

## **SANITATION AND WASTE MANAGEMENT: A PERSPECTIVE OF GENDER AND DIPLOMACY**

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### **INTRODUCTION**

The notion of diplomatic studies or the study of diplomacy in context to contemporary world affairs has stimulated an academic response to the emerging trends in contemporary diplomacy. This is because International Relations as a discipline has seen a paradigmatic shift of focus in nature of global debate on security and development, which started since the Rio Conference on Environment and Development (1992). Not only has it witnessed a range of diverse actors participating at the international level, but has also underlined the urgency of debating the interdependence of debating development and security concerns, which identify more with the daily lives of common men and women.<sup>2</sup> As a result international negotiations of late *do* address development concerns, which has resulted, in the reshaping the contours of diplomacy from that of a state centric one, to that of a development one. A scholar in International Relations, *Walter Laquer*, has said *There will always be room for diplomacy, but in its present form, it is largely an 18<sup>th</sup> century relic that badly needs rethinking and refashioning*. I believe these words of *Laquer* need to be considered, if one intends to study the empirical impact of contemporary negotiations through the applied system analysis. It is in this context that the paper *Gender, Sanitation and Waste Management* has been explored.

The paper is divided into three sections:

**Section 1** will highlight the conceptual understanding of sanitation and waste management at the international level. A gender prism will be applied to the whole analysis.

**Section 2** will critically examine the policy relevance of such agreements at the national level.

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<sup>2</sup> Some of the emerging issues include: environment, health, refugee crises, rights of minorities etc. as against the traditional focus in international relations which generally concentrated on security issues of war and peace.

**Section 3** will propose a policy framework, which emphasizes more on a bottom-up approach, rather than a top bottom one. To focus the analysis a micro-case study of the urban structure (institutional and planning) is undertaken. A framework for negotiations, which emphasizes a participatory approach, will also highlight the gaps and challenges in the prevailing local level urban structures.

## SECTION 1: GOING TO BASICS: WHAT IS DIPLOMACY

Diplomacy is one of those terms that is best approached through a consideration of its usages, rather than by an attempt to assert or capture a precise, fixed or authoritative meaning. In general diplomacy can be defined as the management of international relations by negotiations rather than by force or other means. Also diplomacy can be understood as an art of negotiations, which has gradually adjusted itself to changes in political conditions. For example old diplomacy, which was a synonym for secret diplomacy was used to emphasise the diplomacy of the seventeenth and eighteen century. During this era only the great powers possessed the common responsibility for the conduct of international relations and the small states and public opinion played a negligible role.<sup>3</sup> Likewise New Diplomacy, a synonym for open diplomacy was the diplomacy of the twentieth century and the protagonist of this term was the President of the U.S.A., Woodrow Wilson. Wilson coined the term by laying down his famous fourteen points after the Treaty of Versailles took place. One of the most important characteristics of New Diplomacy was the appreciation of public opinion and the rapid increase of communications, which modified many of the practices of old diplomacy.<sup>4</sup> Similarly, the word, Contemporary Diplomacy has been coined to signify the emerging nuances in the post- cold war era. Some of the prominent features which have given a different shade to contemporary diplomacy is the gradual metamorphosis and the weakening of the concept of the state, political and economic inter-dependence and interpenetration, the emergence of multilateral corporations, sub-national actors and the

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<sup>3</sup> Harold Nicholson, 'Diplomacy' (Newyork: OUP, 1953); Henry Kissinger, 'Diplomacy' (Simon and Schuster, 1994);K.Hamilton and R.Langhorne, 'The Practice of Diplomacy: Its Evolution ,Theory and Administration'(Routledge:London and newYork,1995).

<sup>4</sup> Henry Kissinger,'Diplomacy'(Simon and Schuster,1994);K.Hamilton and R.Langhorne,'The Practice of Diplomacy: Its Evolution ,Theory and Administration'(Routledge: London and Newyork,1995).G.V.G Krishnamurthy,' Dynamics of Diplomacy'(Delhi: National Public House,1968).

growing prominence of the non-governmental organizations in international negotiations. The contours are being shaped by, the changing concept of sovereignty, globalization, technological innovation, the growing importance of internationally monitoring mechanism and the rise of donor and funding agencies. An underlining factor regarding contemporary diplomacy is that the center of gravity of global problems has shifted from a nation centric approach to a more humanitarian one. The usage of the terms like Human Rights Diplomacy, Environmental Diplomacy, Stakeholder Diplomacy and Public Diplomacy justify this statement.<sup>5</sup>

The usage of the term stakeholder diplomacy is largely gaining currency amongst the scholars of international relations to underline the participation of the various actors (both state and non-state) in international decision-making. Multi-stakeholder diplomacy is designed to put the people at the center of the decision-making, decision -finding and implementation. As most of the issues have a development orientation, multi-stakeholder processes aim to move beyond the conceptual to the operational level. The argument for studying MSD in context sanitation and waste management is precisely because of three reasons:

- It constitutes an important tool to bridge the potential gap between the traditional states and the emerging decision makers such as the NGOs, MNCs and the civil society organizations concerned with the area of sanitation and waste management.
- It underlines the applicability of a three level approach (international, national and local when studying the concerned agreements. This is particularly important as in the existing negotiating agreement; there lies a great disjunct between the policy making at the international level and decision-making at the national level. And
- It also highlights the gaps and challenges in the present agreements and proves to be a useful critique of the moral dialogue of good governance and sustainable development that the concerned stakeholders are involved into.

From the perspective of International Relations and Diplomacy in context to development negotiations, such a discussion can be a useful input because the ongoing

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<sup>5</sup> M.Leonard and C.Smewing, 'Public Diplomacy' (London: Foreign Policy Center, 2002), Victor. A Kremnyuk, 'The Emerging System of International Negotiations' in Victor. A Kremnyuk (ed), 'International Negotiations: Analysis Approaches and Issues', (Oxford: Jorsey Bass Publishers, 1991.)

multi stakeholder dialogues reflect the changing structure of the international decision-making process where the state is now no longer the primary actor.

Sanitation and waste management are two of the basic services that have been a part of the global debate on sustainable human development. The reason being that despite many decades of development planning and assistance, much of the rural and urban population of low and middle income countries lack adequate provision for those basic services.

Sustainable human development as part of the sustainable development debate first appeared in the World Conservation Strategy and was published in 1980 by the International Union for the Conservation and Union (IUCN). Describing the concept of managing a given resource with a view to its conservation, it implied regulation of the use and exploitation of the resource in such a manner that its benefits are optimized or made available on an equitable basis to the largest number over the longest term. As the concept of development from this definition did not relate to economic and social condition, the World Commission on Environment and Development worked a broad definition. Chaired by Gro Harlem Brundtland and therefore known as the Brundtland Commission, the term sustainable development was defined as the type of development, which meets the need to the present generation without jeopardizing the ability of the future generation to meet their needs. The report also emphasized the importance of sustainable development and therefore talked not only of equity for the present but also of inter generation equity. With the Rio Conference, which followed in 1992, 'Our Common Future' framed much of the 40 chapters of Agenda 21 and the 27 principles of Rio Declaration on Environment and Development. While adopting Agenda 21, the UNCED introduced a major groups concept, by which the global community acknowledged that achieving sustainable development would require a broad based partnership with non-governmental actors.<sup>6</sup> To facilitate such participation, Agenda 21 linked the nine major groups, with specific roles and responsibilities in the follow-up process and described the type of support and collaboration they could legitimately expect from governments and inter governmental organizations. The two main elements of major groups, concept are (i)

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<sup>6</sup> The groups are women, children and youth, indigenous people, non-governmental organizations, local authorities, workers and trade unions, business and industry, scientific and technological communities and farmers.

participation in decision-making and (ii) new forms of participation. The first refers to the active presence of major groups in the design, execution and monitoring of sustainable development follow up activities at all levels, going beyond the possible exchange of information which creates the basis of transparency and accountability. The second demands a continuous search for optimal mechanisms of engagement, which are meaningful, influence outcomes and generate partnerships.

The commitment that the governments have agreed on sanitation and waste management at the two UN Habitat Conferences, the Millennium Summit and the World Summit on Sustainable Development are:

- Significantly improve the lives of at least 100 million 'slum' dwellers by 2020.
- Halve by the year 2015, the proportion of people without access to safe drinking water.
- Halve by 2015 the proportion of people who do not have access to basic sanitation.
- Develop waste management systems, with the highest priorities placed on waste prevention and minimization, reuse and recycling, and environmentally sound disposal facilities.

Thus sanitation and waste management, rather than an area specific approach has been linked to the debate of Environment and Development. The rapidly expanding numbers of local agenda 21 initiatives continue to serve as successful models of public partnerships between cities, towns and local communities. A specific requirement of the initiatives is multi stakeholder engagement and processes. As a result most of the initiatives have emerged out of the partnership process, involving a cross section of local community and business leaders.<sup>7</sup>

Thus one of the emerging debates in the 90s regarding Agenda 21 was the role of the local governments in sustainable development. This is because the fate of Agenda 21 is directly linked to the priorities and reforms within the states, which have endorsed it. Solid wastes as defined in the Chapter 4 of Agenda 21 is defined as, all domestic refuse and non-hazardous wastes such as commercial and institutional wastes, street sweepings and construction debris. In some countries, the solid wastes management system also handles human wastes such as night-soil, ashes from incinerators, septic tank sludge and

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<sup>7</sup> See Bremen initiative website, <http://www.Bremen-initiative.de>.and Commonwealth Secretariat, *Effective Partnerships in the areas of Human Settlements, Water, Sanitation and Waste Management* Commonwealth Consultative Group on Environment, Korea, 28 March 2004, Provisional Agenda Item 3 CCGE (04) 1.

sludge from sewage treatment plants. If these wastes manifest hazardous characteristics they should be treated as hazardous wastes. As part of the larger goals to address the issues of sanitation and waste management, Chapter 7 of Agenda 21 focused on promoting sustainable human settlements. Human settlements programme has focused on environmental problems in the cities, the integration of sustainable development concerns into urban policy, rural urban linkages, housing finance systems that serve the priorities of low urban house holds, the constraints on community based action in low income settlements and interventions for supporting poverty reduction in urban area.

Similarly in, Habitat 1 and 2 Conferences<sup>8</sup> there has been shift from approaches that are focused on single issue such as sanitation or upgrading of housing to the multi-sectoral approaches that consider the many interrelationships between sectors. The ten principals or guidelines that form the basis for development of sustainable human settlements are:

1. Partnerships. No single individual, organisation or country can bring about sustainable human settlements, which will need collaborative and often novel partnerships.(See Appendix 1)
2. Sustainable Development, improving the quality of life without compromising natural and human resources on which it is based.
3. Eradication of Poverty should underlie activities concerning human settlements, and is key to providing opportunities and choice for all.
4. Equity, so that there is equal access to opportunities, resources and services regardless of gender, race or status.
5. Good Standards of Health and Education, essential for a good quality of life, should be targeted at those who most need them.
6. Good Planning and Layout of settlements to provide a decent living environment.
7. Solidarity and Co-operation, whereby countries, communities and individuals work together for the wider goals of the Habitat Agenda.

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<sup>8</sup> To go into a more detailed analysis, Habitat Agenda was agreed by governments in 1996 at the second UN Conference on Human Settlements (also called the City Summit) draws on the outcomes from previous international Gatherings, notably the concept of sustainable development from the UN Conference on Environment and Development (the Earth Summit) in 1992, and articulated in Agenda 21, but was also influenced by the World Conference on Human Rights in 1993, the UN Social Summit in 1994, and the World Conference on Women in 1995.

8. Nurturing of the Family, which as the basic unit of society, plays an important role in the stability of human settlements.

9. The Citizen. We should encourage respect for human rights and provide opportunities for active participation of every citizen in local affairs. Each individual should take a responsible part in building a sustainable community.

10. Developing and More Developed Nations. While countries have agreed to tackle the unique combination of social, environmental and economic problems and opportunities with which they are faced, the enormity of the problem faced by many developing countries place a special responsibility on the developed countries to help them.<sup>9</sup>

In the recent summit on Sustainable Development, 2002 UN Habitat with special concern for chapter 7-sustainable settlements<sup>10</sup>, chapter 21-waste and sanitation<sup>11</sup> and chapter 28-local authorities participated actively in the process. WSSD adopted two negotiating settlements:

- The Plan of Implementation of the WSSD (54 pages);
- The Johannesburg Declaration on Sustainable Development (4 pages)

The plan for implementation contains important references to UN Habitat's work in the section on poverty eradication, changing unsustainable patterns of consumption and production, protecting and managing the natural resource base of economic and social development, means for implementation and institutional framework for sustainable development. For special commitments on Sanitation and Waste Management, see Appendix 2).

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<sup>9</sup> Commonwealth Secretariat, *Effective Partnerships in the areas of Human Settlements, Water, Sanitation and Waste Management* Commonwealth Consultative Group on Environment, Korea, 28 March 2004, Provisional Agenda Item 3 CCGE (04) 1.

<sup>10</sup> In promoting sustainable human settlement development, Chapter 7 calls for the integrated provision of environmental infrastructure: water, sanitation, drainage and solid-waste management, along with sustainable energy and transport systems. It calls for innovative city planning strategies to carry this out, particularly as developing countries adopt a 'fast-track' approach to their growing economies. It stresses that one of the parameters of sustainability in urban areas is effective management of its wastes.

<sup>11</sup> Chapter 21 focused exclusively on waste issues, including hazardous and radioactive waste. It lays out objectives and action to be taken, as well as some key numeric targets to be achieved.

UN Habitat responsibilities were also well reflected in the Type 2 outcomes of WSSD. (Partnership implementation and commitments). The coalition for sustainable urbanization, developed by UN habitat with more than forty habitat agenda partners was also launched. Some components of the coalition for sustainable urbanization involve close operational partnerships with global associations of local authorities (individually or through the World Association of Cities and Local Authorities Coordination- (WACLAC) for strengthening local capacities for sustainable urbanization. Some of these partnerships include organization such as, UNEP, UNITAR, ILO, UNV and WHO. Sustainable cities programmes and partnership for local capacity development are other initiatives for urban governance.<sup>12</sup>

As women groups have been critical actors in mainstreaming a gender perspective in environment and development negotiations, gender mainstreaming as an issue linkage facilitates the negotiations on development in three ways: *First* by adding a gender linkage, one party can offer other an additional advantage and thus a reason to agree. *Second* by adding a gender linkage and thereby bringing other parties to the bargaining table, it is also possible to counteract the power of the blocking coalition (by increasing the size of the coalition that favors agreement). *Finally* a gender linkage makes it possible to shift the institutional locus of a negotiation to a new venue in which implementation may be easier. This is particularly true in those negotiations where the institutional locus of the structure is the United Nations. The roots of gender diplomacy at the international level go back to the United Nations decade for women (1975-1985), which showed increased international concern with women issues as well as programming for women. The movement focused on two issues:

- The need to improve overall development programming to address the situation of the growing number of the poor people in the world. And
- The need to ensure the equality of women's participation in implementations and outcome of development.

Explicit in these two thrusts was the belief that only when the women were fully involved in development could true and significant development can occur. The WID

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<sup>12</sup> Report of the Executive Director on the world Summit of Sustainable Development, Johannesburg-26 August to 1 December 2002.



movement insisted that development is as much result as a cause of gender equality. Another reason of the growing need of mainstreaming gender issue in international negotiations, which can benefit, certain countries is the international debate on development policy. According the Danish states current policy agenda gender issues are among the priorities that should cut across all aspects of foreign assistance.<sup>13</sup> Thus the very nature of development aid and policies in place to promote are gendered. The countries in the European Union, Australia, and New Zealand etc are following such progressive policies. This factor was one of the main reasons for engendering the Tenth Session of the Commission on Sustainable Development, to overcome the blocking coalition of actors who were initially against the logic of gender mainstreaming. Also the trans-national feminist networks at the international level have contributed to feminist theorizing of gender dynamics at international level. These trans-national networks serve as conduits not only of information about differing policy models and initiatives but also, of knowledge concerning alternative political strategies and how they may be applied to further promote policy change. The diffusion of state machineries for gender mainstreaming has been facilitated in part by the diffusion of power to interalia, women and Non-Governmental Organisations (NGOs) linked through these trans-national networks.

Though gender mainstreaming is just a nuance, there are two main ways that domestic advocates can seek to promote gender concerns within development organizations:

- They can promote gender concerns using instrumental arguments. In other words, instead of basing their case for attention to women, primarily on gender equality, they have tended synergistic arguments about the linkages between gender concerns and other developments goals, such as efficiency, poverty, alleviation, social development and environmental sustainability.
- Political and financial pressures extended by a handful of donor governments has been important in channelizing greater attention to gender concerns into concrete action. Also responses of multilateral organization like UNDP, ILO and World Bank to gender sensitive politics is providing an important platform gender policy.

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<sup>13</sup> A.R, Liza, 'In Search of Feminist Foreign Policy: Gender Development and Danish State Identity' *Cooperation And Conflict*, 36(2), 2001.pp177.

This is specifically so in the case of environment diplomacy, where women are actors and sustainable development an agenda. Gender diplomacy thus can be termed as diplomacy for women, by women and of women. Where the feminist understanding of international relations provides a conceptual base to understand gender issues, there a more detailed empirical study of women lobbies on gender bargaining and multilateral diplomacy can provide an important starting point to study the translations of theoretical inputs of feminist theory to diplomatic practice at the international level. As seen in Appendix 1 and 2 an emphasis on equitable approach and the involvement of UN agencies is a prominent feature. Going by this perspective, gender mainstreaming in the area of sanitation and waste management can play an important role in paying good trade-offs to the developing countries.

With all these commitments and the plan of implementation, which are negotiated at the international level, a holistic approach is needed to translate these commitments to the national and local level. However before any application of these commitments is explored a functional framework for these commitments is needed. It is with this perspective in mind that the concept of local diplomacy has been conceptualized.

## SECTION 2:A FRAMEWORK FOR LOCAL DIPLOMACY

Local Diplomacy can be termed as the study of the missing link between international and national level. By making this missing link the prime focus of research, the internal negotiations within each nation can be synchronized with the external negotiation. Also, a systematic focus on local diplomacy helps in creating an infrastructure at the sub-national level which can help in translating the concepts identified at the international level to the national level and also help creating an efficient and democratic environment where participation in resolving differences are concerned. Further negotiation analysis of local diplomacy can help in effective communication and dissemination of theoretical research results. Another important reason for introducing local diplomacy is that it moves away from structural level explanations (associated with international distribution of power and national interests to actor level explanations. Some of the factors, which highlight the significance of studying local diplomacy, are:

- The quantitative increase in international agreements is not the necessary test for the quality of agreements. The statement rests on the assumption that there is possibility of a mismatch between what elites in international negotiations perceive as problems and what local people at the sub-national level perceive as problems.
- It raises the questions of accountability and the stakes of state –actors at the national level. The reason for this is that the growing participation of non-governmental organisations at international negotiations highlights challenges to sovereignty and the legitimacy of monitoring mechanisms, which give an opportunity to non-state actors to demand accountability of non-state actors at the national level.
- Local diplomacy also involves the dynamic process of engagement and information sharing between various actors at the sub-national level. This process of engagement which can be termed as multi-stakeholder dialogues are closely linked to decision making process, with a focus on reconciling the conflicting interests of participating actors, as they define and implement issues which have been dealt at the international level. And finally
- Local diplomacy also helps in constituency building efforts at the national level, which can in turn enhance the bargaining power of the state-party when it is negotiating issues at the international level. This is specifically so, when one is negotiating issues of developmental orientation.

In the following pages, a general framework of local diplomacy has been outlined. The main focus will be on approaches, styles and strategy of negotiations at the local level. Towards the end of this analysis, a case study of urban local bodies is undertaken.

## **DIPLOMACY FROM THE PRISM OF APPLIED APPROACH ANALYSIS**

Diplomacy, most broadly can be described as a positive value concept encompassing a set of skills or more precisely a preferred way to approach issues at the

sub-national / national/ international levels. Local-diplomacy differs from international diplomacy in the sense that the latter focuses more on a top-bottom approach, whereas the former being an inverse mirror image of it emphasizes on a bottom-up approach. Also local diplomacy questions the notion of effectiveness by highlighting the importance of institutional and monitoring mechanisms. An example in point here is the concept of sustainable development, which has dominated the international conferences of nineties and also the recent summit, which was held in Johannesburg in 2002. Sustainable Development remains a mere prescriptive abstract unless it is employed to engage various stakeholders, discussed and translated to the local level. To deal with this gap between the local, national and the international level many scholars have dealt with the concept of effectiveness in international relations literature.<sup>5</sup> As the existing literature has serious shortcomings limiting the extent to which international agreements can be analyzed, local diplomacy can put theoretical insights to the study of the effectiveness of international negotiations.

Effectiveness means distinctly different things to different communities. To academicians effectiveness describes the ability of an approach to solve a particular issues. The IR literature has nominally taken account of the problem of effectiveness in the growing body of literature on this subject.<sup>6</sup> However, it has located the concept of effectiveness well within the traditional boundaries of the discipline. This means that it does so with the traditional analytical focus of the discipline, i.e. scrutinizing and trying to explain the behaviour of actors in the international system rather than by focusing on the problems, giving rise to cooperation and its adequate solution. Thus literature on the subject is mostly limited to the study of how cooperation between states can be best described and to the conditions in which institutions works. Many scholars in international relations have explained the problem of effectiveness by relating it to regime theory. The concept of regime was first used in International Politics by Ruggie in 1970, and described by Keohane in 1984, who described regime as a set of mutual

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<sup>5</sup>Some of the available literature on the concept of effectiveness is G. Kutting, 'Environment, Society and International Relations: Towards More Effective International Environmental Agreements', (Routledge: London and New York, 2000) and G.K Rosendal, 'The Convention on Biological Diversity and Developing Countries', (London: Kluwer Academic Publishers, 2003).

<sup>6</sup> Ibid

expectations, rules and regulation, plans, organizational energies and financial commitments, which have been accepted by a group of states.<sup>7</sup> A scholar, Stephen Krasner, has narrowed this description down to a widely accepted and elaborate definition in 1980s.<sup>8</sup> According to him 'regimes can be defined as sets of implicit and explicit principles, norms, rules and decision making procedure around which actors expectations converge in a given area of international relations. Principles are belief of facts, causation and rectitude. Normal standard of behaviour are defined in terms of rights and obligations. Rules are specific prescriptions or proscription for actions and decision-making procedures are, prevailing practices for making and implementing collective choice. Krasner further divided regime theory into three varieties:

- Realist/structuralists
- Modified realist/structuralist, And
- Grotian

Realist variety conceives of the world as consisting of state actors engaged in a struggle for power maximization. According to it regimes are a method by which powerful states set up rules that best respect their interests.

The modified structuralist view of regime theory is based on the idea of rational choice and moves away from the idea of pure power and politics to a more functional area of international cooperation, such as social and technological areas. Also, though the basic approach of the modified realist view is state-centric, it takes into account the existence of non-state actors. Last, the Grotian model emphasizes social factors in the study of international relations. In addition, the importance of domestic and transnational actors is stressed although the state is seen, as the central actor in international area.

It is important to understand regime theory in context to local diplomacy because of three main reasons:

- It can help in engaging the interest of the public at large and a multi stake-holder dialogue can be initiated at the sub-national level to test the hypothesis, whether a particular international agreement is rooted to a ground reality or not. In other

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<sup>7</sup> R.O.Keohane, 'After Hegemony: Cooperation and Discord in World Political Economy'.(Princeton: Princeton University Press).

<sup>8</sup> S.D.Krasner., 'International Regimes'(London: Cornell University Press,1983) and G.Kutting,opcit,pp11-23.

words it can help in applied system analysis, i.e., applying systematic analysis to complex (societal) problems with the intention of better understanding the problems and improving their outcomes.

- The real application of prescriptive framework of internationally negotiated agreements to the national level by studying local diplomacy can help in examining universal type of problems such as transportation, education and waste-disposal, in one country. Through this one might gain techniques, models and insights that could be transferable to another country. In other words by contrasting how several countries each handle a common universal problem; one might be better able to give particular advice to each country. Also local diplomacy can be used as a critique for regime theory. For example, local diplomacy when studied in context to developing countries and least developing countries can question the basic pillars on which regime theory rests. It raises the question whether one needs a common framework for analyzing public policy through out the world. As there are substantial differences in capacity both within and between bureaucracies in developed and developing countries, as well as between different sectors of administration it becomes all the more important to employ local diplomacy in specific case studies, to test and question the validity and legitimacy of international agreements.
- Also local diplomacy can be a useful to critique to particular international agreements as it can bring to the notice of various government and international organisations the glaring gap between the implementation of loaded concepts like good governance, environmental security and sustainable development to the local level.

Coming back to the question of effectiveness of negotiated international agreements, there has been an active debate on effectiveness within the regime theory. One of the initiators of the debate has been Arid Underdal<sup>10</sup> and other main contributor is Oran Young. Underdal tries to find indicators, which examine the conditions under which a co-operative arrangement will be effective. He does not give an explicit definition of effectiveness but surmises that effectiveness is a relative concept that needs to be defined

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<sup>10</sup>A. Underdal, 'The concept of regime effectiveness', *Cooperation and Conflict*, 27(3) pp227-250

individually in the case of each regime or international agreement. This approach aims to serve, as the basis to an applied context but is vague on where effectiveness is situated e.g. problem solving adequacy, institutional set, implementation or compliances. In contrast Oran Young<sup>11</sup> defines effectiveness by looking at the role of international institutions in question. For him, an institution is effective to the extent that its operations compels actors to behave differently than they would if the institution did not exist or if some other institutional arrangement were put into place. Young has also established a list of factors that influence the role of regimes. There are divided into exogenous factors relating to the social environment in which regimes operate, and endogenous factors relating to the character of the regime transparency i.e. the case of monitoring or verifying compliance; robustness of social choice mechanisms, transformation rules i.e. ability to adopt to changes; capacity of governments to implement provisions; distribution of power, such as material inequality between member states and the intellectual order expressed as ideology or power of ideas. Thus according to Young an effective regime would need high transparency, high robustness, good transformation rules, high capacity of governments, equal distribution of power, high inter-dependence and a constant intellectual order. According to Young, all these factors relate to regime performance.

Therefore the approach, which has been employed to study local diplomacy, is an extension to the concept of effectiveness of international agreements. However, it probes into the strategies and frameworks of negotiations as a tool to understand the conceptual meaning of local diplomacy and puts forward the argument that a systematic analysis of local diplomacy can be a linking thread between the national and the international level and at the same time can helping identifying there bottle necks which impede an effective transition of international negotiated agreements.

However before I move on to elaborate the framework for interaction between various stakeholders at the national and the local level, it becomes imperative to define

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<sup>11</sup> Oran. Young etal, ` *Global Environmental Change and International Governance*(England :Darmouth College,1996).

what characteristics of domestic negotiations distinguish it from international negotiations.

The process of negotiations is an effective instrument for solving both international and domestic problems. Many studies have been devoted to historical analysis of negotiations. But as historical analysis means an investigation of concrete events and does not concern questions of essence of negotiation process, it is necessary for elaborate some tools for understanding the inner structure of negotiations and the interdependence between this structure and social, political and cultural contexts to construct models of negotiations. Thus to begin with it is most important to define what characteristics of domestic negotiations distinguish it from conventional international negotiations.<sup>12</sup>

Before I distinguish the two it is necessary to point out that the present model of local diplomacy can be studied only in context to negotiations which have a developmental orientation. This study can be a useful model in studying various conferences like the Rio conference (1992), the World Conference on Human Right (1993), the International Conference on Population and Development, Cairo (1994), the Fourth Conference on Women, Beijing, 1995 and World Summit on Human Settlement, Istanbul, 1996 etc. keeping these conferences in mind three distinctions which become prominent are:

- Specifications of policies and actors at local level require a great amount of information as compared to explanations based on the constraints imposed on states by the international system. Also sub-systemic factors pose greater difficulties in terms of generalizations, as these factors are more likely to be idiosyncratic.
- Another distinction between international and domestic negotiations is that concepts and policies tend to become more specified as they move from problem identification (international level) to the stage of implementation (domestic level).<sup>13</sup>

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<sup>12</sup> Russell.B. Sunshine, *Negotiating for International Development* (London: Martinus Nijhoff Publishers, 1990), provides a detailed discussion on international and domestic negotiations

<sup>13</sup> G.K Rosendal, *opcit*, pp183-192.



- Another important distinction between international and domestic negotiation is that there is a divide primarily between state centered and society centered approaches. The difference in focus may often be ascribed to methodological choices. Where international negotiations result in state centered approach, there extended domestic studies give rise to society centered approach.

This differentiation between international and domestic institutions not only outlines the major differences between the two but also underline the fact that the two are not similar, as both models work in different environmental settings. The domestic negotiations test the hypothesis whether the actors and institutional factors at the domestic level, an effective channel to promote policy level changes.

To put this idea into more concrete forms, I will briefly outline the structure of the urban local bodies in Delhi. The purpose is to give a realistic and practical base to study the impediments and roadblocks, which can often come up when conducting a dialogue at the local level.

## **GOING BACK TO HISTORY**

Delhi was a state till 1956.<sup>14</sup> In 1956 on the recommendations of the State Reorganization Commission, Delhi was declared a Union Territory. With the enactment of the Delhi Municipal Corporation Act, 1957, a Municipal Corporation was elected in April 1958. The jurisdiction of MCD covered the entire union territory of Delhi including rural areas but excluding New Delhi and the Delhi Cantonment.

Under the DMC Act 1957, the power of control and supervision vested in the union government, which are still exercised through the Lt.Governor. There was no legislative body for Delhi from 1956 –1966, which could have exercised any control over the functioning of the municipal corporation. In 1966, Delhi Metropolitan Council was constituted. It was not given any role in control and supervision of the functioning of the municipal corporation. Even the existing Legislative Assembly set up in 1993 under the

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<sup>14</sup>The MCD took over the functions previously entrusted to ten local bodies -municipalities, notified area committees, Delhi District Board and the three statutory bodies vis, Delhi State Electricity Board Delhi Road Transport Authority and Delhi Joint Water and Sewerage Board. The Municipal Committee became the premier body for provision and maintenance of urban services, sanitation and certain community facilities in Delhi .it lacked power in regard to the planning, development and disposal of the urban land.

Government of National Capital Territory of Delhi Act of 1992 has no control or authority over the functions of Municipal Corporation of Delhi. See Figure 1.

**Figure 1: Governance of Delhi since 1947**

1947-1952	Government of India
1952-1956	Self Governing part C State with the Legislative Assembly of 48 members
1956	Delhi Legislative Assembly abolished
1956-1966	Directly Administered Union Territory and the Birth of the Delhi Administration
1957	Delhi Municipal Corporation & Delhi Development Authority created
1966	Metropolitan Council set up under the Delhi Administration Act
1967	First election held to the Metropolitan Council of 56 elected and 5 Nominated Members
1980	Metropolitan Council dissolved by the Central Government
1983	Metropolitan Council revived
1990	Central Government dissolved Metropolitan Council
1992 onwards	Elected Government of the National Capital Territory of Delhi with 70 members' legislative Assembly headed by the Chief Minister

Source: A.K. Jain, *Delhi Governance Planning and Development*. Commissioner (Planning), Delhi Development Authority.

Thus the present relationship between the MCD and the Delhi government is very vague. This is because, as already said above, the DMC Act, 1957 was enacted without any provision for a Legislative Assembly in Delhi, which was constituted only in 1992-1993. Delhi government's functions are limited to those of paramount nature, which are reserved for the central government for exercise through the Lt. Governor. The MCD, as a potent force is itself a center of power in affairs of Delhi.<sup>15</sup> Thus with structure and policy legislations Delhi has become a bewildering array of authorities and jurisdictions.

<sup>15</sup> Independent of Delhi and MCD, NDMC performs municipal functions and supplies electricity and water to the core area in New Delhi. Where the Government of India's main functionaries work and reside. . . NDMC functions more as an administrative set up under the ministry of home affairs through the Lt. Governor, Delhi. Delhi government has hardly any role in its functioning.

In short, the structure includes the New Delhi Municipal Committee, the Delhi Municipal Corporation, the Delhi Development Authority or DDA (which reports to the Central Government), the Government of the National Capital Region of Delhi, an appointee of the Central Government) and the Ministry of Urban and Poverty Alleviation. When different political parties run these institutions, fuel is added to the bureaucratic fire caused by the multiplicity of authorities, which makes the framework of Delhi thoroughly irrational.

As far as the legislative powers of the union are concerned, they are limited only to the following subjects and areas:

- Delhi and other union territories.
- Property of the union.
- A subject of the state legislatures authorizes union parliament to legislate.
- Amendment of the constitution of India.

However to de-ossify the structure the 74th Amendment Act, 1992 has been a revolutionary piece of legislation by which the constitution of India was amended to incorporate a separate chapter on the urban local bodies. The 74th Constitutional Amendment has been a bold initiative to help make local self-government work better. The list of functions assigned to the rural and urban local bodies have been included as the 11th and the 12th Schedules of the Constitution. The 12th Schedule contains a specific subject called “urban poverty alleviation”. The clear intention of the Constitution Amendment was that local governments should have a major role in the alleviation of urban poverty.<sup>16</sup> Also the amendment emphasized on decentralized participatory structures such as the ward committees and municipal planning committees in support of the local initiatives by the community groups. The national slum policy (draft) has stressed for a priority role for the local bodies in discharge functions listed in the 12<sup>th</sup> schedule viz(i)slum improvement and up gradation,(ii)urban poverty alleviation,(iii)regulation of land use and construction of buildings,(iv)provision of urban amenities and (v)public health and sanitation including provision of water supply.

The framework for planning in Delhi is equally daunting. Though urban planning in Delhi commenced in 1824, Delhi Development Authority prepared the first master plan for Delhi, which was published in 1962.<sup>17</sup> This plan was reviewed and amended for its extension for another 20 years by the DDA and published in 1990(second master plan). Though the DDA is the major actor in the field of urban planning, land management and housing, there are as many as 120 public bodies intervening in the same territory. See figure 2.

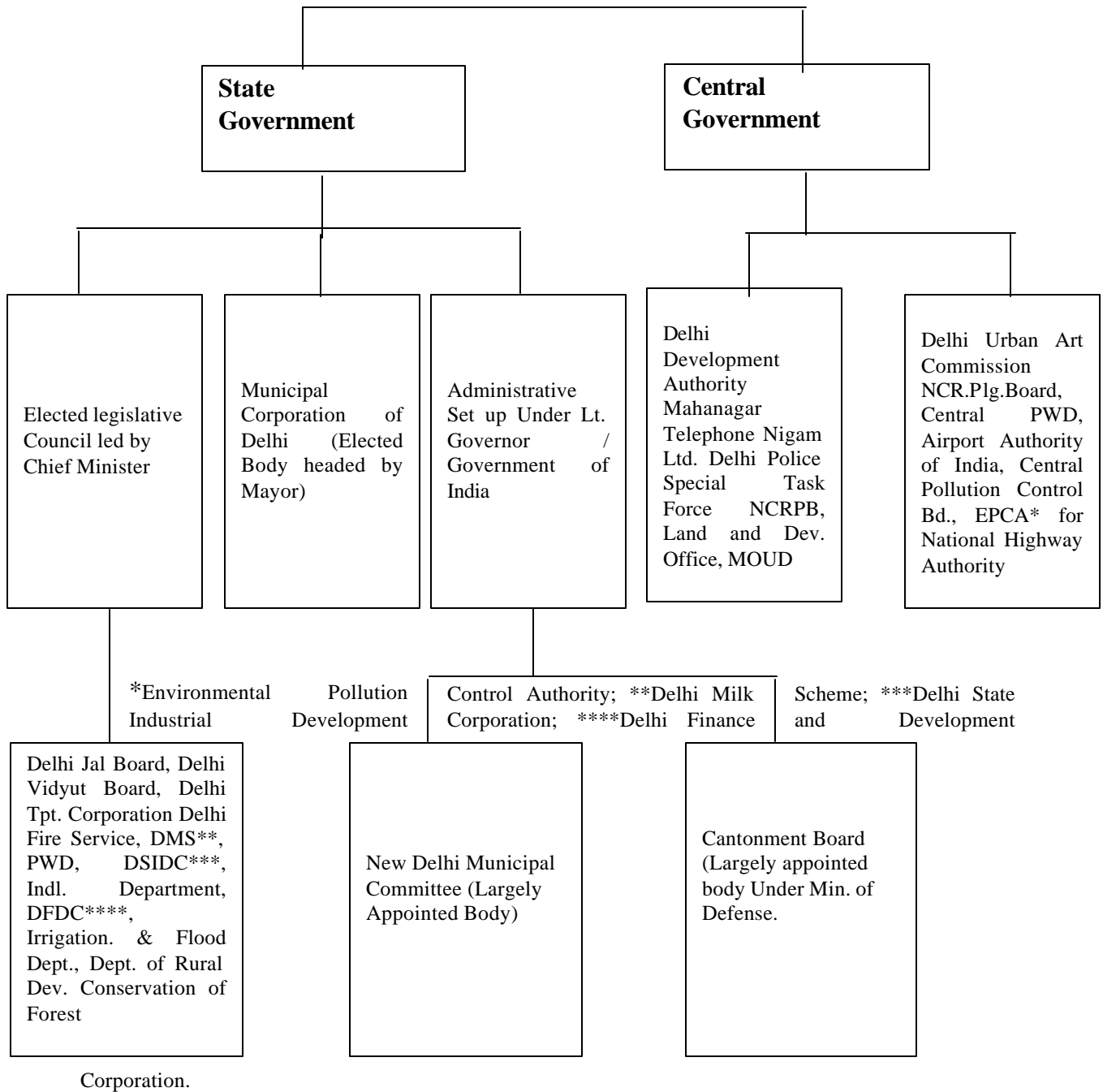
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<sup>16</sup> The paper does not go into the number of poverty alleviation schemes, however a study of such schemes is available in *Urban Poverty Alleviation in India: A General Assessment and a Particular Perspective*, Vol, 1,Ramanathan Foundation, 2002.

<sup>17</sup> Master plan recommends development of the region surrounding Delhi to check the immigration .since the efforts have been made to initiate planned development of the region surrounding Delhi with in a policy and institutional framework. In this process the National Capital Region Planning Board Act, 1985 was passed by parliament and the National Capital Region Planning Board(NCRPB) came into existence.



**Figure 2:Administrative Set Up of The National Capital of Delhi.**



Thus as the figure shows with so many intervening actors, action at the local level becomes unrepresentative. Though the MCD has staked its claim to have its say on the Master Plan for Delhi, the proposal remains under scrutiny. This claim is based on the view that the Constitution (74th) Amendment Act envisages Master Plan preparation by

civic bodies not development authorities and that MCD has a better grip on ground realities and problems, especially through its experience of dealing with encroachments, than Delhi Development Authority and that its councilors represent people as well as public opinion on planned development. Under Article 243-W MCD may be empowered by the state legislature in respect of (a) preparation of plans for economic development and social justice, and (b) performance of functions and implementation of schemes as may be entrusted to them in matters listed in the Twelfth Schedule. (The Twelfth Schedule includes, at the first three items, (i) urban planning, (ii) regulation of land use and (iii) construction of buildings and planning for economic and social development). In relation to the power of DDA to revise master plan, Article 243-ZE provides for the constitution of a Metropolitan Planning Committee for metro-cities to prepare a draft development plan paying regard to plans prepared by municipalities, to central and state government priorities, etc.

With this complex structure the problem of migration and urbanization of Delhi continues which often manifests itself in the growth of slums. This is because the urban local bodies responsible for providing infrastructure and services lack capacity for planning and management, decision-making, financial resources, autonomy and authority to determine and collect adequate levels of service charges.

Going to the structure of human settlements, sanitation and waste management, the urban structure of Delhi is quite complex. Though to ensure appropriate allocation of land and development of all public utilities, physical infrastructure, MCD 2001 made provisions of 9 land use categories with further 37 use zones. However the objectives of the master plan could not be achieved due to failure in making available adequate developed land for physical infrastructure and public utilities to the concerned agencies in time on the one hand and the lack of adequate developed land at affordable rates to the public housing for the other. For instance, according to 2001 census there were 25.54 lakh households in Delhi compared to 18.62 lakh households in 1991. There were 33.80 lakh census houses in 2001 of which 30.02 houses were occupied and 3.78 lakh were vacant. Out of the occupied houses only 23.16 lakh (78.18) were being used exclusively for residential purposes. Piped water supply was available to 19.24 lakh households in 2001 as against 14.09 lakh households in 1991. Dependence on water through hand pumps has reduced to

18.68% households compared to 20.06% in 1991. electricity was available to 23.72 lakh (92.86%) households in 2001 and the balance 7.14% households were dependent on kerosene, solar energy etc. Toilet facility was available to 11.61 lakh households and 12.55 lakh households were connected with closed drainage and 10.41 lakhs households with open drainage. Separate kitchen facility was available to 16.87 lakh households and 17.37 lakh households were using LPG for cooking purposes in 2001.<sup>18</sup>

The significance of these figures is just to highlight the lack of adequate developed land at affordable prices to different categories of residents, various types unplanned settlements have come up in Delhi. These are regularized –unauthorized colonies<sup>19</sup>, JJ Resettlement colonies<sup>20</sup>, urbanized villages<sup>21</sup>, approved colonies<sup>22</sup> and Jhuggi Jhonpri clusters<sup>23</sup>.

With these diverse settlements, translation of policy-level issues becomes complicated. However local level-local diplomacy if carried in a sustainable way can help in breaking the impasse. Not only such policy dialogues can inform the local level but also create a base for the accountability of MCD and help in devising joint solutions for progressive action.

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<sup>18</sup> Economic Survey of Delhi, 2003-2004. pp168-170.

<sup>19</sup> Government of India regularized 567 unauthorized colonies in Delhi in 1977. To provide basic amenities in these colonies, a plan was initiated in 1979-80. An investment of Rs.661.46 crore (plan funds released) has been made in these colonies up to March 2004.

<sup>20</sup> The scheme started in 1961. During 1975-77 a massive programme for settlement of about 1.97 lakh JJ Cluster households was undertaken by DDA with the development of 26 new JJ Resettlement Colonies. These JJ resettlement colonies were transferred from DDA to MCD in 1988-89 with the assurance that government of Delhi will provide maintenance expenditure to MCD under non-plan. Since 1979-80 upto March 2004 an amount of Rs 637.34 crore under non-plan for maintenance has been released by Delhi Government.

<sup>21</sup> At present there are about 135 urbanized villages in Delhi. a plan scheme to improve the civic services in these urbanize villages was started in 1979-80. Since then an amount of Rs.206.82 crore (Plan funds released) has been provided to MCD and DJB up to March, 2004.

<sup>22</sup> Though provision of civic amenities in approved colonies is the primary responsibility of MCD, yet keeping in view the financial crunch of MCD, a new plan responsibility of MCD, a new plan scheme was started in 1997-98 for the development of approved colonies. Since then the amount of Rs 118.40 ahs been released to MCD for the execution of development works like roads, drains, parks, footpaths etc. in these colonies.

<sup>23</sup> These settlements in the form of clusters started prior to independence. During the Seventh Five Year Plan a scheme was started to provide basic minimum civic amenities in all the JJ Clusters. In addition to the implementation of the plan scheme by Slum Wing, a number of other department agencies are also implementing plan schemes for welfare of JJ cluster households. Some of these schemes are: Trans Yamuna Area Development Board, Urban Development Cost Recovery, Housing Policy and MLA Development Fund.

### **SECTION 3: FROM THEORETICAL TO EMPIRICAL**

Therefore, now I will develop a proposition regarding sanitation and waste management, from a perspective of local diplomacy at the local level. The attempt will be to bridge the gap between the local and the international level, so that the implementation of the internationally negotiated agreements can be facilitated. The case study will focus on the Urban Local Bodies in Delhi responsible for the delivery of services in context to sanitation and waste management. This is a model case study. However it will be appropriate to clarify that negotiation is not a finite process. The essence of the process is to juggle, combine, divide and change the number of key elements (positions, stakes, issues, demands and the minimums of the parties) that are not even known and when known they are not even fixed. Thus the stakeholders involved are:

- Local Government Officials (MCD and DJB)
- Non Governmental Organizations
- Local Community Representatives
- CBOs and SHGs.

The issues involved are better sanitation and health facilitation in Delhi and proposing a plan for action for building and sustaining community leadership.

However before the interaction model is discussed, it is necessary to keep the fundamentals of the multi stakeholder process in mind.<sup>24</sup> These are:

- *Process design*: Participants must be able not only to set out their individual goals and expectations, but also to establish a common agenda that addresses a mutually agreed problem.
- *Linkages to official Decision-Making*: Many of the dialogue-focused examples have their weak points when it comes to identifying the linkages into official decision-making. There is a great need for transparency, ensuring that officials as well as stakeholders are very clear about they are engaging in.
- *Issue identification*: MSPs need a clear agenda and precise definition of what issues they are going to address. Without a precise question before

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<sup>24</sup> For a detailed analysis see, Minu Hemmati, '*Multi-stakeholder Processes for Governance and Sustainability: Beyond Deadlock and Conflict*'. (London: Earth scan 2002).



the MSP, participants will not be able to engage in a productive dialogue. A crucial question is: who can and who should identify an issue or problem area, which needs to be addressed with an MSP.

- *Stakeholder identification:* Principally all who have a stake in the policy process or project should be a part of the process. This requires careful analysis and consultation among those who are involved initially to identify all, who need to be part of the process and to reach a necessary balance.
- *Participant identification:* having identified the participating stakeholder groups, decisions need to be made as to who should represent those groups at any given meeting. Stakeholder groups should identify who should represent them.
- *Facilitation /organizational backup:* MSPs need certain organizational or institutional back up or facilitation. This is a very important aspect as a failure of sufficient organizational support may cause the whole process to fall.
- *Funding:* MSPs require funding for capacity building and a range of operational aspects. If the appropriate resources are not available, the process will be in danger of failing due to for ex. Lack of participation, facilitation, information dissemination and implementation options .It will also be in danger of being unbalanced and equitable by putting better resourced stakeholders in advantageous positions.
- *Group composition:* it is important to ensure a rough symmetry of powers within MSPs. A mix of experts and novices is not harmful; indeed it can be helpful. Within the MSP framework, novice and experts can be considered at the same time. However, in such a balance what matters is what and who is to be represented. Gender balance, for instance, cannot by itself ensure that gender aspects will be addressed. It is the inclusion of participants with expertise on gender that is the crucial factor.
- *Setting the goals:* A frank exchange of views; agreeing upon disagreements, exploring possible common grounds, achieving partial or

full consensus, making decisions; implementing decisions, monitoring and evaluating implementation; revisiting them. It should be self-understood that goals need to be understandable and perceived as achievable. MSPs raise the expectations of the participants and failure to delay may cause frustration. Furthermore goals perceived as unachievable or unrealistic from the outside will decrease the MSPs impact on official decision-making.

- *Setting the agenda*: Setting a concrete common agenda after agreeing issues and goals is a key MSP design issue. It can be suggested by an initial coordinating group, but needs to be put to the group as a whole, so that the participants can agree to it.
- *Stakeholder preparations*: The purpose of the MSP is to try to assemble the collective wisdom into a new vision of how to move ahead. Various options can be combined and then a focus should be given to achieve the common vision.
- *Capacity Building for participants*: If participants lack knowledge or the process lacks balance, then capacity building measures should be considered. As national and local policies are very opaque, to achieve optimum results, providing information about such policy process would therefore be desirable.

### **THE DESIGN: WHO ARE THE NEGOTIATORS?**

*A story goes, 'some famous blind wisemen were given the assignment of identifying the elephant. After the examination, each returned with a description of the part that he had approached. The wise man who grabbed the tail wrote of the elephant as the rope, the one who embraced the leg described the elephant as a tree, the one who clung to the trunk told of the elephant as the snake (or a vacuum cleaner-the story is not clear on the point), and so on. Only when the king who gave the assignment, who to was wise, but not blind, put all the reports together did the true elephant appear.'*<sup>25</sup>

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<sup>25</sup> H.Raiffa, 'Contributions of Applied Systems Analysis to International Analysis', pp.5-12 in V. Kremenyuk, opcit and William, Zartman, 'Pre-Negotiations: Phases and Functions', *International Journal*, XLIV, Spring, 1989,pp117.

Thus there is no single approach to negotiations. Its reality is apprehended only by the approaches only by approaches and the responses of the concerned actors that come to negotiate with different expectations and objectives. Only when the facilitators of the negotiations put the reports together, can a true picture emerge. Though the structure under discussion is an informal one, it should not be neglected as such processes can play a facilitating role in the implementation of the agendas.

The main actors in the negotiation process are the governmental officials and the affected people (in this case the slum residents and their representatives). The first step as already discussed above is the preparation of the base for the whole process. Once the fundamentals of the MSPs are taken care of, it is logical to move to phase two which is the pre negotiation phase.

Any method of negotiation may be fairly judged by three criteria: it should produce a wise agreement if agreement is possible. It should be efficient. And it should improve or at least not damage the relationship between the parties. (A wise agreement can be defined as one that meets the legitimate interests of each sides to the extent possible, resolves conflicting agreement fairly, is durable and takes community interests into account.<sup>26</sup>

Thus any form of negotiation depends on successively taking and then giving up a sequence of positions. This can serve three useful purposes:

- It tells the other side what you want
- It provides and anchors in an uncertain situation
- It can eventually produce the terms of an acceptable agreement.

Once the issues have been identified arguing over positions can produce unwise agreements. This is because before taking a possible stand, one must understand all the parties' interest. In general, an interest is anything that concerns the negotiator. If a side is monolithic i.e. it has no internal divisions – understanding of interests is equivalent to ferreting out its full set of concerns and specifying the ways in which trade – offs among the parties will be made. When, a side is not monolithic, the appropriate unit of analysis should be the aggregate to which a reasonably set of interests can readily be ascribed.

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<sup>26</sup> Roger Fisher, *'Getting to Yes: Negotiating Agreement Without Giving In.'*(USA, Penguin Books, 1983) pp4.

This model in negotiation analysis has been called pre – negotiation analysis. Pre-Negotiation analysis proposes that issues need to be decided and several possible resolutions for each of the issues have to be explored. However it has to be kept in mind here that the resolution of issues is not the primary focus of the pre-negotiation phase. For instance in respect to sanitation and waste management, a dialogue was held between ISST and the MCD officials. The following issues emerged out of the discussion.

- a. Garbage segregation and solid waste management in Harijan Basti.
- b. Construction of a toilet block in Rajiv camp
- c. Sewerage connection in New Seemapuri.<sup>27</sup>

The next step is the role of the neutral party, which can meet privately with both the parties.

These types of negotiations in the negotiation literature are called assisted negotiations.<sup>28</sup>

In negotiations where often the government and the people are involved, assisted negotiation becomes primarily necessary. This is because the government community dialogues can become increasingly complex for some reasons: these are:

- Affected groups are hard to identify and difficult to represent.
- The concerned parties can often have difficulty initiating and pursuing discussions.
- Emotional, psychological or financial stakes can be so high that the disputants are unable to sustain the collaborative aspects of unassisted negotiations. And
- Power imbalances between the parties may preclude or impede the dialogue process to a great extent.

In such cases an intervention can be made by an NGO- that is a non –partisan intermediary- a facilitator, mediator or an arbitrator.

The aspect of assisted negotiation is important because it underlines the role of the NGOs at the national and the local level. For instance separate meetings can be held between the officials of the DJB and the MCD and the community people. The pradhans, (slum head)

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<sup>27</sup> The points observed were from the round table discussion between ISST and MCD officials. Held on August, 20,2004.

<sup>28</sup> David. A. Lax and James K Sebenius, 'The Negotiator's Dilemma: Creating And Claiming Value', in *The Manager As The Negotiator: Bargaining For Cooperative And Competitive Gain* (Simon and Schuster, 1986).

slum dwellers, CBOs and the SHGs should be a special focus along with the participatory dialogues.

The next step is getting started with the negotiations. The NGOs here as they enter the process, will have to spend a substantial amount of time meeting with the parties to convince them that a negotiated approach can work. Because the notion of joint problem solving is alien to most of the government and community dialogues, it is necessary to describe situations in which consensual approach produce better outcomes than the conventional approaches. This necessitates the intermediary to be well versed in actual practice, which is informed by the knowledge of the existing nuances at the national level. This step also involves what is called inventing options for mutual gains and insist on using an objective criteria. To give some perspective to this argument, some of the points that emerged in the round table discussions held between the MCD officials and the associated NGOs were:

- Expanding linkages with existing *sabla -sanghs* and where these groups are absent, an exclusive focus should be on creating such groups. This will facilitate the participatory exercise.
- Identifying linkages and coordination between other government departments, which are of concern to the ongoing project.
- Establishing control rooms and the service centers in the concerned areas.
- Highlighting the accountability factor of the government to the people in the community and motivating them to take responsibility and sensitizing them for the same.
- Establishing regular monitoring agencies, which can maintain the progress that the project takes.
- Where constraints of space are evident, one should look for alternative linkages. These linkages can be environmental and health issues thus giving the picture a larger framework.
- The problems of the project are more related to the management exercise; therefore the solution lies in locating alternatives within the socio-economic locale of the community.

- Self-help groups should be created and loans provided through micro-credit schemes, with ISST being the guarantor.
- One of the contesting points was that of sanitation factor of the project. The point will be discussed in detail in section II of the paper.
- The NGOs should first identify nodal agencies, rather than hooking onto wrong places, which wastes time energy and in the process affects the participatory mode of the community too.
- Using RTI (Right to Information), as a tool NGOs should highlight accountability of the government officials towards service delivery and regular interaction with the official hierarchy in the government should be maintained so that pressure can be a continuous process.

#### **RAJIV AND SONIA CAMP**

- Joint efforts should be encouraged and pits should be dug through self-initiation, this is particularly so in the cases where there are unauthorized colonies.
- The NGOs and community should recognize the constraints and within these constraints facilities should be sought.
- For delivering services, it was discussed that sincerity should be reflected from both sides so that it is a win-win situation.<sup>29</sup>
- To solve the questions of finance it was suggested that alternative avenues should be located where slum dwellers should be informed and encouraged to take loans.
- Also contractors should be involved, so that a professional attitude is inculcated during the project. The MCD will give this contract and the NGOs can be a partner to it.
- Awareness camps should be organized so that people understand the problems and start taking initiatives.<sup>30</sup>

The next step includes getting closer to a win-win possibility.

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<sup>29</sup> Devender Kumar, DC, Shahadra North Zone, MCD promised that once all the sewer connections are confirmed, the responsibility of service delivery is of the MCD.

<sup>30</sup> This can be complemented by Capacity Building Initiatives, which can be taken in the process of the project. This will also solve the questions of sustainability, which were raised. In other words the project will enable people to take responsibility after the tenure of the project is over.

Some of the factors, which can be identified in getting closer to a win-win possibility, are:

- Identifying issue linkages
- Creating your own Best Alternative To Negotiated Agreement. (BATNA).

Identifying Issue Linkages: Before identifying issue linkages it is important to know the answers to the following questions: when does it help to add issues and when does expanding the agenda make it difficult to reach an agreement? Which kind of linkages is legitimate? And which are counter productive? How can negotiations avoid any exploitation of the issue linkage? Won't issue linkage add to the institutional complexity, which already exists in the existing structures of urban local bodies?

An issue linkage can help in any negotiations in three different ways<sup>31</sup>:

- a. First, on a confidential basis with each party, a neutral agenda can be constructed which all parties can accept. This helps in increasing the number of coalitions mainly because of the bargaining strength attained when pursuing a common goal.
- b. Second, coalitions aim at facilitating the exchange of points of view and the coordination of positions.
- c. Third, this helps in determining the very dynamics of negotiations, even though it has no official status-thereby improving the lobbying strength and offering a framework within which the exchange of information and the pooling of human and financial resources can occur.

This is particularly true in respect to the present urban structure of Delhi, where there are large numbers of intervening actors. Engaging them and creating consensus with various actors can help in consensus building and facilitate joint solution to various problems.

In context to the framework of the discussed problems, it is supposed that 100 issues are grouped into a cluster of 25 each. The cluster may highlight the following issues associated with the area of sanitation and waste management. Each cluster might itself be structured to a hierarchy of issues. Also in a pre-negotiation phase, the parties'

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<sup>31</sup> Lawrence. E. Susskind, *Environmental Diplomacy :Negotiating More Effective Global Agreements*(New York,OUP,1994).pp87

should be creative in identifying clusters of issues that could yield joint gains for the parties.<sup>32</sup>

The three issues discussed above can be further broken up for a thematic focus to address larger goals like:

- Good Governance: sanitation<sup>33</sup>, assuring service delivery,<sup>34</sup> management facilitation<sup>35</sup>.
- Economic Concerns: costs involved in the project, can be solved through access to loans.<sup>36</sup> Partnerships are another area. However this requires a detailed examination and research about the partners before they are invited to participate.
- Security Concerns: the security of the women folk in the urban environment.<sup>37</sup> Conflict resolution relating to lands occupied by slums, informal settlements and owned by the center, state and the local government bodies.<sup>38</sup> And
- Developmental issues which involves both ecological and social aspects. Development issues should be linked with rights based approach. National Human Rights Commission (NHRC), the academia, politicians, media persons and the concerned NGOs (which focus on environment and health aspects) should be informed and engaged for suggestions to create the appropriate environment.

As the reason to negotiate is to produce something better than the results one can obtain without any negotiation, the next alternative of BATNA is imperative if action is to be realized at the local level. BATNA is also important because such an alternative can avoid any kind of exploitation of an issue linkage and help removing any kind of ambiguity inherent in it. This also means exploring alternatives for one self, so that the

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<sup>32</sup> H.Raiffa., 'Contributions of Applied Systems Analysis to International Analysis', pp.5-12 in V. Kremenyuk, opcit and William, Zartman, 'Pre-Negotiations :Phases and Functions', *International Journal*, XLIV, Spring, 1989, pp237-53.

<sup>33</sup> Can engage the interests of the residents and the local government officials. Sanitation has been used as a broad term to include issues of *dhellaos* (land fills), composting and adequate transport.

<sup>34</sup> Will help in keeping the slum residents involved in taking initiatives.

<sup>35</sup> Will help in getting the cooperation of the government, as it is one of the main concerns of the government.

<sup>36</sup> Loans can be availed through micro-credit mechanisms, which will help in formation of self-help groups and also in the process encourage capacity building exercises, which will ensure the sustainability of the project.

<sup>37</sup> The issue of toilet construction can be highlighted in this context.

<sup>38</sup> A proposal should be submitted in this regard and initiatives taken by the central government.



rights and expectations of the people who have an unfavorable power equation can be met.

What are those results? What is that alternative? What is the BATNA? , thus are the standards against which any proposed agreement should be measured. Though the BATNA in general terms is used in the international negotiation literature, at the local level, one can see it as the alternative which the communities have from the legal and the constitutional perspective, the available schemes and the alternative arrangements which can be possible in such an environment.

Some of the alternatives, which can be used as the BATNA are:

- Electoral Politics: the local constituency can be one of the most important tools the people have. However awareness raising and informing the people about the problems and issues regarding the local area and their voting rights is an imperative to achieve this objective. Mobilization of interest groups in the concerned areas can be useful.
- Municipal services shall be brought under the Consumer Protection Act to monitor quality and the reliability of the basic services delivered at the settlement level. Such proposals should be forwarded to the government. The National Slum Policy (draft) has put this suggestion forward.
- Right to Information Act of Delhi, 2001 can be an effective measure for developing the accountability of services by the government officials. According to Section 2(1) of the Act 'right to information' means the right of access to information and includes the inspection of works, documents, records, taking notes and extracts and obtaining certified copies of documents or records, or taking samples of materials. More dissemination on the concerned act should be emphasized on for an effective use as after the promulgation of the act, it is now up to the people to demand an open government by invoking the provisions of the law.
- The local media: The NGOs should try to influence policy circles through the local media. The social responsibility of the media has to be highlighted and the societal, political and economic aspects brought out in the public domain and discussed.

- The Non Governmental Organization's can also carry a wide range of initiatives designed to promote the realization of certain issues, in this case the right to adequate housing. With specific regard to the covenant on Economic Social and Cultural Rights, they can publicize this instrument to vulnerable disadvantaged groups in society.
- NGOs and the civil society in the concerned areas should come together and devise strategies. The government should also be a part of this process. This should as the national slum policy (draft) says a three-tiered process: seminars for senior level functionaries (both officials and elected representatives); mid career training at decentralized locations and on the job training. This should be further corroborated with active partnerships with the civil society and the NGOs and the women groups.
- Along with these approaches, it is important to address issues in respect to the role of the state at different level. The complexities in planning and the institutional infrastructure of Delhi can be explored more in detail and proposals made for policy formulation. Also proposals should be given to the government to hold seminars and training workshops for the government officials.
- The public-private partnerships are also an emerging theme. However before replicating these one needs to understand the specific locale and the actors involved. This again involves a series of negotiation before such decisions are undertaken. However to translate these words into action much initiative is needed at the local level so that a bottom approach informs the policy level and does not become a victim of just a rhetoric moral dialogue at the international level.

BATNA can be useful in exploring the alternatives that one possesses. Engaging in negotiations means buying the time for the area specific activity. Therefore BATNA can be strengthened in a parallel process to the negotiations. The reason for this is that incase the dialogue process stagnates, BATNA, can help to improve the bargaining position of the community, as in the case of government-community dialogue.

Another important aspect, which cannot be ignored in local diplomacy, is the role of research and opinions of experts. Incorporation of research inputs into policy making and creating awareness amongst the public can also help a great deal in putting pressures on the government for effective service delivery. Also it can help in attracting international attention to local issues. Epistemic communities can play this role by highlighting issues of social concern.<sup>39</sup> An epistemic community is a network of professionals with recognized expertise and competence in a particular domain and an authoritative claim to policy relevant knowledge within that domain or issue area. Specific research to the probable threats caused due to unhygienic conditions and dealing with social psychology of insecure livelihoods can perform the function of demanding accountability of secure livelihoods by the government.<sup>40</sup>

However in the course of the field work conducted by ISST, it was found that there existed a significant difference between the formal model of negotiations and practical approaches to developing negotiating strategies. Also it was observed that where the formal model had been derived through developing certain strategies from the negotiation theory, the reality complicated the framework due to the gaps, which existed between the beneficiaries and the way policy was implemented.

The reason for this was that the existing model between the slum residents and the other concerned agencies reflected that there is no existing mode of direct interaction between the slum residents and Delhi state government officials of the public utility departments. Instead the citizen- politician link was observed, which obfuscated the theoretical model of interaction between the concerned actors. The dynamics of the existing mode of interaction throws light on the following factors:

- The significance of the agency. And
- The accountability factor.

The agency in the existing structure of the Delhi slums is the MLA who is also the nodal agent whom the residents generally approach regarding the problems they face. The

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<sup>39</sup> Peter. M. Hass, 'Introduction: Epistemic Communities And International Policy Coordination, International Policy Coordination,' *International Organization*,46,1,Winter,1992,pp 1-35.

<sup>40</sup> A more detailed analysis can be found in C.R Snyder(ed), 'Coping the Psychology of What Works' (New York: Oxford University Press, 1999)

accessibility of the agency is an important variable, which determines the functional aspect of the slum communities in Delhi. Also the accessibility factor is an important critique to the institutional urban structure of Delhi, which is inaccessible to the general public. Assisted negotiations with the help of a neutral party can help identifying issues with a focused attention to this area and help taking the negotiations a bit further.

The accountability factor that exists between the agency (the MLA) and the community is also important mainly because it plays a conduit to voice neglected issues and reflects the importance of direct accountability to the citizens. Also it can be a pointer to understand how the interests and issues are expressed and how these issues are brought into operation through the decisions made by the MLA. This dimension if studied carefully can be an important input to the pre-negotiation phase as discussed above and help to identify issues at the broader level.

## **CONCLUSION**

Decentralization in the decade of the 90s has been an emerging theme .Not only has the existing structure vis a vis that of international development become defunct but it also demands an immediate need for revision. Though in context to the 73<sup>rd</sup> amendment much progress has been made, the 74<sup>th</sup> constitutional amendment needs attention. Community participation is an emerging theme, however it needs to be revised before spaces are created and imposed from above and the whole process reflects a gap between providers and beneficiaries. Also a gender prism needs to be given to the whole process if the debate on rights at the international level, is to be effectively translated to the local and the national level. Delving into the interdependence (both horizontal and vertical) of schemes and the programmes initiated by the government should be studied. The World Development Report, 2004 says: “the fact that there are strong examples where services do work means governments and citizens can do better. How? By putting poor people at the center of service provision: by enabling them to monitor and discipline service providers, by amplifying their voice in policy making, and by strengthening the incentives for providers to serve the poor”<sup>41</sup>

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<sup>41</sup> World Development Report 2004: *Making Services Work for Poor People*. (Washington, World Bank 2003).

The life of women in the urban areas is extremely insecure. The amendments for the local level governance, empowers women to a great extent, however it is important that women participate in decision-making and voice their view in the area of habitat and living environment. Women need to be mobilized into groups and organized, so that they can be more focused and be heard. Slum women can form community-based groups with the help of NGOs for realizing their fullest potential through participatory efforts. *Mahila Chetna Slum Women Solidarity Groups* under the initiative of *SPARC*, is a good precedent for this. Engendering the whole dialogue process is important, however to start the whole process, local diplomacy needs to be carried out in a more sustained way.

## **APPENDIX 1**

### **EMERGING PARTNERSHIPS**

#### **INTERNATIONAL, MULTILATERAL AND BILATERAL AGENCIES**

- International financial institutions (IFIs) - namely, the World Bank - and regional finance institutions, such as the International Development Bank (IDB) and the Asia Development Bank (ASDB).
- Organizations and programmes of the United Nations system, such as UN-Habitat, the United Nations Development Programme (UNDP), the United Nations Research Institute for Social Development (UNRISD) and the United Nations Environment Programme (UNEP), as well as regional commissions of the United Nations, that is the Economic and Social Commission for Asia and the Pacific (UNESCAP), the Economic and Social Commission for Western Asia (UNESCWA), the Economic Commission for Africa (UNECA), the Economic Commission for Latin America and the Caribbean (UNECLAC) and the Economic Commission for Europe (UNECE).
- Supra-national regional entities, such as the European Union (EU). Inter-agency programmes, such as the Urban Management Programme (UMP), the Municipal Development Programme (MDP) and the Cities Alliance.
- Regionally funded development programmes, such as UrbAI or AsiaUrbs, funded by the EU.
- Bilateral cooperation organizations: a few bilateral agencies have recently elaborated urban policy or strategy documents,<sup>1</sup> while a significant number of countries have explicit urban strategy."

## Networks

- International associations and networks of local authorities, such as the International Union of Local Authorities (IULA), City-Net the United Towns Organization (UTC) and Metropolis.
- Professional associations, such as the International Union Association (FIABCI), the international Federation of Surveyors (FIG) and the Cooperation was continuing Development of Urban and Suburban Transportation (CODATU).
- Foundations, associations, and rational and international NGOs.
- Experts researchers and academic international networks.

## National and local bodies:

- Central government entities, such as ministries and central administrations.
- Sub-national entities, such as states, regions and provinces.
- Government agencies, such as authorities and statutory bodies - for example, Land Development Agencies (LDAs) and Housing Development Authorities (HDAs).
- National and Local Finance Institutions, such as housing banks and mortgage credit institutions.
- City and municipal governments and administrations.
- National and local partners of international networks and associations.
- National private-sector actors, such as real estate, infrastructure and service providers.
- National and local NGOs.
- Communities and community-based organizations (CBOs).

Notes: i DF1D, 2001; BMZ, 200D; USA1D, 2001; CIDA, 1998. In Australia: Flanagan and Kanaley, 1996; SIDA, 1995; SC 1995; The Netherlands Ministry of Foreign Affairs. 1994; DAN'IDA, 20(30 (in Danish), ii For example, Belgium, Finland France, Italy, Japan, Portugal and Spain.





## **Appendix 2**

### **SPECIAL COMMITMENTS ON SANITATION AND WASTE**

#### **MANAGEMENT(WSSD):**

- Halve the number of people without access to drinking water and sanitation by 2015.
- Improve the lives of 100 million slum dwellers by 2020.
- Support African countries in their efforts to implement the habitat agenda and the Istanbul declaration (with reference to sustainable urbanization, adequate shelter, basic services, governance systems in cities and other human settlements and national/local institutional capacities.
- Strengthen UN – HABITAT (jointly with UNEP, UNDP and UNCTAD) in its role to build capacities at all levels for implementing agenda 21.
- Enhance the role of local authorities and partnerships involving local authorities and other level of government as called for in the habitat agenda.
- Other references include-transport, waste management, coastal area management and land based marine pollution, disaster management, good governance and broad based decision-making etc.

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