

Decentralized Governance and a Human Rights-based Approach to Development

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Introduction

The issue of human rights has not figured prominently in the ongoing discussion on decentralization. In part, this is because human rights advocates have focused their attention on getting central governments to accept the basic HR principles. Human rights advocates have only recently begun to consider the effects of decentralizing decision making power to lower levels of government¹. As they begin to focus on this growing political phenomenon, they are increasingly recognizing that such process creates new opportunities to promote HR as well as threats to protection. Indeed, issues of justice, accountability, poverty reduction, employment/livelihood, environment, women and children are fundamental concerns of local development.

Given this historic lack of recognition of the links between decentralized governance and a human rights agenda, the critical message to be delivered in this paper is that **a human rights approach to decentralized governance is critical to protecting and promoting the freedom of men and women to lead the kind of lives they choose in dignity, free of injustice and humiliation**. However, the current reality is that the creative processes that lead to individual freedom and development are often constrained by societies. Frequently such constraints are imposed in the name of security, culture or tradition. UNDP has recently started to think about what HRBAD means when we work in a decentralized governance setting so that programming can be more broadly effective in dealing with these societal constraints on individual freedom.

This note is designed as a means of stimulating discussion on the nature of the relationship between implementation of decentralization reform and human rights. Drawing upon evolving ideas from a number of specialists², primarily from the fields of economics, political science and the new field of complexity science this note represents some of the recent thinking on local institutional development for human rights promotion.

The opening major section provides an overview of some of the critical issues that are being raised as decentralization and human rights issues are starting to be discussed together. The second major section contains brief reviews of several recent

¹ Local Rule: Decentralization and Human Rights. International Council on Human Rights Policy, 2002.

² The theoretical framework for this note is based heavily on previous materials prepared under the UNDP Global Programme on Human Rights (HURIST) by Prof. Leonard Joy and Patrick Van Weerelt. Additional comments and insights have been added based on this author's studies and experiences. Any misinterpretations or errors in analysis are this author's alone.

decentralized governance support programmes in Asia that provide a sound basis for initiating a human rights-based approach to decentralized governance. Links between the theory and practice are noted in the concluding section.

A Conceptual Framework

Towards A UN Common Understanding of a Human Rights Approach to Development

As a framework for development programming, perhaps no concept has a stronger underpinning than that of a human rights-based approach to development (HRBAD). The United Nations is founded on the principles of peace, justice, freedom and human rights. The Universal Declaration of Human Rights (UDHR) recognizes human rights as the foundation of freedom, justice and peace. The unanimously adopted Vienna Declaration and Programme of Action states that democracy, development, and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing.

Human rights are defined as the supreme, inherent, and inalienable rights to life, to dignity, and to self-development. A HRBAD is, thus, oriented towards assuring the broad spectrum of rights included in the international system of human rights standards are integrated into development policies and programmes. Using the UDHR as its philosophical underpinning, HRBAD broadens the normal concept of development to include the whole range of civil, political, economic, social and cultural as rights covered by the Declaration. One of the significant differences of a HRBAD over 'normal' development is the process of translating our perception of developmental needs into rights and the explicit recognition of the interconnectedness of all aspects of the human condition. This perceptual shift helps practitioners and policy makers alike to recognize the mutual responsibilities on the part of all actors in a society to respect, protect, promote and fulfill those rights.

Human rights are increasingly recognized as forming the basis of a global vision for human development backed by State obligations. The UDHR is supported by a wide array of international covenants that have been signed by most members of the United Nations. The resultant treaty obligations establish legal frameworks for their enforcement, providing legitimacy for the advocacy of a HRBAD.

Under the UN Programme for Reform that was launched in 1997, the Secretary-General called on all entities of the UN system to mainstream human rights into their various activities and programmes within the framework of their respective mandates. This move provided the basis for an operational framework that was previously lacking. Most importantly, building upon the present emphasis on poverty reduction and service delivery, the Secretary-General's programme clearly aims to go beyond improving services by emphasizing the premise that realization of human rights is the prescription of a healthy sustainable society.

Changing our methods of intervention

A human rights based approach to development is seen as both a means and an end. The rights-based definition of development in article 1 of the Declaration on the Right to Development sees it as a comprehensive economic, social, cultural and political process. Its objective is the constant improvement of the well-being of the entire population and of all men and women, based on their active, free and meaningful participation in development and in the fair distribution of the resulting benefits.

Consequently, HRBAD requires that development programming abandon the previously common practice of employing external advisors to prescribe solutions to local problems in favor of an inclusive consultative process in which the knowledge and concerns of the local society are predominant. This is a difficult shift for many in the development business. We have grown so used to believing that outsiders know what is needed for any given situation that many programmes contain conditionalities that require certain predetermined changes to occur before allowing assistance to continue. As a consequence, HRBAD also requires that we deepen our understanding of the social forces that impinge upon an individual's ability to defend his rights. This understanding further strengthens our recognition of the fundamental correctness of a catalytic process approach to development that focuses on influencing the general direction of development rather than attempting to force it into a predetermined frame to address particular problems that currently manifest themselves. Thus, one of the critical issues presented in this paper is that the process of HRBAD is also the product of HRBAD.

The growing realization of the need for a shift in attitude and approach in all work of the UN system led recently to an Interagency Workshop on a Human Rights based Approach in the context of UN reform 3-5 May, 2003. This workshop resulted in the preparation of a Statement of Common Understanding that specifically refers to a human rights based approach to the development cooperation and development programming by UN agencies. The core agreements were summarized as follows:

1. All programmes of development co-operation, policies and technical assistance should further the realization of human rights as laid down in the Universal Declaration of Human Rights and other international human rights instruments.
2. Human rights standards contained in, and principles derived from, the Universal Declaration of Human Rights and other international human rights instruments guide all development cooperation and programming in all sectors and in all phases of the programming process.
3. Development cooperation contributes to the development of the capacities of 'duty-bearers' to meet their obligations and/or of 'rights-holders' to claim their rights.

As a result of this workshop, all future development programmes need to be assessed in light of these agreements. No longer can programmes be designed that only incidentally contribute to the cause of human rights. They must be specifically designed to contribute to the realization of one or several human rights. Programmes must

introduce the fundamental principles of human development which are often summarized as:

- Indivisibility and inalienability of all rights
- Meaningful participation of all claim holders, and
- Accountability of all duty bearers

One of the clear distinctions of HRBAD from 'normal' development is the inclusion of the word 'all' in its defining principles. No longer is it sufficient for a 'majority' or 'most' men and women to benefit, all must benefit—especially those who have gained the least from past efforts.

Connecting HRBAD with governance

The implementation of a HRBAD is fundamentally about inducing reforms in the overall approach to governance in a society. Over two hundred years ago, Alexander Hamilton, one of the chief architects of the federal constitution of the United States of America, summarized the reasons for this approach when he wrote,

“Good government is characterized by both its aptitude and by its tendency”

For far too long, UNDP and most other donors focused their attention on improving the aptitude (capabilities) of government employees. We have now learned that paying attention to the incentives that influence the behavior of government employees (tendency) is vital. Without this orientation, we run a clear risk of building the capabilities of government employees without changing their basic attitude towards their constituents from one of command to service. Associated with this is the recognition that one of the most productive means of shifting the tendencies of government is to build the capacity of the citizenry to require such a shift.

It is useful at this point to take an example of a country, Pakistan, that has had considerable difficulty throughout its existence in conducting its governance agenda from a human rights perspective. Socio-economic development in Pakistan faces myriad constraints that stem from the basic dysfunctioning of key institutions. In the past, Pakistan recorded strong achievements in key macroeconomic indicators and infrastructure development. Unfortunately, most of these achievements have disappeared in recent years. Critically, the progress of human development has always lagged behind that of standard economic indicators of growth, as reflected in poor social indicators on literacy, health, population growth and access to basic services for the poor and marginalized members of society.

Major operational reasons for poor achievements in human development have been identified as a breakdown of basic service delivery mechanisms through corruption, staff absenteeism, and poor maintenance; lack of accountability, transparency and politicization of personnel selection and resource allocation. In addition, concerns regarding the fairness of the legal system and its ability to provide an enabling

environment to promote social and economic development; lack of, or selective, enforcement of rules (many of which are outdated); poor co-ordination among government departments and among donor agencies; and the poor morale and work ethic of the civil service. In other words, Pakistan has experienced a steady erosion in the quality of its governance institutions.

Introducing institutions as a framework for analysis

This cursory overview of the impediments to carrying out a human rights based development agenda in Pakistan introduces us to the criticality of recognizing the power of institutions³ in our work. When institutions place a perverse influence on individual decision making they tend to undermine the achievements of organizations in both the public and private sphere, with serious and measurable consequences for the achievement of a human rights based development agenda. When, on the other hand, these incentive structures lead to a positive impact on individual behavior they are often referred to collectively as positive 'social capital'⁴. A human rights based approach to governance seeks fundamentally to broaden and deepen the qualities of social capital in a given society.

When embarking on a HRBAD it is useful to use an analysis of institutions as the basis for policy reform. Institutional analysis focuses the attention about the relationships between rules and action and the relationships among the various actors. In such an approach, the focus revolves around developing an understanding of how various constraints and opportunities present in an institutional context influence why men and women act the way they do. This enables us to more clearly understand the forces at work that impinge upon the ability of men and women to lead the lives of their own choice and of the responsibilities of key actors, both public and private. Such key actors are known as 'duty bearers' in the human rights jargon: those who are responsible for the protection, promotion and/or fulfillment of someone else's human rights.

A human rights-based approach to development is above all a responsibility-based approach. It asks "who is, and who should be, responsible for what with respect to whom?" One of the most useful results of a responsibilities analysis of the role of individual duty bearers is the recognition of the interdependence of various rights together with the identification of actors whose behavior could contribute to changes that enhance the realization of those rights.

Such an analysis starts with an identification and assessment of the institutional causes for concern about the condition of men and women and their communities based on evidence about the status of the whole range of human rights concerns. From a human

³ The word institution is typically used as synonymous with organizations. Institutions, in this sense, however, are defined as configurations of formal rules, informal social constraints and the enforcement characteristics of both. The objectives set by organizations to achieve certain purposes are often undermined by institutional forces that provide incentives to individuals to emphasize their personal objectives over those of the organization.

⁴ The term social capital is correctly used for either positive or negative influences on a society that emanate from forces of social cohesion. Linking social cohesion with the principles of human rights avoids this paradox.

rights perspective, it is important to recognize that the origin of those institutional configurations, at least in a democratic society, is with the people in the type of social capital that is created by them. The sort of relationships that exist within families and in communities are mirrored in the laws and policies devised by government.

Governance is not a unilateral linear process whereby government determines the direction for the people. Men and women must be recognized as having a significant and ongoing influence on government. This recognition should lead us away from the *dirigiste* paradigm for development that assumes that all change of consequence flows from government-lead decisions.

Some experts argue that the success of a HRBAD depends on a pre-existing institutional framework that accepts a 'culture of human rights'. This is known in systems terms as 'getting the initial conditions right'. This implies that respect for human dignity must be reflected in a State's norms, institutions, legal frameworks and an enabling economic and political policy environment. This argument holds that getting initial conditions right will define the path the society will take toward achieving its objective. If initial conditions are not set right then the process could fail or depend on random events during implementation to correct unsupportive initial conditions.

While all would agree that such an approach should be taken to the extent feasible, it is never possible to establish the perfect 'initial conditions' in favor of HRBAD for a number of technical or political reasons. Given this reality, others argue that it is important to also focus our attention on developing incentive mechanisms that encourage national, local and non-state entities to learn from their experiences as they develop. In this way, the viability of HRBAD is more dependent on facilitating a local capacity to create an ongoing process of organizational learning through open dialogue than on attempting to control the outcome through a complex array of policies and rules at the outset.

In all cases, it is important to fully recognize that institution building takes time and needs to be locally driven. Unfortunately, due to a failure in the past to deeply investigate the institutional framework that influences the visible results of a process of reform, donors have often misdiagnosed the problems confronting them by assuming failure to reform is the result of a deficit in individual skills and knowledge when the real constraints are actually deep configurations of social or political institutional incentives. Sometimes when donors do recognize these deeply ingrained behavior patterns they still resort to attempting to change values and beliefs through training courses. Even less effective are overly-elaborate national programmes that attempt to incorporate externally determined solutions to all the identified constraints simultaneously in one package of assistance. This approach to governance programming is akin to the failed integrated rural development projects of the 1970s and 1980s. This is not to argue that an integrated approach is not appropriate. In a HRBAD, however, it is the local society that should play the dominant role in deciding what are the critical pieces of the jigsaw that need to be focused on at any particular point in time. One of the potentially effective mechanisms for enhancing the voice of citizens in development programming is through decentralization.

Decentralized governance as the ‘killer application’ for HRBAD

The rationale for instituting a decentralization reform process is often supported, in part, by arguing that the specific conditions of specific groups in a society can be better understood and addressed at the local level. Those who follow this line of reasoning argue that decentralization is critical to the establishment of a long-lasting form of participative democracy that respects the dignity of the person by providing direct opportunities to engage directly in public decision and to voice concerns. Opposition to this belief is presented later in this note.

Before we begin to define how a HRBAD programme framework for decentralized governance should be structured, we need to review a few governance concepts. A basic principle that must be understood before addressing the links between decentralized governance and a HRBAD is that local governments always exist at the will of a pre-eminent authority at the national level. This is precisely why this paper initially discussed the relationship between human rights and governance at the societal level before delving into the linkage with decentralized governance.

It is the central Government and Parliament that commit a country to the norms and principles of human rights, not regional and local governments. Thus, from a legalistic perspective, it is important that a country's international obligations under international human rights law are made explicit in the context of decentralization and local governance to the extent that the actions of those below the central government who will exert power, dispose of resources and shoulder responsibilities are also guided by the country's human rights obligations.

Richard Bird⁵ reminds us of this unbalanced relationship when he defined two key characteristics of decentralized governance around the world:

- 1 No matter how much local governing units spend, the amount under their direct control is invariably less than their expenditure (the remainder coming from the national government, with varying levels of conditionalities).
- 2 Not all subnational governments are equal, national government transfers determine the pattern and level of expenditures in the poorer regions of countries, so that the design of transfers becomes critical in establishing the effects of decentralization on poverty.

A second principle that is important to this discussion of HRBAD emphasizes the responsibility of the individual to govern his own affairs in a way that is consistent with the rights of others. This principle supports the development of an interdependent relationship among men and women, communities and between the state and civil society. This principle is critical to an understanding of the full ramifications of a HRBAD responsibility framework. Depending upon the time and purpose, we all constantly shift between being a duty bearer and being a claim holder. This relationship, thus, should

⁵ Bird, Richard et al. Decentralization and Poverty Reduction, 1999.

not be construed as a dichotomy between different types of people or entities. It is rather one where the relationship changes depending upon the circumstance. For this reason, a responsibilities analysis cannot be conducted, say, during a programme design and then filed away. Responsibilities constantly change as people change, as circumstances change and are dependant upon which aspect of a particular right is being discussed.

Unfortunately, all too often, decentralization reform has been approached as primarily an exercise in the permanent reallocation of roles and functions within government. Often, it is seen simply in administrative terms, and as a remedy for the inefficiencies in the delivery of services resulting from a lack of ownership. As a result, many papers and speeches have been written that attempt to define what is good or bad decentralization.

Taking an emergent perspective on decentralized governance allows for a more complete analysis from a human rights perspective. Decentralization is not an either/or proposition, it is both/and. The typical dichotomy deflects our attention away from the interdependent relationships between and within levels of a society that are needed to solve particular developmental problems. A more meaningful effort to undertake in this context is to design an operational environment that supports all actors to seek innovative solutions to current problems.

At the same time, we must always remain cognizant of the fact that international treaties rarely influence human interactions at the personal level. Therefore, the potential for local attitudes to HRBAD to be more, or less, supportive than that of the national government must always be kept fully in mind. This is, after all, the true essence of decentralization—facilitating diversity. The critical issue to reflect upon here is that all discussions of HRBAD and decentralized governance must include both a discussion of the nature and orientation of national government as well as the potential variation inherent in the various sub-national bodies in the society in question. However, since this paper is specifically focused on decentralized governance the remainder will emphasize processes and experiences at the local level that support a HRBAD, fully recognizing the systemic relationship with the national government.

Therefore, before we discuss how such support to decentralized governance could be designed, it is important to note some of the potentially negative aspects of decentralized governance.

Recognizing the potential for deflected development

Many practitioners refer to decentralized governance as if it were an unmitigated good. Some go so far as to argue that decentralized governance is a necessary condition to allow for a HRBAD to be implemented. However, most careful experts argue quite strongly, and often with considerable empirical evidence, that decentralization can lead to seriously deteriorated conditions of human rights unless care is taken. It is important to recognize that such care cannot be limited to the design phase, but needs to be built into the day-to-day operational behavior of both state and non-state actors.

It is painfully obvious that progress in the realization of human rights does not necessarily follow automatically from attempts to decentralize. Local officials often violate the public trust by using their positions for personal gain, wasting or misusing revenue. The machinery of local government can be used to impose a particular set of social values on men and women that interfere with voluntary economic activities and violate private property rights in order to rearrange opportunities for the benefit of some and to the detriment of others. Consistent with the discussion above, decentralization in itself may be unable to effect change where national policies and political, administrative and judicial systems are unsupportive.

UNDP programming needs to be informed by these realities and especially by the understanding that the path of development for governance systems reflects the historical development of societal norms. This understanding is essential in resisting advocacy for preconceived forms of governance and seeking instead to support the exploration of developmental steps suited to the local historical and cultural context.

In a thoughtful piece for Unicef, Dr. Jeni Klugman⁶, clearly warns that one must be very watchful of decentralization programs. She argues that there is little or no evidence to support the commonly held assumption that decentralization would automatically promote both the efficiency and equity of government activities. She says that rigorous assessments of the impact of decentralization on child welfare outcomes are scarce. She does admit that because local governments tend to focus on those services that are of greatest direct relevance to child welfare that positive outcomes can be expected.

However, Dr. Klugman is concerned that, because of the long time horizon, local communities may not see education or other aspects of human development as important goals. Because of this concern, she argues that it may be necessary for the central government to override family decisions on issues such as immunization and education. This is a very real concern in Pakistan where families willfully keep their children, especially their daughters, from school. However, others argue that it would be far more effective to have local community pressure brought to bear on such families rather than procedural pressure from distant bureaucracies.

Another of her key concerns is that decentralization may lead to a deterioration of overall attainment of social objectives because there is a significant risk that the equality of opportunities and of outcomes will be adversely affected due to a failure to provide sufficient resources for poorer regions. While the overall outcome (attainment of national goals) may be met more easily through decentralization, the process may lead to greater interregional disparities (see Bird's comment above).

Interregional disparities are a critical concern when considering the link between decentralized governance and a HRBAD. However, decentralization is sometimes inappropriately blamed for an inequitable development of regions within a country. Geography also has a critical role in disparate rates of economic development, and its

⁶ Klugman, Jeni. Review of Decentralization: A survey from a child welfare perspective. Innocenti Occasional Papers, Unicef, 1997.

impact is independent of any political regime. Unevenness in development is an unpleasant fact throughout the world, under centralized and decentralized, democratic and dictatorial regimes. Certainly, it occurs under highly centralized regimes as well.

Policies can change the inherent agricultural or trade potential of an area granted sufficient resources are available. Through centralized policies, certain localities can be targeted and given special treatment. This may be the poorest region in the land, it may be the fastest growing or it may simply be the home of the prime minister. The fact remains that such support is the prerogative of a central government. In contrast, decentralized governance units do not have the means to write local regulations that provide them with disproportionate facilities from the state. All decentralization can do is enable local governments to take full advantage of their local resources and do the best for their own people. Through decentralization, a local community can use the opportunity of enhanced authority and responsibility to discover unique qualities within itself that can be exploited for the benefit of its constituents that a national planning strategy would never consider.

Polycentric governance as a design principle for rights-based decentralization

It is often argued that if decentralization is properly designed and implemented it can promote democracy and a broad good governance agenda. Perhaps one of the most critical design principles that should be supported by supporters of a HRBAD is that of polycentrism. Following the practice of the framers of the American constitution, decentralization policy formulators should recognize that in order to protect individual freedoms we must first guard against unchecked government power at any level. The strongest defense against this situation is a polycentric governance⁷ framework that enables different mixtures of organizational relationships depending upon the particular public problem that needs to be resolved. Unfortunately, public administration experts and practitioners typically argue against competition in public service as being inherently inefficient. However, seen from a different angle, redundancy in a public service system provides for more options to solve a problem than if we restrict ourselves to a single hierarchical pyramid of control, thus increasing the power of the individual or community to find solutions to their problems.

Arguably, the most polycentric governance system in the world is that of the United States of America. There are more than 82,000 separate units of government in America, not including state and local regulatory boards. This plethora of options helps to ensure that any single local government cannot have absolute power over the rights of men and women to personal freedom. This is necessary. While the machinery of local government certainly can be, and often is, used for the public good, the existence of this power too often provides an irresistible temptation to those who would use it for

⁷ For an introduction to the concepts and practical application of polycentric governance see: Ostrom, Vincent, David Feeny, and Hartmut Picht, eds. Rethinking Institutional Analysis and Development: Issues, Alternatives, and Choices. 2d ed. ICS Press, 1993. and Ostrom, Elinor, Larry Schroeder, and Susan Wynne, Institutional Incentives and Sustainable Development: Infrastructure Policies in Perspective, Westview Press, 1993.

ulterior purposes. Local governments are peculiarly susceptible to capture by groups bent on distributing wealth or opportunities in their own favor.

It is useful to examine the Philippine experience in decentralized governance as an example of polycentrism in practice. Over the past twelve years since the passage of the Philippine Local Government Code, the decentralized governance space in the Philippines has been characterized by continuous change resulting from the myriad adaptive innovations emanating from both local government and non-government sectors.

Setting aside any political views, the chief effect of the Code has been to create a far more complex array of institutional relationships than existed before 1991. The evolution from a dominant, axis relationship between national and local government to a complex web of relationships not just between LGUs and the center, but also among themselves and between LGUs and non-state sectors, has opened the potential for radically new solutions to emerge that were impossible to consider before the passage of the Local Government Code. Not all the innovations have been successful, and certainly not all have supported HRBAD, but it is increasingly recognized that the system overall has become much more resilient and much more effective than the earlier centralized command and control model. This allows for many more opportunities for learning and internalizing HRBAD principles and processes.

However, contrary to logic and common sense, many people still expect to see uniform results from decentralization. Creativity and adaptation occur in a very narrow region between control and disorder. While a balance between central standards and local autonomy is necessary, recognizing Philippine LGUs as 'complex response systems' of individual decision making processes may help HRBAD designers to focus more attention on issues inherently meaningful to LGUs and their constituents and less on measuring what is considered important to donors.

Systems thinking as applied to decentralization and human rights

In order to establish a framework for dealing with the growing complexity that results from a national decision to decentralize we can use the structural framework of a systems analysis approach to understanding how things actually work. Using a systems approach, we focus our interest on the causal structures that produce the observed behavior. A causal structure frame of reference pays close attention to the events that actually happen in the world. These events are very much in our view on a daily basis. Our plans and reactions are all influenced by events, but this does not mean we react to each event as if it were an isolated occurrence. Using a structural perspective, we can look at patterns of behavior over time and try to glean lessons from the past that will improve our ability to handle present situations.

The incorporation of root cause analysis is a useful step that forces programme officers to go deeper than they normally do when assessing a problem and identifying points of leverage in a system. Anything that gets them away from being fixated on numbers (manifestations) will be a plus. The problem is that this analytical process gives the impression that development issues are all connected in a linear causal relationship.

This does not take into consideration that what is an effect in one part of a system can have an influence back on its own cause(s) through either positive (driving) or negative (regulating) feedback mechanisms. In linear thinking, cause and effect are assumed to occur together. In systems thinking, cause and effect can be separated in both space and time. A systems dynamics approach is much messier, but it will ultimately be a requirement if we are going to truly translate a rights perspective into long lasting outcomes.

Although it is useful to engage in an analysis of the institutional structure that influences the processes in decentralized governance, acting always precedes planning. By this we mean that we constantly take part in constructing the environment around us through our own intentions. Men and women and their organizations are not just passive recipients of rules emanating from an institutional framework that exists 'out there'. Instead, they must be seen as active players constantly involved in creating opportunities and threats to themselves and others. This worldview requires a holistic approach that recognizes the reality of constantly shifting perspectives, mutual causation, and relationships as the critical unit of analysis.

What should be expected of decentralized governance that is rights based?

At the very least, rights based governance must be highly participative in nature. It is through participation in public affairs that we are able to take advantage of the human rights principle of self-determination. Participation, however, cannot be limited to voting or making wish lists. The nature of participation is a critical issue in a rights-based approach. Fundamentally, rights-based participation is concerned with who makes decisions about an individual's life and what factors influence those decisions.

More specifically, human rights-based decentralization must attend to three critical functions: monitoring, coordination and engagement.

1 Human rights monitoring,

The negative points raised against decentralization are valid. A human rights based approach to decentralized governance must include a process of regular assessment of the status of human rights accomplishments and failures in particular areas. This calls for disaggregated data that differentiates the specific status of different groups. Such an assessment would need to be accomplished in a participative manner so that those whose rights are not being realized have full opportunity to make this known. Engaging a community in self-analysis helps to secure ownership and responsibility for relevant programmes of improvement.

2 Co-ordination of local and national policies and programmes.

Once a system of decentralized governance has been instituted in a country, budgeting and programme planning systems need to be redesigned to ensure local empowerment have an impact on central budget design and utilization. System coherence is critical because local and national government moving at cross purposes can easily undermine any gains made through the decentralization process.

3 Engaging public ownership,
Decentralized governance potentially provides a vital platform for regular review of achievement in human rights and serves as a mechanism for flexibly integrating national and local development programming priorities into a coherent whole. Nevertheless, a rights based approach to decentralized governance, first and foremost, must seek to provide all citizens with the freedom to develop themselves in the manner and direction they desire. As seen in the various socialist states of the 20th century, an over-emphasis on public production of goods and services can undermine real development, which consists of the wealth creating capacity of the citizenry. Unfortunately, such a *dirigiste* approach is often mistakenly advocated by those advocating a HRBAD. Historical evidence over the centuries provides substantial evidence that realization of sustainable human development over time is far more dependent upon the aggregate progress of men and women pursuing their own personal development trajectories than on programmes of public largesse. Failure to support the development desire of the citizens themselves as opposed to the desires of outsiders will result in very little sustained progress.

Establishing the Ground

How do we do it

Recent reviews have noted that straightforward human rights education projects have not had much impact on deepening an understanding of the purpose or value of human rights in development or on attitudes or behavior of men and women in state and non-state sectors. This author also is not aware of any that have moved beyond the stage of direct donor implementation. As a result, one of the critical questions raised is whether HRBAD should be initiated as an explicitly HR programme strategy or whether it is better to focus attention on establishing a ground of successful experience in collaboration between government and civil society. This paper argues that the latter is precisely the route that should be undertaken. However, it is fully recognized that this is a route that has been littered for decades with many partially successful projects and not a few failures.

Today, there are yet only a few examples of programmes that provide a basis upon which to establish a human rights approach to development. Five recent examples known personally to the author are described below. Of the five, one was designed by USAID for implementation in the Philippines while the other four were designed by UNDP in Nepal, Bangladesh, Indonesia and Pakistan. Although the emphasis will be on the USAID project as it has been completed and the most lessons are available, the following sections will discuss the origins, experience and lessons of these projects as examples of approaches to a 'progressive realization' of a human rights based approach for decentralized governance that do not explicitly call themselves rights-based. Many in the HR field will likely label these projects as no more than good programming. However, others argue that good programming that leads to tangible and sustainable results is precisely what is needed to form a base upon which a human rights agenda can be built.

Philippines: Governance and Local Democracy

The Governance and Local Democracy (GOLD) project was initiated in 1995 with a mandate to achieve the following development objective:

To support the spread of effective local governance coupled with broad-based citizen participation.

To achieve this objective, the project designed, tested, implemented, and replicated a demand-driven, participative, cross-sectoral development strategy for local development. GOLD supported citizen-government collaboration at provincial, city, municipality, and barangay-level. All of these levels of decentralized were assigned considerable new responsibilities, authorities, and fiscal resources because of the passage of the Local Government Code of 1991. The methods employed by the project emphasized collaborative problem solving by local governments and non-state elements addressing a wide array of locally prioritized technical problems. The approach de-emphasized the more traditional high-cost, expertise-driven, single-sector strategies of the past, favoring “doable” actions that could be accomplished by local actors.

The strategy focused on demonstrating effective local governance and public management of services while working to see that lessons learned could be spread to a larger number of local governments and sustained after the project was over. It is important to note that neither the project staff, beneficiaries or USAID administrators, never used the term human rights approach to development. Nevertheless, it is argued here that, in hindsight, this is precisely what the project was all about in its effort to establish a broad understanding of a few basic principles of participative development that could be used independently by decentralized governance units to address their priority concerns.

The GOLD project was an excellent example of cross-sectoral programming where governance principles and objectives formed the basis for the implementation of a wide array of discrete sectoral interventions. In other words, GOLD sought to address traditional sector issues (e.g., economic development, investments, environmental management, local service delivery such as health or education) by improving local governance, rather than trying to interest local governments in supporting sector-based project goals distinct from their broader governing mandate.

The project proceeded in roughly two segments. The first segment (1995-1998) focused on design and testing methods in two highly urbanized cities and in nine provinces, plus their constituent municipalities and barangays, or roughly 12 percent of all local governments in the Philippines. This phase focused on building capacities among partner organizations like the Centers for Local Government (CLGs), nongovernmental organizations (NGOs), national agencies and private firms to deliver methods and technologies without further external assistance. It was during this period that GOLD developed and deployed an array of effective methods for identifying, prioritizing, and addressing local development issues in an open and participative manner. The steady emphasis on participation was a key strategy to “open up” local

decision-making and development responsibilities to a broader spectrum of stakeholders. In other words, accountability and transparency were achieved by maintaining constant attention to open deliberations and citizen involvement in every step (not just initial planning steps) of development activity.

The lessons that emerged from this early intensive assistance phase were documented, converted into manuals and guides, and replicated nationwide in a rapid, but brief expansion period. Ultimately, GOLD approaches were introduced to 46 provinces and 23 cities by the end of 2000, so that roughly 40 percent of Philippine local governments had exposure to the principles espoused by the GOLD project. This later phase, although constrained by a significant reduction in funding, amply illustrated the viability of spreading good governance practices by means of locally based consultants and institutions.

While carrying out the expansion process, the project consciously addressed the issue of sustainability of its interventions. During this period, the project called upon its strong relationships with its partner organization that expressed interest in continuing to use the GOLD methods after the end of the project. These included national agencies, formal associations of local governments (i.e., "Leagues" of local government), civil society networks, national universities, and the CLGs and NGOs devoted to training and facilitating. The original group of local governments themselves was aggressively tapped for cross-training, in that they desired to assist their colleagues to learn from their success. During this phase, the project produced and distributed hundreds of technical pamphlets, flyers, manuals, and reports that were widely shared with local governments and organizations involved in local technical assistance.

The findings of the project can be summarized as follows:

In order to **enhance participation** among stakeholders (i.e., local government, citizens, civil society organizations, and the business community):

- Focus attention of technical assistance on improving deliberation and decision-making processes.
- Emphasize team approaches to problem identification and solution prioritization.
- Facilitate action on immediately doable and achievable activities, not on excessively detailed plans or essentially theoretical technical analyses.
- Demonstrate the versatility of methods so that partners recognize that participation tools can be used to generate solutions in a wide variety of problem areas.
- Support a diversity of solutions so that actions are clearly aimed to local conditions and assume that, largely, the best solutions are usually the ones stakeholders freely choose to support in open deliberation, rather than one generated by a small group of "project experts."
- Celebrate small successes to deepen willingness of partners to take on increasingly difficult tasks.

In order to greatly increase the chances of **sustaining improvements** by means of local ownership of a change management process:

- Follow an implementation strategy that lays out clear requirements and expected benefits.
- Allow LGUs to design the strategy and activities in which they choose to take part, rather than compelling them to accept strategy and tasks which they did not take part in designing.
- Employ a cross-sectoral approach that allows LGUs to prioritize the specific problem areas that will be addressed by the project.
- Value the contributions of a partner's leadership and staff, engage them in supervising technical experts, and frequently cross-validate communications with both elected officials and staff.

In order to **facilitate diffusion** of the overall approach:

- Build alliances with a variety of institutional partners.
- Work with all levels of local government.
- Support the strengthening of coalitions of government, business, and civil society partners focused on thematic common interests.
- Engage national government to design policies and support systems consistent with lessons from the field by improving the ability of local governments to advocate their issues and document their successes.
- Structure technical assistance so that tools can be employed by institutional partners without project assistance.
- Carefully select, orient, and train consultants in participative processes.

The GOLD project ended in February 2001. Nevertheless, the principles and practices generated by the project continue to guide the activities of local governments in many parts of the Philippines. Space does not allow for a complete review of all of these examples, but the following provide a picture of what is possible and what can be built upon to create a fully functioning human rights based approach to decentralized governance in the Philippines.

Province of Bulacan: Performance Management System

The Province of Bulacan is often cited as an exemplar of good governance. The Province has had only two Governors since the start of the new local governance era in 1988. Both have focused their attention on turning the province into an attractive place for men and women to live, work and invest. Over the past 7 years, the provincial leadership has increasingly turned to a well-organized set of management tools designed to enable the province to achieve its objectives.

The approach followed by the Province can be characterized as a judicious mixture of normative and social contract methods to performance management. The normative approach measures achievement of the province against externally determined performance norms and standards while the social contract modality requires the LGU to look inward, assessing current performance against past achievement and projected targets, particularly those prioritized by its constituents. The normative assessment

enables the province to benchmark itself against national and international standards of excellence, while the social contract measures ensure that the province is living up to its promises.

In January 2000, AIM professor Ned Roberto⁸ conducted a survey of priority concerns of Bulacan citizens. The top two priorities were illegal drug trafficking and illegal gambling. Following the survey Dr. Roberto predicted that Gov. dela Cruz's approval rating would depend upon the public's performance in these two areas. However, although when a follow up survey was conducted in July 2000 these two problems remained among the top three priorities and the province was rated as not addressing these issues, the Governor's approval rating was higher than in January. The answer to this seeming paradox lies in the perception of the public that responsibility for addressing these two issues does not lie with the LGU, but rather with the central authorities. Thus, the failure of the Province to act was not regarded as a dereliction, but as a rational decision to focus its attention on those matters for which it had been given the responsibility.

This anecdote helps to illustrate a critical point being made in this paper: assessment of the performance of decentralized governance is an inherently flawed process unless the roles played by central agencies are taken fully into account. The process of decentralization in the Philippines is far from a simple matter of 'x' function being removed from the central government and devolved in to a sub-national unit.

In order to focus its attention on those issues that are more fully under its responsibility, the province has initiated a internal Performance Measurement System on its own that is designed to ensure that LGU officials consider the principles of efficiency, effectiveness, adequacy and equity when public goods and services are produced by the provincial departments and agencies. The fundamental precept of the Bulacan PMS is that it is about programming, not merely appraisal. The key components of the PMS include: performance planning, on-going performance communication, data gathering, observation and documentation, performance appraisal meetings, performance diagnosis and coaching. The province has established its PMS with close links to strategic planning, budgeting, employee development, compensation systems and its internal quality improvement program.

The overall provincial development program has been broken into six sectors: Social development, Economic opportunities/employment sector, Peace and Order sector, Environment sector, Development administration and Infrastructure sector. Stakeholders for each sector collaborated to vision, mission, organizational objective, Key Result Areas, performance indicators, and targets to be achieved by 2007. Each of the Key Result Areas has been further deconstructed to identify contributing performance indicators that are the responsibility of relevant offices and agencies of the provincial government. Annual incremental targets have also been set for each of the identified baseline indicators associated with the unit performance indicators. Some of these annual targets are highly specific while others simply indicate an annual percentage improvement.

⁸ Roberto, Ned, How to make local governance work: Listening to the citizen's voice and taking action, Asian Institute of Management, 2002.

The Bulacan PMS was only initiated in mid-2002. No testing of the appropriateness of the annual targets has yet been undertaken. However, the simple fact that a province initiated such a system on its own provides strong evidence of the potential for decentralized governance units to take the lead in designing systems supportive of a HRBAD.

The Bulacan PMS is an archetypical example of how local governments can learn when external knowledge can be matched with local desire and innovation. As such, it provides an excellent opportunity for incorporating HRBAD principles and practices into an ongoing decentralized governance management tool.

Developing a City-wide development strategy in San Fernando City, La Union

In 1998, while a partner with the USAID Governance and Local Democracy Project, the City of San Fernando, La Union, applied to become apart of the new City Development Strategy Project of the World Bank (with Japanese assistance). The first phase of CDS operated as an open learning laboratory for the seven LGUs involved. (Interestingly, the WB initially only wanted to work with one, but the LGUs convinced them they would share the available TA resources so all seven could take part. This fundamentally shifted the orientation of the project from a competition to a collaborative learning exercise.)

The city development planning process in the formulation of the City Development Strategy started with the Strength-Weaknesses-Opportunities-Threat (SWOT) analysis and ended with the Prioritization of Proposed Program and Projects. Community participation was heavily emphasized and was particularly effective in the SWOT analysis, vision formulation and programs/project prioritization. A series of three workshops were conducted using the methodology introduced by the GOLD project, Technologies of Participation. Participants (about 100) in these workshops include city officials, heads of the various city offices, heads of selected regional line agencies and the non-state sector composed mainly of business groups, non-government organizations, people's organizations academics and professional groups. In formulating the city vision, the participants agreed on what they wanted the city to become through a process of negotiation. The city officials and staff were then charged with formulating their organizational mission statements tied to the agreed city vision. In the next workshop, the SWOT analysis was completed with the multi-stakeholder group. This was further refined through technical consultation and in another workshop wherein sectoral problems and objective tree analyses were prepared. The final project prioritization workshop involved the use of a Goals Achievement Matrix method. This involved the assignment of weights to the sectoral goals and objectives and the evaluation of the impact of the proposed programs and projects to these goals and objectives. Fifteen program categories were ranked based on the weighted scores.

The resultant City Development Strategy has served as a roadmap to guide the city over the past four years. The City administration is now initiating work on creating a formal

benchmark and monitoring process to ensure that all aspects of the Strategy are being provided the appropriate level and mix of resources necessary to achieve the targets.

The success of the CDS in improving urban management functions led the City to take the process down to the Barangay level. Over a six month period in 2002, each and every one of the 23,131 households in the 59 barangays of the City were interviewed by Barangay Health Workers using the national Minimum Basic Needs survey format. The cost for this effort was about one third the cost the national government estimated a new MBN survey should cost a Barangay to complete. The raw data was reviewed to observe the condition of critical factors, such as water supply, income, and house construction, using national standards to determine the poor and very poor members of each community. About 9.4% of all households in the city are classified as poor. The data for all families is currently being computerized for more detailed analysis.

Following the completion of the survey, the Barangay were assisted to prepare a Barangay Profile. In order to accomplish this, the Barangays were organized into clusters and 60 city personnel and other local people were trained in Technologies of Participation (ToP) to become group facilitators. The clusters followed a similar series of workshops as the City, only with a much higher level of participation—a total of 1500 persons took part in the workshops. As a result, now each Barangay has a vision, mission, goals and a set of priority projects and programs to implement their agreed objectives. The City has assisted the Barangay to organize the finances to ascertain exactly how much local resources they have and is now helping them to begin the process of identifying additional sources of funding, including City budgetary support.

This effort represents an excellent start in the creation of an indigenously created and maintained participative approach to governance. The initial support of both the USAID and the World Bank projects was critical in getting the process started, but the political will evidenced by the City to take full advantage of the support and turn it into an institutionalized process was the critical factor in its success. Again, this is a solid platform for the introduction of explicitly HRBAD principles and practices. The leaders of San Fernando City and Bulacan Province are exemplary. If anyone in the Philippines can understand and implement a rights based approach, these two women can.

Nepal: Participative District Development Programme

The passage of the Nepal Local Self-Governance Act in 1999 gave a major boost to the promotion of decentralized governance in Nepal. The Act delegated substantial new authority and responsibilities to locally elected authorities (District, Municipality and Village councils) relating both to revenue generation as well as to development activities formerly carried out by line ministries.

Many features of the Act were patterned after the systems and processes developed under the two UNDP-supported projects, the Participative District Development Programme (PDDP) and the Local Governance Programme (LGP.) These two projects continue to introduce participative planning, social mobilization, and district-led development in many districts of the country. Unfortunately, the local government

system of Nepal was disbanded by the Prime Minister in July 2002. Subsequently, the entire Parliament was disbanded by the King in the following October. Presently the King heads an unelected government at the center and bureaucrat administrators manage the affairs of local government units. Although there is no prognosis as to when democracy will return to Nepal, UNDP is continuing its assistance at the grassroots level and is currently forging a unification of the two major projects into one.

UNDP assistance to decentralized governance goes back at least 20 years in Nepal. In 1982 quiet support was given to government experts who designed the first royal decentralization act. Although this act did not result in significant changes in the manner of governance nor in the quality or equity of public service delivery, it did establish a precedent. This precedent was taken up by the revolutionary democratic government that came to power in April 1990. The government requested UNDP assistance in designing and supporting a new system of democratic decentralized governance.

Over the next five years, the UNDP Decentralization Support Project worked at both national and local levels to identify critical aspects of local governance that could be supported with external assistance. At the same time, a parallel intervention from the UNDP South Asian Poverty Alleviation Programme (SAPAP) established itself in one of the DSP districts, Syangja. This programme was based upon principles of community organization and self-reliance that had their origins in the Aga Khan Rural Support Programme of the Northern Areas in Pakistan and, earlier, in the Comilla project of, the then, East Pakistan.

In 1995, UNDP/Nepal undertook a Mid-Term Review of its Country Program. During the MTR process it became clear that the philosophical orientation of the Decentralization Support Project and SAPAP and the success they had shown in working with local institutions had greatly influenced the thinking of the UNDP management and staff. When the UNDP office was asked by its regional bureau to name a flagship project that typified its approach to Sustainable Human Development, the office chose the Decentralization Support Project. The UNDP management continually referred to this project as the 'backbone' of its entire country program. Several new projects were started that indicated a sharp change from the previously centralized and sectoral approach. For example, the Parks and People project was initiated with the Ministry of Forestry, but bordering districts and villages were heavily involved in both the planning and implementation of the project. Likewise, the UNDP AIDS project and Labor-based Roads Project were designed to be run through the districts rather than the central ministries.

In December 1995 the DSP was replaced by the Participatory District Development Project (PDDP). The PDDP was designed to consolidate and improve on the results obtained and lessons learned from the previous project. At the local level, it aimed to institutionalize participative development by enhancing the capacities and capabilities of the Districts and Villages as well as helping them establish linkages between various local level organizations like the private sector, women's groups, community organizations, NGOs and line agencies.

To achieve these goals, the PDDP divided its task into seven major sectors:

1. Institutionalizing a participative program and planning process based on transparency of decision making and coordination between political bodies, technical agencies, NGOs and the community.
2. Developing “trickle up” information systems where data collected at individual settlements was aggregated to higher levels at the village and district. The comprehensive data base and Geographical Information Systems (GIS) maps were designed to improve the flow of information. Eventually, HDI maps of individual districts and villages were produced, sparking a major shift in information use at both the local and national levels.
3. Providing management support to improve the organizational capacity of the Districts through account management packages and restructuring of Districts.
4. Encouraging social mobilization by providing catalytic seed grants selectively for improving infrastructure, increasing productivity and supporting capital generating activities like savings/credit schemes.
5. Promoting partnership building among Districts, Villages, CBOs, and private organizations to promote local industrial and commercial development.
6. Human resource development of professionals, program staff, DDC, Villages, government agencies, political parties and private sector associations through training packages on Sustainable and Participative Development.
7. Supporting action oriented research on sustainable human development on issues such as poverty alleviation, women’s development, and environmental management and employment generation.

Community mobilization

The most significant shift from the DSP orientation lay in the approach to community mobilization. PDDP took a significant step in broadening the range of beneficiary groups that benefit directly from the project. Community mobilization activities are the dominant aspect of the project’s activities in all districts. The way this was added to the project repertoire is an interesting case of programmatic cross-fertilization.

Syangja District was one of the six original districts covered by the Decentralization Support Project. During the early days of DSP, Syangja District was a leader in experimenting with ways to build more productive relations between local government and NGOs, especially women’s groups. Thus, when UNDP’s regional bureau proposed to include Nepal in its South Asian Poverty Alleviation Program (PAP), the National Planning Commission decided that the field activities should be located in Syangja in order to take advantage of the social capital that had already been created.

Interestingly, the SAPAP Senior Advisor initially opposed this selection because he did not like working with local governments.

The Nepal Poverty Alleviation Project operated in Syangja from 1995 to 2002 and considerable knowledge was generated from its efforts. The project focused its attention on understanding the appropriate steps required to enable rural villagers to believe in their own ability to change their future, with UNDP acting as the catalyst for social and financial mobilization. The project assisted in the formation of savings groups, helped these groups to establish procedures for lending among themselves, and guided the groups in their efforts to plan the rational use of the pooled resources.

This basic social mobilization approach has been linked, by PDDP, with the concepts of self-governance and self-organization of farmer organizations and local government units. In order to accomplish this, the management of SAPAP, PDDP and its sister project in eastern Nepal, the Local Governance Project; the UNDP, the National Planning Commission and the Ministry of Local Development collaborated closely over the past eight years. This inter-project relationship enabled SAPAP to remain small, to focus on knowledge creation, and to benefit from the lessons learned through the PDDP/LGP the national expansion without having to split its own efforts between process development and expansion. SAPAP has now closed, PDDP and LGP are in the process of a merger, the status of decentralized governance units remains in question but UNDP is convinced that continued effort to support the development of self-reliance at the community level is a vital aspect of SHD through, as this paper would argue, a human rights-based approach to development.

Experience in Tanahun District

The former chairman of Tanahun District, Ram Chandra Pokhrel, one of the founders of the Nepal Association of District Development Committees and an early partner with UNDP, remarked that the impact of the move to decentralized decision making was tremendous. He argued that, "During the *Panchayat* time, we were not free. There was no responsible government and no spontaneous development. If there was development in a village, it was directed from the center."

Pokhrel's own district of Tanahun has a population of 300,000 scattered in 46 villages and was one of the six original districts that received the UNDP funded DSP. According to Pokhrel, the development process definitely followed a "bottom up" approach. First groups of villagers assembled to discuss their common need and presented their ideas to the Village Development Chairman. In Tanahun, the villagers identified six priority sectors which were: clean drinking water, literacy, self-sufficiency in food grains, a health post for every village, a motorable dirt track linking every village to the main road and income generation (including access to credit). The villages then submitted the priorities to district committee members, who ranked the projects according to the number of men and women who will benefit from them coupled with the estimated cost and availability of funds. Money for the projects was then found from donor agencies and the Central Government. For example, 9 kilometres of road were constructed up a rock cliff in Tanahun with people donating labor and the Ministry of Roads covering the engineer's salary.

For drinking water, local villagers were willing to dig their own reservoirs, repair their irrigation systems with technical assistance. The UNDP "Seed Grant" funds were used to provide matching funds. Initially, people in Kathmandu argued that the rural villagers were too poor to be required to provide cost sharing to be eligible to access these seed grants. In reality, the people were more than willing to provide substantial contributions to create or repair infrastructure that was their own priority. In several cases, 90% of the costs was borne by the villagers with the UNDP project only providing assistance for those materials not available locally.

Some of the critical lessons learned from the Nepal experience can be summarized as follows:

- DSP/PDDP's catalytic role in support of decentralization not only enhanced participation and empowerment through capacity building and by being responsive to local needs, but it also contributed to UNDP's own SHD-oriented project pipeline development.
- Accountability is possible through strengthening various tiers of power; as exemplified by the Districts' growing awareness of both their rights and their responsibilities (until dissolution).
- Voice and choice were enhanced: local communities were empowered to direct their own development agendas with the assistance of UNDP
- Decentralization did not take place in a vacuum: democracy, economic liberalization of the economy and privatization were all part of the institutional context.
- The concept of ownership is crucial- it is an effective method of mobilizing development resources in rural areas; contrasting strongly with many "policy dialogue" type projects funded by donor agencies which can be confrontational and impose a set of foreign beliefs on resistant officials.
- Formation of policies is not enough - decentralization needs a strong political commitment with a legal basis.
- Decentralization is an incremental long-term process; there is no quick fix solution to institution building.

Bangladesh: Laying the Framework

The Mid Term Review of the UNDP Community Empowerment Projects in Bangladesh suggested that donor support to community based micro-credit and social mobilization does not have sufficient impact on poverty. The review argued that institutional linkages between communities and local government were needed as well as a process of channeling lessons learned at the local level upward to the national policy making entities. Subsequent to this review, the Bangladesh Country Office commissioned a

team to design a new project. The team designed a one-year Preparatory Assistance project that was intended as an opportunity to explore the possibilities for addressing those proposals. The focus of the PA was on learning how local institutions interact with one another and the way in which they develop and share knowledge.

The PA was implemented in 2002-2003 by a local firm. During the project period, they engaged with elected leaders at the Union level, local and national NGOs, groups of private entrepreneurs and the deconcentrated national government staff at the sub-district level. The team spent considerable time to learn how the existing pattern of communication and decision-making is conducted at this level. In the limited geographic extent of the PA, the catalytic interventions of the PA team resulted in significant improvement in the communication patterns among all project partners. In particular, the elected leaders began to recognize a far broader mandate for themselves. The PA carefully documented the existing vertical information flows in the system and the limited authority for local decision making. However, they also saw that small interventions could result in significant changes in those patterns. The conclusions of the PA team affirmed the initial hypothesis that the 'meso' level institutional linkages can be developed through external facilitation and without the need to create elaborate new systems or structures. The team also concluded that a broad spectrum approach to poverty reduction is required, far beyond the typical scope of micro-credit projects. Such an approach should include education, health, agriculture and social welfare. Associated with this finding was the conclusion that multi-sectoral collaboration should be focused on broad strategies for local economic development that extend far beyond typical 'development schemes'. The involvement of private sector was critical in expanding this development vision. Sharing information proved to be one of the most significant obstacles during the PA period. They concluded that considerable effort needs to be focused on this seemingly mundane matter.

Significantly, there were no conclusions drawn by the PA team that countered any of the lessons learned during the implementation of either the USAID GOLD project in the Philippines or the UNDP support to decentralization in Nepal. One of the strongest links was the finding in Bangladesh, as in the Philippines and Nepal, that local ownership requires local action. Creating a space for men and women to quickly get to work on activities of local interest, rather than getting bogged down in lengthy and intricate planning exercises, is an effective move. The need for national support was also affirmed.

During the PA period, Bangladesh underwent elections for local governments at several levels where no elected official had ever sat previously. There is still considerable confusion in the country regarding the level of political support for decentralized governance. Nevertheless, the supportive findings of the recent PA team provide a solid basis for moving ahead with an explicitly HRBAD programme framework in Bangladesh.

Indonesia: Partnership for Governance Reform

The Partnership for Governance Reform in Indonesia ("Partnership") was conceived at the end of 1999, in the aftermath of the General Elections held in June of that year, by a

group of eminent Indonesians, interested bilateral donor missions, UNDP, the World Bank and the Asian Development Bank (ADB).

In January 2000, at a meeting in which the international community, leading figures in Indonesian civil society, private sector representatives and BAPPENAS participated, the importance of the emerging mechanism of the Partnership was endorsed. At the Consultative Group for Indonesia meeting held in Jakarta in February 2000, the Minister for Human Settlements and Regional Infrastructure and the Attorney General, representing the government, formally introduced the Partnership to the international community on behalf of the Government of Indonesia.

A mechanism was established within the Partnership to identify the essential elements of the governance reform agenda in Indonesia and to provide the means for implementing them. The Partnership represents a unique alliance of prominent nationals, who are able to articulate the views of different segments of Indonesian society and government, and the international community. The alliance aims to provide advice in the development and direction of reform priorities and on the implementation and management of specific projects financed from resources mobilized through the Partnership.

The Partnership activities are implemented through two complementary mechanisms: a UNDP development project entitled the "Facility for Enabling the Partnership for Governance Reform in Indonesia" which was approved in April 2001; and the Indonesia Governance Fund, managed by UNDP and finalized in July 2001. The Facility is designed to undertake in-depth analysis, dialogue and research in chosen areas of governance reforms, thereby stimulating local, innovative projects deserving support from the Indonesia Governance Fund. The Partnership, as the total mechanism has come to be called, is accountable to a Governing Board comprising members of Indonesian society who represent different occupations and the international donor community.

The Partnership has not established an explicitly human rights agenda for its operations, but it employs processes that are compatible. In addition, it does work in a range of areas that are germane to a HRBAD, including decentralization, local governance and transparency. One of the catalytic interventions supported by the Partnership that has great potential for broad impact on fostering accountable and transparent decentralized governance is a small accounting activity.

Semarang City Accounting Project

The Semarang City public sector accounting example represents an excellent case study of how an organic process of development results in superior outcomes than externally induced interventions.

Dr. Indra Bastian, who teaching public sector accounting at the University of Gadjadarmah (UGM) in Yogyakarta did his initial degree in accounting at UGM, then an MBA in the US where he got interested in public sector accounting. He continued on for a PhD in public sector accounting in the UK.

Dr. Bastian returned to UGM as a lecturer and began to work with a team of colleagues to develop a modern public sector accounting system that would fit the needs of Indonesian government entities that employed international standards using double entry and accrual accounting. After a number of years, his work came to the attention of the State Audit Board.

When the Partnership opened its doors for grants, the State Audit chief for local government accounting advised Dr. Bastian that the Partnership might be willing to help him spread his system. He made a proposal and received funds for a workshop to explain his system. He picked the attendees and then selected those who expressed the greatest interest for follow up. These included the city of Semarang.

Dr. Bastian spent considerable time working with the Mayor and City Council of Semarang to convince them of the value of his process for their city. Then, from April to June 2001, he met with all the heads of city office departments and began to train their technical people. After a 5-day overview session, they each began to use the system to establish a baseline of local asset balance sheets. Each department made a separate balance sheet and the city then consolidated them. It took 3 months to prepare a preliminary report for the City Council. Throughout 2001, both the old and new accounting systems were in use. In 2002, the full double entry accounting system was in place. A city regulation was passed by the Council establishing the parameters for the integrated revenue, expenditure and budgeting system. The city is now in the process of preparing to transform the system into a computerized one.

The system was an immediate success. The increased transparency in collections and expenditures resulted in a phenomenal (for a city of over one million men and women) 40% increase in revenue for the year. Although 25% of the city budget goes for debt service, the increase in available revenue enabled them to begin paying down the total debt. After overcoming initial resistance from the City Council (the Finance department head was almost forced to resign), the entire Council now supports the changes. As a result, the Council Chairman was asked by the National Association of City Councils to present a paper on their local accounting system at the WSSD conference in Bali in June 2002.

Throughout the process, the city experienced great resistance from central government officials, especially in the Home Ministry. The city attributes this to the fact that the central government staff still has a hard time accepting the reality that, with decentralization, many new innovations will be coming from the local governments. However, when the City Regulation for the accounting system was published it was accepted by the Home Ministry. Although the Finance Ministry had been planning to continue the local governments on a cash basis, single entry accounting system, they changed their stance and are now supporting the principles upon which the UGM system was designed. Finally, in 2003, the UGM accounting system became part of the national law on government financial management.

In this example, we have a system that was developed by mixing international best practice together with local system requirements. The system was developed over a period of time, continually being improved. It was not hatched by a consultant on a

short-term project assignment. The system was introduced only where there was a demand and a willingness to integrate the new system into the routine functioning of government.

The local government is playing host to peers who are interested in learning how to apply the system in their own areas. The system is not being touted by the Partnership or a donor and pushed into other local governments in order to meet artificial project dissemination targets, but, after the success in Semarang, Partnership provided funds for UGM to expand into other cities and districts, based on local interest. Among those that signed up for the programme is the City of Ambon.

Ambon had undergone terrible civil strife between 1999 and 2002. The new mayor was actively looking for ways to rebuild citizen trust in city government. He instituted the UGM accounting system and within a year had achieved two significant results. First, the resulting improvements in financial management enabled him to move from a deficit to a budget surplus. Second, he disseminated the financial reports to the Muslim and Christian group leaders in the city to enable them to conduct their own assessment of government operations. The result has been a steady improvement in city/citizen relations.

The cases of Ambon and Semarang clearly illustrate the potential for basic governance tools, such as transparent accounting systems, to form the basis for a human rights-based approach to development. It is clear, however, that simply introducing such tools will not result in the fulfillment of all human rights. The tool contributes to this process, but must be used in conjunction with a wide array of other methods to ensure an integrated approach.

Pakistan: Establishing a base of information through social audit

A human rights agenda is more likely to take root in communities that experience rich civic culture. Civic culture is built, in part, through the empowerment of citizens to understand the workings of their government through dissemination and analysis of information. This concept is central to the concept of evidence-based planning. Evidence-based planning introduces an achievable series of activities that permit conspicuous improvement of public services. In turn, that improvement (efficiency, effectiveness, and sustainability of development programs) ties in to and reinforces a civic culture, one of the tools necessary for a HRBAD.

Monitoring progress on fulfillment of human rights is a critical aspect of a HRBAD. Unfortunately, typical national survey methods normally employed by national statistical agencies are not useful for determining local variation within national averages. Conversely, most participatory appraisal methods enhance local understanding, but do not produce results that can be aggregated to illustrate spatial patterns of progress and neglect. One method has been developed and employed by an international NGO, CIET, that fulfills both criteria.

CIET International is a research NGO originally formed in Mexico, but now headquartered in Canada. For over 20 years, CIET has been developing a social audit methodology for

comparative assessment of social phenomena (including governance issues) that uses a judicious mixture of qualitative and quantitative survey methods that has been used to support national efforts in good governance in over 40 countries with the assistance of numerous international organizations. Social audit processes developed by CIET⁹ offer a reliable method for measuring the performance of public services and, no less important, mechanisms to devise means of tackling deficiencies in public services, most critically through strengthening the ability of communities to use factual information when advocating for performance improvement from the local governments.

CIET began to use its methods in Pakistan in 1995 through joint support from Unicef and UNDP to build community voice in improving local service delivery. Most recently CIET has been engaged in an analysis of citizen perception of decentralized service quality in all 100 districts of Pakistan. At the request of the GoPakistan National Reconstruction Bureau in 2000, CIET piloted its work in 10 districts with UNDP/UNESCO/DANIDA assistance. The pilot phase provided the opportunity to refine the process and prepare a team capable of expanding the assessment nationwide. Currently, CIDA is financing the work in 100 districts. The process is now overseen by a consortium of government and international agencies including the NRB, UNDP, UNESCO, DANIDA, SDC, DFID, NORAD and ADB. The primary purpose of the consortium is to ensure sufficient funding over the projected five-year life of the project and to oversee the institutionalization of the process after the initial phase has been completed. The results of the 2002 cycle of data collection and analysis were fed back to the communities and local governments in early 2003. The next round of data collection began in August 2003.

The central activity of the first phase of the Pakistan Decentralization Social Audit is to produce a baseline of information on the quality of public services and governance at the start of the decentralization process¹⁰ and to track changes in performance over time. The social audit is being conducted on health services, primary education, police, judiciary and water supply. The social audit data collection, analysis and feedback processes are linked through a holistic operational framework. Several techniques are combined in a iterative, modified cluster design: (i) a critical review of existing data, (ii) institutional reviews, (iii) key informants and (iv) focus groups enrich the qualitative dimension over the same sample as (v) the household survey. Large numbers of contiguous households are involved in the reiterative household surveys, so a wide range of participatory research and follow-up techniques can complement conventional statistical procedures. The methods used for building citizen involvement in the process include feeding the key findings of the analysis back to the community focus groups, providing district 'score cards' comparing ratings with other LGUs, and carrying out a risk analysis to identify the potential gains to be made from different performance enhancement interventions.

The key tools of the CIET social audit: quantitative survey methods, qualitative dialog methods, and feedback tools that lead to actionable plans, support the basic principles of a HRBAD. The value added from introducing this method would be in the manner in

⁹Andersson N. Evidence-based planning: the philosophy and methods of sentinel community surveillance. CIETinternational & EDI World Bank: Washington 1996

¹⁰ Decentralization was re-introduced to Pakistan through a military government ordinance in August 2001.

which these tools are integrated in a participative manner into an ongoing process of assessment, analysis and action.

Critical Issues to Carry Forward

The five examples presented in the previous section provide a picture of a variety of methods for initiating a process for creating a basis for a HRBAD. Some of the examples represent large scale, multi-year and donor programmes. Others focus on a particular tool that can be most useful when used in conjunction with associated interventions. As a whole, these examples are useful to the argument presented in this paper because they support the fundamental contention that international interventions that engage local societies in processes that foment internal dialogue rather than implementation of specified procedural changes have the greatest chance for success and survival.

International treaty agreements provide a full underpinning of a human rights based approach to development. The Secretary General's Reform Programme of 1997 further mandates the approach for all UN agencies. The principles are fully in place. Programmes designed to shift development agency orientation from direct intervention towards catalytic support have been initiated in a number of countries in Asia. Institutionalized mechanisms for documenting and evaluating knowledge generated by these and other programmes and fostering diffusion of this knowledge into the design of new programmes is still needed.

From the perspective presented in this note, the critical issue that should be carried forward by programme designers and implementers is that a human rights-based approach to development should not be expected to be either a directed nor a harmonious process. The extant patterns of communication in most developing societies are based on principles of exclusion rather than inclusion. They tend to sustain current power relations. Even where official ideology is supportive of inclusive processes, the informal institutional arrangements made of social norms and practices may provide sufficient incentives for individuals to continue discriminatory practices, at home, in the school, in community gatherings, and in policy development.

A HRBAD is not a method that enables us to avoid such negative aspects of human behavior. In truth, it is a process that will engender considerable disharmony at various stages. Paradoxically, it is precisely this conflict and competition between old and new systems of communication that enable us to learn and to grow.

Unfortunately, the biggest error that donors commit when attempting to intervene in existing social systems is assuming they know how to fix the problems they can see. What they fail to realize is that the problems they can see are only manifestations of institutional arrangements and incentive systems that go far below the surface. This conceptual error occurs often because, despite the continued advocacy of bottom-up participative processes for partner organizations, many staff of international organizations still imagine the practice of development to be one that is inherently driven by the introduction and adoption of external knowledge by a local actors.

This error is particularly egregious in the case of decentralized governance. Given that decentralization is a process that engenders diversity among local governments, the way national institutional structures influence local governance is not simply a matter of implementation of set policies and practices developed (often by international advisors) and disseminated by national governments. Decentralized governance is an ongoing process of continuous information assessment, innovation and knowledge production resulting in decisions that can have a significant impact on the lives of the citizens of individual local constituencies. Because of their smaller size and speed of information dissemination, this process tends to move much faster and along a more complex array of pathways than we normally find in national government policy generation processes. It should be increasingly recognized that the self-emergent outcomes resulting from the interplay among these internal and external institutional arrangements ensure that results will vary considerably among local governments.

A number of tools exist that can improve the quality of the information used for planning and the methods for engaging disparate stakeholders in consensus building dialogues. The legal international human rights framework provides a normative framework for guiding the use of such tools by local societies in a process of iterative engagement. However, we must not forget that the learning processes in complex, self-organizing, nonlinear, responsive systems, such as decentralized governance units, are inherently unpredictable. They are not controllable. They are understandable only in the most general way. The idea of making a complex system do just what we want it to do can be achieved only temporarily, if at all.

Decentralization and HRBAD are both inherently about changing power relationships. We cannot expect that our desire for introducing a HRBAD will be one an easy one. However, once we relinquish our self-image as mentors and recognize our new role as supporters of a process over which we have (and should have) little or no control, we will begin to live by our own principles of a HRBAD; enabling societies to create and move along developmental pathways of their own volition.