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Environmental Governance in Africa

Accountability in Decentralization and the Democratic Context: Theory and Evidence from India

by

Ashwini Chhatre

January 2007

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Abstract

Recent work on democratic decentralization has been concerned with the lack of substantive democratic content of most decentralization programs around the world. New policies for decentralized natural resource management have transferred powers to a range of local authorities, including private associations, customary authorities, and NGOs. Such transfers are seen as detrimental to the legitimacy of local democratic institutions, leading to a fragmentation of authority at the local level and dampening prospects for local democratic consolidation. In much of this critique, however, local governments are caricatured as passive recipients of powers from above, suffering from the ill-effects of recognition of non-representative bodies but lacking agency to respond pro-actively. This article uses an ethnographic account of political action in a democratic context where local governments became more representative and accountable to constituents through involvement in social mobilization against a project that transferred powers to new institutions. Competitive democratic politics at a higher level and its articulation with localities provide the mechanism for citizens to enlist local governments in communicating their grievances, thereby strengthening local democracy. Regular elections at three levels enable the cross-scale articulation of democratic politics, and allow social mobilization against the externally aided project to be translated into downward accountability in local governments. The article argues that accountability and representation, like democracy, must be performed in local arenas. In democratic contexts, social mobilization helps to transfer the accountability of higher institutions to lower levels of government, but this translation is mediated by the degree of cross-scale articulation within the political system. The empirical analysis of the paper focuses on the experience of World Bank-funded Ecodevelopment Project in Himachal Pradesh, India, to generate insights into the dynamic relationship between local governments, social mobilization, and democracy.

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I. Introduction

> "As the products of previous conflicts and confrontations, institutions have embedded in them the sediments of earlier struggles."
>
> *Florencia E. Mallon*

Decentralization in natural resource management is centrally concerned with community agency. Concepts such as 'participatory development', 'community-based conservation', and 'social capital' all imply that a collectivity of actors in place-based relationships has the willingness and capacity to act collectively towards desired goals. Where capacity is lacking, it is usually sought to be improved through program interventions. The success of 'participatory' projects is crucially dependent upon the collective agency of participants. While the significance of community agency is obvious and accepted, the sources for such agency are less clear. There is evidence that some project and policy interventions build community capacity, but this effect is variable across different communities, and it is hardly plausible that the target communities had no capacity or agency before the interventions. Participatory institutions at the local level are also often designed with the additional objective of capacity-building, again overlooking the sources of pre-existing capacity and agency.

The implicit assumption of predatory states and powerless communities that underlies arguments for 'participatory' forms of interventions is slowly being challenged by analyses of democratic forms of linkages between citizens and state institutions in several less developed countries (Andersson et. al. 2004, Gibson 1999, Saberwal 1999, Chhatre and Saberwal 2006b). As communities – self-defined and self-realized – act on their priorities and assume an agency for their objectives, scholars need to look beyond stated objectives of particular institutions to what their constituents are doing through and inside the institutions. To illustrate, in one meeting of the Parents and Teachers Association (PTA) in a village in north India, the author witnessed women discussing the necessity of a forest nursery to help with their self-initiated forest protection efforts. They eventually decided to use discretionary funds for the PTA in setting up a nursery inside the premises of the middle school and deploy student power for its maintenance. Additionally, and subsequently, the women, acting as the PTA, also persuaded the local government (*panchayat*) to spare some bricks for the nursery from an ongoing irrigation channel construction project. Conventionally, the women should have waited until some outsider identified their needs and came along with a 'forestry' project to provide funds (and technical training and capacity building) for a nursery. The PTA funds (also from an externally-funded project) were not meant for setting up forest nurseries. Clearly, the women didn't consider themselves bound by such bureaucratic constraints. The women are demonstrating the presence of an agency in support of their objectives. What are the possible sources of this brand of collective agency that is often ignored in development projects?

Constraints imposed by development policies and projects are in tension with impulses unleashed by participation in wider processes of social and political mobilization, often through democratic politics (Sivaramakrishnan 2000, Gidwani and Sivaramakrishnan 2003, Goetz and Jenkins 2004). Such participation provides communities (and individuals within communities) with ideological and operational

resources to harness collective energies for common goals. The neglect of local agency in decentralization policies may be hindering creative solutions to local problems (Turner 1999). A robust literature in political ecology has documented in historical detail the manner in which local communities have resisted state efforts at resource appropriation in many parts of the world (Neumann 1998, Peluso 1992, Guha 1989, Guha and Gadgil 1989). If communities are correctly ascribed agency in resisting state resource appropriation, we need to understand the role of this agency in responding to bad policies, as well as appropriating the space provided by good policies. More importantly, we need to understand why and under what conditions do communities mobilize to oppose the imposition of institutional forms that they deem to be inappropriate to the situation, and the role played by the wider political context in mediating community agency.

More recently, attention has been focused on the democratic potential of decentralization reforms, and the politics of institutional choice in community-based natural resource management that leads to a fragmentation of local authority and attenuation in the legitimacy of democratic local governments (Ribot 2003). While it is indisputable that transfer of powers to parallel institutions would reflect poorly on the legitimacy of democratically elected local governments as perceived by their constituents, it is by no means axiomatic that local governments would inevitably suffer from such imposition. Where local governments are downwardly accountable and representative, communities are more likely to channel their agency through local governments to influence the implementation of policy and the functioning of parallel institutions. However, such linkages between community agency and local governments are likely to be incumbent upon the opportunities provided by the wider democratic context, represented by the articulation between social movements, electoral institutions, and political parties. Since local governments are located at the bottom of a pyramid of governance institutions, such coupling of community agency with local governments will reinforce their legitimacy and authority. Additionally, the location of local governments in a hierarchical network of institutions will enable communities to harness the power of local governments in influencing higher levels of government.

Accountability is a critical component for realizing the democratic potential of decentralization reforms (Agrawal and Ribot 1999). But accountability is a complex phenomenon that needs to be performed rather than merely handed down. The real question is not whether institutions are downwardly accountable, but the manner in which they become so. To illustrate, consider a sample of possible mechanisms for increasing downward accountability of local officials: besides direct elections,

> "procedures for recall; referenda; legal recourse through courts; third-party monitoring by media, NGOs or independently elected controllers; auditing and evaluation; political pressures and lobbying by associations and associative movements; providing of information on roles and obligations of government by the media and NGOs; public reporting requirements for governments; education; embeddedness of leaders in their community; belief systems of leaders and their communities; civic dedication and pride of leaders; performance awards; widespread participation; social movements; threats of social unrest and resistance;

central state oversight of local governments; and taxation" (Agrawal and Ribot 1999).

It is a long list of mechanisms, and every one of them is difficult to dispute as important in most circumstances. This list serves to introduce the two themes informing the various arguments and empirical analysis in this paper. First, policies that create new institutions for decentralized natural resource management (or other objectives) will perform better when located in a democratic system with a high degree of articulation between political actors at different levels. The literature on accountability conveys a very low opinion of elections, almost always depicting them as 'crude instruments' of accountability (Agrawal and Ribot 1999, Blair 2000, Devas and Grant 2003, Olowu 2003). Following Sivaramakrishnan's (2000) call for more 'ethnographies of political action', I take elections as the starting point of political engagement for citizens, as an integral part of a repertoire of mechanisms linking individuals and communities to their representatives. In a highly articulated political system, regular elections will serve to amplify local agency, enabling communities to hold representatives accountable.

Second, with so many actors at multiple levels involved in making local officials downwardly accountable, 'accountability in decentralization' must be considered a dynamic process whereby accountability is constructed and performed, subject to unfolding iterative cross-scale interactions between multiple actors, rather than as the static content of decentralization policies. Just as ecology has benefited from attention to non-equilibrium dynamics, the study of institutions stands to gain from a decentering of focus from the conceptualization of institutions as equilibria, and towards attention to the dynamic context within which institutions must perform. "Emphasis on *flux* is a major marker of the idea of nature at the millennium" (Zimmerer 2000: 356). Somehow, this shift seems to have passed by the debate on institutions and institutional change, particularly in the context of decentralized and/or community-based natural resource management. Flux is an appropriate marker of the idea of democratizing societies as well, with multiple actors at different levels competing for access to political space and public resources at a feverish pace. At the same time, "With its impulse to create plural structures of political decision making, democracy combines awkwardly with development, which serves most often as a vehicle for elite nationalism, to create a tense field of force for modern politics" (Sivaramakrishnan 2000: 449). The fate of any interventions, for development or conservation, can only be understood as unfolding within this field of force created by the processes of democratic politics. The 'performance' of decentralization, therefore, is linked to the wider democratic context.

This paper argues that accountability of local governments cannot be conceptualized or analyzed separately from the accountability of other/higher institutions of representation and governance. The accountability (or lack thereof) of decentralized institutions is perhaps irrelevant in a disarticulated political system, at least from the broader normative standpoint of the democratic potential of decentralization policies. Local institutions created through a 'perfect' decentralization policy will fail when located in a disarticulated political context. The success of community-based natural resource management policies, or other decentralization initiatives, that seek to reformulate institutional arrangements at the local level depends on the extent to which new (or old) institutions are made accountable through the interaction of multiple

processes at multiple scales. An articulated democratic system will enable local communities to bring their weight to bear upon local institutions, and the level of articulation in the political system will determine the degree to which communities can harness the accountability of higher institutions of representation in making local institutions accountable.

This article examines the process by which a highly articulated democratic context helps to make elected local governments accountable to the citizens through a case study of a World Bank-funded ecodevelopment project in India. In the next section, I lay out the larger social and political context within which social mobilization against the ecodevelopment project (and its constituent actors and supporters) unfolds, and results in a consolidation of local democracy. This section also illustrates the concept of articulated political systems, thus laying the foundation for an exploration of its role in enabling community agency. The third section contains an ethnographic account of the use of local governments by the nascent social movement in opposition to the project and in voicing their grievances to higher authorities. It explores the roles of political parties and competitive elections at multiple scales in terms of their contribution to the dynamic constitution of local accountability. I conclude in the final section with reflections on the relationship between democracy and the role of communities in natural resource management.

II. Articulated and Disarticulated Political Systems

Samir Amin (1974, 1976) argued that social development is often constrained by what he termed 'disarticulation' – a structural distortion of the economy characterized by the lack of strong linkages across sectors, especially between sunshine sectors that are the engines of growth and underdeveloped sectors. Disarticulation, therefore, explains the lack of correspondence between human development indicators and levels of economic growth amongst less developed countries, working through the inhibition of impulses of positive social transformation ordinarily assumed to be associated with economic growth (Stokes and Anderson 1990). Drawing from this literature, it is possible to theorize the political dimension of disarticulation – after all, the linkages across economic sectors can be enabled and strengthened through political and policy intervention. As an ideal type, a disarticulated political system is one in which the majority of political actors have little or no direct influence on the broader political process. Conversely, articulated political systems provide the space and opportunity for actors to influence the political process.

Disarticulation in the political system is mainly a function of the institutional architecture of politics. In democratic polities, elections and political parties constitute two of the principal mechanisms for the translation of social preferences into policy. Policy interventions, in turn, are instrumental in enabling community agency, which could then be directed at making local governments accountable, among other objectives. The extent to which political parties competing in electoral arenas will respond to popular demands or constitute enabling policies is determined in the first place by the incentives presented by electoral institutions. To illustrate, closed list proportional representation systems with a large number of seats per electoral district (such as in Brazil) are likely to act as a disincentive to political parties in responding positively to any locality-specific issues. First-past-the-post plurality systems with single member districts (such as in India) do not provide such a disincentive. However, to extend the dimensions of

disarticulation, even such systems will only push political parties towards greater responsiveness under certain conditions. It is only where political competition at the electoral district and higher levels is high that political parties will be most responsive towards local grievances. Disarticulation, therefore, signifies the absence of both enabling institutional infrastructure and high political competition. Thus, even with enabling institutions, India presents a variety of articulated and disarticulated political systems at the provincial level, largely determined by the degree of political competition.

Democratic institutions that encourage or enable local agency represent an institutional choice that reflect the propensity to create democratic accountability at the local level. While it is always possible for communities to hold local governments accountable in the worst of circumstances, and for this process to expand from the inside out (or bottom up), articulated political systems allow for the transmission of accountability in both directions in a mutually-reinforcing relationship. Of course, articulation or disarticulation in political systems is not a static property; economic growth and distribution, demographic changes, technological progress, and market penetration lead to social transformations that reconfigure politics over time and reformulate the incentives of political actors, changing the level of articulation. However, the limitations and opportunities provided by the institutional architecture governing politics-at-large exert a significant leverage on the extent to which there will be any meaningful decentralization, and whether the decentralization will result in local accountability.

To return to the list of enabling mechanisms for local accountability presented by Agrawal and Ribot (1999) mentioned at the beginning of this paper, it is easy to see how democratic competition in articulated political systems contributes to increased accountability. Vigorous media, NGOs and social movements, widespread participation, and embeddedness of leaders in their community, are all likely to be more effective in a system with higher articulation. Moreover, these features of a society are often in dynamic interaction and tend to evolve in a common trajectory. This process is best illustrated with the case of the state of Himachal Pradesh in north India. As mentioned earlier, India has a plurality system with one representative per electoral district, with the possibility of independent candidates in any election. This system allows easy entry for new political formations in response to popular opinion at the local level, and in highly competitive situations, increases the responsiveness of political parties to local issues. As a federal system, India also has multiple layers of political representation – at the local, state, and national levels – that amplify the possibility of holding representatives accountable. Himachal Pradesh has witnessed rising participation in elections since its inception into the Indian Union as a full state in 1971. The two main political parties have regularly alternated in power at the state level, with only one instance of a party retaining power through two terms over the last nine electoral cycles. The periodic loss of power has forced the parties to retain an edge in mobilizational capability, and has resulted in a thriving democratic opposition to the government in power in any period. High levels of citizen participation has allowed political leaders to stay connected to their constituencies and contributed to a healthy intra-party competition.

The high level of citizen participation in democratic politics, combined with an open and vigilant media, has forced elected representatives to be accountable to their

constituents. Himachal Pradesh, amongst a handful of other states in India, can boast of relatively better human development indicators such as literacy, health and sanitation, nutrition, and rural electrification. In contrast to most other states, every village in Himachal Pradesh is electrified and has access to drinking water. For a total of 17,495 villages, there exist close to 11,000 primary schools employing more than 28,000 teachers. They obviously have been functioning well, as the basic literacy rate has increased from 42% in 1971 to 77% in 2003, with women's literacy pegged at 69% (DES 2003). The proportion of girls in school in the 6-17 years age group is a staggering 97%, and Himachal Pradesh is located at the top of the rankings for almost all gender related indicators across Indian states (Dreze and Sen 2002). Minor innovations in delivery systems have had a dramatic impact on the quality of service delivered. For example, teachers for primary schools have been recruited from within the district into a district cadre, thus allowing for them to be close to their own villages while at the same time ensuring that children are not burdened with a teacher who is ignorant of their general context. Rural drinking water supply schemes have been implemented in a completely decentralized manner, with every scheme situated on a local stream and catering to a few villages at the most, allowing the vast network of small tributaries to be tapped at source or not far from it. In other words, in its welfare incarnation, the state has been decidedly closer to the people and its functioning has been slightly more transparent than is the case with most other parts of the country.

This is not to say that tensions do not exist, but high levels of political articulation have allowed the state (through political parties and elected representatives) to respond to societal demands in a manner that leads to resolution of most issues through negotiation. For example, a social movement in the 1980s mobilized large number of people in the western parts of the state against commercial forestry policies that were replacing natural forests with monocultural plantations of species providing industrial raw materials, mainly pine and eucalyptus. Beginning in 1983, the movement generated considerable support amongst citizens, and extracted significant concessions from the government. In 1984, in direct response to the demands of the movement, Himachal Pradesh government became the first to ban the planting of eucalyptus on public lands on environmental grounds. By the early 1990s, state forestry policies had moved in the general direction of participatory forest management under pressure from donors. However, at the state level, the experience of the movement in the 1980s and the presence of its leaders as leading NGO activists provided an important check on the Forest Department in the implementation of participatory forestry projects. Within local communities, the high level of citizen participation in democratic politics and the consequent linkages to elected representatives provided local communities with leverage in dealing with the negative fallout of the imposition of 'parallel institutions'. A high level of experience with communal forms of forest management, along with a long history of collaborative state-society initiatives, contributed towards an environment of negotiation rather than open conflict (Agrawal and Chhatre 2006).

The Himachal Pradesh Panchayati Raj Act of 1994 was enacted and implemented in this context – high levels of citizen participation in democratic politics, accountability of elected representatives to citizens, a tradition of social movements, and media scrutiny of public policies and citizen grievances. With the mandate of the 73rd constitutional amendment to devolve powers to panchayats, there was a heightened discussion on the

future role of panchayats in the state.[1] The second half of the 1990s was a period of increasing tensions between panchayats and parallel institutions being created by externally-supported projects all over the state. Be it the multilateral agencies such as UNDP and World Bank, bilateral agencies such as DfID (UK) and AusAid (Australia), or private charitable organizations like Oxfam and ActionAid, donors were implementing projects in collaboration with the state government in several sectors that involved creation of 'village-level' committees without any linkages to constitutionally-mandated panchayats. The Ecodevelopment Project in the Great Himalayan National Park was part of a state-wide (and national) trend than encompassed education, public health, forestry, irrigation, drinking water, and watershed management.

III. Ecodevelopment in the Great Himalayan National Park[2]

Faced by mounting criticism of an exclusionary policy that displaced communities around national parks, conservation organizations the world over have come up with a number of variants on the same theme – local communities needed to be provided a stake in the conservation process if it were to have any chance of success (Wells and Brandon 1992). In India this took the form of eco-development. Within the logic of eco-development, local communities would be provided alternative means of livelihood through a variety of development initiatives, thereby reducing their dependence on resources within protected areas. This was to be experimented with in eight National Parks in the country, with support from the Global Environment Fund (GEF). But before that, the World Bank provided funds for two pilot sites – Great Himalayan National Park (henceforth GHNP), Himachal Pradesh, and Kalakkaad Mundantarai Tiger Reserve, Tamil Nadu (Mahanty 2002, World Bank 1994, 1996, Singh 1997, Pandey and Wells 1997). Eco-development came to GHNP in 1994. Over the course of the next five years, approximately 70 million Rupees (US$ 2.2 million) were spent as part of eco-development, research, and management activities in GHNP – all part of a loan from the World Bank. Since eco-development was to take place for the people, and required their cooperation, it was to be implemented through the agency of 'village ecodevelopment committees (VEDCs)' formed at the level of a few villages.[3]

Almost a year before the ecodevelopment funds actually arrived, news about the project had been filtering down to the villages, raising hopes and political noise. By early 1995, with the money in the state kitty, decibel levels in local politics had risen sharply. Through political and kinship networks, the word was out that resources from the new development project exclusively for villages around the National Park were up for grabs.

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[1] The 73rd amendment to the Constitution of India mandated greater autonomy and resources to be devoted to local governments in the country. In principle, it provided for three main changes: 1) Regular and guaranteed elections to local governments every five years, to be supervised by an autonomous State Election Commission; 2) Assurance of funds for local governments through the setting up of autonomous State Finance Commissions to award shares of state finances to local governments; and 3) The reservation of one-third seats for women at all levels of local government. The state governments were required to enact legislation to implement these provisions in their respective states.

[2] The following section is based on fieldwork and direct involvement with local NGOs over several years, and draws upon a collaborative project with Vasant Saberwal, Satya Prasanna, and Sanjay Barnela.

[3] For more details, see Chhatre and Saberwal 2006a.

Local politicians, particularly Congress leader Sat Prakash Thakur, were the most voluble, eager to apportion credit for the yet-to-happen development of the region. Sat Prakash Thakur was then a member of the Himachal Pradesh Legislative Assembly from Banjar constituency (roughly half of which was included in the project area) and Cabinet Minister for Horticulture. The bonhomie percolated down the political and bureaucratic rungs, and officials and politicians started promising all manner of benefits to the only too willing local villagers. Without a clue as to the details of the project, networks were being activated throughout the ecodevelopment zone to access that money.

The notification of intent regarding GHNP had been promulgated in 1984. Like many other similar protected areas in India, it had remained in suspended isolation since then, with no serious effort on the part of the bureaucracy to complete the formal acquisition of rights of local communities before GHNP's final notification under the Wildlife Protection Act (WLPA). Under the Act, all usufruct rights in a national park must be eventually acquired (through compensation) and extinguished before the final notification. Till early 1995, local villagers were completely innocent of the provisions of the WLPA and the consequences of living next to a national park. Nobody – bureaucrat, politician or scientist – had taken the pains to explain the unpalatable provisions of the law to any section of the affected population. Ultimately, it fell upon NGOs to undertake that task. In November 1994, the issues raised by GHNP were discussed in a separate session during a conference organized by Navrachna, a state-level coalition on forests and governance.[4] Among those present were many environmental activists and NGO leaders of Himachal Pradesh, along with some senior officials from the Forest and other state departments. The Director of GHNP made a presentation on the status of the Park and the upcoming ecodevelopment project. Evading questions on the fate of the people presently using the Park resources, the Director chose to concentrate on the positive outcomes that would follow from the ecodevelopment project.

Subsequent to this meeting, a local NGO SAVE decided to take the information to villages in the periphery of GHNP, with assistance from Navrachna. SAVE, or Society for the Advancement of Village Economy, was mainly concerned with informal education and vocational training programs. SAVE leader, Iqbal Singh, became interested and involved in the GHNP issue because of demands from villagers regarding information about the ecodevelopment project. As it became clear that the Park authorities were actively hiding the implications of the Wildlife (Protection) Act from the population using the Park, SAVE trained its workers to organize villagers, beginning with dissemination of information regarding the ecodevelopment project, as well as the Wildlife Protection Act. SAVE activists walked through the villages on the Park periphery in January 1995, holding meetings and informing people about the implications of the National Park for their livelihoods. In a popular expression of dissent, protests erupted around the National Park in the spring of 1995. In early March, villagers blocked the road connecting the park to the district headquarters to prevent a bus carrying some

[4] Navrachna is a forum for discussion on issues of natural resource management and governance, based in Palampur but drawing its membership from all over the state. It is also a member of the Governing Body of Himachal Pradesh Biodiversity Conservation Society, the NGO set up to administer the Ecodevelopment Support Fund, as well as a nominated member of the State Biodiversity Committee, constituted to prepare the State Biodiversity Strategy and Action Plan. For details, see their website www.navrachna.org.

villagers and forest personnel to an 'exposure visit' to another district, demanding information about how the project money was being spent and how the villagers were selected for the exposure visit. In a public meeting to disseminate project information held in Neuli village on the edge of the park, the GHNP Director was manhandled and roughed up by local women, demanding the truth. The truth, the Director insisted, was that the Park would not extinguish rights of local people and the ecodevelopment project was the best thing to have happened to the region.[5] Over the course of the first six months of 1995, the protests became more coordinated and organized across the three main valleys of the park – Jiwa, Sainj, and Tirthan – even as the trickle of official information continued to be scarce. SAVE and Navrachna activists provided community leaders with information, infrastructure support for coordination, and access to park authorities.

Work started in earnest in April 1995 to repair the damage by the protests to political support for State Assembly representative Sat Prakash Thakur. The main instrument of confidence-building was, initially, gifts of pressure cookers to several individuals in the villages. Pressure cookers take less time to cook food, and therefore could legitimately be seen as helping reduce fuel wood consumption. Perhaps more importantly, the measure was designed to build bridges and gain entry into the community. Simultaneously, the process of setting up VEDCs and preparing microplans was also taken up. This activity, predisposed by earlier confidence-building measures into a certain direction, was reduced to orchestrating the execution of the project through existing political and kinship networks. The pageant was choreographed by the imposing political persona of Sat Prakash Thakur, himself a senior and powerful Congress leader. Thakur had successfully lobbied for political control of the project monies and went about the task of activating local networks for distributing the largesse. During the 1995 protests, he was conspicuous by his absence, the protests having been taken over by the opposition political party. Working through the Park authorities that were only too amenable to his direction, he established a foothold and succeeded in attracting attention to the benevolent developmental aspects of the project. By the time VEDCs were being organized, Thakur was firmly in command of the situation.

Until mid-1995, panchayats – elected local governments at the level of a few villages – were not involved in the process in any way. The Ecodevelopment Project design stipulated that villagers would participate in the project through Village Ecodevelopment Committees formed under the project. These were archetypical 'parallel institutions' that bypassed panchayats. On the other hand, panchayats were also not considered very legitimate by villagers, with few powers and even fewer resources. But things were changing, at least at the level of rhetoric. The 73rd amendment to the Constitution of India in 1993 provided greater autonomy to panchayat institutions, and instructed state governments to enact suitable legislation to meet the new constitutional requirements. Himachal Pradesh passed a new law in 1994, incorporating many new provisions, but also leaving the issue of discretionary powers and autonomy ambiguous. Nevertheless, the national buzz around the new powers to be devolved to panchayats had percolated down to the villages in Himachal Pradesh. When elections to panchayats there

[5] The author participated in the information campaign in 1995 as a representative of Navrachna and witnessed most of the events between November 1994 and July 1996.

were scheduled in November 1995, a new dimension was added to the dynamic around the Ecodevelopment Project.

With the panchayat elections in view, local leadership of the main opposition party in the state assembly – Bharatiya Janata Party (BJP) – moved to capitalize on the opposition to the Ecodevelopment Project. Even as BJP captured the initiative, the ruling Congress Party leader – Sat Prakash Thakur – mobilized his supporters in the villages to defend the project. Ecodevelopment funds were spent as patronage to win support for panchayat candidates, and indirectly for the project. In the short run, the panchayat elections became the battleground between the two political parties, and panchayats became linked to the Ecodevelopment Project in a manner not visualized in project documents.

The results of the elections were mixed, with a slight upper hand to the opposition BJP. Notwithstanding who won in any particular panchayat, the elected representatives became burdened with the responsibility of bringing the Ecodevelopment funds to the villages. They were the links to district-level political leadership of both parties, the carriers of aspirations and grievances of villagers. Even candidates who lost the election stayed involved in the unfolding dynamic, acting as alternative couriers of information to the higher levels. In the process, the Village Ecodevelopment Committees, still being constituted, failed to gain any legitimacy as interlocutors for the ecodevelopment funds. Panchayat representatives, acting on behalf of their constituents, negotiated with the project directly. Raila panchayat refused to cooperate with the project authorities until they were guaranteed in writing that the grazing rights of their residents inside the national park were protected. Shangarh panchayat welcomed the project with open arms, promising full cooperation. Shrikot panchayat was divided down the middle, and conflict between the two sides led to some violence in 1996 over the location of some civil works under the project.

If panchayat representatives became important links to higher representatives and authorities for local villagers, they were evolving into even more important sources for the political leadership in accessing their constituents. As elections to the state assembly approached, the Ecodevelopment Project rose to prominence as the prime campaign issue in the Banjar constituency. In the elections to the provincial legislature in April 1998, the BJP candidate Karan Singh defeated Sat Prakash Thakur by a comfortable margin. BJP also came back to power at the state level, and immediately set about making changes to the status quo in GHNP. The Park Director was replaced amidst a renewed rhetoric of participatory development through the project. The new Director made changes to the way ecodevelopment funds were being spent through dialogue with local leaders, including panchayat representatives. He started new initiatives, such as women's savings and credit societies and small-scale value-added processing of apricot oil at the village level. Soon, however, focus of all relevant actors shifted from the Ecodevelopment Project to the National Park itself.

In November 1998, the state government signed a Memorandum of Understanding with the National Hydel Power Corporation (NHPC) for the construction of a hydro-electric project in Kullu. The Parbati Hydro-electric Project involved the construction of diversion weirs and related structures inside the National Park. In order to get around the restrictions imposed by the Wildlife Protection Act regarding construction

activity inside Protected Areas, the state government initiated proceedings for the final notification of the National Park, with the possibility of carving out the small area required for the Parbati project. A notification was issued on December 24th, 1998, calling for claims for compensation for rights to be acquired for the National Park, and the issues were further clarified by senior officials from the Revenue and Forest departments in a public meeting on January 5th, 1999.

Several community leaders and panchayat representatives from the affected villages met on January 12th to discuss the situation and ways to safeguard their rights. There was disagreement regarding the course of action. One faction wanted to ignore the official process, as filing claim for compensation would indicate that they were wiling to give up access to the Park. The other faction suggested that filing the claims was the best way to validate their rights in the first place, and fight for their continuation later. Ultimately, the second faction won the argument, and the representatives decided to compile lists of all rights enjoyed by their respective villages in a week's time. These were put together to generate a master list for all the villages by a committee of representatives including panchayat leaders, and presented to the Settlement Officer on January 23rd, a day before the limitation on the filing of claims ran out.

The final notification for the Great Himalayan National Park was issued on May 21st, 1999, along with a settlement award for compensation of rights acquired.[6] As details of the settlement award percolated down to the villages, people mobilized against the compensation provided, as well as to forestall the closure of access to the Park for summer grazing and medicinal plant collection. The summer of 1999 was a period of turbulence and uncertainty, with the villagers protesting collectively against the notification and the compensation, and the Park Authorities trying to enforce the closure of the Park following the final notification. Eventually, in September, the Member of Parliament from Kullu constituency (national level), Maheshwar Singh, came down heavily against the administration, calling for a suspension of the final notification until the issues were settled amicably between the villagers and the administration. Two aspects of this position of Maheshwar Singh are noteworthy: One, he was the elder brother of the Banjar representative to the state legislative assembly, Karan Singh, and two, elections to the National Parliament were scheduled for later that year. Both of these factors were exploited by villagers in persuading Maheshwar Singh to force the park authorities to suspend the implementation of the final notification.

Maheshwar Singh won the seat to the National Parliament in December 1999. Next year, the term of panchayats was coming to an end, and elections were scheduled for December 2000. Following the previous five years of increasing participation of panchayat representatives in local politics, the elections were even more keenly contested than before. Many of the young activists who had coordinated the protests against the Ecodevelopment Project and the final notification fought the elections to various local government offices, often as independents, without the support of either political party. The new panchayat representatives were thus closer to their constituents, and were more easily held accountable. They were also younger and more educated, less amenable to

[6] The politics surrounding the final notification of GHNP is covered in greater detail in Chhatre and Saberwal 2005.

political control from above, and with the reservation of seats for women in panchayats, more representative of sub-goups within the community. Panchayat representatives provided a crucial link between people and higher levels of elected representatives, and this role was strengthened through the almost continuous sequence of elections to office at different levels – local, state, and national. Simultaneously, panchayat representatives also enlisted the support of wider sections of the community in exercising the powers provided by the 1994 legislation, which until then were largely on paper. In 2002, for example, when a private contractor delayed payment of wages to local laborers working on the Parbati project, Raila panchayat threatened legal proceeding against the contractor, leading to immediate payment of back wages.

Panchayats were only bit players in local politics in the GHNP area prior to 1994. With no powers of consequence and fewer discretionary resources at their disposal, they were considered nothing more than village level extensions of the district administration, carrying out tasks decided and designed elsewhere. Things changed on paper with the 73rd constitutional amendment in 1993 and the HP Panchayati Raj Act in 1994. But on the ground, even when the Ecodevelopment Project started in late 1994, panchayats were conspicuous by the absence of their representatives in the opposition to the project. It was only with the panchayat elections in 1995 that these institutions became involved in the movement against the Ecodevelopment Project. As panchayats evolved in their role as conduits between villagers and elected representatives to the state assembly and national parliament over subsequent elections (in 1998 and 1999) as well as to leaders of major political parties, local constituents – often divided into sub-groups of overlapping interests – also made the panchayats downwardly accountable. The next panchayat elections in 2000 reinforced the accountability of elected representatives in the panchayat elections through active participation of villagers in the elections, and the candidature of several activists from the movement against the project. The presence of democratic elections at three levels interacted to provide sufficient opportunity to local villagers to voice their grievances to higher authorities at regular intervals, and generate a dynamic that resulted in increased downward accountability of panchayat institutions.[7]

In a manner similar to the process in GHNP, communities in several parts of Himachal Pradesh harnessed the newly mandated panchayats to help them protest against the imposition of project components deemed undesirable. Some projects, such as the German-funded Changar Ecodevelopment Project in Kangra district, moved to incorporate panchayats formally in their designs and implementation. By 2000, there was general consensus amongst donors, NGOs, and political leaders that future projects must be channeled through the agency of panchayats. DfID-supported Poverty Reduction Through Sustainable Livelihoods Project started in 2001 envisaged the panchayat as the primary unit of planning for sustainable livelihoods. When negotiations started with the World Bank in 2003 for a project for participatory forest management in the middle

[7] Whereas NGOs played a critical and catalytic role in precipitating opposition to the Ecodevelopment Project, their role in influencing the political process – either directly or through local communities – diminished over time as panchayats gained legitimacy. SAVE, instrumental in providing information and organizational support to local activists in the mid-1990s, had withdrawn all its activities from the GHNP area by 2000. Navrachna continued to provide a forum for local activists to voice their concerns regarding the National Park or the Parbati Hydro-electric Project at the provincial level, but retained a distance from local politics in the GHNP area.

Himalayas, as a follow-up to the earlier Kandi Watershed Project for the Shiwalik mountains, there was no doubt that the project would be implemented through panchayats, in contrast to the Kandi Project which was implemented through parallel watershed committees. Implementation has started for this project in 450 panchayats in September 2006. At the legislative level, the state amended the Panchayati Raj Act in 2001 to extend the powers of panchayats to forest management, explicitly linking the new community-based forestry initiatives to local governments. Later, it promulgated the Participatory Forest Management Rules in 2002 to provide detailed guidelines for the involvement of panchayats in decentralized forest management. The experience of Ecodevelopment in GHNP was not isolated, but representative of trends in the rest of Himachal Pradesh. The trends in Himachal Pradesh, in a similar vein, resonate with experiences in at least some other Indian states (see Heller 2000 for Kerala, Sivaramakrishnan 2000 for West Bengal, and Goetz and Jenkins 2001 for Maharashtra and Rajasthan).

IV. Conclusion

"Institutions are never finished products."

Anirudh Krishna

The process through which panchayats were made accountable to their constituents described in this article could arguably be attributed to one of several conjectural elements in the story: the legal regime (peculiarities related to the Wildlife Protection Act applicable to national parks), design faults in the Ecodevelopment Project, political competition (the BJP-Congress rivalry in the Banjar assembly constituency), the presence of NGOs (SAVE and Navrachna) as catalysts, among others. However, the outcome of the process – increasingly representative and downwardly accountable local governance institutions – is visible all over Himachal Pradesh to varying degrees. The outcome is not an artifact of conditions peculiar to the GHNP region or even Kullu district. In order to understand the relationship between accountability of local governance institutions and democracy, it is necessary to look at the larger picture within which events in GHNP have unfolded.

The effects of recognition granted to parallel institutions that bypass local governments are mediated by the level of articulation in the political system. The mobilization against the ecodevelopment project and responsiveness of political actors to local demands is related to the space and opportunity for community agency provided by the political system, both in terms of the institutional architecture for representation and elections, as well as the articulation of social movements and electoral politics. Community agency represented by the opposition to the project was easily transferred to local governments, making them more representative and accountable to their constituents. However, the presence of competitive elections with high levels of political articulation was instrumental in the process. Representation and accountability were performed and constructed from below, and the responsiveness of representatives at higher levels was transferred to local governments. It remains to be seen if local governments will play a significant role in providing the goods and services that were the objectives of the ecodevelopment project.

A focus on the politics of institutional choice in decentralization policies is a welcome corrective to the naïve conception of local institutions as independent of the interests of external actors. However, the examination of the politics of institutional choice cannot stop at the choice made by external actors – such as, for example, creating parallel institutions instead of transferring powers to elected local governments. It must look at how the local governments themselves respond to such initiatives, and how the intended beneficiaries of new institutional innovations navigate the reshaped terrain of local politics. Additionally, we must pay greater attention to the manner in which the larger political context enables (or disables) such responses. This paper argues that we need to "… look beyond 'well-behaved' local participation in specific government projects to a more openly political and even confrontational engagement with the government apparatus as a whole" (Ackerman 2004: 450) in order to make sense of how citizens respond to development (or conservation or both) interventions intended for their benefit.

In discussions of the role of external actors in decentralization, it is customary to refer to donors, local and international NGOs, even government departments and parastatal organizations. It is a rare analysis that seriously considers political parties and/or institutions of democratic governance such as parliaments or chambers of deputies. In an otherwise insightful analysis of the experience and performance of extractive reserves in Brazil, Katrina Brown mentions interactions between all actors but political parties (Brown 2002: 14). In a similar article, Brown and Resondo (2000) argue that the chief gains to the Brazilian rubber tappers from the struggle to constitute extractive reserves are political rather than economic. But again, there is no mention of the long association of the rubber tappers organization with the trade union movement in Brazil, or with the Worker's Party (PT), currently in power at the national level. Is it plausible that the political gains achieved by the rubber tappers are somehow linked to the ascendancy of PT to power in Brazil? Or that these linkages contribute towards making extractive reserves examples of accountable institutions? Anne Larson partially attributes this success to the ideological alignment of the rubber tappers with a political party that has "chosen to defend the rights of marginalized, particularly forest-dependent, groups" (Larson 2003: 222). But the process through which one political party aligns itself with the interests of what have hitherto been considered 'local' groups remains unexamined.

As mentioned in the introduction to this paper, the literature on accountability in decentralization is dismissive of elections, almost always depicting them as 'crude instruments' of accountability, and trying to move beyond elections to discuss more finely graduated mechanisms (Agrawal and Ribot 1999, Blair 2000, Devas and Grant 2003, Olowu 2003). This article has endeavored to demonstrate that elections are much more than punctuation marks in local political trajectories, and their effects evolve over time, in dynamic interaction with other mechanisms for accountability listed by Agrawal and Ribot (1999). Most importantly, multiple levels of elected officials provide competing sets of political spaces and actors that improve citizen access to public institutions, and these competing sets of office holders also improve the prospects of downward accountability (Blair 2001: 123). However, the extent to which elections can perform such a service depends on the level of articulation in the political system. Political commitment is considered crucial for the success of decentralization reforms

(Toner and Franks 2006, Devas and Grant 2003, Charlick 2001, Ratner 2006), but where does this commitment come from? This paper suggests that repeated competitive elections at multiple levels in an articulated political system can contribute towards the construction of a political commitment to not only decentralization and local government institutions, but also to democratic processes and power-sharing between different levels of government.

Externally-mandated interventions inevitably lead to some form of redistribution of power at the local level, and it is important to characterize success not only as enhanced participation or benefits, but also as the "absence of a coercive response from those whose power is being challenged, whether state or local elites" (Sundar 2001: 2008). What are the possible sources of such restraint? Representatives at multiple levels elected through competitive elections at regular intervals, combined with a vigorous civil society, a vibrant media, and high levels of articulation across political scales, are more likely to respond democratically to challenges to their power from citizens' initiatives. Scholars need to understand this context before pronouncing judgment on the democratic content of decentralization policies. Mobilized citizens may transform bad policies or institutions through collective action not intended or anticipated by planners and scholars alike. The non-equilibrium dynamics of democracy and local institutions preclude an ex ante design of the 'perfect' institution for any setting. Greater attention needs to be paid to the nature of community agency, and the democratic context that enables (or disables) such agency, in order to make sense of the variety of outcomes of decentralization policies in the developing world.

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