

Comment by Claus Kjaerby, Ibis adviser in Central America on indigenous peoples' and governance issues.

Ibis HO has already presented some comments to the strategy paper, but for time reasons it has not been possible to include these comments before. This input can therefore be considered an addendum that referring mainly to the specific topic of accountability, but furthermore, it introduces the concept of Territorial Governance.

The comments are based on ten years of experience in Latin America facilitating the design of territorial governance models in multicultural societies, including two regions that also receive bilateral support from Danida (South America, including Bolivia, Peru and Ecuador and Central America, primarily Nicaragua).

1. Accountability as a principle or a direct focus area?

Amongst the strategy's guiding principles we find that:

- *Denmark will address the challenges of corruption in its broader governance and accountability context and as an integral part of improving governance in general, and*
- *Denmark will work to promote accountability mechanisms generally, including the roles of parliaments, civil society, the private sector, and the media with a view to fighting corruption as well as making the citizenry at large active participants in national efforts towards improved governance and the fight against corruption.*

However, my experiences say that, if no specific focus is put on the accountability problem most attempts to fight corruption will probably continue to fail. The basic problem is that the active political elites functioning in the current political administrative models are de-linked from the "demand side" and hence feel limited responsibility towards their constituency, and consequently do not feel ashamed carrying out or getting caught in corruption activities.

And why are political elites de-linked? Many reasons, but one basic one is that the political administrative models they work within are not developed by- and for the multicultural and societal context they have to work within. Instead, they are modified copies of our western democracy-models developed within and for mono-cultural societies and thus exported and imposed into differently configured societies – and most development agencies continue implementing these models today. We keep trying to improve their effectiveness, believing that they must come to work if we just support their implementation enough. Why not? They do work relatively well in our own societies, but they never will in "the South". (By the way, do we experience a small crack in our model in our societies, now that we are becoming culturally more complex societies than what was known beforehand?) - The contextual problem is raised to some extent (although not recognised completely) in the strategy's background paper. But if not taken serious in the strategy itself we will hardly be able to solve secondary problems such as *corruption, local service delivery and governance, and public financial management*. If we want to improve governance performance we must support fundamental structural changes. Say, reform the governance models themselves and not primarily target troublesome secondary expressions related to "good management" of our donations.

Chapter 2.1 of the back ground papers states:

The political, economic, social and cultural conditions and the elements and features of reforms will vary from country to country, but basically Public Sector Reforms are about generating changes in relations of power between state and society, between politicians and bureaucrats, and between government organisations. Consequently, implementation of reforms involves change against varying degrees of resistance.

My doubt is: When Danida downscales the accountability problems in the strategy, maybe it is because Danida is not ready to express them selves in favour of society rather than state despite all the good arguments presented; because it implies getting to involved in a power struggle. If not, maybe Danish NGOs could be convenient and strategic counterparts due to experiences within capacity building amongst (civil) society. But this option has not been considered (mentioned) at all.

In practical life, in Ibis we hold a series of experiences where accountability problems have been addressed seriously by developing territorial development plans, including PRSPs and territorial governance models which per definition are in harmony with their cultural context.

2. Territorial Governance – a conceptual proposal

When a population, whether mono or multi-ethnic, self-identifies with a territory, and, based on a legitimized territorial institution, governs its internal and external affairs in line with this territorial ownership, we are referring to Territorial Governance. The use of the term governance indicates that it deals with forms of self-governing based on one's own jurisdiction and institutionality; that is, not directed from outside or above, but rather relatively autonomous and different from state systems of government; although there are cases where these two models of government are completely integrated.

Those processes known as decentralization can hardly by themselves facilitate territorial governance in multicultural states. The problem with decentralization in practice is that: it usually uses circumscriptions defined by national and electoral policies to maintain political control at the national level; it is based on homogeneous or monocultural administrative institutions, frequently manipulated or pre-identified by central power actors (the same central government, political parties or economic sectors).

Territorial governance seeks to construct an intercultural political-administrative model, which respects the particularities of each of its territories/ populations. Territorial governance can be understood as the combination of three strongly interdependent components: “territoriality”, “inward-directed governance”, and “outward-directed” governance. It is important to understand and respect that the distinct population-territorial configurations imply, due to their history, culture and contexts, different models of Territorial Governance and varied states of perfection.

By “Inward-Directed Governance” we mean the relations and mechanisms to govern those internal affairs related principally to the collective and sustainable use of resources: economic, natural, human and cultural in favor of socio-economic subsistence and self-development as a people in the process of planning and administration of: communitarian justice, well-being and attention to health, education, and other areas of a public character.

By “Outward-Directed Governance”, we mean those mechanisms of self-defense, capacity for incidence and to negotiate with third parties in favor of the population-territory, in which there is collective or individual participation in political life through one’s own or public institutions. There is emphasis in the proactive attitude in favor of the collective destiny and the exercise of collective rights without compromising individual rights. It is about providing initiatives and responsibilities for one’s own options against efforts of other rationalities, which are partially or wholly superimposed on the territory. It refers to the struggle against logic and interests promoted by alien actors (for example, companies which benefit from concessions, inadequate policies carried out by authorities from other institutions in the territory, as well as “development” plans and projects that are incompatible with the priorities of the territory.)

Although the concept doesn’t apply solely to the indigenous peoples or tribes, but rather with whatever mono or multicultural population which identifies with the territory, the indigenous people have a comparative advantage for the design and implementation of Territorial Governance as a result of their degree of ownership of the last fundamental component of the concept: “Territoriality“. In comparison with populations that have either recently arrived to the territory or are of a western mindset, indigenous peoples and also Afro-descendent communities naturally identify with a territory as a result of their cultural link with natural and spiritual resources, and it is normal that they have traditional territorial authorities. Although among some indigenous peoples, one notes a dismaying decline in the importance of traditional structures and authorities, in general there continues to be a valid basis or almost always a recoverable one upon which to institutionalize traditional authorities with legitimacy before the people. In macro-societies (multicultural nations, for example), the aspiration of Territorial Governance is not limited to promote harmonious cultural coexistence at the level of each territory, but rather aims for the construction of inter-territorial politico-administrative models based on respect for the particularities of each territory.

3. Civil society and indigenous peoples

As Territorial Governance implies an intercultural focus and the proposed Danida good governance strategy considers civil society/the demand side as an important aspect, I find it appropriate to note the following:

In many, if not most cases, indigenous people do not perceive themselves as “civil society” or as a political actor included in the concept of civil society. They rather perceive themselves as collectives with a large history of political marginalization and exclusion, and with specific needs and problems of which many have been caused by “civil society” as well as the state system. Different to civil society organizations, their

platform of struggle for social justice is not based primarily or only on individual human and civil rights but also and to a very high degree on their nationally or internationally recognized **collective rights**. As social actor they have, however, been able to cause significant political and governmental changes, especially in South America. As most of Danida's counterpart countries are multicultural societies and include indigenous peoples and/or ethnic minorities/tribal peoples with collective rights recognized by Denmark it is of major importance to consider specifically their roles in governance issues. In matter of fact the only specific reference to this topic I found is in the "back ground analysis" and of purely negative character (referring to nepotism) and disregards the potentiality that these populations represent for poverty eradication strategies (natural resource management for instance) and for good governance (important ideas for solving legitimacy and accountability problems within territorial governance models for instance).

4. Poverty

If the focus of the strategy remains to work towards the MDG and poverty eradication then it becomes relevant to review the concept of poverty for the cases of countries with a significant indigenous population, as indigenous peoples' concept of poverty is radically different what is normally used. See for instance "Indigenous Peoples and Poverty: The Cases of Bolivia, Guatemala, Honduras and Nicaragua", by Birgitte Feiring.

5. Comments to the background paper

3.4 Accountability

What is gradually being realised, however, is that these various approaches suffer from an incomplete understanding of the incentive structure determining the quality of governance. The demand side of the accountability equation has largely been missing.

As a reaction to this, the concept of social accountability is becoming increasingly important in governance reform. Social accountability is, according to the World Bank, "an approach towards building accountability that relies on civic engagement, i.e. in which it is ordinary citizens and/or civil society organisations who participate directly or indirectly in exacting accountability."

These above statements seem not to have been taken serious in the strategy itself.

Obviously, to make the mechanism of social accountability work, it is essential to understand the characteristics of civil society generally and in each country specifically. "Civil society" is a very broad and to some extent diffuse concept, covering such types of organisations as NGOs, interest groups (such as trade unions), religious and church-based organisations, community-based organisations, traditional organisations, and cultural groups, clubs, etc. The roles that can be played by civil society organisations are equally diverse, covering all levels from the national to the local level and ranging from lobbying and seeking influence on policies to acting as watchdogs vis-à-vis the government, organising self-help work, carrying out research, etc.

Rather than only a watch dog etc., civil society is the driving force for developing appropriate governance models and should become a far more integrated part of government itself to improve accountability.

Therefore, in order to know what can be reasonably expected from, and what are the needs of civil society and its constituent parts as actors in the effort to improve accountability in a particular country or a particular area of activity (such as decentralisation reform, public finance management, or the fight against corruption), there is need for thorough analysis. This both goes for the civil society as a whole - its roles in society, its legal and regulatory environment, its relationship to the government, etc. - and for individual organisations along such dimensions as their rationale and objectives; their organisational structure; their capacity in terms of organisational management, financial management, mobilisation of members, etc.; the degree to which they are representative; their legitimacy in the eyes of their membership and others; their internal governance (are they governed democratically and accountably?), their relationship to the government; etc.

In the above analysis the aspect of multi-culturality and the possibility to develop inter-cultural governance models could become be highlighted.

Important questions are then: Does the (fairly recent) introduction of regular elections suffice to maintain the (social) contract, how important is the quality and quantity of the services provided by government, what is the implication on the contract of low or non-existent taxation of huge parts of the population, and what about the deep dependence on donor funds in many countries which in certain respects tends to undermine the domestic accountability relationships between the service provider and the service client, etc.

The answer is clear to me: it is not enough. On the contrary, it requires a reform of the whole state apparatus and the construction of a political-administrative model that matches the national (often multicultural) context. I recommend crying the answer out loud and considering it in the strategy.

6.1 Local service delivery and governance

Denmark has a long history of transferring substantial public functions to locally elected government – while balancing the vertical division of labour both politically and administratively. Combined with Denmark’s long standing engagement in decentralisation programmes in Danish development cooperation, this domestic experience provides a particular vantage point for Danish support to this area and for the dialogue with partner countries and other development partners.

Yes, but it seems like no-one ever really wanted to question the correctness of supporting this way. “Local” per definition good and “decentralizing” even better. However, in Ibis we put this question recently and some found that, by creating capacities in some mestiz dominated municipalities located in indigenous peoples traditional territories, we actually supported an unjustified process of political, cultural and economical neo colonization.

Reforms aiming at improving local service delivery and governance are currently ongoing in the majority of developing countries. At present, decentralisation and local governance reform programmes, or public sector reform programmes with major elements of local service delivery and governance, are undertaken in the majority of the Danish supported countries. The nature of reforms varies greatly, ranging from merely technical adjustments of the public administration, mainly in the form of deconcentration, to radical devolution of political power to relatively autonomous local governments¹.

¹ This chapter is based on a draft Danida Technical Working Paper with input from Per Jacob Tidemand (Danida 2007)

Here, the problem is that Latin American municipalities are seldom very autonomous, the norms they can dictate themselves in are insignificant at municipality level as they are generally speaking determined by party political or national interest that “trickle down” to them. This again is the same problem of accountability within the prevailing political administrative model.

*The different types of decentralisation should be distinguished because they have different characteristics, policy implications, and conditions for success. A common typology is the following²:
Deconcentration...Delegation...Devolution...*

However, none of these mechanisms reform profoundly the political system. The way authorities are elected and their circumscription don't change, for instance.

Effective mechanisms for local level accountability. Local election of local government councillors is the most basic precondition for local accountability. However, in several countries this element is only partially fulfilled. Effective local accountability will require citizens' and politicians' access to information, institutional arrangements for politicians' and civil society's oversight of planning, finances, staff; and it will be influenced by political structures such as civil society organisations.

I believe it takes much more, such as territorial governance models which adapt the political - administrative model in each territory (local level) to the local and national cultural context.

Local Accountability

Decentralisation is supposed to bring government closer to the people, to enhance popular participation and democracy. However, decentralisation alone does not automatically facilitate accountability of government and the increased participation of civil society. Decentralisation is only successful if it is accompanied by proactive efforts to involve citizens and civil society organizations and stimulate pro-accountability processes.

The effective accountability of local governments to its citizens is increasingly acknowledged to require more than just regular elections. In addition, more direct pro-accountability measures such as direct reporting by local governments to citizens on local government budgets, accounts and audits, consultation processes on local government plans and investments are also considered important.

In territorial governance, which could help to solve these accountability problems, one of the basic ideas is to dissolve the hard distinction between government and civil society and get both parties to feel that they are an integrated part of one another. This could be accomplished by letting civil society (the demand side) take part in the construction of, not only the definition of the circumscription but also the way authorities are elected, the organizational structure, competencies etc. rather than staying focused on only a single kind of superimposed model for all territories/ municipalities. This is especially important in multicultural developing countries.

6.4.2 Strategic priorities

Accountability

² World Bank Decentralisation Briefing Notes

Decentralisation and local governance brings government closer to the people, but if carried out uncritically there is a risk that it will reinforce social and cultural inequalities at the local level. Decentralisation and local governance is only successful if it is accompanied by proactive efforts to involve citizens and civil society organizations and stimulate pro-accountability processes. However, no single recipe can be applied at all times and places, and the actual design is determined by the context. Denmark should specifically look at how to make already existing work and whenever possible be an active partner in the development and improvement of relevant mechanisms. When designing support to local service delivery and governance, the possibility of supporting both the supply side (government programmes and institutions) and the demand side (civil society organizations) should be taken into account.

The document here is getting close to what I advocate, but it still avoids making the conclusion to promote the exploration of new and intercultural democratic government models, and stays with initiatives incorporated in classical decentralization processes that are possible within the existing political administrative models. I wonder if it is not time to explore and try out complete alternatives, built from the bottom up and not visa versa. But sadly enough, not even the background paper's recommended strategic priority on accountability is taken serious in the strategy it self.