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COMMUNITY BASED GOVERNANCE IN INFORMAL SETTLEMENTS IN TRINIDAD AND TOBAGO

Wayne Chaman Huggins (PhD Student)

Faculty of Engineering, The University of the West Indies, Trinidad
Email: wchuggins@yahoo.com

Abstract

Community-Based Governance in informal settlements is often seen as essential for sustainable urban development. However, it can undermine public sector institutions and lead to conflicts and failures in overall public policy. Governance is not an abstract concept. It is driven by political, economic and social forces that legitimises the very manner in which decisions are made, resources are utilised and how institutions and people are controlled.

Community Based Organisations often use non-cooperative/ civil disobedience strategies to access, possess and develop state land in a manner that undermines the very rule of law and other important components of “good governance”. This may be justified when such laws and institutions lack legitimacy in the face of failure to address basic needs such as affordable housing. The government’s response of demolition and cycles of demolition in the face of re-entry of squatters and later costly regularisation by the state, contributes to undermining institutions, distrust, exclusion and discrimination when such dualities gain political legitimacy.

Keywords: *Governance, Community Based Governance, Informal Settlements*

Introduction

Governance has been defined by the World Bank as the manner in which power is exercised in the management of a country’s economic and social resources for development [4]. This however, was quite different from a previous definition where governance included “the political direction and control exercised over the actions of the members, citizens, or inhabitants of communities, societies, and states” [4]. The policy position for many

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international institutions is to ignore the political and social aspects of governance or treat these as a given. This omission has resulted in a normative view of “Good Governance” rather than how it truly operates.

The term “Governance” was once synonymous with Government, but in recent times, this definition has seen its nexus with Governance space which allows for a deconstruction into what constitutes Government Governance which is short term and transient, State Governance which is longer term and more enduring, as well as the other space actors such as Community Based Governance.

The idea of Community Based Organisations and Community Governance has been defined as the set of small group social interactions, that, with market and the state, determine economic outcomes [19]. Growth in Social Capital in a Community was the basis for Community spirit, emergence of the institution of Community Based Organisation and Community Governance [19].

In this regard, we should view the entire state or country as a governance space that is carved up and may be overlapped by governance space actors and their jurisdictions.

Governance Space

Governments exercise Government Governance over the state through the institutions and laws and policies. Many times, the institutions may not have the capacity to fill a need of citizens in the Sovereign State, or there may be a need that is not fulfilled at all. Other space actors fill this void or overlap where Government Governance has little reach. This is the vital role that the informal sector plays in development. But Governments are short term and the legacy of laws, institutions, norms and traditions are what endures within the overall

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Sovereign State. Overtime, certain aspects of Governance endure with outcomes for the respective sector such as in the timely delivery of mail, or the operation of the police in maintaining law and order such that when you call 911, for example, you get help regardless of the Government in power.

In the developing world, Governments cannot provide social housing for the poor, so informal institutions such as Community Based Organisations perform an important role in providing land for incrementally built housing, such as the purchase of large tracts of private lands for its members (such as Sou Sou Lands in Trinidad and Tobago). This is the realm of Community Based Governance that is closer to the people in fulfilling basic needs where Government Governance has little reach.

When we understand that there are competing space actors and in certain instances, we can appreciate the political influence may extend into the Community Based Organisation, making these a political arm of government. In some instances, the informal space may be coerced by Government or a new space actor created by the political party in power, outside of the public or state institutions. One can gauge the control and reach of these informal institutions and their impact, for example, on Environmental Policy and how these may differ for the same institution when they are in power or not in power in terms of Government. In others, the actions of Community Based Organisations and the Governance framework that they have created may be adopted and made into law, by Government to meet those very same needs that the Government could not meet. This was the case for example, in the 1998 squatter regularisation laws in Trinidad and Tobago.

Political and Social Capital

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Governments have a political dimension. This must mean that objectives and priorities of government may not equate with that for the Sovereign State. If one considers that the Sovereign State and its space is embedded in a socio/political matrix, then both political power (political capital) and community spirit (social capital) can be derived. There can be conflicts within Government, and amongst Government, the Sovereign State and the Community Based Organisations, especially where their own parochial interests that drive the survival of the Government (political and class interests) interact or collide with the Community Based Organisations (community and alternative political and class interests). The dynamics of this changes even further when Governments change and the balance of power behind governance changes.

Dimensions of Governance

The forgoing have been assimilated and is conceptually modelled below in Fig.1 to show the context of Community Based Governance and other forms of Governance within the Sovereign State's Governance spaces. This model shows the location of the Eight (8) plus (+) One (1) dimensions for Governance within the Sovereign and Government Space. Shown in this way, we can see that the Sovereign State is the rightful domain for the space of the Eight (8) dimensions of Good Governance and that these need to be insulated from Government's parochial interests.

Governance has at least eight (8) dimensions as cited by [7], from the United Nations Economic and Social Commission for Asia and the Pacific UNESCAP.

These Eight (8) dimensions of Governance in the normative sense, are as follows:

(1) Participation;

(2) Rule of Law;

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- (3) Transparency;
- (4) Responsiveness;
- (5) Consensus Oriented;
- (6) Equity and Inclusiveness;
- (7) Effectiveness and Efficiency; and
- (8) Accountability.

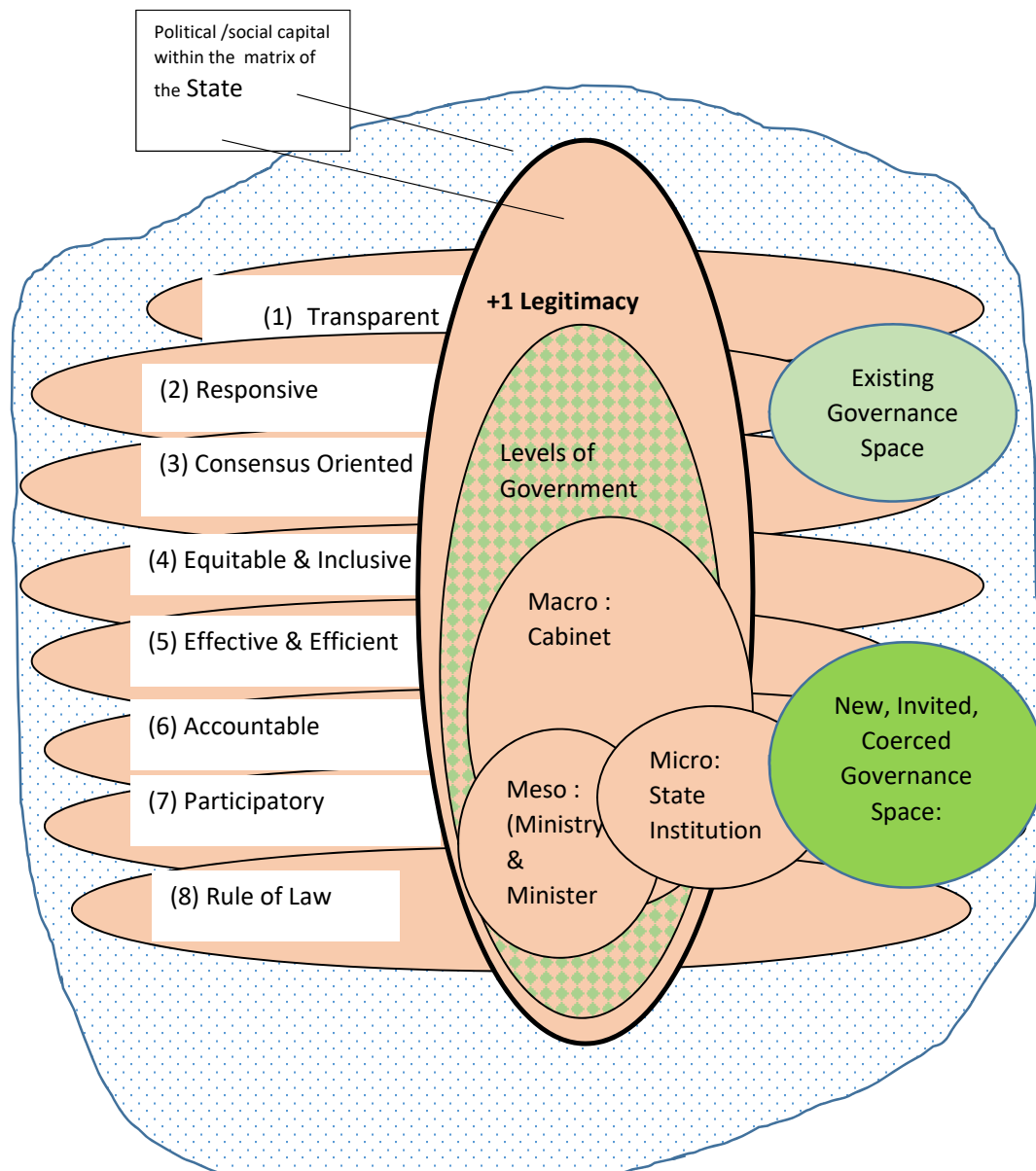


Figure 1: Initial Framework for Examining Governance

Another dimension, “Legitimacy” is defined based on the notion of a social contract that exists between the rulers and the ruled, with a bargain of mutual responsibility. Failure of this social contract can lead to loss of legitimacy [4]. Legitimacy has also been defined in terms of level of democracy [6]. Government as a formal institution refers to the monopoly of legitimate coercive power [9]. Legitimacy occurs when a social contract is fulfilled as well as a right enshrined in democracy.

These dimensions of Governance as listed (except Legitimacy) have been supported by the World Bank as it relates to supporting the institutions with the State or the Government Sector. There was generally no support, however, for informal and Community Based or Non-Governmental Organisations [5].

Citizens respect the procedures and institutions of legitimate government even if they do not respect particular actors [4]. This suggests that only genuine participation in the political process can provide a government with unshakeable and permanent legitimacy. Participation can link citizens with decision making. Plurality of institutions outside of Government offers opportunity for informal representation enabling people to reach up to governments [4].

Governance and Impact Assessment

Many institutions such as the Inter American Development Bank, now conduct an overview of the Governance framework for the implementation of projects which they support through loan

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financing. Such assessments focus on Rule of Law, Accountability in the Financial sense, and Efficiency in terms of capacity for implementation. Quite a different assessment is done for impact assessment where the focus is on aligning the framework for assessment with best practices adopted by the bank.

Very often the existence of a legal framework and institutions which are in alignment is taken as evidence of potential for “Good Governance”. However, the reality of implementation and Governance during the implementation phase is often seen from non-performing loans that result where the outcomes are significantly different.

It is argued here that the model of Governance shown above, if utilized, will lead to a better assessment of the Governance for project programme implementation, and can be an important tool in examining Impact Assessment frameworks.

In terms of the latter, this has implications that the Terms of Reference for Impact Assessment and the Table of Contents for such reporting would need to change to cover these areas as outlined. It also shows the direct links with our practice, for example, in participation such as not only validating that there was public participation, but in actually assessing public participation in the context of say, Arstein’s ladder of participation [11].

The other and equally important issue about Governance, are the outcomes. The interactions of these space actors leads to outcomes. These can be theoretically modelled using Game Theory. For example, one of the most common interactions may be non-cooperative games between two key stakeholders: The Government and a Developer. If the nature of the interaction is non-cooperative, one may get outcomes with single or multiple or no Nash Equilibrium that are always sub-optimal.

Another example is the interaction of the Community Based Organisations which facilitate housing in the informal sector and government agencies. However, the results in the literature

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have demonstrated some spectacular failures. For the most part, Community Based Organisations that assist in providing a critical service often work well with Governments. The question is why is this different for housing and land issues. In any country, the location of housing and by extension, access to land can determine political outcomes. The population represents a voting bank for any population. Any entity that can control the access of families to land for housing or housing in particular is seen as a threat to the established political capital that sustains the Government in power. For migrants, it's a medium term issue as these migrants may eventually gain legal residency and the right to vote.

In that scenario, the actions of the government are animated by these underlying political and social issues. A duality therefore exists with the Community Based Organisations in their operations as facilitator of housing. They may act outside of the law through civil disobedience, but the perceived response is determined on whether the new settlers can strengthen or weaken political capital keeping the Government in power. Such is the case seen in Trinidad and Tobago, where the Community Based Organisations that facilitate squatting are influenced by the Government in power. Even if they operate outside the law, they may be assisted using state resources. For certain areas of the country where the balance is precarious as in so called marginal seats, the voting banks in these areas can influence the outcome of a General Election under a First Past the Post practice under the Westminster Style of Governance as in Trinidad and Tobago; and other former British Colonies. When there is cooperation, there is legitimacy, even when laws are broken, as the social contract is upheld. The opposite will occur as well leading to a loss of legitimacy and outcomes such as forced evictions, and demolitions.

It is hoped that the model as presented above will greatly enhance our understanding and will stimulate discussion on Governance in Impact Assessment. A more detailed version of this paper was presented at IconETech 2020 Conference in June 2020 of the Faculty of Engineering,

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The University of the West Indies, under the title: Defining Community Based Governance for informal housing & settlements within Trinidad and Tobago.

I have included the full list of the original references for the paper that I have presented in June 2020. The reference numbers remain the same. Only a few of the original references were used in this paper.

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