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**MUTUAL ACCOUNTABILITY MECHANISMS:  
ACCOUNTABILITY, VOICE, AND RESPONSIVENESS**

**A UNDP CAPACITY DEVELOPMENT RESOURCE**

**Capacity Development Group  
Bureau for Development Policy  
United Nations Development Programme**

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## ACRONYMS AND ABBREVIATIONS

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<b>ADB</b>	<b>Asia Development Bank</b>
<b>CAP2015</b>	<b>Capacity 2015</b>
<b>CDG</b>	<b>Capacity Development Group</b>
<b>DFID</b>	<b>Department for International Development (UK)</b>
<b>ECDPM</b>	<b>European Centre for Development Policy Management</b>
<b>FAO</b>	<b>Food and Agriculture Organization</b>
<b>GEF</b>	<b>Global Environment Facility</b>
<b>ILO</b>	<b>International Labour Organization</b>
<b>LENCD</b>	<b>Learning Network on Capacity Development</b>
<b>OECD</b>	<b>Organisation for Economic Cooperation and Development/Development</b>
<b>/DAC</b>	<b>Assistance Committee</b>
<b>UNDG</b>	<b>United Nations Development Group</b>
<b>UNDP</b>	<b>United Nations Development Programme</b>
<b>UNESCO</b>	<b>United Nations Educational, Scientific, and Cultural Organization</b>
<b>UNEVOC</b>	<b>United Nations International Centre for TVET</b>
<b>UNICEF</b>	<b>United Nations Children Fund</b>
<b>USAID</b>	<b>United States Agency for International Development</b>
<b>WBI</b>	<b>World Bank Institute</b>

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## EXECUTIVE SUMMARY

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This note makes the case that strengthening accountability is a critical CD strategy. The capacity of any system requires appropriate feedback loops to self-regulate, adapt and effectively achieve its objectives. This applies to living organisms and people, to organizations and to societies.

In any given society there are a multitude of accountability relations and thus also a wide range of entry points for accountability as CD strategy. This implies further unbundling how accountability mechanisms actually work as well as identifying in more operational ways what can be pursued as promising strategies and instruments. Any accountability mechanism will combine a variety of functions which include the following eight:

1. Establishing reliable, legitimate and pro-poor “rules of the game”
2. Increasing transparency, access to information and awareness
3. Establishing facts, broaden evidence and increase objectivity
4. Mandating and maintaining regular monitoring and control
5. Improving access of poor to recourse and arbitration
6. Moving accountability loops closer to the people
7. Strengthening meaningful participation in political process
8. Strengthening voice and ability to articulate

Any of these can be at the core of a CD strategy as the context may require. This provides examples and link to short case summaries in annex 3 to make the text more readable. Three CD strategies are however highlighted in boxes. These attempt to capture essential features in a concrete way that facilitates application in diverse contexts, levels and different degrees of ad hoc or institutionalized forms of application. Three cases in the annex correspond to and illustrate these CD strategies.

### *1. Making disclosure of budget allocations to local service providers mandatory*

Among the many measures that can be taken to improve downward accountability one is exceedingly simple as it is powerful, namely making disclosure of budget allocations to local service providers mandatory. This permits local people at a minimum to question the use of these funds and overtime influence the effectiveness in using such resources. The mandatory disclosure of local schools budget in Uganda illustrates the argument.

### *2. Independent Monitoring for mutual accountability in aid*

Independent monitoring offers a promising instrument to improve and maintain mutual accountability. It recognises the inherent imbalances in aid relations and offers a concrete way to redress this imbalance. In so doing it can help strengthen national ownership, create opportunities for meaningful capacity development, and provide an agreed reference point for monitoring progress and for engagement in support of these objectives. The approach has been successfully tried and developed in Tanzania

### *3. Institutionalizing client voice mechanisms*

Institutionalize client voice mechanisms is a fundamental strategy that has by now been explored in many less or more institutionalized ways. It is good to simplify by focusing on an instrument of client survey that is widely and successfully used in the private sector. Client surveys have become features in more sophisticated instruments, such as social audits and various forms of score cards. The Bangalore scorecard has become a model experience for many other uses of the instruments around the world.

## I. Introduction

In democratic societies, the ultimate sovereignty lies with people. Governments are held accountable at the very minimum because they can be elected or replaced by public vote. There are, however, authorities, mandated by the people, such as the auditor general, to hold public administration accountable.

In reality, accountability relations often do not work properly, and sometimes they are distorted or corrupt. Public institutions are captured by the powerful and resourceful, and resources are diverted to serve them. In such case, the poor are not represented by public institutions. Even the aid relationship induces outward accountability at the expense of non-responsiveness of private or public service providers to their primary clients. The system becomes dysfunctional and is likely to be incapable to reform itself from within due to an ingrained architecture of vested interests and power differentials.

Defining clear accountability relations, responsibilities, rules and their enforcement can constitute powerful regulatory mechanisms for collective systems. Mechanisms that ensure accountability to the poor and the disadvantaged, shape the incentive structures and boost overall capacity to produce pro-poor development outcomes. They build legitimacy and function as an ultimate safeguard against the misuse of power and protect space for societies to negotiate their long-term social contract. Accountability is thus a critical pillar in developing a society's ability to manage its affairs.

Accountability relationships are often complex and can be unbundled into specific key accountability relationships. The present paper ties back responsiveness and accountability to poor people as rights holders. It is guided by the fundamental question: How can one increase the responsiveness of development agents, decision makers and service providers to the concerns of the poor, and how can poor people and their advocates hold them accountable to the commitment to reduce poverty?

The paper does not dwell on organizational management and upward control mechanisms in great length and can only allude to these mechanisms and processes that are more competently dealt with in the specialized literature. It also does not address accountability instruments in donor countries or international organizations nor international regimes that govern the global market. The focus is on country level processes of voice, responsiveness and downward accountability. It helps map the context of accountability relations in a development context at country level, presents types of accountability mechanisms as evidenced in practice, and explores selected challenges and lessons in some depth.

## II. Accountability, Responsiveness and Voice

### 2.1 Concepts, relationships and capacity issues

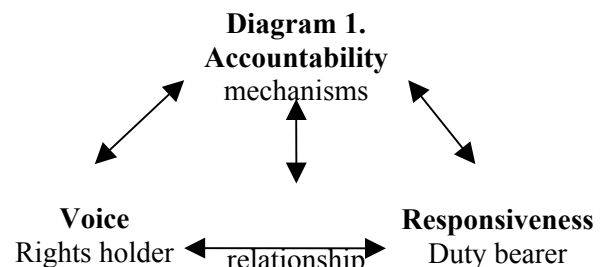
Accountability is often used in a narrow sense. A widely used definition is accountability as “the means by which individuals and organizations report to a recognized authority (or authorities) and are held responsible for their actions” (Edwards and Hulme, 1996) This definition includes several underpinning notions: it is external (“account to some external authority”); it involves social interaction and exchange (“being answerable to someone and acceptance of sanctions”); and it implies rights of authority (“to call someone to account, demand answers and impose sanctions”). This definition is helpful as it emphasizes the importance of external authority that can demand answers and impose sanctions.

This dimension is not always presenting the way accountability is used more widely whereby *accountability* denotes a relationship between a rights holder or a legitimate claim and the agents or agencies responsible for fulfilling or respecting that right by acting or desisting from particular actions (duty bearers). Accountability relates closely to the responsiveness of the “duty bearers” to the concerns of the poor on one side and on the “voice” of the rights holders to articulate their needs and claim their rights on the other side.

*Responsiveness* refers to the way in which development agents with a pro-poor mandate – public or private – perceives the needs and responds to the demands of particular groups, such as the poor.

*Voice* refers to the strength of the impetus that decision makers or duty bearers receive from rights holders.

This paper will primarily focus on accountability mechanisms and strengthening voice. Responsiveness is seen as being a function of both. While there are other “supply side” factors that shape responsiveness it is this nexus that the paper primarily explores. In other words, the focus will be on the question how the responsiveness of duty bearers can be increased through accountability and voice. Through the study of existing practice, eight functional strategies that address this issue, are discussed in the next section.



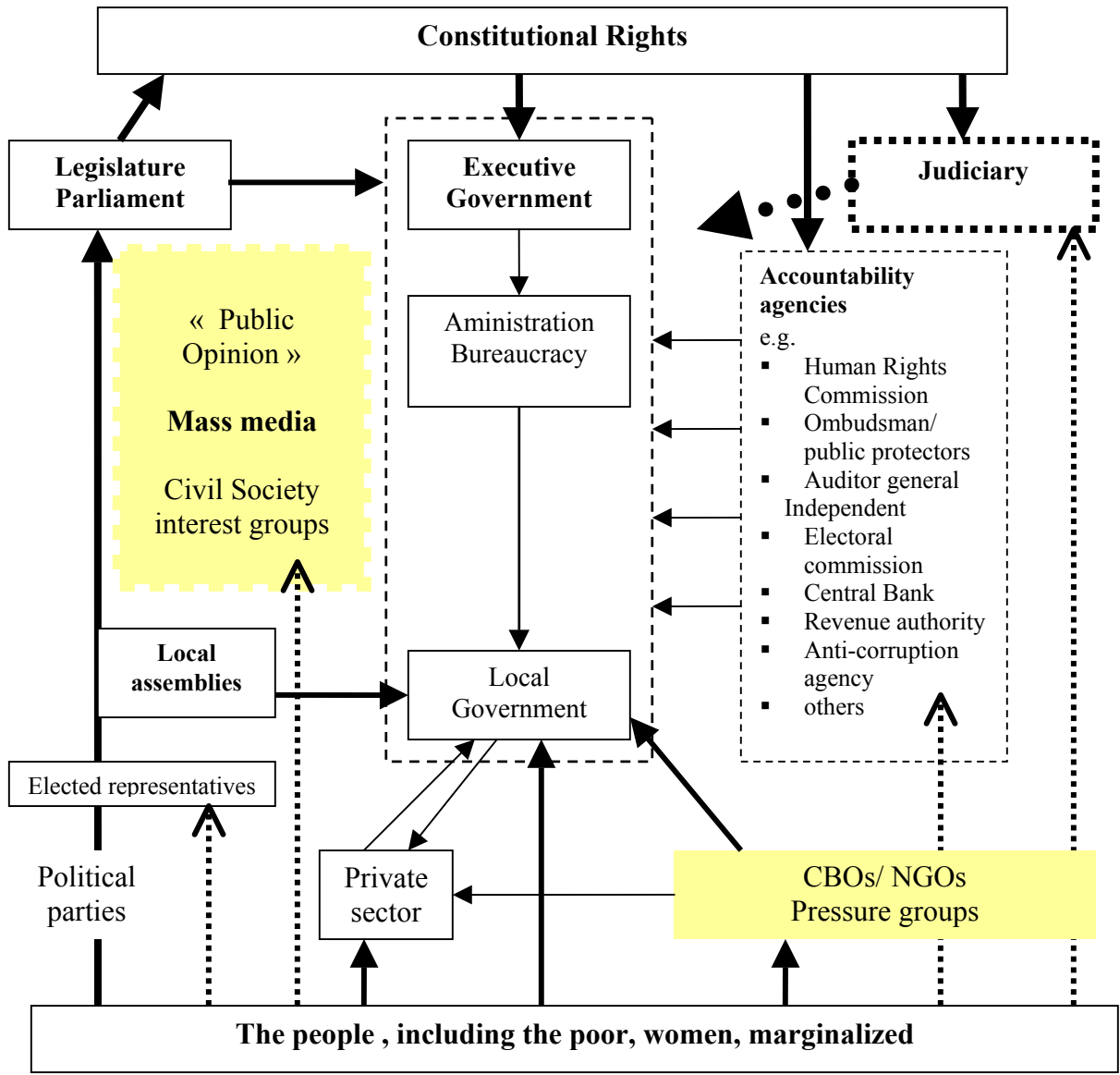
### 2.2 Key accountability relationships

*Vertical accountability* refers to the direct relationship between citizens and their representatives holding public office. Besides periodical elections, vertical accountability is also a function of political parties, public opinion, media and civil society engagement.

There are *horizontal accountability* relations – between the executive, the legislature, the courts, and special agencies of restraint – through which different state institutions hold each other to account *on behalf of the people*. Certain entities within the state are entrusted with a constitutional mandate to hold other state agencies to account – thus indirectly acting on behalf of the people. Institutions established to ensure horizontal accountability include: constitutions; the legislative branch, the judicial branch, and ‘accountability agencies’ such as human rights commissions (HRCs); ombudsmen/public protectors; auditors-general (AGs); independent electoral commissions (IECs); independent central banks; independent revenue authorities; and anti-corruption agencies; media and civil society organizations.

The following chart provides an overview on key accountability relationships as they can be found in democratic societies. While the same set of institutions cannot be assumed in all societies, this mapping will help to explore options also in less ideal contexts. The arrows originate from the “clients”, i.e. those who can hold others to account for a particular action or result, and point to those who are accountable for that action or result.

Diagram 2.



### **III. The Capacity Development Strategy in Application**

There are marked differences in country contexts, even in democracies. The division of power may be inadequate or undermined by elite capture and corruption. Access to justice and accountability institutions may be particularly difficult for the poor and marginalized groups. The degree of decentralization and devolution of power can be dramatically different which has direct implications for accountability loops and their proximity to the people. And particularly challenging are development context, where democratic institutions do not exist, or are dysfunctional.

In any given society there are a multitude of accountability relations and thus also a wide range of entry points for investing in accountability as a capacity development (CD) strategy. This implies further unbundling how accountability mechanisms actually work as well as identifying in more operational ways what can be pursued as promising strategies and instruments. Any accountability mechanism will combine a variety of functions which include the following eight:

1. Establishing reliable, legitimate and pro-poor “rules of the game”
2. Increasing transparency, access to information and awareness
3. Establishing facts, broaden evidence and increase objectivity
4. Mandating and maintaining regular monitoring and control
5. Improving access of poor to recourse and arbitration
6. Moving accountability loops closer to the people
7. Strengthening meaningful participation in political process
8. Strengthening voice and ability to articulate

Any of these elements can be at the core of a CD strategy as the context may require. The text will provide illustrative references throughout, and link to short case summaries provided in annex 3. In analysing such applications, the paper builds on the understanding that a CD strategy:

- carries the reasonable expectation that measures contribute to long-term capacity development;
- constitutes a strategic choice of a course of action or "building blocks" worth investing in at the individual, organisational or societal level;
- installs rules, roles and dynamics for CD change, and is based on basic CD principles of being owned and led locally and based on endogenous assets and needs;
- opens and protects space for societies to negotiate their own social contract for developing capacities;
- contributes to sustainable capacity results and is robust enough to continue, albeit in more limited form, through periods of internal and external shocks, such as a sudden drop in funding, rapid brain drain, political leadership change, a natural calamity and so on.

#### **3.1 Establish reliable and legitimate ‘ground rules’**

In essence, this strategy builds on the fact that some sort of contract defines parameters that have a certain binding force. In its most basic form people agree with each other on ways to engage. Such agreement can have the form of a contract with defines roles and responsibilities and desired outcomes of a transaction. Organizations, including in the public, private sectors and NGOs use standards and codes of behaviour and performance to “self-regulate” their operations. International regimes and standards further define frameworks and the global market imposes its rules and requires regulation to work for poor people. On the societal level the governance system, constitution or fundamental laws also represent a contract between people that specifies rights and responsibilities, the rules of the political process and defines the broad formal power map of a society and establishes the legal basis of many form of engagement.

There are “formal” rules, but there also are many unwritten “rules of the game” and sometimes of much higher significance. They define values and beliefs, less visible, illegitimate or informal power maps, allegiance and more. Legitimate rules of democratic governance are based on the respect of human rights and reflect agreement between stakeholders, including the poor and marginalized. But often “rules of the game” are imposed by the powerful interest groups, and do not serve the needs of the poor. Likewise many societies are



male dominated and the role of women confined, while much evidence shows that women tend to be more responsive to the needs of family and community.

### Box 1: Gender and Accountability

Promoting gender equality and empowering women is among the eight MDGs. As the gender dimension is a key element in overall human development it is important to address it in the context of poverty reduction. The incidence of poverty is generally greater among women than men and the depth of poverty also seems tilted against women. Lingering legal restrictions and cultural practices tend to discriminate against women to the effect that their access to property ownership is restricted. Similar discriminatory practices operate in the labour market and impede women's employment prospects. There are also indications that women's incomes make a greater beneficial contribution to intra-household cohesion, because women tend to prioritise the children in terms of food, clothing and education.

A number of mechanisms have been elaborated for measuring progress towards gender equality, e.g. the gender-related human development index (GDI) and the gender empowerment measure (GEM). The former measures achievements in basic human development adjusted for gender inequality, while the latter measures gender inequality in economic and political opportunities. Similarly, tools have been developed for assessing budgets in terms of gender sensitivity. They involve analyses of public spending from a gender perspective with a view to ensuring consistency between commitment to gender equality and its reflection in actual allocation and practice. These instruments can be used to enhance the responsiveness of public actors to the plight of poor women, and to hold the same public authorities to account when failing to live up to their commitments.

Source: Gloppen et al.

Approaching accountability from this vantage point will seek to promote the adoption of key laws, standards or regulations that underpin good governance. Single issues are easier to communicate and negotiate. Being selective to focus on key legislations that carries the potential to unleash societal forces can have wide ranging consequences. For instance, the Bolivian "*Law of popular participation*" has significantly increased civil society engagement in policy making. It has also led to a fundamental reframing of rules governing aid relations (see case in annex 1). The importance of establishing clear laws and regulations that prevent arbitrariness and can constitute solid parameters is equally evident for the development of the private sector. Rules of engagement can also be voluntary, such as "codes of conduct" that frame the operations of TNC, donors or NGOs. Citizen and client charters can establish the engagement of service providers to serve their clients well.

Considering fragile and chaotic contexts, for instance after violent conflict, it is essential to establish minimal ground rules, respecting the Geneva conventions. Establishing rule some times needs to take a softer approach for instance starting with securing agreement that certain societal actors have a place at the negotiation table. Dialogue on rights and responsibilities may start from less contentious areas but offers opportunities to engage authorities and civil society. In Guatemala, the "*Democracy Trust*" helped to establish some continuity in the midst of volatile politics that facilitated development efforts (see case in annex 1). Clarifying and defining legitimate and pro-poor rules, helps to provide the foundation for accountability, terms to be respected, establish benchmarks, prevent arbitrariness and can constitute solid parameters for engagement. Clarifying the ground rules, roles and responsibilities (be it of individuals or the collective) is often an effective CD strategic intervention.

### 3.2. Increase transparency, access to information and awareness

Any form of accountability fundamentally rests on transparency. Transparency is a pillar of trust, legitimacy and a powerful strategy for empowering people. Poor people can claim their rights if they are aware they exist, if processes are transparent enough to understand them and if they have real access to salient information. Access to information can lever support in a way that maximizes people's participation, especially the poor, in democratic and policy making process.

UNDP's position on access to information have some salient features : implementation of the rights to freedom of expression and to access information are prerequisites for ensuring the *voice and participation* necessary for a democratic society; access to information and *communication* build on these internationally recognized rights and together encompass the core principles of democratic governance: participation, transparency and accountability; the promotion and protection of both access to information itself and *flows of information* that exist between constituents, government, parliament, community groups, civil society organizations and the private sector are of equal importance. It is essential to create and strengthen communication *mechanisms* that enable poor people to influence national and local government policy and practice. Public disclosure of financial allocations constitutes a strategy that empowers people to claim their rights and can be a critical stepping stone for more participatory forms of allocating funds for development (see box 2).

Transparency alone does not necessarily allow real access to relevant information. In 1998 the Government of India decided to put information kiosks in public offices. However, most of them today contain what has been called cynically as government junk like the annual reports and other reports which people generally do not read. For poor people and their organizations to have effectively access, information needs to be relevant. Information also needs to be accessible. Information that is only accessible in a distant capital is of limited use. Wide diffusion, through simplifying information, providing them in simple formats and in local languages have proven useful. Public decision making processes also needs to be equipped with a full public information and awareness raising campaign, and ensuring accessibility of the leaders to local communities.

Transparency and disclosure can be quite threatening to vested interests and thus resistance needs to be anticipated. On the other hand, they are difficult to be argued against. In fragile contexts helping to make information accessible to people can be vital for coping and can unleash civil society activism, even if success may be incremental. Information and propaganda by radio has not without reason been part of warfare and has shown to work for development as well.

Media can play a major role in forming proper public opinion and creating awareness about their rights so that they can voice their demands appropriately. The media has initiated civic education programmes, which help to increase citizens' knowledge and awareness of their democratic rights and responsibilities, and promote an inclusive and participatory civil society. Moreover, in countries, where political transitions are under way, there is some evidence that information is becoming decentralized and more freely disseminated. In Eastern and Southern African countries, for instance, more independent media have arisen as more multiparty regimes have been established. In West Africa, there are many private, commercially oriented media outlets that provide a significant source of public information on health, education, and community initiatives.

Civil society has been very important to mobilize public opinion and raise public awareness on their rights. Many organizations have generated broad-based mobilization and creating bottom-up demand to hold decision makers accountable. Citizen's education help develop capacities of people to understand and exercise their rights, demand services and also make enlightened choice in elections (see Zambia example annex 1).

## Box 2: Making disclosure of budget allocations to local service providers mandatory

### The issue

Budget allocations to local levels, be it from the national budget or aid, are often marred with irregularities. Funding can be side tracked and records adjusted to facilitate corrupt practice or cover up mismanagement. Keeping track of allocations and their proper use is in itself a complex and daunting task. Control mechanisms within the public administration are essential. So are functioning horizontal accountability mechanisms, such as auditors, anti-corruption agencies and parliamentary overview. These arrangements imply rather long and indirect accountability chains. Measures are needed that give local people the means to hold local service providers to account in direct ways.

### Proposed strategy:

Among the many measures that can be taken to improve downward accountability is one that is exceedingly simple, and yet powerful - namely making disclosure of budget allocations to local service providers mandatory. This permits local communities, at a minimum, to question the use of these funds and overtime influence the effectiveness in using such resources. The mandatory disclosure of local schools budget in Uganda illustrates the argument. It has led to local accountability loops and significant improvements in school enrolment:

“An expenditure tracking study conducted in Uganda in 1996 found that only 35 per cent of funds allocated to school construction and operations ever reached the intended schools. A follow-up study in 2000 found that the figure had risen to 90 per cent, while primary school enrolment had increased from 50 to 95 per cent.<sup>29</sup> One of the major factors was the introduction of a policy of transparency<sup>30</sup> – making it mandatory to post public notices of resource allocations. Parents now turn up at district administrator and school heads’ door, demanding what is happening to money given to “their” classroom or teacher. Further, when a study revealed that the elaborate system of monitoring visits by officials was uncoordinated and that inspectors were chiefly interested in collecting travel and lunch allowances, the government encouraged the creation of school management committees and parent associations as an alternative micro-mechanism. The members of these bodies have a more genuine interest in the school facilities than ministerial or district inspectors, observe the facilities at close quarters on a regular basis, and can undertake basic inspection tasks without travelling and its attendant expenses.”  
(Hauge 2002)

This effectiveness of local budget disclosure is corroborated by many other cases. In India, a small NGO, Mazdoor Kisan Shakti Sangathan (MKSS), led an initiative to challenge local government functionaries on disbursements of drought relief funds, and ended up carrying out one of the most energetic civil society campaigns in recent Indian history. It began with researchers sifting for information on projected disbursements as they appeared in government records. These were then corroborated by asking labourers and villagers how much they had actually received, or whether construction and other public works had actually taken place. The results were presented in public hearings, with government officials attending whenever possible so that organizers could query the use of these monies and ask for the return of any missing funds (see case in annex 1)

Making disclosure of budget allocations is a simple step. Making it actually happen is more challenging. However, defining the standard is critical in empowering public administration to take concrete measures for ensuring implementation at all levels, and to sanction non-compliance. It equally gives the means to local constituencies to claim this right and engage in monitoring the spending of public funds in line with their needs. As such, this simple measure can mature into more sophisticated forms of public participation in monitoring and even planning of local development expenditures. The disclosure of local fund allocations should equally apply to resources coming through international aid channels (see case of Bolivia, annex 1). Systematic disclosure of local allocations is an essential element in strengthening downward accountability and in developing a country’s capacity to manage funding for development.

### 3.3. Establish facts, broaden evidence and increase objectivity

Establishing facts is an important means to strengthen accountability relations. Evidence makes the media interested, the world listen, corrupt leaders resign and convince the courts. Performance assessments, functional reviews, public expenditure review, gender budget analysis, evaluations, peer reviews are means to establish a degree of certainty around information that is of public interest. They may provide snapshots at a given point in time or may take the form of ongoing control mechanisms. The power of the Millennium Development Goals (MDGs) lies precisely in the fact that progress can actually be measured.

Self-assessments can be useful for organizational change processes and may be right to the point. In general the legitimacy of assessments and evaluation in particular for accountability purposes increases with independence of the reviewing authorities and with the reflection of client perception, for instance the views of users of public services. Citizens grading government agencies for performance and publishing the results in the mass media have increased public demand for service reform. The surveys first conducted by the Public Affairs Centre in Bangalore, India have been replicated in 24 Indian states thus far (see box 3, and case in annex 1).

In many developing countries it is often difficult to collect reliable data over time. Statistical systems are fragmented, data sources unreliable and hence aggregation into meaningful information that can inform decision making very difficult. Developing countries statistical capacities to collect and analyse relevant data as well as results-based management practices are an important area that deserves greater attention. To make good use of them one also needs to be aware of their pitfalls. Statistical systems tend to be expansive and expensive attracting numerous indicators that are of limited or no use to address the practical needs at hand.

Reality is also often shaped by political economy factors that escape statistical measurement. Drivers of change analysis (DFID) or power analysis offer approaches to better understand and establish evidence of the forces at play. An overview on core issues in power analysis with proposed sets of questions under the perspectives of “Articulation and Voice”, “Responsiveness” and “Accountability” respectively is provided in annex 3. Understanding the workings of the political economy is of particular importance where formal rules are ineffective and the informal power distribution dominates.

Aid relations can be characterised by a complex architecture of competing agendas, power differentials, political imperatives and often a lack of transparency. This tends to disrupt overall accountability relations, both those that serve an outward accountability purpose to the donor community and that which serves the development client. In the absence of an authoritative mechanism, that monitors accountability flows and ensures quality and compliance, the aid relationship is marked by a range of collective action constraints. Countries such as Tanzania, Mozambique, Vietnam, Afghanistan and Bolivia (see cases in annex 1), offer instructive experiences to introduce increasing transparency and objectivity through diverse mutual accountability arrangements. Box 3 makes the case for independent monitoring as an effective strategy for establishing mutual accountability and promoting country ownership in this regard.

#### Box 3: Independent Monitoring for mutual accountability in aid

##### The issue

Mutual accountability between donors and governments and in essence an alignment with domestic accountability is at the center of aid effectiveness and national ownership. Where the aid relationship is characterised by competing agendas, vested interests, perverse incentives, and a lack of transparency, it tends to distort overall accountability relations.

##### Proposed strategy

Independent monitoring offers a promising instrument to improve and maintain mutual accountability. It recognises the inherent imbalances in aid relations and offers a concrete way to redress this imbalance. In so doing it can help strengthen national ownership, create opportunities for meaningful capacity development, and provide an agreed reference point for monitoring progress and for engagement in support of these objectives. Key characteristics include: the *country level* as the epicentre for decision-making and monitoring; *multi-stakeholder engagement* comprising governments, civil society and the international community; and *independence*, akin to evaluations that derive credibility from the independence of the evaluators and the process within which they operate.

The approach has been successfully tried and developed in Tanzania (see case in annex 1) However, independent monitoring is an inherently adaptable tool based on principles of honest brokering, independence and process facilitation. Where relations are more strained and mutual commitment lacking, it is conceivable that some 'like minded' agents initiate a more subtle, lower profile monitoring exercise. Drawing in an experienced facilitator or a group of independent experts is a relatively uncomplicated and concrete step. Possibly working at the level of one sector, or with a terms of reference restricted to specific issues, could help to provide reassurance and gradually build confidence in the mechanism as a constructive catalyst for change. Common sense and practice provide convincing arguments. Akin to the routine use of independent evaluations to measure results and progress in other activities, it is ultimately difficult to refute the need for more evidence-based relations in broader development cooperation as well. Independent monitoring of aid relations emerges as a compelling, robust and powerful alternative to 'muddling through'. Indeed, it can constitute a critical building block, an incremental yet tangible change that helps to induce genuinely virtuous dynamics between government and development partners. The case in annex 1 also presents considerations for wider application of this approach.

Aid relations are in need of systematically applied mutual accountability, and a greater alignment with domestic accountability systems. This also implies ultimately anchoring a mutual accountability mechanism in some kind of civil society forum. Options may include a country ombudsman who can receive and articulate complaints, who could also organize independent monitoring exercises and contribute to reporting on MDG 8 and Paris Declaration implementation. The cost of piloting such an approach would be modest and time would show how important such a mechanism may be in coming to terms with the growing complexity of aid relations.

### 3.4. Mandate and maintain regular monitoring and control

Scepticism about the effectiveness of the democratic process and distrust of the rationality and responsibility of the people – has resulted in the development of a host of mechanisms that institutionalize monitoring and control in modern democracies. Certain entities within the state, such as the Auditor General or an Independent Electoral Commission are entrusted with a constitutional mandate to hold other state agencies to account – thus indirectly acting on behalf of the people. Such mechanisms and entities can monitor accountability relations over time. But existence and mandate does not necessarily translate into effectiveness. Like other government institutions they can be affected by collusion of interests, elite capture asymmetries in information and corruption. Their effectiveness depends on many factors, including organizational capacity, mandate, independence resource endowment and more. As an example, box 4 below spells out factors that have a bearing on the effectiveness of anti-corruption agencies, many of which apply to other oversight agencies as well.

#### Box 4: Effectiveness of Anti-Corruption Agencies (ACA)

- The ACA must be **independent** (politically as well as operationally) from outside influence in order to enable it to pursue corruption allegations at all levels (this can be achieved through constitutionally guaranteed independence or through the establishment of adequate accountability/ oversight mechanisms);
- The ACA (as well as other agencies involved in the fight against corruption) needs to operate on the basis of **solid and comprehensive legal frameworks**;
- The ACA must have **strong political backing** at the highest levels of government;
- The ACA must have **adequate financial, human and technical resources** and organizational capacity to effectively combat corruption; it must operate under exemplary leadership which must be of the highest integrity;
- The ACA must have **adequate powers of investigation**, i.e. to question witnesses, access documents, etc. as well as the possibility to prosecute as and where required;
- The ACA must have a **coherent and holistic strategy** for combating corruption, focusing on prevention, investigation and awareness raising. (It is essential that attention is given to all three elements. In some of the countries, studied institutions that have focused on investigation and enforcement have been less successful than those who have adopted a more holistic approach); and
- The ACA must have the **support of society at large** in order to be successful (further emphasizing the importance of awareness raising).

Source: UNDP (2005) Institutional Arrangements to Combat Corruption: A Comparative Study

Institutionalizing sustained functions of monitoring and control mechanisms that combine competence, experience overtime and reliable funding constitutes an important CD strategy. However, monitoring and control functions may can be informal and a demanding civil society is essential to make these mechanisms work. Civil society organizations function as effective watchdogs in many countries. Government Watch, for instance, monitors public expenditures in the Philippines. (see case in annex 1) UNICEF promotes the establishment of civil society observatories on child rights.<sup>1</sup> International NGOs such as Amnesty International and Transparency International have become important and trusted institutions that monitor the state of human rights and corruption around the world.

During humanitarian crisis accountability usually breaks into chaos or down altogether. Independent monitoring for instance of the human rights situation is of particular importance in countries where the Government does not provide adequate guarantees. The Humanitarian Accountability Partnership (HAP International) constitutes a permanent humanitarian accountability mechanism established as the culmination of some seven years work by many organisations and individuals. It originates from the Joint Evaluation of the International Response to the Genocide in Rwanda (see case in annex 1)

Investing in such mechanisms, to ensure retention of skills and experience, to provide independence of funding, to avoid political interests and to provide space and mandate to the leaders of such bodies are key to their effectiveness. It also demands that funders consider the core resourcing of such organisations over time, and not force them into projectised worlds of short term planning, insecure financing budgeting and constrained reporting of results.

### 3.5. Improve access of poor to recourse and arbitration

Access to justice, or 'normative protection' for poor people is not a given in many societies. Even where these rights and institutions exist they may be biased toward the thinking and attitudes of elites. But poor people can demand and achieve those rights through social interest litigation, which are pursued by others on behalf of poor groups. Despite the generally dismal record of access to justice for poor people, there are examples of NGOs successfully using court action to assert their rights, and of courts consciously promoting the interests of the weakest and most vulnerable. There are a wide range of entry points to strengthen normative protection. (Box 5)

#### Box 5: Entry points To Enhance Normative Protection

<p><b>a) Institutional and Political Barriers</b></p> <ul style="list-style-type: none"> <li>▪ Information on Treaty Obligations</li> <li>▪ Develop Strategic Partnerships and Advocacy Campaigns</li> </ul> <p><b>b) Addressing social and cultural barriers</b></p> <ul style="list-style-type: none"> <li>▪ Gather and Disseminate Information on Discriminatory Practices</li> <li>▪ Challenge Discriminatory Provisions</li> </ul> <p><b>c) Addressing other barriers to the claiming of rights</b></p> <ul style="list-style-type: none"> <li>▪ Raise Awareness and Improve Skills</li> <li>▪ Encourage Focus on Disadvantaged Groups</li> </ul>	<p><b>d) Incorporation of human rights treaties and harmonization of national laws</b></p> <ul style="list-style-type: none"> <li>▪ Examine the Normative Framework</li> <li>▪ Advocacy for Reform</li> <li>▪ Support Engagement with International Law and Reporting Processes</li> <li>▪ Ensure Conceptual Clarity</li> <li>▪ Support Reform of the Constitution</li> <li>▪ Monitor Laws and Their Impact</li> <li>▪ Promote Review of Existing Legislation</li> <li>▪ Develop and Monitor Rules and Regulations</li> <li>▪ Develop Progressive Judicial Decisions</li> <li>▪ Capacity Development for National and Local Legislators.</li> <li>▪ Build on Customary and Traditional Law</li> <li>▪ Support Institutional Capacity Building</li> <li>▪ Encourage Judicial Independence and Diverse Representation Within the Judicial Branch</li> </ul>
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Source: Excerpt from the UNDP Access to Justice Practitioner's Guide (2005)

<sup>1</sup> Child Rights Observatories have been established in Uruguay, Romania, Morocco and other countries

Lessons from countries with experience of social interest litigation on behalf of poor groups (India, South Africa), as distinct from countries in which the legal system is more hostile to the poor, suggest certain key factors: information and legal literacy on the part of the poor and their NGO representatives seem crucial, in particular knowledge of relevant case material and legal reasoning. Lower costs, adequate legal aid schemes, less bureaucratic and less costly court procedures, and more lenient criteria of legal standing are all factors that are helpful to facilitate accountability through access to justice. Similarly, capable courts, adequately equipped, efficient and free from corruption, would greatly enhance the prospects for social rights litigation. Finally, a very important factor is political will on the part of the government to comply with and implement the rulings of the courts, and thereby also protect the legitimacy of the courts in upholding accountability relations.

Since rights can only be guaranteed by the state, the strengthening of the judiciary and supporting its autonomy remains an important objective in all democracies. The judiciary is the guardian of the Constitution and plays a key function in building the rule of law, protecting human rights and enabling economic growth. The judiciary must hence be capable of guaranteeing equitable, expeditious and transparent dispute resolution to citizens, economic agents and the state in these spheres. Many developing countries have made good progress in modernizing their judiciary, and have been able to provide better services to their people (see case in annex 1). Making the judicial system accessible for the poor must remain a priority and one where further capacities need to be developed both in the judicial system, with more trained para legals and judicial officers, simplified legal documents and procedures, and awareness raising and skills training in communities to better access these resources.

There are other mechanisms that have proven to be most useful. The institution of Ombudsman has been established in many companies and in countries, as a more or less independent body that assesses complaints by citizens and seeks to broker solutions or equitable settlements.

#### **Box 6: The Importance of an Ombudsman**

The Ombudsman acts as an independent institution to protect citizens from abuse by the public administration. Most importantly, the Ombudsman should be independent of other branches of the government/administration, but should work in cooperation with other autonomous regulators, such as courts and audit bodies. The mandate of the Ombudsman generally goes beyond corruption cases and includes incidents of maladministration attributable to incompetence, bias, error or indifference that are not necessarily corrupt. The Ombudsman also has the power to review existing legislation.

UNDP 2005

There are also a range of Alternative Dispute Resolution (ADR) mechanisms that are available for the resolution of disputes, and provide arbitration, outside the formal courts of justice. This includes state-sanctioned, but also community-level mechanisms and ADR services provided by other non-state actors (e.g., civil society).<sup>2</sup> Gargarella describes the case of “Rondas Campesinas” in Peru, that started as neighborhood groups organized during the night with a view to guaranteeing peace and security in their quarters. Today there are over 3500 “Rondas” throughout Peru that have extended their functions to adjudication in cases involving debts, family disputes, and property rights.<sup>(Gargarella 2002)</sup> Similar communal justice systems exist in many countries around the world. An estimated 60-70% of local disputes in Bangladesh are solved through the Salish mediation councils. In Rwanda, 2 forms of informal justice systems based on tradition play a critical role for reconciliation among Rwandans: Gacaca courts and Committees of Abunzi (mediators). (see cases in annex 1) These experiences also underscore the importance of systems of recourse and dispute settlement that are close to the people.

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<sup>2</sup> UNDP (2005) Access to Justice Practitioners Guide. ADR typically includes: Arbitration - A simplified version of a trial ; Neutral evaluation – A non-binding process where a knowledgeable third party hears the arguments of the disputing parties and suggests a likely outcome of a court hearing; Mediation/conciliation – which involves a third-party intervention and/or face-to-face negotiation.

### 3.6. Move accountability mechanisms closer to the people

It is generally assumed that by bringing decision-making about the provision of public goods and services closer to citizens, decentralisation allows poor people to voice themselves more clearly, facilitates communication and information flows between local policy-makers and their constituents, and fosters improved accountability. Teachers and doctors accountable to the local government may have different incentives to perform as compared to being dependent on a far away authority. Users of these that have an actual opportunity to influence them are more likely to articulate their demand.

But, in and of itself, transferring responsibilities is not synonymous with poverty reduction. A wide range of “external” factors can determine whether the outcomes of decentralisation are pro-poor or not, such as central government’s political commitment to poverty reduction, overall literacy rates, the strength and effectiveness of central government institutions and functions, gender sensitivity in public expenditure management, and others.<sup>3</sup>

The WDR 2004 found varied record for the transfer of responsibility (for financing, provision, and regulation) to lower tiers of government. With potentially weaker capacity and greater political patronage at the local level and the reduced scope for redistribution draw backs sometimes outweigh the benefits from greater local participation. Local government delivery of infrastructure in South Africa improved service provision in a short time. But decentralizing social assistance in Romania weakened the ability and incentives of local councils to deliver cash transfers to the poor. The program is now being recentralized.” The report constructs a decision making model with 8 basic solutions to local service delivery based on accountability considerations. It is based upon three basic questions:

1. Are the country’s policies pro poor or are they the result of “clientelist” politics? In the first case central government solutions can be quite beneficial while in the latter a high degree of transparency and clear rules for allocation to decentralized tiers should be preferable.
2. Are clients homogeneous or heterogeneous? The more people differ in their desires, the greater the benefits from decentralizing service provision.
3. Are the services easy or hard to monitor? For the former contractual arrangements are useful and for the latter a high degree of community participation and market option built on client power.

Increasingly prominent are also consideration on *local taxes and fees* that establish a rapport of accountability between local government and the taxpayers. In a recent DAC work proposal the general rationale has been expressed in the following way: “Historically, bargaining and negotiation over taxation has been central to the idea of a fiscal contract: a pattern of regular and routine accountability based on the principle of reciprocity and mutual obligations, rather than patronage and coercion.”<sup>4</sup> A sanitation surtax entirely financed locally, levied on top of the water bill has been successful in improving household and primary school sanitation facilities in Ouagadougou. A recent UNDP primer summarizes as follows: *If decentralization is indeed conducive to poverty reduction “an appropriately crafted set of intergovernmental fiscal relations constitutes an essential pre-requisite for translating the promise of decentralisation into the reality of poverty reduction. Simply stated, what local government offers – better opportunities for public participation, improved transparency, and greater accountability – will only lead to pro-poor services and outcomes if: (i) local government does what it is best suited to doing (and not what it is ill-equipped to manage or deliver); (ii) it has access to the fiscal resources with which to finance local public service delivery; and (iii) the financial resources needed by local government are made available in equitable and non-regressive ways.”*<sup>5</sup>

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<sup>3</sup> UNDP (2005) Primer: Fiscal Decentralisation and Poverty Reduction

<sup>4</sup> DAC GOVNET Room Document12: Note on promoting accountability through domestic resource revenue mobilization, 8<sup>th</sup> meeting 13-14 June 2006

<sup>5</sup> UNDP (2005) Primer: Fiscal Decentralisation and Poverty Reduction



### 3.7. Opening channels and arenas for participation

Strengthening civic engagement and participation strengthens, establishes and changes accountability relationships. Civic engagement is “a process, not an event, that closely involves people in the economic, social, cultural and political processes that affect their lives” (UNDP, HDR 1993). This approach focuses effectively on the *institutional* channels and arenas for effectively voicing these concerns.

Participatory mechanisms come in various forms and guises. Consultation fatigue is by now a common phenomenon and care needs to be taken that the consulted actually perceive a benefit for them. Being entitled to receiving information may constitute a condition for participation. The minimum, however, seems to be to have the channels and arenas to get heard. Many take the form of public citizen consultations mechanisms and public hearings that have become a regular feature in many democracies. Village assemblies, consultations on project options are examples of such at a local level. However, in many cases studied, although the language is one of participation and consultation, the power to decide remains in a closed and small decision making circle, and articulated views may or may not actually be taken into account, whatever the rhetoric says.

Other instruments to hear the views of stakeholders are set within the context of organizations and their environment, such as client satisfaction surveys or social audits (see box 7). Sharing results and follow-up is a fair play part of accountable behaviour, pushed by these mechanisms. Others go further in allowing citizens and citizen groups to negotiate and bargain over decisions with the decision makers or even hold veto power over decisions. People actually are able to have some degree of control or real influence over the decision making process. Participatory planning, participatory budgeting and participatory evaluations are means that have widely been used in preparing and managing projects and particularly on the local level. Poor people have for instance a right to vote in oversight boards of projects. On larger scale participatory budgeting on the city level is an innovation that has already started to proliferate in other countries.

In many cases, social audits are being increasingly used for ensuring accountability. Social audits make organisations more accountable for the social objectives they declare. Calling an audit 'social' does not mean that costs and finances are not examined - the central concern of a social audit is how resources are used to meet social objectives, including how resources can be better mobilised to this end. Even a thoroughly competent and honest financial audit may reveal very little about the results of the programme under review. Only reliable evidence that links a programme's impact and coverage to its cost can serve the needs of managers who seek to manage on the basis of results. Nor can social accountability be achieved by looking only at internal records of performance, however well these are kept. At the heart of the lessons learnt on this score, is one that comes as no surprise, that social audit must include within it, the experience of the people whom the organisation is intended to serve.

#### Box 7: Three Phases of a Social Audit

<p><b>Phase 1:</b> <b>Design &amp; data collection</b></p> <ul style="list-style-type: none"> <li>Ω clarify the strategic focus</li> <li>Ω design instruments and conduct pilot test</li> <li>Ω collect information from households and key informants in a panel of representative communities</li> </ul>	<p><b>Phase 2: evidence-based dialogue and analysis</b></p> <ul style="list-style-type: none"> <li>Ω link household data with information from public services</li> <li>Ω analyse findings in a way that points to action</li> <li>Ω take findings back to the communities for their views about how to improve the situation</li> <li>Ω bring community members into discussion of evidence with service-providers/planners</li> </ul>	<p><b>Phase 3: 'socialisation' of evidence for public accountability</b></p> <ul style="list-style-type: none"> <li>Ω workshopping</li> <li>Ω communication strategy</li> <li>Ω evidence-based training of planners and service-providers</li> <li>Ω media training</li> <li>Ω partnerships with civil society</li> </ul>
<p>Source: Capacity.org Issue 15: Capacity for Voice, October 2002 see <a href="http://www.capacity.org">www.capacity.org</a></p>		

The profound weaknesses that remain in reflecting the perspectives of the poor, even in developed democracies, has raised calls for more deliberative forms of democracy in which the media and more sustained forms of direct participation play an important role. It will also require new technologies for involving larger numbers of people face-to-face, as well as in virtual settings, to participate in decisions that affect their lives.

### 3.8. Strengthen voice and ability to articulate

There may be various measures in the process of articulating needs and demanding accountability. For example, public expenditure review can provide people with better idea as to what they need. They can then use various methods for articulating their preferences. The methods may even include protests on streets. In order to reflect their preferences in resource allocation, people can take part in public hearings, such as the “War on Poverty Forum in South Africa”, or participatory planning and budgeting, (see Mexico and South Africa cases in annex 1) Institutionalize client voice mechanisms, such as client surveys or citizen report cards constitutes CD strategy with high potential. (See box 8)

#### Box 8: Institutionalize client voice mechanisms

##### The issue

In development many things are done because they are thought to be useful. Whether they are actually useful and relevant is ultimately a question of whether it is a 'best fit' for the owner's or beneficiary's needs, given the particular context. Assessments, M&E, RBM systems tend to be skewed by standardizing, focussing on the tangible and measurable aspects, and are often not receptive of the more qualitative factors, dynamics of power and politics and long-term transformations.

##### Proposed strategy

Institutionalize client voice mechanisms is a fundamental strategy that has by now been explored in many less or more institutionalized ways. It is good to simplify by focusing on an instrument of the *client survey* that is widely and successfully used in the private sector. This instrument needs to be systematically part of any assessment, including capacity assessment, of M&E and more institutionalized RM systems. *“Whatever the imperfections of client voice and approval in measuring ultimate downstream results, they provide reliable indications of what matters to the intended beneficiaries. At the end of the day, it is better to have approximate information about important issues than to have precise data on those that may be irrelevant to human development.” (Hauge 2002)*

Client surveys also have their methodological problems, such as determining the right target group, asking the right questions, a protected process that encourages to voice real issues, avoiding “consultation fatigue”, triangulation of questions to correct imbalances, dealing with subjectivity and “loud” voices in ranking, moving from softer to harder indicators overtime. More sophisticated surveys take time and finance and competent facilitation. But the instrument and its importance for ownership and accountability to clients and ultimate beneficiaries is easy to grasp.

Client surveys have become features within more sophisticate instruments, such as social audits (see box 7) and various forms of *score cards*. The Bangalore scorecard has become a model experience for many other uses of the instruments around the world. Citizens' report cards have been used for improving public service performance. Citizens grading government agencies for performance and publishing the results in the mass media: this is the essence of the report card methodology. The centre conducts client satisfaction surveys among lower income groups, assessing their approval of public service providers such as electricity and water supply departments. By systematically gathering and disseminating public feedback, the report cards have served as surrogate for competition monopolies- usually government owned- that previously lacked the incentive or pressure to respond to client needs. A credible methodology of surveying, tabulation and quantitative analysis, along with the effective use of mass media campaign underpins the approach, and the report card approach has now been replicated worldwide.

The scorecard approach has been tested widely to influence public service performance in many other countries. It has been applied for municipal utilities, such as water supply etc. but also in gauging local school performance. *Community Score Cards* are used for local level monitoring and performance evaluation of services, projects and even government administrative units by the communities themselves. It is combined with an interface meeting between service providers and the community that allows for immediate feedback. Being asked about ones opinion can be an encouraging and empowering experience and being able to loosely come together can set of a dynamic to organize community concerns. They are applicable not only in the community level or end user level.

Client surveys are at the outset a simple and very flexible instrument that can be usefully applied in any context. The rational can be communicated and argued. Resistance is to be expected as in any innovation that requires transparency. But the CD strategy can be “phased in” in a modest way and over time become institutionalized. Care needs to be taken that the loop is closed by keeping the surveys population informed and by being responsive to their concerns. Development agents must not shy away to conduct client and partner surveys as reality check, to guide their decisions and to stay relevant to their constituencies.

Poor people's and their advocates' ability to articulate their concerns depends on knowledge and organisational capacity not only at the grassroots level but also in larger political contexts that are alien in many ways. Weak demand can also be due to cultural factors, notably gender. Some parents refuse to send their daughters to school. Husbands have been known to prevent their wives from going to clinics—even for deliveries. And the social distance between poor people and service providers (70 percent of nurses and midwives in rural Niger had been raised in the city) is often a deterrent.<sup>6</sup>

Poor peoples voices tend to be soft and hidden. At the core of this approach to strengthening accountability are thus measures that encourage poor people to speak out to organize themselves to take note of their rights and claim them. Basic education is critical, dissemination of information in local languages and campaigns to raise awareness on rights as can be support to local leadership development that targets the poor. Engagement also is time and energy consuming. Stipends have successfully motivated families to send their children to school, such as "Bolsa Schola" in Brazil or "Progresa" in Mexico. Other creative ways are conceivable for establishing incentives on the household level that actually strengthen articulation of demand for services and in particular the voice of women. This discussion is further developed in the related paper on motivation and incentives.

### **By Way of Concluding**

The above discussion has tried to open diverse avenues to approaching accountability relations and mechanisms, through studying what works in practice. What we do see is that there are no recipes. However, the experiences and lessons elsewhere can inspire and help to reinvent accountability efforts whether they are "top-down" or "bottom-up", in their local contexts. Any combination of the above approaches needs to address the contextual conditions and identify the most promising mix of capacity investments over time. Such a process will be iterative and rooted in consultations and negotiations with the relevant stakeholders. Table X provides an overview.

**Table X: Approaches to increased accountability**

The systematization below is based on purpose and rationale. It does not imply sharp categories, nor place specific tools. In effect, often the same instrument may serve several purposes. It helps articulate strategic choices and select entry points for strengthening accountability relations and provides examples of instruments used to do so.

<b>Purpose</b>	<b>Rationale</b>	<b>Examples</b>
<b>Establishing reliable, legitimate and pro-poor "ground rules"</b>	- Contracts (even verbal) define parameters with a certain binding force. - define terms to be respected, establish benchmarks, prevent arbitrariness and can constitute solid parameters for engagement.	<ul style="list-style-type: none"> <li>▪ Democratic governance</li> <li>▪ Constitutional law; separation of powers, human rights based</li> <li>▪ Codes of conduct (TNC, NGOs, etc.)</li> <li>▪ Citizen charters</li> <li>▪ Fair election process</li> <li>▪ International norms and standards</li> </ul>
<b>Increasing transparency, access to information and awareness</b>	- transparency is a pillar of trust, legitimacy and a powerful strategy for empowering people. Poor people can claim their rights if they are aware they exist, if processes are transparent enough to understand them and if they have real access to salient information.	<ul style="list-style-type: none"> <li>▪ Access to information rights;</li> <li>▪ Fiscal/financial transparency, PERs</li> <li>▪ e-governance</li> <li>▪ in come and assets discloser</li> <li>▪ Disclosure of funding (e.g. NGOs), of evaluation findings</li> <li>▪ Relevant info in local languages</li> </ul>
<b>Establishing facts, broaden evidence and increase objectivity</b>	- Establishing facts provides an impartial reference for dialogue and action; - Reduces distortions by vested interests and misuse by powerful claims	<ul style="list-style-type: none"> <li>▪ Performance Assessments,</li> <li>▪ Results evaluations,</li> <li>▪ Social audits , client surveys, report cards,</li> <li>▪ Power analysis</li> <li>▪ Accreditation processes</li> </ul>
<b>Mandating and</b>	- mandated sensors of compliance	<ul style="list-style-type: none"> <li>▪ Formal accountability institutions with</li> </ul>

<sup>6</sup> WDR 2004 overview p5

<b>maintaining regular monitoring and control</b>	- regular means of measuring conformity, progress or results; - legitimate basis for adjustments, sanctions	ongoing mandate: e.g. auditor general, anti-corruption agency <ul style="list-style-type: none"> <li>▪ Civil society watchdogs, media</li> <li>▪ Child rights observatories</li> <li>▪ Peer reviews, independent monitoring</li> </ul>
<b>Improving access of poor to recourse and arbitration</b>	- allows complaints where rights are denied - means to demand corrective action through sanction	<ul style="list-style-type: none"> <li>▪ Judiciary, traditional forms of arbitration,</li> <li>▪ Ombudsman</li> <li>▪ Anti-corruption agencies</li> </ul>
<b>Moving accountability loops closer to the people</b>	- mechanisms that are closer to the people are likely to be more relevant to them and more accessible - principle of subsidiarity	<ul style="list-style-type: none"> <li>▪ Decentralization, localization of responsibilities, privatization of certain services</li> <li>▪ User fees?</li> </ul>
<b>Opening channels and arenas for participation</b>	- beyond the voice allow for actual engagement of people in negotiating, bargaining over decisions - gaining weight in political process and level playing field - carrying out their own initiatives	<ul style="list-style-type: none"> <li>▪ Participatory planning and budgeting, and evaluation; gender budgeting</li> <li>▪ Public expenditure review</li> <li>▪ Membership in key decision making bodies</li> <li>▪ Taxation policy?</li> </ul>
<b>Strengthening voice and ability to articulate</b>	- influence starts with awareness, and articulation of needs and preferences; - raising voice may some times be the only way to claim rights and be heard;	<ul style="list-style-type: none"> <li>▪ Awareness campaigns</li> <li>▪ CS organizations, women groups</li> <li>▪ Imbizo, public hearings, “war on poverty forum”</li> <li>▪ Protest on the streets</li> </ul>

Accountability challenges power and vested interests. Resistance must therefore be expected and anticipated in constructing appropriate mechanisms to address capacity needs in this area. Accountability measures can get into trouble because of their own success. More transparency about abuse, corruption or other forms of wrong doing can create an image in public opinion that things are getting worse, while the opposite is the case. More skills and knowledge in the hands of the people shift power relations and disrupt existing vested interests. Leaders and those responsible to steer the course need to be prepared and need to be well anchored in and guide these change processes. For any accountability strategy it is important to have a communication strategy – two sides of a coin.

Finally, accountability has been discussed in this paper as a critical strategy to develop and sustain capacities at all levels. Many of the approaches analysed and discussed will contribute to strengthen capacity of those more marginalised to voice their concerns, and for decision makers and service providers to hear them and respond. Accountability functions provide a system, such as a community, and organization or a society with the regulatory power to transform itself. Some changes may be quick in coming. Others take generations to manifest themselves. The investments in accountability efforts of today become the surge of human development tomorrow.

## ANNEXES

### Annex 1: Case Material

#### 3 case studies

1. India: From demanding budget disclosure to a national campaign on Right to Information
2. India: citizen report cards to improve public service performance
3. Tanzania: independent monitoring holds a government and its partners to account

#### In addition, select nuggets and “In a nutshell” case stories

##### India: From demanding budget disclosure to a national campaign on Right to Information

A civil servant quit her job in the Indian Administrative Service to form MKSS and start a campaign across a block (an administrative unit) in rural Rajasthan, India's westernmost state. The local population had been demanding to know the details of budget allocations on public works – how much was allocated, how much spent, on what projects, etc. – from the district administration. To support this initiative, the campaign devised a methodology: villagers, particularly those working as labourers, suppliers and contractors, would come together to compare two sets of data. The first would derive from MKSS' research at local government offices about amounts sanctioned and actually spent (including wages paid to labour). Labourers, contractors and suppliers would then be asked to verify if the money shown on paper had actually ended up with them, and whether construction took place as claimed. Additionally, MKSS would carry out investigations on the ground. Discrepancies would be unveiled at a public hearing, and officials asked about the missing funds.

The playing out of this process, however, has been more intricate. Information on public works is hard to find, especially actual figures. Public officials, both elected functionaries and junior staff of the bureaucracy, are very reluctant to come to the hearings. At times, officials have tried to bring court stay orders against the divulging of public works information, although the courts have been quick to vacate these orders on being petitioned. The law mandates that block-level data must be released within five days of a petition. But in one documented case, the actual information took a full year to arrive. In another, villagers had to organize a 40-day sit-in to get the figures they wanted – a long time for people barely scratching out a living on daily wages. The delays are largely due to the unwillingness of local officials to divulge information, as well as the poor quality of records in outlying government offices.

So far, the findings that have been gathered bolster the belief that corruption alone drains away a large portion of public expenditure. For example, between 1994 and 2000, of 98 projects done by the government in ten villages, evaluations could be done for only 31, due to incomplete records or late arrival of information. The outlay on these 31 projects amounted to rupees 65 lakhs (about \$135,000). The villagers and the NGO discovered that officials and bureaucrats had siphoned off around rupees 45 lakhs (a little under \$100,000)!

Since it began, the information initiative has become more institutionalized, with the community adopting a number of methods for public accountability. These include mounting posters demanding proper handling of funds and peoples' audits. While the functionaries directly in the line of fire have tried to stonewall at every step, a significant group of other actors, both in legislatures and the courts, has enthusiastically stood behind the project. It seems that while there will always be vested interests in the diversion of public funds, there is also always a counter force keen on good governance.

#### Results and Critical Factors

- The process started by MKSS has spread into broader public auditing within India, and is being watched with much interest elsewhere in development circles.
- A number of states in India have passed legislation, statutes and various administrative orders mandating disclosure of information on public works. The National Campaign for People's Right to Information (NCPRI) is calling for this to become a constitutional right.
- The scope of the right to information has broadened, and the spotlight now encompasses a wide range of development issues as well as human rights, judicial accountability, electoral processes, media ownership, nuclear and defence activities and even the functioning of NGOs themselves.
- MKSS has played a crucial role in sustaining the campaign for information and keeping people engaged. Even over time and interminable delays, it has kept the community focused on the mission. Most village hearings, for example, begin with a puppet show on corruption and development – this sparks initial interest, but more importantly explains development and corruption links in a simple manner easily grasped by the general populace.

Source: Lopes/Theisohn, UNDP (2003)

### India: citizen report cards to improve public service performance

In 1993, under the banner of the Public Affairs Centre, a small group of people in Bangalore who were concerned about the city's standards of public services initiated an exercise to collect feedback from users. Perceptions on quality, efficiency and adequacy were aggregated to create a report card that rated the performance of the city's major providers of telephone connections, water and electricity. The findings presented a quantitative measure of satisfaction and perceived levels of corruption, which, following coverage in the media, not only mobilized citizen and government support for reform, but also prompted the agencies themselves to respond positively to calls for improvement.

The exercise was repeated in 1999, and has been replicated in at least five other Indian cities, as well as in the state of Karnataka, where Bangalore is the capital. Subsequent rounds have taken a partnership approach, where findings are first shared with the agency in question and possible solutions explored before media campaigns begin. By systematically gathering and disseminating public feedback, the report cards have served as a surrogate for competition among monopolies – usually government owned – that previously lacked the incentive to respond to client needs. They have been a useful medium for citizens to collectively inform agencies about their performance, and bring pressure for change. Between 1994 and 1999, four of the eight agencies covered in the 1993 report card in Bangalore made attempts to respond to public dissatisfaction. The worst-rated agency – the Bangalore Development Authority – reviewed its internal systems for service delivery, introduced training for junior staff, and, along with the Bangalore Municipal Corporation, began to host a joint forum of NGOs and public agencies to consult on solving high-priority problems such as waste management. The Karnataka Electricity Board formalized periodic dialogues with resident associations to garner feedback. Two other agencies tried to strengthen their grievance redress systems.

There have been lessons learned from the application of the report cards, and the Public Affairs Centre is engaged in refining the methodology to take these on board. One issue that came up was that the questions asked did not allow for flexible responses, especially when used in urban, low-income settlements. The focus on quantitative data did not permit qualitative responses, and queries tended to refer to men as the primary respondents. In lower income settlements, quite a few households are headed by women, who are generally available to answer questions. The centre is also working to eliminate subjectivity in ranking, especially between client groups of differing socioeconomic profiles.

#### Results and Critical Factors

- The report card approach is now used widely in the Bangalore public service sector. The initiative has led to the establishment of a *swabhimana*, or forum for citizen's voices, which civic bodies treat as a non-partisan representative of citizens' groups and NGOs.
- Report cards have also been adapted for use by different agencies across the world, including the World Bank, UNDP and Transparency International. Report cards in Washington, D.C. and in major cities in the Philippines and Ukraine reflect the growing application of this approach in varied settings.
- The report cards have forced hitherto apathetic public agencies to listen and react to citizen concerns. While anecdotal evidence on the incompetence of public agencies has always existed, quantification of perceptions has brought with it a credible indicator that lays down the extent of (dis)satisfaction and allows interagency comparison, triggering internal reforms.
- In India, public awareness of the issues of quality service delivery and corruption has grown substantially, following heavy coverage of report findings in the mainstream media. In 1994, the country's premier daily, *The Times of India*, ran a weekly feature for two months on the findings.
- Although report cards are a seemingly uncomplicated method of surveying citizen feedback, they require a competent intermediary that is technically versed in piloting and administering a poll.
- The process requires adequate financing, time and interest on the part of local residents, in addition to a conducive socio-political climate. These are demanding requirements, and innovative ways have to be sought if the exercise is to be cost-effective and easily manageable.

Source: Lopes/Theisohn, UNDP (2003) and on Public Affairs Centre, Bangalore ([www.pacindia.org](http://www.pacindia.org)).

### **Tanzania: independent monitoring holds a government and its partners to account**

Tanzania remains heavily dependent on aid and is a priority country for many donor organizations. An effective partnership is critical both for development and the achievement of external cooperation objectives. In the late 1980s and early 1990s, however, donors expressed growing concern about poor administration, corruption, inadequacy of democratic processes and budget mismanagement. At the same time, the government viewed donors as inappropriately intrusive and demanding, and unable or unwilling to deliver on promises. A high-level independent working group composed of international and national experts was appointed to investigate what was going wrong. The results showed dissatisfaction on both sides and a high degree of mutual misunderstanding.

The group's report recommended that the government tighten and strengthen the operations of the Ministry of Finance; develop clear priorities for its investment and expenditure systems; and acquire and retain leadership in its own development efforts. As for the donors, substantial changes were needed in their operational culture, so as to reduce the gap between the rhetoric of "ownership" and the reality on the ground. In January 1997, the government and donors met to draft a new way of doing business. The guiding principle was that Tanzania should take the lead, with a longer term vision for development, strengthened financial management and capacity development, open and honest dialogue, and independent stocktaking of progress towards agreed objectives.

In 1999, the same high-level working group conducted a more comprehensive assessment. This time, the report was mixed. It recognized a significant shift towards Tanzanian leadership, particularly in the sphere of macroeconomic management, and noted that donor attitudes and practices had changed noticeably, with more genuine dialogue taking place. Several donors were also contributing to "basket funds" in some sectors, the uses of which were determined under Tanzanian leadership. Budget and financial control systems were firmer, and corruption was being more aggressively addressed. However, reform of technical cooperation earned poor grades.

One significant recommendation was that the government and its external partners institute ongoing, independent monitoring of their relationship. As a step in this direction, the government, while developing its PRSP, also produced the "Tanzania Assistance Strategy." At the 2000 consultative group meeting, the government and donors reached a new agreement that in implementing the strategy, the performance of both sides should continue to be impartially evaluated. Doing so would help balance the aid relationship and lend real meaning to the aspirations for genuine partnership and open dialogue. It was decided to appoint an independent monitoring group composed of three Tanzanians and three experienced non-governmental professionals from donor countries. The secretariat would be based in the Tanzanian Economic and Social Research Foundation.

There were elaborate discussions about the terms of reference of the group. With respect to donor performance, it was decided to focus on collective monitoring, rather than specific donor procedures as initially proposed. Under donor pressure, emphasis also shifted away from an earlier concern with ownership towards the concept of aid effectiveness. This was done to ensure the monitoring group looked at how aid contributed to PRSP outputs/outcomes rather than only at the transaction costs of delivering aid. Finally, local ownership now appears as only one of five explicitly mentioned ways of increasing aid effectiveness: the objective is to promote ownership, rather than to dub it the cornerstone of a development partnership.

The report of the monitoring group in 2002, presented to the 2002 consultative group meeting, noted that by comparison with 1995, relations are much improved. On the Tanzanian side, progress can be attributed to the emergence of leadership with a demonstrated and sustained commitment to improvement and reform; increased openness, transparency and accountability; improvements in public expenditure management; and a demonstrated willingness to engage in dialogue.

The value-added of the independent monitoring exercise was universally regarded after 2002 as multiple benefits were identified and lessons drawn (see above box). More recent IMG work was therefore undertaken throughout 2004 (IMG 2005), and this has emphasised that the choice of aid modalities is informed by dialogue that ensure constructive dynamics in aid relations. The report therefore urges the Government to make less ambiguous statements about its preferred forms of assistance, i.e. to clearly state its preference for direct or sector-based budget support (IMG 2005, p.63). This was possible, the authors asserted, in spite of their recognition that more progress in financial governance was required.

This most recent IMG work therefore clearly re-emphasised trust and partnership as the key principles for ensuring that progress is sustained and, as Tanzania launches its second generation PRSP, that development partners align their support with Government processes and systems. In sum, independent monitoring in Tanzania has promoted a new mind-

set, replacing defensive and reactive postures with a genuine and mutual desire for improved relations and more effective aid.

#### **Considerations for the wider application of independent monitoring in aid relations**

The following considerations are drawn from the experience of Tanzania with independent monitoring groups as an effective instrument for mutual accountability :

1. Build a consensus by emphasising the positive nature of the monitoring as an effective, practical and versatile tool; monitoring represents a “win-win” scenario.
2. Independent monitoring must be used as an objective tool for building partnerships, not to seek moral justification for vilifying or castigating either Government or partners.
3. Governments and development partners are not homogenous entities. The diversity of views and perspectives must be acknowledged and factored into the report.
4. Depending on the context for conducting the exercise, both Government and its partners may wish to define the parameters within which Independent Monitoring can be conducted.
5. Take into account concerns at the concept stage and ensure that the scope of work, and the anticipated outputs, will pay due regard to any sensitivities.
6. Ensure that the team is not only competent and respected but that it is impartial and objective.
7. The independent nature of the team’s work must be respected and undue influence cannot be brought to bear to focus on ‘pet issues’.
8. The conduct of individual Government or partner agencies should not routinely be singled out for criticism in the report. Conversely, identifying a good practice may be useful.
9. The final report may be most usefully presented at a high-profile meeting (Consultative Group) to ensure discussion, endorsement and follow-up.
10. As confidence is established, the use of indicators may permit progress to be tracked over time (as per the Paris Declaration)

Source: Lopes/ Theisohn, UNDP (2003) and Courtnadge/Theisohn (2005)



## Nuggets and “In a nutshell” case stories:

<b>1</b>	<b>Bolivia: Law of Popular Participation</b> <p>The Law of Popular Participation passed by the Bolivian Senate is an example which has empowered democratically elected municipal councils to design and execute local development policies and programmes, funded by budgetary transfers from the central government. More importantly, the law also requires that community organizations participate in the formulation of five year municipal plans. Parallel vigilance committees monitor the performance of municipal councils. Their primary objective is to ensure that municipal programmes and budgets reflect local priorities. They can also invoke a legal instrument against local councils. They have the legal right to call for regular audits and, upon detecting corruption, can report it to the national executive, which in turn passes the complaint to a special committee of the Senate. The senate has the power to suspend funding to the council until the matter is resolved.</p> <p>The Law of Popular Participation in Bolivia provides important insights on how community groups can be empowered meaningfully with legal backing and how the critical role of civil society can be utilized to bring a synergy between local government and community groups, and how local government can effectively respond to public demands, while also setting up a watch dog mechanism whereby people can hold the state accountable.</p> <p>Source: <a href="#">Lopes/ Theisoehn and UNDP (2003)</a></p>
<b>2</b>	<b>Mozambique: Programme Aid Partners Performance Assessment Framework</b> <p>In 2000, budget support donors in Mozambique formalised their coordination efforts in a Joint Programme, superseded in 2004 by a Memorandum of Understanding (MoU) between the Government of Mozambique (GoM) and its programme donors, outlining commitments on both sides to improve the quality and effectiveness of programme aid. The GoM has signed up to a Performance Assessment Framework (PAF) which now provides the basis for an annual joint review process whereby donors assess GoM progress and make aid commitments for the following year in a coordinated way. Since 2003, donors in Mozambique have themselves been assessed under the Programme Aid Partners Performance Assessment Framework (PAP's PAF), which is proving effective in generating pressure on donors to improve their performance in key areas such as alignment, predictability, reduction of conditionality, and reducing transaction costs. The MoU/PAF system's main limitation is that it applies only to programme aid (budget support accounts for only one third of total aid).</p> <p>Source</p>
<b>3</b>	<b>Vietnam: Legal rules that structure relationships with donors</b> <p>In the mid-1990s, Vietnam faced a difficult economic situation and began to engage with aid donors and investors. Initially, the Government of Vietnam (GoV) welcomed all investors and donors and exercised little control, while focusing on capacity building and evaluation. From 2000 onwards, the GoV developed a more proactive strategy based on the experience and knowledge gained. The GoV has now established some divisions of responsibility among donors, and has also established legal rules that structure relationships with donors, for example with respect to procurement. Although Vietnam has not yet implemented a centralised system for handling donors, the GoV ensures that it is involved with project/programme design with donors from an early stage. At the same time, it has displayed very strong ownership of its public policy agenda and has provided real leadership in managing donor relations. The Hanoi Core Statement was a rapidly formulated local response to the Paris Declaration, with targets more ambitious than the Paris targets themselves.</p>
<b>4</b>	<b>Afghanistan: Clear national policies and systems and some hard conditions for the acceptance of aid</b> <p>The aid architecture established in Afghanistan in 2001 was designed when there was no government in Afghanistan, and the initial needs assessment and development framework was negotiated and agreed largely between donors. However, the Government of Afghanistan (GoA) quickly gained control through a combination of clear national policies and systems and some hard conditions for the acceptance of aid. The GoA took steps to create/strengthen government systems, to ensure that donors would feel confident enough to use them. Rapid centralisation of revenue and expenditure allowed for more effective budgeting and reporting to the Ministry of Finance. Hard conditions for the acceptance of aid included limiting the number of sectors any donor could work in, and required minimum contributions before donors could expand to new sectors. Crucially, the GoA has been prepared to say no to some aid proposals, for example where overhead costs are excessive, or where proposals involve the use of expensive technical assistance. Transparency and the availability of data about donor behaviour has also helped the GoA manage its donors. The Development Assistance Database now records over 90% of the aid coming into Afghanistan, and makes data about donors' pledges and disbursements publicly available.</p>
<b>5</b>	<b>Honduras: Democracy trust backs national consensus amidst volatile politics</b> <p>The Democracy Trust was conceived as a policy advocacy tool to encourage commitment to the PRSP process among political parties. By ensuring that political parties publicly back policies of development and poverty eradication, the trust has granted the Honduran population a mechanism to hold elected officials to their obligations, and to demand their right to improved and sustainable services. As well, commitments to development thus become</p>

state policies and no longer belong solely to the government of the day. Without capacity development, long-term strategies for poverty reduction are difficult to achieve. Thus, the Democracy Trust plays a crucial role in promoting the growth of social capital, expanding capabilities through the creation of formal and informal communications networks that exchange ideas as well as shared norms, goals and beliefs.

Source: Lopes/ Theisohn and UNDP (2003)

**6 Zambia: Citizen Education Programme**

In the early 1990s, in Zambia, two NGOs and a group of officials and teachers from within the Ministry of Education launched a variety of civic education programmes with the objective of raising political awareness and stimulating civic action among Zambia's citizens. The programmes included workshops on civil and political rights that provided training to trainers who would then facilitate grass-root workshops, the creation of a new course syllabus for junior secondary level civic education schools, as well as innovative, unconventional civic education awareness-raising programmes such as drama, public discussions, media spots, walks, concert and video shows. National surveys and other follow-ups to the programmes subsequently revealed that the civic education activities had a significant impact on civic knowledge, the promotion of civic values and skill, the expression of political preferences, and civic action, notably voting. For the 1996 elections, 86% of the programme participants had registered to vote, against a national average of 60%. But it should be noted that the programmes only had limited success with poor people and marginalized sections of the population, who, through a combination of low education/literacy and lack of access to the media seemed to be less receptive to the methods used in the programme.

Source : Bratto, M. and P. Aldfelder (1990)

**7 HIV/AIDS: Selected success stories of service delivery through capacity development**

At the end of 2003, approximately 61,000 adults and children in Nepal were living with HIV. Despite the low prevalence rate among the general population, prevalence rate among commercial sex workers, an at-high risk group, was 17% for the same year. Recognizing the potential threat these prevalence rate posed for the future development of Nepal, the Ministry of Defense and Home Affairs integrated HIV/AIDS issues in the training curricula for Nepalese soldiers and police officers. Currently, the army and the police are working with the National Center for AIDS and STD control in developing training materials. With 7,000 new police and army recruits per year, the program will reach between 35,000 and 40,000 people over the next five years. HIV/AIDS was also integrated into two programs of the Ministry of Population and Environment.

With approximately 920,000 people living with HIV at the end of 2003, one of Zambia's most pressing priorities is to mainstream HIV/AIDS issues into all government sectors. In that effort, the government began training Ministry of Agriculture and Cooperatives staff to encourage them to incorporate HIV/AIDS into their work. The training emphasizes the epidemic's role in eroding food security, and the ways in which the negative impact of the epidemic on food security can be mitigated through labor saving technologies and practices. It also focuses on preserving knowledge, enhancing gender equality, improving nutrition and promotion of food and economic safety nets. Similarly, the Zambian Ministry of Education works with the Ministry of Community Development to identify children who need subsidies to gain and keep access to education and provides assistance. To that end, the government has been using ICT in very innovative an inspiring ways. For example, the Interactive Radio Initiative has proved that learning can take place outside of the traditional school building etc. With help of radios which act as teachers, children in vulnerable areas routinely outperform their counterparts in conventional schools.

School food programmes, waiver of school fees and provision of books, uniforms etc. have been proved as good strategies to lower school cost and motivate increased enrolment. The World Food Programme (WFP) school feeding programme is a good example of how food supplements are used as incentives to promote educational goals, especially for girls. WFP gives a month's supply of food to the parents of girls who are enrolled if the girl maintains a high attendance rate. Such ration compensates parents' loss of the girls' labour. In Niger, one of the five countries where children have the lowest chance to receive an education, such food ratio system, helped to increase girls' enrolment by 75%.

Source: Supporting Africa's Efforts to Achieve Sustainable Development: Dialogues at the Economic and Social Council (ECOSOC 2002, p. 121-122); "Results: HIV/AIDS and UNDP: Regional Report on HIV/AIDS" (UNDP 2004); "Facing the Future Together: Report of the Secretary General's Task Force on Women, Girls and HIV/AIDS in Southern Africa" (UNAIDS); "2004 Report on the Global AIDS Epidemic" (UNAIDS 2004); "Striving for Good Governance in Africa: Synopsis of the 2005 African Governance Report" (Economic Commission for Africa 2004); Human Development Report: "Cultural Diversity in Today's Diverse World." (UNDP HDR 2004)

**8 Philippines: civil society puts a watch on public spending**

G-Watch, or Government Watch, is a civil society initiative in the Philippines for monitoring public sector expenditure. The group promotes transparency and citizen's participation in governance, helping to hold government departments accountable. Involving a wide variety of stakeholders, such as policy research institutes, academia and international agencies, the project has spotlighted a number of cases of government profligacy, on-existent projects and bad management. Working with young university graduates, who photograph and research public projects, G-Watch then compares these results to government facts and figures, and discusses discrepancies with officials in open forums.

**9 India and South Africa: social interest litigation on behalf of poor groups**

Lessons from countries with experience of social interest litigation on behalf of poor groups (India, South Africa), as distinct from countries in which the legal system is more hostile to the poor, suggest certain key factors: information and legal literacy on the part of the poor and their NGO representatives seem crucial, in particular knowledge of relevant case material and legal reasoning. Lower costs, adequate legal aid schemes, less bureaucratic and less costly court procedures, and more lenient criteria of legal standing are all factors that would be helpful. Similarly, capable courts, adequately equipped, efficient and free from corruption, would greatly enhance the prospects for social rights litigation. Finally, a very important factor is political will on the part of the government to comply with and implement the rulings of the courts. This is, in turn, closely linked to the legitimacy of the courts, generally and with respect to social rights cases in particular.

In responding to the demands of people to have justice, the Supreme Court of India has taken a lead in this regard, transforming itself into a "Supreme Court for Indians." It has done so with strong backing for social and economic rights in the letter of the constitution. The Indian example has also inspired courts in other developing countries, not least in common law Africa, where a growing number of judges strive to be socially relevant and see their role as facilitating social transformation – radical change, but in an orderly fashion, based on principles. South Africa is an interesting case where the constitution has provided both a constitutional basis for social rights cases and has created a new Constitutional Court with a mandate to protect them.

Source: Gloppen, Rakner, Torstensen, (2002)

**10 Yemen: Modernization of the judiciary**

Yemen has made large improvements in modernizing the justice sector through the UNDP-supported Modernisation of Justice Sector (MOJS) project. These judicial reform projects intend to strengthen the autonomy of the judiciary, provide citizens with greater access to justice and ensure the fair and efficient administration of justice. Furthermore, these reform measures aim to accelerate economic growth and create a hospitable environment for investment. The key achievements of the MOJS program were the establishment of: the Case Management Application (CMA) system in two pilot courts; a Hotline and Legal Help Desk for Free Legal Assistance; an Electronic Judicial Information System and Website; and the Internet Legal Research Unit.

The MOJS implemented the CMA in the court of West Sana. All the cases under review in this court are being entered into the CMA and are categorized in a way that will enable statistics, information and reports to be extracted for managerial purposes, in order to achieve the goals of good monitoring, combating corruption, providing an early warning system, and streamlining court procedures.

The Hotline and Help Desk for Free Legal Assistance in the Sana court is staffed by a trained professional lawyer who offers legal information and assistance about cases to the public over the phone. Additionally, this official offers in-house legal advice to women and other disadvantaged groups such as illiterate citizens and children. The Help Desk also hosts directive signs that provide information to litigants regarding their rights as defendants and court fees. The Electronic Judicial Information System and Website is an electronic legal database (ELD) containing all of Yemen's laws and judicial decisions decided by the Supreme Court, which the public and judges can access through the Ministry of Justice's website ([www.moj.gov.ye](http://www.moj.gov.ye)).

Sources :UNDP Press Release, UNDP Launches Hotline for Free Legal Assistance and Supports Automated Legal Information and Case Management System, March 19, 2005; <http://www.yemen.gov.ye/egov/justice-english/index.html>;

**11 Peru: "Rondas Campesinas"**

There are also a range of Alternative Dispute Resolution (ADR), processes that are available for the resolution of disputes outside the formal courts of justice. This includes state-sanctioned, but also community-level mechanisms and ADR services provided by other non-state actors (e.g., civil society). Gargarella describes the case of "Rondas Campesinas" in Peru, that started as neighborhood groups organized during the night with a view to guaranteeing peace and security in their quarters. Today there are over 3500 "Rondas" throughout Peru that have extended their functions to adjudication in cases involving debts, family disputes, and property rights. Similar communal justice systems exist in many countries around the world. An estimated 60-70% of local disputes in Bangladesh are solved through the Salish mediation councils.

**12 Rwanda: Informal justice system - Gacaca courts and committees of Mediators or Abunzi**

Rwanda has 2 forms of informal justice systems based on tradition : 1. Gacaca courts take their origin in the Rwandan culture where people used to sit together in Gacaca and settle their disputes. In relation to the 1994 genocide the Gacaca process is a cornerstone for reconciliation among Rwandans because it discloses the truth about the genocide events and it speeds up genocide trials. It also helps to eradicate the culture of impunity, it enables people to live in harmony and peace once again, and it reconciles and strengthens the unity among Rwandans. 2. Committees of Mediators or Abunzi : Contrary to the Gacaca courts the Committees of Mediators or Abunzi are a traditional form of justice dealing with regular judicial cases.

Source : Huritalk contribution by : Christine Umutoni UNDP Rwanda

13	<p><b>Uganda : Accountable local Governance</b></p> <p>Support to decentralized governance in Uganda began in 1995 with the District Development Project (DDP), which explored ways to empower local governments and communities to identify, deliver and sustain locally determined investment priorities. It also offered practical lessons that could feed into the development of national policy and procedures. The pilot defined, tested and applied participatory planning, allocation and investment management procedures, and developed a system of incentives and sanctions for local governments linking capacity development with improved performance, increased transparency and better service delivery.</p> <p>The Ugandan government has since declared the DDP a success, considering it an important and sustainable vehicle for implementing the 1997 Local Government Act and Local Government Financial and Accounting Regulations. The recently approved Fiscal Decentralization Strategy has moreover endorsed a system of development grant transfers that is explicitly modelled on the DDP experience.</p> <p style="text-align: right;">Source: <u>Lopes/ Theisoehn and UNDP (2003)</u></p>
14	<p><b>Burkina Faso: Sanitation Surtax</b></p> <p>Duty holders like the state – at any level – in many cases can become more responsive to basic service delivery. Ouagadougou, the capital city of Burkina Faso, has an estimated population of 900,000, representing 60% of the total urban population. In 1991, 70% of the population used traditional pit latrines, 18% used improved latrines, 5% had built septic tanks and 7% were without facilities. There were only a limited number of water connections as only 38% of households had sufficient water connection. Poor water connections, combined with inadequate sanitation services, resulted in the deterioration of health conditions such that one in every four medical visits was attributed to water and excreta- related diseases.</p> <p>In order to improve the poor sanitation situation and reduce water and excreta related illness, the Municipality of Ouagadougou entered into a partnership in 1985 with an autonomous public water and sanitation utility (ONEA). Together in an effort to introduce a sustainable financing arrangement for on site sanitation, they developed a “sanitation surtax” financed entirely by local resources. The surtax is added to the water bill collected by ONEA for the purpose of subsidizing improved household and public latrines. The tax is charged to all households. The funds collected are deposited into a dedicated sanitation account managed by ONEA. Households receive financial and technical assistance for ventilated improved pits and pour flush latrines, soak-away pits and improved bathrooms. Through this surcharge, US\$0.5 million were collected by 1999 and a total of 20,000 sanitary facilities were developed. Additionally, all public primary schools now have sanitation facilities, benefiting about 100,000 children. At present, the subsidy more or less covers the additional costs of the improved standard of sanitation services and the use of approved contractors. Technical standards provided by ONEA aim to keep costs moderate and construction is carried out by local masons, trained and registered by ONEA, with support from the Municipality and local NGOs. Based on the success of the ‘sanitation surtax’ approach in Ouagadougou, it is currently being extended to Bobodioulasso, the second largest city in Burkina Faso.</p> <p>Source: Better Water and Sanitation for the Urban Poor: Good Practices from Sub-Saharan Africa (Water Utility Partnership for Capacity Building Africa 2003)</p>
15	<p><b>Bangladesh: Small scale Water Resources Development Sector Project (SSRDSP)</b></p> <p>State, in collaboration with civil society, can also respond to the need for enhancing growth and poverty reduction through innovative approaches. The main objective of this project was to support the Government’s poverty reduction efforts by increasing sustainable agricultural and fishery production as well as income for smallholder farmers. The project was successful in various ways. First, it generated 10 million person days of employment for the local inhabitants at US \$12 million. It also resulted in higher agricultural production and crop diversity such that production of cereal and non cereal crops in one area increased by as much as 25% from 1999 -2000. Such higher production not only increased the incomes for small holder farms, but also raised the demand for labourers – consequently, increasing their wage rate and changing the land tenure pattern. Opportunities for culture fisheries have also increased and the landless have specifically benefited from this as they have been allowed to lease the government water bodies. Ultimately, as a result of the project, there was significant progress in human development in the area. Poverty rate had dropped by 30% while school drop out rate decreased by 20% in both areas for which data is available. Similarly, literacy, school enrolment and attendance rates had all increased by as much as 40%, 30% and 20% respectively. In addition to these achievements, this project was unique in its efforts to empower disadvantaged women.</p> <p>Source : Rahman, Atiur et. Al. (2005). Infrastructure and Poverty Reduction in Bangladesh : Bangladesh. Report prepared for the Japan-UNDP Project on Infrastructure and Poverty Reduction. New York. July.</p>
16	<p><b>South Africa: War on Poverty Forum</b></p> <p>With capacities and platforms developed through a horizontal mechanism, people can also express their preference and give their perspectives on policy issues. For example, convened by the South African NGO Coalition (SANGOCO), The War on Poverty Forum collected numerous anti poverty programmes around a common agenda: holding public hearings to solicit a wide range of perspectives from ordinary citizens on key policy issues such as health, the environment and housing. The coalition was broad-based, including representatives from SA Human</p>

Rights Commission, Commission on Gender Equality, the Congress of Trade Unions and the leadership from the Church. The hearings were widely publicized and held in easily accessible places such as schools, community halls and churches. A large number of poor people participated in the hearings and many responses called for redressing grievances, for which separate mechanisms were established.

SANGOCO very skilfully managed a difficult process. The case points to the importance of forging strategic partnerships between government and civil society organizations in order to combine different capacities and strengthen overall legitimacy. The creation of a voice mechanism for the poor to speak on policy issues created a sense of ownership, and enhanced their capacity to actively take part in the development process, and it strengthened lines of accountability between the people and the formal policy making structures.

Source: [Lopes/ Theisoehn and UNDP \(2003\)](#)

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**17 Mexico: The gender-sensitive budget initiative**

“Participatory Citizenship and Government Accountability for Gender Sensitive Public Spending “ is a project in Mexico that focuses on accountability of public sector services, and on building a participatory citizenship capable of playing an active role in advocacy and monitoring the distribution of budget resources.

The project activities are undertaken in three states viz. Chiapas, Oaxaca and Federal District. It is a joint collaboration between UNDP/UNOPS and two state based organizations in Mexico. Participants analyse allocation of decentralized resources for health services in both Chiapas and Federal District, while the Oaxaca initiative focuses mainly on building the leadership capacity of local women to take part in decision making processes regarding resource allocation of decentralized anti-poverty funds at municipal level. Women participants have been successful in influencing decisions to increase public spending for maternal health care services.

In 2001, the Mexican gender budget initiative started interacting with national and sub-national women’s machineries. This has helped broaden its coverage and concerted efforts have been made to bring together a host of development actors with complementary skills. A project has been formulated with the National Women’s Institute and the two state based organizations viz. Equidad and Funder.

The project has followed a two pronged strategy. First, it has concentrated in helping women’s organizations to formulate and articulate their political vision, and to build on their ability to open up processes through broad-based nationwide networks. Secondly, efforts have been made to develop solid research capacity within the Institute. The analysis of public expenditure allocations across sectors and services and related research has been used effectively to make research based arguments for effecting necessary budgetary reallocations. Combining the two approaches has been critical in the success of the Mexican Initiative.

Source: [Gender Budget Make Cents: Country Studies and Good Practice, Debbie Budlender and Guy Hewitt](#)

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**18 South Africa: Women Budget Initiative**

The South African Women’s Budget Initiative analyses budgetary allocations across sectors of the South African economy and assesses whether these are adequate to meet specific policy commitments. A collaborative venture involving Parliament and civil society organizations, the initiative has a strong advocacy component, particularly around gender. Besides demonstrating how this kind of partnership can increase accountability and transparency in public expenditure planning and monitoring, this case also shows how civil society expertise can complement a government’s own capacities, in the process strengthening policy formulation overall.

Source: [Lopes/ Theisoehn and UNDP \(2003\)](#)

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**19 Brazil: Participatory budgeting in Porto Alegre**

Ten years ago, the Brazilian Municipality of Porto Alegre created an innovative system to manage municipal funds: people join officials and locally elected leaders to decide on investment priorities, actions and public works, and build a participatory budget. The results demonstrate that community involvement, transparency and accountability can improve the effectiveness of public expenditures. Concrete changes have come to Porto Alegre, along with a revival of the sense of citizenship and the realization that it is possible to actively participate in public affairs. The citizenry of Porto Alegre has acquired a form of democratically management that was dubbed an exemplary urban innovation by the 1996 UN Conference on Human Settlements in Istanbul.

Source: [Lopes/ Theisoehn and UNDP \(2003\)](#)

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**20 Bolivia: Making aid agencies accountable to national needs**

Since the parliament passed the Law of popular Participation, citizens’ participation in governance and policy making has significantly increased. It has also generated active participation of government agencies in aid management. The government has taken a closer look into external assistance and its relevance to national priorities.

A national dialogue was held in 1998 to discuss development issues, including harmonization of the large number of donor interventions. Since then government and donors have been working together to streamline aid management. The government brought aid management under the direct control of the executive branch, and the legal framework guiding aid is now set by the Executive Power Organization Act and its by-laws. The new policy calls for transmitting country and regional priorities to all international donors, which has significantly helped to

streamline aid management and technical cooperation. Ultimately, this process has not only created a sense of national ownership in aid management, but also contributed in fostering accountability within the donor community to the Bolivian government by making national priorities an integral part of the externally funded programmes.

Source: Lopes/ Theisohn and UNDP (2003)

**21 Voter education programmes for minorities and other groups in selected countries**

Special voter education programs were developed at the most recent national elections for:

	Disabled
	Young people/first time voters
	Women
	Ethnic Minorities
	Indigenous Groups
	Illiterate
	Other
Bangladesh	YES YES YES YES NO NO NO
Cambodia	YES YES YES NO YES YES NO
Lesotho	YES YES YES NO NO YES NO
Mozambique	YES YES YES NO NO YES NO
Uganda	YES YES YES NO NO

	NO
	NO
Burkina Faso	NO
	NO
	NO
	NO
	NO
	YES
	YES
Nepal	NO
	NO
	NO
	NO
	NO
	YES
	NO

Source: <http://epicproject.org/ace/compepic/en/VE06>

## **Annex 2: References to regional institutions, research studies, guideline, tools and other relevant materials.**

### **Access to Justice Practitioner's Guide, 2005**

This comprehensive programming guide aims to help practitioners design rights based access to justice projects. It introduces a holistic model of access to justice, provides guidance on how to programme and prioritize access to justice strategies, and maps a large number of capacity development strategies of justice system institutions and processes.

Strategies are divided into those

- developing capacity for inclusive legal frameworks;
- developing capacity of institutions to provide services and
- developing capacity of people to seek and obtain remedies for grievances.

The needs of disadvantaged and vulnerable groups are given special emphasis. [Download full document in PDF format](#) (2.1 MB)

### **Institutional Arrangements to Combat Corruption: A Comparative Study**

December 2005 - **Updated January 2006**

UNCAC requires that States designate a body or bodies to coordinate anti-corruption prevention and enforcement measures. This comparative study of institutional arrangements to combat corruption, which covers 14 countries, is aimed at providing an overview of the various options available in this regard, as well as discussing the advantages and disadvantages of these. Thus the study offers a menu of options and solutions for countries in the region and beyond to be adopted to the local political, social and economic situation.

[Download full document in PDF format](#) (923 KB)

### **Primer on Fiscal Decentralization** November 2005 [Download Report in PDF format](#) (448 KB)

This primer provides guidance for UNDP programming and policy advice on ways in which fiscal decentralisation (rather than decentralisation in general) relates to and can affect poverty reduction and the attainment of the MDGs, and how UNDP can (or should) contribute to making fiscal decentralisation work in ways that contribute to attaining the MDGs.

### **BERGEN SEMINAR SERIES 2002/2003:**

“Accountability and Responsiveness-workshop” held in Bergen, Norway, November 2002

[Introduction](#) | [List of Participants](#) | [Final Report](#)

### **The Galing Pook Foundation** <http://www.galingpook.org>

In April 1998, the Galing Pook Foundation was established as an independent organization to sustain and institutionalize the Governance Awards Program. It was initially composed of 24 members, most of whom had been members of the award's National Selection Committee and are key figures in the Philippines.

### **Sida -PowerAnalysis**

#### **Power Analysis – Experiences and Challenges Core Issues to Include and Optional Menus**

The Sida instrument is structured around the core issues of this paper. Besides a general set of questions on core issues of power analysis Sida proposes questions on (1) Articulation and Voice; (2) Responsiveness and (3) Accountability:



## Web Links:

**Accountability** An international, not-for-profit, professional institute dedicated to the promotion of social, ethical and overall organisational accountability. - <http://www.accountability.org.uk>

**Active Learning for Accountability and Performance in Humanitarian Action (ALNAP)** An international, interagency forum working to improve learning, accountability and quality across the humanitarian sector - <http://www.alnap.org/>

**Bank Track** A network of civil society organisations that tracks the operations of the private financial sector and its effect on people and the environment - <http://www.banktrack.org/>

**Bretton Woods Project (BWP)** The BWP works as a networker, information provider and watchdog to scrutinise and influence the World Bank and the International Monetary Fund (IMF) - <http://www.brettonwoodsproject.org/>

**CIVICUS** World Alliance for Citizen Participation is an international alliance of an estimate 1000 members in about 100 countries that has worked for over a decade to strengthen citizen action and civil society throughout the world, especially in areas where participatory democracy and citizens' freedom of association are threatened. - <http://www.civicus.org>

**Democratic Audit** Democratic Audit is a partner organisation of the Trust on the Parliamentary Oversight Project. A collective of academics, lawyers and others, Democratic Audit has created a framework for the auditing of democracy and Human Rights in the UK and internationally. - <http://www.democraticaudit.com/index.php>

**Ethical Corporation** Ethical Corporation magazine is an independent publisher and events producer on the issues in and around corporate social, financial and environmental responsibility - <http://www.ethicalcorp.com/>

**Global Accountability project** is part of the Accountability Programme at the One World Trust which aims to generate wider commitment to the principles and values of accountability; increase the accountability of global organisations to those they affect; and strengthen the capacity of civil society to better engage in decision making processes. - <http://www.oneworldtrust.org>

**Government Accountability Project** America's leading whistleblower organisation, promoting government and corporate accountability by advocating occupational free speech, defending whistleblowers and empowering citizen activists. - <http://www.whistleblower.org/>

**Halifax Initiative** The Halifax Initiative is a coalition of development, environment, labour, human rights and faith groups that works on issues concerned with the international financial institutions. Formed in the run up to the G7 meeting in Halifax in 1995 the Initiative works through research education and advocacy. The Halifax Initiative has produced a report of particular relevance to parliamentary oversight of IFIs: 'Who's minding the store' - <http://www.halifaxinitiative.org/>

**Humanitarian Accountability Partnership (HAP)** Striving to make humanitarian action more accountable to its intended beneficiaries - <http://www.hapinternational.org/en/>  
Institute for Global Policy The Institute is a research and educational service of the World Federalist Movement. - <http://www.inglobalpolicy.org/index.php>

**IYOCO The International Youth Co-operation** is a registered non-profit organization with a mission to coordinate projects, to educate the youth, to promote international awareness, co-operation and responsible governance, and to empower the youth. - <http://www.iyoco.org/>

**Mandat International** Hosts of a trilingual information portal for those interested in UN, NGO and international cooperation. Mandat International aims to promote dialogue and international cooperation. - <http://www.mandint.org/>

**Parliamentary Network on the World Bank PNoWB** is an international network of Parliamentarians concerned with improving transparency and accountability in International development, particularly the World Bank - <http://www.pnowb.org/>

**Power inquiry** an independent inquiry into Britain's democracy - <http://www.powerinquiry.org/>  
**Sustainability** The longest established international consultancy specialising in business strategy and sustainable development. - <http://www.sustainability.com/>

**The Constitution Project - War Powers Initiative** This initiative seeks to contribute to the debate in the US about the use of the War Powers Act and the reality of war in the 21st Century. - <http://www.constitutionproject.org/warpowers/>

**The Federal Trust for Education and Research** The Federal Trust is one of the partner organisations of the One World Trust on the Parliamentary Oversight Project. A think tank, that researches and educates on issues around federalism and federal systems of governments, with a particular interest in the European Union - <http://www.fedtrust.co.uk/>

**The Inter-Parliamentary Union** A worldwide parliamentary organisation which fosters dialogue between parliamentarians around the world. It works for peace and co-operation and the establishment of democracy, as seen in its recent adoption of the Universal Declaration of Democracy. - <http://www.ipu.org/>

**Transparency International TI** works to ensure that the agendas of international organisations give high priority to curbing corruption. It promotes new inter-governmental agreements to fight corruption in an internationally co-ordinated manner. - <http://www.transparency.org/>

### Annex 3: Bibliography

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