



Adanchuli Gaunpalika (rural municipality) office. Photo credit: Coherence Field Team

The Coherence Programme: ASSESSMENT OF THE QUALITY OF PALIKA DELIBERATIONS

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Background

The goal of the “Coherence” programme is to promote democratic local government: to build common understanding of deliberative democratic local governance concepts and practice among federal, provincial and local stakeholders. The programme aims to achieve this through a combination of developing processes and materials for deliberative public decision-making, piloting support to their introduction and establishment in selected newly formed local governments, and structured policy dialogues and sharing of knowledge resources and experience with wider audiences. The focus is on establishing ‘deliberation’ as the overarching means of public decision-making and consensus-building in Palikas.

This briefing note addresses what we mean by deliberation and how we assess its nature and quality.

What is democracy?

Democracy is a complex and varied concept, with different arrangements evolving in different countries. Elections are an important element of any democracy – this determines who has been given a right, by citizens, to speak as a representative on their behalf. Political parties with the most elected representatives are able to form a government and to exercise formal political power.

However, democracy is not just a matter of elections and deciding who speaks. Democracy is also critically concerned with how public decisions are made, between elections, by elected representatives, such as Palika executives in Nepal. Without formal mechanisms for public decision-making, that citizens, communities and interest groups can see and engage with, the democratic nature of the process will be lost, and a form of elected dictatorship will emerge with “the few able” to both control decision-making and the distribution of resources. Elections are a necessary, but not sufficient, condition for democracy to flourish and for citizens to feel they have an on-going and genuine say in decisions affecting their lives and livelihoods.

What is political deliberation?

Deliberation is a rules-based process of *reasoning* through which public decisions are made *collectively* rather than by a single individual or a small group of individuals. It is a formal means of reaching a consensus on public issues in the best and collective interest of everyone. This contrasts with public decisions that are taken by one person (or a small group of people) which often leave sections of society feeling that decisions have not been “fairly” reached, including decisions on the allocation of resources i.e. “who gets what”. Deliberation takes place in different places – in the formal meetings of the Assembly, in the Executive as well as in Thematic and Ward committees.

Political deliberation is a governance mechanism. It aims to establish impersonal or universal rules (laws and regulations) that apply to everyone and to allocate resources (budgets) in the common interest. This may include targeted services (to women, the poor, particular sections of society, or to specific localities, or in response to particular events) where the purpose of the targeting is not just to reach specific beneficiaries but is desirable and in the overall and common interest of everyone. Political deliberation involves negotiation and therefore differs from managerial or technical decision-making. However, governance decisions cannot be disconnected from managerial and technical issues and therefore needs both to be informed by these realities and to influence and oversee them.



Ward meeting, Ward 3, Adanchuli Gaunpalika, Humla district, Karnali Province. Photo credit: Coherence Field Team

Local public decisions (collective choices) are made in the common interest of the whole Palika. However, Palikas consist of individual wards with different interests within and between the wards, different parties with different perspectives and leaders, different and independent social groups and communities, etc. It is not just a matter of sharing out resources to communities or wards but to find an acceptable balance between all these different interests, and in the common interest of the whole Palika. This makes it even more important that the processes of allocation and decision-making are transparent, rules-based and legitimate.

Democratic government is accountable government. Elected representatives and their officials have an obligation to explain to citizens the decisions they make on their behalf and to be answerable for the consequences of those decisions.

Democratic decisions reflect what citizens want and should be based on the best evidence and information available at the time of decision-making. Ideally, ordinary citizens and the users of services should have access to the same information as decision-makers, although they may have different understandings and interests in the outcome. This requires transparency and public access to information AND direct engagement and interaction between decision-makers and citizens, especially those with a direct stake (i.e. the users of specific services). Decisions that are informed by good information, shared and discussed by stakeholders and through open and honest debate tend to reflect the broad interests of the community at large. Local government decisions must also align with national laws and regulation that apply to them.

The democratic issue is not about making the 'correct' decision but about the best possible **process** for making those decisions. Decisions should be taken through a **rules-based** process that has been pre-agreed by all involved. The process as well as information should be **transparent**. Citizens, decisions-makers and implementers should be able to follow and understand the decision-making process. They should be able to clearly see how and why a decision was made – what information, advice and consultation the Palika considered, and which legislative requirements it followed. This does not mean that everyone will think each decision is the right one. But members of the community are more likely to accept the outcomes if the process has been good, even if they don't agree with the decision.

What is political accountability?

Political accountability relates to the responsibility of elected representatives to their constituents. This accountability is periodically tested through elections. More continuously, this responsibility should inform and shape the collective decisions of those representatives. In the case of Nepal, the local government system places a requirement on elected representatives to reach collective decisions in the interest of the whole municipality.

The Palika Executive has a collective responsibility to represent its citizens and to reach, implement or enforce decisions that establish rules and allocate resources across wards and interests to coordinate public life, provide services and resolve disputes. The role of the elected representatives is both to make collective choices and to oversee and monitor the (collective) actions that follow.

The local government system of Palika democracy in Nepal requires elected representatives to come together as an “Executive” to exercise collective leadership. This, in turn, requires the Executive to remain in constant and meaningful contact with citizens and the electorate. Public decisions, even when made through a deliberative process, need to be informed by interaction with citizens, communities, interest groups and affected parties. Further, such stakeholders need to be informed of public decisions and of the reasoning behind the decision.

Although elected leaders must be solely and clearly accountable for their decisions, **political accountability** must be supported by **social accountability** measures, including direct interaction and feedback from citizens. Managers of services, users of services and other stakeholders should be consulted, and their understanding factored into decision-making.

What is social accountability?

Social accountability requires both politicians and bureaucrats to engage with organised groups within society. This is facilitated by the formation of structures around social groups (women, castes, communities, youth, seniors, etc), geographic groups (tole and ward committees) and service delivery units (school management committee, health sector volunteers, community forestry groups, water user associations, etc). The use of social accountability tools (e.g. scorecards, public audits, and grievance mechanisms) helps these groups to gain an accurate picture of the quality of service delivery and the impact of their decisions. The principles of deliberation can also be used in these social and economic communities and groups structures to make their own decisions. However, for the Executive, with responsibility for the whole Palika, any information gained, or advice given from such groups would be non-binding and, therefore, treated as part of a consultative process. The Executive must consider this advice in the light of other, wider, considerations, balancing different interests, and reach their own decision.

Distinguishing between political and social accountability is an important issue in any system of democratic governance: elected representatives have to engage with each other so as to make decisions in the common interest; elected governments throughout have to engage with their citizens to ensure the decisions they

make are socially legitimate and that they are accountable for their actions. Local government is different to an often more homogeneous ‘community’ organisation. Rather it is a ‘political’ structure, resolving the different and competing interests of different social and community groups. Social accountability therefore needs to be seen as a complement to rather than a substitute for political accountability.

This confusion between social and political accountability is also reflected in the nature and use of different engagement tools, most of which were regarded as social accountability or participatory processes under the previous system of local government. Citizen-focused, political accountability tools include tole meetings and public hearings. User-focused, social accountability tools include grievance mechanisms, social audits, score cards, etc.

What are the features of deliberation?

Deliberative decisions are characterised by the following six features:

1. **Formal process:** Deliberative public decision-making is a formal rules-based process, which needs to be both well-managed and seen as fair. The process needs to be chaired and sometimes, facilitated, with an agenda, schedules, codes of conduct and rules for speaking, record and minute-taking and final decision-making procedures (voting) agreed at the onset. Deliberative decisions are *legal and binding*.
2. **Collective:** Public decisions should be made in the public interest and for the common good (i.e. the good of society as a whole). However, the elected representatives and their constituents need to see the benefits of working together, of reasoning through problems, and of reaching a consensus on course of actions. Deliberative decisions are *made in the public interest and for the common good*.
3. **Inclusive:** Since many decisions involved trade-offs with winners and losers, any decision where sections of society are missing, is likely to be regarded as less legitimate and unfair. If, for example, women, wards, castes or other stakeholder groups do not have a voice or are not represented in the deliberation, the collective nature of the decision can be challenged. Once decisions have been agreed, they must be

communicated to citizens, affected communities and other stakeholders. Deliberative decisions have *legitimacy because those who should be involved have been*.

4. **Capable:** Meaningful inclusion assumes a level playing field and that all participants have a roughly similar capacity to engage in a deliberative process. This assessment includes the capability of elected representatives and administrative officials and within these groups of socially marginalised groups such as women, Dalits, youth and others. Deliberative decisions require *meaningful inclusion, there is no point in people being invited who are not listened to or are unable to voice their opinions because of social and cultural barriers*.
5. **Reasoned:** Reasoning goes beyond negotiation and just, for example, splitting resources equally between different groups or wards. This requires the elected representatives to sit together and discuss to build a new and common understanding of particular problems or opportunities affecting the Palika – before deciding what to do. Such reasoning involves collecting facts and evidence and listening to different opinions from many sources.
6. **Evidence** comes from (a) direct interaction with individual citizens, communities and users regarding their experiences and perceptions of service delivery; (b) information provided by the administration – the managers and providers of services such as Palika Health, Education, Agricultural and other officers, from technical experts, and the enforcers of laws and regulations; (c) data and analysis of information about the Palika (profile), expenditure and performance; (d) policies and experiences of other Palikas; and (e) standards and guidelines, prepared by provincial and federal governments. This will not just involve meetings and discussions within the Executive, but with the Administration and, more widely, with those affected or with an interest in the issue. Finally, after consultation and study is complete, the elected representatives must reach their own collective decision – the goal is for all members to agree i.e. to

reach consensus. *Deliberative decisions are transformative, they lead to new collective understanding and to new ideas and new priorities.*



Workshop on Palika processes (annual planning and strategic vision), use of data; Adanchuli Gaunpalika, Humla district, Karnali Province.
Photo credit: Coherence Field Team

How do we measure deliberation?

There is no pure or perfect example of deliberation (or democracy). As a result, the quality of deliberation can only be assessed subjectively by developing criteria, assessing and scoring progress against each criterion and then constructing an index by aggregating (with or without weights) the scores for each criterion.

Any assessment is necessarily subjective. Local governments may find it useful to reflect on the quality of their own collective deliberations, by scoring against a set of criteria and tracking their own progress over time. This process of reflection can be assisted through a set of externally accepted criteria and an externally facilitated process using informed assessors. Different scores are not right or wrong – they just reflect different perceptions (from different angles) of progress, and it is the discussion around the score that is, in practice, more useful than the score itself. An action plan to improve the quality of each element of deliberation can be developed by the local government. The index is useful as a means to track progress over time in a specific Palika.

Developing the index to assess and track the quality of deliberation

The Coherence programme, through its work supporting local governments in Humla, has developed and tested a process to support deliberative decision-making and an assessment of the quality of these processes. Using the six elements of deliberation these

have been further defined with criteria to clarify their meaning and to make it easier for local government to assess for themselves the quality of their deliberative processes (Table 1). Clearer definitions of each of the headline criteria also helps to ensure uniformity of scoring. These criteria are derived from good practice and guidance from MoFAGA. They are not exhaustive and can be further refined and contextualised.

Table 1: Deliberation Index

Deliberation Element	Criteria	Conditions needed for highest score
1. Formal	Agenda known, agreed and announced in advance	<ul style="list-style-type: none"> • Assembly meeting agenda provided 7 days in advance • Executive meeting agenda provided 3 days in advance • Ward meeting 1 day in advance • Thematic committee meeting and other committee meetings: 3 days • Agenda of meeting agreed by whole of Executive (or Ward Committee or Thematic Committee)
	Code of conduct and rules of speaking agreed and practised	<ul style="list-style-type: none"> • Conflicts of interest declared • Meeting is chaired • Space to speak, listen and respect others' opinions • Following rules on no alcohol/smoking
	Agreed decision-making process	<ul style="list-style-type: none"> • Agreed final decision-making through consensus or majority vote for each topic (where the Mayor/Chair holds the casting vote) • Decisions made in line with laws & regulations
	Record keeping and minuting	<ul style="list-style-type: none"> • Names recorded of all participants and signed • Agenda recorded • Areas of disagreement recorded • Decisions minuted
	Regularity of meetings	<ul style="list-style-type: none"> • Assembly meeting held at least twice in a year • Executive meetings held at least once a month and more if needed • Ward committee meetings held at least once a month and more if needed and prior to executive meetings
	Meeting quorum	<ul style="list-style-type: none"> • Quorum of Assembly more than 50% of members • Quorum of Executive more than 50% of members
2. Collective	Decisions are reached formally for the common good through agreed decision-making process:	See conditions below
	Quality of process of decision-making	<ul style="list-style-type: none"> • Decisions are made collectively in Executive, with all members present and informed (even if it lacks consensus)
	Quality of ownership of collective decision-making	<ul style="list-style-type: none"> • Executive members own joint decisions (feel part of the process of making the decision)
3. Inclusive	Those that should be involved in the decisions are involved – represented	<ul style="list-style-type: none"> • ALL relevant stakeholder groups are represented in decision-making process

	or have a voice and have knowledge and capability to exercise their roles and responsibilities	Executive decision-makers justify their decisions to their constituencies
4. Capable	Those that are involved in decision-making have understanding, knowledge and capability to exercise their roles and responsibilities	
	Capable elected representatives	<ul style="list-style-type: none"> • Mayors/Deputies and Ward Chairs proactively participate in decision-making • All Executive members proactively participate in decision-making • All elected representatives with clarity on functions, responsibilities, process and structures of the Palika
	Capable women elected representatives	<ul style="list-style-type: none"> • Women Executive members and women ward representatives interact formally and informally / speak up • Elected women representatives actively participate in decision-making • All elected women with clarity on functions, responsibilities, process and structures of the Palika
	Capable Dalit/marginalised group representatives	<ul style="list-style-type: none"> • Dalit Executive members and Dalit ward representatives interact formally and informally / speak up • Elected Dalit/ marginalised group representatives actively participate in decision-making • All elected Dalits/marginalised group representatives with clarity on functions, responsibilities, process and structures of the Palika
	Capable administrative officials	<ul style="list-style-type: none"> • All administrative officials have clarity on functions, responsibilities, process and structures of the Palika
5. Reasoned	Reasoned	<ul style="list-style-type: none"> • Executive members give clear reasons for their priorities in the decision-making process (using evidence & analysis) • Thematic Advisory Committees using sectoral data/information for planning and decision-making on service delivery • Sectoral departments respond to requests by Thematic Advisory Committees to provide information/data for decision-making
6. Evidence-based	Evidence and its use	<ul style="list-style-type: none"> • Importance of using Palika profile data; information recognised by Palika • Sectoral departments actively collecting and using profile data (incl. visualisation) • Executive using profile data and visualisation for decision-making and reporting

Scoring: Scores range from 0-10, where “zero” means the criterion is absent and “10” means the criterion is fully met. The sub-criteria can also be scored but are mainly useful to guide discussion. It is the headline (overall) score for each element of deliberation that is used to calculate the index (an example is provided in Annex 1).

Consideration, at a later date, could be given to attaching weights to each of the criterion. These weights would reflect the importance of different criterion to the overall goal of establishing a deliberative form of public decision-making.

A reference date should be associated with each score. This enables a comparison between scores and an assessment of change over time.

Scores can be assessed retrospectively through recall. This is useful for reflection as the same assessment understanding will be applied to the previous date. But more usefully, the assessment can be done by local governments at the start of their term, and then regularly at 6-month periods. This will help to embed the understanding in each elected representative and

ensure that there is common understanding built across local government of the importance of these different elements of good decision-making.

In the testing to date, two key committees of local government have been assessed for the quality of deliberation – the Executive and the Ward Committees. This will be extended to include the Thematic and other key Palika committees. In each case, the intention is to provide an opportunity to understand why deliberation is important and the extent to which each of these committees is building the key elements into their decision-making processes.

Visualising the index: The index can be presented in different formats, most commonly, either as a spider diagram (Box 1) or as a trend table (Table 2). Comparisons between Palikas are unlikely to be useful, since the scores relate to the “situation” rather than to the performance of interventions or inputs. This means care should be exercised when making comparison between Palikas. In all cases, it is the quality of the discussion that leads to the scoring that is more important than the scoring, and then the action plan to determine what needs to change.

Box 1: Deliberation Assessment for Executive meeting

The team assessed the deliberation status at three points in time: when they first arrived in Humla (March 2018), after the first 100 days, and after 60 days. These were then plotted on a ‘spider diagram’ following assessment of change after each period of intervention. The assessment was based on the criteria for each element of deliberation that had been generated by the teams. The degree to which these criteria were assessed to be in place was scored from 0-10, where 10 indicates that the criterion is achieved.

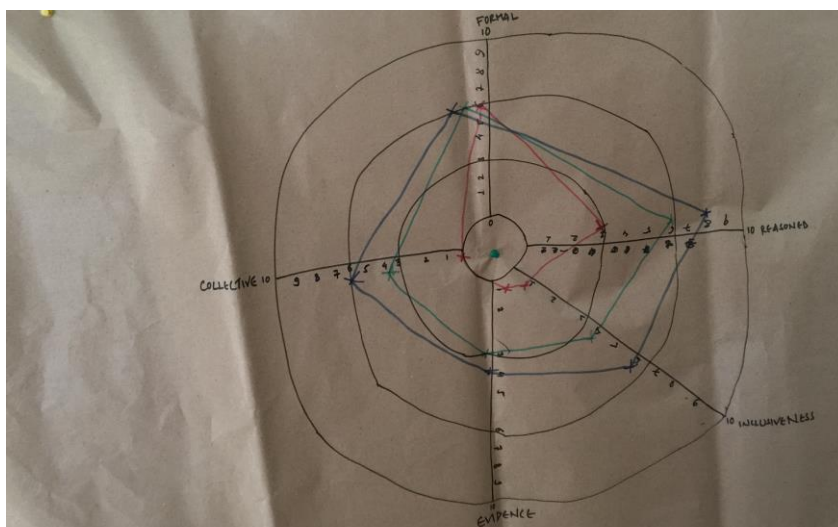


Table 2: Change in quality of deliberation by the Palika Executive - from Day 1 to Day 160

Criteria	Day 1	Day 160	Day X
Formal	6	6	
Collective	0	6	
Inclusive	1	6	
Capable	3	5	
Reasoned	3	8	
Evidence-based	1	4	
Overall index	14/6 = 2.3	35/6 = 5.8	

Use of results

This is a useful tool for reflection by local government to assess where they need to improve practice. It is helpful for those providing support to local governments to indicate where there are areas where increased support is required. It can also usefully contribute to the Local Government Institutional Self-Assessment (LISA), deepening the element of assessment around the quality of decision-making. The visualisations can be shared publicly in the Palika to demonstrate the quality of decision-making undertaken by key committees of the Palika.

As a means to track change over time it also provides a powerful representation of the importance of changes in process in order to deliver results. In particular it focuses critical attention on who is present and their capabilities to engage, and the means by which decisions are taken.

FOR MORE INFORMATION

For information about the Coherence Programme please contact International IDEA Nepal:

Phanindra Adhikary: P.Adhikary@idea.int

Alexandra Walcher: A.Walcher@idea.int

*International IDEA Nepal
Srinivas House, Ward no.4
Embassy Marg, Baluwatar
Kathmandu, Nepal
Tel/Fax: +977 1 4432846, 4435972*