



Costa Rica's Triangle of Solidarity: can government-led spaces for negotiation enhance the involvement of civil society in governance?

Harry Smith

Dr Harry Smith is a research associate at the Centre for Environment and Human Settlements in the School of the Built Environment, Heriot-Watt University, Edinburgh, UK. He has professional experience in architecture and urban planning in Europe and, in recent years, has been involved in a number of research projects on the relationship between state and civil society in urban development and housing processes, with a particular focus on participatory approaches. His research experience spans countries in Europe, Latin America and Africa.

Address: Centre for Environment and Human Settlements, School of the Built Environment, Heriot-Watt University, Riccarton, Edinburgh EH14 4AS; Tel: +44 (0)131 451 4601; E-mail: H.C.Smith@sbe.hw.ac.uk

1. McCarney, P L (1996), "Considerations on the notions of 'governance' – new directions for cities in the developing world", in McCarney, P L (editor), *Cities and Governance: New Directions in Latin America, Asia and Africa*, University of Toronto Press, Toronto.

2. Also, according to Devas, N, P Amis, J Beall, U Grant, D Mitlin, C Rakodi and D Satterthwaite (2001), *Urban Governance and Poverty: Lessons from a Study of Ten Cities in the South*, London,

SUMMARY: *Initiatives in participatory governance can rise from the grassroots or be implemented by government, examples of the latter being particularly notable in Latin America. This paper considers the scope and limitations of spaces of negotiation opened up from above, examining one particular initiative undertaken in Costa Rica between 1998 and 2002, the Triangle of Solidarity, which involved the state (central and local) and civil society, and the relationships between them. Taking an institutionalist approach, a detailed study of two urban neighbourhoods is used to assess the extent to which this initiative offered a new opportunity for political inclusion and enabled a redistribution of resources. In practice, there appears to have been little substantive change in the roles and position of central and local government, and civil society. This raises questions about the processes that are likely to lead to participatory governance, and emphasizes the importance of the weaker groups in negotiating and fighting for a transfer of power, and thus in shaping the spaces for negotiation central to urban management.*

I. INTRODUCTION

a. Issues of participation in governance and the relevance of the Triangle of Solidarity

THIS PAPER IS an analysis of an experiment in participatory governance that took place in Costa Rica from 1998 to 2002. The "Triangle of Solidarity" (ToS), an initiative of the central government, reflected many internationally current policy concerns relating to the achievement of participatory governance mechanisms to address poverty.

Governance, a highly contested concept, has no generally accepted definition. McCarney⁽¹⁾ notes that the term falls into two traps:

"First, governance is simply equated too often with government, and second, governance often focuses on the state side of the picture ... ignoring the role of groups in civil society in the governing relationship."⁽²⁾

In addition, definitions seem to focus on the instrumentality of governance.⁽³⁾ There is a general consensus in the literature, however, that a key focus is the relationship between and within government and non-governmental forces.⁽⁴⁾ Jenkins provides a definition that includes this focus, but broadens the concept beyond policy-making and implementation instrumentality:⁽⁵⁾

"Governance is the sphere of relations between government and other actors

in civil society or non-governmental sectors – including the private sector. It also refers to the processes of interaction between these in defining roles and relationships. The idea of governance is that government does not work in isolation, but in the above sphere and through these types of relations, and thus government has to be seen in this context."

The use of the term "governance" therefore already implies wider "participation" in decision-making than representative democracy or other forms of government, and accepts a wide spectrum of actors other than the state⁽⁶⁾ and thus, varying governance contexts and processes. These may be described as more or less "participatory", depending on the level of influence of the broad non-governmental sector, and particularly depending on civil society involvement, if a tripartite state–market–civil society model is applied. The degree and type of involvement of the different actors in governance will therefore crucially depend on the relationships between them, as well as on the role and attitudes of each actor. These, in turn, will depend on (as well as influence) the dominant social, political, economic and institutional context.

There has been a global trend towards a wider distribution of responsibilities for urban management, taking these beyond the realm of the state, or simply acknowledging de facto situations in which the state lacks the capacity to manage certain aspects. This is reflected in current international agency programmes, such as the UNDP's Urban Governance Initiative and UNCHS's Global Campaign on Good Urban Governance. Rakodi⁽⁷⁾ points to two key reasons for this shift in public policy: first, the influence of neo-liberal economic thinking, which seeks a minimal role for the state; and second, the dissatisfaction with the responsiveness of existing political systems to the views and needs of diverse groups in society.

A number of experiences in public involvement in governance processes have gained high international profile, most notably Brazil's participatory budgeting.⁽⁸⁾ A key conclusion is that these participatory processes have contributed to strengthening democracy through fostering "...the creation of public spaces for debate and for the practice of citizenship".⁽⁹⁾ A major strength has been the acknowledgement that resolving conflicts regarding public resources requires negotiation between the actors.

Opening up spaces for this negotiation leads potentially to questioning the existing balance of power between interacting parties. In fact, much of the interaction between civil society and the state requires "spaces for negotiation", which can be defined as "...opportunities opened up by an actor or by several actors in order to allow negotiation around resource allocation ... to take place among these and possibly other actors."⁽¹⁰⁾ Such spaces can be formal or informal, and can be opened up from below, for example through pressure exerted by social movements, or from above, such as through government-initiated "participatory" initiatives.

There is a growing literature on emerging urban social movements and initiatives that addresses bottom-up negotiation;⁽¹¹⁾ there is also abundant literature on "participatory" initiatives opened up from "above", although these tend to be limited to government conceding some channel for the expression of civil society views, seeking the input of resources from the community, or aiming for political legitimation.⁽¹²⁾ The literature on top-down initiatives that have explicitly acknowledged and accepted negotiation between civil society and the state is much more limited.⁽¹³⁾ This paper reports on research that examines the limitations of spaces for nego-

DFID, pages 5–6:

"Governance includes the whole range of actors within civil society, such as community-based or grassroots organizations, NGOs, trade unions, religious organizations and businesses, both formal and informal, alongside the various branches of government and governmental agencies, both national and local."

3. See, for example, Healey, P (1997), *Collaborative Planning: Shaping Places in Fragmented Societies*, Macmillan, Basingstoke; also Stoker, G (1998), "Public-private partnerships and urban governance", in Pierre, J (editor), *Partnerships in Urban Governance: European and American Experience*, Macmillan, Basingstoke, pages 34–51; and Gualini, E (2001), *Planning and the Intelligence of Institutions*, Ashgate, Aldershot.

4. See, for example, reference 1; also see reference 3, Stoker (1998); see reference 3, Gualini (2001); and Rakodi, C (2003), "Politics and performance: the implications of emerging governance arrangements for urban management approaches and information systems", *Habitat International* 27, pages 523–547.

5. Jenkins, P (2004 forthcoming), "Space, place and territory: an analytical framework", in Hague, C and P Jenkins (editors), *Place Identity, Participation and Planning*, Routledge, London.

6. Indeed the state itself is not monolithic.

7. See reference 4, Rakodi (2003).

8. Souza, C (2001), "Participatory budgeting in Brazilian cities: limits and possibilities in building democratic institutions", *Environment and Urbanization* Vol 13, No 1, pages 159–184; also

Baiocchi, G (2003), "The long march through institutions: lessons from the PT in power", in Baiocchi, G (editor), *Radicals in Power: The Workers' Party (PT) and Experiments in Urban Democracy in Brazil*, Zed Books, London and New York, pages 207–226.

9. See reference 8, Baiocchi (2003).

10. Smith, H (2003), "Spaces of negotiation in low-income housing in San José, Costa Rica: a comparison of spaces of negotiation in Rincón Grande de Pavas", *International Development Planning Review* Vol 25, No 2, page 173.

11. See, for example, Peattie, L (1990), "Participation: a case study of how invaders organize, negotiate and interact with government in Lima, Peru", *Environment and Urbanization* Vol 2, No 1, pages 19–30; also Kaufman, M and H Dilla (1997), *Community Power and Grassroots Democracy: The Transformation of Social Life*, Zed Books, London and New York; Cabanas, A, E Grant, P I del Cid and V Sajbin (2000), "El Mezquital: a community's struggle for development", *Environment and Urbanization* Vol 12, No 1, pages 87–106; Edwards, M and J Gavena (2001), *Global Citizen Action*, Earthscan, London; Jenkins, P (2001a), "Community-based organizations and the struggle for land and housing in South Africa: urban social movements in transition", and Jenkins, P (2001b), "Relationships between the state and civil society and their importance for sustainable development", and Carley, M and H Smith (2001), "Civil society and new social movements", all three in Carley, M, P Jenkins and H Smith (editors), *Urban Development and Civil Society: The Role of Communities in Sustainable Cities*, Earthscan, London.

12. See, for example, Gilbert, A and P Ward (1984a),

tionation opened up from above, using the ToS as a case study.

This research looks at the three aspects of governance identified by McCarney, Halfani and Rodriguez,⁽¹⁴⁾ namely civil society, the state and its institutions and, most importantly, the relationship between them. It takes an institutionalist approach, "...grounded in a relational view of social life, which focuses on people actively and interactively constructing their worlds, both materially and in the meanings they make, while surrounded by powerful constraints of various kinds."⁽¹⁵⁾ Key points of interest include the respective agendas, strengths and weaknesses, and institutional characterization of civil society and the state.

Grindle's⁽¹⁶⁾ concept of state capacities – institutional, technical, administrative and political – is useful here not only as applied to the state but also to civil society. This has been applied previously by the author to the Costa Rican context.⁽¹⁷⁾ Actor capacity and types of relationship depend on the wider political economy context. For example, at the local scale, analysis of participatory budgeting in different Brazilian cities has shown that the relations that are established are contingent on the specific "associative environments" related to each city's sociohistorical background.⁽¹⁸⁾ A broader political economy analysis of Costa Rica's ToS experience is not specifically addressed in this paper. The main focus here is the relationships between actors (formal or informal, clientelism, cooptation, manipulation, etc.), as well the bargaining tools used in these relationships.

Costa Rica's ToS was conceived as a new model for relationships to improve the implementation of social policy, bringing together communities, local governments and central government institutions in locally based processes of action and budget prioritization. This model aimed to decentralize and deconcentrate decision-making, thus reducing clientelism, strengthening voluntary community-based groups and NGOs, and better targeting the poor. However, the ToS did not survive the change in government in 2002, despite the fact that the same party remained in power. Why did this happen and what can be learned from this in relation to broadening governance?

b. Research methods

The research this paper draws on aimed to:

- review the development and implementation of the ToS approach during the 1998–2002 administration in Costa Rica, with special reference to housing, infrastructure and services;
- investigate the extent to which effective spaces for negotiation had been opened up between civil society and the state (central and local government) around the issue of shelter and services for the urban poor;
- evaluate outcomes in terms of housing, infrastructure and services delivery; and
- draw lessons for widening the scope for negotiation between the state and civil society around shelter, infrastructure and services in Costa Rica.

The research, funded by the British Academy, focused primarily on two low-income urban areas with acute housing needs. Two rural areas were investigated in less depth to allow for comparison. In-depth interviews were conducted with 19 key informants from community organizations, local government and central government (including the ToS Directorate) who had been involved in the implementation of the ToS in the four areas.⁽¹⁹⁾ In addition, in one of the urban case study areas, a participatory

workshop was held with eight community leaders. Thus, a total of 27 individuals were directly involved in the research.

The interviews were carried out in August and September 2002, shortly after the ToS had been dismantled. Contacts that the researcher had established in previous research in the country helped in identifying and locating participants, as well as in gaining access to documents relating to the ToS process.⁽²⁰⁾ The ToS records, located in the National Archive, were supplemented with dissertations and other academic work located in the main universities, and other archival sources such as the press. The full findings of the research are presented in a longer report, available in English and in Spanish.⁽²¹⁾

This paper focuses exclusively on the urban case studies and the experience within the national context. It provides an introduction to the context for participatory urban governance in Costa Rica, and then describes the origins and key principles of the ToS, briefly assessing its outcomes nationally. It then describes and analyzes the implementation of this initiative in the two urban settlements, drawing some parallels with other experiences such as participatory budgeting in Brazil.

II. THE CONTEXT FOR PARTICIPATORY URBAN GOVERNANCE IN COSTA RICA

BY DEFINITION, THE ToS combined the efforts of three actors, namely civil society, local government and central government institutions (including parastatals). The ToS Directorate was another actor, with a leading role in the implementation of the strategy, and linked to central government.

a. Civil society

The ToS defined civil society as "...people and civic organizations that are domiciled in a district."⁽²²⁾ There is a well-established and documented tradition of civic organization in Costa Rica, ranging from community organizations to trade unions. The former have had a strong role in lobbying and negotiating around issues related to local development, including housing and the provision of services and infrastructure. Critics point out that "official" community organizations are highly manipulated by central government and closely linked to political parties.⁽²³⁾ This is particularly the case of the "community development associations" that are constituted on a territorial basis, which must register with the National Directorate for Community Development (DINADECO) and adhere to a strict legal framework, and which are the only community associations that have access to formal state subsidy.

Many other community organizations, including those established around shelter problems, use a different legal channel to acquire legal status,⁽²⁴⁾ with far fewer bureaucratic hurdles to overcome but with no direct access to state funding. There are also, of course, organized community groups that have no legal status.

The ToS process was, in principle, open not only to community organizations involved in housing, infrastructure and services but also to a wide range of community groups, such as parents' associations, women's organizations, water committees, road committees, schools, religious organizations, business and NGOs. This variety is reflected in the range of discussion groups established by the ToS within the residents' assem-

"Community action by the urban poor: democratic involvement, community self-help or a means of social control", *World Development* Vol 12, No 8, pages 769-782; also Gilbert, A and P Ward (1984a), "Community participation in upgrading irregular settlements: the community response", *World Development* Vol 12, No 9, pages 913-922; Lisk, F (1985), *Popular Participation in Planning for Basic Needs*, Avebury, Aldershot; Nientied, P, S Ben Mhenni and J de Wit (1990), "Community participation in low-income housing policies: potential or paradox", *Community Development Journal* Vol 25, No 1, pages 42-55; Shübelier, P (1996), *Participation and Partnership in Urban Infrastructure Management*, World Bank, Washington; Etemadi, F (2000), "Civil society participation in city governance in Cebu City", *Environment and Urbanization* Vol 12, No 1, pages 57-72; and Russell, S and E Vidler (2000), "The rise and fall of government-community partnerships for urban development: grassroots testimony from Colombo", *Environment and Urbanization* Vol 12, No 1, pages 73-86.

13. See, for example, Dawson, J, R Froessler, C Jacquier and J Alberto (1993), *Quartiers en Crise, Laboratoires de la Citoyenneté Européenne?*, Commission des Communautés Européennes, Délégation Générale XVI; also Smith, H and J M Valverde (2001), "When community development becomes a political bargaining tool: the case for structural change in low-income housing provision in Costa Rica", in Carley, Jenkins and Smith (editors), see reference 11; Smith, H (2002), "When the state cannot cope: community self-management? The case of Rincón Grande de Pavas in San José de Costa Rica, Central America", in Romaya, S and C Rakodi

(editors), *Building Sustainable Urban Settlements: Approaches and Case Studies in the Developing World*, ITDG, London; and Hague, C et al. (2003), *Participatory Planning for Sustainable Communities: International Experience in Mediation, Negotiation and Engagement in Making Plans*, ODPM, London.

14. McCarney, P, M Halfani and A Rodriguez (1995), "Towards an understanding of governance", in Stren, R and J K Bell (editors), *Urban Research in the Developing World, Volume 4: Perspectives on the City*, University of Toronto Press, Toronto, page 128.

15. See reference 3, Healey (1997), page 35.

16. Grindle examined the challenges to, and redefinition of, state capacity in order to encourage economic development and contribute to effective governance, focusing on experience in Latin America and sub-Saharan Africa. She proposed that in order to contribute to effective governance, the state had to have a certain capacity, which involved establishing and maintaining effective institutions, technical, administrative and political functions. See Grindle, M S (1996), *Challenging the State: Crisis and Innovation in Latin America and Africa*, Cambridge University Press, Cambridge.

17. Jenkins, P and H Smith (2001), "An institutional approach to analysis of state capacity in housing systems in the developing world: case studies in South Africa and Costa Rica", *Housing Studies* Vol 16, No 4, pages 485-507.

18. Silva, M K (2003), "Participation by design: the experiences of Alvorada and Gravataí, Rio Grande do Sul, Brazil", in Baiocchi (editor), see reference 8, page 127.

19. The main focus was on urban low-income areas. The two rural case studies were chosen to allow some

blies (*asambleas de vecinos*), which were one of the first steps in the ToS strategy (see below).

b. Local government

A stated ToS objective was to foster decentralization and the strengthening of local government,⁽²⁵⁾ thus addressing the traditional weakness of local government in Costa Rica. Costa Rica is divided into provinces, cantons and districts, of which only cantons have any executive authority. At the level of the canton, a municipal council is elected every four years which, in turn, elects a mayor.⁽²⁶⁾ In addition, each district within the canton is represented by an elected *síndico*, that has no vote. Current law also allows the creation of district councils of five residents, appointed by the municipal council and presided over by the district *síndico*. However, very few district councils have been constituted.

Costa Rica's local government weakness is due to "...financial precariousness, lack of capacity to manage local issues and a considerable deficit in legitimacy".⁽²⁷⁾ Despite changes in legislation during the 1990s, which transferred the collection of property rates to local government and abolished the intermediary role of the Member of Parliament in "specific allocations",⁽²⁸⁾ local government expenditure is a minimum part of total public sector expenditure, and mostly goes on staff costs. The public generally does not consider local government as a relevant agency when it comes to solving housing, social equipment and infrastructure problems.

c. Central government institutions and parastatals

The strongly centralized state, with resources concentrated in sectoral parastatals established during the second half of the twentieth century,⁽²⁹⁾ was the most powerful participant in the ToS (at least in terms of resources). These state institutions have a national remit, and their activities are guided by centrally planned strategies, although they also have a presence at the local level. The first step in the ToS process was to ask each of these institutions to name a representative as a link with the ToS Directorate, as well as to report on regional and local organizations and representatives that were linked to the central institution. These central institutions were therefore not only the main source of funding for ToS projects but also a vital source of information to initiate the strategy in each canton.

d. The Triangle of Solidarity Directorate

The Triangle of Solidarity Directorate (TSD) was the driving force of the process. The ToS was initially established as a secretariat, later becoming a directorate. It was first linked to the Ministry of Culture, Youth and Sports, and later to the Ministry of the President of the Republic, always under the responsibility of Astrid Fischel, the First Vice-President of the Republic, who played a leading role in designing the strategy. The operation of the TSD was funded from a variety of public and private sources, including international agencies, but the TSD did not directly manage the funds that were allocated through the participatory budgeting it facilitated. Staff were drawn from other public sector agencies. The TSD was criticized by the Audit Office of the Republic for not managing its own resources within existing legal requirements, which contributed to a political scandal when

the 1998–2002 administration was coming to an end, and to the dismantling of the TSD when the new government came into power.⁽³⁰⁾

III. BACKGROUND AND IMPLEMENTATION OF THE TRIANGLE OF SOLIDARITY

THE TOS WAS described in its own literature as a new form of governance intended to become a feature of the Costa Rican political and institutional framework – i.e. it was allegedly above party politics. It was, however, a prominent item in the election manifesto of the Social Christian Unity Party (PUSC), which won the 1998 elections and gave Astrid Fischel responsibility for implementing the ToS strategy.

The key concept underpinning the ToS was bringing together central government institutions (including parastatals), local government and community organizations, “...with the aim to constitute a forum which could provide logistical support and allow the three actors to reach the agreements needed to promote human development within their communities.”⁽³¹⁾ The strategy was inspired by various experiences and sources, including:

- the Social Development Institute within the Inter-American Development Bank, with its focus on social capital as a factor of development;
- Bolivia’s Participation Law (the decree that created the ToS had a section that was very similar to the Bolivian law);
- Mexico’s Solidarity Plan, through exchanges in the early 1990s between the Mexican government and the Institute for Mixed Social Aid (IMAS) in Costa Rica; and
- experiences in community participation in Colombia.

Within Costa Rica itself, there were also precedents in the work undertaken by the UNCHS-funded Community Self-Management Strengthening Project (PROFAC), the Healthy Cantons programme, the National Directorate for Community Development (DINADECO) and Rural Aqueducts. This experience within the country helped especially in implementing the strategy on the ground.

One of the supposed advantages of the strategy was that it would require no legal reforms to be put in place.⁽³²⁾ In theory, the ToS would not administer or allocate public resources nor would it implement projects. Rather, it was established as a government agency to facilitate links between central government, local government and local civil society. However, the strategy was enshrined in legislation through executive decrees in 1998, 1999 and 2000, which defined the principles and objectives of the ToS, as well as its institutional location, its structure and the procedure to follow for its implementation.

The consensus-building process in each locality was implemented following a set methodology that was gradually adjusted during the programme, on the basis of experience. As shown in Figure 1, the key steps were:

- residents’ assemblies (*asambleas de vecinos*), usually at the district level, where communities elected representatives to constitute a district development commission (*comisión de desarrollo distrital*) and a citizen monitoring commission (*fiscalía ciudadana*);
- planning workshops (*talleres de planificación*), where district development commissions discussed the problems in their community and possible solutions; they also identified possible projects, prepared a district development plan and nominated local management groups

comparison, and were not investigated in the same depth.

20. The researcher would particularly like to thank José Manuel Valverde, María de los Angeles Aguilar, José Gabriel Román and Candy Retana.

21. These are available from the Centre for Environment and Human Settlements, School of the Built Environment, Heriot-Watt University, Edinburgh EH14 4AS, Scotland.

22. Decreto No 27842-C (26 April 1999), Article 2: Decree creating the Triangle of Solidarity (www.triangulo.go.cr/Introduccion/decreto_creacion.htm).

23. Alvarez, A (1998), “Comunidades verdes: política social de base comunitaria para el desarrollo sostenible”, photocopied document; also Masís, D (1997), “Poder político y sociedad”, in Quesada, J R (editor), *Costa Rica contemporánea: raíces del estado de la nación*, Proyecto Estado de la Nación, San José; Mora, J C (1989), *La organización comunal y DINADECO, 1964–1987*, Instituto Costarricense de Estudios Sociales, San José; and Mora, J C (1995), *La organización comunal y sus organismos de integración en la coyuntura actual de modernización del estado*, Heredia, UNA/Fundación Friedrich Ebert.

24. Registering as a community association under Law 218, from 1939.

25. See reference 22.

26. As from 2002, the mayor is elected through direct free elections.

27. Rivera, R (2001), *Cultura política, gobierno local y descentralización*, Costa Rica, San Salvador, FLACSO Programa El Salvador, page 102.

28. “Specific allocations”

(partidas específicas) are allocations of public funds for specific projects, which are separated out from the annual national budget. They used to be procured by MPs, who used these to maintain clientelistic relations with municipalities and communities. A recent Law on Specific Allocations abolished the role of the MP, allowing local governments to request such allocations directly. Local government income through specific allocations has grown considerably in recent years; see reference 27.

29. In the fields of housing, social services and infrastructure, the most active parastatals include the National Institute for Housing and Planning (INVU), the Institute for Mixed Social Aid (IMAS) and the Costa Rican Institute for Water and Sewerage (AyA).

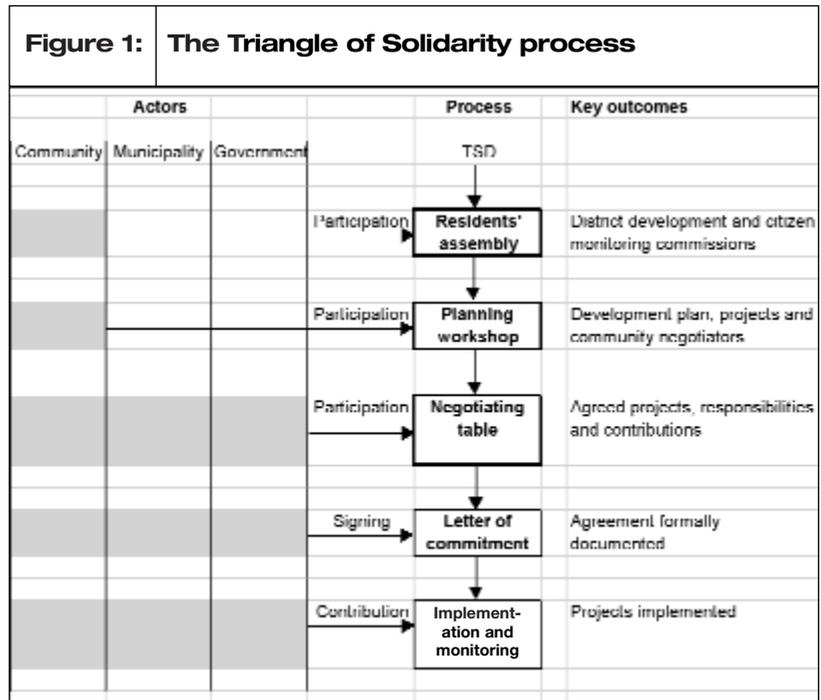
30. Contraloría de la República (2002a), "Deficiencias en la gestión financiera de la Dirección del Triángulo de Solidaridad", Informe No DFOE-SO-4-2002, San José, Costa Rica.

31. See reference 22.

32. Sáenz Carbonell, J F (2001), *De actores secundarios a actores protagónicos: El Triángulo de Solidaridad*, Triángulo de Solidaridad, Costa Rica.

33. A total of 176 residents' assemblies and strategic planning workshops had been held, as well as 48 negotiating tables, and 47 letters of commitment had been signed.

34. MIDEPLAN (2001), *Rindiendo Cuentas - Triángulo de Solidaridad*, Boletín, Año 3, Número 8, September.



and teams of negotiators;

- negotiating tables (*mesas de negociación*), where representatives from the three "corners" of the ToS – community, municipality and central government – analyzed the feasibility of the projects that had been prioritized in the planning workshop, established the involvement and contribution from each sector, and agreed implementation deadlines; and
- letters of commitment (*cartas de compromiso*), which were formal documents signed by all three parties at a public event, committing in writing the contributions to be made by each party.

Initially, the TSD selected the territory where it would "intervene", a key criterion being that the cantons have a low development ranking. It would only launch its strategy once the respective municipal councils had officially agreed to participate. The first ToS processes were launched in the summer of 1998, starting with a predominantly rural canton in the eastern seaboard province of Limón, where levels of poverty were high. The early experience in this and other rural cantons throughout the country raised expectations and led local authorities to request implementation in their constituencies. Later that year, TSD launched processes in low-income urban areas, where results were more mixed.

The official figures describe an impressive effort nationwide. By September 2001, the ToS strategy had been implemented in 45 cantons and 176 districts across the country,⁽³³⁾ reaching a total population of 1,551,717 (40.57 per cent of the country's population). A total of 32,561 people in the communities had participated (46 per cent of them women) and around 928 people had been trained through 89 training courses for community promoters. A total of 2,023 people had been named as citizen monitors and 2,833 as representatives on the district development commissions.⁽³⁴⁾

Agreed projects officially totalled 2,754 by September 2001, of which

1,071 were related to education, 946 to infrastructure, 455 to health, 161 to income generation or productive ideas and 121 to housing.⁽³⁵⁾ However, there is confusion around these figures depending on the source used, as well as around actual outcomes in terms of project implementation. An analysis undertaken by the National Audit Office drew on several reports that showed conflicting figures.⁽³⁶⁾ Whatever set of data was taken, however, the percentage of completed projects was always shown to be low. A report sent to the National Audit Office by Astrid Fischel indicated that by 30 September 2001, out of a total of 2,158 projects reportedly agreed prior to that date,⁽³⁷⁾ only 28 per cent had been completed and 19 per cent were being implemented. Although a large number of projects had provided many poorer communities with significant improvements, the overall results fell well short of the targets.

This poor level of delivery was particularly significant in urban areas and in the housing sector. In low-income urban settlements, there are a range of complex factors, including large concentrations of poverty and housing need, the need for expensive infrastructure, problematic access to land and land titling, informal housing markets, high housing densities without adequate services, settlements on vulnerable land exposed to hazards, and varying levels of commitment and response from local and central government. The processes put in place by the ToS were unable to respond to this complexity and, as a result, the level of achievement was extremely low. This is illustrated in the following case studies, both located within the Greater Metropolitan Area of San José.

IV. THE EXPERIENCE OF THE TRIANGLE OF SOLIDARITY IN TWO LOW-INCOME URBAN AREAS

a. The Triangle of Solidarity in Rincón Grande de Pavas

RINCÓN GRANDE DE Pavas is a low-income community located eight kilometres west of the centre of San José, with an estimated population of around 60,000 in 2002 in an area of approximately 140 hectares. Since the early 1980s, it has grown from an agricultural and relatively uninhabited area to become one of the largest and most densely populated low-income urban settlements in Costa Rica. It is a showcase of housing policies and trends in low-income shelter provision – formal and informal – that have characterized Costa Rica over the last two decades.⁽³⁸⁾ There are housing projects originally built by the private sector for middle-income households, sites and services, government housing projects that followed the “agreed” land invasions of the mid-1980s (built by the Special Housing Commission – CEV) or the relocation of squatters on unserviced land, and informal settlements established normally following land invasion. The settlement has basic infrastructure and services, although their provision is uneven and insufficient to cover the inhabitants’ needs.

Rincón Grande de Pavas had a high level of community organization when the ToS was implemented in the area, both in terms of the number of organizations and their level of resident participation. Community organization had been strengthened previously by a programme implemented between 1995 and 1998 as part of the national plan against poverty – facilitated by the UN-funded PROFAC. This programme had included training and capacity building for community leaders, who

35. See reference 34.

36. Contraloría de la República (2002b), “Resultados del estudio efectuado sobre la gestión operativa de la Dirección del Triángulo de Solidaridad (DTS)”, Informe No DFOE-SO-3-2002, San José, Costa Rica.

37. Note the discrepancy with the 2,754 projects reported by MIDEPLAN around the same date.

38. See reference 13, Smith (2002).

39. See reference 13, Smith and Valverde (2001).

40. PROFAC (1997), *Rincón Grande de Pavas: plan estratégico de desarrollo local 1998–2005*, CEDES / IMAS / PROFAC, San José, Costa Rica.

41. The existence of a draft of this letter, prepared before the date of the negotiating table (in the TSD records held at the National Archive), shows that this apparently last minute intervention by the president had been a premeditated tactic.

established the first ever community organization aiming to represent all the neighbourhoods in the settlement, namely the *Instancia Comunal* (community representation). An inter-institutional network was also formed, with representatives from state and private organizations working in the area, with the aim of coordinating their actions and liaising with the community representation. Thus, a space for negotiation was opened up between community organizations and “official” organizations.⁽³⁹⁾

One outcome of the PROFAC initiative was the preparation of a Local Development Strategic Plan 1998–2005, through participatory workshops. This plan, which provided the basis for the negotiations during the implementation of the ToS, identified actions to address employment and income, education, children, housing, government involvement, community infrastructure, environment, prevention of violence, safety, and young people and women, and proposed the implementation of 34 specific projects.⁽⁴⁰⁾ According to the TSD official reports, Rincón Grande de Pavas was selected as a priority area because of its lack of development and its poverty levels, but also because strategic planning initiatives had already been developed in the area.

The process was launched in November 1998, with the Rincón Grande de Pavas residents’ assembly achieving the highest attendance in the country (1,157 participants). Ten representatives for the community development commission and ten citizen monitors were elected. In the planning workshop held in April 1999, the community representatives selected and prioritized ten of the 34 projects already defined. They also named five negotiators to represent the community at the negotiating table held in August 1999, and which was well attended by the community. The negotiations did not start well, as the community leaders found that they were dealing with low-ranking representatives from central government organizations and parastatals, who had no decision-making powers. During the day, the lack of satisfactory agreements led to growing confrontation, and community leaders threatened to abandon the negotiations and resort to protest measures. As the situation became critical, a letter arrived from the President of the Republic, offering the sum of 150,000,000 colones (US\$ 518,850 at the time) as central government’s contribution to the community’s ToS projects. This amount was to be included in the national budget for 2000, and its distribution among the prioritized projects was left to the community development commission.⁽⁴¹⁾

This led to heated and lengthy renegotiations between the community negotiators, in order to divide the allocated amount between the ten prioritized projects. The letter of commitment for Rincón Grande de Pavas, which was finally signed in November 1999, included the construction of facilities for health, education and other social services, as well as the building of a sewage pipe and the delivery of housing grants (*bonos de vivienda*). The 450 housing grants for new-build, repairs and improvements were a major item, for which 652,500,000 colones (\$US 2,257,004 at the time) was allocated by the Ministry of Housing and Human Settlements (MIVAH), separately from the amount granted by the President of the Republic. The housing funds were to be made available only during 1999 and 2000, to applicant households who met the legal and regulatory requirements, including having a serviced plot with full plans and title deeds. The National Institute of Housing and Planning (INVU) and a mutual savings bank (Mutual Heredia) were in charge of delivering these grants.

The projects soon came up against the complex problem of land titling. During the 1980s and 1990s, various government and private sector agencies had been involved in housing projects in the area, with varying degrees of success,⁴² but these agencies had all either closed down or pulled out of the area. This, along with defects in the title documents, generated a serious backlog, with hundreds of title documents still having to be correctly registered with the Public Property Register. In addition, in many cases, streets and public and community areas had not been transferred to the municipality. This situation made the ToS projects in Rincón Grande de Pavas stall from the outset.

The problem with land titling led to much subsequent negotiation, and a way forward was found by allowing the savings bank (Mutual Heredia) to use some of the funds to speed up the process of land registration. This process, however, was still extremely slow and stalled several times, leading to much community protest and the need for constant renegotiation. Because problems with land titling had not been solved, the funds allocated by the president, which were administered by the Institute for Mixed Social Aid (IMAS), could not be disbursed. In addition, IMAS was not allowed to pay for labour, which was expected to be provided by the community, but which was not forthcoming.

Community representatives became increasingly impatient with the lack of progress in land titling and with problems in accessing the housing grants through INVU and Mutual Heredia, even when there were no land-registration problems. They pressured for new negotiations and, in mid-2001, contentious meetings involving community negotiators, TSD staff and some of the relevant central government agencies resulted in a series of agreements – many of which did not materialize. During this process, the community development commission decried the lack of central government interest, especially in relation to housing, as the relevant housing agencies proved difficult to engage.

In September 2001, it was reported that:

- the only projects that had been totally or partially completed were a sports pitch and five classrooms at Rincón Grande High School;
- several projects with no land-titling problems were still in the process of development because community organizations had not sought accreditation with government organizations, infrastructure project plans had not been submitted, or there was no labour available;
- several projects with land-titling problems had no accredited community organization to take responsibility and no available labour; and
- 124 of the agreed 450 housing grants had been awarded, but the community leaders had been worn down by the lack of success in meeting with the government housing sector organizations.

Delays in solving the land-titling problems continued into 2002, and both the TSD and Mutual Heredia started to seek alternative solutions. However, in May, the new government came to power and the ToS programme was closed down, without the agreements reached in Rincón Grande de Pavas having been fulfilled.

b. The Triangle of Solidarity in San Felipe de Alajuelita

San Felipe, a district within the canton of Alajuelita, adjoins the southern boundary of San José canton and is part of the province of San José. It is currently the largest district within the canton in terms of population, with 27,089 inhabitants, and covers an area of 5.16 square kilometres. San Felipe,

42. See reference 13, Smith (2002).

formerly a coffee-growing and agricultural area, underwent massive urban and demographic growth in the 1980s and 1990s, without planning or infrastructure, thus becoming an area with large housing developments, informal settlements, land invasions, high concentrations of immigrant populations from abroad, and with a great demand for services. Several informal settlements in the canton, which were established in the early 1990s by people mainly from the Alajuelita area and from Nicaragua, and comprising on average 100 to 150 households (between 500 and 750 inhabitants), are mostly located on hillsides on land owned privately by INVU or by the relevant community organization. In most cases, infrastructure provision (roads, sewerage, drinking water, drainage, electricity and street lighting) is very poor, and housing is built with second-hand and scrap material.

All informal settlements in San Felipe have some form of community organization, including registered community associations, housing committees and even the hawkers' union. According to the appraisal undertaken through the ToS in 1999, the district had a high level of community organization, with 54 established interest groups, including 18 whose main objective was to solve their members' housing problems. At the canton level, there were ten integral development associations.

The majority party in the municipality of Alajuelita during the 1998–2002 government was the PUSC. The mayor had been active in promoting the potential of the ToS approach in the electoral campaign, and there was much support at the municipal level for the strategy to be implemented within the canton.

The process in San Felipe was launched in September 1999, with the residents' assembly. Approximately 700 people attended and they elected 19 representatives to the district commission and 11 citizen monitors. The strategic planning workshop was held in November, and community negotiators elected at the workshop participated in the negotiating table in April 2000. This was attended by many residents, as well as by representatives from the municipality and from ministries and other central government organizations, and during wide-ranging and respectful debate, the contributions from the three ToS actors were defined.

San Felipe de Alajuelita's letter of commitment was signed in August 2000 by representatives from central government, the municipality of Alajuelita and three community negotiators. It contained seven projects, including the "eradication" of informal settlements; housing delivery, allocation, titling, financing and improvement of housing; the construction of various facilities, mainly for health and education purposes; and the building and repair of sewerage and roads.

Housing was a major issue, and interpretations of the agreements varied, leading to subsequent confrontation. According to the TSD, the housing agreement comprised the establishment of a titling commission – which would sub-divide and register plots – the provision of title deeds, and the submission of applications for housing grants. MIVAH's position, which they already held prior to the negotiating table, was that the emphasis should be on the preparation of an urban development plan (*Plan Regulador de Desarrollo Urbano*) by the municipality, with support from INVU and from the Municipal Promotion and Advisory Institute (IFAM). Prior to awarding housing grants, it proposed that efforts should be focused on providing title deeds for the properties belonging to INVU and IMAS. MIVAH highlighted that the agreements required an "integral vision" of the housing problem, which would depend on contributions

from several organizations.

Partly because of these different views, project implementation was slow. The first inter-institutional monitoring meeting for the district of San Felipe did not take place until March 2001, nearly a year after the negotiating table was held. The meeting was well attended by all parties except the central government housing organizations, which caused great concern among community representatives, who asked Astrid Fischel to intervene in order to get the relevant housing agencies to participate in the process.

Between April and July 2001, five monitoring meetings were held, at which targets and deadlines were set. INVU attended only one of these and, according to a local government representative, either they had no decision-making powers or they used rhetorical tactics to divert attention from the organization's commitments. In August 2001, probably due to community pressure, INVU and the municipality decided to sign an agreement. By then, however, faced with the lack of progress, the community representatives had decided to take the route of protest action. They organized a demonstration in front of the presidential palace, supported by the municipality. They presented a written complaint and a petition, including a proposal that a district housing commission be established to follow progress on the housing agreements.

Meetings followed between community representatives and high-ranking central government officials, and it was agreed to convene a working group made up of the representatives that the community had proposed for their suggested district housing commission. When the working group finally met, it was agreed to proceed with separate bilateral negotiations between the community leaders for each of the housing projects and the central government representatives. By the end of September 2001, and against a backdrop of continuing threats of protest action, much had been done in terms of reaching agreements within the ToS process on preliminary steps (such as land registration, the search for land for relocation, etc).

However, community leaders' concerns grew with the prospect of a change in government. In March 2002, they addressed a letter to the President of the Republic, entitled "Triangle of Solidarity, the banner of the communities or the government's cruel game?" They declared that, with regard to housing and infrastructure, the ToS had been unsuccessful, and they were specifically critical of the Ministry of Housing and INVU. This letter was supported by a press release stating:

"High officials with open arms and a smile on their face welcomed us and told us that despite the justified delays, we would forge ahead. It was all a cruel mockery of our trust, time and dedication."

By contrast, a TSD report from March 2002 reported satisfactory progress on various projects: the Costa Rican Social Security (CCSS) had provided land for the construction of the clinic and funds for the primary health care centres; a feasibility study and plans for the construction and repair of sewerage had been prepared; work on the police station was 70 per cent complete; the Ministry of Public Education (MEP) and IMAS had provided most of the funds required to build classrooms and school dining rooms; and the women's training project had been delivered. With regard to infrastructure, the report blamed the delay in road construction on the lack of community contribution. For housing, the report listed a series of outcomes, including the signing of the contract to prepare the urban development plan, the preparation of layout and services plans, the

preparation of project costings, etc. The lack of results on the ground was blamed on the complexity and high cost of housing, as well as on the lack of appropriate involvement by the government housing organizations. But the report was also critical of the community's attitude, describing its protest march to the presidential palace in August as "...largely motivated by electoral and political reasons". The TSD admitted that, given the limitations in resources, dealing with the housing issues had taken its toll on the ToS, on the government organizations and on the community leaders.

After the ToS programme was closed down, some community organizations in the district of San Felipe met to evaluate the two years of involvement in the programme. From this meeting, an initiative emerged to create a new organization, the San Felipe Intercommunity Alliance. One of the actions required to establish this alliance was described as "...creating the spaces that are necessary to seek negotiation with local government and central government organizations, as well as with the legislative authorities, in order to reach agreements regarding the community agenda". This community agenda included, among other issues, the "...preparation of a specific negotiation plan in the area of housing".

V. CONCLUSIONS

AN OBVIOUS BUT important conclusion is that the ToS initiative was not an equilateral triangle, however much it was represented as such. In effect, a near monopoly on resources was held by central government organizations and parastatals. This was recognized by TSD staff in the way that they established the process at the negotiating table, but the ToS process did not fundamentally change what had been the traditional roles of the three key actors in local development in Costa Rica. Central government continued to be a supplier rather than a facilitator. Local government, with its severe constraints on resources, echoed the demands of their constituencies and tried to use the mechanism to attract state funds.

Interviews with key informants established that the agenda of communities and local government was to increase access to resources, and that of central government was to reduce the need for state input. These expectations were not easily reconcilable. Although they were met to some extent in many small-scale projects, in places where community needs and demands were great – such as in the urban case study areas – conflicting expectations led to confrontation, renegotiation and breakdowns in the process.

The most pronounced changes were to be found in the way communities were represented in their interactions with the other two key actors. This was largely because the ToS strategy created new actors representing community. The evidence, however, shows that, generally, the traditionally established leaders were the ones who made up such commissions, and in this sense there was little change. This is not dissimilar to some participatory budgeting experiences in Brazil, where it has been reported that most delegates were already politically active before they became involved in participatory budgeting.⁴³ The political and personal dynamics between community leaders continued within the ToS process, although these followed different paths, as is clearly shown by the cases of Rincón Grande de Pavas and San Felipe de Alajuelita.

In both settlements, the initial high expectations gradually withered away, with the ToS eventually being perceived as a "pretence". This shift

43. Nylen, W R (2003), "An enduring legacy? Popular participation in the aftermath of the participatory budgets of João Monlevade and Betim, Rio Grande do Sul, Brazil", in Baiocchi (editor), see reference 8, page 108.

took place not only in how community leaders perceived the ToS initiative but also in how they were perceived by their own community constituents and by the officials with whom they negotiated. Thus, in Rincón Grande de Pavas, community representatives lost legitimacy, with questions being raised in the community as to what had happened to the millions of colones that had been “handed over” to them so visibly, and of which there was scant evidence on the ground in terms of built projects. On the other hand, in San Felipe de Alajuelita, there was a process of increasing understanding between the different leaders and community groups faced with a common negotiating party, the central government.

In both cases (and elsewhere), the citizen monitoring commissions failed to operate. Although community representatives were nominated to constitute these commissions, they faced a role for which they were not trained and for which they received very little support. As a result, the monitoring and auditing role was taken on by the TSD.

As for relations between key actors, there was little change here too. The case studies do provide evidence of some increase in understanding and in common purpose between community representatives and local government, normally vis-à-vis central government. However, relations between these two actors and central government reportedly continued along pre-existing lines. In housing, in the case of Rincón Grande de Pavas, there was some evidence of clientelistic links deteriorating but not being replaced by more open and collaborative “official” links. A possible explanation is that “patrons” in central government organizations and parastatals perceived the ToS as a threat to their influence and control over their “clients” in the communities.

The formal spaces for negotiation that were established by the TSD provided limited opportunities for negotiation because they:

- gave the negotiation process a single chance, instead of establishing a continual iterative process;
- were constantly led by the TSD;
- had a strict format that was pre-defined by the TSD, i.e. by central government; and
- were essentially unbalanced, as the weaker negotiators (community and also municipalities) were not provided with access to resources for use in negotiations, nor with enough training.

In other words, the arena and the rules were established and controlled by a central government agency (the TSD), and the needs of the different actors to enable their effective involvement in this formal process were not recognized.

Indeed, much of the more fruitful negotiations in terms of achieving real outcomes took place outside the pre-designed formal procedure, normally when community leaders took the initiative and used protest measures, or threatened to use them. During these actions, community leaders usually appealed to the commitments undertaken by the signatory parties within the ToS process, and in this sense the ToS did (unintentionally) provide a framework within which community could make demands and press for (re)negotiation.

Despite the failings of the ToS as a formal process, none of the participants interviewed during the research were opposed to the idea of achieving development through action agreed between community, local government and central government, although there were different ideas on how this could be done. The weaker actors called for more effective decentralization of power and of control over resources and more respon-

44. See reference 16.

45. In summary, Grindle (see reference 16) suggests the following measures of state capacity: institutional capacity, related to the existence of authoritative and effective "rules of the game" to regulate economic and political interactions; political capacity, related to the existence of effective and legitimate channels for societal demand-making, representation and conflict resolution; administrative capacity, linked to the ability to perform basic administrative functions essential to economic development and social welfare; and technical capacity, related to the technical ability to set and manage effective policies. See reference 17 for more details on the application of this analysis to Costa Rica.

siveness from central government agencies; central government demanded more responsibility and accountability from community leaders.

These concerns highlight the issue of capacity, as noted by Grindle.⁽⁴⁴⁾ The performance of some central government organizations and parastatals during the ToS experience – particularly in the housing sector – were evidence of low institutional, political, administrative and technical capacity in the Costa Rican state.⁽⁴⁵⁾ In terms of institutional capacity, the TSD struggled to achieve acceptance of and compliance with the ToS process among housing sector state organizations. In terms of political capacity, although the ToS was specifically established to allow civil society to negotiate with the state, and it successfully engaged civil society in the process, it often failed to gain the necessary responsiveness from political leaders and administrators. Weaknesses in the administrative and technical capacities of the state were evident in cases such as the conflict over land titling in Rincón Grande de Pavas, where the organizations involved failed to identify the issue at an early date and then lacked the capacity to cope with it efficiently and effectively.

These weaknesses were much more prevalent in local government, given its history and low status in Costa Rica, compounded by its lack of economic capacity. If we apply the notion of capacity to civil society, the case studies also provide evidence of such weaknesses as difficulties in maintaining the credibility of community representatives, lack of access to information for decision-making, and lack of resources to contribute to the process.

The ToS experience demonstrates that negotiating processes are not established from above, in a void; they take place in a socioeconomic, political and institutional context, which should be taken account of in the design of "spaces for negotiation". In the case of the ToS, in retrospect it is clear that the process would have benefited from broad-ranging awareness raising, training of the three actors and far-reaching reforms in the control and distribution of public funds, in order to strengthen the capacity of each of the actors involved. It is questionable whether central government-initiated negotiation processes are likely to be supported with this kind of capacity building without additional pressure from the weak actors being brought to bear – thus the formalization of "spaces for negotiation" and the reform of their institutional environment are in themselves subjects for negotiation. In fact, it can be argued that the assumption that power can be "devolved" is unrealistic, and that effective transfer of power only happens when it is negotiated or fought for from "below".

The failure to achieve or even attempt this wider reform in Costa Rica contributed to a key failing of the ToS, namely that it did not achieve legitimacy and ownership among all the parties involved. Only this explains why, when the incoming government closed down the programme in 2002, hardly a word of protest was heard.

