



## CLAIMING THE MDGs: AN EMPOWERMENT FRAMEWORK

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### **Abstract:**

The existing MDG needs assessment and costing methodology (which aims to create a detailed inventory of the material, financial, human and technical inputs needed for the Goals to be reached by 2015) does not account for the critical exclusionary mechanisms standing in the way of people's ability to access opportunities. These systemic obstacles are therefore likely to remain firmly in place, and as a result, MDG achievements risk not reaching the most vulnerable groups and might not be sustained over the longer-term.

Our intention in developing this framework is not to revise the existing MDG-based needs assessment and costing methodology, but rather to propose a complementary tool to help policymakers account for democratic governance throughout the MDG planning cycle, instead of addressing it only at the tail-end of implementation.

The *Empowerment Framework* provides a guide to 'what to look for' when undertaking sector-based needs assessments to inform an MDG-based planning exercise. Importantly, the primary focus of this framework is on the most vulnerable groups – those who are not represented in the 'average' figures used to determine aggregate resource needs.

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**DISCLAIMER**

The views expressed in this brief are those of the authors and do not necessarily represent those of the United Nations, including UNDP, or UN Member States.

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## 1. EXECUTIVE SUMMARY

The intention of this Framework is not to provide the user with a ready-made tool or a 'score-card', but rather with a guide to 'what to look for' when undertaking sector-based needs assessments to inform an MDG-based planning exercise. More specifically, this Framework is introduced to complement the existing MDG-based planning methodology in three respects:

1. To help identify the '**missing governance links**' in the policy design underlying the MDG-based planning exercise, and to help policymakers account for these 'missing links' in the assessment of MDG needs;
2. To highlight the need for and suggest '**empowerment checks**' on voice and accountability channels which need to be in place to redress unequal power relations and sustain pro-poor development outcomes;
3. To assist country-led development of **pro-poor and gender sensitive indicators** by policy-makers and beneficiaries about aspects of policy which are most crucial to monitor pro-poor and gender sensitive service delivery.

The existing MDG needs assessment and costing methodology (which aims to create a detailed inventory of public goods and services that must be provided if the Goals are to be reached by 2015, and then to fill the deficit via foreign aid) looks at democratic governance deficits more in the context of *implementation* of the MDG-based national strategy than as a *core component of the strategy itself*. This is partly due to the fact that the MDG assessment focuses on budgetary spending items; the MDG needs assessment methodology, therefore, tends to focus mainly on 'MDG interventions' (material, financial, human and technical inputs) which can relatively easily be allocated to pre-determined budgetary categories. As a result, the critical exclusionary mechanisms standing in the way of people's ability to access opportunities are *not accounted for* in the assessment of 'MDG needs', and these systemic obstacles risk remaining firmly in place.

Our intention in developing this Empowerment Framework is not to revise the existing MDG-based needs assessment and costing methodology, but rather to propose a *complementary tool* to help policymakers account for democratic governance *throughout the MDG planning cycle*, instead of addressing it only at the tail-end of implementation. Of course, the Framework may also serve as a useful monitoring tool in the implementation phase, to assess the pro-poor and gender sensitive orientation of service delivery.

Importantly, the primary focus of this framework is on the *most vulnerable groups* – those who are not represented in the 'average' figures used to determine aggregate resource needs. The intention is to ensure that policy-makers and/or assessment teams are not overlooking the concerns of certain groups of claim holders who are not immediately visible on a first national-level assessment.

This Framework proposes a method for diagnosing *two sets of 'missing links'* in the MDG policy design:

- The 'missing links' between MDG policy inputs (i.e. the physical, financial, human and technical inputs costed by the MDG needs assessment tools), and the set of policy outcomes assumed to flow from these inputs, i.e. the *equitable* achievement of MDG targets and indicators.
- An 'Empowerment Check': The missing links between MDG outcomes, their *assumed* sustainability, and their *assumed* pro-poor orientation.

The Framework builds upon the Human Rights Based Approach to Development as well as on the UNDG Capacity Assessment Methodology.

*The Human Rights Based Approach (HRBA) to Development Cooperation - Towards a Common Understanding among the UN Agencies (UNDG)<sup>1</sup>*

To foster consistency across the UN system in its human rights-based approach to development, a Common Understanding on HRBA was adopted by the UNDG in 2003. The Common Understanding includes three main principles: (i) all programmes of development cooperation, policies and technical assistance contribute to further the realization of human rights as laid down in the Universal Declaration of Human Rights and other international human rights instruments; (ii) human rights standards contained and principles derived from the Declaration guide all development cooperation and programming in all sectors and all phases of programming; and (iii) development cooperation contributes to the development of capacities of "duty bearers" to meet their obligations and/or of "right holders" to claim their rights.

This Empowerment Framework is firmly anchored in the human rights principles of the Common Understanding on the HRBA. It pays particular attention to the principles of equality, non-discrimination, participation and inclusion as it is primarily concerned with capturing the experience of the most marginalized, disadvantaged, and excluded. The illustrative "search questions" used in the Framework assess the willingness and capacities of "duty bearers" to meet their responsibilities. Subsequent "empowerment checks" provide an additional confirmation that the environment enables vulnerable groups to claim their rights and fulfill their needs.

In other words, the "empowerment checks" look at the capacity of vulnerable groups amongst "claim holders", namely their capacity to:

- Seek, access and obtain information: *Do vulnerable groups know that they are supposed to claim their entitlements?*
- Organize and participate in public life and in the development process: *Do vulnerable groups know how to claim their entitlements, and how to advocate and mobilize for those?*
- Advocate for policy change: *Are there specific channels of participation available for the most marginalized groups?*
- Seek, claim and obtain redress: *Do vulnerable groups have the ability to affect decision-making processes to their advantage?*

*UNDG Capacity Assessment Methodology, User Guide<sup>2</sup>*

The UNDG Capacity Assessment Methodology is a generic capacity assessment framework with three dimensions – points of entry, core issues and functional capacities. Points of entry have three aspects – enabling environment, organizational level and individual level; core issues include four aspects – public sector accountability; access to information, development knowledge and technology; inclusion, participation, equity and empowerment; and external/international relations; and functional capacities have five aspects – situation analysis; policy design and strategy formulation; resources and budget allocation; program and project implementation; and monitoring, evaluation and learning.

The Empowerment Framework and the UNDG Capacity Assessment Methodology have common principles and approaches, and complement each other. While the Empowerment Framework integrates the three-dimensional cube approach of the Capacity Assessment Methodology, it conducts a more targeted and in-depth analysis in the first three of the four "core issues" examined in the Methodology. The Empowerment Framework builds on the questions and indicators used in the Capacity Assessment Methodology to design "search questions" on the *capacities of duty bearers that have a more pro-poor and gender sensitive orientation*.

<sup>1</sup> UNDG (2003). *Statement on a Common Understanding of a Human Rights Based Approach to Development Cooperation*. Stamford Workshop. United Nations Development Group, New York.

<sup>2</sup> UNDG (2008). *UNDG Capacity Assessment Methodology, User Guide*. United Nations Development Group, New York.

## 2. CURRENT APPROACH: A 'GOVERNANCE LIGHT' MDG-BASED PLANNING METHODOLOGY

MDG-based planning is a complex exercise that includes an assessment of MDG needs and achievement gaps, a costing component, and a macroeconomic modelling framework to assess the impact of increased government expenditures on macroeconomic performance and sequence MDG investments accordingly. The costing component includes the use of several resource needs assessment templates developed separately for each sector: costing tools exist for education, health, water & sanitation, gender, energy and environment (these tools are accessible at <http://www.undp.org/poverty/tools.htm>).

There continues to be little integration of governance concerns in MDG-based needs assessments and costing analyses. One of the key reasons for this is that the MDG targets are not always concerned with the poorest of the poor or with inequality within a country. This makes it tempting for countries to focus on the relatively well-off among the poor in order to reach a particular MDG target. Aggregate figures risk hiding gross disparities; they may falsely indicate that the Goals have been achieved for all<sup>3</sup>. For instance, while one MDG indicator for Goal 5 (Improve maternal health) monitors the proportion of births attended by skilled health personnel, an increase in the number of skilled health personnel may not be effective if they are inequitably distributed and those in peripheral regions do not have access to this personnel. Clearly, taking a democratic governance approach to achieving the MDGs requires far more than just targeting those who are easy to reach.

This framework was developed as a counterweight to this 'macro' approach. By focusing on the local level, it aims to highlight the needs and interests of those standing 'on the margins' of national averages – those living in remote rural and deprived urban areas.

As a first step to developing a framework for identifying the 'missing governance links' in the MDG policy design, it is worth highlighting some important governance-related shortcomings of the MDG needs assessment methodology<sup>4</sup>:

- Since MDG targets are not always concerned with the poorest of the poor or with inequality within a country, the MDG-based planning methodology likewise is geared towards for achieving MDG targets at the *aggregate* level. Primarily concerned with *average* figures, the methodology used for calculating MDG investment needs rarely accounts for the higher unit costs which would be incurred when delivering services to peripheral communities.
- Most importantly, interventions aimed at empowering the beneficiaries to claim their rights to services (such as budgeting for capacity development of networks of local social communicators, for communication campaigns implemented by the local media, for making policies, budget processes and programme information available in minority languages, etc.) generally fall under the MDG-based planning radar, and as a result, MDG investments fail to reach those for which they were intended in the first place.
- The estimation of total resource requirements for attaining the MDGs are generally based on current implementation practices (largely through *government* agencies, thus neglecting to consider other non-governmental options for service delivery), with service delivery unit costs used to estimate total investment needs provided largely by *central-level* ministries (thus neglecting to consider possibly cheaper delivery mechanisms by local governments.)
- The existing costing methodology does not sufficiently incorporate resource allocations for investments required in relation to policy and legislative changes, as well as communication strategies to foster non-discriminatory attitudes and behaviour change;

<sup>3</sup> *The Unmet Challenge: MDGs and Human Rights*, Office of the United Nations High Commissioner for Human Rights, September 2007

<sup>4</sup> *Report of MDG-related Policy and Programme Review – MDG-based Planning for Development: Policy Interface and Synergies of Outcomes of South Asia*, by UNDP, UNICEF ROSA and UNFPA, July 2007.

- Other soft items, such as quality assurance and control of service provision, and ethical and inclusive behaviour codes in health and education, are rarely accounted for;
- The 'assessed needs' are generally based on current implementation practices: costing tools do not capture adequately the inefficiencies and inadequacies of existing delivery systems;
- Current costing models offer some flexibility in choosing a particular technology for service delivery, but are ill-suited to joint assessment methodologies and to the development of innovative delivery models which capitalize on cross-sectoral synergies. For instance, the current methodology does not encourage education and sanitation specialists to discuss a joint strategy to achieve the sanitation target by building on school enrolment strategies (via spill-overs such as students sensitising their communities and families.)

### 3. IDENTIFYING THE MOST VULNERABLE 'CLAIM HOLDERS' AND SOME COST IMPLICATIONS

Attempts have been made to 'cost' governance as a sector of an MDG-based development plan, notably in Mongolia and Bhutan. In these exercises, the assessment of 'governance investments' was looked at mainly in terms of human resource development and capital investments in office equipment, facilities, etc. required for strengthening key institutions of governance (e.g. election commission, anti-corruption commission, etc.) Less emphasis was placed on a sector-based analysis of governance-related interventions which might be needed to ensure that services are accessible to all.

This framework aims to complement the existing approach by proposing a method to help identify governance-related interventions needed to ensure that MDG investments reach *the most vulnerable groups* – those who are not represented in the 'average' figures used to determine aggregate resource needs. The intention is to ensure that policy-makers and/or assessment teams are not overlooking the concerns of certain groups of claim holders who are not immediately visible on a first national-level assessment.

To aid assessment teams identify potentially vulnerable groups and the types of issues that these groups may face, the 'Vulnerable Groups List'<sup>5</sup> developed by UNDP and UNICEF for human rights-based assessment and analysis proposes a list of pertinent indicators and questions anchored in a human rights framework, for selected categories of vulnerable groups: women, persons with disabilities, national minorities, displaced persons/returnees/refugees, children, elderly, trafficked persons, migrant workers, detainees, HIV positive individuals, etc.

Importantly, questions must be raised about the *causes* for the vulnerability of these groups. A vulnerability analysis could look at the following potential reasons:

- Economic status: Poor, low income, unemployed
- Social, cultural, linguistic and religious status: status of a minority (e.g. ethnic or caste-based discrimination)
- Political status: No representation, under-representation
- Occupational status: Specific types of occupation viewed negatively by others
- Geographic status: Inhabitants of specific areas, distance to nearest town, etc.
- Educational and literacy status: Illiterate, citizens with low levels of education
- Age status: Are children / the elderly particularly vulnerable?

<sup>5</sup> "Vulnerable Groups List", Methodology and Tools for Human Rights-Based Assessment and Analysis, Rights-based Municipal and Planning Project (RMAP) 2004, by UNDP and UNICEF, <http://hurilink.org/tools/MethodologyandToolsforHRBAssessmentandAnalysis-BiH.pdf>



- *A gender analysis should cut across the vulnerability assessment for all vulnerable groups identified.*

Identifying the causes of vulnerability in a particular country context will enable the assessment team to focus its attention on these particular groups, namely by disaggregating 'search questions' (and indicators possibly derived from those questions) along country-specific vulnerability lines. The 'Vulnerable Groups List' does not claim to be exhaustive but rather is intended to be a living instrument which teams can adapt to specific country contexts. The indicative 'search questions' raised in the sectoral analysis presented in this framework were informed by the questions recorded in the Vulnerable Groups List, as well as from the questions listed in the 'Gender Baseline List'<sup>6</sup>, another helpful reference checklist to help mainstream gender throughout MDG sectors.

While this framework is not meant to serve as a template for costing governance along the lines of existing templates for other MDG-related sectors, it could nonetheless be used to help identify some cost implications related to addressing the capacity and democratic deficits identified, in order for social service delivery to reach the most vulnerable groups. For instance, interventions aimed at including female farmers in national processes of planning for agriculture and rural development should be matched by allocations in the budget to subsidize the participation of these women in such processes. There is an opportunity cost attached to participation by the poor and vulnerable groups in community activities and/or training activities, in terms of time which they would otherwise have spent on farm work, housework or other livelihoods activities. Other examples of costs related to the governance interventions identified in the sector analysis which follows include:

- Costs related to the dissemination of community groups' activities by the local media
- Costs related to information campaigns about rights and entitlements (e.g. dissemination of a "citizens' charter"), civic participation, etc.
- Costs related to making available (in local languages and in a user-friendly format) budget allocation information regarding agricultural subsidies for women farmers, for instance
- Costs related to the conduct of independent audits (to monitor the disbursement of subsidies) and the public disclosure of results (in local languages and in a user-friendly format)
- Costs related to behaviour change interventions for health professionals who discriminate on the basis of ethnic/caste background when providing healthcare services (e.g. campaigns for non-discrimination)
- Costs related to the implementation of redress mechanisms for victims of discrimination

#### **4. DIAGNOSING THE 'MISSING GOVERNANCE LINKS': FROM POLICY INPUTS TO ASSUMED OUTCOMES**

Policy-makers typically make assumptions about how a policy will improve peoples' lives. Let us take a look at the chain of assumptions in the policy design for achieving the MDG 2 on education, for example. Policy inputs from the government, meticulously compiled in the education needs assessment tool, include items such as additional teachers to hire, higher budget allocations for building new schools and increasing teacher salaries, and so on. The *assumed* policy outcomes for target beneficiaries, which could be described as the *equitable and efficient* realization of MDG targets and indicators, are that more children will attend primary school, that all

<sup>6</sup> "Gender Baseline List for Assessment and Analysis", Ibid.



will have access to *quality* education provided by *skilled* teachers, which in turn will result in higher pass rates and more children continuing their education after primary level.

But do these assumptions stand the test of reality? For instance, no specific inputs are listed that would necessarily lead to better quality education for the target beneficiaries. It is also not clear why children would necessarily enjoy higher pass rates and continue their education past the primary level<sup>7</sup>.

To diagnose the 'missing governance links', questions need to be raised to examine 'barriers to change': What keeps *unfair* practices in place? And what keeps *ineffective* practices in place? Is it ignorance, geographical isolation, unequal distribution of resources, insufficient budgetary allocation, lack of trust by communities in service delivery mechanisms, social norms and traditions? Some of those barriers point to a '*capacity* deficit' in the delivery of services (e.g. insufficient capacity of local bodies to undertake gender sensitive budgeting), while others suggest a '*democratic governance* deficit' in the design and execution of MDG policies (e.g. lack of mechanisms for local groups of women to engage in participatory monitoring of programmes related to maternal mortality).

While very useful tools have been developed independently by capacity experts and democratic governance experts to measure and tackle capacity and democratic governance "deficits" in the provision of social services, they tend to be used in isolation one from another. An attractive feature of this framework therefore is to link the diagnostic tools provided by both groups: two sets of 'search questions' are considered concurrently, to avoid one-sided diagnostics and to highlight the *complementarities and self-reinforcing forces* between a strengthened capacity in a certain area and a corresponding improvement along the relevant democratic governance principle.

In other words, capacity and democratic governance assessments are conducted concurrently as 'two sides of the same coin'. The example below from the education sector shows how a failure to achieve equal enrolment rates between various ethnic/caste groups in a locality may be assessed both in terms of a *capacity* deficit in the area of 'data collection, disaggregation and analysis', and in terms of a *democratic governance* deficit in the area of 'representation':

Democratic Governance Assessment	Capacity Assessment
<p><b>Representation assessment:</b></p> <p><i>Are there reservations for teachers from lower castes and ethnic minority groups?</i></p> <p><i>Are local School Management Committees representative of the caste / ethnic profile of the communities they serve?</i></p>	<p><b>Capacities for "Inclusion, participation, equity and empowerment" – Monitoring, Evaluation &amp; Learning</b></p> <p><b><i>"Capacities to develop and use indicators to identify marginalized and socially excluded groups"</i></b></p> <p><i>Do local school committees have the capacities to collect disaggregated data (on caste/ethnic basis) on enrolment, retention and completion rates in order to track vulnerability trends?</i></p>

<sup>7</sup> See *Monitoring Government Policies – A Toolkit for Civil Society Organizations in Africa*, by CAFOD, Christian Aid and Trocaire, Chapter 4: Looking into a policy and setting your focus, Tool 8: Chain of assumptions

### A) Democratic Governance Assessment: What keeps *unfair* practices in place?

The table below presents the main characteristics of pro-poor and gender sensitive democratic governance as articulated in the International IDEA's Democracy Assessment Framework. These six democratic governance principles also underlie the framework developed by the UNDP Oslo Governance Centre for selecting pro-poor and gender sensitive indicators to measure democratic governance:

- 1) Participation
- 2) Representation
- 3) Accountability
- 4) Transparency
- 5) Equity
- 6) Efficiency

The second column of the table below sets out what is required for these principles to be made effective in practice. The third column lists the typical institutions through which these requirements can be met (the list in this column is exemplary rather than exhaustive, needless to say.) Using this table as a guiding template, one can conduct a democratic governance assessment of the delivery of services in each MDG sector.

#### Realising democratic governance principles in a pro-poor and gender sensitive manner<sup>8</sup>

Democratic principles	Requirements to be pro-poor and gender sensitive	Institutional means of realising these requirements
<b>Participation</b>	<ul style="list-style-type: none"> <li>⇒ Women/men and poor/non-poor enjoy and exercise same rights to participate</li> <li>⇒ Women/men and poor/non-poor possess the capacities and resources to participate</li> <li>⇒ An inclusive participatory culture exists which encourages women and the poor to be politically active</li> </ul>	<ul style="list-style-type: none"> <li>⇒ Civil and political rights are enforced and safeguarded for all citizens</li> <li>⇒ Electoral quotas for women and groups experiencing severe social disadvantage, e.g. Scheduled Castes/Tribes in India</li> <li>⇒ Civic and voter education programmes targeted at women and the poor</li> </ul>
<b>Representation</b>	<ul style="list-style-type: none"> <li>⇒ Parliamentarians at national and sub-national level articulate the concerns and priorities of women and the poor</li> <li>⇒ Civil service is representative of the social composition of electorate, including women and the poor</li> </ul>	<ul style="list-style-type: none"> <li>⇒ Political party quotas for female electoral candidates</li> <li>⇒ Anti-discrimination legislation and equal opportunity policies in the civil service</li> <li>⇒ Affirmative action policies</li> </ul>
<b>Accountability</b>	<ul style="list-style-type: none"> <li>⇒ Clear and effective lines of accountability (legal, financial, administrative and political) to safeguard judicial integrity, and to ensure honest and efficient performance by civil servants in the delivery of public services to women and low-income groups</li> </ul>	<ul style="list-style-type: none"> <li>⇒ Speedy access to law courts, administrative tribunals and Ombudsmen by the poor</li> <li>⇒ Existence and enforcement of legislation against domestic violence</li> <li>⇒ Anti-corruption programmes</li> <li>⇒ Procedural initiatives to strengthen budgetary oversight by National Parliaments with support of Auditor-</li> </ul>

<sup>8</sup> Source: *Measuring Democratic Governance – A Framework for Selecting Pro-Poor and Gender Sensitive Indicators*, UNDP, May 2006, drawn from International IDEA's Democracy Assessment Framework (The State of Democracy Project, [www.idea.int/democracy/sod.cfm](http://www.idea.int/democracy/sod.cfm))

		General and Account-General ⇒ Public Expenditure Tracking of spending on health and education ⇒ Robust political parties, CSOs and pressure groups to promote the interests of women and the poor
<b>Transparency</b>	⇒ Government decision-making in areas of particular concern to women and low-income groups should be open to legislative and public scrutiny	⇒ Freedom of information legislation ⇒ Independent media allowing journalists to report on gender and poverty issues ⇒ Gender sensitive budgeting (at local level) ⇒ Benefit incidence analysis of major items of public expenditure
<b>Equity</b>	⇒ State redistributes entitlements through taxation and public expenditure in accordance with a democratically expressed social welfare function	⇒ Progressive system of taxation and expenditure ⇒ Use of targeted welfare programmes
<b>Efficiency</b>	⇒ Goods and services provided by the public sector in quantities/qualities desired by citizens ⇒ "The 4 AAAAs" test (see table below): Accessible, Affordable, Adapted, Acceptable	⇒ Procedural initiatives to strengthen budgetary oversight by National Parliaments with support of Auditor-General and Accountant-General

A practical way to assess the realization of the last principle listed in the above table, 'efficiency' in the provision of MDG services, is found in the test colloquially known as the "4 AAAAs", developed by the Economic and Social Council (responsible for reviewing state compliance with the UN Convention on Economic, Social and Cultural Rights) to help practitioners and policy-makers plan and evaluate MDG initiatives according to human rights standards. These standards can serve as useful criteria for assessing the quality of MDG services (see *Human Rights and the Millennium Development Goals – Making the Link*, UNDP Oslo Governance Centre, 2007).

#### Measuring 'Efficiency' – Applying the 4 AAAAs to assess the quality of MDG services<sup>9</sup>

<b>Accessible</b>	Services are expected to be accessible by users, in terms of distance and availability
<b>Affordable</b>	Services should not be so expensive that users cannot afford them. Certain services should be available at no cost.
<b>Adapted</b>	Services should take into account the local social and political environment, and be adapted to local needs.
<b>Acceptable</b>	Service should be in a form that users find acceptable, for example culturally.

<sup>9</sup> Source: *Human Rights and the Millennium Development Goals – Making the Link*, UNDP Oslo Governance Centre, Chapter 2 – The Contribution of a Human Rights Based Approach to the MDGs.

## B) Capacity Assessment: What keeps *ineffective* practices in place?

The UNDG Capacity Assessment Methodology – User’s Guide (February 2008)<sup>10</sup> has become the official reference for “UN Country Teams embarking on the integration of a capacity development approach into national development strategies [...] and sector plans, through embedding such a collective vision and strategy into the CCA, UNDAF and country programmes.”<sup>11</sup>

Capacity needs of state actors are typically examined in terms of *technical and financial skills* (e.g. budget management, monitoring and evaluation, project management), often assuming that those will be sufficient to tackle the more complex challenges of lack of *political* skills and/or will to respond to citizens’ voice and to exercise accountability.<sup>12</sup> The capacity analysis of this framework does not undertake a detailed assessment of the technical management and financial competencies of local governments. What concerns us here is local institutions’ capacity *to respond to citizens’ voice and to exercise accountability*. These forms of capacities are primarily of *political* rather than technical nature. In other words, this framework does not consider capacity only as an area of results in its own rights. Rather, the capacity assessment is conducted to measure the extent to which existing capacities *contribute to broader objectives of empowerment*, i.e. how duty bearers’ capacities enable the realization of the democratic principles of participation, equity, transparency, and so on (hence the rationale for pairing, on the same line, a ‘search question’ to assess capacities with a ‘matching’ search question to assess the democratic governance architecture for service delivery.)

The Empowerment Framework builds on the questions and indicators used in the UNDG Capacity Assessment Methodology to design “search questions” on the *capacities of duty bearers that have a more pro-poor and gender sensitive orientation*.

The UNDG Capacity Assessment Methodology has three dimensions: points of entry, core issues and functional capacities. Two “points of entry” are considered by this framework: enabling environment and organization level. Three ‘core issues’ examined in the UNDG Capacity Assessment Methodology are used in this framework to assess duty-bearers’ capacities:

- Capacities to uphold “public sector accountability”
- Capacities to provide “access to information, development knowledge and technology”
- Capacities to foster “inclusion, participation, equity and empowerment”

For each of these three set of capacities, five aspects of “functional capacities” are identified: situation analysis; policy design and strategy formulation; resources and budget allocation; program and project implementation; and monitoring, evaluation and learning.

The table below outlines the assessment questions compiled in the UNDG Methodology under the three core issues listed above, and categorized along the lines of the aforementioned five aspects of “functional capacities”. Using this table as a guide, one can conduct an assessment of the capacity of duty-bearers to respond to citizens’ voice and to exercise accountability, in each MDG sector.<sup>13</sup>

<sup>10</sup> UNDG (2008). *UNDG Capacity Assessment Methodology, User Guide*. United Nations Development Group, New York.

<sup>11</sup> UNDG Position Statement on “Enhancing the UN’s Contribution to National Capacity Development”, October 2006

<sup>12</sup> Evaluation of Citizens’ Voice and Accountability – Evaluation Framework, ODI, August 2007

<sup>13</sup> Source: UNDG (2008). *UNDG Capacity Assessment Methodology, User Guide*. United Nations Development Group, New York.

<b>1. Public sector accountability</b>		
<b>Functional capacities</b>	<b>Enabling environment</b> <i>Do duty-bearers have the capacity to...</i>	<b>Organizational level</b> <i>Does the service provider have the capacity to...</i>
<b>Situation analysis</b>	<ul style="list-style-type: none"> <li>⇒ Identify capacity and transparency gaps and constraints to improve public service delivery?</li> <li>⇒ Develop indicators and benchmarks to review and monitor roles and responsibilities of public sector organizations and employees?</li> </ul>	<ul style="list-style-type: none"> <li>⇒ Analyze the current administrative and management procedures and design an accountability mechanism based on inputs from employees and stakeholders?</li> <li>⇒ Effectively engage all stakeholders in the process of designing an accountability mechanism?</li> <li>⇒ Keep the process open and transparent to ensure broad-based acceptance of management procedures and of criteria for administrative decisions?</li> </ul>
<b>Policy design and strategy formulation</b>	<ul style="list-style-type: none"> <li>⇒ Develop policies and legal and regulatory frameworks and mechanisms that actively discourage inefficient service delivery?</li> <li>⇒ Develop strategies to support local and national accountability organizations such as citizen's watch groups?</li> <li>⇒ Develop national policies for procurement, management and implementation in line with international standards?</li> </ul>	<ul style="list-style-type: none"> <li>⇒ Support multi-stakeholder dialogues and processes that empower civil society to actively take part in designing policies and strategies for enforcing organisational accountability?</li> <li>⇒ Design clear policies and strategies for redressing employees' grievances and rights of the organisation's clientele?</li> </ul>
<b>Resources and budget allocation</b>	<ul style="list-style-type: none"> <li>⇒ Budget, manage and implement programmes to develop accountability mechanisms?</li> <li>⇒ Explore conditional transfers empowering households to choose services and strengthen relevant institutions responsible for ensuring accountability of such programmes?</li> </ul>	<ul style="list-style-type: none"> <li>⇒ Support costing exercises to enforce organizational accountability?</li> <li>⇒ Develop budget exercises that are transparent and foster accountability?</li> <li>⇒ Make budget allocations accessible to members/clients?</li> </ul>
<b>Programme and project implementation</b>	<ul style="list-style-type: none"> <li>⇒ Launch start-up programmes that can be replicated nationally?</li> <li>⇒ Strengthen local capacities to provide sustainability to PSA initiatives?</li> <li>⇒ Implement programmes raising awareness among rights holders about their rights and available services?</li> </ul>	<ul style="list-style-type: none"> <li>⇒ Implement transparency and disclosure rules throughout the organization?</li> <li>⇒ Promote awareness among employees about their rights and about mechanisms for holding management accountable?</li> </ul>
<b>Monitoring, Evaluation &amp; learning</b>	<ul style="list-style-type: none"> <li>⇒ Institutionalize citizen/client feedback mechanisms, e.g. report cards, for continuous monitoring of public sector performance?</li> <li>⇒ Institutionalize and strengthen the capacity of oversight organizations (anti-corruption agencies, Audit General, Ombudsmen, Parliament, citizens watch dog institutions)?</li> </ul>	<ul style="list-style-type: none"> <li>⇒ Institutionalize and strengthen oversight mechanisms and accountability measures?</li> <li>⇒ Develop mechanisms for processing feedback/complaints about organizational performance?</li> <li>⇒ Ensure independent audit are conducted on a regular basis?</li> </ul>

<b>2. Access to information, development knowledge and technology</b>		
<b>Functional capacities</b>	<b>Enabling environment</b> <i>Do duty-bearers have the capacity to...</i>	<b>Organizational level</b> <i>Does the service provider have the capacity to...</i>
<b>Situation analysis</b>	<ul style="list-style-type: none"> <li>⇒ Provide technical know how and management information on productive activities and information on access to market, input and output prices, credit sources for the poor at community level?</li> <li>⇒ Develop community based information systems based on assessments of capacities and knowledge gaps?</li> <li>⇒ Mount information campaigns on key development and social issues?</li> </ul>	<ul style="list-style-type: none"> <li>⇒ Undertake situation analysis regarding its clients' and employees' access to and the provision of information, technology and development knowledge?</li> </ul>
<b>Policy design and strategy formulation</b>	<ul style="list-style-type: none"> <li>⇒ Protect indigenous and local knowledge and its management, including the legal framework?</li> <li>⇒ Adapt global knowledge and technology to be relevant to local production systems?</li> <li>⇒ Create policies, regulations and laws on access to and provision of information and knowledge?</li> </ul>	<ul style="list-style-type: none"> <li>⇒ Design policies to integrate information technologies in accordance with its operational objectives and development priorities?</li> <li>⇒ Develop strategies for promotion of knowledge networking, access to information through partnership building?</li> </ul>
<b>Resources and budget allocation</b>	<ul style="list-style-type: none"> <li>⇒ Budget, manage and mobilize resources to ensure technological communications and information networks are in place?</li> <li>⇒ Analyze costing options for developing community based information systems as well as overall information management systems, including statistical data systems, databases and data collection mechanisms?</li> </ul>	<ul style="list-style-type: none"> <li>⇒ Mobilize resources and allocate budgets for ensuring accessibility and utility of the organisation's information services to clientele including disadvantaged groups?</li> <li>⇒ Provide for training and staff development initiatives to ensure adequacy of personnel skills in electronic access to and management of information?</li> </ul>
<b>Programme and project implementation</b>	<ul style="list-style-type: none"> <li>⇒ Implement community based programmes on information sharing on issues of production technology, market information, health related information etc.?</li> <li>⇒ Adapt technology to meet local needs and upgrade indigenous technology and knowledge?</li> </ul>	<ul style="list-style-type: none"> <li>⇒ Use an information and knowledge management system?</li> <li>⇒ Implement programmes to ensure use of internal channels to spread information throughout the organisation e.g. newsletters, internet etc.?</li> <li>⇒ Develop initiatives for processing externally available information in a user friendly manner?</li> </ul>
<b>Monitoring, Evaluation &amp; learning</b>	<ul style="list-style-type: none"> <li>⇒ Generate database on information and knowledge gaps on a sustained basis?</li> <li>⇒ Incorporate lessons learned from implementation of information management systems and programmes into future initiatives?</li> <li>⇒ Encourage knowledge networking and sharing of information at the community level and monitor progress towards provision of technical know how to relevant citizen groups?</li> </ul>	<ul style="list-style-type: none"> <li>⇒ Monitor progress and generate feedback mechanisms on use of information and knowledge?</li> <li>⇒ Encourage inter community knowledge networks and information sharing for better access to information and technology for its clientele and employees at all level?</li> </ul>



<b>3. Inclusion, Participation, Equity and Empowerment</b>		
<b>Functional capacities</b>	<b>Enabling environment</b> <i>Do duty-bearers have the capacity to...</i>	<b>Organizational level</b> <i>Does the service provider have the capacity to...</i>
<b>Situation analysis</b>	<ul style="list-style-type: none"> <li>⇒ Develop workable mechanisms and public spaces for engaging civil society and the marginalized peoples in discussions on setting development priorities, designing of relevant programmes and their implementation as well as during stages of their evaluation and feedback exercises?</li> <li>⇒ Assess vulnerability of and cultural impediments affecting the poor and the marginalized, including women in voicing their concerns and develop tools and systems to ensure that their concerns are heard and listened to?</li> </ul>	<ul style="list-style-type: none"> <li>⇒ Actively engage staff members/employees and clientele groups in carrying out comprehensive analyses in areas of organisational priorities/services?</li> <li>⇒ Involve them in designing products and services, including mechanisms for service delivery?</li> </ul>
<b>Policy design and strategy formulation</b>	<ul style="list-style-type: none"> <li>⇒ Enable national, local, national, private and public sector organisations to adopt a rights based approach while formulating policies and strategies?</li> <li>⇒ Develop concrete tools and mechanisms (including analysis of data and information) for incorporating results and findings of consultative dialogues into formulation of policies and strategies?</li> <li>⇒ Assess and integrate gender concerns and similar concerns of other marginalized groups that might emerge from participatory processes in concrete policies and strategies?</li> </ul>	<ul style="list-style-type: none"> <li>⇒ Involve its own employees and customers/clients in the design and formulation of organisational policies and strategies?</li> <li>⇒ Formulate strategies on how best to engage with civil society and community groups in a meaningful and systematic manner?</li> <li>⇒ Develop rights based approaches to delivery of services and products as well as to ensure non discrimination at work place?</li> </ul>
<b>Resources and budget allocation</b>	<ul style="list-style-type: none"> <li>⇒ Undertake costing analysis and budgeting of programmes and mechanisms that ensure and encourage civil society's participation in the development processes?</li> <li>⇒ Engage government and donors in mobilizing resources and making budgetary allocations for designing and implementation of programmes such as participatory PRSP and MDGs exercises, participatory budgeting, public services delivery mechanisms?</li> </ul>	<ul style="list-style-type: none"> <li>⇒ Institute participatory budgeting exercises?</li> <li>⇒ Assess differential impacts of budgets and resource allocations on disadvantaged groups such as women, children and the poor?</li> </ul>
<b>Programme and project implementation</b>	<ul style="list-style-type: none"> <li>⇒ Strengthen knowledge base and institutional capacity of the local community based groups and organisations, including the civil society in general in actively participating in the national development processes, including delivery of basic public services?</li> <li>⇒ Support (with access to information and know how and communication tools) networking and institutional arrangements for participation of the poor, marginalized and socially excluded peoples such as HIV/AIDS patients?</li> <li>⇒ Enable civil society to hold government accountable to deliver on their commitments and formulation and implementa-</li> </ul>	<ul style="list-style-type: none"> <li>⇒ Develop institutions/delivery approaches that are inclusive and participatory in nature?</li> <li>⇒ Implement programmes designed to undertake impact assessment of organisational practices and delivery mechanisms on its clients, especially on women, children and the poor?</li> </ul>



	tion of policies and programmes that reflect their priorities and concerns, including those of the women?	
<b>Monitoring, Evaluation &amp; learning</b>	<ul style="list-style-type: none"> <li>⇒ Monitor quality (nature of participation, inclusion of marginalized peoples, representation of women and other local groups etc.) of public engagement mechanisms and frameworks?</li> <li>⇒ Develop and use indicators to identify marginalized and socially excluded groups and ensure that their voices are heard?</li> <li>⇒ Assess and reassess programmes and projects using indicators relating to quality of participation in the process and incorporation of feedbacks and concerns of the poor in their design, implementation and management?</li> </ul>	<ul style="list-style-type: none"> <li>⇒ Systematically gather information and generate feedback on its programmes regarding multi-stakeholders engagement?</li> <li>⇒ Support establishment of accountability mechanisms throughout the organisation and at community levels that set up regular reporting systems, performance measures, tracking efficiency and effectiveness of service delivery to the poor and the disadvantaged?</li> </ul>

## 5. 'EMPOWERMENT CHECK': OPENING VOICE AND ACCOUNTABILITY CHANNELS FOR *SUSTAINED, PRO-POOR* OUTCOMES

A second set of assumptions in the MDG policy design concerns the *assumed* sustainability MDG outcomes *over time* (beyond 2015), and their assumed *pro-poor* orientation *over time*. For instance, what guarantees that an increase in the amount of assistance for education will reach the poorest children if they come from an ethnic group or a region that has little political power and influence over the allocation of those funds?

A critical feature of the framework, after conducting the democratic governance and capacity assessments, is to run an 'empowerment check' to examine whether concrete channels are in place for citizens to express their voice, influence decisions, and hold duty-bearers to account.

The MDG-based planning exercise places great emphasis on the mobilisation of financial resources and technical solutions, but less on *transforming power relations* (whether political, economic, cultural or legal) that are partly responsible for current levels of poverty<sup>14</sup>. The framework investigates this second set of 'missing links' in the MDG policy design by raising the following question: *What are the concrete channels through which citizens can express their voice or demands, and are able to hold duty-bearers to account?*<sup>15</sup> Without such channels to redress power imbalances, attempts at changing the policy and practice of institutions and individuals will remain short-lived.

In other words, the 'empowerment check' looks at the capacity of the most vulnerable groups amongst 'claim holders', namely their capacity to<sup>16</sup>:

- Seek, access and obtain information: *Do vulnerable groups know that they are supposed to claim their entitlements?*

<sup>14</sup> This includes an analysis of informal power structures and institutions, including religious groups, traditional institutions, networks related to the informal economy, patronage and rent seeking arrangements, gender relations and culture.

<sup>15</sup> See Evaluation of Citizens' Voice and Accountability – Evaluation Framework, ODI, August 2007

<sup>16</sup> Guide for applying indicators within UN human rights-based programming – draft, 6 November 2007

- Organize and participate in public life and in the development process: *Do vulnerable groups know how to claim their entitlements, and how to advocate and mobilize for those?*
- Advocate for policy change: *Are there specific channels of participation available for the most marginalized groups?*
- Seek, claim and obtain redress: *Do vulnerable groups have the ability to affect decision-making processes to their advantage?*

The 'empowerment check' is an assessment of two types of mechanisms: "voice mechanisms" and "accountability mechanisms".

- **"Voice mechanisms":** Beyond formal political participation in elections and formal representation (assessed respectively in the 'participation assessment' and 'representation assessment' conducted under the initial "democratic governance assessment" of service delivery in any given sector), spaces for deliberation on public policies and outcomes have to be provided. This means not only direct citizen-state contacts, but also opportunities for a structured dialogue with intermediary organizations representing aggregated interests of groups, such as workers' associations, political parties, women's organizations, etc.

Very often, "participation" is pursued through "invited consultations" that are geared towards informing citizens and approving ("in consultation with citizens") policies which have already been decided, rather than to subjecting government proposals to scrutiny and ultimately being able to change them. 'Participation' practices that do not manage to really influence decision-making is also often due to the inadequate capacities of claim-holders to engage technically with government policies.

The illustrative 'empowerment check' questions on 'voice mechanisms' compiled in the table below are clustered around three key aspects of 'voice mechanisms':

- 1) 'Whose voice' is sought and heard?
- 2) 'When and where' can one express his/her voice?
- 3) Exercising one's voice... 'for what' purpose?

- **"Accountability mechanisms":** There is also a need for mechanisms allowing citizens to detect and penalize deviation from public mandate. But for this type of mechanism to be effective, citizens need to know what the duty-bearers propose, what they are doing and what they deliver. 'Empowerment checks' related to 'accountability mechanisms' will therefore have a strong focus on transparency and access to information. For citizens to know what they can expect and what has been delivered, mechanisms are needed for duty-bearers to disclose information on rights and entitlements as well as to provide evidence of their actions.

While the 'accountability assessment' conducted under the initial "democratic governance assessment" of service delivery focuses primarily on the 'supply-side' of accountability, namely the provision of *formal* accountability institutions and redress mechanisms (such as courts, ombudsmen, parliaments, political parties, etc.), the 'empowerment checks' related to 'accountability mechanisms' are mainly concerned with the 'demand-side' of accountability, i.e. the capacity of claim-holders to hold duty-bearers to account.

The illustrative 'empowerment check' questions on 'accountability mechanisms' compiled in the table below are clustered around two key aspects of 'accountability mechanisms' which assess, respectively, mechanisms fostering transparency and access to information (4), and mechanisms enabling duty-bearers' responsiveness to claim-holders (5):

- 4) Accountability... 'for what?'
- 5) Accountability... 'upheld how?'

For instance, the promotion of civic engagement by the local government in the form of providing budget literacy training to community groups may score as a positive in our initial 'capacity

assessment' (under 'capacities to foster Public Sector Accountability'), but will not have much impact if such groups are excluded from the budgeting/planning/auditing processes (i.e. absence of a 'voice mechanism'), or if they have access to such processes but are unable to affect decision-making (i.e. absence of an 'accountability mechanism').

### **Generic Set of "Empowerment Checks": Voice and Accountability Mechanisms**

*Note: 'Empowerment checks' should be selected on the basis of the specific power dynamics in a given country. As such, the illustrative questions listed in the table below are only provided as examples to inspire the formulation of further country-specific 'empowerment checks'.*

<b>Voice mechanisms</b>	
<b>1) Whose voice?</b>	<ul style="list-style-type: none"> <li>⇒ Are public consultations dealing only with community leaders or heads of households, normally mainly men?</li> <li>⇒ Do local elites use informal hierarchical power relationships as a form of social control preventing participation by certain groups?</li> <li>⇒ Are public consultations involving only people who have access to land rights, often mainly men?</li> <li>⇒ Do men regard women as equal to them?</li> <li>⇒ Are there cultural restrictions on the participation of women in political settings?</li> <li>⇒ Are women encouraged to speak in public forums, particularly on intra-family issues such as distribution of workload?</li> <li>⇒ Do women have the necessary experience to put forth their views confidently?</li> <li>⇒ Do facilitators and presenters avoid patronizing behaviour towards women participants?</li> <li>⇒ Do members of one caste/ethnicity feel treated with the same level of respect by members of other castes/ethnicities?</li> <li>⇒ Do government officers avoid the use of jargon or highly technical terms in discussion?</li> <li>⇒ Are participants provided with the necessary information and skills (e.g. leadership, problem-solving, accounting, etc.) in order to meaningfully participate?</li> <li>⇒ Is there much variance between membership diversity (gender/social/ethnic/religious) of community associations and diversity of local community?</li> <li>⇒ Is two-way translation for local languages provided, including languages of immigrants or refugees where necessary?</li> </ul>
<b>2) When and where?</b>	<ul style="list-style-type: none"> <li>⇒ Are participation processes carried out before making decisions, rather than after?</li> <li>⇒ Are meetings scheduled at a time when women can attend?</li> <li>⇒ Have women sufficient time to participate given their greater burden of work?</li> <li>⇒ Are meetings scheduled at times and dates suitable to a wide range of community members?</li> <li>⇒ Are meetings held at locations easily accessible for women and marginalized groups? Alternatively, is public transport provided for free?</li> <li>⇒ Are some castes/ethnicities restricted from entering certain public areas, such as village district offices?</li> <li>⇒ Are consultations held in the locality of those affected?</li> <li>⇒ Are office hours compatible with working obligations of applicants?</li> </ul>
<b>3) What for?</b>	<ul style="list-style-type: none"> <li>⇒ Do women feel it is worth investing time in participation i.e. that such meetings are not limited to "token consultations" but rather, that their views are taken into account and that they can effect decisions?</li> <li>⇒ Are there mechanisms to ensure that representatives of vulnerable and marginalized groups genuinely influence such processes, rather than allowing decisions to be made by policymakers on the basis of poorly informed assumptions?</li> <li>⇒ What is the share of decision-making positions occupied by women/people from minority groups?</li> </ul>

### Accountability mechanisms

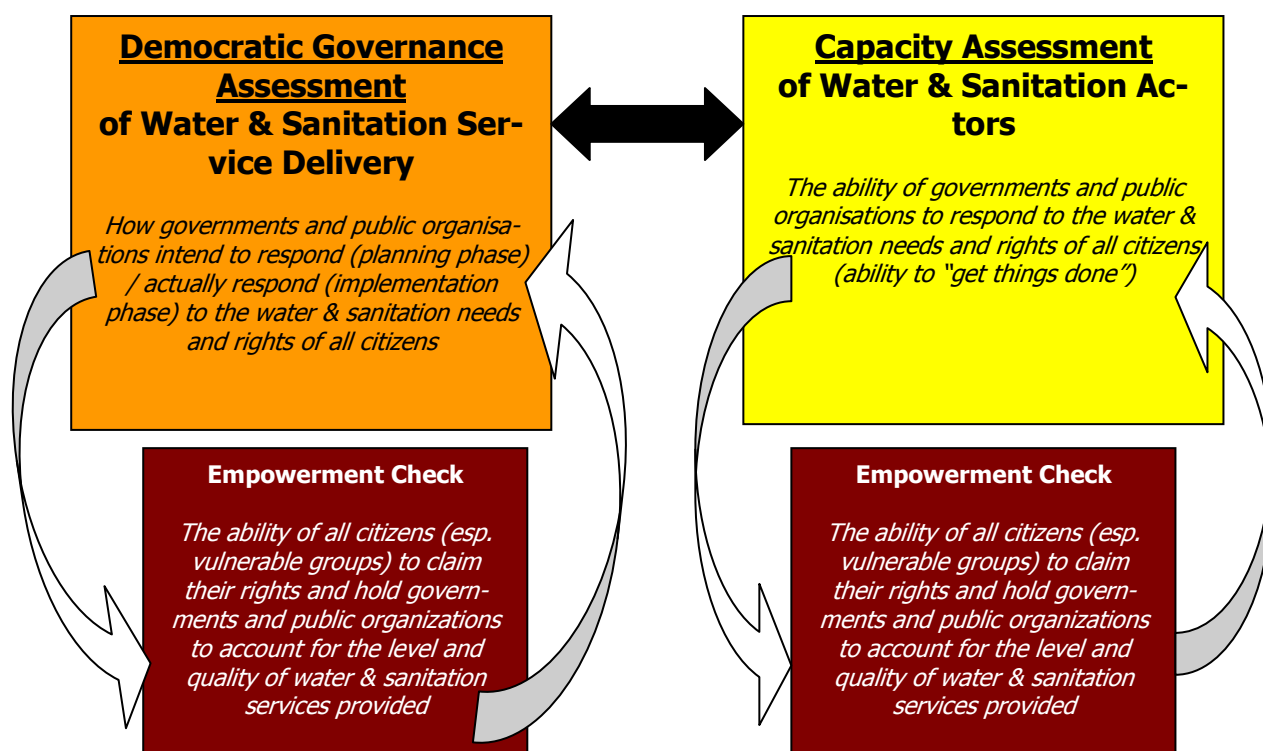
<b>4)</b> <b>For what?</b>	<ul style="list-style-type: none"> <li>⇒ Do all groups have accurate information about the relevant responsibilities of each government actor?</li> <li>⇒ Do they have access to and use information from the radio, TV, newspapers, post office, telephone?</li> <li>⇒ Are the poor/women aware of their rights and entitlements?</li> <li>⇒ Are application forms for access to a subsidy written in languages understandable to those entitled to the subsidy?</li> <li>⇒ Is evidence (data) collected about policy outcomes made publicly available, in a user-friendly format, and using means of communication that are easily accessible by the poor / women (e.g. through vernacular radio rather than only through newspapers)?</li> </ul>
<b>5)</b> <b>Upheld how?</b>	<ul style="list-style-type: none"> <li>⇒ Have the poor, women and other minority groups received training on how to claim their rights?</li> <li>⇒ Can the poor, women and other minority groups equally access an effective complaints mechanism?</li> <li>⇒ Do the poor and minority groups feel that they are treated fairly by the police and the court?</li> <li>⇒ Are there some laws that treat men and women differently?</li> <li>⇒ Do the operations of non-formal courts discriminate against women/minority groups?</li> <li>⇒ Is it more likely for a man to obtain justice in disputes between a man and a woman?</li> <li>⇒ Is it an established practice for men to be punished in courts for committing acts of domestic violence?</li> <li>⇒ Do informal rules and traditional procedures in place at the local level contradict formal laws?</li> <li>⇒ Are women / minority groups who provide inputs towards the design of a plan or programme also able to and provided an opportunity to monitor the implementation of this plan/programme?</li> </ul>

## 6. HOW TO USE THE SECTOR-BASED GOVERNANCE ASSESSMENT TEMPLATES?

### Illustration:

#### Application of the Empowerment Framework to the Water and Sanitation Sector

*What keeps unfair (democratic governance assessment) and ineffective (capacity assessment) practices in place?*



## Template Design

DEMOCRATIC GOVERNANCE ASSESSMENT Of Water and Sanitation Service Delivery		CAPACITY ASSESSMENT Of Water and Sanitation Actors	
<i>What institutional means are used to enable the realization of democratic principles?</i>	<b>EFFICIENCY assessment (the "4A's"):</b>  <i>Accessibility</i> assessment <i>Affordability</i> assessment <i>Availability</i> assessment <i>Adaptability</i> assessment  <i>Search questions</i> ✓ <i><u>Empowerment check</u></i>	<i>Core issue – Functional capacities</i>  <i>(from UNDG Capacity Assessment methodology)</i>	<b>Capacity assessment</b>  <i>Search questions</i> ✓ <i><u>Empowerment check</u></i>
	<b>PARTICIPATION assessment</b> <i>Search questions</i> ✓ <i><u>Empowerment check</u></i>		<b>Capacity assessment</b> <i>Search questions</i> ✓ <i><u>Empowerment check</u></i>
	<b>EQUITY assessment</b> <i>Search questions</i> ✓ <i><u>Empowerment check</u></i>		<b>Capacity assessment</b> <i>Search questions</i> ✓ <i><u>Empowerment check</u></i>
	<b>REPRESENTATION assessment</b> <i>Search questions</i> ✓ <i><u>Empowerment check</u></i>		<b>Capacity assessment</b> <i>Search questions</i> ✓ <i><u>Empowerment check</u></i>
	<b>TRANSPARENCY assessment</b> <i>Search questions</i> ✓ <i><u>Empowerment check</u></i>		<b>Capacity assessment</b> <i>Search questions</i> ✓ <i><u>Empowerment check</u></i>
	<b>ACCOUNTABILITY assessment</b> <i>Search questions</i> ✓ <i><u>Empowerment check</u></i>		<b>Capacity assessment</b> <i>Search questions</i> ✓ <i><u>Empowerment check</u></i>

## 7. APPLICATION OF THE EMPOWERMENT FRAMEWORK TO THE WATER AND SANITATION SECTOR: AN ILLUSTRATION<sup>17</sup>

DEMOCRATIC GOVERNANCE ASSESSMENT Of Water and Sanitation Service Delivery		CAPACITY ASSESSMENT Of Water and Sanitation Actors	
<i>What institutional means are used to enable the realization of democratic principles?</i>	<p><b>Search questions</b></p> <p>✓ <b><u>Empowerment check</u></b></p>	<p><b>Core issue – Functional capacities</b> (from UNDG Capacity Assessment methodology)</p>	<p><b>Search questions</b></p> <p>✓ <b><u>Empowerment check</u></b></p>

Efficiency assessment: The “4 AAAAs”		Capacity assessment	
<b>Accessibility assessment</b>	<p><i>Has a review of property laws been conducted to identify whether these laws permit a landowner to exclude other people from traversing his/her land in order to collect water from a river or lake – thus increasing the distance and collection time of the nearby community to the source?</i></p> <p>✓ <b><u>Empowerment check:</u></b> <b><i>Are citizens aware that such a review is conducted and have they collected data on community access (distance, time) to water sources to submit as input to the review?</i></b></p>	<p><b>Public sector accountability – Programme implementation</b></p>	<p><i>Are local authorities able to enforce the revised regulations allowing such access (with quantitative restrictions) to those using water for personal and domestic uses?</i></p> <p>✓ <b><u>Empowerment checks:</u></b> <b><i>Are the beneficiaries of this revised regulation well aware of the changes and implications for their right to fetch water? Do they know how to seek redress in case of abuse?</i></b></p>
	<p><b>Additional illustrative search questions:</b></p> <p>⇒ <i>Are access to water and sanitation services provided irrespective of legal residence, nationality, formal rental contracts or other similar conditions, so that refugees, asylum-seekers, internally displaced persons and returnees can access it?</i></p> <p>⇒ <i>Is allocation of water equitable among all groups, including women, disadvantaged castes, etc.?</i></p>		<p><b>Additional illustrative search questions:</b></p> <p>⇒ <i>Are local authorities able to facilitate selective reforms to customary laws through participatory and inclusive consultation with the relevant groups?</i></p> <p>⇒ <i>Are local authorities measuring access in terms of collection time rather than distance, especially in urban areas, to account for long queuing times even when water points are near the home?</i></p>

<sup>17</sup> Sources: *Gender in Water Management*, UNDP and the Gender & Water Alliance (2006); *Linking poverty reduction and water management* (2006), UNDP for the Poverty Environment Partnership (PEP), *Water as a Human Right?* UNDP & IUCN, IUCN Environmental Policy and Law Paper No.51 (2004); *The Right to Water*, WHO (2003); COHRE, AAAS, SDC and UN-HABITAT, *Manual on the Right to Water and Sanitation* (2007), *Measuring Democratic Governance – A Framework for Selecting Pro-Poor and Gender Sensitive Indicators*, UNDP, May 2006, *Human Rights and the Millennium Development Goals – Making the Link*, UNDP Oslo Governance Centre, 2007; *Nepal MDG Progress Report 2005*, UN Country Team of Nepal & Government of Nepal; *Nepal Pro-poor development Report 2004: Empowerment and Poverty Reduction*, UNDP; *Situation of Children and Women in Nepal 2006*, UNICEF; *Unequal Citizens: Gender, Caste and Ethnic Exclusion in Nepal*, World Bank, 2006; *UNDG Capacity Assessment Methodology, User Guide* (2008) United Nations Development Group, New York.



<b>Affordability assessment</b>	<p>Have subsidy regimes been put in place for vulnerable groups, such as a pro-poor pricing policy for water (i.e. lower rates for water use by poor households compared to other groups and to prices applied to business/industrial consumption)?</p> <p>✓ <b>Empowerment check:</b> Do subsidy schemes require that applicants provide a written proof of tenancy or payment of taxes or identity document, thus excluding those in the informal sector and those who cannot afford the fee/bribe to obtain an identity document?</p>	<b>Inclusion, participation, Equity and Empowerment – Resources and budget allocation</b>	<p>Are local authorities able to design water-conservation-oriented rates (WCORs) (e.g. excess surcharges, increasing block rates, time-of-use rates, etc.) as a way to price water equitably and to ensure 'basic needs' level of water for all?</p> <p>✓ <b>Empowerment check:</b> Are the poor aware of these differentiated rates and do they know how to seek redress in case of abuse in the pricing of their water use?</p>
	<p><b>Additional illustrative search questions:</b></p> <p>⇒ Are older persons, those facing serious and chronic illnesses and those with disabilities exempted from programmes in which users contribute time and labour in return for access?</p>		
<b>Availability assessment</b>	<p>Are community-based water quality monitoring set up for people to get direct knowledge of the quality of water?</p> <p>✓ <b>Empowerment check:</b> Are communities able to use this data to carry out evidence-based negotiations with the relevant government departments for service improvements?</p>	<b>Public sector accountability – Resources and budget allocation</b>	<p>Where small-scale providers operated by non-governmental bodies are required to extend access, have a budget and responsibility been assigned to a local body at the local level to ensure provision of services and training to small-scale providers?</p> <p>✓ <b>Empowerment check:</b> Has public land been allocated for the operation of small-scale facilities (particularly necessary in densely populated urban settlements)?</p>
	<p><b>Additional illustrative search questions:</b></p> <p>⇒ Is there a clear commitment to making schools first priority for water and sanitation services?</p> <p>⇒ Do national or regional standards stipulate a minimum amount of water for personal and domestic uses per person or household? (important for feeding into formulation of water subsidies and pricing)?</p> <p>⇒ Are there separate sanitation facilities for both girls and boys in schools, thus causing underrepresentation of females (students &amp; teachers) in schools?</p> <p>⇒ Have sufficient funding been allocating to water-scarce regions (for water capture, storage, technology</p>		<p><b>Additional illustrative search questions:</b></p> <p>⇒ In devolution of water and sanitation regulation and service provision to local levels, do programmes at the national level provide money and support to municipalities beyond infrastructure services, to also provide support to strengthen human capacity and public management at the local level?</p> <p>⇒ Are the water and education ministries able to coordinate effectively at the local level on the issue of provision of water and sanitation in schools?</p> <p>⇒ Are local authorities adopting a rights-based approach by charging more per litre for uses which are not essential or, where there is</p>

	<p>to tap groundwater, etc.) given the low possibility of cost recovery for services in such regions where there is a low tax base?</p> <p>⇒ Is there a licensing system (for use of water for industry and large-scale irrigation) to ensure prioritisation of water resources for essential domestic purposes (in case of water shortages)?</p> <p>⇒ Given the next priority is to allocate water for basic agricultural needs, is there a mechanism to ensure an equitable allocation for subsistence uses?</p> <p>⇒ Is water rationing carried out in an equitable manner, ensuring first that all people have access to a basic minimum amount and rationing water in those areas where there is non-essential use (or more often in low-income areas, with politically powerful neighbourhoods guaranteed uninterrupted access?)</p> <p>⇒ Are there protections against disconnections for vulnerable groups?</p> <p>⇒ Are surveillance activities prioritized on the basis of socio-economic status and vulnerability to water-related disease (on the basis of drinking-water supply arrangements, for instance), in order to identify areas at greatest risk and direct resources to areas where the greatest benefits to public health will occur?</p> <p>⇒ Do laws or regulations and mechanisms to control pollution of water resources include provisions for monitoring?</p>		<p>sufficient water, by using the charges from such uses to cross-subsidize the costs of essential uses by low-income groups?</p> <p>⇒ Are local authorities actively engaging local communities to carry out an assessment of the most wasteful uses of water?</p> <p>⇒ Is there a mechanism for local authorities to collaborate with a wide range of government bodies, including those responsible for land use, agriculture, water resources management and environmental protection, to restrict certain forms of cultivation and logging in forest areas that form the catchment for water sources relied upon by local communities?</p> <p>⇒ Are local authorities able to play a mediating role between nomadic and settled communities (appropriating water points when the nomads are away) and to facilitate an arrangement to share access?</p> <p>⇒ Are local authorities able to publicize rationing well in advance so that people can plan for it?</p> <p>⇒ Are local authorities providing training and support to small-scale service providers, instead of penalties for poor water quality (given they operate by necessity on a low margin of profit), to increase their awareness of water quality standards?</p> <p>⇒ When subsidies are provided to small-scale providers, are such subsidies conditional upon compliance with tariff standards and regulations?</p> <p>⇒ Are requirements to provide services to low-income areas and associated timeframes built into the regulatory instruments or contracts applicable to service providers?</p>
<b>Adaptability assessment</b>	<p>Do water and sanitation projects address the greater need of women for privacy at water points (particularly for bathing) and sanitation facilities, such as separate washing and bathing areas for men and women, or use at different times by different groups?</p> <p>✓ <b><u>Empowerment check:</u></b> <b>Are public consultations dealing only with community leaders or heads of households, normally mainly men?</b></p>	<b>Inclusion, participation, Equity and Empowerment – Monitoring, evaluation and learning</b>	<p>Do governments have the capacity to assess the implications of for women and men and for various social classes of any legislation, policy or programme for improving access to water and sanitation services?</p> <p><b><u>Empowerment check:</u></b> <b>Are results made publicly available, and are vulnerable groups able to use this data to carry out evidence-based negotiations with the relevant government departments for service improvements?</b></p>
	<b>Additional illustrative search questions:</b>		<b>Additional illustrative search questions:</b>

	<p><i>Is toilets' location gender sensitive?</i></p> <p>⇒ <i>Are children consulted in the design of water and sanitation facilities to seek their preference for e.g. more open, shallow latrines?</i></p> <p>⇒ <i>Are young girls consulted in the design of water sources (given they are often responsible for collecting water for the family), so as to ensure that access to the water source is physically unchallenging, with pumps or taps at a height that younger children can reach, and which do not require a great deal of strength to operate?</i></p> <p>⇒ <i>Are older people or people with disabilities consulted in the design of water sources so as to ensure the establishment of accessible facilities e.g. taps set lower than the standard level or installation of pumps that are light to use; latrines with a seat rather than squat latrines.</i></p>		<p>⇒ <i>Where standards are set at the national or regional level, is the government able to facilitate a multi-stakeholder process to formulate certain standards (such as time-frame for extension) for specific localities, along with targets for reaching these standards for the short, medium and long term?</i></p> <p>⇒ <i>Is the government able to set local targets that take into account the different technical and financial needs in urban and rural areas, as well as between formal and informal settlements?</i></p>
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Participation assessment		Capacity assessment	
<b>Civil and political rights are enforced and safeguarded for all citizens</b>	<p><i>Has an inter-institutional Water Council been set up to coordinate proposals for new water laws and policies among various stakeholders, including representatives from government, the private sector and civil society, as well as representatives from women and marginalized groups?</i></p> <p>✓ <b><i>Empowerment check:</i></b> <b><i>Have women and representatives from marginalized groups been trained and provided with necessary information prior to these meetings to ensure their active participation?</i></b></p>	<b>Inclusion, participation, equity and empowerment - Resources and budget allocation</b>	<p><i>Does the national government support the Water Council with sufficient resources to ensure its successful functioning?</i></p> <p>✓ <b><i>Empowerment check:</i></b> <b><i>Is there adequate allocation of resources to ensure and encourage participation of women and other representatives of marginalized groups in the Water Council?</i></b></p> <p><b><i>Do these "representatives" report back to the members of their groups?</i></b></p>
	<p><b><i>Additional illustrative search questions:</i></b></p> <p>⇒ <i>When there are legal or policy provisions in place that permit community development and management of small-scale water and sanitation services, are micro finance programs in place that target women and other socially excluded groups?</i></p> <p>⇒ <i>Are there separate channels of participation for representatives of certain vulnerable and marginalized groups (e.g. specifically-targeted 'Vulnerable Group Council Meeting')?</i></p> <p>⇒ <i>Is there in the locality an association of the different stakeholders in water and sanitation supply, in-</i></p>		<p><b><i>Additional illustrative search questions:</i></b></p> <p>⇒ <i>Do engineers have the necessary skills to design water supply schemes not only in accordance with technical standards, but also in accordance with the wishes of the communities served?</i></p> <p>⇒ <i>Are local authorities carrying out participatory processes in the development of water and sanitation policies and plans able to ensure the genuine participation of representatives of marginalised groups by assisting them to acquire necessary information and skills?</i></p> <p>⇒ <i>Do local authorities carry out participatory processes have the skills to ensure that representatives of</i></p>

	<p>cluding operators, legislators, politicians and users, to assist the government in developing alternative approaches to service delivery?</p> <p>⇒ Is the need for public participation in decision-making recognized in the legislative framework, and are standards for their participation clear?</p> <p>⇒ Is there a process by which communities can complain about denial of participation?</p>		<p>marginalized groups articulate not only their concerns, but also their recommendations?</p> <p>⇒ Is the government able to coordinate between all relevant ministries and departments with responsibilities for water and sanitation to ensure that there is no overlap of efforts or contradictory policies?</p> <p>⇒ Are local authorities able to provide financial and/or technical assistance to enable community development and management of small-scale water and sanitation facilities and services (to ensure that the services are more appropriate, sustainable and affordable)?</p> <p>⇒ Does the government share information about good community-based practices, thus supporting the creation of wider civil society/government partnerships?</p>
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Equity assessment		Capacity assessment	
<b>Use of targeted welfare programmes</b>	<p>Are women's uses of irrigated water (beyond domestic uses), such as for farming, raising animals and producing products for the market, given equal priority than men's when planning for water projects?</p> <p>✓ <b>Empowerment check:</b> <i>Is allocation of water within the household equitable among women and men (i.e. proportional to their respective water needs)?</i></p>	<b>Inclusion, participation, Equity and Empowerment – Policy design and strategy formulation</b>	<p>Are there mechanisms for planners to adequately consult with women to document their water needs beyond domestic needs?</p> <p>✓ <b>Empowerment check:</b> <i>Are women well represented in decision-making bodies so as to ensure integration of these findings into formulation of policies and strategies?</i></p>
	<p><b>Additional illustrative search questions:</b></p> <p>⇒ Do water and sanitation related laws, regulations, policies and operating procedures include any discriminatory provisions? (e.g. norm of minimum 10 households per water point causing problems for scattered households in peripheral zones)?</p> <p>⇒ Are reforms to laws and policies relating to water resources needed to protect indigenous water management systems?</p> <p>⇒ Are water and sanitation services denied on the basis of ethnicity or similar status?</p> <p>⇒ Is it more costly for vulnerable and marginalized groups to use water and sanitation services than for the rest of the population?</p> <p>⇒ Is a specific group charged more for access to water and sanitation, where this is not justified by higher costs of delivery or greater ability to pay?</p>		<p><b>Additional illustrative search questions:</b></p> <p>⇒ Do local authorities have the capacity to carry out empirical studies (and collect evidence) to assess whether discrimination occur in practice?</p> <p>⇒ Do local authorities have the capacity to review laws and practices and identify those that directly or indirectly cause discrimination?</p> <p>⇒ Are local authorities able to collect data on access to water and sanitation (including both physical accessibility of the source and collection time – including time spent in a queue) disaggregated (by ethnicity, age, gender, religion, income, etc.) to examine levels of access by vulnerable and marginalized groups?</p> <p>⇒ Do local authorities have the capacity to develop indicators to measure the extent to which different groups have access to water?</p>

	<p>⇒ Are greater resources allocated to a specific group in the population compared to others, where this group is not vulnerable or marginalized?</p> <p>⇒ Has the provision or maintenance of water and sanitation facilities been neglected or has a higher burden of rationing been imposed to areas populated by certain groups?</p> <p>⇒ Have conditions been imposed that indirectly discriminate against a particular group's access to water and sanitation – such as restrictions against informal settlements?</p> <p>⇒ Are denigrating practices and requirements imposed by officials?</p> <p>⇒ Do women have equal access to training and credit schemes, such as for toilet construction and water point management?</p>		<p>⇒ Are local authorities able to develop mechanisms to tap into the data collection systems of international organisations, CSOs and community organizations which already collect disaggregated data for a variety of purposes?</p> <p>⇒ Are local authorities able to actively engage communities in collecting and/or verifying data?</p> <p>⇒ Do local authorities have the capacity to adopt a rights-based approach when formulating policies and strategies, notably by prioritizing water services to institutions utilized by vulnerable groups such as schools, health institutions, traditional nomadic halting sites and settlements in arid and semi-arid areas, and disaster-prone areas?</p> <p>⇒ Do local authorities have the capacity to calculate approximate public spending per person between urban formal areas, urban informal areas and rural areas to highlight inequitable resource allocation?</p> <p>⇒ Are local authorities able to develop consultative mechanisms for engaging civil society and vulnerable groups in discussions on setting development priorities, such as prioritising available funding for programmes to improve access to those who currently have limited access, rather than improving services for those who already have adequate provision?</p> <p>⇒ Do policy-makers and implementers in gender sensitive participatory processes have the necessary skills?</p> <p>⇒ Do policymakers have the skills to conduct a gender-differentiated assessment of access to resources, water uses, or distribution of benefits?</p>
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Representation assessment		Capacity Availability assessment	
<b>Affirmative action policies</b>	<p>Are women guaranteed access to the community mapping exercise (for community members to identify key gaps in service provision by drawing maps and collecting household data) to complement the official data collection mechanism (by going beyond simply recording the presence of water and sanitation services, to also record more nuanced information such as how often and where the water supply is available, etc.)?</p> <p>✓ <b><u>Empowerment check:</u></b></p>	<b>Inclusion, participation, equity and empowerment - Policy design and strategy formulation</b>	<p>Does the local government have capacities to develop concrete tools and mechanisms (including analysis of data and information) for incorporating results and findings of the community mapping into formulation of policies and strategies?</p> <p>✓ <b><u>Empowerment check:</u></b></p> <p><b>Are the results of the community mapping exercise made publicly available, in a user-friendly format?</b></p> <p><b>Is information posted close to community and religious cen-</b></p>



	<b>Are women involved in data collection only, or are they also involved in the interpretation of the data and decision-making processes for designing action plans?</b>		<b>tres, broadcasted on radio, and translated in the different local languages?</b>
	<b>Additional illustrative search questions:</b> <ul style="list-style-type: none"> <li>⇒ Is there a policy on female representation in local water user committees (given women are the main collectors and users of water for the household)?</li> <li>⇒ Is a wide range of stakeholders represented on the regulatory body, to allow for public participation in decision-making processes (e.g. establishing targets, benchmarks and tariff structures for service providers at the local level)?</li> </ul>		<b>Additional illustrative search questions:</b> <ul style="list-style-type: none"> <li>⇒ Do local development plans related to the management of water supply systems include the priorities, concerns and advice provided by women in water user committees on how water systems could be best managed?</li> </ul>

Transparency assessment		Capacity assessment	
<b>Freedom of information legislation</b>	<p>Is there a legislation that requires water services suppliers to make essential data on water quality and environment health available to the public?</p> <p>✓ <b>Empowerment check:</b> Is information disseminated using methods that are accessible to all sectors of society, i.e. above and beyond "one national news paper" which vulnerable groups might not read (e.g. radio broadcasts via stations that vulnerable groups listen to, posters in the language spoken by such groups, close to community and religious centres)?</p>	<b>Access to information, development knowledge and technology – Project implementation</b>	<p>Do local authorities have the capacity to generate and maintain a database compiling information on any regulatory violations by water suppliers?</p> <p>✓ <b>Empowerment check:</b> Is the national/regional agency responsible for surveillance able to develop strategies for disseminating and explaining the significance of the results obtained, such as through consumer associations or community-based organisations?</p>
	<b>Additional illustrative search questions:</b> <ul style="list-style-type: none"> <li>⇒ Is there legislation in place that requires several meetings of the consultative Water Council to be public?</li> <li>⇒ Are results of consultations with local communities made publicly available?</li> <li>⇒ Are community consultation reports prepared in a format which allows for looking at recommendations by different groups of stakeholders?</li> </ul>		<b>Additional illustrative search questions:</b> <ul style="list-style-type: none"> <li>⇒ Does national administration have the capacity to produce annual reports on water quality and environmental health, including information on regulatory violations?</li> <li>⇒ Are water and sanitation data collectors able to effectively coordinate their activities, share the data they collect, and harmonize their data collection methods?</li> </ul>

Accountability assessment		Capacity assessment	
<b>Existence and enforcement of legislation on public reporting by public utilities</b>	<p><i>Is the water service authority required to prepare and report on the implementation of a water services development plan, which must indicate the number and location of people to whom the services cannot be provided, the reasons for this, and a timeframe by which basic water and sanitation will be provided to those persons?</i></p> <p>✓ <b><i>Empowerment check:</i></b>  <i>Is the water service authority also required to take steps to bring the draft plan to the attention of current and potential customers and invite comment within a reasonable time?</i></p>	<b>Public sector accountability – Monitoring, evaluation and learning</b>	<p><i>Do independent public monitors have sufficient financial and technical resources (guaranteed on a multi-year basis), independence and a clear mandate set out in a law, as well as easily accessible complaints procedures to (1) examine government and private providers on water and sanitation on their compliance with national legislation and international standards, and to make recommendations? To (2) investigate user complaints that the local service provider has not been willing or able to resolve?</i></p> <p>✓ <b><i>Empowerment check:</i></b>  <i>Is free legal or paralegal assistance provided to the claimants where matters require recourse to the courts?</i></p>
	<p><b>Additional illustrative search questions:</b></p> <p>⇒ <i>Is there an independent institution in place – such as a human rights commission or ombudsperson institution - to investigate and provide remedies for discrimination, with an appropriate mandate to address complaints on all grounds of possible discrimination in the water and sanitation sector?</i></p>		<p><b>Additional illustrative search questions:</b></p> <p>⇒ <i>Is the independent institution mandated with the responsibility to address citizen complaints able to publicise its role as such and able to establish an accessible complaint mechanism (e.g. providing complaint boxes in the different areas service providers operate in, engaging with communities of users – including through the establishment of 'water watch groups')?</i></p> <p>⇒ <i>Do CSOs (and media) have the capacity to scrutinize government and private sector action on water and sanitation?</i></p> <p>⇒ <i>Do CSOs have the capacity to raise awareness of the legal, policy and technical aspects of the right to water and sanitation?</i></p> <p>⇒ <i>Do media have the capacity in disseminating information about these issues, while relying on information provided by CSOs with expertise in this area?</i></p>