level stakeholders.

Donors play a coaching role, not an expert or prescriptive role. This element is closely related to the principles of self-determination, local ownership and active participation. It means that development agencies should abandon prescriptive-advisory roles in technical co-operation and avoid externally defined HR training provided by foreign experts. Instead donors should provide training in HR principles and support the facilitation of local capacity to develop programs based on processes that promote internal dialogue between citizens and states or governments (Joy 2003: 3, 21-2; Lundberg 2004). In short, development agencies should *not* be responsible for the implementation of programs or be in control of outcomes through pre-set standards and rules. This includes abandoning the use of HR training that is based on external knowledge alone. Rather, donors should provide coaching in training skills, analysis and quality controls (Joy 2004: 10). This departs from the tendency among HRBAs to assume that values and behaviour can be changed towards a ‘human rights culture’ through training courses provided by outsiders (who have pre-determined the ‘needs’ and ‘rights’ of the people in the first place) and/or by merely working on changing national policies with an overwhelming focus on public sector responsibilities. This not only robs citizens of opportunities to participate genuinely and actively in the development process, based on their own definition of needs, but also hampers sustainability (ibid: 13).

Legal standards, combined with qualitative HR principles in context analysis and M & E.

HR as legal standards is recognized as providing an important check list to identify concerns, establish indicators and measure performance, i.e. by defining state obligations and individual entitlements in precise legal terms. The interconnection of different rights is also seen as informing a holistic approach to the context and situation analysis of basic causes of development problems. The legal weight of HR is also recognized, but it is realized that this requires strong legal institutions in place in order to be effective (ICHRP 2004: 36). The legal standard focus is nonetheless combined with the use of qualitative analysis and participatory tools that focus on not only measuring outputs, but also on processes (including in design, implementation and M&E). This is guided by the four HR principles. For example, in relation to services, assessments should not address whether expenditure and the extent of a particular service has increased, but also *who* in the community has received the service (i.e. ensuring equity), and whether this has been based on participatory programming and dialogue between duty-bearers and rights-holders (ibid: 36; Joy 2003: 18). Moreover, the analysis and assessment of human rights situations in a given context and the design of programs should not be pursued in isolation by HR-NGOs, donors or governments, but include all stakeholders, be participatory and simultaneously ensure capacity-building. This can be done by using tools that enhance self-analysis by local communities and by ensuring that performance management systems are linked with participatory tools (Lundberg 2004: 12-7). These tools can already be found in some development programs that focus on participatory development planning and budgeting in local governance,

but they do not define their strategies as HRBA or use HR standards as part of design and M&E (such as equity) (ibid: 13). Examples among HRBA include the introduction of participatory monitoring systems that incorporate community indicators, based on state officials' activities around community mobilization. Along with human rights indicators, the community indicators are incorporated within evaluation frameworks, hence promoting accountability (Burn et al. 2008: 65). Joint community action plans and stakeholder forums not only to identify problems and find solutions, but also to evaluate and review project implementation are other examples of citizens' participation in M & E (ibid: 70).

Decentralization. When combined with participatory tools, the middle-ground HRBA also emphasizes decentralization as an enabling factor in enhancing the HR principles of accountability and participation, e.g. by devolving the allocation, disbursements and use of funds to the local level and granting increased discretionary power to local-level service-providers in planning and implementation, thus enabling them to respond more directly to and be held accountable by local citizens (Khasiani 2008). Moreover, as noted above, and as opposed to the legalist HRBA and the bottom-up RBA, the systemic focus includes the view of local governments as central duty-bearers to be integrated into HR capacity-building and analysis.

2.3.1. Strengths and weaknesses

Strengths. A core strength of the middle-ground HRBA is that it provides a holistic, systemic approach to development programming that addresses the wider political transformative objective of HRBA more adequately than the legalist and bottom-up (H)RBAs do. This includes the synergies forged between enhancing the capacities of duty-bearers and rights-holders as part of the same activities, rather than treating them as separate projects or programs from the top and from the bottom. By focusing more on the integration of the HR principles of accountability, transparency, participation and non-discrimination as part of development programming, rather than on the direct and externally driven promulgation of HR as legal standards, the middle-ground approach to HRBA also has the potential to be embedded more smoothly in already existing development programs, as well as avoiding the pitfalls of being viewed as externally imposed rather than locally driven or owned. Finally, we suggest that the principle of non-discrimination can add considerable value to activities concerned with accountability and participation by drawing attention to questions of equity and exclusion.

Weaknesses. The slow progress in mainstreaming HR principles in country programs, even for donors that explicitly adhere to them, is suggestive of a number of operational difficulties (see box 2 below). A key challenge is how in practice to reconcile international HR standards and principles with genuine country ownership, both national and local, and, as an aspect of this, to transform conventional donor advisory roles. Another challenge is how to ensure that the HR principle of participation is translated into meaningful frameworks for people and backed by adequate resources, so that participation does not simply become a standard goal or a technical means implemented in a top-down manner, without yielding tangible outputs. In some contexts, the systemic and holistic approach may also be overly ambitious, since it requires the involvement of many agencies and stakeholders, as well as an enabling national policy environment.

Box 2 Frequently quoted instrumental weaknesses of (H)RBA

- There has been a tendency merely to add the language of human rights to already existing programs, rather than truly integrating human rights standards and principles.
- Human rights issues can be sensitive and problematic and can endanger the willingness of governments to cooperate.
- Staff capacity needs to be upgraded in terms of human rights, which is a new and different competence for traditional development workers.
- Rights-based approaches and the focus on process can seem cumbersome in relation to ‘getting the job done’ and measuring short-term outcomes.
- Need for further development of tools, guidelines and capacity-development material – there is little guidance on the operationalization of RBA.
- The added value of a rights-based approach still has to be systematically documented.
- There is a lack of systematization in the development of rights-based strategies, and each agency has its own interpretation of what a rights-based approach is, which sometimes diverge considerably.
- Rights-based approaches require long-term planning, which does not always fit in with funding cycles.
- Working simultaneously with *all levels of the system* (micro, meso and macro) is ambitious and requires high coordination skills, donor alignments and many resources.

The link between HR and governance has been criticized of being weak at both the conceptual and practical levels in DfID (Piron 2003:13). The Governance Department, which was ideally supposed to be responsible for the third pillar (fulfilling state obligations), did not incorporate an HR strategy, and under its ‘access to justice’ policy, it makes hardly any reference to HR. This has implied a meagre focus on state obligations, domestic political environments and improvements to domestic political and legal systems so as to respect rights better. Piron argues that not taking these aspects into account indicates the adoption of a rather ‘instrumental approach’ to HR, which is also exemplified by how rights have come to be interpreted as equal to achieving the Millennium Development Goals (MDGs), with much less focus on the wider political transformative aspects. (ibid: 4)

3. Decentralization

3.1 Introduction

Decentralization refers to different degrees of transferring authority, responsibility and finances for public functions from the central government to intermediate and local governments or to quasi-independent government organizations and/or the private sector. Support to decentralization has a longer history in development assistance than RBA, which dates back to the 1980s. Since then interest in and the popularity of decentralization has taken on an almost global dimension, enjoying support across a wide political and ideological spectrum. The popularity of decentralization is concretely reflected in current policy initiatives by both Northern and Southern governments: according to the World Bank, sixty out of seventy developing countries are today in the process of decentralizing government (World Bank 2000a). The nature of reforms and approaches varies greatly, ranging from simple technical adjustments to public administration in the form of deconcentration to radical redistributions of political power between central and relatively autonomous local governments, referred to as devolution.

While deconcentration and devolution approaches often co-exist, it is particularly the latter that development donors currently favor. The justification for support emerged out of general criticism of earlier state-led and centrally controlled forms of development and governance, which, it was argued, had created the grounds for bad governance practices (corruption, authoritarianism, violation of human rights and unaccountable, inefficient and overstretched state bureaucracies), which in turn undermined development (Crawford 2005: 6). This reflected neo-liberalist inspired calls to reduce the central role of states in regulating the market and governance, promoting instead spaces for the self-government of citizens and the private sector (McMichael 1996). Market liberalization and the decentralization of state functions to lower levels of government, NGOs and the private sector became vital components of this turn in development thinking (Kyed 2002). Many local governments today provide a range of services that influence the quality of people's lives, including primary and sometimes secondary health care, primary and often secondary education, local infrastructure and sometimes agricultural services.

While the 1990s saw a re-orientation towards the importance of some state regulation, especially after structural adjustment programs were seen to be having detrimental effects on the poor, decentralization is still seen today as in principle a 'good thing' by multilateral and bilateral development agencies (DAC 1996; Danida 2000). Decentralization is presented as a model for successfully executing programs of poverty alleviation, democratization and 'good governance'. By bringing government closer to 'the people', it is agreed, decentralization will facilitate political participation, empower the poor at the local level and make governments more downwardly accountable. It is also argued that decentralization of functions will make state administration more effective, efficient and transparent, and that the decentralization of resources and development planning will make development more cost-effective and sustainable. It is generally assumed that benefits in socio-economic development will accrue through local government (LG) being more responsive to local needs in the delivery of public services. These positive views are particularly represented by the public administration literature, which is dominated by a managerial or technical-administrative focus, as well as supported by UNDP and the World Bank (ICHRP 2004: 9).

A second school, represented by a number of sociologists and political scientists, has a more negative view: decentralization is viewed as the brainchild of neo-liberalism, designed to unburden national governments

from costly responsibilities of social spending, which often lead merely to the return to power of oppressive local elites (ibid.).

Many donor agencies that support decentralization programs have in recent years moved beyond these extreme positions and have acknowledged that decentralization should be viewed as a very complex process potentially with both negative and positive results. Results are viewed as impacted by a complex mix of factors, such as political will, political history, economic resources, levels of poverty and constraints by central governments and donors (ibid: 10). The central point is that decentralization can potentially result in either of the envisaged effects – improved service delivery, increased democratization and public participation in decision-making – but does not automatically do so. Such development impacts depend on de facto devolution decrees, ensuring that downwardly accountable representative local actors have significant discretionary power. It also requires a significant devolution of finances to realize services, as well as to change attitudes and habits within local governments and state administrations.

The Local Governance Framework (World Bank 2007c) provides an elaborate framework for analyzing the kind of accountability relationships that a local government with a given level of discretionary powers enters into with surrounding local actors. It builds on earlier analytical work carried out in WDR 2004 that assessed the roles of different actors in accountability relationships in a local governance context. The Local Governance Framework defines downward accountability as the ability of the government to be accountable to its citizens, and upward accountability as the accountability of local governments to higher levels of government. In addition, public accountability is used to refer to measures introduced by the public sector to improve both upward and downward accountability. Social accountability is described as a form of downward accountability involving civil society-led activities that are oriented towards improving the downward accountability of local governments.

The accountability relationship may have up to four sequential stages: (i) standard-setting, i.e. setting out the behavior expected of ‘accountees’, and thus the criteria by which they might be validly judged; (ii) investigation, i.e. exploring whether or not accountees have met the standards expected of them; (iii) answerability, i.e. a process in which accountees are required to defend their actions, face skeptical questions and generally explain themselves; and (iv) sanction, i.e. a process in which accountees are in some way punished for falling below the standards expected of them, or alternatively rewarded for exceeding them (Moore and Teskey 2006).

As a result of civil society pressure, opportunities for social accountability and influence on policy discussions are opening up within local government, often through programs that are co-financed by donor agencies and national governments. Models of demand-driven service provision are a key element in many current public-sector reforms. The distinction between measures introduced by the public sector to improve both downward accountability (i.e. public accountability) and civil society-led activities to influence local-government programs (social accountability) is increasingly becoming blurred. What is important when groups of local citizens or civil-society organizations are invited to participate in downward accountability relationships is the extent to which the agendas are preset or circumscribed in ways that principally serve to legitimize prior goals, or whether they offer civil society real opportunities to become involved in key policy questions. Many new initiatives associated with local government support seek to establish institutions that enhance downward accountability. The lessons learned from these experiments are in the process of being collected and analyzed (Demand for Good Governance, World Bank 2008b).

Next we consider different types of decentralization, which often coexist, and then go into more depth with evolving forms of devolution that we regard as most relevant for creating synergies with the middle-ground RBA and community participation.

3.2 Different Types of Decentralization

Decentralization is defined as the opposite of concentrating power within a single centre, usually the state (Smith 1985: 3-4). Aside from this, decentralization is used to describe many different ways and degrees of transferring functions, powers, responsibilities and resources from a single centre to lower levels in a territorial hierarchy. This may be a hierarchy of government, state administration or a private organization. The literature commonly distinguishes between three different ideal types of decentralization, each with their own characteristics and policy as well as practical implications: de-concentration, delegation and devolution (Dege Consult 2007). These may coexist within a given country, be supported by different policies and/or actors, and may be partly overlapping and competing.

Proponents of local government refer to **de-concentration** as the weakest form of decentralization. It involves the redistribution of decision-making authority and financial and management responsibilities among different levels of the state apparatus. It may shift responsibilities from central state officials in the capital city to those working in regions, provinces and districts, or it can create strong field administration or local administrative capacity under the supervision of central government ministries. This form of decentralization is referred to as weak, because political power remains within the hierarchical structure of the public sector.

Demand-driven local service provision has emerged in recent years as part of a second generation of structural adjustment reforms. For some sectors, these reforms have taken the form of a combination of de-concentration and participation. These reforms have been embraced by proponents of community participation, who argue that, for some local services, the most equitable access and highest quality are achieved when the services are managed at a sub-district level. This may in particular be relevant for services that cannot easily be standardized, as they are highly discretionary and interaction-intensive (Pritchett and Woodcock 2003).

Delegation entails central government transferring responsibility for the administration of public functions to semi-autonomous organizations that are allowed a certain amount of discretion in decision-making, but are ultimately accountable to central government. Governments delegate responsibilities when they create public enterprises or corporations, housing authorities, transportation authorities, special service districts, semi-autonomous school districts, regional development corporations or special project implementation units.

Devolution is the most radical form of decentralization, and is also referred to as political or democratic decentralization. It involves the transfer of decision-making authority, finances and the management and planning of development to more or less autonomous local government bodies (municipalities/district councils) with corporate status and locally elected mayors and councilors. The most extensive form of devolution, emerging in recent years, also covers the transfer of responsibilities for numerous public services to LG bodies, as well as discretionary power to raise local revenues and have independent authority to make investment decisions with central government grants. Thus devolution can involve a substantial reallocation of powers and autonomy from central to local government. Although LGs are regulated by and have to be upwardly accountable to the central level, regular LG elections instigate downward accountability to local

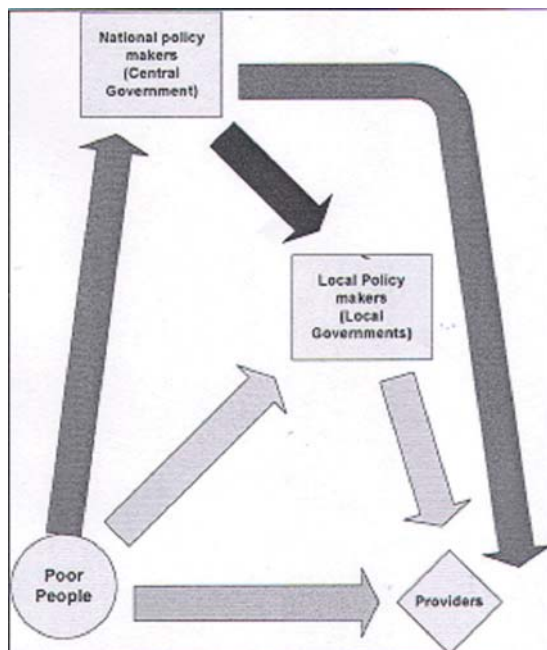
voters (Danida 2000: 8; World Bank 2000b: 106; DAC 1996: 3; Rondinelli 1991). This latter element underscores the popularity of decentralization as a means of bringing the government closer to ‘the people’, thereby ensuring that decisions are based on the needs and interests of citizens.

3.3 Devolution

In recent years, decentralization programs, especially those focused on devolution, are moving more and more in the direction of social or bottom-up **accountability** and demand-driven governance *between* elections. Local government’s new powers and responsibilities define a three-dimensional discretionary space: political, administrative and fiscal. The recently published Local Governance Framework (World Bank 2007c) argues for the establishment of oversight and accountability mechanisms to enhance local government’s downward accountability to citizens vis-à-vis its particular domain of discretion (Ribot 2004). The Local Governance Framework envisions an ideal scenario in which decentralization reforms are fully implemented at all dimensions (political, administrative and fiscal), and, by integrating both public and social accountability approaches, accountability is strengthened. However, the report goes on to acknowledge that in reality countries may be at different stages of decentralization, with varying degrees of focus on the linkages between discretion and accountability (World Bank 2007c). We suggest that it is this evolving redirection towards more participatory forms of democracy, along with the representative aspects, that are most prone to being linked to the middle-ground RBA, as well as to community participation.

Local government is accountable to local residents through elected councilors. The councilors will ideally have authority over local staff and finances and in return be accountable to a local electorate, who may even be able to recall elected councilors.

Figure 2. Basic Accountability Relationships



Source: DEGE consult 2007.

The red lines demonstrate the ‘long route of accountability’, whereby citizens only very indirectly influence service providers through their elected government and possibly deconcentrated structures.

The blue lines demonstrate the relatively shorter route to accountability through a devolved system of local service provision, and finally:

The green line refers to the more direct voices of citizens in service delivery planning and management through user groups etc.

However, in practice downward accountability is constrained or moderated in many countries by central government: (i) through the appointment (instead of election) of some councilors; (ii) by central government retaining control over staff and finances; and (iii) by low levels of information and patronage politics that constrain the degree to which local residents can effectively hold

elected leaders to account. 'Local government represents an intermediate route to accountability, longer than the short route linking communities directly with service providers but much shorter than the long route through national parliaments and ministerial hierarchies' (World Bank 2005b: 45).

Participation. Decentralization of service provision has increasingly provided room for more local participation as funds have moved closer to the citizens. There are two major forms of participation. The first is community participation in planning and budgeting through elected representative bodies (councils). This is in particular the case with capitation grants, which allow user representation in budget and budget executive decisions. An example from Uganda shows local governments arranging open budget conferences at the district level (Dege Consult 2007). Secondly, citizens may participate in the local governance of resource use through organized groups and forums. One emerging trend is that some types of resources and aspects of decision-making are devolved to sub-district levels using community structures (e.g. school management committees, health-users management committees, farmer fora, water-user committees, etc.). This may broadly be referred to as 'user participation'. The funding for such activities is often sourced from central government but implemented under the auspices of local government. The low capacity of local governments in terms of revenue mobilization may in some contexts have a negative impact on the level of participation, as local citizens are likely to take the view that if everything is provided by the centre, they have little local ownership of the activity.

Equity. Devolution of power is often associated with a general trend towards increased transparency in resource allocation. In particular, the shift towards formula-based budget allocations has had a mitigating effect on previous regional imbalances in resource allocation across districts. In Tanzania, the introduction of a formula-based budgetary allocation system has resulted in a more equitable resource allocation, with increased volumes of resources allocated to previously deprived areas. Also the tendency to create 'islands of development' in a few popular districts has been broken.

3.3.1 Devolution: strengths and weaknesses

Strengths. Decentralization through devolution is central government's strongest structure when it comes to strengthening the downward accountability relationship with local citizens. Devolution furthermore plays a central role in good governance and the democratization agenda being promoted by the international donor community. It is generally agreed that decentralization plays a role in mitigating the bad governance practices associated with centralized governance (i.e. corruption, authoritarianism, unaccountability and bureaucratic inefficiency). LGs are in principle holistic and therefore not centered only on specific issues, but usually cater for a whole range of services (depending on the extent of devolution), corresponding to certain social and economic rights. This supports the principle of the interdependence of rights that is promulgated by some HRBAs (although in practice far from all). Generally speaking, devolution covers a representative model of democracy based on majority rule and supporting the political rights of citizens (i.e. to vote for LG representatives). It is a model based on *individual* citizenship rights, and can thus be distinguished from group- or community-based models. This resembles the individualist perspective of the legalist human rights-based approach. It also shares with this the universalist principle. Local governments *ideally* cater for the needs of, as well as administer, the total sum of people within a designated territorial space, rather than serving particular groups. However, being based on majority rule, it does not automatically ensure particular attention to minority or marginalized peoples, which is often a focus of HRBAs. To cater for this deficit, some countries have introduced mandatory or obligatory members of LG councils, not elected by universal suffrage, but who are seen as the representatives of particular groups' interests. Moreover, in many developing countries, devolution coexists with de-concentrated elements regarding particular services (not least security and justice), and with central government restrictions on the use of core grants. In addition,

devolution does not automatically include elements of accountability and popular participation *between* elections. Thus degrees of devolution and of the inclusion of citizens directly in governance may vary considerably.

Weaknesses: Devolution of power without adequate checks and balances may empower local elites and further undermine democracy. Further, devolution of responsibilities may worsen local service delivery if adequate resources are not secured from central government. Where a high proportion of resources derive from local taxation, decentralization may lead to increases in inequality between districts. Finally, where inadequate human resources are moved from central ministries, devolution of responsibilities may overload the administrative capacity of local governments (Joy 2003: 17). Ineffective implementation often comes far behind the policy rhetoric, and success in terms of enhanced access to and quality of services for local citizens is strongly influenced by the actual country-specific and locally specific contexts for the decentralization reform. In many countries, it can be observed that decentralization reform through devolution is being pursued in an uneven manner. Some sectors and/or government departments may wish to implement radical reform, while other elements of government may resist reform efforts and implement decentralization policy in a contradictory manner.

While there is consensus over the fact that decentralization – in particular devolution – has a significant potential for enhancing the accountability of and local participation in public-sector service delivery, there is less consensus over the degree to which it will necessarily contribute significantly itself to poverty reduction and equity within local communities. James Manor (2003), among others, has written extensively on the subject and concludes, like many others, that there is no automatic link between decentralization and equity. Empirical evidence concludes that decentralization needs to be combined with pro-poor central-government policies in order to succeed at the local level.

4. Community participation

4.1. Introduction

Participatory approaches to development have evolved over the past forty years, and their use has, particularly in the past two decades, moved from the margins to the mainstream of community development and governance. Table 1 illustrates how the different models are closely associated with shifting development practices. There is an extensive literature on the costs and benefits of participation (Cooke and Kothari 2002), and Table 1 only covers a few selected models to illustrate the evolution of participation, and many more models have been omitted. Nonetheless the table serves the purpose of illustrating three key phases of participatory approaches to development.

The **first phase**, comprising the early models of liberation theology that emerged in the 1960s in Latin America and Alternative Development in Asia and Latin America in 1970s, were at the time concerned with social change in strong opposition to established oppressive governments. The early approaches were concerned with social change and were practiced through grassroots movements of limited scope. However, some elements in liberation theology, concerned with discovery learning and individual emancipation (Freire 1970), have strongly influenced thinking on adult education and currently widely used participatory approaches (e.g. Farmer Field Schools).

The **second phase** was the popular participation that emerged in the mid-eighties as a response to the era of state failure in delivering services, in particularly in Sub-Saharan Africa, and as a general reaction to top-down projects and blueprint modernization approaches. The model has since had an enormous influence on participatory programs around the globe. Inspired by Rapid Rural Appraisal (Chambers 1983) and later Participatory Rural Appraisal (Chambers 1993), hundreds of general and sector-specific participatory manuals were developed covering almost all subjects. Over the past two decades, popular participation has gradually deepened and extended its role in development, with a new range of approaches emerging across theory, policy and practice. It has tended to become a standardized tool that is an integral part of many development interventions. These place the emphasis on the importance of: (i) local socio-economic contexts when planning development interventions; and (ii) transforming agents of development from ‘experts’ into ‘facilitators’ to enable the capabilities of beneficiaries. Many development policies today are concerned with recognizing people’s existing capabilities, and exercising agency is central to participatory approaches. Simultaneously, participation as an intervention model continues to be influenced by poor citizens and their organizations in developing countries, who are continually devising new and innovative participatory strategies for expressing their individual and collective agency (Hickey and Mohan 2004).

The **third phase** of participation for development has emerged since the mid-1990s, with Social Capital (1995) and in particular Participatory Governance and Citizenship Participation (2000). These evolved from a criticism of popular participation for its emphasis on participatory approaches as a technical tool for increasing the efficiency (or lowering the costs) of development interventions, instead of being a process aimed at transforming power relations (Friis-Hansen and Bhowan 1999, Cleaver 1999, Hickey, S. and G. Mohan 2005). The principle of Participatory Governance and Citizen Participation emphasizes a better understanding of and focus on how power is constituted (Cooke and Kothari (2001), as well as a better understanding of the role of structure and agency in social change (Cleaver 1999, Uphoff 2007).

Table 2. Evolution of participation in community development and governance

Models	Examples	Development aspects	Citizen aspects	Level of engagement
Emancipatory participation and liberation theology (1960)	Participatory Action Research, Training for Transformation, Informal Adult Education.	Analyze and confront structures of oppression within existing forms of economic development, state formation, political rule and social differentiations.	Participation as a right of citizenship; participatory citizenship as a means of challenging subordination and marginalization.	Economic spheres; communities; poor citizens.
Alternative development (1970)	Popular education, social movements, self-help groups.	Explicit critique of mainstream development as exclusionary, impoverishing and homogenizing. Alternative development based around territorialism, cultural pluralism and sustainability.	Participation as a right of citizenship. Citizenship as a key objective in multi-level political communities.	Initial focus on local community level and civil society. Lately focus on inclusive governance.
Popular participation in development and governance (1985)	Participatory Rural Appraisal, Participatory M & E, Community-Based Development, Community-Driven Development.	Reaction to failure of top-down projects and planning; participation required to empower people, capture local people's knowledge, ensure the sustainability and efficiency of interventions. Implicit critique of modernization, limited scope in transformation of power relations.	Scope of participation guided by project activities rather than broader political issues.	Development professionals, government employees and local participants.
Social capital (1995)	Local institutional building, networks and associations.	Social capital promoted as a basis for economic growth.	Participation as a right and obligation of citizenship.	Civic associations.
Participatory governance and citizenship participation (2000)	Convergence of social and political participation, scaling-up participatory methods, PRSP, state-civic partnerships.	Development requires liberal or social democracy, with a responsive state and strong civil society. Some focus on social justice.	Participation as primary a right of citizenship.	Citizens, civil society, state agencies and institutions.

Source: Adapted from Hickey and Mohan 2004:7.

4.2 Different Types of Participatory Approach

This section will discuss the two types (or rather categories) of community participation that dominate development practice and theory today: Popular Participation and Participatory Governance. While in practice there is a clear tendency for development programs to emphasize one or the other, the two types often overlap and complement each other. Three criteria can be used to distinguish Popular Participation and Participatory Governance from one another: aims; justification for support; and scope.

Aims. Popular Participation is largely instrumental and uses participation as a *means* of increasing the efficiency and cost-effectiveness of project interventions (e.g. service delivery or income generation).

Participatory Governance, on the other hand, tends to view participation as an *end* in itself (e.g. to stimulate the empowerment of supported participants and transform power relations) (Friis-Hansen and Sthapit 1999). Donor agencies have gradually, albeit slowly, moved from supporting mere consultation to covering wide spectrums in which local citizens can gain direct influence. Meanwhile policy documents associated with the participation intervention model are increasingly viewing local people and their institutions as assets and partners in the development process.

Justifications. A key justification of Popular Participation programs is that they have the potential to be more responsive to the needs and priorities of beneficiaries (allocative efficiency). This is supported by evidence showing that community-based projects are comparatively cost-effective (productive efficiency) because they have lower levels of bureaucracy and better knowledge of local costs (Rawlings et al. 2004). The combination of allocative and productive efficiency in project interventions that aim at poverty reduction is sought to enhance equity. Well-designed community-based participatory projects are shown to have the potential to be more inclusive of poor and marginalized groups (Woolcock and Narayan 2000). Justification for Participatory Governance programs emphasizes that mobilizing communities to identify problems and to plan and manage projects can help strengthen the local capacity for collective action. Additional benefits are often observed beyond the scope of the original project, e.g. the formation of self-help groups and micro-enterprise development (Dinah and Tovo 2001). Community-participatory and -driven development is seen as a means of strengthening state-community synergies (Das Gupta et al. 2007; Binswanger and Aiyar 2003). Emerging demand-driven approaches theoretically ‘empower’ communities to command services and provide a mechanism for (re)building trust and downwards social accountability and thus for (re)establishing a ‘social contract’ between communities and government.

Scope. The scope and degree of participation vary substantially, from consultation with communities to the devolution of resources, decision-making and implementation at the community level. The scope of Popular Participation centers on selected groups, often surrounding selected issues, such as income generation, agricultural development, management of a school or health clinic, the building and maintenance of infrastructure, etc., that are not evenly distributed across a country. In contrast, the scope of Participatory Governance programs tends to be more holistic and institutionalized, with community representative and participatory committees, councils or forums being set up to participate in LG development planning, design, implementation and/or monitoring (for example, IPCC in Mozambique, ward committees in Zambia, village committees in Ghana and Tanzania etc.).

4.2.2.1 Popular participation

Today popular participation is the most widespread type, and numerous development workers and government staff in the South have received training in rapid rural appraisal or participatory rural appraisal techniques. In terms of volume, the largest source of support for community participation is the World Bank’s community-driven development (CDD) and community-based development (CBD) projects. CDD projects aim to give communities control over resources and decisions in the design and implementation of sub-projects. CBD support for communities emphasizes collaboration, consultation and information-sharing, while providing less support for direct participation in governance. CBD and in particular CDD projects have aimed to enhance community capacity by building social capital and fostering empowerment in communities.

Box 3. An Evaluation of Community Driven Development Experiences

A recent OED evaluation of World Bank support for community-based and -driven development (World Bank 2005c) reveals that CBD/CDD projects have been successful in meeting their quantitative goals. On qualitative goals, such as capacity enhancement, the evaluation finds that projects have often (wrongly) assumed that holding a certain number of training courses will result in enhanced capacity. The evaluation further found that CBD and CDD projects have been most successful where they have supported 'indigenously matured participatory efforts' or they have provided 'sustained, long-term support to communities'.

While short-term support for capacity development may be sufficient to enhance the effectiveness of sub-project execution and lower the cost to government of delivering services, it is seldom sufficient to 'consistently enhance community capacity' (World Bank 2005c:xiv). The OED evaluation states that support for direct participation sometimes works well 'when it supports existing grassroots initiatives', but 'when the Bank tries to initiate empowerment and enhance social capital through CBD/CDD projects, it is often not enough – or can be counterproductive if better-off sections of the community gain more than the less-well-off' (World Bank 2005). While CBA-inspired projects have had considerable success in getting resources to their intended beneficiaries and in achieving rapid impacts, such impacts have not always been sustainable in terms of infrastructure, the services they finance or the institutions and capacities they support. In response to this, many CDD-type projects are 'increasingly promoting integration with the public sector system, emphasizing both upstream linkages to policies and fiscal arrangements and downstream linkages to governance and service delivery arrangements' (ii).

Criticism of Popular Participation. A critical debate over Popular Participation around the turn of the century argued that participation has assumed the status of a mandatory requirement for local development interventions. More often than not it is reduced to a set of procedures in the project cycle, reflecting a technical rather than a political approach to the issue at hand, with beneficiaries being empowered when they had a menu of choices and a capacity to choose. Awareness has grown that social structures, cultural practices and local politics within a project locality are not being adequately considered. Unintended potential outcomes included reinforcing existing hierarchies, social exclusion and economic marginalization. It has also become clear that in areas of social conflict, where problems are most pronounced, empowering poor groups without exacerbating relations with other groups is difficult. Participation is often framed narrowly as a methodology to improve project performance, rather than a process of fostering critical consciousness and decision-making as the basis for active citizenship. Rarely is participation implemented as a mutual decision-making process, with different actors sharing power and setting agendas jointly.

A focus on the cost-effectiveness and efficiency of community-participatory projects runs the risk of shifting the financial burden and responsibility of LG institutions and the state to local communities, which also potentially hampers accountability relations (i.e. downward accountability) and wider, longer-term processes of change in terms of economic and institutional development. This is an important argument for Popular Participation to widen its scope and to benefit from synergies with decentralization.

Because of their instrumental character, programs based on Popular Participation often have an uncritical focus on the 'community' as homogenous entities. While in this way programs avoid conflicts with local elites, they run the risk of unintentionally reinforcing local power relations and forms of group-exclusion (Mohan and Stokke 2000). Community-based approaches typically aim to build 'social capital'; but while this is a useful concept, it is often applied uncritically, with an inadequate understanding of cultural and political contexts and of vested interests in the status quo. Interaction between Popular Participation and RBA would

focus specifically on marginalized groups and power relations could possibly enhance aspects of equity, which otherwise could be undermined.

A community-based approach to participation and development is inherently exclusionary because it relies on the mobilization of specific groups, often around specific issues, which can hamper wider processes of change and a holistic approach to development. Although the latter does have the advantage of group mobilization as a necessary prerequisite for collective action, the danger is that it becomes too exclusive and that groups become detached from LG, the state and other groups in society. It can also hamper spatial equity from a nation-state or district perspective, in particular if community participatory projects only target specific areas and are not implemented for all citizens across the district or country. Closer interaction between the project-created groups and institutions and local government structures below district level could help to mitigate this tendency.

4.3 Participatory Governance

Different trends exist within Participatory Governance as a type of participation. Hickey and Mohan (2004) identify three tendencies that can be understood as a reaction to contemporary criticisms of Popular Participation: widening impact; broadening agendas; and rejecting participation in its current form.

Many programs based on Popular Participation are currently seeking to **widen impact and social inclusion** through mainstreaming and by scaling-up successful experiences with participatory approaches across all arenas and levels of decision-making.

Some programs are **broadening the agenda** to capture a more political sense of agency and convergence between participatory development and governance. A recent publication (PRSP sourcebook) describes CDD as a way to give control of decisions and resources to community groups (i.e. user-groups, user-committees, micro-credit cooperatives, etc.). ‘These groups often work in partnership with demand-responsive support organizations and service providers including elected local governments, the private sector, NGOs, and central government agencies. CDD is a way to provide social and infrastructure services, to organize economic activity and resource management, to empower poor people, improve governance, and enhance security of the poorest’ (World Bank 2005c).

Yet other programs, often associated with INGOs, are **rejecting participation in its current form** and seeking radical alternatives in the form of transformative participation and right-based approaches. A recent IDS Working Paper sums up this position: ‘To be meaningful, participatory processes must engage with and change power relationships’ (Gaventa 2006: 4). Community leaders are sometimes invited to engage in LG planning processes under institutional settings where they have no rights and thus no real negotiation of power. Creating a political space for communities to engage with LG will not in itself change power relations and may instead reproduce pre-existing power relationships (Cornwall 2002). The attitudes and legitimacy of community leaders is crucial for collective agency, i.e. the ability to mobilize and act collectively. Awareness of rights may contribute to enhancing the collective agency of communities. In the absence of transformative empowerment processes, the opening up of a deliberative policy space is likely to be filled by powerful actors and thereby to reproduce existing power relations under a CDD setting.

4.3.1 Participatory governance: strengths and weaknesses

Strengths. The World Bank's Strategic Framework identifies empowerment as one of two priorities in the fight against poverty. The expectation in this framework is that Participatory Governance can enhance transparency and accountability and therefore lead to reductions in corruption and the misallocation of resources (and seen as the basis of equitable development). An agenda for community development which captures a more political sense of agency may assist in mitigating the challenges that surround the integration of emerging community-based approaches with traditional sectoral and local government approaches (World Bank 2005c). The pressure to meet short-term sectoral output targets often distracts attention from the institutional reforms that are necessary to make service delivery systems sustainable in the longer term.

Weaknesses. Some academics question the extent to which participatory approaches lead to genuinely transformative processes among poor people (Cooke and Korhari 2002, while others consider rather what is required to (re)establish the legitimacy of participation (Hickey and Mohan 2004). On a more fundamental level, some observers have questioned the extent to which such complex issues as empowerment can really be addressed through participation in community development projects (Mosse 2001). The assertion that development can be managed through the right mixtures of institutional responses has depoliticized development interventions (Ferguson 1994) and transformed them into a technocratic process to be administered and planned for by agents of development, rather than negotiated with and contested by its subjects (Hickey and Mohan 2004).

Challenges. Participatory Governance is likely to involve conflict and demands a capacity to analyze, negotiate and alter unequal relations at all levels. In addition to understanding participation as a methodology and decision-making process, a critical analysis of different spaces of participation is becoming increasingly important in building effective rights-based strategies of change (Brock, Cornwall and Gaventa 2001). Hickey and Mohan (2004) argue that to become transformative, participatory approaches must be linked better to coherent theories of development, move their focus beyond the individual and local, and involve multi-scale strategies that encompass the institutional and structural. In the analysis of the transformative character of participation, it is useful to distinguish between *closed, invited and claimed policy spaces* in making strategic choices about where and how citizen groups can relate to formal institutions (i.e. local government). Closed spaces refer to decision-making and policy processes that are controlled by the state or international forces and are closed to civil-society participation, such as those of the World Trade Organization (WTO). Invited spaces include public discussion or policy-making processes, such as the World Bank's poverty-reduction strategy processes, to which civil-society groups are invited by powerful state and international actors, who control the agenda and rules of engagement. In contrast, claimed spaces, such as citizens' juries or public accountability sessions, are created by civil-society organizations where the agenda and terms of debate and participation with the state and international actors are defined by citizens' groups (ibid.). Thus, going beyond a concern for the quality of participation, groups must also be alert to the nature of the spaces in which they are participating, and to what extent they offer real opportunities for influence (Veneklasen et al. 2004).

In order to realize a transformative vision of participation in community development and governance, capacity-building must go beyond a narrow focus on technical skills to include political analysis for assessing contexts, risks, power and the underlying causes of a problem. Challenging attitudes and values of subordination, and developing a critical consciousness and a willingness to act on issues, are additional components. Capacity-building also includes tapping sources of inspiration and hope, and strengthening skills for designing and implementing a range of action strategies. Among these are organizing approaches, leadership development, information-gathering, media work, educational efforts, joint planning and agenda-

setting processes, conflict management, and ways to engage directly with the state or corporate institutions, such as advocacy, public accountability sessions and lobbying. (VeneKlasen et al. 2004, Friis-Hansen 2004a).

5. Theoretical and practical links between intervention models

5.1 Introduction

This chapter addresses the theoretical linkages between the intervention models, and discusses some existing practical examples of attempts to combine two of the three models (community participation/decentralization, RBA/community participation and RBA-decentralization). It doing so, it identifies both the positive consequences and the challenges faced by existing synergies. This will lay the ground for discussing, in Chapter 6, possible directions towards a more integrated local governance model that draws on all three intervention models.

5.2 Community Participation and Decentralization

There has been a tendency for many community-driven development projects that are focused on community participation to be implemented in parallel with development activities being implemented by local governments or the local representatives of line ministries. One explanation for this poor integration at the local level has to do with mutual distrust between local government authorities and project-implementing organizations. The latter perceive local government authorities as weak and view direct engagement with local communities through individual, independent projects as more cost-effective. Conversely, local politicians and government officials often lack the political will to share power with local citizens and their organizations.

Parallel implementation can also be seen as a side effect of how activities and services are organized. Local government units organize activities either according to the functions to be performed (de-concentrated sectoral approach) or based upon the territorial jurisdiction under a legally autonomous authority (devolution of power to local government). Meanwhile community participation activities are organized around local social units, which people organize, either traditionally, voluntarily or as instigated by INGOs/donors, to take or act upon collective decisions (Tidemand and Blom 2005).

In addition, lack of integration is viewed as the result of the inadequate capacity of local government staff and representatives of community organizations. Few local government officials and elected leaders have the skills required to operate effectively in participatory local governance. Changes in the attitudes of local government staff are a prerequisite for engaging in equal partnership with local communities (Gaventa 2006). Successful participatory planning and service provision will often require significant changes in the management principles of local government and capacity enhancement in the form of ‘training for transformation’ (Friis-Hansen 2004a).

Last but not least collective, the level of organizational capacity of local citizens and their ability to make choices and to influence decisions towards desired actions and outcomes on the basis of those choices influence interactions between community participation and decentralization. There are major differences between and within continents with regard to the empowerment of local citizens. Overall, the organizational capacity and empowerment of rural populations in Asia and Latin America are considerably higher than in Sub-Saharan Africa (Friis-Hansen 2005).

While these issues still pose significant challenges for the creation of synergies, since the turn of the century there have been many attempts to integrate community participation and decentralization (both devolution and sector-based deconcentration). In fact, this is much more widespread than linkages with rights-based approaches. The policy drive towards greater integration has come from both LG and community participation professionals, each with their set of motivations and distinct bodies of theory and practice. However, this is also made possible by a number of shared principles or theoretical linkages, which are addressed next.

5.2.1. Theoretical linkages

Decentralized local government programs (including de-concentrated sectoral activities and local government activities based on devolution) and community participatory projects share many of the same goals: empowerment of the poor and other marginalized groups, responsiveness to beneficiary demand, autonomy of local institutions associated with greater downward accountability, and enhancement of local capacities. However, community participatory projects generally operate at a much smaller scale, focused on particular groups, than local government, which ideally should consider a whole geographical population unit. The justification for combining the two approaches is that the two levels of scale can complement each other. Community participation models can ensure that citizens are capacitated and organized to articulate demands for services and can cater for short-term resource management and operational issues. Local governments are better positioned to ensure coherent, strategic planning and decision-making linked to medium-term, cross-sectoral resource allocation and the promotion of local economic development (World Bank 2005a). Mediating institutions can enable dialogue between community-based processes and local government institutions. This relationship of downward accountability is likely to be weak at the start and may require time before it matures.

In theory, through an inclusive process of planning, prioritizing, and decision-making, interaction between participatory demand-side and technical LG supply-side considerations can result in an enhanced sense of citizenship among local residents and improved access to and quality of services.

The inclusion of community participation in local government decision-making (planning, implementation, monitoring) can deepen local democracy and enhance downward accountability, as it enhances LG-citizen interactions between elections. It can also potentially enhance local citizen's capabilities and involvement in development. Relying on elections alone as a form of accountability reduces the direct influence that citizens can have on LG decisions.

Linking community participation models, such as CDD/CBD projects, to LG councilors, institutions can broaden the scope for more sustainable development efforts and a more holistic approach to development. This allows successful community participation to be scaled up beyond the temporal and spatial limits of a local project. Community-participatory projects that are implemented in parallel with no or limited links to LG institutions are often associated with short-term impacts and do not contribute to wider institutional and governance changes with respect to formal LG structures.

It has been argued that services that are highly discretionary and interactive-intensive, such as agricultural advisory services, are difficult to mechanize and are best managed as close to the users as is feasible (Pritchett and Woodcock 2003). These thoughts have inspired current service reforms towards the principle of demand-driven service provision. Provisional experience seems to suggest that demand-driven service provision is easier to implement when it is associated with the de-concentration than with devolution.

5.2.2. Practical linkages and challenges

The tendency of decentralization programs or LG reforms to integrate community participation has generally taken three forms. First, in a few countries, primarily middle-income countries in Latin America and Asia (i.e. Brazil, Chile, India and Philippines), local authorities are legally compelled to involve citizens in local planning processes in order to complement and feed into representative forms of local governance. In some of these countries, participation in local governance has even been written into the constitution. Elaborate processes for participatory budgeting have emerged in recent years.

Secondly, numerous countries, including many African countries, have established community representative councils or forums with the official aim of ensuring citizen consultation and/or more direct forms of decision-making to have an influence over development plans. These can be seen as institutionalized forms of community participation distributed evenly within a LG geographical area and comprising sub-district level structures. Examples include Village and Ward Development committees in Zambia and Zimbabwe, or community participatory councils and forums in Mozambique. In Tanzania, Ghana and Malawi there are similar arrangements. While these structures ideally contribute to the downward accountability of LG institutions beyond elections, their performance is mixed. Many of the local institutions were in fact originally established when African nations were one-party states and were historically associated with upwards accountability, in contrast to their official purpose. Although they are important institutions for ensuring the downward accountability of local government, elements of upward accountability are often still present.

Thirdly, public-sector reform programs (sometimes discussed as second-generation structural adjustment reforms) have opened up political spaces for direct participation by citizens in the demand-driven governance of selected areas of decentralized service provision (World Bank 2005b). This refers to interventions that maximize access for and participation by the poor by strengthening the relationships between policy-makers, providers and service-users. Users of services are given a voice in the governance of these services through their use of community structures (e.g. school management committees, health-users management committees, farmer forums, water-user committees, etc.). Funding for such activities is usually provided by central government and implemented under the auspices of local government.

Demand-driven agricultural advisory services were developed by the Neuchantel donor group as a response to the failure of the command-managed Training and Visit agricultural extension approach (Neuchantel Group 1999, Friis-Hansen 2004).

Within community participation too, there has been a tendency to seek closer interaction with local government. Some CDD and social funds programs have begun to address concerns over the sustainability of community participatory and empowerment projects by stimulating interaction with local government institutions. Meanwhile groups of local citizens, who have been engaged for a period in community participation and thereby undergone processes of transformative learning and economic and organizational empowerment, are experiencing more equal relationships with local authorities and a changed division of labor between local government and local community institutions in the planning and governance of service provision. An example of this is the Farmer Field Schools (FFS) in Kenya, where FFS farmer groups have organized themselves into networks in nine districts in an attempt to interact in a collective manner with local authorities and the private sector.

Box 4. National Agricultural Advisory Services in Uganda

Government of Uganda policy for district-level support for agricultural development is embedded within the Program for Modernization of Agriculture (PMA). The PMA has been implemented since 2001 and has seven pillars, of which National Agricultural Advisory Services (NAADS) is the most prominent. The NAADS mission statement is 'increased farmer access to information, knowledge and technology through effective, efficient, sustainable and decentralized extension with increasing private sector involvement'. The NAADS program aims to improve service delivery by devolution management of functions and services to institutions at sub-county level that are governed through direct participation of farmers (i.e. Sub-county Farmer Fora). Services are no longer provided by local government staff, but by local private service-providers who are contracted by Sub-county Farmer Fora to deliver specific services. The central principle is that funding for these agricultural advisory contracts flows directly from central government to the Sub-county Farmer Fora.

NAADS is an example of local service delivery through a combination of de-concentration and direct participation. The NAADS program by-passes the politically elected local government in terms of both finance and political control and radically changes the role of local government staff from one of implementation, i.e. public extension workers, to the role of facilitator of the contractual arrangements between farmer-owned sub-district institutions and local private service-provider companies.

Experience with the NAADS program in 2001-2007 showed mixed results, with significant successes in districts where local government has accepted and is actively pursuing its new role, but failure where local farmer institutions and private companies are seen as undermining local government.

Source: Friis-Hansen 2004b, Friis-Hansen 2007.

Few local government officials and elected leaders have the skills required to operate effectively in participatory local governance. Changes in the attitudes of local government staff are a prerequisite for engaging in equal partnerships with local communities (Gaventa 2006). Successful participatory planning and service provision will often require significant changes in the management principles of local government and capacity enhancement in the form of 'training for transformation' (Friis-Hansen 2004). Another challenge could be to ensure that community participation, when institutionalized within LG processes, does not result in mere consultation and/or the simple legitimization of LG decisions taken by politicians and technocrats. This could undermine significant transformations of power relations and empowerment, as well as potentially decreasing the political space for citizens' own initiatives and capacity to challenge power structures. The Mozambican case illustrates how community participation can become politicized, with community representative councils being used to bolster the power of the ruling party, rather than providing an open space for critical dialogue and citizens' influence. Another potential challenge relates to issues of equity in terms of participation and distribution. How does community participation through representative councils ensure that some people are not excluded and marginalized?

5.3 Community Participation and Rights-Based Approaches

Until recently, linkages between rights and participation were a relatively rare product of individual actions or of certain specific isolated program experiences, rather than the outcome of explicit organizational mandates or program guidelines (Veneklasen et al. 2004: 13). This is slowly changing, whether among human rights organizations seeking to embed their work in local communities and integrate participatory methodologies,

larger donors adopting an HRBA with a specific emphasis on the HR principle of participation, or NGOs integrating RBA into their well-established community-based development programs and use of participatory methodologies. Linking rights and participation is based on a number of theoretical assumptions about the added value of such linkages, as well as being informed by criticism of community participatory projects and human rights work respectively (see Chapters 2 and 4). We begin with these assumptions, followed by a number of concrete examples of synergies and a discussion of challenges.

5.3.1. Theoretical linkages

For human rights organizations, the gradual turn towards an emphasis on community participation has been informed by the need to engage people directly in rights work and to “root rights” in people’s daily needs and struggles for survival as being more effective, sustainable and sound ways of promoting rights and securing political transformation. If rights are seen as political tools for claiming resources and ensuring justice, then there is a clear link to people’s active and engaged participation (as is also suggested by the empowerment and middle-ground (H)RBAs) (Veneklasen et al. 2004: 10). The turn towards participation is informed by the critique of the legalist HRBA’s, discussed in Chapter 2, for being too top-down and externally driven (ibid: 7, 16). It has also resulted from experiences of HR organizations in working at the community level, which have discovered that rights advocacy or civic education based on legal experts disseminating information about laws and legal procedures often has little meaning for local people and does not enhance their newly won capacity to claim rights and hold duty-bearers accountable (Nyamu-Musembi and Musyoki 2004: 15). Using participatory approaches in rights work is seen as a means of making rights real to people in different contexts, for example, through participatory learning processes that engage people in analyzing their situations and in developing solutions that use and promote rights (Veneklasen 2004: 16). Moreover, participation is itself increasingly promoted as a right, which is also supported by the UDHR. At the local level, realization of the right of people and communities to participate in government decision-making processes is seen as necessary for the realization of those rights that are associated with more tangible desired outcomes, such as water, health, education and land, because it can enhance the downward accountability of duty-bearers (Nyamu-Musembi and Musyoki 2004: 22). This can be linked to the middle-ground HRBA, which views participation as an HR principle, both as a goal and as a means of implementing rights-based approaches to development. Finally, the linking of rights work with community-based participation by HR organizations is seen as a more effective way of changing national reforms and governance performance in accordance with human rights, rather than merely strengthening national HR organizations. This means building active local constituencies to exert pressure for change from below, for example, by facilitating rights awareness among community members and supporting their efforts to translate needs into rights claims and to file complaints to duty-holders. It is evident that the synergies between community-based participation and rights work are facilitated by the less legalistic and individualist rights perspective, such as the empowerment RBA and the middle-ground (H)RBAs, which emphasize the localization of rights and collective or group-based mobilisation as an element in strengthening people’s capacity to claim and assert rights.

For development NGOs and donors working with community-based development and participatory strategies, the integration of a rights perspective and/or (H)RBAs is presented as a way of providing a more political edge to development assistance and participation. Rights-based approaches can facilitate this by drawing attention to the macro-politics of the broader policy environment and by focusing on empowering people to demand accountability from political institutions and to become aware of, claim and defend their rights (Nyamu-Musembi and Musyoki 2004: 22). In DFID 2000 target strategy paper ‘Human Rights for Poor

People' DFID has integrated a rights perspective on poverty reduction into its activities.⁶ The paper explicitly emphasizes participation as part of a rights perspective to empowerment of the poor, which means that its rights focus goes beyond the democratization and rule of law agenda. (see DFID section of annex).

The shift towards a rights perspective is informed by the criticism that community participation is becoming an increasingly de-politicized means of improving project performance, rather than fostering critical consciousness and decision-making involving people in agenda-setting jointly and the sharing of power. Thus it is a response to participation becoming detached from empowerment (Veneklasen et al. 2004: 3-5). Moreover, a broader rights focus is also seen as a response to the criticism that community participation is becoming too narrowly focused on the micro-context of projects, rather than on the wider policy and political institutional changes that a rights focus usually entails. Community-based development with a rights-based approach can mark a shift from fulfilling needs and securing 'provisions' towards equipping people with responsibilities, letting them know about their entitlements and making them aware of the institutions they can address to obtain their entitlements (Nyamu-Musembi and Musyoki 2004: 5). This also implies explicit efforts to enable communities to engage with government institutions and policy processes, rather than being organized around isolated, community-based projects (ibid: 7). In relation to this, some scholars argue that 'participatory approaches are more likely to have greater potential for influence if they can be strengthened by claims to participation as a legal right' (Gaventa 2006: 18). Finally, the focus in a rights-based approach on discrimination and power relations can also potentially add value to community participation by drawing attention to issues of equity and marginalized groups within communities, as well as between communities and the wider society. It is evident that the integration of RBA within community-based development can most easily be aligned with those donors and NGOs that perceive participation as empowerment rather than merely consultation (see chapter 4).

In theory, linkages between participation and rights can thus add value to both community participation and (H)RBAs as intervention models. Used to create synergies, rights can be seen as the policy and political side of participation efforts, working to make government and other powerful institutions accountable and secure equity, whereas participation can be seen as the practical side of rights work, which gives rights concrete meaning in people's lives and enables them to engage with rights claims based on their identified needs and solutions (Veneklasen 2004: 3). In principle such synergies can avert the risk of both intervention models being too technical and narrow, rather than challenging larger power structures and contributing to transformation (such as HRBA's failure to engage people at the grassroots and the tendency of community participation to be a simple de-politicized means of improving micro-project performance).

5.3.2. Practical synergies and challenges

Concrete experiences with integrating (H)RBA and community-based participatory development are slowly emerging, ranging from human rights organizations that are now beginning to embed their activities in local communities, to development NGOs that adopt RBAs in their community-based projects.

This has yielded positive results, but has not been without its difficulties and challenges. As case studies illustrate, the key challenge is to create genuine synergies that draw on the strengths of each approach, rather than use either participation or rights as simply an add-on to ongoing projects or programs. Another challenge is to ensure that the weakness of both community participation and RBAs in being too narrow and

⁶ The background for the focus on rights by DfID was that in 1997 the Secretary of State requested that human rights be incorporated into DfID policy, as reflected in the 1997 White Paper.

focused on particular groups or rights, rather than larger issues of political transformation, is not reproduced through the creation of synergies.

For human rights organizations, the integration of community participation has taken their rights work from national-level activities to include local-level initiatives that involve communities directly. It has also involved a shift in the culture of their work from being very top-down and focused on ‘telling people about rights’ to facilitating people’s own understandings of their rights. One result is that rights work is now more directly linked to people’s own struggles for access to resources and benefits. This is exemplified by experiences from Kenya (see Box 5).

Box 5. Experiences from Kenya: Human rights organizations adopt community participation

The Kenya Human Rights Council (KHRC) has recently changed its approach from being concerned with documenting human rights violations so as to publicise them internationally to a focus on ‘rooting rights’ in communities. This has involved training community-based ‘human rights defenders’ and setting up ‘friends of KHRC’ within communities to develop teaching materials on human rights. It has also enabled a space for communities to invite the KHRC to engage in specific struggles identified by communities. One example of this was helping factory workers to raise complaints to employers. Engaging with communities has led to a change from fixed projects to a more flexible and long-term programming, which has enabled KHRC to respond to emerging community needs and initiatives when these arise (such as by putting money into a Community Initiative Fund).

The Centre for law and Research International (CLARION) in Kenya has been concerned for a long time with civic education that concentrated on teaching people about electoral laws and the meaning of democratic leadership. After adopting a community-participatory approach civic education has become more flexible and related deliberately to local contexts and the issues raised as most pressing to each community. This has also involved a shift from short-term training workshops to the training of community trainers and the inclusion of local knowledge. In its anti-corruption work CLARION has also oriented itself towards facilitating and protecting community action to challenge corrupt practices rather than merely reporting on corruption in national spaces.

Source: Nyamu Musembi and Musyoki 2004.

Another Kenyan example is the use of a dialogue approach concerning water access that carries on from the institutionalization of participation of the 1990s. This has involved organizing seminars that bring together the Kenyan authorities and CSOs to address questions of rights and responsibilities (ibid: 34). According to Nyamu-Musembi and Cornwall (2004), the focus seems to have been on national authorities and national-based HR NGOs. See SIDA section of Annex.

A key challenge is to change the attitudes particularly of legal professionals, who predominate in HR organizations, towards adopting the values and forms of behavior that underlie community participation, such as changing the tendency of legal advisors to view community-level workshops as a waste of time, or to be reluctant to allow community members to take part in the management of funds (Nyamu Musembi and Musyoki 2004). This can be related to the fact that community participatory work requires a lot of time, patience and negotiations, as opposed to the rapid pace and informational demands of national policy work. The danger lies in simply adding the rhetoric of ‘community participation’ to the task of legitimizing rights work at the national level without genuinely engaging local communities and creating development alternatives that improve people’s lives in tangible ways (Veneklasen 2004: 20). We suggest that this danger

can be likened to the common failure to create synergies directly with other projects and programs working with community development, with one's project instead remaining a separate HR initiative. One exception is the DfID-funded RAVI (Rights and Voices Initiative) project in Ghana, linked to DfID's Ghana civil-society strategy, which has tied rights work to development and support to civil society. The aim is to empower citizens to engage with the state in order to fulfill civil, political, economic and social rights, with a particular focus on vulnerable groups. On the one hand, this implies aid to empower citizens to realize rights associated with livelihood (shelter, food production, land and water) and to demand quality services (education, health and social welfare). On the other hand, it involves the promotion of civil and political rights to ensure transparency and citizen participation in governance (for example, through access to public information, redress mechanisms or transparent budgeting). The RAVI project exemplifies a more holistic approach to the creation of synergies between participation and rights, as well as to tangible development outcomes. It also adds a clear emphasis on the accountability of government institutions that is more institutionalized or broader than the Kenyan examples in Box 5. To date, unfortunately, there are no evaluations of the RAVI project.⁷

A number of HR-related support activities have taken place through partnerships with inter-government organizations and INGOs (Piron and Watkins 2004: 24-7). The former has implied DfID support to develop HRBAs further or funding activities that are directly relevant to the promotion and protection of HR (for example, support for UNICEF, UNIFEM and the UN High Commissioner for Human Rights) (ibid: 24). The latter has included partnerships with and support for fifteen INGOs, which focus particularly on either the adoption of rights-based approaches to empower excluded people to claim rights (such as ActionAid, ChristianAid and CARE), or on the rights of specific groups such as children, the disabled and the elderly (such as Save the Children and HelpAge International) (ibid.: 25-6). These different partnerships have centered principally on the demand side, focusing on empowering the poor and marginalized to make demands on power-holders or duty-bearers. This also includes DfID's support for joint funding Schemes for NGOs such as the Civil Society Challenge Fund and related rights work in southern Africa, Peru and India (ibid: 26).

Among NGOs and donors, integrating RBA into their community-based development projects and programs has generally led to a re-orientation towards addressing needs or services such as the attainment of specific rights, the empowerment of marginalized groups, employing the language of international human rights, building alliances with civil-society groups working on HR and/or enabling communities to engage with government. In some cases, such as Action Aid and CARE, this has been underscored by an explicit adoption of RBA in all programming. One implication is that poverty reduction is now conceptualized as a problem of unequal power relations, rather than just one of service delivery and development provisions. However, there are also differences between how the two NGOs integrate RBA. Action Aid has mainly employed an RBA to launch high-profile 'rights campaigns' for particular rights of particular groups (such as better working conditions for plantation farmers). This is similar to some of DfID's rights-based projects (such as women's rights in China and Brazil, minorities in Eastern Europe, land rights in Zimbabwe, child labor in China and indigenous people in Latin America) (Piron and Watkins 2004). The challenge for these initiatives has been to relate the new rights focus to tangible development outcomes for communities. Often, as Veneklasen et al. note, there is the risk that adding the language of rights to community development programs means that the legal or advocacy dimension of RBA becomes too dominant and organizations fail to weave together the RBA and participatory approaches properly into a stronger whole (ibid: 3). Sometimes adding rights has even

⁷ www.ravighana.org/initiative.asp

meant that concerns for people's needs (conventionally covered by development programs) are sidelined merely to promote specific rights and attack rights violators (VeneKlasen et. al. 2004: 3).

CARE differs from this approach by integrating RBA into its ongoing community-based projects that centre on tangible development outcomes. One example is CARE's Household Livelihood Security Approach in Kenya.

Box 6. CARE: Integrating RBA into community-based development

The Household Livelihood Security aims to reduce poverty at community level, originally by mobilizing communities around income generations and provision of resources. After integrating RBA the project has introduced the concept of self-determination at personal and household level – in the sense of enabling people to make decisions on their own well-being, through securing resources that make that possible. It also means that CARE now links its community based efforts to influencing policies at national level. The shift to RBA has also meant that CARE has taken on an advocacy role that implies that CARE now must stand by the communities they serve, even if this means going up against donors and partners – such as by supporting farmers against unions that exclude them. Concretely the Household Livelihood security project enabled farmers to organize themselves to demand extension services from the providers they found most advantages (amongst government and private providers). The dilemma was that this focus on self-determination led farmers to opt out of public services, instead using private services. This undermined the relationship to the government, and contributed little to improve public services. Moreover the exclusive focus on farmer groups meant that the project did not contribute to a more holistic effort to enhance the rights of all citizens in the geographical area of support.

Source: Nyamu-Musembi and Cornwall 2004

The challenge of projects like the one described in Box 6 is to help communities engage with governments, rather than to widen the gap and create isolated projects. In a sense, this reproduces the criticism that community-based development projects tend to be isolated micro-initiatives detached from larger institutional changes. This can be contrasted with the SDC-supported local-governance program in Bangladesh, where CARE-Bangladesh is also engaged in training local government bodies to become more transparent and accountable to citizens, alongside creating rights awareness and empowering local communities to participate in governance.

It can also be contrasted with the way OXFAM has integrated RBA into its work with community participatory development. Here a rights focus has implied funding to help mobilize marginalized and excluded groups to demand services from the state (such as education and agricultural extension services), which hitherto they have not had access to. OXFAM combines the capacity-building of communities to demand rights with lobbying at the national level, as well as support to the mobilization of community participation in building schools and other tangible development outcomes. Although these initiatives integrate rights, participation and development in a more holistic manner, they share with the other examples of CARE-Kenya and ACTION AID a focus on the particular issues, needs and rights of specific groups, rather than having a holistic focus on an umbrella of services or rights.⁸

⁸ Interview, Hans Otto Sano, IMR, 14.05.07.

Box 7. DanChurchAid, India – Food Security Program

DCA's food security program in India has adopted a rights-based approach to its former exclusive focus on service delivery. After the shift DCA has focused more explicitly on marginalized and vulnerable groups (such as Dalits, tribals, children, old people and disabled), but it also targets duty-holders responsible for service delivery, as well as links up with legal rights groups at national and state levels. Before the adoption of RBA the focus was alone on improving livelihoods through distributions and community mobilization, but now it also places specific emphasis on combating discrimination within communities and making state officials more accountable. The programme combines RBA with a participatory development approach to empower local communities to access and utilise productive resources and services. These initiatives are linked to political action and lobbying at national level, creating awareness of the conditions of the poor. It is also combined with efforts to strengthen the function and quality of local state services, including securing equity (such as by lobbying to increase public allocations, combat fraud and discrimination, capacity build state officials to deliver services and strengthen accountability of public officials through increased awareness, monitoring and complaint mechanisms). Finally, the program works to strengthen the technical capacity of poor communities through the introduction of low-cost, low-tech practices of sustainable agriculture and mechanisms for alternative livelihood incomes. Thus the program works to strengthen the interface between rights-holders and duty-bearers, while also engaging with tangible productive improvements.

To enable the linkages between the diverse efforts the DCA does not implement the program directly itself, but supports a platform of partners of interlinked initiatives and projects. This enables the program to have an impact at community, local government, state and national levels, and to combine a range of approaches (legal advocacy, awareness raising, capacity-building and technical services and community empowerment). The program has had huge success for poor communities, and this is attributed to its ability to interlink different approaches and levels – rights advocacy on discrimination with community participation, improved productive resources, capacity building of public service providers and lobbying with the national government to lay pressure on local governments to deliver services. However, it is also noted by the evaluation that the added value of combining RBA with other approaches is dependable on a favourable legal and institutional environment (such as rights being inscribed in laws and constitutions and a strong judiciary).

Source: DCA-India 2006

This tendency is a frequent result of the integration of RBA and community participatory intervention models more generally, and in many respects it reproduces the tendency of both rights organizations and community development projects respectively to be too narrow in focus and to fail to address, holistically, larger political transformations in the sense of creating a wider political environment for all citizens to claim and realize their rights. This is because initiatives that only empower a number of organizations of marginalized groups to exercise a selected set of rights fails to ensure a broad-based inclusive approach that considers the equal rights of all citizens (i.e. equity) and focuses on the links between different types of rights (i.e. the interdependence of rights; Joy 2003). Moreover, we suggest that a core challenge is to be better at linking community- and group-based rights initiatives more systematically to building the capacity of local governments to be responsive and accountable to community needs and rights claims. As existing examples illustrate, this is seldom done in projects that link RBA and community participation, and when government is linked to community demands, this concerns individual issues or rights.

Exceptions to this include the CARE-Bangladesh example referred to above and the Food Security Program of DanChurchAid (DCA) in India. The DCA-India example illustrates how integrating RBA and community

participation yields more comprehensive results when the approach is more holistic, engaged at different levels of community, local government and the central government or state, and creating linkages between different organizations. An interesting outcome of the DCA program is also that it has led to increased demands for decentralization of the control of public services, even though the program is not directly part of a decentralization program.

According to Veneklasen et al. (2004), the added value in linking rights to participation is only achieved if they are both envisaged as part of an integrated process of social change designed to transform power relations and create new relationships based on a different set of values (i.e. solidarity, equity and the common good). This can be likened to the concept of ‘transformative empowerment’ or participation as empowerment, for example, through efforts to provide tools and create the conditions to help people expand their capacity to analyze problems and deal with power at the micro-level (personal, community and organizational) and macro-level (local, national and international policy arenas). However, many current efforts to link RBA and community participation have not led to efforts to reform power configurations and challenge existing structures. Because this approach to both rights and participation has a potential for latent conflict, it has led some organizations who initially adopted RBA to tone down the transformative aspect and to focus in practice more on technical participation, thus giving rise to criticisms of this strand of RBA that are quite similar to those it originally set out to address. As noted above, the wider transformational potential of linking RBA with community participation can also be under-emphasized by being too narrowly focused on micro-projects and the rights of particular groups.

A way to avoid these pitfalls is to include a more holistic approach that combines the strengths of the two approaches, rather than substituting one for the other. This implies enhancing links between organizations and different levels, as well as combining a focus on community participation around rights claims and the strengthening of the institutional capacity of the state and civil society to fulfill obligations. Organizations that integrate RBA and participation should also pay more attention to issues of government accountability (the duty-bearer aspect of RBA) than is usually the case when the focus turns to the community level. Key here is also comprehensive understanding of both visible and invisible power structures through the political analysis of contexts, risks, power and underlying causes of problems that are characterized by many HRBAs (ibid: 4, 6). Finally, organizations that integrate RBA should be careful not to take attention away from the tangible development outcomes that are characteristic of community-based projects and substitute these for a focus on civil and political rights. Tangible outcomes are usually a highly motivating factor behind people’s involvement in rights claims and in community participation (ibid: 11).

5.4 Decentralization and Rights-Based Approaches

While community participation is increasingly being integrated with both RBAs and decentralization, there are practically no local government or decentralization programs that explicitly employ rights-based approaches (Crawford 2005a: 2). Similarly, HR organizations are only slowly beginning to explore ways in which the devolution of power to locally elected governments can improve rights promotion and realization (ibid.). An inspection of different local government programs centering on decentralization provided by the ICHRP (2004) also shows a focus on human rights principles such as accountability, participation, transparency and non-discrimination or equity. However, these programs do not use the language of rights or refer explicitly to international human rights standards (ibid: 103). The examples that exist of synergies between RBA and decentralization are mainly to be found among those NGOs that integrate RBA within community

participatory projects and link this to strengthening the capacity and accountability of local government officials, as with the cases of DCA and CARE-Bangladesh referred to in Section 5.2.2. However, it is only the CARE-Bangladesh example that is directly linked to a local government program component, supported by SDC. This reflects a broader trend. Where linkages are made between local government and rights-based approaches, it is usually in the form of sub-components of donor-supported decentralization programs that are sub-contracted to INGOs or local NGOs under the label of ‘civil society support’.

There are a number of reasons for the lack of explicit linkages between decentralization and HRBA. One relates to a longstanding professional separation: whereas HR organizations have been dominated by legal professionals and have tended to work at the international, national or community levels, people working with decentralization have been dominated by public administration professionals, who focus on the managerial and technical aspects of governance. The latter group has been highly skeptical of what HRBA can add to LG, seeing rights as leading to potential conflicts between LG officials and citizens. Conversely HR organizations have commonly ignored local governments, due to an emphasis on human rights being attached to central state obligations and the idea that a strong central government authority (the primary protector of HR) is needed to curb the abuses of citizens by local power-holders (ICHRP 2004: 23).⁹ This has conflicted with LG professionals’ view of the central state as a main obstacle to local-level democratization (Santos 2001: 8).

Despite these historical differences, changes to HRBAs (such as the middle-ground approach and the community empowerment RBAs) in the direction of more bottom-up and less legalistic methodologies, as discussed earlier in this report, have made a number of organizations and scholars stress the advantages of creating synergies between decentralization programs and (H)RBAs. Next we address the arguments for synergies as a means to improve both rights realization and decentralization and then discuss some of the challenges that this faces.

5.4.1. Theoretical links

Proponents of integrating HR and decentralization overall argue that a rights perspective can help LG institutions perform in a more participatory, accountable and equitable manner because HR standards and principles provide useful tools for assessments and ask questions that reveal information about policies, groups of people and practices that would otherwise remain invisible (see, for example, Crawford 2005a; Joy 2003; Santos 2001; ICHRP 2002, 2004). This is based on five interrelated arguments.

First, local-government service-delivery can become more downwardly accountable when services are conceptualized in terms of citizens’ rights rather than as charity or welfare, because it underscores active citizen participation in accessing rights and in obliging LG to deliver services based on citizens’ active claims. This relates to the understanding of rights as implying responsibilities, in this case those of LG institutions to fulfill their obligation to deliver the services they are responsible for (Joy 2003). Viewing services as rights or

⁹ Santos’s (2001) study of the Philippines (where both extensive devolution of powers to locally elected governments and commitments to HR have taken place) makes the point that, instead of HR advocates being overtly or theoretically opposed to decentralisation, they have simply not considered the potential link between HR and local government. This is a matter of the separation of traditions: ‘the connection is simply not readily made’ (ibid: 7). However, when HR advocates in the Philippines were in fact asked the question whether a link to local government would add potential value to HR promotion, they tended to agree readily, often adding that they had given little thought to this earlier! (ibid: 8).

entitlements also grants more agency to citizens in principle, who can make explicit claims to LG institutions when and if these do not fulfill rights (ICHRP 2002: 48). These points may be related to HRBAs' conceptualization of citizens as rights-holders and of local governments as duty-bearers. It can also be related to the emphasis on HR as having legal weight and on HRBAs as providing a specific list of duties and rights that are backed by international declarations and covenants. Services as legally backed rights can provide specific measures of performance by which to judge and monitor the behavior of LG officials. These could, for example, draw on the instruments that HR activists and advocates have used for a long time to collect and present facts on abuses (ICHRP 2002: 33). Services as legal rights also mean that LG institutions can be brought to justice or sanctioned if they fail to promote and fulfill their obligations. This can include pressures from above by the central government, or from below by citizens (such as through complaint mechanisms). However, it is realized that to be effective this requires: a) that central governments have agreed to HR standards in legislation or constitutions (such as people's rights to education and health or the right to participation in political decision-making) and work to promote and protect these rights, including by holding LG institutions accountable, as well as by ensuring that the central authorities live up to their own responsibilities (such as making sufficient resources and infrastructure available for public services); and b) legal institutions and procedures are in place and functioning (such as municipal courts, law-enforcement agencies, supreme audit commissions, ombudsman and HR commissions). An HRBA that has a systematic approach (such as the middle-ground HRBA) can in principle assist in advancing these conditions by linking already existing national-level HR work with LG programs. For example, in some countries like Tanzania and Senegal economic and social rights are not yet judiciable, even though these countries have committed themselves to fulfilling them (ICHRP 2004: 67).

Secondly, it is argued that a HRBA that encompasses the HR principles of accountability, transparency, participation and non-discrimination can add value to the decentralized governance of service delivery because it focuses on the process and quality of the latter. In other words, the HR principles set standards for how services are provided, rather than merely being confined to the delivery itself in technical terms or to the quantity of services delivered (ICHRP 2004: 48). This implies more expanded assessment tools and indicators that, for example, determine not only whether service delivery and related expenditure have increased with decentralization (such as the number of schools, pupils and territorial outreach), but also whether there has been citizen participation in defining priorities, services have been distributed evenly, the content of service has been adapted to local contexts and needs, information on education budgets, plans and personnel has been made publicly available, and mechanisms of accountability are effective and within the reach of the entire population (ibid: 51-2). Similarly, an HRBA places the emphasis on the qualitative measurements of participation, which means not only asking whether citizen participation in planning, budgeting and implementation has increased, but also how people participate and which people in the local arena participate (is it, for example, mainly the local elites, or do the poor and marginalized also participate?) (ICHRP 2004: 76). Focusing on these aspects of participation, it is argued, can help move decentralization and LG programs away from the tendency for participation to become a purely technical means to involve people in development planning consultations to focusing on the political dimensions of participation, i.e. on participation as empowerment (ICHRP 2002: 32). This point can be related to the focus of HRBA on political transformation.

Thirdly, and related to the second point, a human rights-based approach can enhance equity because it has a more explicit focus on non-discrimination as based on unequal power relations than most decentralization programs do. This requires LG to pay specific attention to the inclusion of poor and excluded groups in participatory decision-making. The principle of non-discrimination can also encourage LG to ensure equity in service provisions and resource allocations (Joy 2003: 19). Overall integrating an (H)RBA into decentralization programs can include a shift from concerns principally with the majority, as underpinned by the representative

democracy model, to a specific focus on access by particularly vulnerable groups to funds, benefits and participation. According to proponents of HRBA, a focus on non-discrimination can help mitigate the tendency of some decentralization processes to bolster the power of local elites or particular ethnic or religious groups, rather than ensured broad-based empowerment of citizens (Lundberg 2004; Crawford 2005a). Integrating the HR principles of non-discrimination into LG programs implies tools for assessing power relations within a given context and identifying excluded groups. It also means integrating particular mechanisms in LG, followed up by qualitative analysis of the participation of vulnerable groups, such as affirmative action, reserved seats for excluded people on elected bodies, monitoring committees composed of community representatives, targeted programs for vulnerable groups and so forth (ICHRP 2004: 63-4).

Fourthly, (H)RBA's emphasis on the interdependence of human rights (social, economic, cultural, political and civic) can make decentralization programs more holistically focused and engaged with establishing multi-sectoral interventions. Although in many places LG institutions now have the responsibility for a wide umbrella of services, there has been a long-term tendency for different service sectors to be de-linked, as well as for social/economic and civil/political rights work to be separated. An HRBA views the delivery of health, education and other basic services as essential for meaningful political participation, as well as seeing participation in setting service priorities as significant for improvements in equitable distribution and the quality of services (Joy 2003: 3). A holistic approach also includes a focus on security and access to justice, which are seen as necessary in enabling redress for rights violations, as well as in creating an environment for freedom of expression and non-discrimination. It should be noted that the value added of such a holistically oriented HRBA to decentralization programs draws on the middle-ground approach discussed in Chapter 2 of this report, and not from those (H)RBAs that have tended to focus on the specific rights of particular groups.

Finally, it is argued that HRBAs can add value to decentralization programs due to their strong emphasis on the overall responsibility of central governments to ensure the promotion, protection and fulfillment of rights, including setting national standards. On the one hand, this implies that a focus is placed on keeping central government responsible in devolving adequate resources and powers to the LG level in order for LG institutions to be able to fulfill their mandates to provide services. This can be done both from the national level, with HR organizations putting pressure on the central government, and from below, by making LG institutions aware of and capable of holding the national government to account for its duties (ICHRP 2004: 94). On the other hand, it is argued, the emphasis on the responsibility of central government to secure universal equality and equity across the country can help mitigate some of the problems associated with decentralization, such as the tendency for decentralization to reproduce economic inequalities between poorer and richer regions, to bolster local elites, and/or to undermine national citizenship by exacerbating ethnic conflicts and promoting separatism (ibid: 25-6).

These five arguments in favor of integrating rights-based approaches and rights principles into local government programs can overall be related mainly to the middle-ground HRBA discussed in Chapter 2. However, it is also realized that there are limits to what HRBA can do to improve local government performance. These include: 1) resources and productivity: an HR framework can help officials and activities lobby for the proper allocation of resources, but it is beyond its scope to enhance mechanisms for resource mobilization and the improvement of local economies; 2) political skills and will: human rights may inspire politicians and public officials to be committed to good governance and build skills that enhance legitimacy, but it cannot in itself create commitment or instill political skills; and 3) local civil society and social movements: a human rights framework can influence and support local civil society and civic commitment to participate in public affairs, but it is beyond its scope to determine the character of local civil-society relations (ibid: 98-9).

Proponents of integrating rights and decentralization also outline a number of ways in which democratic decentralization can enhance HR realization and add value to HRBAs (Crawford 2005a; Santos 2003; ICHRP 2004, 2002). These can be associated in particular with criticism of the tendency for HR organizations to focus on either national-level governments or local communities, which, as discussed in Chapter 2, was addressed by the middle-ground HRBA.

First, it is argued that HR organizations' efforts to promote HR can have more impact if HR also focuses on local governments because most human rights violations happen at the local level, often far from the glare of national publicity (Santos 2001: 9). This means that HR NGOs, ombudsman offices and HR commissions should themselves decentralize their operations, such as engaging in monitoring the performance of LG authorities (ICHRP 2004: 104). This point can be related to the systemic focus of the middle-ground HRBA, which holds that HRBA should focus equally on all levels of government institutions (see Chapter 2).

Secondly, decentralization can enhance the emphasis in HRBAs on making more effective the ability of rights-holders to make claims on duty-bearers. This is because, through decentralization, government in principle comes closer to citizens, thus improving the ability of citizens to make claims more directly, rather than through representation by national-based NGOs purporting to act on behalf of the poor at the national level (Crawford 2005a: 27). Similarly, by being closer to the citizens, LG authorities can also be expected to be more motivated in order to be accountable and responsive to citizens' needs and priorities, thus enhancing the HR principle of accountability (ibid.). LG authorities should in this sense be approached as the duty-bearers that are closest to the poor and marginalized (ibid: 2). Moreover, devolving resources and decision-making powers can empower district- and sub district-level staff to take decisions on planning and implementation, which provides improved opportunities not only for direct claims by citizens, but also for their dialogue, collaboration and meaningful participation in LG decision-making (Khasiani 2008: 60).

Thirdly, given the widespread tendency currently for the devolution of a wide range of responsibilities for service delivery to local governments, HR organizations will lose impact in promoting social and economic rights (including the principles of non-discrimination) if they do not focus directly on the performance of LG institutions (ICHRP 2004: 8). Conversely, HR work on advancing local community capacity to claim rights such as basic services and participation in decision-making will make little sense if LG authorities, being the nearest duty-bearers, are not considered.

Proponents of linking HR and decentralization nonetheless stress that the added value of decentralization for human rights realization depends on the degree of devolution of responsibilities to local governments and the financial resources at their disposal to deliver services (i.e. enforce social and economic rights) (Crawford 2005a: 26). In addition, it depends on the extent to which decentralization is accompanied by the strengthening of participatory institutions through which local citizens can claim rights from local governments. These aspects require efforts at both the national level, thus ensuring pressures from above for devolution, and the local level, thus ensuring spaces for citizen participation and influence.

5.4.2. Practical linkages and challenges

In practice, the explicit use of a human rights framework for local governance and the integration of HR criteria for assessing LG performance are very rare. One exception is the UNDP-supported 'Rights-based Municipal Assessment and Planning Project' (RMAP) in Bosnia and Herzegovina (BiH), which since 2002 has explicitly applied an HRBA to local government development. Overall the idea behind the project was that integrating an

HRBA into local government programs could help avert the failure of BiH municipalities to address economic inequalities, despite overall growth, as well as discrimination against and the exclusion of minorities and other vulnerable groups. These conditions, it was assumed, partly owed to a lack of awareness among local government authorities of their responsibility to promote and fulfill HR, and partly to a lack of skills in planning and implementing development projects (UNDP 2006.). The project began with a rights-based assessment of the HR and development situation in municipalities based on community participatory processes, and then developed into a fully fledged LG program that combined HRBA with other, more conventional LG tools and approaches, such as LED and SWOT. This included the capacity-building of LG authorities, use of HR checklists for service sectors, rights-based participatory assessment, the planning and implementation of development projects, citizen-awareness campaigns and 'Legal Background Papers' that provide information regarding legislation and sector financing, as well as the responsibilities of duty-bearers. In the latest phase of the program, efforts were also made to link up initiatives at the local level with national efforts to promote HR in legal and institutional frameworks and national support structures for capacity-building.

Box 8. Rights-Based Municipal Assessment and Planning in Bosnia and Herzegovina, UNDP

The Rights-based Municipal Assessment and Planning Project (RMAP) was initiated by UNDP Bosnia and Herzegovina, together with OHCHR and the BiH Ministry for Human Rights and Refugees (MHRR), as a human rights assessment project, focusing on documenting grassroots human rights information. RMAP has since 2002 evolved into a rights-based program for municipal development, which provides support to the lowest level of government. The project helps municipalities in formulating rights-based development plans, adhering to HR principles of participation, accountability, non-discrimination and transparency. It also provides technical assistance for the implementation of identified priority projects and measures. RMAP uses a rights-based perspective to deepen and broaden the analyses of local needs, potentials and service planning. By 2007 RMAP had facilitated the 15 rights-based municipal development strategies, based on participatory planning processes (including civil society, NGOs, citizens, private sector and municipal authorities). It had also initiated citizen awareness campaigns (leaflets, posters and meetings) and citizen service centers at the local level, which informs citizens of the results of planning processes and helps make LG authorities downward accountable. Joint trainings of various stakeholders on capacity development for local planning, project formulation and implementation has also been done.

RMAP also coaches BiH municipalities in adopting a multi-sectoral approach to municipal assessment and planning that is highly participatory (in some municipalities the planning involves up to 150 people), with a focus on the inclusion of the most vulnerable groups and by combining a RBA with a more standard, local development analysis. Sectors covered by the strategies relate to the local economy, participation in public affairs, education, health, social protection, culture and a healthy environment. Thus it covers a wide range of rights. After building local capacity for participatory planning, the program set up seed funding facilities in the 15 municipalities (approximately USD 40,000 per municipality) in order to move quickly to the implementation phase of various projects. The program has led to the successful implementation of various projects with co-financing from UNDP, private sector, NGOs and the municipalities, including for example repair/construction of schools, community centers/clubs, water supply and sewage systems, health care facilities for vulnerable people, and so forth. These projects have been important for the success of the program, because it showed that a participatory planning process and HRBA leads to immediate change and tangible benefits. The program has also resulted in the development of a comprehensive manual on 'methodology and tools for human rights-based assessment and analysis', as well as published municipal reports and strategies, and HR checklists that are used as scoring tools for participatory project selection within specific sectors.

Source: UNDP 2006 and www.rmap.undp.ba

An evaluation of the program in 2006 found that municipalities were making active use of strategies and that they had all moved into implementation by themselves or with the assistance of other donors.¹⁰ According to the evaluation, the use of an RBA has added value to strengthening participatory local development planning and LG institution capacity and accountability, as well as aided the promotion of HR more generally. The strength of the program lies in the fact that it has not tried to ‘reinvent’ LG program approaches, but managed successfully to combine HR with more standard development analysis and public administration reform tools. The use of RBA in assessments and planning processes (including non-discrimination analysis and HR checklists) has meant that issues of equity and social inclusion have been addressed because it has ensured that the most vulnerable groups participate. It has also meant that strategies were owned by local communities, rather than by LG institutions alone (*ibid.*). Moreover, the program has been successful, it is argued, because the focus of RBA on both rights-holders and duty-bearers has meant that citizens and LG officials share the same planning and assessment tools, enabling dialogue and partnership, and that rights claims are supported by the increased capacity of LG officials to deliver rights and be downwardly accountable.

Despite the successful results, the program evaluation also highlights a number of challenges related to integrating HRBA into LG programs, which are also shared by other observers of developing countries in the South (for example, Crawford 2005). One challenge is to be able to translate HR and RBA tools that can keep the essence of RBA, but at the same time be applicable and simple enough to allow transferability to partners (UNDP 2006). This also includes developing trans-disciplinary tools that systematically connect RBA to other accepted approaches (such as LED) and link the skills of economists, local governance experts and HR practitioners, rather than using these in parallel. In particular, in its first phase, the RMAP found that its RBA to assessments and planning failed to focus adequately on the capacity-building of LG institutions (e.g. in planning, budgeting and implementation). Useful tools from public administration and long traditions within LG programs were employed to correct this mistake.

Another challenge identified in the RMAP was the need to use a systemic or multi-layered approach that is capable of linking both vertical initiatives (state/central government, regions/provinces, local government) and horizontal initiatives (across all actors at the local level: LG, CSO, private sector, international community). Integrating HRBA into LG programs will be less effective if this is not followed up by efforts at the national level to influence legislation, the devolution of funds to LG and structures for capacity-building, as integrated into the RMAP in its last phase (though this has not yet been evaluated) (*ibid.*). Conversely, horizontal linkages are very significant, not only for broad-based ownership, commitment and participation in development planning, but also for ensuring the financing of projects (e.g. by the local private sector, as has been the case in many of the RMAP-supported municipalities).

Finally, the RMAP experience shows that multiple development planning processes and the requirement to collect a lot of data can easily overstretch LG capacities, not least in development analysis and planning. This is further complicated by the often unclear status and understanding of economic and social rights when taken down to the LG and grassroots levels. This concern has also been taken up in discussions of the challenges of integrating RBA into LG programs in African countries, where the institutional and financial capacity of LG is usually weaker than in countries like BiH (Crawford 2005a). One specific discussion asks whether the translation of services into rights can add value to LG performance.

¹⁰ See www.rmap.undp.ba

Actual attempts to translate local government services into judiciable rights are confined to a few cases, and it is very rare that local governments are taken to court for not fulfilling social and economic rights (one exception is South Africa, where, for example, the municipality of Grootboom was taken to court for not fulfilling the right to housing; ICHRP 2004: 68). One reason for this is that some countries have not made social and economic rights judiciable, but the most common reason is that people are not aware that they can demand justice vis-à-vis LG and/or that the justice system lacks the capacity to judge such cases (ICHRP 2004). These awareness and capacity problems do not apply to South Africa, for example, which might explain why there are examples of S&E rights cases being taken to court there. Based on experiences from Ghana, observers like Crawford (2005a) warn against the dangers of using an RBA in LG programs as a tool to translate LG services into rights in those countries where LG institutions still lack the capacity, full authority and resources to deliver quality services to the whole population, and where legal institutions are weak. This would place too much of a burden on LG institutions and could lead to potentially critical results: 1) services will be of poor quality (for example, too many pupils in schools compared to the staff and facilities they have available); 2) when services as rights are not realized fully due to a lack of capacity, rights fatigue among the rural poor may arise and/or create conflicts between LG authorities and citizens; and 3) translating services into rights may make little sense if local and national justice systems are not compelled to or do not have the capacity to adjudicate social and economic rights. For example, Crawford (2005a) points out that, in rural Ghana, a lack of LG resources to deliver services meant that many local communities did not see the LG as the duty-bearer to which to turn with rights claims, but remained relatively detached from LG, instead preferring community-based self-help groups as a way of realizing their needs.

A way to avoid these potentially negative consequences of integrating the more legalist focus of RBA into LG programs is to maintain a focus on a gradual, but progressive realization of social and economic rights in accordance with the state's available resources and the devolution of these to LG institutions (ICHRP 2004: 37-8).¹¹ LG services as rights can help hold LG accountable and feel responsible for working towards their realization, but this must be seen as a long-term process and be combined with adequate capacity-building and resource-allocation (ibid.). Another option, as proposed by the middle-ground (H)RBA discussed in Chapter 2, is to scale down the legalist emphasis on services as rights and instead focus on integrating the HR principles of accountability, participation, non-discrimination and transparency into LG programs and to combine this with gradual training in and use of human rights. Experiences from SIDA-Kenya point towards positive practical examples with such an approach within selected sectors at the LG level. These also show how decentralization can add value to HRBAs and vice versa.

However, the SIDA-Kenya program differs from the BiH-UNDP RMAP program because it focuses on specific sectors rather than on LG development overall. Nonetheless it can provide insights into how decentralization and rights linkages may contribute to strengthening LG service delivery from a more holistic perspective. Importantly, the SIDA-Kenya program also stresses that successful synergies between HRBA and decentralization depend on the application and scaling up of a range of participatory methods, such as participatory rural appraisal, as well as the setting up of various participatory forums. M & E systems also integrate participatory methods with the introduction of HR indicators. Thus the SIDA-Kenya experience

¹¹ This point about progressive realisation has, according to Piron (2003: 25), been overlooked,, in particular by economists within development agencies such as DfID, who view the translation of services into social and economic rights as giving way to the creation of unlimited scope for financial demands or claims on budgets. This view has been criticized by Norton and Elson (2002). The counter-argument is that translating services into rights should instead be viewed as a way of making the state accountable for the implementation of rights through adequate and progressive policies and resource allocations (Piron 2003: 25).

clearly points in the direction of integrating all three intervention models, as does the BiH-UNDP municipality program (RMAP).

Box 9. SIDA-KENYA – Integrating HRBA in local decentralized service delivery

SIDA-Kenya has integrated the four HR principles of accountability, participation, transparency and non-discrimination as well as HR training into various sectors, such as agricultural extension and health. Decentralization of resources and powers to local level service providers and their increased knowledge of participatory approaches to decentralized planning have been core enabling factor for making the HRBA effective. This is because local service providers are now empowered to plan and take decisions closer to the clients (i.e. bottom-up decision-making), which also enables increased community participation in influencing service provisions. Decentralization also means that resources can be allocated directly at community level and it has enabled transfer of decision making to the wider clientele in the form of stakeholder forums at the provincial, district and divisional levels. This has enabled the HRBA to be more successful in working with improving accountability relationships and in providing joint HR training of various stakeholders. Conversely HRBA, and in particular the principle of non-discrimination, has meant that decentralized planning and design now take into consideration poor and vulnerable group, which were hitherto not effectively reached with services and included in design and implementation, despite the extensive decentralization. HR awareness amongst community members has also enhanced the integration of systems of accountability to ensure that services are delivered when requested. However this has only been possible because decentralization at the same time has improved local service providers' capacity to manage resources at the local level. Decentralization has also made service providers more visible in local communities, enabling community members to better claim services directly. Integration of the HR principle of transparency has enhanced emphasis on information-sharing and dialogue, which in turn is enabled by the setting up of stakeholder forums provided by decentralization. HRBA has on the other hand secured better alignment between local service provisions and national policy and development priorities, including on agreed HR standards. This includes linking up with national HR organizations, which now provide materials and training on HR principles at local levels. This has helped improve staff skills in documentation, participatory monitoring systems, tools to identify and reach poor and vulnerable groups and development of community indicators. It has also advanced people's understanding of roles in the claim-holder/duty bearer relationship. The result is that services are provided more equitably and effectively, as well as being demand-driven and more participatory.

Source: Khasiani 2008 (SIDA)

For the agricultural and health sectors, a key challenge identified by the SIDA-Kenya program is the problem of inadequate staffing, which neither decentralization nor HRBA can themselves improve. In fact, experience shows that the decentralization of design, coordination, implementation and M&E, as well as increased citizen demands for services resulting from community mobilization and sensitization, has placed extra burdens on already inadequate staff. Other challenges include poor administrative conditions, transport, and the lack of or poor accommodation for staff in rural areas. These conditions hinder staff's capacity to respond to rights-holders' claims and to ensure adequate consultation and participation. Increased allocation of resources (financial and human) is therefore required for enhanced success of the program. This ultimately falls back on national government responsibility and the need to align local-level program implementation with efforts at the national level. The evaluation of the SIDA-Kenya program also finds that in general there is a need to change administrative and bureaucratic procedures to provide greater clarity regarding those roles and responsibilities that promote transparency and openness and that are less cumbersome, and also that studies and documentation of non-discrimination and accountability are lacking (Khasiani 2008: 77-8). The

overall recommendation of the evaluation is that HRBA needs to build on past experiences within local governance, and to be supported by decentralization processes and participatory methodologies. HRBA can add valuable tools for analysis and documentation, as well as provide a consistent focus on issues of non-discrimination, enabling the better inclusion of vulnerable and excluded people (ibid: 82-3). While this is already ongoing, the evaluation recommends a more comprehensive integration of HRBA in local service delivery with the wider national decentralization process, including going beyond individual sectors and focusing on LG institutions more holistically.

6. Towards an integrated local-governance model

6.1 Introduction

This chapter discusses four projects that are involved in creating explicit synergies between the three intervention models as a first step in the direction of contemplating an integrated local-governance model. Based on the insights of previous chapters and the cases available, we will tentatively suggest that an integrated local-governance model requires that the mutual strengths of the middle-ground (H)RBA, decentralization as devolution and transformative community participation be built on, and that care must be taken that they do not conflict.

For example, HR standards may conflict with locally identified priorities through participatory processes if issues of translation of rights are not addressed. Care must be taken that a focus on HR does not raise expectations among citizens to a level that goes far beyond the resources available, thus leading to frustration and unproductive conflict rather than synergy. Moreover, community participation and its focus on group mobilization may conflict with the universal inclusion of all citizens in development and decision-making; the HR principle of non-discrimination, implying a particular focus on marginalized and excluded groups, may conflict with the need of LG institutions to prioritize expenditure, as well as with the interests of local leaders; and the focus in decentralization programs on strengthening the technical capacity of LG institutions to manage funds and deliver services effectively may conflict with the often cumbersome process of participatory planning, as well as conflicts that may be sparked by citizens' rights awareness and claims. In some cases, the latter has led citizens instead to seek services from the private sector with public funding, as exemplified by some recent local governance programs enhancing demand-driven services.

While these challenges principally relate to activities at the local-government level, an integrated local-governance model also faces the challenge of addressing local–national linkages, including in terms of policies, institutional frameworks and resources. These considerations will become clear when we address, in the following, some of the few existing examples of actually linking RBA, decentralization and participation.

6.2 Practical Examples of Synergies

6.2.1. *IBIS-PPLG in Ghana: towards an integrated model?*

The DANIDA-funded Public Participation in Local Governance Program (PPLG) provides an example of linking RBA, participation and decentralization. It supports the strengthening of the official decentralization process in Ghana, which is committed to promoting the right to participate in local governance and development, and the extensive devolution of power, resources and competences to district- and sub district-level governments. This corresponds to the wider objective of promoting participatory local democracy. The PPLG program covers five districts and focuses on both the demand and supply sides of local governance. It integrates the use of participatory methodologies in development programming, HR awareness campaigns, LG capacity-building, and a specific RBA to mutually empower rights-holders and LG duty-bearers concerning joint development plans and service delivery. It also embraces a particular focus on marginalized groups, the environment, HIV/AIDS, and in some districts a focus on local conflict resolution and prevention.

The overall program objective is to empower CSOs, poor rural and urban LG institutions and vulnerable citizens to play an active and responsible role in governance and participate in joint development programs that respond to the needs and aspirations of the poor and the marginalized (IBIS, 2003). This, it is assumed, will contribute to poverty reduction. The program's use of an explicit rights-based approach is reflected in its conceptualization not only of citizens, civil society and LG institutions as rights-holders/duty-bearers, but also of poverty reduction. The latter is understood as the realization of people's rights, i.e. to adequate and accessible infrastructure, secure economic livelihoods (e.g. adequate allocation of development resources, enhanced agricultural production), potable and affordable water, education, health care and security. The program interventions facilitate the realization of these social and economic rights principally by supporting participatory planning processes, which are simultaneously conceptualized as the realization of the (political) rights to information on opportunities and government policies, and inclusion in district-level decision-making. Thus the program supports the principle of the interdependence of different generations of rights, but it does not use a strictly legalistic approach to rights realization, i.e. through judicial means. Rather, it facilitates rights realization by supporting decentralized development processes, using both participatory and capacity-building methodologies, as well as development project tools. In doing this it aims to promote the HR principles of participation, accountability, transparency and inclusion. The strengthening of LG institutions is seen as being conditional on the realization of these institutions' rights to adequate staff capacity, appropriate resources, adequate financial resources, logistics and freedom to do their work. This is facilitated through the capacity-building of LG institutions and by creating conditions that enable them to be linked better to ordinary citizens, to be accountable to people's requirements and to deliver better services.

Box 10. Activities of Public Participation in Local Governance (PPLG) program

The main activities of the PPLG program reflect a combination of the three intervention models:

- Building a stronger relationship between Civil Society Organizations and local government structures.
- Promoting development programs that respond to the needs and aspirations of the poor.
- Advocating for best practices for effective governance and decentralization.
- Building effective local government structures that articulate the development concerns of community members.
- Campaigning for citizens' rights through interface meetings and dialogue.
- Support citizens to demand transparency and accountability from state institutions.
- Creating CSO platforms at district level to hold LGIs accountable.
- Supporting national-level CSO partners to engage with government in policy dialogue.

Source: IBIS 2007, *Report on External Evaluation and* www.ibisghana.com

The program also encompasses lobby work at the national level. The latter is informed by the program's specific objective, which is to influence change in national programs and policies on decentralization in the direction of being more in favor of the poor and marginalized.

According to the program's 2007 evaluation, program interventions have been very successful at the sub-district levels. They have principally focused on working with CSOs, which have been successfully strengthened to represent the interests of the poor and vulnerable groups in participatory planning processes and to enhance citizens' capacity to demand rights (the demand side). Supply-side capacity-building has also been successful in strengthening sub-district institutions, which in some places were not functioning prior to program interventions. These are now operating in the five districts and are becoming responsive to citizens' demands. Few program activities have been directly focused on the capacity-building of LG institutions at the

district level. These have mainly been addressed by CSO platforms, which have tried to influence their operations.

Box 11. Positive results of the PPLG program

- 38 sub-district structures functioning in program districts. This has taken the form of area councils, receiving logistical and salary support, and being operationalized as centers of citizen/LG representation and interaction through capacity building that strengthens a culture of citizen participation in planning processes. District platforms of area councils seek to strengthen their bargaining power in influencing district-level LG development plans.
- Citizens express their concerns and aspirations on developmental issues to sub-district structures, mainly through CSOs, and due to increased collaboration between local NGOs/CBOs and public service agencies.
- Citizens demand transparency and accountability from local government authorities, mainly through CSOs. This is due to improved citizen knowledge of the content of development plans, based on participatory processes. In one instance this led a community to complain about a district development project, which did not correspond to the agreed community action plan.
- Citizens have become more conscious of their rights and responsibilities, through consultation and information in the communities on public services and the infrastructure of delivery of services. This has increased people's access to quality services.
- District development programs now respond more to the needs and aspirations of ordinary citizens, due to the empowerment of civil society partners to contribute to the formulation of in particular Medium Term Development Plans. They do this by bringing their knowledge of vulnerability and citizens' aspirations into preparation of plans.
- Citizens' willingness to pay their local taxes has increased, due to increased confidence that these taxes will be reinvested by district government based on citizens' identified priorities in their local action plans.
- Duty-bearers, in particular public service providers, have become more accountable and transparent, now explaining their decisions and actions against citizens' expectations and take corrective action. A gradual change in viewing downward accountability as an obligation rather than a favor to society is emerging. This has been nurtured through empowerment of civil society to hold duty-bearers to account, e.g. through platforms and public interface fora where citizens and duty bearers engage in dialogue as well as through CSO participation in development planning.
- Increased rights-campaigns by CSOs and CSO platforms addressing the rights of women, youth and other vulnerable groups.

Source: IBIS 2007, Report on External Evaluation.

Overall, the IBIS-PPLG program illustrates the added value of integrating the three intervention models into one program strategy by drawing on the mutual strengths of each, rather than treating them as separate activities and methodologies:

- i) Decentralization in the form of the devolution of decision-making provides the overriding framework for the program and informs the setting-up and capacity-building of LGIs;
- ii) RBA informs the conceptualization of the relationship between citizens and LGIs in terms of rights and obligations, which implies a consistent focus on LG staff as having the legal obligation to be responsive and downwardly accountable to citizens, as well as a focus on citizens as active participants in influencing and accessing service delivery and in contributing to local development. This also implies a consistent

focus on equity and the inclusion of the poor and marginalized in services and decision-making, as well as on rights campaigning at both the local and national policy levels, that push for and create a dialogue on changes;

- iii) Community participatory methodologies form an integrated part of the efforts of program activities to engage citizens in development planning processes and to base LG services on citizens' demands.

A core problem identified by the 2007 evaluation is that an increase in citizens' awareness of rights and their capacity to make claims, supported by participatory planning processes, has not been adequately matched by tangible development benefits and improvements in demand-driven services provided by district level LG. Sub-district structures lack the resources to implement plans, mainly due to the inadequate devolution of funds to this level of LG. District-level authorities also show a reluctance to become downwardly accountable. This could be addressed by scaling up capacity-building and training activities at district-level LG to make district leaders more motivated in responding to local development plans and to devolve funds. However, these problems are also shaped by three other key challenges:

- a) The national policy environment is not consistently committed to devolving resources and powers to sub-district levels;
- b) District-level LG leadership cultures and negative or indifferent attitudes towards downward accountability and civil society involvement; and
- c) Local power struggles and disputes involving traditional leaders and ethnic-groups.

While the program cannot tackle these problems on its own, it can address them, in collaboration with other agencies, by employing a program model that creates more systematic vertical linkages between government levels and between local, regional and national CSOs/NGOs. This includes strengthening synergies between downward and upward change processes, and between vertical and horizontal activities. So far the focus has predominantly been on horizontal linkages at sub-district levels between duty-bearers and rights-holders, as well as national CSO platforms for policy advocacy.

Box 12. IBIS PPLG: Challenges and recommendations

- *Improvements in participatory planning and representation and voice of vulnerable groups are not translated adequately into tangible development outcomes and income benefits.* This can hamper gains made in motivating people to participate. It is due to district assemblies' failure to devolve development finances to the sub-district level and the central government's tacit acquiescence to this breach of law. Budgets are also not implemented faithfully, caused by limited funds and habitual delays in transferring resources from the national level. This calls for more evidence-based advocacy at the national level, which can help compel district assemblies as well as central government to act more responsive and to comply with legislations on fiscal devolution. It also calls for more training that enhances budget literacy, which could include joint trainings of LG staff and civil society representatives.
- *The increased responsiveness of public service providers to citizens' demands have not reached services delivery a district level.* This has been due to the meager focus on training and capacity building district-level LG. This calls for increased focus on this level of duty-bearer and on strengthening the systemic linkages between districts and sub-district LG institutions. It also calls for more citizen engagement with district oversight bodies.
- *The increased responsiveness of sub-district councils to citizens' demands have only to a meager extent been matched by the councils' capacity to influence district LG on behalf of their constituencies.* This undermines transparency and accountability. District leaders' failure to cooperate with sub-district councils (including information about budgets, inclusion in development implementation and local revenue collection and expenditure) reflects entrenched attitudes against devolution, which is also hampered by lack of active commitment to devolution from national government. This underscores the need to place more activities at both district and national level that pushes for increased *de facto* devolution. It also calls for greater efforts to change political leadership cultures and attitudes on downward accountability. Despite progress, many district level leaders still perceive downward accountability as a favor rather than a responsibility. This calls for efforts to push for policy reforms that strongly emphasize accountability as a legal obligation, as well as to create cost-effective arrangements that motivate and reward duty-bearers to be downward accountable.
- *Lack of fully integrating conflict resolution/peace building strategies and the role of traditional leaders in program implementation undermine local development efforts.* The PPLG context analysis identified the role of traditional leaders in promoting development and public participation, and in some districts the program has partnered with CSOs that promote peace building. However, in program implementation little consideration has been given to traditional leaders' as targets and partners, which could otherwise have helped mitigate the continued disputes spurred by these leaders and ethnic groups, which undermine PPLG development efforts. This calls for the need to explicitly involve traditional leaders in downward accountable governance and conflict prevention measures, e.g. by ways of capacity development of traditional leaders to stimulate their active participation in civil society efforts to balance the power of LGIs, awareness of decentralization policies, avenues for engagement with local duty-bearers, and efforts to create a culture of downward accountability within the traditional leadership structures.
- *Lack of systematic linkages between district and national level civil society platforms hampers the capacity to change decentralization policies.* Civil society networks and platforms have been established by IBIS with various CSO and NGO partners to influence district level LGIs and national level partners work to influence policy processes such as PRSPs to reflect the concerns of the vulnerable and poor. However local and national coalitions are not linked systematically. While national-level partners are successful in up-feeding some grass-roots level lessons into national policy processes, local partners have only minimally reflected on the link between their activities and the national policy level or how their problems might find solutions through changes of national policies by ways of pressure from above. This calls for more proactive synergies between documentation and lessons learned between national and local level CSOs, in which up-ward and down-ward information sharing and pressures for changes are linked. In particular there is a need to raise local awareness of national policy discussions and their implications for local processes. It also calls for efforts that realize the links between local and national governance issues, i.e. how they mutually influence each other.

Source: IBIS 2007, Report on External Evaluation.

One way for the PPLG to become a systematic program model would be to support linkages between various programs and program-components that are already dealing with decentralization, HR work and public participation at the national and local levels in Ghana. For example, IBIS is also connected to the DANIDA Good Governance and Human Rights (GGHR) program in Ghana, which has four different program components. Whereas the first of these supports the implementation of the PRSP, the second and third are directly linked to core elements in the PPLG program, though more at the national policy level. This involves support to decentralization reform, principally by supporting the National Decentralization Action Plan and the National Decentralization Secretariat (i.e. identifying policy and institutional arrangements in relation to devolution, capacity-building and participation); and support to government and human rights institutions at the national level (i.e. Commission on Human Rights and Administrative Justice, Electoral Commission, Parliament, the National Governance Program). IBIS is in charge of the fourth component, addressing the strengthening of community-based civil-society organizations (CB-CSOs) by using rights-based approaches to ensure citizen inclusion in the planning, monitoring and delivery of social services in support of pro-poor development and the vulnerable groups in local communities. Through various activities, this work has enabled community members to understand their roles and responsibilities on governance and human rights, and shown them how to demand and make contributions to the delivery of basic social services such as education and health.

Surprisingly, the PPLG program is not linked to this fourth component, nor to any of the other three components of the GGHR program. This seems to present a missed opportunity to link directly local and national-based activities related to precisely the same themes. The next case from Malawi suffers from the same challenge to link up with national-focused activities, but also indicates better efforts to link rights, participation and decentralization to tangible development outcomes and to the capacity-building of LG service-providers that yields immediate results in terms of the realization of economic and social rights.

6.2.2. *Oxfam-Malawi SHSLP: tangible outcomes and services*

The DFID-supported Oxfam Shire Highland Sustainable Livelihood Program (SHSLP) was initiated as a component of a joint Oxfam–Malawi program in 1994. Its main focus has been on the improvement of poor people's livelihood situations in terms of both productive activities and public services in three districts of the southern region of Malawi. In contrast to the IBIS-Ghana PPLG program, it is therefore focused directly on tangible development outcomes linked to specific services. Such activities are also closely related to strengthening the decentralized LG system, which in Malawi is officially based on the devolution of powers, functions and resources from hitherto deconcentrated administrative units to elected assemblies. In practice, however, actual devolution, and in particular efforts to ensure local participation such as citizens' demands for services and accountability, has largely been absent. The SHSLP program addresses this by using an approach that links community participation with the strengthening of LG service provisions and participatory planning processes. It also uses a rights-based approach to advocacy and training, as well as to linking communities (rights-holders) and LGIs (duty-bearers). These aspects sustain the overall program objective: to support and facilitate the participation, inclusion and obligations of citizens, the state and other development agents to protect, respect and fulfill human rights in order to enable poor citizens to improve their livelihoods.

Box 13. Five main outputs of the SHSLP program in Malawi

- People, especially women and marginalized groups, actively participate in their development and governance by demanding applicable and accountable services, based on a clear understanding of their rights and responsibilities;
- Service providers (CSOs, government, private business, donors) provide services and resources in a transparent and accountable manner, based on a recognition of people's rights and responsibilities; development partners mainstream HIV/AIDS to enable themselves and communities to reduce the impact of HIV/AIDS;
- Development partners mainstream gender to enable themselves and communities to improve the recognition of equal rights for men and women, leading to improved participation by women in decision-making;
- Oxfam's ability to understand and implement a rights-based approach to livelihoods, working through and supporting partners, is enhanced.

Source: www.oxfam.org.uk/resources/countries/malawi.html

The program design has a strong learning approach and an emphasis on advocacy and information dissemination, with the aim of informing the development of SWAPS in the livelihoods sector by establishing a conduit for poor people's voices, particularly those of women and disadvantaged groups. It has provided human-rights training by focusing on concrete local issues, such as land grabs or inheritance. Similar to the IBIS-Ghana PPLG, the SHSLP has facilitated the establishment and training of sub district-level representative structures, the Village Development Committees (VDCs), as part of enhancing citizen participation in development planning processes. The establishment of VDCs brings with it ensuring representation by marginalized households, and they are also focused on political empowerment in terms of support in demanding services and claiming transparency in budgetary allocations and accountable expenditure.

The SHSLP differs from IBIS-Ghana by placing much greater emphasis on building the capacity of LG service-providers that are directly related to improving livelihoods, such as training in community agricultural development methods, covering fish-farming, soil conservation, water preservation, forestry, livestock development, provision of crop seeds, and the development of beehives and other sources of livelihood. The training of extension workers also included a rights-based conceptualization of government services and a push towards participatory and interactive planning methods. Finally, and importantly, resources for village development have been transferred through the extension workers and the local-government rural-development fund.

Another difference from the IBIS-Ghana PPLG is the facilitation of a direct combination of rights and political sensitization in communities with improvements in labor conditions, such as the increased participation of citizens in union structures on tea plantations. This has prompted demands by citizens, but it has also meant that LGIs are taking a more active role in the protection and monitoring of labor rights. The project has also promoted direct links between radio stations and users, which has increased people's ability to expose and shame poor service-providers and demand better public services.

In implementing the program, Oxfam works with different NGOs, with different profiles and competencies, on different features of the program: RBA, governance and community participation. For example, Women and Law in Southern Africa (WLSA-Malawi) focuses on the supply side of rights and works to increase government capacity and make government more responsive to communities. Malawi CARER, on the other hand, focuses on the demand-side to develop the capacity of communities to plan and prioritize and to demand accountable and transparent services. Gender rights NGOs from South Africa have worked on the training of women. The positive experiences of the Malawi program indicate the advantages of using different and specialized organizations or agencies to work with different levels of participation, governance and rights.

The program also points to the importance of directly linking work with political commitment and empowerment at the local level with efforts to a) improve livelihood possibilities, and b) make the training of service-providers more responsive to local needs. The training of LG service-providers enhances the ability of LG to function as an accountable duty-holder.

The success of the Shire Highland program in terms of strengthening decentralized mechanisms for development and service delivery has only been possible because of the availability of a large amount of donor funding and engagement. This points to the need for massive investment for decentralization to be successful, but it also calls attention to the risk of donor dependence vis-à-vis the autonomy and sustainability of local governance, as well as the responsibilities of central government. Moreover, a review of the program suggests that, despite its emphasis on the poor and marginalized, it has not been sufficient in promoting equity: the very poorest do not have the same ability to take risks or to benefit from new technologies; other approaches, in addition to participation and rights-awareness training, are needed to ensure their inclusion on equal terms. Finally, the program shares with the Ghana-Ibis PPLG the challenge of creating systemic linkages to national-level policy changes. The next case from Nepal presents an example of better links to program efforts at national level.

6.2.3. DIPB-SDC in Nepal: linkage to national policies and programs

Since 2001, the Nepalese Institute for Governance and Development (IGD) has been implementing the Swiss Development Cooperation's (SDC) main decentralization project, both at the national level and in nine districts. To begin with it focused on a) strengthening the legal framework for decentralization at the national level, and b) the training of locally elected authorities. However, due to the profoundly changed political environment, since 2004 the project has been reformulated as the 'Decentralization for Inclusion and Peace Building' (DIPB) program. The main objective is to foster democratic governance and human rights at the local level. It now includes an explicit human rights-based approach, and within this a focus on empowering marginalized and discriminated groups, particularly women and people without citizenship, to take part in the conduct of public affairs, express their preferences and hold local authorities to account. This is done by way of rights training, participatory methodologies and civic education campaigns based on the mobilization of Citizens Groups. These Citizens Groups have been established at the district level and have developed into representative organizations to engage with LGIs. The program also has a focus on the linkages between conflict and rights, ensuring that rights awareness and peace-building efforts are mutually reinforcing, e.g. by enabling people to settle conflicts at the local level.

As part of these activities, the program represents the first effort to bring the constitutional debate to the local level and to feed these debates upwards into national policies and discussions. Thus the program initiatives at the local level are directly linked to SDC's other program activities at national level around reform changes and support to human rights institutions.¹² This latter objective of the program differs significantly from the Ghana and Malawi cases. Moreover, in its activities in empowering citizen groups to claim and be aware of social, economic and political rights, the program has focused explicitly on the attainment of and awareness of citizenship status by excluded and marginalized groups (such as addressing authorities with access to citizenship papers and entitlements such as basic services).

¹² Switzerland was a major player during and after the Nepalese conflict in promoting human rights, identifying HR violations and ensuring the strengthening of the country's National Human Rights Commission. This work has been linked to SDC's development activities outside Kathmandu. SDC is also the first development agency in Nepal to offer training on basic human rights within the development programs, including of staff and beneficiaries (SDC 2007).

Box 14. Objectives of the Decentralization for Inclusion and Peace Building Program

- Members of citizen groups exercise their civil and social rights for better services at the local level
- Members of citizen groups and NGOs take part in the discussions on constitutional and governance issues at the local the and the central level
- Local governance bodies where women of marginalized and discriminated groups are represented, deliver services to citizens.

Source: www.sdc.org.np (Swiss cooperation strategy for Nepal 2005-2008).

There are also some clear similarities between the DIPB program and the IBIS-Ghana and Oxfam-Malawi cases with respect to strengthening sub district-level governance structures on participatory development planning (including strengthening Village Development Committees and the representation of marginalized groups in these). However, like the IBIS-Ghana program, this program has focused principally on strengthening the interface and dialogue between Citizen Groups and LGIs. It has carried out very little institutional capacity-building of LGIs, and only awareness-raising activities. In the annual report for 2007, however, it is pointed out that the program should engage in this area of support because it is seen as a fundamental prerequisite for ensuring the sustainability of the work with citizens groups in respect of their awareness of and claims to rights, as well as their dialogues with the authorities. This suggests a need to draw more directly on governance capacity-building expertise. Currently the elements of rights and participation dominate. The program is also working to create better linkages between citizens groups on political and civic rights, and tangible community-based development projects conducted by SDC within the same districts, such as on community forestry, district roads, rural health and soil conservation.

Box 15. Results Achieved by the Decentralization for Inclusion and Peace Building Program

- Citizen Groups have received trainings on civil and social rights, advocacy and lobbying skills
- Civil Groups participate and mobilise themselves against civil and social injustices
- Citizen Groups interact with local governance institutions
- Citizen Groups and NGOs advocate for decentralization, inclusion and peace
- Governance and constitutional issues that have been discussed at the local level are brought forward to the central level
- Resource Centre on local governance is created
- Elected members of local governments know their roles, rights and duties
- Participation and representation of women, marginalized and discriminated citizens in Village Development Committees (VDCs) are increased

Source: www.sdc.org.np (Swiss cooperation strategy for Nepal 2005-2008).

The 2007 annual report indicates that the program has been good at feeding local experiences to higher levels through, for example, information-sharing with academic institutions, other SDC programs and national institutions. Local experiences are also published in the national bulletin on decentralization. However, there is unfortunately no evaluation available of how local discussions of governance and constitutional issues are feeding into actual policy changes and HR work at the national level. Given the uniqueness of the DIPB program in this area, in comparison with the Ghana and Malawi cases, it is relevant to investigate further the lessons learned from local–national linkages. The Nepalese case could be used to explore ways in which RBA might be integrated into more holistic and coordinated approaches to decentralization reforms. So far the program is linked to other SDC programs, including those at the national level, but it is only being

implemented in nine districts, and it is not clear whether any efforts are being made to link these to other decentralization programs in other districts. Also it is not clear to what extent rights and citizenship awareness (i.e. political and civic rights work) is being supported by tangible development outcomes, i.e. realization of the social and economic rights of marginalized and excluded groups.

The last example from Nicaragua provides a case of beginning not with political and civic rights as such, but by using an integrated approach that starts with tangible development activities. However, it also takes place in a context where rights and citizenship awareness is already firmly grounded in local people's consciousness, as opposed to the rural areas of Nepal, Malawi and Ghana.

6.2.4. PAST-Danida in Nicaragua

The Danida-funded Transport Sector Support Program (PAST) in Nicaragua has taken an interesting development towards integrating decentralization, community participation, rights and the improvement of development opportunities, which has happened in a rather ad hoc manner and been based on conditions on the ground. Although it is not defined officially as an integrated model of local governance concerning infrastructural development, it provides an example of evolving synergies between the three intervention models that can be used as inspiration for an integrated model.

The program began its first phase in 1999-2004, with the objective of building roads to reduce poverty in isolated regions and to improve the planning and management capacity of the Ministry of Transport and Infrastructure (MTI) to ensure a well-functioning and sustainable road and water system. In terms of rural roads, the original plan was to channel funds through state institutions using a sector approach, but this proved difficult, as these institutions did not function well on the ground. This led to a change towards a community-based approach encompassing the direct use and involvement of communities, which exist in Nicaragua as the lowest level of local government units with elected representatives. Concretely it involved basic training, education and the strengthening of communities' management skills and their responsibilities in implementing road construction. Communities organized themselves into specific road committees and started improving the infrastructure (e.g. by building roads, providing labor and cash contributions). Funds and training were channeled directly from DANIDA to the local communities, with the former providing technical assistance. The PAST program therefore began from below, rather than with higher level LG institutions and the transfer of funds to these. Later in the program cycle, links between communities and the involvement of municipalities and regions (the second and third levels of LGIs) were promoted. This began with communities demanding municipalities to assist in guaranteeing the periodic maintenance of the community-built infrastructure.

The second phase of the program (2005-2009) scaled-up community-LG linkages and has begun to include capacity-building and the transfer of skills and responsibilities to the decentralized local-government structures. In general this implies enhanced support to the wider decentralization process. This is particularly the case in the second component of the program, covering support to the improvement of tertiary transport infrastructure in three regions (RAAN, RAAS and Las Segovias). The second component also encompasses synergies between decentralization, human rights and community participation.

Box 16.Components: Second Phase of PAST program

The four immediate objectives reflect the combination of rights, decentralization, participation, as well as these being encompassed by the overall development objective of poverty reduction amongst isolated rural populations:

- Improve access in the three regions by connecting rural areas with difficult access to social services and economic and administrative centers.
- Ensure sustainable maintenance of the improved transport infrastructure, sharing responsibilities at community and municipal levels.
- Strengthen the capacities of Regional Transport Councils, as well as local and regional governments for planning, defining priorities, negotiating, and maintaining the transport infrastructure, so as to progressively assume PAST-activities.
- Establish and implement strategies on the crosscutting issues of gender equality, environmental protection and the rights and needs of indigenous people and ethnic groups.

Source: Danida 2004 (PAST component Description).

Although the program document does not explicitly mention the use of a rights-based approach, it has human rights as one of the program's cross-cutting issues, along with good governance, gender equality, democracy and environmental protection. The focus on HR is linked particularly to enhancing the rights of indigenous groups and ensuring their inclusion and participation in priority-setting, planning, implementation and dialogue with LGIs. Thus the rights focus adds to the program a focus on non-discrimination and the inclusion of marginalized groups. Special emphasis is placed on ensuring that these groups are not excluded, and training on strategies and guidelines on this issue is provided to different involved stakeholders at LG level (Danida 2004: 13-14). A rights language also permeates the program's immediate objectives and results. Improving transport infrastructure for isolated, rural populations is seen as a means to enhance social and economic rights – i.e. not only improved marketing, production diversification and rises in land prices, but also improved access to education and health (building schools, attracting teachers etc.). Community organization of building and maintaining roads, on the other hand, has improved not only community action around development projects in general, but also political rights through increased participation in civil society and political decision-making, including making claims on LGIs to take responsibilities. In particular this has benefitted marginalized indigenous groups.

The program's second phase has contributed to the decentralization process by enhancing not only local participation and responsiveness at the community level, but also local government capacity at the municipal level. This has been the result of involving municipalities in the whole process of decentralized participatory planning, prioritization, implementation and maintenance, including training on these issues. In particular, the setting up of Regional Transport Councils and the sharing of responsibilities between communities and municipalities have enhanced decentralization and democratic participation. Regarding the latter aspect, the program document outlines clear areas of responsibility for the different stakeholders in the decentralized system, as well as for Danida itself: communities (routine maintenance in cash or work, raising local contributions of five percent, community volunteers in project committees), municipalities (periodic maintenance, cost of technician to supervise, costs of managing projects), regions (finance and manage road councils) and Danida (95 percent of costs of projects, training funds and advisors at different levels). This division of responsibilities departs from the first phase, when PAST teams provided by Danida were in charge of implementation. Now control is gradually being transferred to regional partners, municipalities and communities, ensuring linkages between the three levels.

A 2007 assessment of the program's second component found that all the 117 projects (roads, bridges and wharfs) that were started still exist, function and are being maintained. It is also praised them as successful because they have raised the self-esteem and enthusiasm poor communities in joint projects, not least due to increased popular participation and capacity to engage with LGIs at higher levels. Also the transfer of responsibilities to LGIs is on track and is paying off in terms of local ownership and support to decentralization. In particular, it is stressed that it is important to continue to encourage frequent interactions between local authorities and communities because this enhances the motivation of both to participate in decision-making and maintenance activities. These issues, it is held, are having a catalyzing effect on the development of local democracy.

Identified challenges include a lack of sufficient capacity and ability of LG staff to manage projects. This calls for more capacity-building. It is also necessary to recognize that there are large differences between municipalities in terms not only of staff capacity, but also the ability to raise funds and revenues – i.e. poor municipalities have to rely more on central government and donor funds because the local tax base is small. This is a general problem of decentralization processes and calls for central government to take responsibility for ensuring equity between regions. Moreover, the program could place greater emphasis on securing the involvement of indigenous people, in particular in areas with a mixture of mestizos and indigenous people. Here there is a tendency for the latter's projects to be voted down. This calls for more training of local authorities on indigenous rights and the allocation of more resources to ensure inclusion.

Finally, as applies to the Ghana-Ibis and Oxfam-Malawi cases, it is recommended that coordination between local and higher level government planning be improved. Opportunities seem to exist, but they are not being exploited. Surprisingly neither the program documents nor the assessments reflect on the reason why there are no synergies or links being made between the PAST program and the other Danida (or other donor) programs that deal with similar issues. One of these is the Danida 'Decentralization and Local Development in Nicaragua' (APDEL), which aims to support the legal framework of decentralization at the national level and the capacity-building of municipalities to improve the delivery of services (Danida 2003). Also no links are made between PAST and the Danida-funded 'Program in Support of Democracy and Human Rights in Nicaragua', which focuses on access to the legal system, good governance and the empowerment of discriminated and disadvantaged groups. These areas clearly overlap with concerns of PAST (Danida 2005). Like in the case of Ibis-Ghana, there is ground for further exploring synergies between these different programs. This could draw efforts towards a more integrated approach, with the PAST program adding important experiences with community participation, rights and access to tangible development benefits within a decentralized governance framework.

In particular, the PAST program seems to add value to the HR focus and to community participation by linking these to concrete projects that yield immediately tangible outcomes for rural populations (rather than just a focus on enhancing HR per se). Another important issue to explore further in the case of PAST is how accountability can be linked to social service delivery. Local communities hold LG accountable through their engagement in and delivery of a particular service namely transport, which also helps to facilitate other services (i.e. 'governing for results'; Shah 2006). This may indicate that accountability increases when LG and local communities benefit from each other in relation to concrete development projects (here the building and improvement of infrastructure). The question is to what extent the high degree of already existing rights awareness amongst Nicaraguans, including rural populations, makes such an approach more attainable than in African countries, where this awareness is less or lacking. Rights awareness in Nicaragua is less the challenge than the mechanisms and resources to ensure that rights are actually realized and that decentralized structures are in place to make this possible.

7.0 Conclusion and research perspectives

The starting point of this study was to examine whether and to what extent support for a RBA approach can facilitate synergies between local government support and community-based development. More specifically the literature review has explored theoretical and practical synergies between and possibilities for integrating the three models as an element of (i) improving the downward accountability of local government institutions; (ii) enhancing citizens' participation in governance, and; (iii) ensuring more equitable forms of local governance and service provision.

7.1 Summary of Three Intervention Models

Human rights-based approaches (HRBA/RBA) represent an emerging development intervention model that aims to ensure that development processes and outcomes comply with human rights (HR) standards and principles. The 1986 UN Declaration on the Right to Development established that economic, social, political and cultural development is a human right, and the 1993 Vienna Conference on Human Rights further emphasized human rights and development as interdependent and mutually reinforcing. The process of mainstreaming HR in development cooperation through the adoption of HRBA/RBAs in programming and implementation gained momentum in the late 1990s among UN agencies (UNDP and UNICEF), bilateral donors (DFID and SIDA), and INGOs (Action Aid, CARE and DCA). The Common ground among the development agencies that promotes HRBA is a conceptualization of development as encompassing the interdependence of the full range of civil, political, economic, social and cultural rights, with emphasis on four HR principles, namely participation, non-discrimination, accountability, and transparency. See annex for a summary of key donor policies for implementing HRBA. However, while some donors have adopted HRBA strategies, very few, if any, have fully mainstreamed these HRBA principles into their activities. In Chapter 2 we identified a group of 'middle-ground rights-based approaches' and suggest that these are most conducive to jointly realize the principles of accountability, equity and participation, and thus most suited to create synergies with decentralization and community participatory intervention models.

Support to decentralization dates back to the 1980s, but it is within the past decade that the popularity of decentralization has taken on an almost global dimension, enjoying support across a wide political and ideological spectrum. Decentralization refer to transfer of authority, responsibility and finances for public functions from the central government to intermediate and local governments or to quasi-independent government organizations and/or the private sector. Chapter 3 discuss the characteristics and policy and practical implications of the three different types of decentralization (de-concentration, delegation and devolution), with emphasis on the latter. Decentralization in the form of devolution, enhance local government's political, administrative and fiscal powers and responsibilities. Recently decentralization programs are adopting demand-driven governance of service provision and thereby enhance local government's downward accountability to citizens for particular domain of discretion. Chapter 3 suggest that it is this evolving redirection towards more participatory forms of democracy between elections, along with the representative aspects, that are most likely to being linked to the middle-ground RBA, as well as to participatory governance.

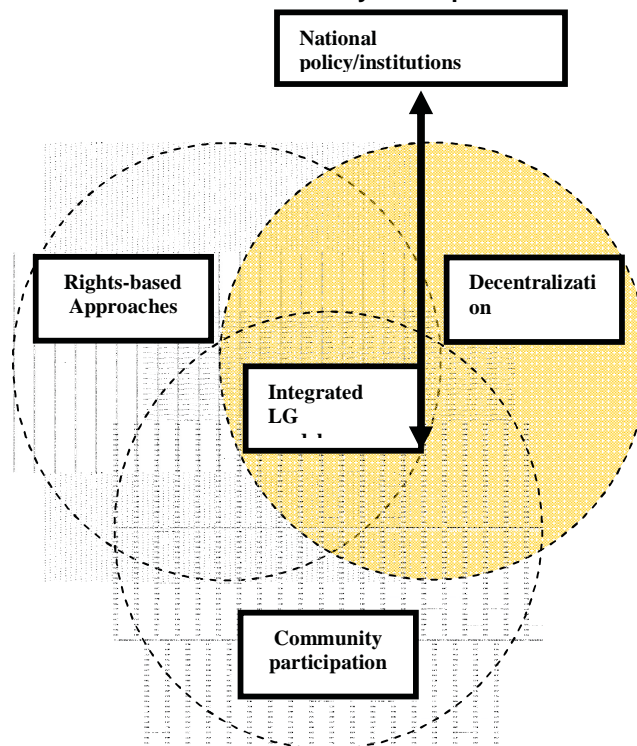
Participatory approaches to development have evolved over the past forty years, and their use has, particularly in the past two decades, moved from the margins to the mainstream of community development and governance. Using three criteria (aims; justification for support; and scope) chapter four distinguishes

between two major trends, i.e. popular participation and participatory governance. Popular participation is the most widespread type, and many community development projects aim to give communities control over resources and decisions in the design and implementation of sub-projects. In addition numerous development workers and local government staff in the South have received training in participatory techniques such as rapid rural appraisal or participatory rural appraisal. Participatory governance is seen as a reaction to contemporary criticisms of popular participation in terms of widening impact; broadening agendas; and rejecting participation in its instrumental form. Participatory governance is thought to enhance transparency and accountability and therefore lead to reductions in corruption and the misallocation of resources (and seen as the basis of equitable development). Participatory governance is therefore most likely to create synergies with decentralization and RBA intervention models.

7.2 Potential Links and Synergies

While any conclusions regarding the potential for an integrated model can only be tentative, as a conclusive assessment would require an empirically based systematic analysis, the selected cases discussed in chapter five and six, embracing Latin America, Asia and Sub-Saharan Africa, all illustrate positive results from integrating RBA, decentralization and participation in the sense of strengthening local democracy in

Figure 3. Links between RBA, Decentralization and Community Participation Models



general, and in terms of improving citizen participation in local governance matters, enhancing LG downward accountability and supporting more equitable forms of local governance in particular. They point in the

direction of a more integrated local governance intervention model, which is capable of drawing on the strengths of different methodologies, areas of focus and scales, and of combining these in ways that add value to the overall local development process. The common tendency is to use different intervention models in parallel or replacing one another (as discussed in Chapter 5).

Based on the findings of the study, table 3 below summarizes potential links between HRBA; Decentralization; and Community Participation. Each of the three approaches has their strength and potential value added for creating synergy in various combinations with the other two.

Table 3. Value added from the synergy between HRBA, Decentralization and participation

Added value	HRBA	Decentralization	Participation
Middle-ground HRBA =>		Equity (minorities/excluded/regions) Enhance LG performance of duties through legal pressure/assessment tools Services as rights enhance citizen claims Quality/process of service delivery and participation Focus on national legislation and central government duties	Equity (marginalized/excluded) Focus on political transformation Macro-level focus (policy/institutions) Alliances with national/global civil society From needs to legal entitlements Focus on intra-community power relations
Decentralization =>	Govt. accountability more direct relation to citizens Move rights-work to local institutional level (systemic) More direct rights claims to locally approximate institutions/duty-bearers Enhance S&E rights where LG responsible for services		Government accountability and institution-building From temporal project to holistic sustainable planning/execution More universal/population focus (rather than specific groups) Re-enforcing empowerment process by providing tangible services
Community Participation =>	Root rights locally/bottom-up/demand People's own capacity to claim rights Build local constituencies for change Group mobilization around rights	Citizen participation and inclusion in local governance between elections Enhance downward accountability Enhance local articulation of capacities/needs/demands Improve access and quality of service delivery Enhance job satisfaction of LG staff Re-election of LG councilors	

First row of table 3 summarize the value added of Middle-ground HRBA. A greater focus on equity in access to services and involvement is a key value added potential synergy by linking HRBA with local government. This synergy may strengthen poverty reduction and inclusive participation within a decentralization framework through RBAs' consistent focus of equity, non-discrimination and inclusion of marginalized groups. The study also shows potential synergy effects between HRBA and decentralization in terms of changing the unequal power relations and socio-cultural norms that inclusion of citizens in decision-making, and of enhancing the downward accountability of public institutions towards the whole population, rather than alone the powerful and/or wealthy minorities.

When linking to participation, HRBA may add value in terms of increased focus on political transformation and power relations. The NGOs who take on a RBA and have experience with advocacy concerning policy and reform changes at the national level, and across sectors, can also add value to local government programs and community participation projects by drawing attention to a more holistic and wider political transformative approach to local governance. NGO's that support HRBA make calls for enhanced focus on capacity building of LG institutions to deliver services and for the sustained devolution of resources and powers, which together provide an important enabling environment for local rights realization and participation in development and governance. Participatory methodologies are employed to strengthen the linkages between demand- and supply-side activities, and to enhance active citizen engagement in governance. RBA focus on the need for capacity building of local government duty-bearers to ensure that these are accountable and can deliver.

The second row of table 3 summarizes value added of decentralization for HRBA and participation. Local government has much value added to offer HRBA by linking local government service provision to social and economic rights agenda. The empirical experience with local government linking to HRBA is currently very limited. Value added by linking local government to participation is better documented. The cases from Kenya discussed in chapter five, show that interaction between LG approaches and HRBA have led to genuine synergies, rather than one model substituting the other. These empirical experiences show that interaction is mutual benefits for both rights realization and the strengthening of local democratic governments, in terms of enhancing broad-based downward accountability as well as for enabling tangible development benefits (services as well as community projects) based on local demands. Many community participation projects have been implemented in parallel to local government and experience show that synergy effects occur when community institutions are recognized and supported by local government administration and political structures through creation of a downwards accountability relationship. Links between local government to participation furthermore enhances the sustainability of project financed community development activities and often result in more socially inclusive programs. Finally the study indicates that linking of local government service provision to participation re-enforce empowerment of local citizens by providing them tangible services and goods.

Third row of table 3 illustrates the value added of community participation for HRBA and decentralization. Experience shows that community participating can contribute to HRBA by framing universal social and economic rights within a local context. Community groups and institutions contribute to HRBA by adapting externally formulated social and economic rights with locally articulated demands and claims. Synergy between community participation and HRBA tend to add to the validity to demand for services from local government. Value added of participation to decentralization is crucial strengthening a down-wards accountability relationship. In particular community participation is important for governance of local government services between elections as community institutions better enable local citizen's articulation of capacities, needs and or demands. Such improvements of downwards accountability is likely to improve

access to and quality of service delivery. Experience discussed in this study also indicates that a value added of linking participation with local government is an enhanced job satisfaction of local government staff.

Chapter six analyzes the simultaneous links between all three intervention models and potential synergy effects. While the conclusions must be tentative as empirical evidence is limited to four case studies only, we will nevertheless seek to draw four general conclusions:

Firstly, the four cases indicate that each of the methodologies (rights awareness/training/conceptualization, participatory empowerment/mobilization, LG capacity and institution-building informed by devolution) that are characteristic of the three intervention models add specific value to the whole:

- a.) (H)RBA informs a consistent focus on *equity* (non-discrimination/inclusion of the marginalized), and a conceptualization of the citizen–LG relationship as being based on each set of actors becoming aware of and exercising their respective rights and obligations in local governance processes. In principle, although not always in practice, rights-awareness methodologies at the local level are complemented by pressures for reform at the national policy level.
- b.) Decentralization (devolution) – apart from providing the overall framework for local governance with, at least formally, devolved powers to local constituencies – brings into focus the *capacity-building and transformation of LGIs* and the *creation of sub district-level institutions* that are necessary to make downward public accountability relations and citizens’ demands meaningful. This ensures that efforts to enhance citizen awareness and the ability to influence local governance are linked to (i) wider local (public and community) institution-building, (ii) the transformation of local bureaucratic and political authority cultures, and (iii) wider district development planning and implementation processes.
- c.) Community participatory methodologies, including demand-driven approaches for services and community-driven development, contribute the valuable tools of *citizen-mobilization around rights-claims/demands* to LG, as well as income-generating/productive development projects that are locally grounded. The tools can also be put to use in the spaces of interactions between LGIs and citizens, such as around joint development-planning processes.

Secondly, the cases point toward the value of an integrated model, in terms of a more *holistic approach to the local governance* arena, which covers different scales and sets of actors. These are supported by synergies between the methodologies listed above. While results in practice differ, the program cases share the aim of simultaneously capacitating citizens/communities (demand side or rights-holders) and LG institutions/personnel (supply side). This corresponds to the focus of middle-ground HRBAs on both duty-bearers and rights-holders, but experiences with community participatory methodologies and LG capacity-building add further concrete inputs to this conceptualization. Importantly, the dual focus includes efforts to support spaces for dialogue, mutual interaction and alliance-building between citizens and LGIs, not simply separate forms of capacity-building.

In Ghana, Nepal and Malawi, this was further supported by rights-awareness training for both LGIs and community groups (rather than for citizens alone, as is often the case with HRBA and community-based projects). In all four cases the support to ‘spaces for interaction’ was centered principally on creating and/or strengthening already established *participatory planning processes*. This can be contrasted with the tendency for programs that work with the empowerment of citizens to be separated from LG capacity-building and/or to form institutions set up by government legislation for decentralized participatory planning processes (as with many CDDs/CBDs or rights-awareness projects).

The strength of a more holistic approach integrating citizens, LGIs and intermediary organizations such as CSOs seems to be that it enables mutual changes to take place in which citizens' demands for services and influence are complemented by changes in LG staff's capacities to respond and to have more positive attitudes towards downward accountability. 'Spaces of interaction' can potentially enhance trust, confidence and the attainment of mutual development goals by LGIs and citizens.

This was illustrated particularly by the Malawian case, but the Ghana case also supports this insight, even though a lack, in practice, of adequate capacity-building and change of LGI staff at the district level proved a major barrier to the realization of citizens' demands and for the participatory planning processes to bear fruit. In addition, the cases illustrate that where the HRBA principle of non-discrimination is actually followed up in practice (Nepal), it is a significant component in enabling participatory planning processes and their results to be equitable in the sense of including marginalized groups too.

Thirdly, the cases illustrate the value of situating programs within and *contributing to the overriding formal decentralization framework*, rather than creating parallel or even conflicting change processes. This adds up to a more holistic approach, which is supported by the middle-ground (H)RBA, but as the Ghanaian and Nicaraguan cases show particularly, the real added value of this is when, as in the Nepali case, such integration is complemented by local–national linkages. Change processes at LG levels should be complemented by change processes at the national level and be combined with upward and downward information flows (see the Nepali case).

Fourthly, the Malawian and Nicaraguan cases show that positive results with mutual capacity-building of LGIs and empowerment of citizens, including 'spaces of interaction', is *most successful when these efforts are organized around tangible results* (infrastructure, increased production, better services). This motivates both citizens and LGIs to engage with each other, and it illustrates in the short term that processes of political change are bearing fruit.

By way of summarizing, the different sets of possibilities brought about by linking the three intervention models into an integrative whole underscore the value of contemplating a 'systemic approach' that builds synergetic vertical and horizontal linkages: a) horizontal activities at LG level, involving various actors within local government and civil society; and b) national-level activities involving policy and institutional changes. In addition, activities concerned with accountability, participation and equity are more liable to bear fruit if they are directly linked to tangible development outcomes (services and income-generation). This may require more conventional development project tools, possibilities for private sector support, local revenue collection and increased devolution of central state finances to the local level. However, it must be realized that even the most systemic and integrated approach cannot solve the fundamental problem of inadequate financial and human resources vis-à-vis the needs, demands and rights of citizens in the poorest countries. This, which is addressed next, is one of the key challenges.

7.3 Constraints for Links and Synergy

The synergies between the different models may, however, also pose a range of challenges, which are summarized in table 4.

First row of table 4 summarizes the challenges to linking middle-ground HRBA with the two other intervention models. A common challenge when project financed HRBA organizations seek to link with local

government is add pressure on limited administrative capacity. In addition well funded HRBA projects that promote a single right often skew the local political process of prioritizing human and financial resources, which are commonly inadequate to fulfill externally formulated rights. A widespread challenge of HRBA support for the demand side through linking with participation is inflating people's demands and aspiration far beyond what is realistically achievable from local government, sometimes resulting in disappointing experiences.

Table 4. Challenges to the synergy between HRBA, Decentralization and participation

Challenges	HRBA	Decentralization	Participation
Middle-ground HRBA =>		<p>Difficulty of translating abstract rights into locally applicable tools for LG</p> <p>Overburden LG institutions by overestimating LG capacity (skills and resources) to deliver services as rights.</p> <p>Overburden LG to apply RBA measurement tools.</p> <p>Overestimate legal institutions' capacity to adjudicate LG duties</p> <p>Skewing local political prioritization process towards selected rights</p>	<p>Too focused on rights awareness/training</p> <p>Lose sight of tangible benefits/needs</p> <p>Cause setbacks by inflating peoples' demands and hopes to a level where they are certain to fail.</p>
Decentralization =>	Loose focus on nat. govt. responsibilities.		<p>Lose focus on particular group interests/needs (poor/vulnerable etc.) in management/prioritization of district funds</p> <p>Decrease space for citizens' own initiatives/spaces of influence/initiative</p>
Community Participation =>	<p>Too focused on particular groups</p> <p>Lose sight of macro issues</p> <p>Undermine institutional development</p>	<p>Participatory planning processes resource demanding for LG</p> <p>Require new skills and management</p> <p>Skewing local political prioritization process towards project financed activities</p>	

There are few, if any cases of decentralization seeking to link with HRBA, as illustrated in row two. A challenge for such links could possibly be that HRBA organizations loose focus on central government, e.g. developing legal framework and policies that are compliant with international HR conventions. The challenges of local government linking with participation through strengthening formal downwards accountability relationships include local participatory institutions losing their focus on particular vulnerable groups and that increased influence for local groups may only be achieved at the price of limiting the political space for citizens' own initiatives.

A key challenge of linking participation and HRBA, illustrated in row three of table 4, is the inherited conflict between community participatory institutions, that represent the interest of particular groups, and HRBA which insist on universal rights to services and resources. Community participation reaching out to link with local government is not only challenged by limited human resource capacity within local government administration, but building strong downwards accountability relationships also require local government staff and politicians to change their mindset, attitudes, and mode of operation.

To summarize, we can indentify four overall challenges to linking the three intervention models:

Firstly, there is the challenge of the *financial resources* that are available for service delivery and development projects at LG levels, which may be related to the degree of *de facto* devolution. This is in particular a chronic problem in low-income countries and in Sub-Saharan Africa in particular, though less so in Latin America and South-East Asia.

If the Malawian case is anything to go by, and we suggest it is, then any attempt to combine participation, rights work and support to decentralized structures, as well as to yield tangible development results (including public services), is very costly and requires massive donor investments over a long period, especially in low-income countries. The lack of financial resources at local government levels to meet the demands raised by citizens and for LGs to live up to their responsibilities is a serious challenge to producing the expected results of downward accountability, participation and rights realization more generally (including equity). It can undermine the mobilization of citizens and frustrate the spaces of mutual engagement between them and LG. In the Malawi case, most local citizens do not view LG as an institution to reckon with and claim services from, but rely instead on partly informal local authorities such as the chiefs. This was also illustrated by the Ghanaian case, where a lack of adequate devolved funds for LG had a negative impact on the positive results of increased participation and accountability at the sub-district levels.

However, here it is necessary to distinguish between a *lack of political will* to devolve financial resources to LG, which can be related to an imbalance between devolution of responsibilities and resources (a problem in general known from decentralization experiences); and *national economic constraints* (to which we could add meager possibilities for local revenue collection) in low-income countries, as opposed to middle-income countries.

In the case of the former, a core challenge is to combine pressures for reform from below, such as through awareness-raising and demands for rights, with national reform lobby/advocacy work by nationally situated organizations. As suggested with respect to the Ghanaian and Nicaraguan cases, programs can also benefit in this regard from better synergies between donor-support programs focusing on the LG/community and national institutional/reform levels respectively.

Horizontal interventions (various actors at LG level) and vertical interventions (community, sub-district, district, provincial, and national levels) should be systematically linked to enable transformation. Advocacy work should enhance networks, alliances and information-sharing across local CSOs, national NGOs and INGOs. However, in the case of severe national economic constraints such efforts may not pay off, and therefore, as discussed in Chapter 5, it is necessary to embark on a gradual process of transformation that balances financial possibilities and the translation of services and needs into rights and obligations.

Secondly, challenges are posed by different *national policy environments and legal institutions*. Again it is relevant to distinguish between a) a lack of enabling policies (such as whether countries have agreed to promote, protect

and fulfill social, economic, cultural, political and civic rights, including whether S&E rights are judiciable, and whether participation has official status as a right; the degree of devolution and policies supporting citizen participation etc.); b) enabling policies, but a lack of political will to fulfill obligations; and c) enabling policies, but inadequate capacity to enforce them (such as financial and human resources at both national and local government levels).

These different scenarios will most likely require different efforts, and it is important to ask to what extent an integrated local governance model is achievable if there is a widespread lack of enabling policies regarding rights, devolution and participation. Moreover, a lack of legal institutions or in the capacity of legal institutions, which is often the case in low-income countries, is likely to have consequences for the effectiveness of translating services into judicial rights.

Thirdly, there is a core challenge posed by *the capacity of LG staff*, which was highlighted by all the case studies. While this underpins the relevance of scaling up on capacity-building efforts as part of strengthening participatory planning processes and spaces of mutual engagement between LGIs and citizens, it is also relevant to access, on a country basis and at local levels, the wider conditions of human resource development. In low-income countries, low levels of education and opportunities for schooling pose additional challenges, ones of a longer-term nature. This can be distinguished from, but may also overlap with, a lack of political will to ensure that public servants with higher education are given positions in LGIs and that investment is prioritized for their education.

Fourthly, *local conflicts and political cultures* can pose serious challenges for local participatory democracy and non-discrimination, but programs simultaneously require the support of local elites. This calls for a thorough understanding of local power structures and political cultures, which can be used to identify local elites as both ‘agents of change’ and ‘targets for change’. Local elites should be included systematically in awareness and training, not excluded from initiatives to empower poor and marginalized. Actors may include not only LG staff, politicians and civil servants, but where relevant also traditional and religious leaders.

What these different challenges point to is a need to analyze systematically the circumstances under which an integrated local governance model is achievable, and in what ways different national economic, legal and political contextual factors, as well as local socio-political conditions, influence the possibilities and challenges of integrating the three intervention models. It is also important to assess the degree of rights awareness among poor and marginalized groups and the population in general, as shown by the differences between the Nepali and Nicaraguan examples. This will require further systematic analysis of empirical cases.

7.4 Perspectives for Further Research

This literature review has verified cases of emerging links between the three intervention models are few and far between, and have hitherto not been systematically assessed, there is a strong need for further empirically based, comparative research to be carried out so that more thorough and evidence based policy recommendations can be made of how and under what circumstances an integrated local-governance model can be developed.

We suggest that there is a strong need, as indicated by these cases, to explore the country-specific political, economic and legal circumstances under which an integrated model is likely to ensure social accountability mechanisms at the local-government level that result in: (i) improving the quality of public services; and (ii)

enhancing inclusive citizenship, defined as active citizen participation in local-government decision-making and equitable access to services.

The main assumption of such empirical studies should be that the achievement of inclusive citizenship is a complex and context-specific process, which is not alone determined by getting the institutional and legal arrangements rights, but is also conditioned by context-specific and informal socio-political factors, existing capacities of citizens to engage actively with local government and organize themselves, and by historically-informed perceptions of citizenship and state-citizen relations.

Such a study is relevant for three reasons. Firstly the New Poverty Agenda has recognized the lack of voice and influence among citizens and inadequate accountability of state institutions as an aspect of poverty that is equally important to lack of material assets. Secondly, the assumption that social accountability mechanisms can give citizens an active role in setting priorities and hold state institutions accountable in delivering services is closely linked to the Good Governance Agenda. Social accountability mechanisms are sought to encourage local government institutions to be responsive, while participatory governance and empowerment processes enhance the capacity among local citizens to express interests and demand action. Thirdly our theoretical and empirical understanding of how and to what extent the joint efforts of decentralization, community participation and Human Rights Based activities promote inclusive citizenship is limited. Each type of intervention approach has hitherto been assessed separately and qualitative analysis of the effects of social accountability mechanisms for citizenship is lacking.

The study should answer the following key questions:

- How and under which circumstances can (or do) new forms of social accountability mechanisms improve access to and quality of different types of public services;
- How and to what extent do new social accountability mechanisms transform local residents from passive beneficiaries of services to active citizens who claim rights/services and participate in decision-making; and
- What aspects of the three approaches to social accountability mechanism (decentralization, community participation and RBA) are most relevant for promoting inclusive citizenship and improving services, and in what ways do these interact and create effective synergies?

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ANNEX. Policy analysis: integration of HRBA and support for local governance in donor policies and mode of operation

United Nations Agencies

UNDP. Since 1997/1998, following the Secretary General's call for the mainstreaming of HR in all UN agencies, UNDP has been a leading agency in mainstreaming an RBA to development cooperation (Nyamu-Musembi and Cornwall 2004: 17). That is, it has been promoting complementarity between sustainable human development and the achievement of social, economic, cultural, civil and political rights (UNDP 1998: 7). This follows the general UN mandate to go beyond improving services by emphasising that the realisation of universal human rights is a requirement of a healthy sustainable society (Lundberg 2004: 2). It also implies translating development needs ('normal' development thinking) into rights and recognising the interconnectedness of rights (social, economic, political, cultural and civil) (ibid.). Human rights are seen here as both a goal and an instrument guiding development cooperation in all sectors and at all stages of the programming process. Finally, development cooperation is viewed as contributing to the development of the capacities of duty-bearers to meet their obligations and of rights-holders to claim their rights. A focus is placed on different sorts of rights, including the rights of participation and the basic freedoms essential to building civil society, rights to education, food, health, work, equality, the rule of law and administrative due process, as well as the rights of children, minorities and indigenous people. However, despite this broad spectrum of rights, UNDP has stressed the need to prioritise specific rights based on country context in order to avoid an RBA being viewed as a top-down or external imposition (Nyamu-Musembi and Cornwall 2004: 18). This is also made possible by the UN's Common Understanding of HRBA (2003), under which programmes can choose to realize a selected number of rights or one only (Lundberg 2004: 3).

UNDP has moved towards mainstreaming RBA as part of a shift from micro-level projects towards UNDP playing an advisory role aimed at building domestic capacity (including disadvantaged groups, advocacy NGOs and governance institutions, especially at the national level) and in changing and implementing national legislation on HR.

UNDP's RBA is linked to good governance, governance being understood in general terms as broad-based participation in decision-making. It is also linked to poverty eradication: according to UNDP, the added value of an RBA to poverty eradication is a shift from merely focusing on economic growth and income alone to focusing also on expanding choices and freedoms, access, non-discrimination and equity-based growth. Hence the focus is not merely on outputs, but also on the ability to achieve a decent standard of living (ibid: 19).

In practice, however, according to Nyamu-Musembi and Cornwall (2004: 20), UNDP's RBA has tended to be confined to good governance and governance institutions (parliamentary support, judicial reform, civil-service reform, media support) at the **national level**, rather than on the integration of rights in poverty eradication and sustainable human development (Leonard Joy: 2003). The exception to this conclusion is the programme in Bosnia and Herzegovina titled 'Rights-based Municipal Assessment and Planning Project' (RMAP), that is implemented as a joint project between UNDP, UNOHCHR and the BH Ministry of Human Rights and Refugees (ICHRP 2004: 80), see Box 7.

UNICEF. Since 1995, UNICEF has explicitly adopted an RBA as its organising framework, which came on top of its earlier focus (since the early 1980s) on a people-centred and empowerment approach to development (Jonsson 2003; Nyamu-Musembi and Cornwall 2004: 21). It has integrated the RBA with its Community Capacity Development strategy. This implies that particular analyses of programming are made at the local and national levels, including a particular focus on the capacities (or capacity gaps) of duty-holders actually to secure rights (parents, community members, district and national officials). Capacities include an awareness of responsibilities, and legal/social/cultural legitimacy to act on duties as well as resources (human, economic, organizational). Hence UNICEF focuses on both duty-bearers and rights-holders, and on how to address the capacity gaps between them. Actions to address this may include social mobilization, advocacy, information, training or service delivery (Nyamu-Musembi and Cornwall 2004: 22). For UNICEF, RBA provides a tool for analyzing the complex web of social and political relationships surrounding the conditions of children *before* any intervention, and it works as a two-pronged strategy that seeks to empower both rights-holders (children) and duty-bearers.

UNICEF is also characterized by a context-specific approach, which means that the specific country or local contexts determine the choice of the rights that it focuses on (for example, what are identified as the chief threats to children, such as HIV/AIDS in Tanzania) (ibid.). The added value of an RBA as employed by UNICEF is that it focuses on a broad policy approach that links the political, social, cultural and legal dimensions in relation to a specific issue, rather than adopting a narrow or localized service-oriented response, such as the medical dimension of HIV/AIDS (ibid: 23). This also means a focus on facilitating participation in decision-making process by, for example, young people and their interactions with policy-makers in and around a shared understanding of rights, duties and capacities. In some cases (such as Tanzania on HIV/AIDS), UNICEF has also worked to make LG accountable to central government and donors in relation to their responsibilities locally (ibid.). Another example of linkages between local government and HRBA by UNICEF is 'UNICEF's Child Friendly Municipalities and Cities Movement', implemented in countries such as the Philippines (Santos 2001). This program is inserting rights-based approaches into LG, but in doing so is confined to focusing on one sector in LG, and hence to a narrower human rights mandate.

Bilateral Agencies

SIDA (Sweden). SIDA was one of the first bilateral donors to incorporate an HR focus on development, formulating its development objective as tackling *both* poverty *and* oppression (Nyamu-Musembi and Cornwall 2004: 30). A particular feature of SIDA is the direct link it draws between its human rights work and democratization, involving institutions of democratic governance in particular. SIDA argues that the link between rights, democracy and development places the spotlight on power structures and power relationships at all levels that affect opportunities for the poor to participate in decisions (SIDA 2001a: 2). SIDA intends the rights and democracy focus to provide both a tool with which to analyze development problems in a country and a means of intervention. Poverty in this relationship is viewed as a violation of HR.

SIDA also presents HR as a normative basis for poverty reduction. However, SIDA does not explicitly talk of an RBA broadly speaking and has tended to focus instead on formal government institutions (i.e. a conventional approach to governance as linked to formal institutions) and has taken a strictly legalistic approach to HR (following the international convention of HR). A focus on rights, in other words, is strictly attached to human rights (cultural, political, social, civil, economic). A focus on formal institutions also means that less attention has been given to deepening participation (processes of rights claiming) than to

strengthening formal institutions and mechanisms (Nyamu-Musembi and Cornwall 2004: 31). This is despite the fact that SIDA places explicit emphasis on the democracy and HR approach, as characterized by a process in which participation is a fundamental principle (SIDA 2001a: 1). According to Nyamu-Musembi and Cornwall (2004: 33), however, this reflects a core dilemma in SIDA's approach: on the one hand, it emphasizes the need to work to enhance people's sense of themselves as agents through a perspective on changing power relations and on translating people's needs into rights; on the other hand, SIDA has adopted a rather legalistic approach to HR (predefined rights 'from above'). This dilemma might nonetheless be solved by the current attempts of SIDA to employ power analysis in its work and a closer focus on participation and accountability as its practical tools (ibid: 33).

DfID (UK). Since the publication of its 2000 target strategy paper, 'Human Rights for Poor People', DfID has integrated a rights perspective on poverty reduction into its activities.¹³ In particular, it links a rights perspective to empowerment of the poor as an element in tackling poverty, which means that its rights focus goes beyond the democratization and rule of law agenda. The policy focuses on three pillars: first, *participation* (enabling people to realize their rights to participate in decision-making); secondly, *inclusion* (building socially inclusive societies and the values of equality and non-discrimination), and; thirdly, *fulfilling obligations* (strengthening institutions and policies to encourage state and non-state duty-bearers to protect and promote HR). In the strategy paper, there is a dual focus is on addressing discrimination in national policies and in making people active citizens who are aware of their rights to participate in and access information about the decision-making processes that affect their lives, as well as hold governments to account over the latter's HR obligations (DfID 2000: 7). Finally, DfID has presented HR as a kind of conditionality in which partnerships should be based on respect for human rights by governments (Piron 2003: 11).

Overall, therefore, DfID officially adheres to the 'empowerment' school of the RBA, though it vests such empowerment in the UDHR. This approach is rather innovative compared to those of other donors because it places a specific emphasis on participation, rather than focusing exclusively on HR within the overall context of democratization and the rule of law. However, according to Piron (2003: 12-13), this focus on participation has also meant that the DfID's RBA has tended to focus on the social development aspects and less on the state's obligations and wider political and institutional developments (such as justice institutions that secure the enforcement of rights).

Piron's (2003) assessment of DfID's HRBA and the 2004 review of DfID's integration of HR into its work (Piron and Watkins 2004) both argue that overall DfID has not entirely managed to ensure the mainstreaming of its official focus on rights in all its policies and program countries.¹⁴ There are considerable differences between country programs, and there is no consensus within DfID that the protection of human rights should be one of its main objectives (Piron 2003: 5). Overall the rights focus has tended to be confined to community participation in service delivery and CS advocacy (without broader links to the national level or to local duty-bearers), which has not been directly linked to the wider aim of enabling institutional capacities for the respect of specific rights. Also there has been less of a focus on human rights standards *per se* and more so a tendency towards 'adding' the languages of rights to already existing programs. For example, HR is mentioned in DfID's other policy documents (gender, children, land, governance etc.), but without a broad emphasis on the international human rights framework or standards. Rather, specific rights are mentioned (to education and health, for example) (Piron 2003: 14). This is also reflected in DfID's regional plans (Director's

¹³ The background for the focus on rights by DfID was that in 1997 the Secretary of State requested that human rights be incorporated into DfID policy, as reflected in the 1997 White Paper.

¹⁴ Piron (2003) represents the first attempt to make an assessment of DfID's rights focus.

Delivery Plans or DDPs) for Asia, Africa and the Europe/Middle East/Americas (EMAD). Whereas the Asia and EMAD DDPs do make references to DfID's human rights principles (such as inclusion and tackling inequality), there is no specific emphasis on international human rights standards. An HRBA is not used in the Africa DDP as the basis for analysis, although rights are highlighted as an aspect of the political governance agenda, together with the associated principles of participation and accountability (Piron and Watkins 2004: 23).

Piron (2003: 4-3) suggests that one of the reasons why the RBA has not been mainstreamed is that the focus on HR has tended to be confined within the Social Development Department of DfID and as a result has had little impact on DfID's Governance Agenda (including its recent focus on 'drivers of change', 'poor performance' and post-war situations) (ibid: 5). Another possible reason for the lack of mainstreaming the RBA in DfID may be, according to Piron (2003: 13), that the HR strategy was never accompanied by a practical guide for implementation, and only very little staff training was provided on the rights perspective.

In the 2004 review of DfID's integration of HR in its work, written by Piron and Watkins (2004), the authors highlight how the country programs of Latin America have been the only ones to have integrated HR fully into their overall country program strategies (CPS), including the use of HR analysis to set overall objectives and strategies. Besides this, some country programs have integrated elements of HR, but not as a mainstreamed part of the CPS (e.g. Malawi, Rwanda, Bangladesh) (Piron and Watkins 2004: 8). Finally, including the majority of country cases there are country programs, which have integrated HR at the sectoral but not at the country-wide level. These can be divided into three types of activity: 1) focusing on the *particular* rights of *particular* groups (for example, women in China and Brazil; minorities in eastern Europe; indigenous people in Latin America; child labor in India; land rights in Zimbabwe and so forth); 2) assisting processes that aim to make government more respectful of rights (for example, by strengthening civil society through civic education and women's empowerment in Kenya; awareness-raising about HR in Bangladesh; facilitating parliament to engage more with CS in Malawi; support for electoral processes in Africa; support for free media in the Democratic Republic of Congo and Russia; support for the right to participate in district-level monitoring committees in Uganda); 3) assisting the state in fulfilling HR (for example, strengthening the judicial system in Malawi; policies and systems to mitigate domestic violence and child abuse in Jordan; developing RBA for health-service delivery in Peru and Nepal).

Against the background of these differences in CPs, the review report distinguishes between the 'strategic' and 'integrative' approaches to HRBA in DfID's country programs.

Some examples from Peru, India and Brazil suggest that DfID has managed to integrate its RBA with participatory approaches to development, thus also forging a dialogue between the government authorities and rights-holders. For example, in Peru DfID was able to create spaces for a dialogue between voters and local politicians, as well as open up a space at the national level for dialogue with the national election commission and HR NGOs (see Eyben 2004).

International Development NGOs

CARE. CARE has promoted a Human Rights Initiative since 1999, and in doing so has focused particularly on an RBA to HR that centers on empowering poor *communities* to claim and exercise rights and enable those who are responsible to fulfill their rights. Hence it focuses on both rights-holders and duty-bearers, as well as

maintaining a group- or community-based approach to empowering the former. With regard to duty-bearers, CARE has developed an analytical framework (the rights, responsibilities and root causes analysis), which has meant it taking on an advocacy role by identifying violations of HR and getting governments, donors and partners to live up to their responsibilities (CARE 2001a). It also adheres to RBA as a core element in all the principles and policies of its programs (CARE 2000). It views an RBA as an effort to enhance the impact of tackling poverty and social injustice. However, as Nyamu-Musembi and Cornwall (2004) point out, despite this overall focus on rights, certain dilemmas arise in the practical application of an RBA.

One example of CARE using an RBA is the integration of this approach with its Household Livelihood Security (HLS) framework in Kenya. The main focus here was on securing the ‘right to self-determination’, understood as people’s freedom to make decisions on their own well-being, which CARE believes is enabled by securing livelihoods. In practical terms, this implied empowering communities to achieve their rights to self-determination and to engage with significant players, such as LG and the private sector. Concretely this meant that CARE helped farmers to organize in groups in order to access extension services from private farm managers, rather than free government agricultural extension officers. The dilemma this approach created, according to Nyamu-Musembi and Cornwall (2004: 41), is that the ‘right to self-determination’ or freedom of choice *de facto* spilled over into the right to opt out of public services, which can also be viewed as contradicting any wider RBA that seeks to create a climate in which people, and communities more broadly, are able to obtain their basic rights from the government. Turning to the private sector provides little chance of improving public services more broadly. Also, it does not facilitate the creation of an environment in which *all* citizens have access to their rights and are able to claim and realise them.

ActionAid. Overall ActionAid is committed to integrating rights into its work on fighting poverty through a two-pronged focus: 1) siding with the marginalized (rights-holders); and 2) policy advocacy at the local, national and international levels. The link between fighting poverty and rights is that the former can only be achieved by the direct and active engagement of those who are being denied their rights. In this sense, denial of HR is linked directly to poverty (www.actionaid.org), and the RBA is directly related to changing unequal power relations as an aspect of tackling poverty. One focal point in evaluating its work is in terms of the gains in rights, that is, the extent to which previously marginalized groups or local communities have become aware of their rights and are able to participate actively in organizing to claim them. Finally it focuses on how these groups are able to impact positively on public accountability. Hence its RBA is directly combined with a community-based approach: the realization of rights is linked to the empowering of community-based organizations consisting of poor people (Nyamu-Musembi and Cornwall 2004: 42).

The second aspect of ActionAid’s strategy is to work ‘constructively, but critically’ with duty-bearers (governments, donors and the private sector) in order to create an enabling policy and institutional environment for rights realization and poverty eradication (*ibid.*). This focus is spilling over into policy advocacy campaigns at the national and international levels (for example, on food rights at the international level, and children’s and basic needs rights in Kenya). It is difficult to determine how work with duty-bearers at the local level, such as LG, has taken place.

According to the analysis of Nyamu-Musembi and Cornwall (2004: 44), one of the major challenges that has faced ActionAid is how to develop methods and strategies to integrate its high-profile, international HR campaigns with community-based development and participatory approaches at the grassroots level. So far there has been a tendency to separate policy advocacy work at the national and international levels (exemplified by the creation of a special unit for this work) from ActionAid’s community-based projects,

which have a longer history in the NGO than the RBA does. Rights advocacy, in other words, has not been fully integrated into all activities within the organization.