



2. Good governance – the concept

In the last twenty years, the concepts of “governance” and “good governance” have become widely used in both the academic and donor communities. These two traditions have dissimilar conceptualisations. First, there is the academic approach, which focuses mainly on the study of the different ways in which power and authority relations are structured in a given society. Second, there is the donor community’s approach, which puts emphasis on the role state structures play in ensuring social, economic and policy equity and accountability through open policy processes.

2.1 What is good governance?

According to the academic approach, the generic understanding of governance is the management of resources and policy-making by means of exercising authority (power). Thus, it entails all instruments through which different policy stakeholders exercise legal rights with the aim to achieve political, economic, cultural and social objectives. In this sense, the term “governance” appears to be more and more used in order to denote a complex set of structures and processes (at the public as well as at the private level), which are generally associated with national administration. However, its definitions offer a rather broad horizon of interpretation: wherever we can find this term, its definition varies slightly. For instance, in the Report of the Commission on Global Governance “Our Global Neighbourhood” (1995) governance is defined as:

The sum of the many ways individuals and institutions, public and private, manage their common affairs. It is a continuing process through which conflicting or diverse interests may be accommodated and co-operative action may be taken. It includes formal institutions and regimes empowered to enforce compliance, as well as informal arrangements that people and institutions either have agreed to or perceive to be in their interest.¹

“Good governance” is a normative conception of the values according to which the act of governance is realized, and the method by which groups of social actors interact in a certain social context. The lack of a generally accepted definition of the concept is compensated by the identification of principles that

strengthen good governance in any society. The most often enlisted principles include: participation, rule of law, transparency of decision-making or openness, accountability, predictability or coherence, and effectiveness. The international donor community generally shares the view that these principles stand at the foundation of sustainable development.

The first characteristic refers to equal participation by all members of society as the key element of good governance, with everyone having a role in the process of decision-making. Secondly, good governance implies the rule of law maintained through the impartiality and effectiveness of the legal system. Rule of law also means the protection of human rights (particularly those of minorities), independent judiciary and impartial and incorruptible law enforcement agencies. The rule of law involves a variety of conditions, being strongly connected to good administration of justice, good legal framework, verified dispute mechanisms, equal access to justice, and the independence of judiciary workers (lawyers, judges).

Good governance is also based on the transparency of the decision-making process, which ensures that information is freely available and accessible to those involved or affected by the decisions taken. Transparency therefore means free access to information. Last, but not least, accountability and responsibility (of the institutions, just as much as of the civil society) are key requirements of good governance, with all of the participants in the political and economic processes being accountable for their decisions to each other.

1. Report of the Commission on Global Governance Our Global Neighbourhood <http://www.itcilo.it/english/actrav/telearn/global/ilo/globe/gove.htm>.

2.2 The development of the concept

The concept of good governance emerged mainly because practices of bad governance, characterized by corruption, unaccountable governments and lack of respect for human rights, had become increasingly dangerous, and the need to intervene in such cases had become urgent. Good governance has become an important element of the political and economic agendas, and has meanwhile been better specified along with the proliferation of good practices that take the concept into consideration. Beyond entailing just multiparty elections, a judiciary and a parliament, which

have been identified as primary components of Western-style democracies, good governance goes on to address several other central issues:

*Universal protection of human rights; non-discriminatory laws; efficient, impartial and rapid judicial processes; transparent public agencies; accountability for decisions by public officials, devolution of resources and decision making to local levels from the capital; and meaningful participation by citizens in debating public policies and choices.*²

2.3 One concept, a variety of contexts

A question of critical importance is how far can the concept actually go? The answer to this question can be found in practice rather than just in theory; although the focus is on the public sector, where capacity building is called upon in order to strengthen and develop the social and economic situation, the concept applies to the private sector and the civil society, as well. When talking about good governance, what is generally referred to is the ability to perform efficiently, effectively and responsively, guided by principles that are feasible and desirable at all levels of the society, not just at the political one. As noticed in research material, reports and studies on the subject, good governance is a notion that refers to, and is functional in, a number of domains, going from institutional development to non-state actors' involvement.

The principle of good governance covers different ideals for a better society. First of all, there's a **technical dimension** of the concept, which refers to "the economic aspect of governance, namely the transparency of government accounts, the effectiveness of public resources management, and the stability of the regulatory environment for private sector activity"³. Secondly, **the social dimension**, i.e. "to build, strengthen and promote democratic institutions as well as tolerance throughout society."⁴ And thirdly, the **political dimension** refers to "the legitimacy of government, the accountability of the political elements of government and respect for human rights and the rule of law."⁵ When it comes to participation, equity, inclusiveness, or transparency, minorities need a specific approach with regard to good governance strate-

2. Miriam Wyman - Thinking about Governance: A Draft Discussion Paper Prepared for The Commonwealth Foundation Citizens and Governance Programme - http://www.education.gov.mt/youth/pdf_cyf/CYF_Themes_Concept_Papers/cg_governance_paper.pdf

3. The Foreign and Commonwealth Office <http://www.fco.gov.uk/servlet/Front?pagename=OpenMarket/Xcelerate/ShowPage&c=Page&cid=1070037618836>

4/5. The Foreign and Commonwealth Office.

gies in terms of their relationship to the major stakeholders, since their position in the society is most often fragile and too “minor”. When talking of minority issues and their involvement in the process of good governance, another subject comes to mind and is best exemplified in the Balkans: the application of good governance principles in post-conflict and divided societies, a subject that since the 1990’s has continuously been on the international political agenda.

The principles of good governance are effective in post-conflict and divided societies as a neutral and practical set of measures meant to advance the rebuilding of the nations and to re-set a vital connection between the civil society and the state institutions. The reason why the basic principles of good governance are called upon in this case is that it supposes the re-establishment of security and prosperity for all people, while managing the development of the state during the transition period. The main challenges of the post-conflict societies refer to the process of constructing a democracy while surpassing the period of chaotic and precarious transition.

The reason why the Balkans are an even more difficult and challenging subject for the supporters of the good governance principles is that the societies involved in this process need to cope not just with the institutional problems (lack of legitimate authority, a gap in the political tradition, etc.), but also with the social problems resulting from the internal conflicts between different ethnicities. Thus, the principles of good governance practices need to ensure the development of cooperative relationship not only among different institutions, but also among different social groups. This communication among different actors and the participation of all in the governance process is an important prerequisite to cultivate the values that foster the respect for ethnic diversity, support multicultu-

ral communication and the collaboration between representatives of different ethnic groups.

Establishing a democratic system that builds on the structures of good governance principles is not an easy task, and has to take into account a number of complex issues that make every situation unique and in need of specific measures: the way the conflict was settled, the extent to which statehood had been destroyed or altered, and most important, the quantity of international support that contributes to the development of these countries. All of this has to be taken into account when strategies are proposed, in order to succeed in re-establishing peace and strengthening local and national capacities, together with the specificities of the area (mainly multi-ethnic cultures), and managed through cooperation and respect for good governance principles.

After identifying the general configuration of rebuilding a post-conflict society on good governance architecture, the concrete measures can be operationalised by placing them into three different “dimensions of governance”, as identified by Tobias Debiel and Ulf Terlinden: security, politics/administration and economy.⁶

The first and probably the most important prerequisite of good governance is security governance, which assures a framework for the application of all other conditions. Security problems appear in all post-conflict societies, as do problems such as lack of authority, inability of the legal institutions to control crime, erosion of the judiciary system, or use of force (by both the legally established and the underground organizations). In this case, civilian activities need to be strengthened and a division of authority has to be operated, in order to ensure transparency through public control and create a secure environment for the people.

On the second level, political-administrative governance mainly refers to re-gaining the legiti-

6. Tobias Debiel and Ulf Terlinden. *Governance and Democracy in Post-conflict Situations: Entry Points and Options for External Support*, in *Forum*, vol. 11, no. 4, 2004, available at http://www.erf.org/nletter/Newsletter_Winter04/NForumNewsWinter04-P1-5.pdf

macy of the government and of its decisions over the entire population (a major problem especially for post-civil war societies or multi-ethnic societies, where inclusiveness and transparency are two principles of more importance than anywhere else). In order to succeed in establishing a legitimate and transparent state, all groups have to feel represented, which can be accomplished if several guidelines are applied - either a “horizontal division of power” or “group autonomy and vertical division of power and forms of joint exercise of

power through decentralization”.⁷

Thirdly, in order to assure a pragmatic framework for applying the above-mentioned guidelines, the socio-economic aspect also has to be considered, especially with regard to state reforms and the effectiveness of the newly established statehood. Stability and equity are two of the principles that should regulate all economic activity, with international cooperation being particularly of special need, in order to adapt a former “violence economy” to the structures of “peace-time economy”.

2.4 Good governance in multiethnic communities

The principles of good governance are of great relevance to the post-communist countries due to the democratisation process, and primarily as a response to the conflicts that resulted after the fall of the communist regimes, mainly gravitating around the roles of, and relations between, majority and minority. The need to solve these conflicts has inevitably brought good governance in discussion, with the concept being frequently used as a guideline in multiethnic contexts.

On a more practical level, there are a few guidelines that can be provided in relation with the characteristics of good governance that have been outlined above. First of all, participation is one of the principles that is of special interest for minority groups, by granting access to decision-making and to the elaboration of the policies that affect these groups. Of course, this entirely depends on the transparent dealings of the public authorities and on their capacity to implement rule of law principles, as well as to

create a flexible system that facilitates at least consulting the communities involved in the administrative and political processes.

In relation to this, accountability and responsiveness are two important coordinates that refer to the availability of the local authorities to respond to the specific demands of each minority group. As a first prerequisite, a positive environment for making claims heard needs to be assured, in order to create a practical impact on the policies.

The social dimension of the concept refers to equity, inclusiveness and consensus-orientation. Since there are so many actors that need to be involved in the process of good governance, one of the elements that must be taken into consideration is consensus-orientation. Thus, good mediation among all interests of the society is promoted; good governance strives to achieve the best interest of the whole community.

As the most general and comprehensive guideline, good governance practices should take into

7. Debiel and Terlinden, 2004, p. 3

account equity and inclusiveness - an initiative to include all groups in the decision-making process, as a result of the acknowledgement that minority ethnic groups have specific needs that have to be considered just as important as those of the majority. Thus, putting the most vulnerable communities on the same level as the majority in what regards to the gravity of their demands facilitates finding solutions that apply to all levels and to all members of the society.

Effectiveness and efficiency make up the last dimension of good governance - the technical dimension. Effectiveness and efficiency mean that the processes and the institutions produce results that meet the needs of society, while making the best use of resources (including natural resources), ensuring the protection of the environment, as well as sustainability.

The illustration of good local governance shows how these principles intermingle one another and how the inclusion of diversity in this equation brings added value to the quality of local democracy. The subsequent paragraphs sketch this image of good local governance in a multiethnic community, set forth as the term of reference for the cases discussed in the following chapters.

The local public administration has guiding non-discriminatory principles in its activity and applied legislation in order to ensure that the political decisions do not impact negatively on the local minorities, and that they benefit to the same degree with the majority from the local policies. The minorities participate in all the phases of the policy cycle. The needs of the minorities are known to the policy maker and policies are elaborated in order to respond to these needs. Moreover, at the local level, programmes and projects in the languages of the minorities (from access to public interest information to educatio-

nal and cultural programmes) are developed and supported, and the personnel of the institution is trained to work in a diverse environment.

A responsive local government ensures the frame for effective communication with its citizens through a wide range of means from office hours, official correspondence, website, direct meetings with the citizens. The problems of the community are identified using not only direct means of communication, but also the administration takes in consideration the issues brought up by the media. The issues of the minorities are included in this problem mapping. Further on, these problems are given solutions. This process implies a constant evaluation of the citizens' expectations and evaluations with the local governance and redefinition of the institutions' agenda according to these needs.

The communication with the community is not only constant, but also covering a wide range of means for disseminating information about the local government's initiatives and activities. The minorities are included in this process, by making the information as accessible as possible (language of minorities).

In order to involve the community in the policy elaboration, the local administration develops specific mechanisms besides the ones for constant communication with the electorate, mainly public debates on policy proposals, meetings with the stakeholders and their involvement in the elaboration and implementation of the policy. The inclusion of the minorities in this process is very important, in order to avoid marginalization.

The public policy elaborated in this consultative process is implemented and enforced. Capacity is created and financial and human resources allocated. The process of implementation is also evaluated, in order to analyze the impact that it produces

and the effect that it creates, as well as in order to evaluate how the environment and the community affects the implementation.

The local public administration allocates resources for initiatives that are meant to promote political, ethnic, moral and religious tolerance and intercultural dialogue.

Any public institution has a duty towards its citizens, duty contained in the electoral promises of the elected officials and in the responsibilities of the institution. Thus, the local public administration constantly observes the agenda and its application in order to correspond one to another and to fulfil the duty.

The local public servants are prepared to deal with the potential for conflicts at the local level, thus they are trained to accept and respect diversity and to mediate conflicting situations. The local public administration is aware of the potential for conflict at the local level and of the elements that hold together the community. The public policies consider and include both the conflict potential and the community specifics. Any policy proposal is based not only on the perspective of the local public administration, but also on the pers-

pectives brought by the local stakeholders.

Having defined the concept to ensure common interpretation throughout the whole publication, a thorough analysis of good practices, and practical applicable standards in multiethnic communities, are needed, with a special focus on the indicators of good governance at a multiethnic level and on the ways local institutions could be assisted in their strategies to accommodate ethnocultural diversity.

In order to succeed in applying good governance principles and go beyond theoretical recommendations, an important challenge remains - that of implementing good practices at the local level. Although there are initiatives that try to facilitate good governance at the central level, action needs to be taken especially at the local level, which is often of more impact for the marginalized groups in the region. The call is made upon ways of accommodating diversity in the local authorities' strategic plans and establishing good quality governance at the local level that could include minorities in the decision-making process.