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The role of decentralized governance in fostering the participation of minorities

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Abstract

Establishing inclusive democracies is essential in recognizing the dignity of all regardless of race, ethnicity, or religion and in allowing for the full participation of all members of society in the political, economic and social life of a country. How can decentralized governance contribute to the full participation of minorities in the political life of a polity? And what factors lead to successful decentralization reforms and full participation of all sectors of society? These issues are at the core of this paper.

Keywords: decentralized governance, minorities and human rights.

JEL Classifications: H52, I28

1. Introduction

One of the greatest challenges of our times — as the world strives to ensure equitable sustainable development for all — is to strengthen democracy and guarantee the protection of human rights, as well as to foster the integration and participation of minorities in social, political, and economic development processes. This challenge applies both to recent and well-established democracies. In fact, as a result of growing migratory flows and demographic trends (population is rapidly increasing in developing countries, while decreasing in the Western hemisphere), many nations are becoming multicultural and must find ways to ensure the peaceful coexistence of the majority with minority groups.

In some parts of the world the suppression of sub-national ethnic and religious minorities has even led to violent conflict and threatened peace and stability both within countries and beyond their borders. Since the end of World War II, civil wars have by far outnumbered military conflicts between countries.

Recognizing the rights of minorities is part of the broader issue of upholding human rights and fundamental freedoms. Establishing inclusive democracies is essential in recognizing the dignity of all regardless of race, ethnicity, or religion and in allowing for the full participation of all members of society in the political, economic and social life of a country. The abuses against minorities in some countries have been so severe that in the United Nations Millennium Declaration heads of State and government have resolved to “fully uphold the Universal Declaration of Human Rights; ... to strive for the full protection and promotion in all countries of civil, political, economic, social and cultural rights for all; to work collectively for more inclusive political processes, allowing genuine participation by all citizens in all countries” (A/55/L.2, para. 25)¹.

Because there are some fundamental rights which government should not trample on, even with the

¹ Official Records of the General Assembly, Fifty-fifth Session, A/RES/55/2, 2000, United Nations Millennium Declaration, 2000.

active support of the overwhelming majority of the population, democracy, which means self-governance of the people or the rule of the majority, should be combined with constitutional guarantees for minorities. It is well known that “the tyranny of the majority” may end democracy itself. Thus, constitutionalism, which implies guaranteeing separation of powers, checks and balances, and power sharing as well as a generalized societal attitude where both the governors and the governed refer to the Constitution as the guiding law, especially in the resolution of conflicting public decisions, is an integral part of modern democracies. In fact, many countries have adopted a mix of constitutionalism and democratic theory. Most democratic systems, such as those of many European countries, would be more accurately classified as constitutional democracies.

2. Institutional mechanisms to protect minority rights

The existence of a Constitution and a bill of rights as well as an independent judiciary is the first step in guaranteeing that the rights of all people are protected. Experience has shown that constitutional courts can play an important role in limiting or setting checks on governmental action and in protecting minority rights.

The form of government a country adopts also greatly determines the degree of political representation of minority groups, and thus their capacity to influence policy-making processes. In principle, parliamentary systems, which are characterized by an executive that remains in power as long as it retains the confidence of parliament, have the potential to allow for the representation of a wider array of political forces, including minorities. Presidential systems, on the contrary, produce a zero-sum effect because they favour the concentration of power in a single individual and party. The president has control over the executive, he/she is directly elected by the people, has a wide array of responsibilities and stays in power for a fixed period of time.

In reality, however, what also determines whether a political system is highly representative or not is the

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type of electoral system adopted. Generally speaking, proportional electoral systems favour greater political participation. These systems, i.e., systems in which parties are represented proportionally according to their electoral strength, usually lead to the formation of coalition governments. This is so because in order to form a government, a majority of seats in parliament is required by law. In other words, because it is rare that a political party alone gets the majority of seats in parliament and thus is able to form on its own a government, more than one party has to agree on a common political platform and form a governing coalition. The justification for adopting proportional electoral systems is that they are perceived to be more representative of the different political groupings and organized interests present in civil society. Because there are more choices for voters, proportional systems also favour greater voter turnout, typically 70 to 90 per cent, and a higher level of electoral participation of minorities and women. The price, however, of having a wider spectrum of political parties represented in parliament has been, in some cases, either less effectiveness than majoritarian systems or instability of governments.

The distinguishing feature of plurality-majority systems is that they always use single-member districts. In a First-Past-the-Post system, sometimes known as a plurality single-member district system, the candidate that obtains more votes than any other is elected, even if that person only won a minority of votes cast². This system, which is also known as “winner-takes-all”, usually favours the establishment of a predominantly bipartisan system, as in the case of the United Kingdom. Parliamentary forms of government with majoritarian electoral systems tend to lead to a strong executive and the predominance of the latter over parliament. In this respect, we may say that although the United Kingdom has a parliamentary system, de facto it is more similar to a presidential system such as the United States of America. We may, therefore,

² See Administration and Cost of Elections Project (ACE), United Nations; International Institute for Democracy and Electoral Assistance (International IDEA); and International Foundation for Election Systems (IFES), 2001 (www.aceproject.org).

speak of majoritarian democracies (such as the case of the United States of America and Mexico) or consensual/consociational democracies (such as the case of Switzerland).

Experience has shown that countries characterized by strong religious, ethnic, social and/or political cleavages are better off if they adopt a parliamentary system with a proportional electoral system, since it allows for a greater political representation of all groups in society and channels conflict through political institutions, preventing conflict from deteriorating into violent confrontation. Yet, in some countries the number of social or ethnic groups may be so high that a proportional electoral system would not be viable. This is the case of some central African countries characterized by a highly fragmented clan system. Experts have also argued that consensual democracies are better suited for countries in democratic transition because they favour compromise and consensus among different political groupings, as opposed to a “winner-takes-all” system.

3. Decentralized governance and participation of minorities in policy-making processes

In recent years there has been a growing awareness that although the existence of constitutional safeguards is essential in protecting minority rights, and specific institutional choices may produce more inclusive politics, these are not sufficient in facilitating the full participation of minorities in all aspects of governance. That is to say, other mechanisms are needed to ensure that while keeping their own identity, minorities may effectively integrate into society. Increasingly, decentralization is being regarded as an important tool to ensure that the public sector responds to the needs and concerns of all groups in society, and that minorities are fully involved in political decision-making processes and they are able to voice their demands. Generally speaking, central governments are not in a position to respond effectively to the needs of the local population because they lack the necessary information and knowledge about the priorities and

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needs of local communities, and do not allow for the direct participation of citizens in programmes and projects which directly concern them.

Decentralization, which may be established by constitutional provisions, specific laws or regulations, is just the first step towards decentralized governance. In fact, decentralized governance does not make reference to local government or local populations alone. It refers to a situation where governance actors — whether an international NGO, a central government institution, a local government agency, or a private sector enterprise — plan, implement, maintain, and evaluate programmes having as their central concern the needs, priorities, interests, participation, and well-being of the local population. What is “local” about local governance need not be the actor, but rather the needs of the local community and the central objective of development programmes.

Decentralized governance has the potential not only to deepen democracy and enhance the participation and integration of minorities defusing tensions, which may otherwise result in open violent conflict, but also to increase the efficiency of public service delivery, including in the areas of health care and protection, education, water supply, transport, emergency services, housing, environmental protection, as well as infrastructure planning. Therefore, decentralization has the potential to foster greater local development, including the reduction of poverty. Furthermore, it can foster synergies and partnerships among local government, civil society and the private sector for the resolution of problems which are considered relevant to the local community. Yet, experience has shown that implementing decentralization reforms alone is not enough to facilitate the integration of minorities. Top-down approaches to administrative reform must also be complemented by bottom-up approaches, which include processes that help minorities to effectively participate in public policy and that empower them to express in an organized way their concerns and articulate their needs. In other words, it is of the utmost importance to go from decentralization to decentralized governance.

So far, the implementation of decentralization in various parts of the world has produced mixed results. In fact, ensuring effective local governance poses a number of challenges, especially if one wishes to promote approaches to administrative reform that emphasize complementarity and synergy among central and local governments on the one hand, and partnerships between local government and community structures (e.g., non-governmental organizations and community-based organizations) on the other hand.

4. Types of decentralization

Generally speaking, there are different degrees of transfer of authority and responsibilities from the central government to the local levels. This depends on the type of constitutional provisions made in this respect. In principle, there are basically two constitutional options in defining the distribution of power between the central government and local government levels: unitary systems and federal systems. Federal States, such as the United States of America, Brazil, Mexico, Nigeria and Pakistan are usually divided into territorial entities, which are called states or provinces, and act autonomously from the federal government in areas defined by the Constitution. States usually have their own constitution and governing bodies, as well as enjoy a great degree of autonomy from the central government. Unitary States may also be divided into territorial sub-units (e.g., provinces, regions, districts, municipalities), but sovereignty resides in the central government, and local sub-units are created to perform a set of functions which can be changed at the discretion of the central government. Within this broad framework there are country specific variations of strong regional autonomy, such as in the case of Italy, even though they are unitary systems. Similarly, there are some Federal States where the central government dominates and they act de facto as a unitary system.

Although there is no single approach to classifying the forms of decentralization, there seems to be greater consensus among experts on the types of administrative reform, which refers to “the transfer of responsibility for planning, management, and the raising and allocation of resources from the central

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government and its agencies to field units of government agencies, subordinate units or levels of government, semi-autonomous public authorities or corporations, area-wide regional or functional authorities, or non-governmental private or voluntary organizations” (Rondinelli, Nellis, p. 5, 1986)³.

There are three types of administrative decentralization: (a) deconcentration, (b) devolution and (c) delegation. “Deconcentration refers to the transfer of authority over specified decision-making, financial, and management functions by administrative means to different levels under the jurisdictional authority of the central government” (United Nations, 1999, p. 24)⁴. This implies that the central government retains great administrative, political and technical control. Devolution occurs “when authority is transferred by central governments to autonomous local-level governmental units holding corporate status granted under state legislations.” (Ibid, p. 26). Devolution may also take place when a unitary system decides to legally redefine the division of powers between central and local levels of government, devolving to the local units’ substantial decision-making and administrative authority. The British local government system is an example of devolution. Finally, delegation refers “to the transfer of government decision-making and administrative authority for clearly defined tasks to organizations or firms that are either under its direct control or are independent. Most typically, delegation is done by the central government to semi-autonomous organizations not wholly controlled by the government but legally accountable to it.” (Ibid, p. 28). For example, in Nepal, town governments use private contractors to collect local taxes.

5. Difficulties in implementing decentralization reforms

³ Rondinelli, Dennis and John Nellis, “Assessing Decentralization Policies: A Case for Cautious Optimism”, *Development Policy Review* IV, 1, 1986.

⁴ United Nations, *Administrative Decentralization. Strategies for Developing Countries*, Kumarian Press, 1999.

Implementing any one of these administrative reforms requires, however, that certain basic conditions exist. In fact, many countries have encountered a number of challenges in carrying out delegation and devolution strategies. Some of the most common difficulties have emerged from:

1. Lack of a well-defined legal framework for decentralization. When there are vague provisions as to the division of powers between central and local governments, conflicts may arise and overlapping of functions can lead to paralysis in the implementation of government programmes and delivery of services.
2. Lack of responsibility and authority at the local government level. Decentralized governance may be ineffective in responding to local communities’ expectations if local governments’ competencies and authority are limited.
3. Weak central government. Weak central bureaucracies are often incapable of effectively designing and implementing decentralization processes and of supporting local governance efforts. Moreover, in countries that are deeply divided by ethnic, religious and political cleavages, decentralization without a strong centre might not be able to reconcile regional differences. Strong local units might want to secede or might enter into conflictive dynamics with other local units.
4. Lack of resources and/or legal and political difficulties in allocating financial authority and appropriate personnel. Without adequate personnel and sufficient financial resources at the local level, decentralized governance will most likely fail.
5. Lack of transparency and accountability at both the central and local levels. Transferring powers from the central government to local sub-units may produce counter-productive consequences if public officials at the local level (but also at the central level) are corrupt and/or if those in power act according to a clientilistic logic. This situation may lead to marginalization and exclusion of the poor from decision-making processes; to non-equitable delivery of services; and to distrust in political

institutions, lowering the levels of legitimacy of the political system as a whole.

6. Lack of a democratic culture at the local government level. Because governance is more than just government, local public officials need to act in accordance with basic democratic principles, promoting the participation of all stakeholders in the political, social and economic decision-making processes and becoming service-oriented. It is important to have this in mind, otherwise we will remain in the structural constraints of equating local governance to local government. For the sake of argument, we should note that not all local governments work in the interests of the local populations. Some local governments can become dictatorial and exploit the local populations to serve the interests of local leaders. In the absence of a strong democratic culture, local governments have also been known to marginalize minorities and pass discriminatory laws. For example, in some countries, minorities have been denied the right of citizenship. It is understood, of course, that a democratic culture must also exist at the central level if government is to be effective.

6. Conditions for effective decentralized governance and participation of minorities

Effective decentralized governance requires that a number of conditions be met, including:

1. Existence of clear and consistent constitutional provisions and a strong legal framework defining the sphere of responsibilities and tasks of local government units vis-à-vis central government. In particular, legal frameworks should protect the right to participation and free expression, including free media.

2. Strong central government. A proactive State is needed to provide a solid counterweight to the delegation of power and responsibility that results from decentralization and/or devolution of functions. It is also necessary to foster an equitable allocation of resources among the different sub-units, ensuring that the poorest local communities also have sufficient resources for implementing their

development programmes and policies, as well as for providing basic social services for all. The differences among regions and within regions - particularly cities versus rural villages - may be so striking that without targeted central government transfers, specific local governments may not be able to collect sufficient taxes to ensure the effective delivery of services and adequate infrastructure.

3. Some degree of fiscal autonomy and resources should be commensurate to local governments' responsibilities. This refers to the right of local governments to collect taxes in specific areas so as to have the appropriate resources to carry out its own programmes. Russia is an example of incomplete decentralization whereby the delegation of functions and authority to local governments was not matched by commensurate resources.

4. Training of local government staff, including promoting principles of responsibility and accountability. In the case of multi-ethnic countries, particular emphasis should be placed on training in the area of diversity in order to remove behaviours among public officials who may be guided by discrimination on the basis of race, religion, ethnicity or gender. Fostering strong democratic leadership skills is also essential to promote effective decentralized governance and dialogue between local government and civil society, including minorities and the poor.

5. Direct election of local governments' public officials and citizens' participation in policy-making decisions. We need to bear in mind that government authority practised at the local level does not always constitute local governance. It is possible to have central governance or even foreign governance at the local level. What determines whether governance is local or not is the extent to which the local population is involved in steering development programmes, i.e., in determining the direction of such programmes in accordance with the local needs, problems and priorities. In this sense, governance ceases to be a matter of government only. It is a situation of multiple inter-linkages and relationships in which various actors in the public and private sectors as well as civil society at the local, national and international levels play different roles, sometimes mutually conflicting and

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sometimes mutually reinforcing and complementary focusing on satisfying the interests of the local community. Direct elections to local bodies are an essential tool to ensuring that the composition of local governance bodies reflects the composition of the whole community.

6. Partnerships between central and local government. Central and local authorities should view themselves as partners in development. Strong or effective local governments and a strong/effective central government are mutually beneficial and are both needed to ensure that public programmes and policies are carried out efficiently and equitably. Coordination is thus essential for any decentralization effort to be successful. While it may be true that local governments act more in accordance with the needs and priorities of local communities than would higher authorities, local governance requires that higher authorities, in accomplishing their share of the job, work in accordance with the needs and priorities of the local community, in close partnership with them.

7. Horizontal coordination among local governments. Partnerships among local governments, through, for example, associations of mayors, can be very helpful in assisting the decentralization process, which should be seen not as an end in itself, but rather as an ongoing process.

8. E-government. The introduction of information technology in the operations of local government has the potential: (a) to enhance accountability and transparency, since citizens may have direct access to documents and other relevant information on the operations of government; (b) to foster greater participation and interaction among citizens and government officials; (c) to reduce the costs of

bureaucracy; and (d) to provide services more effectively⁵.

Having these measures in place is, however, not sufficient to ensure the full participation of all citizens in local governance, in particular the participation of minorities. Political empowerment of minorities as well as the promotion of self-organization is of the utmost importance in allowing all people to have a voice in government.

Local governments can play a very important role in creating mechanisms to build social capital for the poor in a number of ways. For example, they can support civil society endeavours, including grass-root organizations and cultural associations, and can help remove obstacles to minorities' participation in governance mechanisms and processes. This can be done through participation in local political bodies, through specific training and by creating public centres for discussion and dialogue.

As underlined by the work of Putnam⁶ on civic traditions in Italy, the Italian regions which over time have favoured the participation of citizens in local governance are also those which have developed a higher sense of "civic community", commitment to democratic values and a higher degree of economic development. Opening up channels for participation at the local level is a first important step in enhancing the involvement of citizens in public affairs and in strengthening the value of citizenship. Decentralization of education systems is also particularly relevant in order to develop programmes that may include teaching of minorities' languages and culture, as well as providing tools for self-organization.

Moreover, to ensure that policies promoting the

⁵ In this respect, the United Nations has developed a worldwide electronic platform to assist countries and regional institutions in enhancing their capacities to manage information via the use of Information and Communication Technologies (ICT) and to promote the effectiveness of public service delivery (<http://www.unpan.org>).

⁶ Robert Putnam, *Making Democracy Work. Civic Traditions in Modern Italy*, Princeton University Press, Princeton, 1993.

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participation of minorities are fully respected, control mechanisms should be in place, including legal recourse to constitutional courts, and the establishment of an ombudsman, which is usually created to examine abuses of power by public officials. It is also very important to develop a culture of mutual respect whereby while the majority respects the minority, the minority also respects the values and lifestyles of the majority.

Ultimately, what type of decentralized governance is best suited for a given country largely depends on its historical, cultural and institutional heritage. Yet, the guiding principles in promoting the respect

of human dignity of all groups in society and in ensuring peace and stability are universal, and they include pluralism, tolerance and respect of diversity. As emphasized in the Road Map towards the implementation of the Millennium Declaration: “States that respect the rights of all their citizens and allow all of them a say in decisions that affect their lives are likely to benefit from their creative energies and to provide the kind of economic and social environment that promotes sustainable development. However, an election alone is not a solution; small minorities are often at risk in democracies and a well-functioning democracy is one that operates within the context of a comprehensive human rights regime.”⁷

⁷ Road Map towards the Implementation of the United Nations Millennium Declaration, A/56/326, 2000.

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