



SOCIAL DEVELOPMENT PAPERS

PARTICIPATION AND CIVIC ENGAGEMENT

Paper No. 82 / March 2005

Social Accountability in the Public Sector

A Conceptual Discussion

John M. Ackerman



Abstract

In recent years, civic engagement is being increasingly viewed as a promising approach to improve the performance in the public sector. This paper attempts to clarify one aspect of the growing literature on civic engagement: society's role in improving government accountability – a process increasingly being termed as “social accountability”. The paper develops a definition of accountability as a pro-active process by which public officials inform about and justify their plans of action, their behavior and results and are sanctioned accordingly.

The Social Accountability approach towards building accountability relies on civic engagement, in which ordinary citizens and/ or civil society organizations participate directly or indirectly to exact accountability. Initiatives such as participatory budgeting, administrative reforms acts, social audits, and citizen report cards, community score cards, all involve citizens in the oversight of government and can therefore be considered social accountability initiatives.

While designing an intervention around social accountability, it is useful to think about six parameters:

- a. Incentive Structure - punishment or reward based approach,
- b. Accountability for what – rule following or performance orientation,
- c. Level of institutionalization – ranging from independent external initiatives, to one where the governments have institutionalized participation of outside groups,
- d. Depth of involvement – is the engagement with government consultative in nature or does it involve closer interaction from the planning stages
- e. Inclusiveness of participation – ranging from including only the “well behaved” groups to having extensive consultations with a variety of actors, including marginalized groups
- f. Branches of government – whether target of effort is executive, legislature or judiciary.

The World Bank can apply social accountability approaches in many areas of its work. The paper highlights two such areas: (a) Public sector reform and (b) Decentralization. The paper discusses several examples as to how social accountability approaches have made an impact in these two areas.

While considering the practical application of social accountability mechanisms, a careful understanding of the political, administrative, historical and social context is essential. It is also important to think through the appropriate entry-points, synergy between state and society, the existing and required capacities to carry out the initiative and arriving at the right mix of the social accountability tools. It is equally important to analyze how social accountability concepts link with existing formal accountability mechanisms, institutional arrangements, and incentives in the public sector.

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The report forms part of the effort at the World Bank to build the conceptual foundations for the growing body of work being done on social accountability and the strengthening of the demand side of good governance.

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1. Introduction

In recent years, a growing number of authors and practitioners have offered civic engagement as the solution to the double crisis of states and markets in the developing world. This school of thought argues that market failure can be corrected through pro-active consumers who search out alternative sources of private goods and altruistic social organizations that overcome the free-rider problem for public goods. In addition, it defends the position that state failure can be reconstructed through the action of an informed citizenry that knows its rights and requires the government to uphold them. While the forty years after World War II were characterized by a faith in state intervention and the last twenty years have been marked by the acceptance of the market model, it appears that the next wave of development thought will be grounded in a solid commitment to civic engagement.

We should welcome this paradigm shift as an opportunity to rethink accepted categories and as a chance to give a dynamic boost to development thinking. Nevertheless, as with all new concepts and intellectual fads, we need to carefully analyze and evaluate the many meanings and practices embedded in this new current of thought. The present Concept Paper attempts to clarify one aspect of the growing literature on civic engagement: society's role in improving government accountability – a process increasingly being termed as “social accountability”. The World Bank has defined social accountability as “an approach towards building accountability that relies on civic engagement, i.e. in which it is ordinary citizens and/or civil society organizations who participate directly or indirectly in exacting accountability” (World Bank, 2004f: 1). This paper surveys a wide variety of literatures and practices and carefully outlines various criteria that can be used to evaluate and categorize such societal participation in improving government accountability. Development professionals should consider the full variety of possibilities and the strengths and weaknesses of each when considering tapping into the energies of society to improve government accountability.

This paper is focused exclusively on building a conceptual framework around strategies oriented towards improving the accountability of governments. It does not venture into the extremely important terrain of private sector accountability or the accountability of civil society organizations. Nevertheless, the hope is that it will still provide some tips that can help reformers think about how to approach accountability in these other two types of organizations.

The first section discusses the concept of accountability. After a discussion of some of the classic literature in the field it proposes a core definition of government accountability as a “pro-active process by which public officials inform about and justify their plans of action, their behavior and results and are sanctioned accordingly” and distinguishes it from similar concepts such as transparency, oversight, and responsiveness. The section then briefly discusses why the conduct of free and fair elections is a necessary but not a sufficient condition for an accountable government. The problems of information asymmetry, *ex-post* evaluation bias, and “externalism” that plague elections make it necessary to think of innovative new social accountability mechanisms that can improve government accountability in a much more direct and targeted fashion.

The second section provides a quick overview of the various strategies that can be used to improve government accountability: (1) Weberian Reform, (2) Marketization, (3) Independent Agencies and (4) Social Accountability.

The third section then focuses in on the category of social accountability. It proposes six distinctions that can be used to evaluate and categorize such initiatives: punishment v. reward based mechanisms, rule following v. performance based mechanisms, level of institutionalization, depth of involvement, inclusiveness of participation, and branches of government. We can use these six distinctions both to evaluate existing practices and to plan new initiatives. Each has its particular strengths and weaknesses and the multiple possible combinations between each one opens up the field to a virtual smorgasbord of options for the social accountability entrepreneur.

The fourth section then discusses the crucial question of how practically to go about constructing an accountability system grounded in civic engagement. What are the costs and benefits of the different forms of social accountability? What are the best “entry points” for initiating pro-accountability reform grounded in societal participation?

Finally, the paper concludes with a brief survey of the ground that has been covered and identifies a series of key questions that should be discussed by practitioners before embarking on pro-accountability reforms.

2. Accountability

There are three fundamental threats to the construction of good governance and the rule of law in the developing world, namely corruption, clientelism and capture. All three of these phenomena refer to the use of public office for private gain and their impact goes far beyond the simple diversion of funds. Corruption, in addition to directly enriching individual bureaucrats, distorts markets and hampers service delivery (Rose-Ackerman, 1999). Clientelism, in addition to unfairly channeling public resources to specific client groups, alters the dynamics of political competition and leads to the ineffective provision of public services (Fox, 1994). Capture, in addition to providing rents to specific economic actors, also greatly alters markets and worsens the position of consumers, workers and the environment vis á vis corporations (Stigler, 1971).

It is generally accepted that the best way to combat this three-headed monster and thereby guarantee the public interest character of the state is by strengthening government “accountability”. But what exactly does this concept mean? In its most literal sense, the term accountability means little more than the “ability” or the “possibility” that someone or something can be “accounted for” or “counted up”. Under this minimalist understanding, all that the accountability of government would imply is the most basic form of bookkeeping (e.g. this many miles of highway were built last year, this much money was spent, this number of students attended public schools, etc.). It might also require the existence of someone who could possibly view the accounts if he or she so wished, a principle of “minimal exposure” if you will, but not much else. Transparency, punishment, performance, corruption, external surveillance, the public interest, power, and principal-agent relationships are all left out of this basic understanding of the concept of accountability.

Such a definition is clearly insufficient. Basic bookkeeping plus minimal exposure are not powerful enough levers to achieve the lofty goals of good governance and the rule of law. If my colleague at the Public Works Ministry knows that I built 300 miles of highway last year, would this in itself promote good governance? What if my 300 miles were made out of below standard concrete? What if the budget had called for me to build 1,000 miles? What if my colleague is actually my subordinate whose job depends on his maintaining favor with me? Clearly we need a much more robust definition of accountability in order for this term to do the work we expect of it.

The conceptual task therefore is to build a workable definition of accountability that has sufficient leverage and clarity so as to irrefutably push towards good government and the rule of law. But where should our conceptual construction project begin and where should it stop? The first element that most authors include is punishment or sanction. As Robert Behn has argued, “Those whom we want to hold accountable have a clear understanding of what accountability means: Accountability means punishment” (Behn, 2001:3). Andreas Schedler also incorporates this element into his definition of accountability, including both *answerability*, or “the obligation of public officials to inform about and to explain what they are doing” (Schedler, 1999: 14) and *enforcement*, or “the capacity of accounting agencies to impose sanctions on power holders who have violated their public duties” (Schedler, 1999: 14).

As we can see from this second definition, once we start building in new elements to the concept it is very difficult to resist the temptation to push further. For instance, Schedler’s definition adds in the key

concepts of “information”, “explanation” and “accounting agencies”. Here the author encourages us to go beyond the relatively passive requirement of minimal exposure to include a more pro-active opening up on the part of public officials. It is not enough for bureaucrats to leave their ledgers open on their desks so that passersby can catch a glimpse of their reports. They must actively inform and explain what they are doing and perhaps even justify why in comprehensible language. In addition, Schedler’s reference to accounting agencies introduces the element of the participation of an external actor. For the author it is not sufficient for the members of a government agency to be in full communication with each other. For accountability to exist there must also be a vigilant eye that gazes in from the outside.

Richard Mulgan’s definition of accountability emphasizes precisely this external nature of the accountability relationship. He argues that accountability includes three central elements: 1) “It is *external*, in that the account is given to some other person or body outside the person or body being held accountable” (Mulgan, 2000:555) ; 2) “It involves *social interaction and exchange*, in that one side, that calling for the account, seeks answers and rectification while the other side, that being held accountable, responds and accepts sanctions” (Mulgan, 2000:555); 3) “It implies *rights of authority*, in that those calling for an account are asserting rights of superior authority over those who are accountable” (Mulgan, 2000:555). This third element of Mulgan’s definition introduces a crucial new element to our discussion: “superior authority”. According to Mulgan, accountability necessarily implies power. Only when the observer stands above the observed can we speak of accountability. Indeed, following this line of thinking, other authors argue that accountability can only exist as an element of a “principal-agent relationship” (Moreno, Crisp & Shugart, 2003). Might it be that we can only speak of accountability when the actor being held accountable is directly at the service of the actor calling for the account?

I would argue that although externality and superior authority are indeed often important elements of accountability relationships, they are by no means necessary in order for accountability to exist. “Internal” accountability relationships are widespread, for instance within a sports team, a government agency or even a single individual. The coach of a team evaluates each player’s performance and rewards or punishes them depending on the results, but so do each one of the players. External audit agencies often hold government agencies accountable for their actions, but so do fellow colleagues within a single ministry. In the extreme case, can’t an individual hold herself accountable for her own actions by, for instance, punishing herself if she fails to live up to her own standards of performance?

In addition, “horizontal” accountability relationships, between two actors of equal authority, are common in all areas of life and politics. Can’t one legislator hold another legislator accountable for whether or not she upholds the party platform during her floor votes? How about the relationship between an *Ombudsman* and an executive agency or between two twin brothers? We should not confuse sanctioning power with superior authority. The fact that I can punish you does not necessarily mean that I am above you. My punishment might be more effective if I am indeed in a superior position, but I can still observe, evaluate and punish if we are equals¹.

¹ This last argument should of course not be interpreted as an attempt to weaken the strength or the relevance of those accountability relationships which are indeed grounded in power relationships. For instance, according to classic democratic theory governments are accountable to the people because the citizens are the original power holders who delegate authority temporarily and over certain specific issues to the government. This understanding of the structure of democracy should ground all discussions of accountability. Nevertheless, when we limit our

Independently of *how* public servants are held accountable, what can they be held accountable *for*? Here there are two broad schools of thought. One current equates accountability with honesty and rule following. Public servants should be evaluated, rewarded and punished based on the extent to which they desist from corrupt and illegal practices. This is an essentially “negative” and process-based view of accountability in so far as it requires public servants only to restrain from certain activities. A second current defends the idea that accountability also implies the affirmative task of effective performance and pro-active decision making (Paul, 1992). This perspective points out that it is not very helpful for a public servant to follow the rules and not accept bribes if her actions and decisions do not lead to effective policy outcomes.

The *temporal* dimension is another important aspect of accountability. Specifically, are there such things as “*ex-ante*” or “simultaneous” accountability, or is all accountability necessarily *ex-post*? In the strictest sense, accountability can only be exercised after the fact. Since accountability involves the evaluation of the behavior of public servants it is senseless to speak of evaluating something that does not already exist. Nevertheless, this truth should not lead us to conclude that public servants can only be held accountable for *completed* projects or “results”. For instance, an agent of accountability does not need to wait until the highway is already built in order to ask for information and explanations and evaluate the answers given. How was the strategic plan developed? How are the workers organized at the construction site? How do the engineers respond to unexpected circumstances? For the purposes of conceptual clarity, we will use the term “*ex-post*” accountability to refer to the evaluation of *completed* projects, the term “*ex-ante*” accountability to refer to the evaluation of plans of action and the term “simultaneous” accountability to refer to the evaluation of ongoing government initiatives.

For those who might have doubts about the existence of *ex-ante* accountability mechanisms, the Administrative Procedures Act (APA) and National Environmental Policy Act (NEPA) in the United States are excellent examples. Before agencies can put new regulations into effect they are required to give complete information as to their content, justify them, and even defend them in court if questioned by civil society groups or individuals with legal standing. Such accountability mechanisms have been criticized for unnecessarily slowing down government action, as agencies spend significant time and resources justifying their plans and responding to criticisms, but this is a very different point from affirming that such forms are not accountability relationships at all.

An additional central element of the accountability equation is to understand that it is a *process* and not a *state*. To “be” accountable is to be in motion, not simply sitting in an office “open to criticism”. To “be” accountable is to work with society and accounting agencies to improve government honesty and performance instead of doing one’s best to hide from scrutiny. The pro-active behavior that accountability demands requires dialogue, explanation and justification².

understanding exclusively to this framework we risk missing a great variety of other relationships which can be equally important for strengthening government accountability.

² This of course does not mean that different types of pro-activity are equal from a moral or a political point of view. For instance, it is quite different for a public servant to pro-actively inform and dialogue with her superior, an international agency, a large corporation or with a civil society group. Although each would consolidate her

One other important distinction present in the literature is that between accountability and “*responsiveness*”. Some scholars argue that there is a radical split between these two concepts, that responding to the demands of citizens is very different from being accountable to them. For instance, Bernard Manin, Adam Przeworski and Susan Stokes have claimed that “a government is ‘responsive’ if it adopts policies that are signaled as preferred by citizens” (Manin, Przeworski & Stokes, 1999:9) while “governments are ‘accountable’ if citizens can discern representative from unrepresentative governments³ and can sanction them appropriately, retaining in office those incumbents who perform well and ousting from office those who do not” (Manin, Przeworski & Stokes, 1999:10). The problem with such a radical distinction is that it conceptualizes government as an entity that citizens “alienate” or throw up into the air at each election and then try to discipline or control at the next. From this perspective accountability can only be exercised externally and *ex-post*. Citizens are only empowered to sanction the government after it has “performed” by changing their vote during periodic elections.

The contrary point of view sees government as a part of the polity itself, not an external actor that the citizens lift up above them and then try to control after the fact. This alternative conceptualization of government envisions a constant give and take between state and society and the exercise of accountability both before and during the exercise of public authority. Here “*responsiveness*” and “*accountability*” are still two different concepts, the former referring to the motivation for an action or decision and the latter referring to the quality of the action or decision itself. Nevertheless, they are inextricably linked since a government that opens itself up fully to scrutiny and sanction before, during and after it acts will usually also take very seriously the interests and demands of citizens⁴.

The above discussion brings us to settle on a definition of accountability that includes pro-active behaviors like information and justification, the evaluation of performance in addition to rule-following, the calling to account before, during and after decisions are made, and, of course, the application of sanctions (both positive and negative). We can therefore define accountability as a *pro-active process by which public officials inform about and justify their plans of action, their behavior and results and are sanctioned accordingly*.

But why worry about accountability as a specific target of intervention? Aren’t free and fair elections enough? Citizens elect representatives and then supposedly hold them accountable for their behavior at the following election. The representatives in turn appoint and hold bureaucrats and the members of the judicial branch accountable for their behavior. Such an “*accountability chain*” is supposed to assure good government and the rule of law since the jobs of all public officials ultimately depend on the popular vote.

accountability to the respective actor, our evaluation of each type of accountability will depend on the importance that we place on the respective “*agent of accountability*”.

³ The authors define “*representation*” as “*acting in the best interest of the public*” (Manin, Przeworski & Stokes, 1999:2).

⁴ Nevertheless, this is of course not always the case. As Alex Widmer has pointed out in comments on a previous version of this paper “*even if public officials inform about and justify their plans of action ex-ante, if citizens do not have means to tangibly influence decision making, responsiveness to the demand is not necessarily given. A clear example of this was the decision of many European states to back the U.S. intervention in Iraq against the will of 80% of the population. The citizens were informed and the intervention was justified, but the people could not decide directly*” (personal communication with the author).

Unfortunately, empirical research has shown that the accountability that public officials are exposed to through the conduct of periodic elections is not enough to guarantee good government and the rule of law (Geddes, 1994; Varshney, 1999; Przeworski, Stokes & Manin, 1999; Stokes, 2003). There are four central problems with elections as accountability mechanisms. First, there is a profound problem of *information asymmetry* both between elected officials and the electorate and between bureaucrats and elected officials. It is simply impossible for citizens to be aware of each and every decision that an elected representative makes or for an elected representative to be aware of every act performed by unelected public servants. The second problem with elections as accountability mechanisms is that they only operate *ex-post*. If we rely exclusively on *ex-post* accountability we in effect “alienate” our voice by delegating our authority entirely during the periods between elections. Third, elections only allow citizens to exercise accountability “*externally*”, from “outside” of government. Citizens send representatives to the capital through their vote, but do not participate themselves in the tasks of government. Under formal representative democracy citizens do not have any concrete authority over government. A final problem with elections is that there is not always more than one viable candidate running for a particular position. Such situations significantly diminish the extent to which elected officials are obliged to inform and hold themselves accountable to their constituents.

3. Pro-Accountability Reform

The conduct of free and fair elections is a necessary but not sufficient condition for the establishment of good governance and the rule of law. Democracy needs to be complemented with reforms explicitly designed to improve government accountability. We can identify four general approaches of pro-accountability reform: Weberian Reform, Marketization, Independent Agencies and Social Accountability. This section outlines the nature of each one of these approaches in turn. Although each one of these approaches summarizes a distinct way of approaching pro-accountability reform, they are by no means mutually exclusive. Indeed, in practice the best strategy is usually to combine various approaches in order to have the maximum impact. For instance, there is no contradiction in simultaneously strengthening bureaucracy along Weberian lines and opening up the doors of government to practices of Social Accountability. Indeed, when initiatives are well designed these two types of strategies can create synergies which make the whole much more than a sum of the parts (see Ackerman, 2004a).

Weberian Reform

Max Weber understood bureaucracy to be the institutionalization of rationality in which each public servant had a specific task to carry out and was fully accountable for her actions to her superior. This created a vertically integrated structure with power concentrated at the top in which “good governance” is guaranteed through careful supervision and the rational organization of the tasks of government.

This “ideal type”⁵ of bureaucracy dominated the field of public administration and public management for most of the twentieth century. Indeed, up to the present day, it is viewed as particularly important for scholars and practitioners in the developing world where the government apparatus is weak and the state is still not consolidated. A solid, rationally organized government is seen as the first line of attack against corruption, clientelism and capture. Unfortunately, in the contemporary world of “flexible government” the strengthening of the command-and-control functions of government has fallen out of favor with many. Nevertheless, such “old” public management strategies like civil service reform and the improvement of internal auditing, evaluation and surveillance are absolutely central elements of any pro-accountability reform package. If the central administrative apparatus does not have sufficient strength and legitimacy to control its own employees other pro-accountability reforms will surely fail.

⁵ Weber’s “ideal types” are expressions of the essential characteristics of social forms and do not necessarily reflect the reality of particular existing cases.

Marketization

The most popular recent wave of public administration reforms emphasizes both the privatization of public services and the imitation of private sector management techniques by government. These two strategies are analytically and empirically distinct. It is one thing for the government to sell off government monopolies and it is quite another for the government to run itself like a business. Nevertheless, both strategies look to improve the accountability of service provision by introducing the discipline of the market. Privatization introduces the market in a single act while strategies such as managed competition, subcontracting, deregulation of government procedures, and flexibilization of government labor markets introduce market behavior in a more piecemeal and indirect fashion. Such reforms involve society as an aggregation of consumers who can punish or reward service providers depending on their effectiveness. The functioning of the market here serves as an incredibly powerful pro-accountability mechanism.

Nevertheless, marketization should not be confused with social accountability. Although they both look to tap into the energy of society to improve accountability, each reform strategy has a very different logic. While marketization seeks to send sections of the state off to society, social accountability seeks to invite society into the state. While marketization is grounded in the discourse of consumer choice, social accountability is based in the language of citizens' rights and empowerment. As a result, social accountability avoids the inequality producing effects of market based service delivery and caters to inclusion and social justice more directly. In addition, social accountability retains the comparative advantage that the state has over the market in the provision of public goods, natural monopolies, basic necessities, and goods that require long term planning and development.

State reformers should remember that the New Public Management (NPM) can be applied in a wide variety of ways. As B. Guy Peters (2001) has pointed out, NPM is a catch-all term that actually holds within it four different models of government: "Market Government", "Participative Government", "Flexible Government" and "Deregulated Government". Pro-accountability entrepreneurs should think twice before assuming that marketization is the best and only way to apply the NPM. Careful attention needs to be paid to the type of good or service being provided, the possible loss of strength in the accountability signal when "citizens" are replaced with "consumers", and the potential for increases in inequality that can arise from marketization. In the end, the "participative" model of the NPM frequently can be even more effective than the "market", "flexible" or "deregulation" models.

Independent Agencies

One of the most popular pro-accountability reforms in recent years has been the creation of Independent Pro-Accountability Agencies (IPAs) (Ackerman, 2003). IPAs are autonomous public institutions that are responsible for holding government accountable in a specific issue area. Examples include autonomous corruption control bodies, independent electoral institutes, auditing agencies, human rights *Ombudsmen*, and "Public Prosecutors". In the last decade there has been a veritable explosion in the creation of such institutions in the developing world. In Latin America, Belize, Brazil, Columbia, Costa Rica, Chile, Peru and Mexico have all created or revived one or more such independent institutions in the last decade. This trend is also present in Asia, Africa, Australia and Eastern Europe. Some recent examples include the new

Ombudsmen in Poland (Founded in 1987), the Philippines (Founded 1989) and South Korea (Founded in 1994), the National Counter Corruption Commission in Thailand (Founded in 1998), the Independent Commission Against Corruption in New South Wales, Australia (Founded in 1988), the Public Protector in South Africa (Founded in 1994), and the Inspector-General of Government in Uganda (Founded in 1996) (Pope, 2000). Another indicator of this trend is that over 80 countries currently have a national *Ombudsman* while only a dozen had one only 20 years ago (Bennett, 1997).

Some countries have distinguished themselves as especially innovative cases in the creation of new pro-accountability institutions. Thailand's 1997 constitution created seven different such institutions: a National Counter Corruption Commission, an independent Electoral Commission, an Ombudsman, a Constitutional Court, an Administrative Court, an environmental review board responsible for evaluating the environmental impact of public projects, and a consumer review board which involves consumer representatives in the design of consumer protection laws (Pratijarn, 2002; Unger, 2003). Hungary is another fascinating case in so far as it has recently established four different ombudsmen, one for human rights protection, a second for national and ethnic minorities, a third for data protection and freedom of information, and a fourth for education (Rose-Ackerman, 2004). In Latin America, the Chilean *Contralor* (Siavelis, 2002), the Peruvian Ombudsman (Santistesvan, 2000), the Brazilian *Ministerio Público* (Bastos, 2002, Sadek & Batista Cavalcanti, 2003) and the flurry of new agencies recently created by the Mexican government (Ackerman, 2003) stand out as particularly interesting cases.

The performance of IPAs varies widely between countries. Indeed, it would be safe to say that there are as many cases of IPAs that serve to help governments avoid accountability as there are IPAs that successfully strengthen government accountability. In many countries there is a long tradition of creating new "independent" bureaucracies in response to problems in order to make the government appear as if it were committed to resolving the issue at hand, whether it be corruption, human rights violations, free and fair elections, etc.. Such institutional innovations often successfully deflect criticism from the central bureaucracy, thereby permitting the government to avoid a full reform of the state. The transparency and openness to participation also varies widely between IPAs. For instance, while *Ombudsmen* tend to be open and to provide much needed information to the public, auditing agencies tend to be much more close lipped.

Research shows that there is a direct relationship between the effectiveness of IPAs and the level and intensity of their interaction with society (O'Donnell, 2002; Ackerman, 2003; Moreno, Crisp & Shugart, 2003; Sadek & Cavalcanti, 2003). Those IPAs that take their role as bridges seriously are the ones that fulfill their mandates more effectively, while those that separate themselves from either the government or society tend to end in isolation and ineffectiveness. Here we see that so called "horizontal" and "vertical" accountability cannot be so easily separated. The strength of government accounting agencies depends on their connection with society at large, which brings us to the notion of social accountability.

Social Accountability

Governments can do a great deal on their own to improve accountability through actions such as strengthening top-down oversight, professionalizing staff through civil service reform, empowering internal comptrollers, establishing performance contracts and creating new independent public oversight agencies. Nevertheless, pro-accountability reform is much more effective when societal actors play a

central role as well. The World Bank has defined Social Accountability as “an approach towards building accountability that relies on civic engagement, i.e. in which it is ordinary citizens and/or civil society organizations who participate directly or indirectly in exacting accountability” (World Bank, 2004f: 1). There are a great variety of initiatives that fall under this category. Initiatives as different as participatory budgeting, administrative procedures acts, social audits and citizen report cards all involve citizens in the oversight and control of government and can therefore be considered social accountability initiatives. Here we give a brief overview of this category of pro-accountability reform. Section four is dedicated to an in depth exploration of the different dimensions of social accountability.

The universe of government action is so broad that it is virtually impossible to “oversee” the entirety of the operation. Comptrollers can only perform a limited number of audits. Human rights Ombudsmen can only respond to a certain number of complaints. Legislatures can only follow up on a specific number of government programs. Budgets can be expanded and powers can be extended, but the infinite detail of government behavior will always escape the view of the overseer. There is no single all-seeing “god’s eye” point of view from which to control the government apparatus.

It is therefore necessary to complement such top-down “police patrol” oversight strategies with bottom-up “fire alarm” mechanisms (McCubbins & Schwartz, 1984). For McCubbins and Schwartz, “police patrol” oversight is the traditional modality in which supervisory agencies operate, trying to keep a constant eye on those they are supposed to monitor. To the contrary, “fire alarm” oversight occurs when an agency relies on external actors to detect when there are problems (to “sound the alarm”) and then focuses its attention particularly carefully on those areas that receive extra attention. While a roving police car might happen to come upon a burglar or a burning building, society is everywhere. Indeed, according to Catalina Smulovitz (2003), this gives society an extra plus. Since society is everywhere, it doesn’t even have to act in all cases to make its presence felt. The mere threat that society might sound the alarm or respond in other more disruptive ways is often enough to control public servants.

Unfortunately, although society is omnipresent it is often quite dormant and apathetic. Indeed, the capacity of onlookers to *not* intervene to resolve problems is well known, particularly in highly modernized, urban areas. Examples abound of circles of curious passersby who do little or nothing to help victims of accidents, heart attacks or theft. In addition, civil society is not always as “pure” as it is often made out to be. Any power that is given to society risks being co-opted by criminal organizations and powerful interest groups who only look for personal and group benefits.

Society is a powerful potential force for strengthening government accountability. Nevertheless, this force does not come alive automatically or always in the most productive forms. Pro-accountability entrepreneurs need to design mechanisms that both help translate this potentiality into action and privilege social actors that work for the public interest. Context is absolutely crucial. There is no single “silver bullet” or special recipe for creating successful social accountability initiatives. As we will see in section five, the best strategy will always depend on the social and political context.

3. Social Accountability

This section examines the diversity of ways in which civic engagement can have a positive impact on government accountability, defined in section two as “a pro-active process by which public officials inform about and justify their plans of action, their behavior and results and are sanctioned accordingly”. It also explores how social accountability complements and interacts with the other three strategies of pro-accountability reform. The discussion therefore goes far beyond just a review of the category of social accountability to include a broader analysis of how civic engagement can form a central part of an “accountability system” as a whole.

We can use six different distinctions to capture the variety of practices that make up the broad category of “social accountability”: punishment vs. reward based mechanisms, rule following vs. performance based mechanisms, level of institutionalization, depth of involvement, inclusiveness of participation, and branches of government. Many of these distinctions can be used to evaluate any type of pro-accountability reform. For instance, the first category of punishment vs. reward based systems is a distinction that would be just as useful in evaluating Weberian reforms as in examining social accountability initiatives. Nevertheless, the central interest of this section is to use these distinctions to understand specifically the variety of social accountability initiatives available to practitioners.

Incentive Structure: Punishment vs. Reward Based Mechanisms

Accountability is most commonly associated with punishment. From this perspective an accountable government is one that is constantly exposed to the glaring eye of a government auditor, a street protest or a journalist ready for the next corruption scandal. Punishment is an absolutely crucial element of accountability. In an ideal world of perfectly honest bureaucrats and equal societies it would not be necessary to include such “teeth” in the concept of accountability. Nevertheless, with human nature as it is and with the presence of such radical social, political and economic inequalities, punishment is indeed necessary to assure honest, fair and effective behavior. The problem of course is that excessive punishment tends to corner public officials into a state of fear and paralysis. While this may be positive from the perspective of rule-following it is often counter-productive from the perspective of improving government performance.

Rewards also have their difficulties. Although they stimulate already relatively honest and pro-active officials to perform even better and might coax mediocre employees to turn the corner, they do not do a very good job at correcting the behavior of the “bad apples”. The opportunity costs involved are just too large for such officials to be convinced by simple rewards. Corrupt officials are already earning a great deal of extra money, probably much more than any reward scheme could offer them. Vastly inefficient officials have already decided to choose leisure over work, independent of the missed rewards this may entail.

Social accountability is often seen to be closer to the punishment than to the reward side of the spectrum. This is because we tend to associate social mobilization with anger and protest, with social movements that challenge the state and try to punish government officials for malfeasance or for taking particular policy directions. Such actions are indeed important. Nevertheless, social accountability is also effective

when it is grounded in constructive partnerships between civil society and the state. As a recent World Bank document on the subject states, “Across the world, we find citizens are mobilizing, often locally, to demand better services. Not by shouting, but by counting. Making sure their governments spend effectively, and keep their promises” (World Bank, 2004a: 2). Shouting is often effective. Indeed, it is often the only recourse civil society is left with. Nevertheless, setting up arrangements of “state-society synergy” which lead to rewards for both sides of the equation can be even more fruitful (Ackerman, 2004b).

One example of a social accountability mechanism which is grounded in a positive-sum, rewards based view of accountability is the Citizen Report Card. The use of this instrument is on the rise throughout the world. In recent years, report cards have been supported by the World Bank in Uganda, Albania, the Philippines and Peru. Beyond the World Bank, the methodology has been taken up by municipal presidents in the Ukraine and numerous cities in India. The experience that began this flurry of innovation is the scorecard organized by Public Affairs Centre (PAC) in Bangalore, India in 1994, and then repeated in 1999 and 2003 (See Box 1).

The report card methodology has been criticized for being grounded in a fundamentally naïve view of politics and bureaucratic inefficiency. For instance, Robert Jenkins and Anne Marie Goetz have argued that such accountability mechanisms “can be considered ‘weapons’ only if the politicians and bureaucrats in question are ignorant of the service-delivery problems in the first place. Most, in fact, are already aware of the dismal state of public amenities in India’s slums” (Jenkins & Goetz, 1999: 619). This is perhaps a bit overstated. Even given its shortcomings, the scorecard is definitely a “weapon”. Nevertheless, Goetz and Jenkins’ point stands that it is not enough to “grade” public servants on their performance in a friendly attempt to nudge them to improve. Such measures should be complemented by tougher measures which directly question and sanction public servants and agencies that do not perform up to standard.

In general, the best “accountability system” is one that includes both punishments and rewards so that public officials have strong incentives both not to break the rules and to perform at their maximum capacity. When designing their initiatives government pro-accountability reformers should think about combining “nice” strategies like scorecards and surveys with “tougher” strategies like the creation of an independent anti-corruption ombudsman that is both in close touch with civil society and has the power to directly sanction or prosecute government officials. Brazil’s *Ministerio Público* is an excellent example of such an institution (c.f. Sadek & Cavalcanti, 2003).

Box 1: The Bangalore Citizen Report Card

The original motivation for the citizen report card in Bangalore, India was the deficient provision of public services in the city. This problem was, and continues to be, widespread for most services. Transportation, telephone, electricity, water and waste disposal services are all profoundly unsatisfactory, especially in the poorest areas of the city. The hypothesis grounding the report card methodology is that the reason why the services are so poor is because government agencies are not enmeshed in an effective incentive structure. Many of the services are monopolies that are not exposed to the discipline of the market and all of them are run by an overloaded government that operates in the context of an outdated legal and regulatory system.

The report card methodology was therefore developed in order to expose government agencies to the “consumer feedback” they are lacking. The guiding idea behind the methodology is to introduce market-type incentives to the functioning of government. Through the report card methodology, agencies can see how their performance changes from year to year as well as compare themselves to other agencies in a comparative, competitive dynamic similar to that imposed by the market. And all of this occurs through the independent action of civil society and the power of information.

Report cards have seven key phases: i) Identification of Scope, Actors and Purpose, ii) Design of Questionnaires, iii) Sampling, iv) Execution of Survey, v) Data Analysis, vi) Dissemination, vii) Institutionalization (World Bank, 2004b). Experience reveals that the three core elements which are most important for a successful initiative are: a) technical expertise in the design, implementation and analysis of the report card, b) an active civil society that is willing and able to use the information provided in the report card to pressure the government for reform, and, c) reform minded top public officials who are willing and able to use the information to implement changes in service provision.

In Bangalore the report card has played a crucial role in reenergizing public services (Ravindra, 2003: 17-18). Specifically, nudged forward by the results of the report card, various agencies like the Bangalore Water Supply and Sewerage Board (BWSSB) and the Bangalore Development Authority (BDA) have initiated training programs to improve customer service skills of their staff. The Bangalore Municipal Corporation (BMC) has established a new more transparent and less corrupt property tax system. The Karnataka Electricity Board has installed a system that facilitates bill collection through the use of mobile counters. The performance of Bangalore Telecom has also vastly improved.

Accountability for What: Rule Following vs. Performance Based Mechanisms

A focus on rule-following is linked to the so-called “Old Public Management” and its emphasis on the construction of a Weberian bureaucracy grounded in rational action and a structured chain of command. Although such strategies are usually directed by governments, society can also play an important role in such pro-accountability initiatives. For instance, the activities of Transparency International and its numerous national chapters are oriented precisely towards assuring that governments follow their own rules for procurement, construction, contracting, etc. The problem with an exclusive focus on rules is that it can quickly lead to over-bureaucratization, slowing down service delivery and breeding ineffectiveness.

On the other side of the coin there are mechanisms that look to stimulate effective performance. This is the core of the so-called “New Public Management” (NPM) which argues that governments need to liberate themselves from strictly process based evaluation, which slows down government action and stifles creativity, and turn to results based evaluation. Over the last two decades dozens of countries in both the north and the south have incorporated performance evaluation as a central element of their normal auditing process (Barzelay, 1997).

Society can play an important role in evaluating the performance or “quality” of government services. Education, police and health care reform are key areas in this regard. Examples of successful school councils abound (World Bank, 2003a: 62; 5; Cabrero et. al., 2003). Community supervision of local health care clinics has also been shown to be highly effective (World Bank, 2001: 14, Cornwall, Lucas & Pasteur, 2000). In recent years there has also been an important wave of community policing reform (Fung 2001).

There are of course problems with an exclusive focus on performance as well. In technical terms, there may be a trade-off between “accountability for rule following” or “legal accountability” (Ackerman, 2004a) and “accountability for performance”. Indeed, this is what Robert Behn has characterized as “*the* accountability dilemma” (Behn, 2001). The discretion that allows bureaucrats to focus on performance and to discover creative ways to solve problems might also open up room for increased malfeasance. Nevertheless, it appears that this risk is reduced when civil society actors are vigilant since they usually maintain a close watch on both procedural and performance indicators simultaneously.

The best pro-accountability strategies are ones that simultaneously focus citizen participation on enforcing the rules and on improving performance. For instance, the citizen participation outlined in Goetz and Jenkins’s research on India involves both of these characteristics (Goetz & Jenkins, 2001). They document how local rationing committees were set up in Mumbai in order both to assure that local shop owners followed the rules with respect to the handling of money and delivered high quality rations to the users of the shops. Here citizens are acting simultaneously as conscientious consumers and as vigilant observers of the legality of the process by which the products are delivered (see Box 2).

Box 2: The *Rationing Kruti Samiti* (RKS) in India

The *Rationing Kruti Samiti* (RKS), or Action Committee for Rationing, movement based in Mumbai, India shows that when reformist bureaucrats are faced with an active pro-accountability movement in civil society it is possible to make important inroads into the area of social auditing. As Anne Marie Goetz and Rob Jenkins document, the central accountability problem that this organization faces is the widespread corruption in the provision of government services to the poor. Specifically, the nation's Public Distribution System (PDS), which is in charge of channeling basic food items and other fundamental household goods like kerosene to the poorest households, is rife with corruption. One of the principal problems here is the selling of these goods by owners of "ration shops" for personal profit.

Most communities in India already have local "participatory" institutions that are supposedly responsible for monitoring the performance of government programs. Nevertheless, these "Vigilance Committees" and "Village Assemblies" are often captured by actors who are implicated in the process of corruption itself. For instance, the "Vigilance Committees" are usually chaired by the representative of the municipal ward and their members are appointed in a top-down fashion. As Goetz and Jenkins argue, "appointment to [vigilance] committees through a process of official selection increases the probability of capture by the very political organizations that are central to the operation of the systems of leakage" (Goetz & Jenkins, 2001: 371). In addition, "since many ration shops are actually owned or controlled by politicians, who are themselves on the vigilance committees, committee members have little incentive to remain eternally vigilant" (Goetz & Jenkins, 2001: 371). Finally, often the shopkeepers themselves sit on the Vigilance Committees, thus setting up a situation in which the auditor and the "auditee" are the same person.

The RKS usually only advocates for policy reform from the outside, but recently it has decided to get involved in directly monitoring the operation of the PDS. Since the official "Vigilance Committees" are ineffective, the RKS has developed its own parallel system of informal vigilance committees. For each ration shop, five local women who are clients of the shop come together to monitor and evaluate the quality and prices of the goods being sold. This activity has been facilitated by the RKS citywide campaign to oblige shop owners to publicly display prices as well as samples of the goods on sale. The reports of the informal committees are then put together and presented both to the user community and to the central coordinating bureaucracy of the PDS in the city.

This process was particularly successful during the period immediately following the 1992 riots in Mumbai, after which the city government was very interested in being perceived as being responsive to the poor. In addition, during this period an important reform minded bureaucrat held the job of Regional Controller of Rationing. Nevertheless, in the end, "this joint civil society-state monitoring initiative was undermined by politics. State politicians were infuriated that their control over the PDS had been undermined by a bureaucrat and a group of CBOs [Community Based Organizations]. Without state support for its work, the RKS has had to return to more conflict and rather *ad hoc* tactics (such as city-wide protest action and sustained community pressure on individual shopkeepers) to pressure local shopkeepers to leak smaller amounts to the open market" (Goetz & Jenkins, 2001: 373).

The authors therefore claim that the RKS's experience with "diagonal accountability" has been only a "limited success story". Society-driven pro-accountability initiatives that confront the state and demand inclusion in the basic activities of government can be highly effective. Nevertheless, the RKS experience also shows us that ultimately the success of these movements often also depends on constructing alliances with progressive government officials as well.

Level of Institutionalization

Most efforts at involving society to strengthen government accountability tend to be ad-hoc initiatives initiated by civil society activists and embraced by well meaning public servants who believe in the value and the power of democratic participation. Rarely do such strategies find themselves institutionalized into the law or otherwise permanently embedded in the structure of the state. As Walter Eberlei has

written, a certain “event culture” tends to prevail when the concepts of societal participation and civic engagement are brought to the table (Eberlei, 2001: 9). Many public officials seem to believe that all that these concepts imply is the holding of a series of hearings, workshops and consultations, not the establishment of a long term participatory dialogue with civil society.

There are three different levels at which participatory mechanisms can be institutionalized in the state. First, participatory mechanisms can be built into the strategic plans of government agencies and rules and procedures can be mandated that require “street-level bureaucrats” to consult or otherwise engage with societal actors. Second, specific government agencies can be created that have the goal of assuring societal participation in government activities or act as a liaison in charge of building links with societal actors. Third, participatory mechanisms can be inscribed in law, requiring individual agencies or the government as a whole to involve societal actors at specific moments of the public policy process.

Although the first level of institutionalization is more or less widespread and the second level is relatively common, the third level is extremely rare. There are of course some important exceptions, including the Administrative Procedures Act in the United States (See Box 3), Bolivia’s Popular Participation Law, Porto Alegre’s Participatory Budgeting framework, Mexico City’s Citizen Participation Law and the wave of freedom of information laws that has swept the world over the past two decades. Nevertheless, these exceptions only prove the rule that participatory mechanisms are usually vastly under-institutionalized, depending too much on the ingenuity and good will of individual bureaucrats.

Box 3: The Administrative Procedures Act (APA) in the United States

One way that governments have sought to institutionalize citizen voice in the central tasks of government is through the passage of administrative procedure acts that require agencies to notify the public, as well justify and defend any new rules or regulations before putting them into effect. For instance, the United States Administrative Procedures Act (APA) passed in 1946 obliges federal agencies to publish proposed rules and decisions and open them up for “public comment” for at least 30 days before they take effect. During this period individuals and groups may question the legality of the rule or decision based on constitutional principles or on the statute that supposedly empowers the agency to make the rule/decision. Afterwards, the agency must respond to these challenges and justify that its rule is legal, “reasonable” and constitutionally sound. The rules, decisions and justifications can then be appealed to Federal Appeals Court and ultimately decided on by the Supreme Court.

As administrative law scholar Jerry Mashaw has written, with the APA we demand that bureaucrats, “must not only give reasons, they must give complete ones. We insist that they be authentic by demanding that they be both transparent and contemporaneous. ‘Expertise’ is no longer a protective shield to be worn like a sacred vestment. It is a competence to be demonstrated by cogent reason-giving” (Mashaw, 2001: 26). The APA therefore brings societal actors into the most intimate chambers of the state and forces bureaucrats to face up to and justify themselves before society.

The APA has revolutionized bureaucratic rule-making and decision-making in the United States. Before that congress was the only actor that could oversee the executive branch through extremely costly and ineffective “police-patrol” oversight. Now normal citizens, non-profit organizations and corporations are empowered to question and call executive agencies to account. Through the APA Congress has “responded to its own relative impotence by giving outsiders access not only to the bureaucracy but also to courts” (Rose-Ackerman, 1995: 16).

In recent years, many other countries have designed and implement similar laws. Jeeyang Rhee Baum (2002) has documented the process by which APAs were approved in Korea in 1994 and 1997 and Taiwan in 1999. Nuria Cunill (2000) documents how a great number of Latin American countries, including Guatemala, Mexico, Nicaragua, Peru and Uruguay, have also recently passed administrative procedure acts. Nevertheless, many of these acts do not put many powerful legal resources in the hands of citizens and the distance between law and its firm application continues to be large for many of these countries.

Why this is the case is more or less evident. Law making under democratic conditions involves the messy process of legislative bargaining and a full role for political parties. State reformers and multilateral agencies tend to shy away from such arenas, especially when they are dominated by opposing parties or factions. Therefore, reformers usually settle for executive procedures, special agencies or innovative individual bureaucrats to carry out their participative strategies.

This is a mistake. If dealt with in a creative fashion partisanship can be just as effective as isolation in the search for effective accountability mechanisms (Ackerman, 2004b). It is absolutely crucial to involve political parties and the legislature in order to fully institutionalize participative mechanisms through the law.

In addition to the institutionalization of social accountability mechanisms in the state we can also speak of their institutionalization in society. Good laws, open institutions and pro-active public servants will do very little if civil society itself is not able to take advantage of these openings. Civil society organizations and groups need to build their capacity to dialogue with government and hold it to account. This involves including the education and training of civil society as a central element of any social accountability initiative. Civil society groups also ought to band together to assure the long term continuity and

“institutionalization” of social accountability initiatives. With many groups participating in a coordinated fashion the sustenance of the effort is much more likely.

Nevertheless, there is such a thing as “over-institutionalization”. Once participation is legally recognized and socially organized it is also controlled. Institutionalization can work as a double edged sword. In general, the risk is the creation of an elite class of individuals or civil society organizations who supposedly speak for the people but do not have a social base or legitimacy to claim to represent their views.

The debate with regard to the nature of institutionalized participation is an old one, going back to the discussions with regard to the corporatist form of interest mediation during the 1970s. At that time the important distinction was made between “state corporatism” and “societal corporatism”. The former category includes those states that created new labor and business “corporations” and controlled them from above. The latter category refers to those states in which previously existing labor and business groups negotiated their entrance into the state from a position of power⁶.

A similar distinction can be made with respect to the institutionalization of civic engagement for accountability. When this institutionalization leaves the state with the power to divide, co-opt and control civil society we have reached the problematic situation of “over-institutionalization”, or “statist institutionalization”. When it empowers previously existing societal actors to make their voices heard and to apply sanctions on misbehaving or ineffective governments we have the much more productive case of what can be called “societal institutionalization”.

Finally, it is important to note that institutionalization itself is not enough to assure compliance. For instance, a recent pilot study conducted by the Open Society Institute (2004) in five countries shows that problems with the implementation of freedom of information laws may be endemic in some countries. The study revealed that on average, only 35 percent of requests for information are fulfilled. Many requests for information were not even accepted or processed to start out with. About 36 percent of requests submitted resulted in tacit or “mute” refusals. This once again points to the importance of the continual vigilance, activism and institutionalization of civil society itself in order to assure the long term success of social accountability initiatives.

Depth of Involvement

In addition to being under-institutionalized most pro-accountability initiatives grounded in civic engagement tend to be “under-involved” or too “externalist”. Consultations and workshops are common and protests and elections are frequent, but it is very difficult to find cases in which societal actors are “invited into the kitchen” to observe step-by-step the process of government planning or “meal preparation”. For instance, transparency laws often only give access to documents that report on

⁶ These terms come from Schmitter (1974), which he uses to rename the two classic categories of Mihail Manoilescu which are “*corporatisme pur* [Schmitter’s ‘societal corporatism’], in which the legitimacy and functioning of the state were primarily or exclusively dependent on the activity of singular, noncompetitive, hierarchically ordered representative ‘corporations’” (102) and “*corporatisme subordonné* [Schmitter’s ‘state corporatism’], in which similarly structured ‘corporations’ were created by and kept as auxiliary and dependent organs of the state which founded its legitimacy and effective functioning on other bases” (102-103).

concluded processes, not permitting citizens to have access to information about the process that led up to the decision or action. Governments usually claim the need to protect personal privacy and national security as their reasons for resisting a policy of total transparency. Although this may often be the case, governments also frequently use such claims only as excuses to hide uncomfortable information from the public eye.

Nevertheless, there is a limit to the extent to which citizens as agents of accountability can be invited into the core of the state. Paraphrasing what Jeff Thindwa argued during a Bank workshop on a previous version of this paper, “How can we expect someone who participated in cooking a dish to have an objective perspective on whether the dish is good or not?” Nuria Cunill has put forth a similar argument. “Co-management is irreconcilable with control. The efficacy of [social control] is directly dependent on the independence and the autonomy that societal actors maintain with respect to state actors” (Cunill, 2000:9-author’s translation). According to this point of view, pro-accountability initiatives based in civic engagement need to defend the *autonomy* of society.

There is indeed a point at which individual citizens or civil society groups go so far into the state that they end up being consumed by the monster that they were supposed to control. Funding is a crucial issue here. If the individuals and groups who are holding government accountable are funded by that very same government *in a discretionary manner* this will compromise their ability to exercise their pro-accountability function.

We should not take this argument too far. An organization that receives resources from the government is not necessarily “bought off”. If resources are disbursed transparently and with the use of objective criteria the fear of cooptation is significantly reduced. The numerous existing public universities, public investigation commissions and government funded citizen councils demonstrate that public money and public criticism can go hand in hand. In addition, there are numerous ways in which societal actors can be invited inside the state without any money exchanging hands, including legal figures such as “social audits” and “citizen comptrollers”. The General, State and District councils of Mexico’s Federal Election Institute are excellent examples of how societal actors can enforce accountability from within the state itself (See Box 4).

“Depth of involvement” is frequently related to “Level of Institutionalization”. The closer societal actors get to the core of the state the more their behavior is usually regulated. But this is by no means necessarily the case. Many countries require by law relatively “external” forms of participation like public consultations of large infrastructure projects, while many civil society organizations or movements are able to reach into the very core of the state even without legal permission, as when informal but powerful bargaining tables are set up between guerrilla leaders and government officials. These are therefore two distinct dimensions and each needs to be given its due attention in the design of social accountability mechanisms.

Box 4: Mexico's Federal Electoral Institute

Mexico's Federal Electoral Institute's (IFE) principal activities include organizing federal elections, distributing public funds to political parties, monitoring the use of both public and private funds by the parties, checking for media bias in the coverage of political campaigns, putting together and cleaning up the official electoral roll, and running public education campaigns (IFE, 2000a). The IFE actively involves societal actors at five different levels.

First, the IFE is run by an independent, nine member "citizen" General Council that serves as both a special horizontal accountability agency for electoral affairs and as the IFE's principal directive body (Schedler, 1999b). Second, the meetings of the General Council are public. The minutes and decisions are widely publicized, reported on by the media, and are available via the Internet. Third, one representative from each registered political party sits on the General Council. These party representatives can fully participate in the discussions of the General Council and have access to all of the same information as the councilors but do not have the power to vote on initiatives or decisions. Fourth, the IFE commissions that are responsible for organizing and supervising the federal elections at the state level are also "citizen-run" in so far as they are appointed by the General Council without any formal interference from local or state governments (Isunza, 2003).

Fifth, during its most important moment of "service delivery", the organization of the federal elections, the IFE recruits a huge army of citizen volunteers. For instance, during the months leading up to the 2000 elections the IFE trained over 800,000 volunteer citizens to run 113,423 polling sites (Woldenberg, 2001). All of the participants receive two training courses that are designed and implemented by the IFE. In addition, the IFE trains both national and international observers in the basics of electoral law (Pozas, 1996). Finally, each political party is permitted to send one representative to each voting booth on election day. In total, more than one million citizens were mobilized in 2000 to assure the realization of free and fair elections.

Overall, the IFE has been remarkably successful. The lack of significant post-electoral protests and mobilizations in the year 2000 was unprecedented for a presidential election in Mexico. In addition, the fact that there has not been a new electoral reform since 1996 is a testament both to the great breakthrough of this reform and to the legitimacy that the institution continues to enjoy up through the present. Other than the 1933-1942 and 1963-1970 periods, the seven years from 1996-2003 marks the longest period the Mexican political system has gone without an electoral reform since the promulgation of the Mexican constitution of 1917 (Molinar, 1996). Finally, the IFE's recent historic 100 million dollar fine of the Party of the Institutional Revolution (PRI) and its aggressive investigation of the irregular financing of the campaign of sitting president Vicente Fox demonstrates its ability to stand up to even the most powerful interests.

The stimulant for the 1996 reform was the widespread social unrest and demands for democracy that arose out of the economic meltdown of 1994-1995 as well as the Zapatista uprising. In addition, one of the most important influences on this electoral reform was the activism of non-profit electoral watchdog groups. The leading group during this period was *Alianza Cívica*. For the 1994 elections, this group mobilized over 12 thousand national electoral observers and 400 international observers, carried out its own parallel "quick count" of the electoral results, published a report on bias in media coverage of the campaigns as well as a guide for electoral observers and a final evaluation of the election as a whole (Olvera, 2003). This organized civic activity motivated the 1996 reform and many of the activities that the IFE carries out today (e.g. the "quick counts", the training of electoral observers and the analysis of the media) are based in practices that *Alianza Cívica* first initiated (Olvera, 2003).

Inclusiveness of Participation

There is a tendency for participatory pro-accountability mechanisms to only involve a small group of “well behaved” NGOs, middle class professionals, and centrist politicians. The argument, or simply the fear, is usually that the participation of broad based grassroots movements, uneducated citizens and leftist politicians will only make things more difficult. The fundamental problem here is one of communication and value sharing. Communication with the “well behaved” groups is much easier because they usually speak the same language, both literally and figuratively, and have often even studied at the same universities as the public officials. Language, class and cultural barriers make it much more difficult to truly listen to and understand the “raucous” group. Clear proposals are often misinterpreted as destructive criticism and the need to be taken into account is frequently confused with a desire to disrupt. The simplest option is therefore to only open up participation to those one already understands.

This is clearly a mistake. As Eberlei has written, “The circle of participating actors established must be gradually and systematically expanded, in order to broaden the scope of dialogue and make it largely inclusive” (Eberlei, 2001: 15). Such broad-based participation is crucial for three reasons. First, civic engagement for accountability is usually more effective precisely when government officials *don’t* know what to expect from civil society. When public officials and society actors form part of the same “epistemic community” officials can anticipate exactly when, where and how they will be observed, judged and held accountable. Some level of predictability is positive in so far as it allows for coherent long term planning. But too much predictability is dangerous because it may tend towards complicity. Social accountability can be most effective when it keeps government officials on their toes.

Second, “well behaved” civil society groups are usually well behaved because they “trust” government to do a good job. Although some level of social trust in government is necessary for national cohesion, too much trust can be counterproductive. As Catalina Smulovitz has pointed out, it is often the case that “the social trust that results from value-sharing weakens citizens’ oversight and control capacities of what rulers do, and increases, in turn, the chances of opportunistic actions by one of them” (Smulovitz, 2003). “Distrust” is one of the most powerful motivating forces for the vigilant observation of government and it is often the “raucous” groups that score high on this criteria. In the end, “autonomous civil society is [not so] important because citizens share values that sustain the benefits of self-restraint...[it] is important because it implies the existence of multiple external eyes with interests in the enforcement of law and denunciation of non-obedience” (Smulovitz, 2003).

Third, pro-accountability initiatives that involve a wide range of interests and ideological positions are much more legitimate than those based in a small hand-picked group of professionals. Expanding the circle of participation is clearly a challenge, but it is the only way to achieve broad based acceptance and ownership in such pro-accountability initiatives. We should be careful not to fall prey to depoliticized or neutral ideas of civil society that see “cooperative” or “moderate” forms of social organization as the only ones that can positively influence the construction of accountability arrangements.

In the end, we should question the commonly accepted idea that the absence of partisanship and political conflict is the only fertile ground for neutrality and accountability. Professionalism and independence are necessary but by no means sufficient to assure the long-term survival of accountability. In order to survive, pro-accountability structures need to be legitimated by society both at their founding moment and

during their everyday operations. This requires the multiplication, not the reduction, of “external eyes” and the diversification, not unification, of political and ideological perspectives. Indeed, sometimes the most effective strategy for state reformers might be to stimulate dynamic social movements and social protest and let them take the lead in pressuring and undermining the power of recalcitrant elements of the state. The example of the influence of social movements on the judicial system in Argentina is a case in point (see Box 5).

Box 5: Social Movements and the Judicial System in Argentina

In their analysis of the social response to two extra-judicial killings in Argentina, Enrique Peruzzotti and Catalina Smulovitz have documented how the combination of mobilization, legal action and media exposure can effectively guarantee that the judicial system operates impartially, even when the perpetrators are well connected or even part of the government apparatus itself (Smulovitz & Peruzzotti, 2003). The authors analyze two important cases. First, the case of the murder of a high school student in the province of Catamarca, an area “crossed by circuits of privatized and sultanistic power where vertical electoral mechanisms—although in place—were permeated by extensive political clientelism.” (Smulovitz & Peruzzotti, 2003: 317). In the process of investigating the crime evidence was hidden and tampered with, judges were pressured, scapegoats were sought out and those who sought justice were libeled in the media. Second, the case of the shooting and killing by a police patrol of three youths who were drinking on a corner in a working class neighborhood. Such cases are unfortunately typical throughout the developing and developed world. Here, as in most such cases, “the immediate reactions of state agencies were geared toward avoiding accountability by fabricating an armed confrontation that never existed” (Smulovitz & Peruzzotti, 2003: 324).

The authors document how in both cases the affected community organized mass mobilizations, marches and protests, drawing widespread media attention. This media attention, combined with the pursuit of legal action by the affected parties, helped push other government agencies and social organizations to get involved in the case. In the case of the murdered teenager, the federal legislature eventually got directly involved through the creation of a special investigative commission. In the case of the youths, the protests led to the creation of a series of new national organizations for the prevention and punishment of police brutality. In the end, the culprits were found in both cases and justice was found. But perhaps more importantly the ground was set for the long term mobilization of civil society in the defense of the rights of citizens against the often corrupt workings of the judicial system.

There are of course dangers with the opposite extreme as well. As we saw in the above discussion of elections, when there is a cacophony of voices it is extremely difficult to perceive clear accountability signals. Participation needs to be organized and structured in order for the message from society to government to be clear. Often the easiest way to do this is by simply limiting participation to a specific group of individuals or groups. The better path is to coordinate and structure participation in such a way so that a diverse set of actors are able to express their points of view in an orderly and systematic manner, as with Community Scorecards in Malawi (see Box 9 below) and Porto Alegre’s Participatory Budget (World Bank, 2003b). All of this does not mean that the more limited participation schemes such as citizen councils and NGO surveillance are useless. On the contrary, the expertise and professionalism that such actors bring to the table are invaluable in the process of enforcing government accountability and have been fundamental in the improvement of governance throughout the world. As with the above distinctions, the message here is that the best accountability systems are those that combine *both* types of mechanisms.

Branches of Government

Social accountability initiatives tend to be directed towards the executive branch. Since the executive manages the vast majority of resources and is one step removed from the democratic process it is most often the central target for pro-accountability reform.

Reforming the executive branch is indeed an important challenge. But, we should not let it blind us with regard to the equally important tasks of reforming the legislative and the judicial branches. Of the three branches of government the judiciary is often the most impenetrable. Since judges deal with highly sensitive material and information it is quite easy for them to hide from the public eye simply by claiming that their work is “confidential” and that they need to protect the right to privacy of the parties involved. Nevertheless, civil society does have an important role to play in holding the judiciary accountable, as in the above example from Argentina (see Box 5) and in the Justice for the Poor Program in Indonesia (See Box 10 below).

Legislatures are the untapped gold mine for the development of innovative new pro-accountability initiatives grounded in civic engagement. In addition to holding legislators accountable through their vote, citizens can also work side by side with legislators to hold the executive and judicial branches accountable. Indeed, given its constant interaction with the public the legislature is one of the more productive locations for citizen participation. Legislatures constantly hold public hearings, conduct consultations, speak with lobbyists, inform the public as to the status of bills, etc. (See Box 6).

Box 6: Parliaments in Africa

A recent study by Joel Barkan, Ladipo Ademolekun, and Yongmei Zhou (2003) on parliaments in Africa demonstrates that a parliament's capacity to fulfill its oversight and accountability functions depends to a great extent on the nature of its relationship to civil society. The authors point out that one of the central problems with the performance of parliaments in Africa is that citizens do not focus on the "public good" that the legislature provides to all citizens in terms of passing laws and overseeing the executive. Instead, constituents are almost exclusively interested in receiving favors or particularistic benefits from their legislators. "Pork barrel" politics is therefore the norm. This was particularly predominant during the period of one-party rule in Africa when members of the parliament couldn't have performed their more universal functions even if they had wanted to, but this legacy continues to be very much alive in the present day.

Fortunately, in recent years many new civil society groups have begun to form that have dedicated themselves to pressuring the parliament to comply with its public mandate. As Barkan, et. al. point out, "whereas in the early to mid-1990s, most civil society organizations were concerned mainly with holding 'free and fair' elections and improving human rights, by the end of the decade their attention began to shift toward strengthening other institutions to hold the executive accountable. These included the legislature, the judiciary and the press" (Barkan, et. al, 2003: 15). Specifically, these groups have started to organize training workshops for members of parliament and to directly lobby the parliament to fulfill its mandate. The emergence of such actors has started to push parliament in the right direction. The strengthening of the relationship between such groups in civil society and parliament is a crucial way in which societal actors can participate in strengthening government accountability.

As Walter Eberlei and Heike Henn (2003) argue in their own study of parliaments in Sub-Saharan Africa, "while parliaments have democratic legitimacy and constitutional rights to make and affect policy, civil society actors are extensively (if not always) rooted in the social movements in the country, and have specialist knowledge of issues relevant to poverty which parliamentarians generally do not have. A potentially promising scenario in many countries would thus be close cooperation between parliaments and civil societies vis-à-vis the executives" (Eberlei & Henn, 2003: 47).

In the United States, citizen groups are very much aware of the power of the legislature and of the possibility to influence it. Capitol Hill is full of eager lobbyists pushing their agendas. In poor countries this practice is much less developed. Funding agencies are very hesitant to finance "advocacy" work and legislatures have typically taken second stage to the executive in terms of power and influence. In addition, it is usually assumed that political parties are the appropriate channel to pressure, influence or work with legislators, not civil society groups. Nevertheless, legislatures are becoming more important in the developing world and have started to extend their communication with civil society.

Social accountability can have an important role in each of the three branches of government. Pro-accountability reformers should always keep their eyes open to possible missed opportunities in other branches of government. It is particularly important to work with legislatures, as their close interaction with the public makes them privileged places for the development of innovative society driven pro-accountability initiatives.

Dimensions & Combinations

Table 1 below summarizes the various distinctions outlined above. The first five distinctions can be represented as continua between polar extremes, while the last one can be divided into three categories. Typically, social accountability initiatives are heavily weighed toward the left hand side of the table. They tend to emphasize the punishment of executive officials for breaking the rules and involve a small

group of “well behaved” societal actors in under-institutionalized and externalist practices such as consultations and workshops. The central challenge is to move along each continuum towards a more healthy balance within each one of the dimensions.

Table 1: Six Dimensions of Social Accountability

Incentive Structure	Punishments ←————→ Rewards
Accountability for What?	Rule Following ←————→ Performance
Institutionalization	Low ←————→ High
Involvement	External ←————→ Internal
Inclusiveness	Elitist ←————→ Inclusive
Branches of Government	Executive Judicial Legislative

The middle point is not necessarily always the best for all dimensions at all times. Extremes are sometimes the best solution. For example, mechanisms like participatory budgeting fall on the extreme right hand side of the table because they are highly institutionalized, focused on results, involve citizens in the core tasks of government and involve sharing the legislature’s “power of the purse”. Depending on the context and the political will, such ambitious strategies are often the most successful.

There are multiple ways in which an individual social accountability mechanism can combine the elements of the various dimensions. For instance, a mechanism like scorecards involves an eclectic mix since it is focused on performance and rewards but is externalist and usually designed and run by highly professional NGOs. A mechanism like an Administrative Procedure Act involves a different combination since it is highly institutionalized but focuses on rule following.

In the end, the goal is to construct a healthy balance within the overall “accountability system” in a particular location. Even though individual mechanisms might fall on one extreme or the other, these can be balanced out by other mechanisms that complement for the other’s weak spots. For instance, a mechanism like an Ombudsman would be a perfect complement to citizen scorecards since Ombudsmen fall on the opposite side of almost every dimension, orienting their activities towards punishments for breaking the rules from a highly institutionalized position. The ideal mix of mechanisms will depend on the other elements of the “accountability system” as a whole as well as on the social and political context of the location where the initiatives are being implemented. This is the topic of the following section.

4. Practical Lessons and Challenges

Up to this point we have discussed the concept of accountability, presented four general categories of pro-accountability reform and explored six different dimensions that can be used to define and evaluate social accountability initiatives in particular. We have also given various specific examples of social accountability mechanisms, including the Bangalore Scorecard, the Administrative Procedures Act in the U.S., the Federal Electoral Institute in Mexico, the *Rationing Kruti Samiti* (RKS) in India, and the impact of social movements on the justice system in Argentina. Nevertheless, the question remains as to how such initiatives can be strengthened and put more purposefully to the task in the context of policy reforms and programs in developing countries. Also, how can development partners, in particular the World Bank, promote social accountability initiatives from the outside through their policy dialogue and support to development operations?

A concept paper like this one can only begin to suggest possible directions to answer these questions. In this section we first take up two program areas particularly suited for the integration of social accountability mechanisms: *Public Sector Reform* and *Decentralization*. Each program area has specific strengths and weaknesses as well as more and less effective entry points from a social accountability perspective. We then conclude with a more general exploration of some key challenges and lessons which should be taken into account when planning and implementing social accountability initiatives.

Public Sector Reform

The typical public sector reform agenda is focused on what we have called Weberian reform (e.g. civil service reform, improvement of internal oversight, etc.) and Marketization (e.g. privatization of service delivery, performance contracts, etc.). Recently there has also been a worldwide push towards the creation of new Independent Pro-Accountability Agencies. Although the area of Social Accountability is recognized as a crucial element in the equation by actors such as the World Bank (World Bank, 2000: 22), it remains relatively unexploited.

Public sector reform programs and projects require focus on both ‘rule-based’ and ‘performance based’ accountability. It is just as important to assure that public servants “deliver the goods” as it is to guarantee that they follow legal procedures. It is also key to maintain a balance between negative and positive sanctions. Each side of the coin has its specific strengths and weaknesses and works best when put together in complementary fashion.

The use of Citizen Report Cards has recently become popular in the area of public sector reform. Report cards are extremely appealing in so far as they are grounded in a positive-sum, rewards based understanding of accountability. Nevertheless, for this very same reason they often lack the “teeth” necessary to discipline misbehaving public officials. They are also rarely fully institutionalized or inclusive.

Indeed, in general the two central problems with social accountability initiatives in the area of public sector tend to be lack of both institutionalization and inclusiveness. The central reason for this is power. Central executive agencies have accumulated a great deal of power. They have been endowed with the

management of national policy in a specific area of government and see both widespread participation and institutionalization of social accountability initiatives as a threat to their authority. They therefore very much prefer mechanisms like scorecards, public consultations or advisory committees that don't infringe on their authority.

Such mechanisms are clearly a step in the right direction, but they should be complemented by other initiatives, which are more institutionalized and grounded in broad based participation in order for the social accountability system as a whole to flourish. For instance, in Peru the World Bank has supported a national "System of Social Accountability" which brings together both top-down and bottom-up reforms in an integrated pro-accountability initiative (see Box 7).

Box 7: Peru's Emerging System of Social Accountability

After the fall of the Fujimori government in September 2000 Peruvian society was thirsty for both greater accountability and expanded democracy. The corruption scandals that brought down the president left the population with a profound distrust of government and Fujimori's heavy handed style of rule had limited the democratization of the Peruvian state. It was therefore natural for Paniagua's transition government, and Toledo's government afterwards, to emphasize accountability and citizen participation in their attempt to reconstruct government legitimacy.

One of the most important initiatives taken during the transition period in 2001 was the creation of *Mesas de Concertación para la Lucha Contra la Pobreza (MCLCP)*. These "Round Tables for Attacking Poverty" brought together government officials with representatives of civil society to design social policies to combat poverty. The objective of the *Mesas* was to "institutionalize the participation of civil society in the design, decision-making and control of poverty-related programs" (World Bank, 2001: 17). Half of the Executive Committee of the MCLCP consisted of civil society representatives and a central element of the *Carta Social* that emerged from the discussions was the active participation of civil society organizations in the planning and monitoring of local development programs (Felicio & Abraham, 2004: 1). Beginning in 2001, the government also launched a participatory budget experiment in Peru's newly established regions which led to wide ranging public discussions about the priorities for public investment. As a result, 22 out of the 24 regions formulated "concerted plans" and participatory budgets for 2003. Indeed, "40 percent of the regions completed participatory budgets with support from all of the public regional administrations, all mayors, and the principal civil society organizations" (Felicio & Abraham, 2004: 2).

Other initiatives include the strengthening of community participation in the management of local health clinics through the expansion of the *Comunidades Locales de Administración de Servicios de Salud (CLAS)*. One of the benchmarks for the first stage of the Programmatic Social Reform Loan that the Bank extended to Peru beginning in 2001 was the expansion of the proportion of the public primary clinics under the CLAS arrangement from 15 to 20 percent (World Bank, 2001: 14). In addition, under this loan a "Task Force" was created between the Ministry of Finance and the national Ombudsman to "recommend measures for building the capacity of beneficiaries/grass roots organizations to utilize proactively budget information that will be increasingly available to the general public" (World Bank, 2001: 18). Finally, the Ministry of Education has begun to open itself up more to public participation. On January 13, 2001 the ministry launched a new *Comisión para un Acuerdo Nacional por la Educación* ("Commission for a National Consensus on Education") which includes representatives from civil society, academia, the teachers' union and industry.

These "bottom-up" initiatives have been joined with other equally important "top-down" initiatives to form an emerging "system of social accountability" in Peru. For instance, the ministry of finance has updated its "Integrated Financial Management System" to include budget information on all three levels of government and made its internet site much more user-friendly and easily accessible by civil society organizations. Indeed, facilitating public access to this information was an important benchmark for the first stage of the World Bank loan and a "trigger" for the second stage of the loan. As the World Bank states, this "information and data will help beneficiaries, NGOs, civil society and others to exercise social control over social programs by allowing them to verify whether programs are actually spending resources in those areas where they claim to be, whether geographic targeting is appropriate, and whether there appears to be any politically-motivated use of social expenditures" (World Bank, 2001:17). Finally, the National Statistics and Information Institute (INEI) was granted greater autonomy and strength and questions regarding public perceptions about government transparency have been included in the National Household Survey applied throughout the country.

Such integrated strategies are the most effective because they strengthen accountability from multiple locations at once, creating the conditions for a virtuous self-sustaining cycle. On the one hand, the improved management and transparency of financial data permits civil society groups to better monitor the use of public funds. On the other hand, the organization of participative budgets at the national level motivates the population to get involved in monitoring the use of the funds approved.

There are many other possibilities for mixing and matching strategies. For instance, the approval of an administrative procedures act, a transparency law or a law that requires the publication of sensitive data is often a good entry point, but rarely are such laws enough to stimulate the participation of civil society on their own. They should be complemented by the training of civil society leaders and organizations to use the new laws. For instance, even the effectiveness of the Toxics Release Inventory in the United States depends on the active stimulation of societal participation (See Box 8). The same is true for cases like the Porto Alegre Participatory Budget, Police and School Councils in Chicago and decentralization in Mexico (Ackerman, 2004b). In general, the government can usually only get out of society as much as it puts into it. In addition to opening up new spaces for participation, the government should actively recruit and train new actors in civil society. Although it is important to work with groups that are already organized, it is equally crucial to reach out to the unorganized majority and to show them that their participation matters as well.

Box 8: Toxics Release Inventory in the United States

The Toxics Release Inventory (TRI) in the United States is essentially only a pollution accounting system. Developed by the government in 1986 in a top-down fashion in order to help community planning and in the aftermath of the Bhopal chemical disaster, the TRI requires manufacturing firms to report their annual emissions of 651 toxic chemicals to the Environmental Protection Agency (EPA). This information is reported by the firms themselves with very little follow up by the EPA (only about 3 percent of firms are inspected each year) and then made widely available via print and internet media by the government. In total, the government only invests \$23 million USD in the TRI each year, much less than the tens of billions spent under the Clean Water and Clean Air Acts.

The TRI has been incredibly successful. Between 1988 and 1995 total releases and transfers of 330 of the chemicals on the TRI list decreased by over 45 percent (U.S. Environmental Protection Agency, 1995). This means that roughly 1.3 billion pounds less of toxic chemicals were emitted in 1995 than in 1988 (Fung & O'Rourke, 1998: 6). These numbers compare quite favorably to other EPA activities.

According to Fung & O'Rourke, the TRI database works both directly and indirectly to reduce pollution through the participation of civil society. It functions directly by generating a great deal of negative publicity and public pressure against those corporations that are the worst in their class. This creates immediate problems in terms of operations and sales, and can also seriously affect stock-prices as conscientious investors pull out their support and more pragmatic ones follow.

It also functions indirectly by inspiring fear in all firms that are not at the bottom of the list. It is clearly in the interests of managers to invest relatively small amounts of money in making sure that they are not the worst polluters rather than spending huge amounts to defend themselves against a public relations nightmare. Since this is true for all corporations, the tendency is for emissions to go down across the board. As a result, the overall level of "worst performance" will improve, leading to a situation in which the pressure only increases on all corporations to even further improve their levels of pollution in order not to be caught at the end of the list. This creates a seemingly endless virtuous cycle of environmental improvement.

There is still much more that needs to be done. In spite of the success of the society-driven aspect of the TRI, the government still needs to clamp down more on the reporting requirements and should set clearer minimum standards. In addition, the government could also do much more to directly enable the participation of social actors in holding corporations accountable for their toxic emissions. For instance, Fung & O'Rourke propose that the EPA should consider setting up "Offices of Community Assistance" that "supply technical support to citizen groups that must live with highly polluting facilities" (Fung & O'Rourke, 1998: 28) and supporting "Community Based Organizations or other Non-Governmental Organizations (NGOs) to run community environmental assistance programs" (Fung & O'Rourke, 1998: 28).

Indeed, as Don Sherman Grant has recently argued, even the present day effectiveness of the TRI depends a great deal on more pro-active state efforts to stimulate societal participation. Sherman Grant conducts a statistical analysis of TRI numbers for states that have implemented the "right-to-sue" provision of the 1986 Superfund Act and those that have dedicated significant funding to "right-to-know" programs. He concludes that when states are actively engaged in empowering societal actors the success of society-driven environmental regulation is much higher.

Decentralization

Throughout the world there is an increasing trend towards the decentralization of government. The objective of decentralization programs is usually to improve resource allocation and service provision by bringing decision makers and service providers closer to the citizens and service users. Decentralization is supposed to encourage government responsiveness, citizen participation and, in the end, greater accountability. However, research has shown that decentralization alone does not automatically facilitate

the increased participation of civil society or an improvement in the accountability of government. For instance, in their conclusion to a major study on the topic Richard Crook and James Manor conclude that, “it is clear, both from the findings presented in this book and from the general literature, that even the most appropriately designed institutions for decentralization cannot work independently of or even against contradictory forces coming from the social and political structures within which they are embedded” (Crook & Manor, 1998: 302).

Although devolution and decentralization are important because they bring government closer to the people, if carried out blindly they tend to reinforce inequalities both within the newly “autonomous” local units as well as between them. Local power holders are allowed to run free, and underprivileged localities are abandoned to their own devices. Decentralization is only productive if it is accompanied by pro-active efforts to involve citizens and stimulate pro-accountability processes.

Fortunately, at the local level it is usually easier to stimulate community participation. In addition, change at this level can often appear less threatening to national powerbrokers, thereby reducing resistance to citizen participation by the regime in power. There are a great number of successful examples of local social accountability initiatives. For instance, the Malawi community scorecard methodology is an important step beyond the Bangalore Report Card. First, while citizen report cards are run by professional NGOs and consulting firms, community scorecards are designed and applied by the service providers and service users. Second, while citizen report cards are oriented principally towards providing and disseminating information on public opinion, the central objective of community score cards is to make decisions and develop action plans. Third, while citizen report cards are most effective in relatively macro settings like large cities, the best terrain for the application of community scorecards is the community level. (See Box 9).

Box 9: Community Scorecard in Malawi

The community scorecard methodology was first developed in Malawi by CARE International through its Local Initiatives for Health (LIFH) project in 2002. In Malawi there is a long history of deficient provision of health care services to the poor. The central objective of the project is to improve the provision of health services to the rural poor through the empowerment of the user community.

The model applied in Malawi includes four basic elements (World Bank, 2004c). First, facilitators organize community meetings with villages surrounding the specific health center to be evaluated. At these meetings the participants are asked to talk about their health problems, their access and use of health services and their opinions of the health center under evaluation. The facilitator then works to help the participants design a list of indicators that can be used to evaluate the health center. Finally, the participants are asked to rank the performance of the health center along each one of the indicators.

Second, the staff at the health clinic goes through a similar process. They are asked to discuss the present situation at the clinic, develop a series of indicators and rank their performance along these indicators. Third, an “interface meeting” is organized where community members and clinic staff present their respective scorecards, compare the outcomes and try to work together to design solutions to the common problems identified. Fourth, the action plans need to be implemented and followed-up.

There is evidence that there was significant improvement in the service of the health center between the two interface meetings that took place in Malawi and that most of this improvement can be attributed to the implementation of the community scorecard. Almost all of the indicators received higher scores in the second scorecard and there was quite significant improvement particularly in the areas of “respect for patients”, “listening to patients’ problems”, “honest and transparent staff”, “giving priority to serious cases”; “no discrimination in providing supplementary nutrition”; and “no preferential treatment” (Shah, 2003).

The World Bank is currently exploring support to the Justice for the Poor initiative in Indonesia, another example of an effective decentralized approach to improving accountability that is grounded in community participation. This project is based in the conviction that top-down institutional reforms to the justice system are not enough. The “demand side” for justice also needs to be strengthened at the local level. Individuals, communities and civil society at large need to be empowered both to use the judicial system to resolve their disputes and to oversee the judicial system to assure that it functions well.

In addition, the initiative looks beyond the formal judicial system to explore how “informal” justice institutions work. These other institutions are “informal” in so far as they are places where disputes are resolved outside of the law. They are often quite structured and effective at reaching definitive solutions to problems. Examples include the local village governments (including both the village head and the village parliament), semi-official forums set up by development projects (e.g. the public hearings used by the Bank funded KDP project), and the more traditional *adat* institutions (See Box 10).

Box 10: Justice for the Poor Initiative in Indonesia

As in many places in the world both North and South, the Indonesian people have learned to distrust judges, prosecutors and the police. These figures are thought of as working either in their own personal interests or in the interests of the powerful, instead of for justice or the public interest. As one village leader expressed in an interview with World Bank staff, “our legal system is like a spider’s web; if it’s a little insect that flies past it will be caught, but if it’s a bird that comes along, it will just break the web” (Village leader, World Bank, 2004d: 8).

The proposed program therefore takes a multi-dimensional perspective on the situation of access to justice in Indonesia. Its central purpose is “to develop a sub-national justice reform and dispute-resolution strategy to improve poor people’s access to justice institutions (formal and informal) and the likelihood of a just outcome from them” (World Bank, 2004d: 3). The focus is on “the social institutions that underlie a society of law” (World Bank, 2004e: 1) instead of on the technical aspects of judicial reform.

The central conclusion of the initiative’s first major study is that the mobilization of civil society is the most important factor that determines whether disputes are resolved in an effective fashion. This goes for both informal and formal dispute resolution mechanisms. “The crux of the findings was that although power and institutional history still largely shaped how village communities handled disputes, how justice institutions responded and how cases were resolved, community mobilization and external interventions were able in some circumstances to break the institutional impasse and enable poor communities to defend their interests successfully” (World Bank, 2004d: 58).

Power and empowerment are at the center of this study. Cases are only resolved successfully when power imbalances are explicitly challenged through the use of extra-institutional mobilization. For instance, it is not enough to simply provide technical legal aid for communities or individuals looking to use the legal system. The most effective legal aid is that which is conceptualized as part of a “broader community advocacy effort”. “Legal empowerment efforts should target concrete cases and use them as opportunities for integrated activities: providing legal assistance, mobilizing socially and fostering links to civil society institutions to monitor the legal system” (World Bank, 2004d: 68).

Other examples abound. For instance, Porto Alegre’s Participatory Budget is now very well known in international circles (World Bank, 2003b). The important common factor across these different initiatives is that they successfully motivate the widespread participation of society and channel this energy towards the productive resolution of problems at the local level.

The difficulty in the area of decentralization and community driven development is the issue of “scaling up”. This involves the linking together of local initiatives into a national social accountability strategy or, what seems to be even more difficult, the use of similar mechanisms at the national scale. As mentioned above, the forces working against social accountability are often much more powerful at the national than at the local level. Nevertheless, this may not be reason enough to give up the struggle and abdicate the national arena to those who do not see any value-added through the participation of civil society.

General Lessons & Challenges

The design of an effective pro-accountability system grounded in civic engagement is much more of an art than a science. The pro-accountability entrepreneur needs to have a keen eye for windows of opportunity and a highly developed sensitivity to the country’s history, culture and politics. There is no single recipe that can be applied mechanically at all times and places. Even the key actors change depending on the context. While in some locations grassroots groups and NGOs take the lead while government is resistant to change, in others it is entirely the opposite with government opening up spaces

and civil society coming later. In still other cases international agencies are the driving force while NGOs are positioned against change. It is therefore impossible to define an overall strategy for each actor in the equation independent of place. The best we can do is to identify some key issues that need to be resolved by any “pro-accountability entrepreneur” who is interested in strengthening government accountability through civic engagement.

- i. *Entry Points:* Where to begin? What problem area should be tackled first? At what level should it be tackled? For example, should we start by tackling corruption in the national finance ministry or in the inefficient operation of local health clinics, in human rights abuses in indigenous areas or in the lack of accountability of legislators to their constituents? Civil society groups, government agencies and international actors all need to take careful stock of the possible options and should choose, preferably in a coordinated manner, one or two areas for strategic intervention.

Here there will most likely be intense debate both within each type of actor and between them. One strategy is to take the path of least resistance, to choose the issue and the particular location which has the fewest problems for all of the actors involved. For instance, the passage of a “sunshine law” that requires all important meetings undertaken by federal government agencies to be public normally runs up against significant resistance from the government. On the other side of the coin, efforts to oversee the objectivity of the media often run up against resistance from civil society itself in defense of the right to freedom of expression. The publication on the internet of all of the financial data of the government or the tackling of corruption in municipal governments may be more acceptable to all of the actors involved, but even this depends on the context.

Such a consensus based strategy is by no means the only path to follow. Sometimes the path of least resistance is relatively easy precisely because it does not touch on deep seated interests linked to corruption, inefficiency and a lack of accountability. When civil society groups are faced with a highly closed authoritarian regime which refuses to open itself up to civil society often the best strategy is to confront the government by demanding entrance into sensitive areas like tax collection or regulatory policy. If civil society is successful in this initiative this may empower groups to request more information and give them the legitimacy to gain much more mass based support from society. Here international actors which work through governments, like the World Bank, are crucial actors in so far as they can encourage positive responses by the government to the demands of civil society.

Regardless of whether there is consensus or disagreement, each actor interested in implementing social accountability mechanisms should survey the field far and wide to choose topics and locations with significant resonance in society. For instance, it will do no good to set up a citizen watchdog of the communications ministry if an extremely small percentage of the population has telephone service. In this case it would probably be much more productive to look at the health ministry or the education ministry. One way for any actor to discover what topics have sufficient resonance to merit the development of a formal social accountability initiative is to analyze political campaigns. What are the major accountability issues which have found their way into the campaigns of politicians? Which

messages appear to be the most appealing to the citizens? For instance, do people seem to be more worried about the fact that they have to pay bribes to receive basic public services like garbage collection, police protection and potable water, or are they more concerned about the high level political corruption linked to the recent privatization of the national telephone company?

Public opinion surveys can also be an interesting barometer of the feeling of the public with regard to these issues. Transparency International has now expanded its reach to dozens of countries and carries out such surveys regularly. Public protests are another good indicator of existing demands for more accountable government. Have there been any recent protests with regard to the violation of the human rights of journalists, workers or youth? Have “autonomous” communities or armed resistance sprung up in any areas in response to corrupt and irresponsible regional governors?

- ii. *State-Society Synergy*: Who takes the lead? Social consciousness and action are the essential elements for all social accountability initiatives and such projects usually originate in civil society. Nevertheless, the most successful experiences are those in which they are also fully taken up by and supported by the state as well as international actors. Indeed, in many successful experiences the state or international agencies are the ones who first take the initiative and place social accountability on the agenda, as with the oversight of funds for rural municipalities in Mexico (Fox & Aranda, 1996).

The best strategy is usually to balance the leadership of civil society and the state. If the initiative is viewed as a civil society project it will most likely create strong resistance within government as they feel their authority is being questioned. Societal actors should therefore look for ways to gain the confidence of government. If it is viewed as a government project it will be difficult for it to find sufficient civil society participation as groups will be afraid of being co-opted or otherwise controlled. Government actors should therefore look to open themselves up to societal participation as much and as soon as possible in the process of developing social accountability initiatives. Here international actors can play an important role in helping assure the balance by pushing or nudging government to respond positively to civil society or encouraging government to hand over some control over the project to civil society.

Sometimes such consensus-based strategies are simply not possible. Confrontational action by civil society can also be highly successful in poking holes in government and establishing effective social accountability relationships.

- iii. *Finding the Right Mix of Pro-Accountability Mechanisms*

The above discussion in Sections II and III of the various different categories and distinctions that can be used to understand pro-accountability initiatives in general and social accountability initiatives in particular is extremely helpful here. The implementation of social accountability initiatives will be particularly appealing in countries and in program areas where there is either resistance to the other three categories of reform (“Weberian

Reform”, “Marketization”, “Independent Agencies”) or there is a history of bad experiences with them. For instance, in the case of a country or a ministry with an extremely hierarchical organization and a recent negative experience with market based reform, the implementation of a social accountability mechanism is probably the ideal path towards good government. Social accountability can also be used effectively as a complementary strategy to the other three. Independent agencies tend to function better when they have a solid footing in civil society and civil society mechanisms are more effective when they trigger internal government oversight mechanisms.

Within the area of social accountability initiatives, there is a broad diversity of practices and approaches. In general, the objective is for the overall “accountability system” to be in balance along each of the six dimensions included in Table 1. Therefore, the best social accountability initiatives to implement in a particular context will be those that help bring the system to a balance. This means that the most effective mechanisms will be those that go against the grain of reigning pro-accountability practices. If there is a general outlook of suspicion, oversight and punishment for public servants, performance based social accountability mechanisms like a score card or a report card might be the perfect addition. If there is a corporatist regime that has “over-institutionalized” societal participation, it probably doesn’t make sense to start with the promulgation of a “Citizen Participation Law”, but to move on more informal terrain, perhaps with the media. If societal participation tends to be elitist and highly dependent on professional NGOs, the best strategy is most likely to involve grassroots organizations directly in the task of oversight.

iv. *Capacity Building*

Social accountability means change and innovation. It means shaking up the old form of state-society relations and both societal and government actors are often not prepared to fulfill their new roles. Most government officials have been accustomed to a closed bureaucratic culture and see societal participation as a threat to their authority. Common citizens frequently do not have enough knowledge or organization to take advantage of the openings provided to them in a productive manner.

As a result, a crucial element of any social accountability initiative is capacity building for both government and society. Government officials need to be trained to work with society and societal actors to work with government. Too often this element is forgotten in the design of social accountability initiatives. It is somehow expected that with the design of the right tool things will magically come into place.

This is a suggestive list of some of the most important issues that need to be taken into account by all actors when putting together new social accountability initiatives or looking to strengthen old ones. A more detailed and exhaustive list should be constructed out of a close analysis of existing practices and, perhaps even more importantly, the *history* of the emergence of these practices. All that this Concept Paper can do is try to frame some of the most important issues that should be taken into account in this effort.

5. Conclusion

Transparency and information are not enough. Opening up the dark chambers of the state to the eyes of the public is a major move forward, but it is only a first step. Governments cannot expect information provision to single handedly and spontaneously generate positive feedback loops between state and society. Governments need to be encouraged to directly stimulate the participation of society and to institutionalize mechanisms of state-society relations.

Poor people are exceptionally willing and able to work with government in constructive ways once they perceive that their participation can make a difference. In addition, effective societal participation is by no means limited to the provision of basic services. The poor care about much more than simple survival and local issues. It is a grave mistake to think that the poor are incapable of mobilizing themselves in the pursuit of larger social goals.

This paper has argued that the active involvement of civil society and the strengthening of the state apparatus are not mutually exclusive or even contradictory initiatives. If institutions are properly designed, a virtuous cycle that reinforces both state and society is possible. This is particularly important to emphasize today given the thrust of much of the NPM literature that proposes the devolution of state responsibilities to social actors via the market.

In addition, this paper questions those strands of the “old” public management literature that emphasize the insulation of bureaucracy from societal actors. As Robert Kaufman has recently argued,

The implication of accountability reform is different, however, when it refers to the establishment of popular assemblies and other forms of direct grassroots participation in administrative decisions. Although some forms of inclusion, such as partnerships with non-governmental organizations (NGOs) may enhance capacity, others, such as popular assemblies, may be a step backward in terms of the efficiency, effectiveness, and even the accountability of state organizations (Kaufman, 2003: 284).

We need to challenge this sort of circumscription of societal participation to “well behaved” or “enlightened” actors like NGOs and work for the full inclusion of the citizenry as a whole in the core activities of government.

In the end, one’s definition of accountability will depend on one’s vision of the role of the state. If one conceptualizes the state as fundamentally an obstacle to development, as a predator that must be controlled in its unceasing desire to take over the market and the private sector, one will tend to grasp a more external, ex-post, legal, hierarchical vision of government accountability. If one imagines the state as a possible facilitator of development, as a central actor in the provision of public goods and the stimulation of investment and citizen participation, one will lean towards a more ex-ante, performance based, pro-active, horizontal concept of accountability.

This paper encourages the latter strategy. Such initiatives are usually more difficult to implement, but they are well worth the effort. By transgressing the boundaries between state and society institutional reformers can unleash invaluable pro-accountability processes which are almost impossible to tap into through less ambitious strategies.

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