

Legal and Institutional Frameworks Supporting Accountability in Budgeting and Service Delivery Performance

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Throughout the developing world, citizens are demanding greater government accountability and responsiveness as well as better delivery of public services. Economic inequalities accentuated by globalization, lagging public sector reform efforts, entrenched corruption, and persistent concerns about the overall legitimacy of government decision making at all levels have fueled such demands, creating a deeper sense of urgency about budgeting and service delivery shortcomings.

A consensus among development specialists favors the creation of more effective and participatory policy-making mechanisms to exert greater control over service delivery design and operation, but implementing such mechanisms has proven difficult. Stronger citizen “voice”—demand-side pressures for reform—should result in better incentives for public officials to budget and deliver services of the type and amount desired by the public.

Appropriate legal and institutional frameworks can create significant participatory “spaces” and opportunities—often grounded in

individual and collective rights—for the public to exert such agency and make meaningful choices about service delivery quality, access, accountability, efficiency, and equity. A wide range of contextual factors, however, complicates straightforward emphasis on these formal interactive organizational arrangements—factors that include background politics and power relations, sociocultural norms, and government and civil society organization (CSO) capacity. Reformers need to both incorporate the influence of such factors into legal and institutional designs and acknowledge important limitations—at least in the short run—in the ability to mitigate many of these conditions.

This chapter provides an overview of global trends and experience with legal and institutional arrangements that support greater citizen voice in budgeting and the delivery of public services. The emphasis is on relatively direct, grassroots, demand-side mechanisms, particularly at the local level, rather than indirect, higher-level mechanisms (such as courts, supreme audit institutions, and national legislatures), which are harder for citizens to access or influence and are often more readily captured by special interests. The chapter extracts lessons learned about what kinds of demand-side mechanisms (and what kinds of attributes of such mechanisms) appear to be necessary—though by no means sufficient—for citizen voice to operate effectively. Without making any claims that they can or should be replicated everywhere, the chapter examines the broader role that legal and institutional frameworks can play in allowing citizen-oriented accountability dynamics to take root, especially at the local level. These legal and institutional frameworks include both direct and indirect facilitative mechanisms (such as laws on participatory budgeting and independent media). The emphasis, however, is on direct provisions, principally those concerned with participation in and oversight of local representative government (legislative functions) and those concerned with bureaucratic transparency and accountability at all levels of government (executive functions).

The chapter examines whether formal legal and institutional mechanisms per se can sometimes not only fail to promote vibrant participatory spaces but actually restrict them by cutting off opportunities for more spontaneous and innovative informal practices. It therefore investigates what kinds of other process improvements, some informal, might strengthen existing accountability mechanisms. It also identifies a wide range of other facilitating activities or initiatives—involving media, public education, and capacity building (particularly cross-training)—that may need to be undertaken to enable participants to make more effective use of citizen voice accountability tools. At all times, the discussion is cognizant of the variable nature of

citizen “participation”—the degree to which its attributes are heavily contingent on the different interests and statuses of the individuals and groups involved, the specific types of issues in question (producing differential costs and benefits), and various embedded social norms. The discussion also recognizes the formidable challenges (in terms of political economy) of introducing and implementing effective voice mechanisms.

The chapter is organized as follows. The first section reviews the literature tying better theoretical and actual budget and service delivery outcomes to increased opportunities for citizen voice to be heard. The second section examines the main kinds of citizen voice mechanisms that currently exist, including the main legal and institutional structures that embody or affect their operation. The third section presents an empirically grounded framework for assessing the potential or actual impact of various voice mechanisms, while also identifying institutional design and process considerations that should inform policy makers’ thinking. The fourth section presents case studies (from Bolivia, the Philippines, and South Africa) of relatively well-developed legal and institutional frameworks for citizen participation in planning and decision making at the local level. It also identifies ways in which their promise has not been realized because of various legal, institutional, and enabling environment shortcomings. The concluding section describes the ways political economy factors can best be managed to maximize the utility of otherwise useful legal and institutional mechanisms.

The Importance of Effective Citizen Voice to Budgeting and Service Delivery Performance

Over the past few decades, the concept of participation has increasingly moved from the arena of community or development projects to the broader universe of democratic governance, in which citizen voice is viewed as an indispensable element of government accountability and the effective delivery of public services. Ensuring adequate civil society engagement in democratic governance and service delivery is seen as helping articulate and aggregate societal demands, build consensus for broader-based political and economic reforms, and refine or improve public policy proposals. This process involves simultaneously moving government toward civil society and beyond mere social and project participation toward a broader conception of citizenship (UNECA 2004). Citizen participation in various dimensions of governance is viewed as a potential source of discipline, guidance, and demand (Andrews 2005).

To a great extent, these shifts are mirrored in the evolution, under World Bank auspices, of Poverty Reduction Strategy Papers (PRSPs), which reflect the aspiration for broader societal engagement of civil society in the development of pro-poor policies (Eberlei 2003). In its 2004 *World Development Report*, the World Bank highlighted the extent to which enlargement of citizens' choice and participation in budgeting and service delivery can help them monitor providers and make them more responsive to public needs. This is part of a broader interest of the World Bank and others in "social accountability," whereby citizens and CSOs can create new vertical mechanisms of accountability and strengthen existing horizontal ones (Malena 2004).

A consensus has emerged as to how such accountability of the public sector through citizen voice should operate. Voice mechanisms should ideally allow the public to "influence the final outcome of a service through some form of participation or articulation of protest/feedback" (Paul 1992: 1048). Such mechanisms are crucial to performance-based government, in which citizens, as end users, are able to relay information back to governments on the fit between delivered services and particular community requirements and preferences (Gopakumar 1997). Voice mechanisms embrace a variety of legal and institutional avenues through which citizens can regularly make their views known to governments.

These mechanisms can take many forms, depending on their specific function and country- and locality-specific manifestations. They share a common reform logic, however, whereby they can lead to enhanced voice "expression," which in turn can lead to enhanced public sector accountability (Andrews 2005). These expected impacts, though framed in developing-country contexts, generally parallel those set forth by the Organisation for Economic Co-operation and Development (OECD 2001b) and others (such as Fung and Wright 2003), who see a worldwide need for strengthened citizen consultation and participation in order to promote (a) better public policies and their implementation as demanded by society and markets, (b) more transparency and accountability for delivery of government services, (c) greater trust in government and more legitimate decision making, and (d) more active citizenship and engagement (to counter increasing "democracy deficits").

Decades of experience with conventional top-down, supply-side approaches to public sector reform—featuring administrative, civil service, and capacity-building reforms; results- or performance-oriented management; and decentralization (particularly of the delegative or deconcentration type)—have not improved governance. In view of this failure, Andrews

and Shah (2005a) posit an alternative “citizen-centered governance” approach, aimed at local and regional government. Their approach includes the following elements:

- Communication and participation through implicit social and explicit political contracts between citizens and their representatives (with contracts built on both the social, political, and legal pressures citizens can exert on public servants and the creative political and economic pressures that can be institutionalized through devices like citizens’ charters)
- Results-oriented relationships and performance contracts within the government, with executives responsible for ensuring that administrators use total quality management (TQM) and similar methods to develop productive interaction between administration and citizens, as well as management-for-results approaches (performance-based budgeting, benchmarking, regular reporting, activity-based costing) to meet citizen demands
- Internal and external impact and process evaluations by the government, as well as citizen evaluations, scorecarding, and other publicizing of government service delivery performance by civil society organizations so as to provide feedback on how well demands were met.¹

In each of these three dimensions, the incentive structures for citizens, local elected representatives, and administrators have been changed and made mutually reinforcing.

This model for citizen-centered governance is highly persuasive and intuitively appealing. Some empirical evidence supports the positive impact of these elements on budgeting and service delivery outcomes.² Anecdotal case studies also attest to the positive effects of opening up formal and informal channels for citizen participation and evaluation. Given the overwhelming importance of empowered citizen participation to this general model (particularly in a world dominated by top-down imperatives, patronage, corruption, and lack of capacity of the poor), the challenge is to identify what specific kinds of participation need to be cultivated and how. Given the very strong background factors above, which militate against meaningful citizen participation in developing countries, what kinds of characteristics should such participation embody? How should participation be structured and protected? To answer these questions, existing laws, policies, and institutions designed to promote greater citizen voice can be surveyed and analyzed.

Cross-Country Experience with Legal and Institutional Frameworks That Support Citizen Voice Mechanisms

In response to the need for, and perceived benefits of, greater public participation in policy making, governments in developed countries—and to a lesser extent, developing countries, where systems of accountability and public pressures are often much weaker—have embraced a wide variety of citizen voice mechanisms. A broad array of laws, policies, and institutions can embody or undergird such mechanisms (table 6.1).

Some governments have formally established such mechanisms; and many of these have uncritically transplanted laws and institutions from developed countries. Where formal laws and institutions are nonexistent or inadequate, informal, ad hoc institutions have arisen in response to public needs and demands.³

There are many ways to conceptualize how these various mechanisms or constituent parts can be classified and how they are supposed to operate. Arnstein (1969), an early theorist, takes a citizen-activist stance, proposing a unitary participatory “ladder” that runs from the most degraded form of participation—manipulation—up through informing, consulting, and placating (characterized as degrees of tokenism) to partnership, delegated power, and citizen control. She views only the last three forms as providing meaningful participation. Paul (1987) envisions a continuum of increasing citizen participation intensity, spanning information sharing, consultation, decision making, and initiation of policy proposals. The OECD (2001a: 23) posits an ascending scale involving information (a one-way relationship in which government provides information to citizens), consultation (a two-way relationship in which citizens provide feedback to the government), and active participation (a relationship based on partnership, in which citizens “actively engage in defining the process and content of policymaking”).

Looking at participation from the vantage point of public officials, Thomas (1990) identifies discrete needs for participation, the modes of which vary by problem type and societal resources.⁴ Bishop and Davis (2002) paint a more nuanced, discontinuous picture of participation—derived in part from OECD surveys on national approaches to public consultation—that does not make normative judgments but emphasizes five distinct meanings or styles of participation that can be used in the public policy process in complementary ways: (a) participation as consultation; (b) participation as partnership; (c) participation as legal standing; (d) participation as consumer choice; and (e) participation as control (most notably through referendums). They note that extensive participation may “make

TABLE 6.1 Key Laws, Policies, and Institutions Supporting Voice Mechanisms

Category	Legislation	Policy	Institutions	Tools
Information				
Passive	Freedom of information laws	Response times and fees/charges	Implementation: all public units Enforcement: ombudsmen, courts	Information registers Information management systems Government Web sites and portals
Active	Freedom of information laws; sectoral legislation	Government communications and transparency policies	Government information offices	TV, radio, print media, official gazettes, annual reports, brochures Internet broadcasting
Consultation and feedback				
Unsolicited	Administrative procedure laws Notice and comment periods	Management and analysis of complaints	Implementation: offices for relations with the public Enforcement: ombudsmen, courts	Data analysis software E-mail addresses for contact people
Solicited	Environmental impact assessment laws	Regulatory impact assessments Policies on consultation (with social partners, for example)	Government ministries and agencies Central strategy and support units	Surveys, opinion polls Public hearings, focus groups, citizen panels Consultation guidelines Online chat events

(continued)

TABLE 6.1 (continued)

Category	Legislation	Policy	Institutions	Tools
Active participation				
Government led	Referendums	Policies on engaging citizens Public-private partnerships	Government ministries and agencies Central strategy and support units	Consensus conferences Citizen juries Public dialogue sessions Online discussion groups
Citizen led	Popular legislative initiative	Development of alternative policy proposals Self-regulation	CSOs Academic centers Think tanks	Discussion meetings Independent Web sites, online chat rooms, e-mail lists

Source: Adapted from OECD 2001a.

policy resolution more difficult by raising expectations, or introduce a power of veto that allows some to block a project of benefit to others” (Bishop and Davis 2002: 26). In general, these conceptual frames can help show whether particular mechanisms, especially in combination, actually result in broad-based citizen impact on government transparency and service delivery performance.

Before examining examples of participatory mechanisms and analyzing their effectiveness, it is useful to acknowledge two important preliminary considerations. The first concerns the characteristics and advantages of using laws and formal institutions versus informal norms and institutions in developing countries. The second is the extent to which institutions and institutional design are only one of many critical factors that may impinge on the ultimate effectiveness of given voice mechanisms.

Advantages of Formal versus Informal Institutions in Channeling Citizen Voice

Although it is difficult to find rigorous empirical studies showing that legally grounded citizen voice mechanisms produce superior service delivery or accountability outcomes, Andrews’ (2002) in-depth study of decentralization and South African municipalities lends indirect support to the notion.⁵ Andrews’ (2005) study of a larger sample of citizen voice mechanisms suggests that broader, more influential citizen voice was registered in local planning processes where citizen views were incorporated directly into formal decision-making processes rather than kept separate from actual planning decisions.

The large number of contextual, confounding factors at play—many relating to local politics and sociocultural traditions—makes it difficult to render categorical judgments on this matter. At the same time, it is intuitively compelling that legally entrenched participation norms—particularly those built into local government legislative rules of procedure, including both national and local bureaucratic norms of administrative procedure—would provide legislators and administrators with more powerful incentives than would informal custom or practice to adopt a citizen service orientation. Many possible reasons may support this thesis, such as the following:

- *Practical and rhetorical impact.* Legal provisions mandating public participation may be harder for public officials to ignore than informal or discretionary processes. Rights conferred by legislation may also provide practical and rhetorical weapons to citizens and CSOs seeking to have their voices heard in the policy-making process.

- *Greater precision and attention to procedural detail.* Grounding practices in legal requirements and legal culture may result in more precision and less ambiguity about government and civil society rights and responsibilities, which is often crucial to providing depth and weight to the various dimensions of the policy-making process.
- *Legitimacy.* Adopting and using effective voice mechanisms within existing formal institutions—particularly representative government institutions, such as municipal councils—potentially carries greater weight and legitimacy with government officials and the public alike, unless such institutions are substantially compromised, in which case new institutions may provide important advantages (Ackerman 2004).
- *Political dynamics.* As a matter of political economy, legislators and bureaucrats may resent or avoid new participation mechanisms that not only seek to make government decision making more transparent and less discretionary but may appear to end-run or run parallel to formal legal processes. This may be true even in the case of quasi-formal or hybrid mechanisms. As a result, such separate or partially integrated mechanisms may be treated less seriously by officials or be consciously marginalized.
- *Administrative culture and social capital.* Simply as a matter of influencing administrative culture and bureaucratic routine, it may be easier to introduce voice mechanisms into existing legal frameworks and representative processes instead of creating new structures and procedures outside government channels.
- *Cost and effort.* Regardless of its financial cost, the creation of new participatory mechanisms may require considerable investment of time and energy by citizens and officials, as well as social capital that exceeds that possessed by a given community. At the very least, these channels may be somewhat duplicative and “stretch civic interest and time,” which may be in short supply on the part of government officials and citizens alike (Andrews and Shah 2005b: 193).

Quite apart from the question of current effectiveness, it would seem preferable, where feasible, to invest in the longer-term improvement of legal frameworks and formal representative institutions than to establish a separate participatory infrastructure that does not address the root of the problem.⁶ Whether reliance on formal institutions and legal provisions is feasible in particular countries, however, must be determined on a case-by-case basis. Reliance on formal accountability channels where neither vertical nor horizontal accountability mechanisms function as advertised is often futile. Where these traditional forms of accountability

are ineffective due to patronage, weak parliamentary or municipal council oversight, poor internal controls over civil servants, excessive executive control over appointments and agendas (in strong presidential or other executive systems, for example), or basic lack of civil society capacity or experience, it is unsurprising that informal voice mechanisms may be the only political recourse.

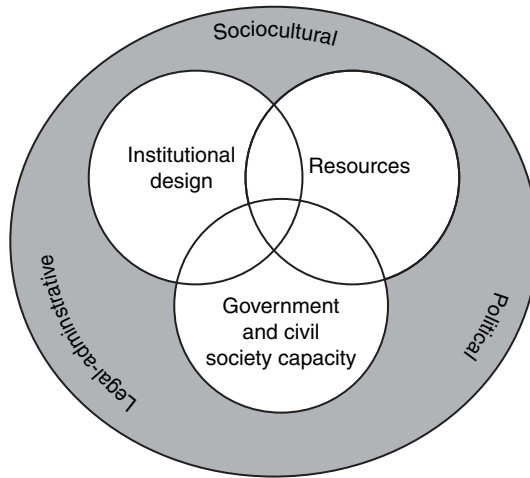
Where political economies are only somewhat unfavorable, hybrid (or so-called diagonal) accountability mechanisms may still take root, whereby the public (as vertical actors) holds public officials accountable through horizontal institutions characteristic of administrative law. These include the use of consultative or public oversight bodies, ombudspersons, and administrative litigation (Ackerman 2004; Goetz and Jenkins 2001). Indeed, “social accountability” often takes root where such civic engagement is positively fostered by the state (Ackerman 2005).

Where political economies are much less favorable, voice mechanisms may function largely or wholly outside formal state-sanctioned channels (for example, NGO-organized scorecarding of services, media exposés, ad hoc public meetings). These dynamics must be kept in mind when gauging the effectiveness of formal participatory mechanisms. Indeed, the development landscape is littered with ineffective legislation that remains under- or unutilized because of the lack of supportive political, economic, or socio-cultural environments, not to mention inadequate bureaucratic and public education, training, and capacity building.⁷ Some East Asian countries, for example, have vibrant, participatory local governance and effective delivery of social services without complex legal mandates (which could conceivably limit further development and creativity).⁸

Other Critical Background Constraints

Whether formal or informal institutions are involved, a wide range of factors other than institutional design are necessary for, if not indispensable to, the success of citizen voice mechanisms. Since this chapter emphasizes legal and institutional tools, a discussion of other variables affecting the impact of citizen voice must necessarily be abbreviated. Reformers should keep these variables in mind, however, as they contemplate whether and how to introduce or strengthen various voice processes.

At least six key groups of factors can limit the effectiveness of participatory mechanisms in achieving democratic and development goals (figure 6.1). These dimensions can be further grouped into two broad categories. The first consists of sociocultural, political, and legal administrative traditions



Source: Author.

FIGURE 6.1 Six Dimensions of Background Constraints

and legacies. The second addresses institutional design, resource availability, and the capacities of key government and civil society actors. These factors overlap with those used by the Participation and Civic Engagement Team of the World Bank under the ARVIN (association, resources, voice, information, negotiation) framework (Thindwa, Monico, and Reuben 2003). ARVIN presents a more detailed methodology for assessing civic engagement enabling environments (see annex table 6A.1).

Embedded cultural limitations—such as traditions of deference to hierarchy and formal authority (which, at the very least, can result in co-optation of the disadvantaged), deep-seated distrust and social conflict, weak social structures and civil society capacity, gender discrimination, and illiteracy—need to be factored into any institutional design plans and cost-benefit calculations about near-term use of particular voice mechanisms. The same is true of political traditions and the degree to which parties are institutionalized and politics are genuinely democratic and contested (as opposed to being based on personalism and clientelism).⁹ For example, politics in the Philippines have traditionally been more vibrant and democratic than those in Indonesia. This has produced somewhat greater accountability effects in the former. The nature of state administration adds further complications related to whether the state is developmental in orientation, whether there is a reasonably professional civil service, whether there is any degree of

decentralized governance, and whether the bureaucracy represents a largely or wholly closed culture. All of these factors have a profound impact on the potential scope of civil society influence.

The second category of constraints may prove somewhat more susceptible to near- or medium-term reform influence, at least at the level of particular projects or jurisdictions. Significant infusions of financial and technical assistance, technology, mentoring (on matters ranging from legal literacy to internal organization and transparency), and training (especially cross-training) may be required to strengthen government and CSO capacity—to allow relevant government and civil society policy-making participants to strengthen mutual trust and working relationships and use voice mechanisms for their intended purpose.¹⁰ According to a cross-country survey of citizen voice mechanisms, resource issues relating to the establishment and maintenance of functional interfaces with citizens are consistently overlooked (McGhee 2003). Public officials and CSO representatives must frequently be encouraged and trained to communicate in a more empirically informed, persuasive manner that bridges divides based on entrenched views. CSO representatives must be trained to be communicative and transparent with their own members and sensitive to the need to represent more encompassing interests in society and build alliances and coalitions. Such process strengthening must go hand in hand with institutional innovation. These considerations echo those of an in-depth assessment of constraints on local participation in Tanzania (Cooksey and Kikula 2005).

These perspectives serve as a potent reminder of the limitations of pursuing “empowerment as a technique” or seeking “optimal institutional arrangements” (Li 2006: 34) without implicitly, if not explicitly, addressing embedded social norms and structures as well as contingent power relations that are “historically tied to the outcome of struggles of social forces and interests . . . the product of grinding social change over centuries” (Hadiz 2004: 702). A focus on institutions can turn into “oversimplistic evolutionism,” in which informal norms and understandings regrettably carry little or minimal weight in development strategies (Clever 1999).

Examples of Legal and Institutional Frameworks Supportive of Citizen Voice Mechanisms

Many different legal, policy, and institutional frameworks can support effective citizen voice mechanisms, which, in turn, can improve service delivery performance. Seldom, however, do they cohere in perfectly logical,

complementary fashion in developing countries. As befits their adoption through successive, incremental layers of reform initiatives, many of which reflect compromise and half-measures (and many of which predate a societal interest in citizen participation per se), these frameworks and instruments often leave significant gaps and ambiguities.

This section provides a highly impressionistic overview of some of the most important legal, policy, and institutional elements underpinning citizen voice mechanisms currently in use around the world, beginning at the national level and working downward to the local government context. Where these formal institutions do not exist or are dysfunctional, certain relevant informal mechanisms are surveyed, mostly at the local level.

Direct and indirect national-level legal frameworks and institutions

Four main types of national-level legal framework have an important bearing on the effectiveness of citizen voice mechanisms: constitutional provisions, laws on local government, administrative procedure laws and their legislation concerning public input on draft laws and regulations, and freedom of information legislation, plus other national legislation indirectly affecting civil society's ability to organize itself and advocate effectively on behalf of citizens.

CONSTITUTIONAL PROVISIONS. The constitutions of many countries include direct and indirect provisions that bear on the degree to which citizens can influence the quality and accountability of service delivery at the national, provincial, or local level. Constitutions address such important issues as freedom of speech, conscience, assembly, and association, as well as other civil and social rights (including rights to information, which may provide an important foundation for civic organizing and advocacy). More directly, many constitutions provide for referendums and plebiscites, elections and electoral representation, and the role of civil society in development planning and policy formulation. Uganda's constitution, for example, provides for direct democracy through referendums (including through resolutions passed by a majority in at least half of the country's district councils), as well as minority representation at the national level (the constitution guarantees one parliamentary seat per district for women; parliament may provide representation for youth, people with disabilities, and other disadvantaged groups).

Legal, institutional, capacity, and resource constraints make enforcement of these rights difficult in developing countries. The Philippines Constitution of 1987 contains progressive provisions on constitutional amendment by popular initiative and special affirmative representation of marginalized

groups in local legislative councils. Implementing legislation is still lacking, however, which means that such provisions carry largely rhetorical weight. In Tanzania the constitution includes broad declarations of civil rights, but they are undercut by a number of carefully worded exceptions that restrict their application. The Indian Constitution, through Amendments 73 (1992) and 74 (1993), created new tiers of local governance (municipalities and *panchayats*) and devolved significant economic development and social service provision responsibilities from federal states to municipalities and urban councils. But Indian states have interpreted these mandates differently in their own constitutions, resulting in highly uneven shifts of responsibility to local levels of government. Uganda is emblematic of a number of countries whose constitutions proclaim a wide range of economic, civil, and political rights that are seldom realized because of political and resource pressures.

In general, constitutional provisions offer a strong rhetorical basis for advancing effective citizen voice mechanisms, but they often fail to generate practical results—even where some legislative elaboration exists—as a result of problems with enforcement mechanisms and the legal and political culture. Without effective political and economic competition, as well as effective and accountable judicial, audit, and law enforcement institutions, constitutional provisions alone are of limited value.

L A W S O N L O C A L G O V E R N M E N T . A number of national laws dealing with local government and decentralization may have an impact on the extent and quality of citizen participation in local government. At a minimum, both kinds of legislation are important to the extent that they do, or do not, create a mandate for local fiscal responsibilities, legislative initiative, and citizen participation, the details of which are often left to municipalities. In some cases national legislation is relatively uniform and prescriptive as to how budgeting, planning, and overall decision making (including its participatory quality) are to occur. Such is the case with so-called big bang (comprehensive) decentralization initiatives, such as those adopted in Bolivia, the Philippines, and to some extent Indonesia during the past decade and a half. In other countries, such as Brazil and India, there is greater *de jure* (not to mention *de facto*) heterogeneity in the extent and nature of responsibilities transferred to states and localities and the planning and budget systems of each (Bardhan and Mookherjee 2006; Rocamora 2003).

In some countries, such as Thailand and Uganda, local government laws are relatively uniform and prescriptive, but they are also vague, contradictory, or restrictive as to the form that institutionalized participation should take

(Gaventa 2002; Orlandini 2003; Rocamora 2003). By contrast, statutory frameworks for public participation at the local level in Bolivia and the Philippines are quite progressive and relatively specific in design. In Bolivia the 1994 Law of Popular Participation created 311 municipal governments; allocated 20 percent of the national budget to these municipalities (supplemented by local taxes on land, cars, and other subjects); and devolved responsibilities to them for economic development, social services, and infrastructure investment and maintenance. Alongside these changes, it created mechanisms and conditions for indigenous, peasant, and neighborhood organizations to participate with legal rights in local government as territorial grassroots organizations (OTBs). Specifically, municipalities are enjoined to involve OTBs in the Annual Operation Plan (POA) of the municipality, as well as the Municipal Development Plan (PDM)—a five-year plan that is supposed to inform the POAs. National and local guidelines have sprung up to inform the participation processes. At the same time, the Law of Popular Participation created *comites de vigilancia* (oversight committees) made up of OTB representatives that became a mechanism for rudimentary civil society participation in budgeting, as well as for ensuring local government accountability. The oversight committees are specifically empowered to oversee and monitor POA (budget) implementation and can even freeze the budget under certain circumstances and help reformulate the POA (Faguet 2006; Saule, Velasco, and Arashiro 2002). The Uruguayan national framework for local government participation is also quite expansive (box 6.1).

BOX 6.1 Local Government Participation under the Uruguay National Agreement of 1992

Montevideo embarked on an impressive decentralization effort within its administrative department in 1990. Inspired by that model, the country as a whole adopted a national agreement in 1992 that created formal spaces for popular participation at the municipal level, including neighborhood councils with consultative and control functions over local councils and the administrative departments of the state. The agreement also required representation of different political parties in the local councils. Neighborhood councils later obtained the right to propose citizen initiatives. Further evolution of participatory planning and decision making has extended beyond the local councils and neighborhood councils to specialized commissions on health and social programs managed by local government and civil society representatives.

Source: Saule, Velasco, and Arashiro 2002.

National-level laws and institutions established for local governments (as opposed to locally generated laws and institutions) have produced highly variable results in terms of participation. Such laws often include insufficient elaboration of rights and responsibilities, not to mention inadequate training and information for citizen and CSO participants. Co-optation of citizen representatives is also a frequent problem (Antlov 2003; Beneria-Surkin 2005; Iszatt 2002; Rocamora 2003; Saule, Velasco, and Arashiro 2002). In some cases, prescriptive forms of participation clash with, or limit, local traditions and creativity (Goudsmit and Blackburn 2001; Iszatt 2002; Li 2006). Another frequent problem affecting participation is conflicting legislative mandates between levels of government as to fiscal and service delivery responsibilities and a lack of proper institutional coordination (Beneria-Surkin 2005; Goudsmit and Blackburn 2001; Iszatt 2002). These problems are often slow to resolve.

ADMINISTRATIVE PROCEDURE—RELATED LEGISLATION AND INSTITUTIONS. National laws on administrative procedure and other key matters of public law may provide significant direct support for public participation—in the context of decisions (or appeals of decisions) by administrative bodies (to higher bodies within the administration or to judicial bodies) or rules for open regulation drafting or policy making.

This type of legislation, which is often well developed on paper (but often drastically less so in practice), provides individuals and groups with the basic right to be informed about the process of administrative decision making, to have access to information held by the state relating to their case, to have an opportunity to present relevant information to administrative decision makers before a decision is made, to know the reasons and legal basis for a decision, and to have a clear understanding of how and when to appeal such a decision. Where, as is common, civil society capacity and advocacy skills are low and bureaucratic culture is both closed and of poor quality, compliance with these administrative procedure principles at the national agency level or municipal level (municipal administrative bodies are usually subject to such laws) is likely to be weak. Administrative impunity is likely to be even greater where judicial independence and effectiveness are also lacking.

Legislation on open regulatory drafting procedures is rare even in many established democracies. It is usually adopted only on a sectoral or ministry-by-ministry basis (with environmental rule making and policy making often the most progressive, because of a long history of civil society pressure). In these contexts, some kind of notice and comment mechanism may exist,

requiring public authorities to circulate drafts of proposed regulations or decrees in advance of parliamentary consideration and to solicit comments or engage in mandatory consultations with civil society representatives and occasionally the general public (through public hearings or town meetings). Occasionally, such procedures are accompanied by regulatory impact analysis—procedures that may require, at a minimum, that the proposing agency qualitatively document that it has considered the potential costs and benefits of the proposed regulations through public consultations.

Three other administrative law–related types of legislation and accompanying institutions that may facilitate public participation are those governing ombudsman functions, open meeting procedures, and advisory councils or committees. The ombudsman is often a creation of parliament, charged with reviewing questions of “maladministration” or illegality by administrative agencies. Despite their lack of enforcement powers, ombudsmen have been effective in some countries (box 6.2). Open meeting laws (which are more common in countries with a common-law heritage) can be important tools for enhancing the accountability of local government councils, boards, or other multimember bodies: they may be required, with narrow stated exceptions, to conduct their deliberations in public at accessible locations. Legislation on advisory groups or councils (rare in the developing world, even for individual ministries) can help

BOX 6.2 The Everyday Effectiveness of the Peruvian Ombudsman

Although best known for its work investigating human rights violations, the Peruvian Ombudsman’s Office (*Defensor*) also deals with everyday complaints lodged by ordinary citizens about maladministration. Enshrined in the 1993 Constitution, the Defensor operates through eight regional offices, handling roughly 3,000 cases a year, many of them dealing with complaints about municipal housing and utilities. Defensor officials use a strategic mix of education, investigation, and advocacy to obtain their objectives. Whereas formal administrative and court challenges to administrative actions may take months or even years to resolve, the Defensor typically obtains at least some kind of resolution within a week, with an overall resolution rate of nearly 85 percent. The regional offices have also issued report cards on local and regional public administration, which have gained significant media attention and shamed public authorities into compliance on many issues.

Source: CIDA n.d.

make public the membership and work of such groups, aiding overall government transparency.

FREEDOM OF INFORMATION LAWS AND INSTITUTIONS. Freedom of, or access to, government-held or -generated information is a fundamental precondition for governmental transparency, accountability, and citizen engagement in policy making and decision making. Most freedom of information legislation also contains affirmative obligations that require governments to make publicly available a wide range of information about their most important policies and practices, including organization and budgets (where such requirements refer to more issue-specific information, they may also be contained in specialized or sectoral legislation or regulations). Not only are such affirmative provisions relating to key kinds of information much more effective in reaching and empowering citizens, they may also be much more efficient for governments, obviating the need for individual, case-by-case applications for the vast majority of the most commonly requested data. This may also simplify governments' information management and organizational requirements (especially those of local governments), allowing them to focus on the most publicly relevant and commonly needed information.

Freedom of information laws usually presume disclosure: the state may restrict access to information only in limited circumstances, such as national security, or with regard to confidential personal or commercial information. If the state is going to deny information, it must give a legally sanctioned reason and the party must have the right to appeal (initially to an agency or ombudsman, then to the courts). These national laws provide a compelling framework for information disclosure at all levels of government. However, because most freedom of information legislation in developing and developed countries is predominantly responsive in nature, it is critical for public participation in sectoral or local governance that there coexist specialized legislation or regulations prescribing affirmative disclosure of key kinds of information (for example, relating to budgets, planning documentation, contracts, procurement, and key government organization and operations). These affirmative provision systems can be tied to one-stop-shop information and application windows, such as that in Sindudhurg, Maharashtra, India, where citizens can interact with public officials and obtain a clear understanding of their rights regarding licenses, permits, and the delivery of services, potentially avoiding the need to pay bribes (Goetz and Gaventa 2001). Even where such affirmative information provision is modest, responsive systems with few restrictions can be enormously effective (box 6.3). Where

BOX 6.3 Goa's Right to Information Act

In 1998 the Indian state of Goa introduced a Right to Information Act whose liberal disclosure provisions are among the most progressive in the world. Among its provisions are those permitting citizens the right to photocopy files pertaining to virtually all government operations, including certain kinds of informal notes made by administrators and politicians. Hundreds of citizens have used the act to investigate government decision making and service delivery problems in the health, education, banking, environment, and foreign investment sectors. Such investigations have aided efforts by citizens and CSOs to seek court redress for their grievances.

Source: Goetz and Gaventa 2001.

government information is hard to come by, CSOs like those undertaking citizen report cards in Bangalore can collect and disseminate important information about the quality of public services (Goetz and Gaventa 2001).

OTHER NATIONAL LEGISLATION AND INSTITUTIONS.

A wide range of other national laws and institutions may have important direct and indirect effects on the extent and quality of citizen voice mechanisms, whether they involve central, provincial, or local governments. Electoral laws providing for maximum citizen and party participation, as well as diverse and representative government, are critical for a functioning democracy and political competition—but so are laws that govern referendums and citizen initiatives. Laws governing the registration and taxation of for-profit and especially not-for-profit organizations can have a profound impact on the health of the Third Sector and the vibrancy of civic engagement, as can laws governing media ownership and operation, defamation, speech, and assembly. Public security and antiterror laws can shut down or chill many kinds of civic organizing and information dissemination if improperly applied.

National legislation may provide for special kinds of citizen participation. The Bolivian National Dialogue Law of 2001 institutionalizes a consultative mechanism between the government and civil society every three years in order to define priorities in the fight against poverty. The same is true of the Brazilian Statute of the City, also adopted in 2001, which sets forth a means of institutionalizing participation in urban areas through local participatory planning and budgeting. National legislation or initiatives can also spur special monitoring or consultation processes. Uganda, for example, has used

Participatory Poverty Assessments to conduct national consultations on people's perceptions of poverty and priorities for poverty reduction, as well as to increase citizen capacity for poverty monitoring. It has also used a comprehensive service delivery survey to provide longitudinal data on the efficiency and responsiveness of key services (Gaventa 2002). National-level frameworks can also provide a foundation for joint management of sectoral programs. In India, for example, national guidelines on watershed development set forth legal and organizational parameters for community mobilization and management of local watersheds in cooperation with government agencies and NGOs (Goetz and Gaventa 2001).

A number of important, reasonably functional national institutions are usually needed to help create meaningful accountability frameworks at multiple levels of government. These include well-staffed and resourced electoral commissions, legislatures, staffs, courts, audit bodies, and a generally professional civil service. Based on the public goods they provide, it is difficult for good governance and accountability to take root and improve in the absence of these institutions.

Local-level legislative and administrative frameworks

In many countries, national laws prescribe the basic jurisdiction of local representative bodies and public participation avenues; in other countries these mechanisms arise largely from provincial and local legislation and policies. In Brazil and India, for example, there is wide local variation in how states and localities arrange their legislative and administrative affairs and use participatory policy-making, planning, and decision-making vehicles. In Brazil state-level constitutions determine the mechanisms for participation in state management and metropolitan administration. Organic municipal laws regulate popular participation at the local level, establishing *subprefeituras* (subprefectures) as neighborhood management entities with rights of community representative participation (Saule, Velasco, and Arashiro 2002).

Perhaps the best-known feature of local participatory mechanisms in Brazil are the numerous participatory budgeting processes that have evolved over the past decade and a half, including the much-studied original Porto Alegre model. Using special local assemblies with citizens and civil society representatives on an annual cycle, and a Participatory Budget Council composed of delegates elected from local meetings, neighborhood associations, special interest groups, municipal unions, and local governments, the process entails deliberations on projects for specific districts as well as overall municipal investment priorities. As many as 103 Brazilian cities carried out participatory budget processes between 1997 and 2000 (Baiocchi 2006).

In India, where states have significant planning and budgeting autonomy, the State of Kerala launched a planning initiative to empower local councils to draw up development plans to prioritize projects (receiving up to 40 percent of the state budget for this purpose) based on a highly participatory, village-based planning process involving neighborhood groups, resource experts, and retired teachers and government officials (Goetz and Gaventa 2001).

Where government-initiated or -led community participatory planning or review processes are weak or compromised at the state, district, or municipal level, there may be greater recourse to submunicipal structures, such as village assemblies, for public input into matters of local significance. In Indonesia, for example, erratic efforts toward genuine decentralization resulted in greater participatory engagement in village councils, which have legislative and budgetary decision-making autonomy over village affairs and to which the village head is answerable (Rocamora 2003). If municipal and village assemblies are captive to special or elite interests, CSOs may have to independently collect information and investigate government spending practices (box 6.4).

In a less adversarial vein, CSOs and foreign donors may step in to lead or assist with participatory planning, budgeting processes, or service delivery

BOX 6.4 Promise and Pitfalls of Noninstitutionalized Participation: Mumbai's Action Committee for Rationing

India has suffered from rampant corruption in public works projects and leakage from the Indian Public Distribution System, wherein ration shops sell basic food items and household goods for personal profit. Because official vigilance committees and village assemblies have often been captured by corrupt actors and many ration shop owners are politicians, in the 1990s the Mumbai Action Committee for Rationing (RKS) stepped in to develop its own parallel oversight system. Using clients of the ration shops to monitor and evaluate the quality and prices of the goods sold, as well as publicity campaigns to oblige shopowners to publicly display prices and samples of goods, the RKS presented comprehensive reports on the situation to both users and officials of the Public Distribution System in Mumbai.

The initiative was successful as long as a key progressive bureaucrat held the position of Regional Rationing Controller; it achieved limited success after he or she left. Although an institutionalized role for this state-civil society partnership might not have been possible at the beginning, its absence later proved damaging.

Source: Goetz and Jenkins 2001.

review that are incipient or fragile. In Indonesia tenuous decentralization and tenacious local elites led the World Bank to support a \$1 billion Kecamatan (subdistrict) Development Program aimed at meeting local social development needs in tens of thousands of villages. The program involved the creation of new or reformed participatory processes that employed innovative forums and stakeholder committees to guide investment choices (Li 2006).

In Nicaragua, which began a process of decentralizing the national system of public investment in 2003 and subsequently passed a law on municipal transfers that required greater budget allocations to localities, CSOs such as Grupo Fundemos worked with municipalities and their local development committees to develop priorities for public spending through participatory processes. In one municipality, Fundemos applied deliberative processes in 29 rural communities to achieve consensus on budgetary priorities and strengthen the role of the local development committee as a liaison between communities and the local government. The elaboration of the process was not formalized, but it did give rise to potentially institutionalized practices (Partners of the Americas' Center for Civil Society 2005).

State–civil society synergy is also apparent in local sectoral contexts. In Brazil, for example, decentralization has spawned a large array of comanaged sectoral councils concerned with implementation of social policies. Health councils are a particularly vibrant area of citizen participation and monitoring.

What Kinds of Mechanisms and Conditions Create Effective Citizen Voice?

This brief overview of legal and institutional frameworks for citizen voice mechanisms raises a number of key questions about effectiveness. What general kinds of processes and conditions yield the most (and least) effective results? How should effectiveness be defined? What kinds of functional processes are required to overcome common impediments to citizen voice mechanism effectiveness? Should these functional processes be grounded in formal, legal institutions or in informal, possibly ad hoc institutions? Notwithstanding the importance of institutional design, what other conditions, including participant capacities, must be in place or taken into consideration in deciding whether to create or strengthen such institutions?

What Tends to Create Effective Citizen Voice?

In order for reformers to determine which mechanisms to use, they must first understand the functions and expected impact of these mechanisms,

as well as common impediments that may stand in the way of their effective functioning. They must then consider specific impediments that may affect particular voice mechanisms, based in part on the foregoing areas of concern.

There is anecdotal reason for skepticism about whether greater provision of such mechanisms at the local level has broad-based impact (Charlick 2001; Manor and Crook 1998; Mohan and Stokke 2000; Souza 2001). Conducting a meta-analysis of more than 50 literature-based cases as well as an in-depth quantitative analysis of the adoption of participation and voice mechanisms in 273 South African municipalities between 1995 and 2000, Andrews (2005) examines whether the adoption and use of voice mechanisms had a measurable effect on accountability, defined in terms of indicators such as changes in the quality of resource responsibility, government responsiveness and performance, transparency, corruption, and political and administrative accountability.

He finds three types of potential outcomes: (a) no effect (or even a negative effect) on accountability; (b) a narrow effect, reflecting the use (or in some cases, capture) of such mechanisms by selected social groups, influential NGOs, academics, or leading business interests; and (c) a broad effect, reflecting an increase in responsibility, transparency, or responsiveness of public organizations to society in general. According to Andrews, these results are explained by the combined impact and interaction of voice *influence* (the degree to which voice, expressed through a voice mechanism, actually affects who governs, how they govern, the content of the governance agenda, and governance outcomes) and voice *focus* (that is, *whose* voice is expressed through a given voice mechanism). This impact and interaction can be portrayed in a matrix, in which the ideal accountability impacts (touted in much of the participation literature) can be found in the upper-right-hand quadrant (figure 6.2).

Voice influence	High	Narrow accountability effect (risk of capture) Narrow focus, high influence	Broad accountability effect (representative) Broad focus, high influence
	Low	No accountability effect Narrow focus, low influence	No accountability effect Broad focus, low influence
		Narrow	Broad
		Voice focus	

Source: Andrews 2005.

FIGURE 6.2 Voice Expression and Accountability Effects

Andrews offers several explanations as to how and why such accountability effects emerge, many of which point to general obstacles to the successful functioning of voice mechanisms:

- Voices expressed in budget planning and other participatory planning and review contexts tend to be influential if they are incorporated into the actual planning exercises and decision-making processes rather than conducted in separate forums.
- Voice focus is narrowed when mechanism design limits voice access—when participation is by invitation only or highly dependent on particular meeting place accessibility, for example.
- Highly technical processes yield low voice influence and narrow voice focus, whereas mechanisms designed to improve citizen access to and understanding of the issues facilitate high voice influence and broad voice focus.
- Monitoring and evaluation devices that are built into or accompany a voice mechanism stimulate voice influence.
- Voice influence is low where there is no medium for voice transmission to carry criticism and feedback directly to decision makers.
- Centralizing political and fiscal structures limit voice influence and narrow voice focus, so that if there is no true delegation of power and responsibility downward to regional or local governments, hierarchical pressures and higher-level political and budget priorities will tilt power and influence toward central political leaders and technical administrators.
- Closed administrative systems limit voice influence and narrow voice focus. They often go hand in hand with bureaucratic inertia and ordinary professional technical culture.
- Voices of the poor are muted or silenced by the higher cost of participation for them and their relative lack of sophistication, as well as weak social structures and disorganized communities. Alliances with better-situated groups may facilitate voice influence but still not deliver the advantages associated with broad voice focus.

What Types of Functional Processes Maximize the Impact of Citizen Voice?

Even if general mechanisms exist to incorporate citizen voice into budgeting and policy making regarding service delivery, they often fail to deliver results, usually as a result of an intentional or inadvertent lack of attention to procedural details. Without such details—which concretely and precisely answer the basic who, what, where, why, and how questions about citizen

participation—many ostensibly progressive mechanisms or mandates are destined to fall short of expectations.

Andrews and Shah (2005b) identify some of the more important design details associated with establishing a functional, effective arena for citizen participation in the context of public budgeting—arguably the broadest and most important arena in which public service delivery issues can be addressed by citizens and CSOs. Breaking down the budget process into five common stages (budget target development, bid and draft formulation, bid selection, bid implementation, and evaluation and control), they delve more deeply into impediments to participation, noting that even where legislation mandates some form of participatory budgeting, citizens are hampered by lack of notice, insufficient background information and documentation, overly complex budget documents, forums that are detached from the actual budgeting process, and the lack of a systematic way of capturing and transmitting the evidence or products of public participation. Thus, even where citizens are involved in developing budget proposals, they frequently lack access to influence administrators in acting upon their suggestions, monitor implementation of budget decisions, or evaluate the impact of those decisions (Andrews and Shah 2005b).

These common impediments can be mitigated by breaking down the practical needs of citizens into discrete functions or stages and then identifying and mapping particular kinds of procedures to enable minimally effective participation. An overarching requirement, of course, is that citizens be treated as integral participants in budgeting and service delivery policy making to begin with. Ensuring this requires formal or informal arrangements by which citizen voice is incorporated into one or more stages of the policy cycle. This core mandate is often expressed vaguely or rhetorically in a constitution or in framework laws on local government (and occasionally in sectoral legislation and regulations); it is rarely brought down to earth in terms of concrete procedures. The crucial question of which citizens or citizens groups will be incorporated into decision-making processes is either left unaddressed or tilted toward minimizing participation. The challenge is to determine what these concrete participation rules and procedures should be and how they can best be structured. Such processes should acknowledge the utility of all of the principal levels and forms of participation intensity—information sharing, consultation, and active participation—commonly cited in the literature to characterize an ascending scale of citizen voice effectiveness (Andrews and Shah 2005b).¹¹

Borrowing from Andrews and Shah but going beyond the specific context of budgeting to citizen participation into the broader arena of shaping,

Temporal (stages)	Voice elicitation →	Deliberation and decision making →	Reporting, feedback, and evaluation →	Complaint and redress →
Foundational (cross-cutting, at each stage)	<ul style="list-style-type: none"> Affirmative/balanced representation Notification and agenda setting Affirmative information provision Transparency and documentation 			

Source: Author.

FIGURE 6.3 Key Functional Institutions Necessary for Effective Stakeholder Participation/Consultation

monitoring, evaluating, and seeking redress for various kinds of service delivery, eight institutional processes can be identified to facilitate citizen needs (figure 6.3).¹² Some of these processes temporally focus on the stages of the policy-making cycle. Others are cross-cutting and serve as *preconditions* for other processes.

Affirmative/balanced representation institutions

Citizens, as constituents, should have at least some balanced representation in local governments through reasonably equitable local government electoral laws or rules and, where necessary—depending on documented need—special legislation that affirmatively endows underrepresented segments of society with some kind of supplemental participatory or voting status in municipal or provincial councils. These provisions could range from a small number of reserved seats for women or minorities on municipal or district councils to special issue- or constituency-oriented group representation on particular sectoral or subject matter boards or committees. While other voice elicitation procedures can be used to collect a wider range of citizen voice (see below), an effective participatory scheme must first address questions of who rather than what or how, by considering the need for some kind of equitable representation rules and institutions.

Notification and agenda-setting institutions

Citizens must have accurate, timely advance notice that public deliberations or decisions requiring or inviting their input are scheduled, so that they have time to prepare for such events. Media—ranging from radio, newspaper, and TV announcements to posted notices on public buildings—should be used (depending on the circumstances) to ensure that such information is transmitted. Citizens should also have access to planned agendas and be provided with the opportunity to comment on and influence them. These agendas

should be easy to read and include useful background reading or documentation where necessary.

Affirmative information provision institutions

Governments should be required or informally pressured to provide the public (free of charge, in specified quantities, at designated locations) with certain kinds of information and documentation for purposes of study, deliberation, comment, decision making, monitoring, and evaluation. Such information should include laws, regulations, and budgets; budget planning, implementation, and evaluation documents; major program documents; annual reports; transcripts and summaries of public meetings; survey results; audits; organizational charts; and information directories. This affirmative approach—with the onus on government—contrasts with many freedom of information regimes, which rely largely or wholly on so-called “responsive” information access systems, where disclosure is triggered only by individualized, carefully identified information requests, often for a fee.

Transparency and documentation institutions

Governments should be required or pressured to hold legislative council or official advisory committee meetings that are open to the public and the media. Rules should require that all proceedings be recorded in some fashion, summarized, reported to participants, and made available to the public in specified quantities at designated locations. It is critical that citizen views and demands—and public representatives and officials’ response to them—be recorded and captured in order to create effective incentives for the public sector to take civic interests seriously.

Affirmative voice elicitation institutions

Governments should have rules and processes—or, failing that, customs or practices—that require them to elicit information on citizen concerns, demands, and priorities. This can be done in different ways, depending on local circumstances, traditions, and needs. Where possible, rules and processes should be mandatory rather than discretionary and require affirmative, systematic processes on the part of elected representatives (council members), administrators, or both, whereby they respond to the advocacy efforts of a handful of well-situated and well-organized CSOs (which may advance a narrow set of views). These elicitation methods can range from collection of written information submissions to the holding of specialized public hearings by council members and bureaucrats. The products of these

information collection avenues should also be summarized, recorded, and disseminated through particular media.

Deliberation and decision-making institutions

At the stage of policy-making deliberations or decision making, which may or may not necessitate the involvement of smaller groups of citizens or specially designated citizen representatives, procedures should be in place that require affirmative steps by government bodies to present policy proposals, spending targets, or proposed legal or regulatory changes in easy-to-comprehend formats (with appropriate background documentation and due consideration by the recognized participants).¹³ Depending on who is accredited to vote, voting could take the form of council votes informed by advisory opinions or advisory voting by consultative groups or the public at large; alternatively, binding referendums on budgets or specific proposals could be held. If information of greatest interest and comprehensibility to citizens is properly organized, citizens can make informed decisions about the types, methods, cost, and past impact of particular service delivery programs and spending streams, including over multiyear periods.

Reporting, feedback, and evaluation institutions

Regardless of their degree of involvement in the policy or budget planning and decision stages, citizens are often denied opportunities to monitor policy and budget execution—that is, the actual delivery of services. As Andrews and Shah observe, administrators are then left to their own devices, without oversight or incentives to adhere to agreed upon parameters. Accordingly, “administrators are often criticized for spending more than budgeted, producing goods and services other than those requested, . . . using production and provision techniques that guarantee neither competitive production nor acceptable quality levels, or losing a great deal of money to corruption” (Andrews and Shah 2005b: 203). Governments should have formal, systemic procedures for disseminating implementation data, service results, and customer feedback (including both service delivery quality and timeliness), or they should move in this direction informally with the assistance of various business, community, and nongovernmental organizations. Similarly, there should be formal or informal incentives for governments, assisted by civil society partners, to conduct meaningful evaluations that are widely disseminated, shared, and discussed with legislators and administrators, including front-line service providers.

Complaint and redress institutions

Public input should ideally be institutionalized, so that opportunities to lodge individual or collective complaints are systematically available to citizens (through complaint windows, ombudsmen offices, or when applicable, administrative courts or other special court departments). In addition, agencies should be required to disseminate the resulting data to auditors and the public in readily comprehensible formats, in order to facilitate review by legislators, special advisory groups, and other oversight bodies. Mechanisms designed to facilitate redress and justice in individual cases should be complemented by policy-level responses that are required to be taken, particularly when service delivery reports evidence poor systemic performance. These could range from simple reporting by auditors, legislators, or both to mandatory budget reductions or disciplinary measures against responsible administrators.

The foregoing discussion not only identifies specific processes and procedures to ameliorate the worst problems resulting from poorly designed citizen participation schemes (many of which may have been adopted for purely rhetorical purposes), it also provides a framework for evaluating the effectiveness of existing citizen voice mechanisms—including their implementation and the capacity, resources, and political relationships of the actors responsible therefor. The importance of many of these institutionalized functions was underscored by a recent World Bank study examining outcomes of service delivery projects in several municipalities in Indonesia (Leisher and Nachuk 2006).¹⁴ There has also been a rise in interest in, and practical guidance on, the procedural details of structuring and managing various kinds of effective citizen participation mechanisms, ranging from implementation handbooks (RTI 2003; Sera 2004) to model strategies (ICPS 2006; Tikare and others 2001).

Case Studies on Strengthening Citizen Voice Mechanisms to Improve Service Delivery

The functional analytical framework discussed above derives much of its practical strength from the successful experiences of participatory budget processes in Latin America, particularly in Brazil. Those experiences reflected a willingness on the part of government and civil society activists to pay attention to the details of the process, to stay engaged, to make the costs of participation low for the ordinary citizen, and to make the overall system truly deliberative and a learning experience. This framework can result in real improvements in pro-poor investments and in the quantity and quality of service delivery to average citizens (Baiocchi 2006).

There is ample evidence that such a framework is a necessary but not sufficient condition for citizen voice effectiveness and measurable accountability results. A wide range of contextual factors were critical to the outcomes—from the political economies in Brazil that originally favored Workers' Party electoral success in the cities that later adopted participatory budget systems to the skills and capacity of the civic organizers who organically developed the experiments in partnership with civic and grassroots organizations.

To understand better how such citizen voice mechanisms might be strengthened under different circumstances, this chapter now turns to case studies of Bolivia, the Philippines, and South Africa. The Bolivian case study is extracted from a small number of qualitative studies chronicling experience with implementation of the Law of Popular Participation in a handful of Bolivian municipalities. The case studies on the Philippines and South Africa reinforce many of the lessons from Bolivia.

The case studies were selected based on the availability of secondary literature and the fact that all three local government laws in question were adopted with high hopes when central government reformers and key legislators in each country sought to increase opportunities of the disadvantaged to influence government policy at the local level. Each case reflects mixed outcomes (only low-to-moderate focus and voice influence) and permits an examination as to whether applying elements of the functional analytical framework presented above might result in broader voice focus and higher voice influence. All of the case studies reveal the critical relevance of a host of contextual factors, only some of which may be susceptible to direct improvements in the near term.

The case studies serve a dual purpose. First, they highlight common weaknesses in legal and institutional frameworks—weaknesses that one or more elements of the functional analytical framework might ameliorate. Second, they highlight many of the challenges that such technical fixes face in stimulating participation in highly embedded social, political, and administrative environments. By considering these factors in relatively well-institutionalized environments, they raise a cautionary note about the more daunting challenges that may accompany reform initiatives in countries and regions with fewer institutional endowments and weaker civil societies.

Implementation of Bolivia's Law of Popular Participation

Several anecdotal studies have examined the Bolivian experience implementing the 1994 Law of Popular Participation (Beneria-Surkin 2005; Faguet 2004, 2006; Goudsmit and Blackburn 2001). Many of these studies

examine the process of implementation up close, from a political economy and ethnographic perspective, in a handful of Bolivian communities, including several that did not have significant institutional endowments at the time the law was adopted.

The law had several key elements:

- It created 198 new municipalities (for a total of 311).
- It devolved 20 percent of all national tax revenue to municipalities, on a strict per capita basis.
- It transferred ownership of local infrastructure in education, health, irrigation, roads, sports, and culture to municipalities, along with responsibility for maintaining, administering, and investing in such infrastructure.
- It created participatory mechanisms and conditions for indigenous, peasant, and neighborhood organizations to participate in local government planning and budgeting as territorial grassroots organizations (OTBs with legal rights).
- It created oversight committees composed of elected representatives from districts within municipalities (usually drawn from the ranks of OTBs), to provide a focused, alternative channel for popular demand in the policy-making process, to audit government budgets and operations, and to seek redress (including budget reformulation and suspension of disbursements from central to local authorities) if they determine that funds are being misused.

Oversight committees carry significant moral authority based on their corporatist approach and grassroots constituencies. They are led by an elected president whose legal status is comparable to that of the municipal mayor (Faguet 2006). As a result of adoption of the 2001 National Dialogue Law, municipalities were eligible to receive Heavily Indebted Poor Country (HIPC II) funds from the central government, with up to 60 percent going to the poorest rural municipalities. Oversight committees were charged with watching over disbursement of these funds as well.¹⁵

The most important role for the OTBs and oversight committees is helping shape the Annual Operation Plan (POA) of the municipality, as well as the Municipal Development Plan (PDM)—a five-year plan intended to undergird the POAs. In addition to national and local guidelines that have been developed to inform the mechanics of the participation processes, many municipalities have formally engaged NGOs to help implement such processes.

Vallegrande, a recently studied municipality of some 16,000 inhabitants and with significantly higher levels of human capital than existed in many

similarly situated municipalities, allowed a leading NGO, Grupo Nacional de Trabajo para la Participación (GNTP), to mobilize 23 local organizations to implement the PDM and POA processes in 2003/04 in a more methodical manner than previously. The initiative involved several other NGOs, the municipal government, other government agencies, and the local university. The initial planning process was highly participatory. Several institutions took responsibility for researching, educating, and mobilizing the populations of eight zones within the municipality and training representatives in participatory methods. Following such consciousness raising and information sharing, GNTP and its partners undertook dozens of community appraisals through participatory workshops and then shared the results with local communities for revision and validation. To prepare for the drafting of the PDM, GNTP held preparatory workshops with participants from 61 communities, a municipal sector strategy workshop with 249 representatives of civil society, as well as an institutional fair that consolidated the views and needs of large numbers of CSOs and associations on the mix and type of specific projects. The fair featured a brief, easy-to-read document on the PDM that was disseminated to the public. The 2003 budget was also displayed at municipal offices, and officials were available to answer questions about it (Beneria-Surkin 2005).

The 2004 POA process, meanwhile, was underpinned by circulation of 74 community appraisals, a workshop attended by 122 representatives of OTBs, producer associations, neighborhood groups, water committees, and school groups, as well as 42 community assemblies to offer feedback on the proposed municipal budget. All of these led up to a municipal participatory budget workshop, in which participants finalized the vision for each of the municipality's eight zones and reviewed information on municipal expenditures since 1998. For each zone, participants defined the key objectives, strategies, projects, and programs for the budget and elected three representatives for the participatory budget commission, which included municipal government and NGO representatives and was responsible for approving the budget. Once approved, the budget was circulated widely to the public (Beneria-Surkin 2005).

The aftermath of this 2003/04 budget process produced mixed results. Earlier trends since 1994 toward steady poverty reduction and increased per capita consumption and revenue collection ostensibly continued and appear correlated with higher rates of citizen participation. Levels of participation and perceptions of social accountability and local government management capacity improved significantly in 2003/04 and 96 percent of participants surveyed in the process felt they had good opportunities to participate and

make their views known (97 percent of participants, meanwhile, stated that they had not previously participated in the PDM and POA processes). There was also, however, widespread dissatisfaction with the legitimacy, transparency, and activism (or lack thereof) of many OTB and oversight committee representatives.¹⁶ Local elites, working through the municipal government, subsequently controlled budgetary implementation priorities (by reformulating the budget without intervention by the oversight committees), leaving many 2004 POA commitments unfulfilled. The oversight committee apparently also overreached, alienating some municipal officials. Oversight committee members appear to have had inadequate training, skills, and resources to do their jobs properly. Partly for these reasons, and partly as a result of possible co-optation, they failed to solicit continuing input from community representatives. Meanwhile, key government information on past budget decisions and program documents were missing or difficult to access. Possibly as a result of the foregoing, interest in and commitment to the participatory processes tailed off shortly thereafter (Beneria-Surkin 2005).¹⁷ Although Vallegrande's municipal government and civil society were quite well developed and progressive and the participatory budgeting processes relatively well established, they still fell subject to powerful political influences and capacity constraints.

These contextual factors are mirrored in two other recently studied municipalities—Baures and Guayaramerin (Faguet 2006). Baures, which manifested significant competition, balance, and trust among economic, political, and civil society interests, engendered successful PDM and POA processes and pro-poor investment decisions. In contrast, Guayaramerin was dominated by powerful, concentrated economic elites who had captured the major political parties. Moreover, civil society in Guayaramerin was distrustful and balkanized, with many migratory newcomers who found it hard to gain acceptance from other ethnic and social groups and the community at large. Planning procedures were dominated by municipal staff and closed to popular input. Community ideas had little influence in project planning or execution. As one public official noted, “We reformulate the [annual budget] as we see fit. We don't consult grassroots organizations because they bitch too much. We know we should, but we don't” (Faguet 2006: 76).

Based on the experience of the indigenous NGO community in Bolivia, Goudsmit and Blackburn (2001) find implementation problems widespread. They fault the origins of the Law of Popular Participation as a technocratic invention drafted behind closed doors and criticize its tendency to be rigidly applied based on the recommendations of the National Secretariat of Popular Participation. Rather than exploring a wide variety of experimental

participatory methodologies, those responsible for the law's implementation often carry out its provisions according to a prescribed recipe—one that sometimes conflicts with indigenous forms of community participation. Facilitators and activists may or may not be adequately trained in sociocultural sensitivity skills or substantive issues (such as land tenure), resulting in inadequate trust in participatory encounters. At the same time, Goudsmit and Blackburn see the PDM process as having to fit with preconceived national and departmental plans and spending priorities, so that substantive experimentation is also frequently squelched. They suggest that community activists, OTB leaders, oversight committee members, and others circulate more widely in the community, acknowledge their role as negotiators rather than disinterested interpreters, and make more of an effort to let participants speak for themselves in workshops and assemblies (rather than having facilitators summarize or characterize their views for them).

The major design features of the law are set up to encourage broad voice focus and high voice influence. There is official guidance, as well as significant room (in theory) for local adaptation, encouraging the establishment of mechanisms designed to reach out to the broader population and diverse communities; there are also effective forums to elicit and transmit various concerns and priorities. The costs of participation have been made quite low. When generally well implemented, the participatory budgeting process in Bolivia can involve relatively diverse participation and representation, reasonably effective collection and documentation of citizen views, and a number of spaces for fair and thorough deliberation.

Even where well implemented, however, it appears that both the framework of the law and guidance and supporting institutions are inadequate to ensure that many other key functional processes necessary for effective citizen voice influence can operate. Based on the case studies cited above, it is not clear how participatory the agenda setting has been—either for the initial participatory appraisals or for the budget preparation workshops and assemblies. Official guidance on the law should require or encourage greater attention to participatory agenda setting at virtually all forums. While time is often of the essence, much of the participatory budgeting process seems highly instrumental and rushed, in order to meet deadlines. This has resulted in missed opportunities to elaborate or consolidate views more thoroughly or thoughtfully. In some cases it has also dissipated trust and engendered cynicism.

Availability of information also appears to be a significant problem. Information, particularly background documentation necessary for putting decisions, planning, and monitoring in context, is often highly controlled or unavailable. Key representatives from the municipal government, OTBs, and

oversight committees may need more training and monitoring to share more information, particularly after the views of civil society have been collected. Such representatives may also need to be rotated more frequently to prevent capture and promote more encompassing interests. More broadly, the Law of Popular Participation itself, National Secretariat guidance, and municipal implementing bylaws may need amending in order to provide for affirmative provision and wide public availability of key kinds of information, including past budgets, key supporting budget documents, sectoral plans, and the results of the participatory information-gathering forums themselves.

Overall, based especially on the experience in Vallegrande, it appears that the greatest potential functional weaknesses with the design of the law, and certainly its implementation, relate to ongoing feedback to the population and to monitoring, evaluation, and complaint/redress processes. Persistent complaints were expressed in Vallegrande about the lack of feedback from organizers, oversight committees, and the municipal government about the results of their information gathering and drafting of the PDM—even though the PDM was available in particular locations and particular times. This argues for still better integration of the law's participatory features into the regular budget process, and for more aggressive information dissemination through print media, radio, and TV.

Despite the involvement of a wide range of civil society partners, there appears to be very little ongoing monitoring and evaluation of the budget by oversight committee and OTB representatives or by broader civil society constituencies. While academic surveys were performed about participation and overall investment levels, little or no scorecarding or other monitoring was performed about specific prioritized projects or sectoral service delivery. Perhaps a revised law, or regulations or guidance regarding the law, should require that certain kinds of monitoring or data collection be conducted and the results made publicly available.

To ensure proper accountability, better complaint and redress institutions are also needed. It is unclear what kinds of channels are actually available to citizens to register complaints about budget or service gaps or poor service performance (for example, ombudsmen, municipal complaint desks, official administrative procedures, lawsuits brought by NGO representatives). It may prove useful to explore ways of facilitating citizen initiatives to request budget reformulation based on certain criteria, including significant deviation from multiple POA priorities or spending categories.

Oversight committee members appear to be unable or unwilling to exercise their legal rights and duties to seek reformulation of the budget consistent with original POA and PDM priorities and commitments. It is

unclear what the most effective recourse against recalcitrant or neglectful oversight committee members might be. Certainly, the public might be empowered to engage in some form of recall of such individuals based on municipal council initiative or a public petition mechanism. Shorter terms for oversight committee members might also make sense. Another avenue might be to strengthen the legal recourse of oversight committees to suspend central government transfers. As it now stands, such suspension is not a right but rather requires that a request or complaint be brought to the attention of central government authorities, some of whom may have institutional or political incentives to side with municipal governments and local elites.

At a deeper level, all of these potential legal and institutional improvements require a conducive political economy, a relatively committed municipal government leadership, and an open administrative culture. Each—not to mention the original provisions of the Law of Popular Participation—depends on critical capacities and skills among all key participants, most notably municipal government officials and oversight committee representatives. In a given locality, this may necessitate significant training in substantive and process-oriented skills, including active listening, negotiation, and budget analysis. More training manuals and guidance based on in-depth case studies may also be needed.

In turn, such process improvements and capacity building may require significant budgetary outlays that may not fit within the 15 percent cap on municipal operating costs permitted under the Law of Popular Participation (which may be all that most municipalities with modest resources can afford). Perhaps more discouraging, even if ostensibly targeted at the right individuals for the right purposes, improved implementing activities may take considerable time to change behaviors, particularly information hoarding, instances of which are less visible, harder to monitor, and more subject to neglect and manipulation than simple poor performance (see, for example, Azfar, Livingston, and Meagher 2006).

Beyond matters of institutional design, skills and capacity, and resources lie the harder-to-influence realms of culture and politics. Still, bureaucratic and societal culture, at least in the less remote parts of Bolivia, is changing more rapidly than ever; public education efforts and actual experiences in participatory processes can have a profound impact on individual and collective attitudes, making it easier to mobilize constituencies and strengthen diverse sources of demand-side pressures for accountability. In the political arena, the initiation and maintenance of robust participatory mechanisms may depend to a significant degree on particular parties or coalitions being in power, as in Brazil (Baiocchi 2006). As society becomes more familiar with

participatory mechanisms as a fixture on the local governance landscape, such mechanisms will become objects of political solicitation and competition by different parties, assuming politics remain relatively contested. At the same time, however, the quality of such processes will continue to depend on elite support for their effective implementation. As suggested by Andrews (2004) and supported by implication by the examples of Baures and Guayaramerin in Faguet's (2006) study, participatory mechanisms take root as a matter of both elite and popular support based on public choice calculations. These will always need to be taken into account in reformers' calculations as to where and how to support these important channels for citizen voice in service delivery.

The Philippines' Experience with the Local Government Code of 1991

The experience of the Philippines with the landmark Local Government Code of 1991 reinforces the notion that an otherwise progressive piece of legislation can achieve relatively little if structural disadvantages of the poor are not addressed and provisions supporting public participation in decision making are not made specific and concrete. After the fall of the Marcos regime in the mid-1980s, the constitution of 1987 was adopted with a provision (Article XIII, Section 16) that established the right of the people and their organizations to effective and reasonable participation at all levels of social, political, and economic decision making. The provision also mandated establishment of consultation mechanisms. Based on this foundation, the Philippines passed a Local Government Code in 1991 that was designed to break the self-perpetuating nature of centralized power. The code has several notable features, including the rights of initiative and referendum; public hearings for key decisions (for example, reclassification of agricultural lands, enactment of local tax ordinances, siting of public facilities, and closure of public streets and parks); and creation of village development councils, intended to mobilize citizen participation in local development planning, implementation, and service delivery efforts (Iszatt 2002).

Despite a vibrant civil society and the activity of a large number of well-organized and respected NGOs, the code has not met its promise of empowering the disadvantaged or key people's organizations and NGOs at the local or provincial level. The code is unnecessarily vague about how public hearings are to be conducted, and it includes no provisions for notifying the public in advance about their occurrence. Local governments are not required to make available certain information or documentation to support the public's participatory role. No mandatory public evaluation

and monitoring functions or opportunities are spelled out, and there are no sanctions for public officials who deprive citizens of their right to participate. The code does provide for special local bodies that serve as critical advisory groups on particular issues, including those dealing with health, public safety, education, infrastructure procurement, or local development (through Local Development Councils, where no less than one-quarter of the council consists of representatives of NGOs or people's organizations). These groups can propose; they cannot approve or monitor initiatives nor can they compel information. Neither public budgeting per se nor review of service delivery performance is subject to mandatory public hearings and public participation.

In addition to the lack of specificity and empowerment in the Local Government Code, a host of other, deeper issues prevent it from being used to greatest advantage in monitoring public service delivery. Participation often depends on the skilled and dedicated leadership of NGOs or people's organizations, which in many communities are inexperienced and easily co-opted by local politicians or business elites.¹⁸ Resources are hard to come by, and the prevailing social and political culture may be indifferent or hostile to genuine input from disadvantaged or marginalized groups.¹⁹

Where the code is silent, overly vague or generic, or poorly implemented, other participatory mechanisms have grown up at the sectoral or individual municipality level, many of them involving highly tangible issues and more specific formal or informal practices. Many concern environmental protection and agrarian reform, where participatory norms have often been incorporated into various assistance programs. A small number of progressive municipalities and cities have adopted legal norms that entrench participatory processes in various arenas. The best known of these, the Naga City Empowerment Ordinance, consciously compensates for gaps left by the Local Government Code. Enacted in 1995, the ordinance provides for local accreditation of NGOs and people's organizations and creates a single people's council made up of accredited organizations. The council elects or appoints representatives to all city government bodies, boards, councils, committees, and task forces, as well as representatives to observe, vote, and participate in the conceptualization, implementation, and evaluation of city programs; propose legislation; and vote at the committee level of the city council. The ordinance also specifically provides for affirmative representation of marginalized or disadvantaged groups on the city's boards, committees, and special bodies, and includes provisions governing public hearings, consultation, information boards, and suggestion boxes, all of which can influence the quality of service delivery (Iszatt 2002).

The contrast between the Local Government Code and the Naga City Ordinance highlights the degree to which participation mandates must be made concrete and specific in order to have a chance of being put to practical use. In particular, it reinforces the need for the cross-cutting, functional institutions discussed in the previous section to be well conceived and applied. It is very important to make sure that a truly diverse and capable group of citizen and government representatives participates in the process, that there is adequate notice of upcoming meetings or hearings, that sufficient relevant background information is made available to such representatives during such processes, and that key deliberations and other forms of participation are adequately documented and disseminated to create a proper public record. An appropriate legal and institutional framework for public participation should also feature a complaint and sanctions regime that creates incentives for public officials to honor their commitment to such participation. Moreover, while these legal and institutional features are critical, they will have little impact without the additional vigilant involvement of the mass media, key advocacy groups, and a significant number of citizens willing to shed traditional deference to authority.

South Africa's Implementation of the Local Government Transition Act

To lay down a new foundation for local governance, in 1996 South Africa adopted a Local Government Transition Act (LGTA) that mandated transparent mechanisms for robust public participation in policy making. The law required municipalities to establish consultative mechanisms soliciting community organizations' views on service needs, feedback mechanisms allowing citizen input on service delivery performance, help desks to register citizen complaints, and procedures for responding to complaints on budget implementation and service delivery (Andrews 2002). Although these provisions had a democratizing thrust, they also had a pragmatic purpose: to better permit municipalities to understand and respond to unmet public demands.

Andrews (2005) identifies a number of situations in which formally adopted participation norms fell short of their promise. In many cases, effective implementation of the LGTA was undermined by conscious or inadvertent neglect of practical procedural details, rendering participation essentially meaningless and having no effect on accountability. In some municipalities, participants in consultative forums were isolated from decision-making processes and were not provided with feedback on their own

compartmentalized interactions with public officials. This was especially characteristic of public involvement in the planning and budgeting initiative known as the Integrated Development Plan, where technical experts involved the public only in immaterial parts of the process. In other cases, women, youth, and the poor were inadequately represented in workshops seeking input on budgeting and spending priorities, and the workshops themselves lacked a transparent methodology (Andrews 2005). In the Uthungula municipality, the selection of and poor publicity about meeting locations limited the number and diversity of attendees (in contrast, in the Thabanchu municipality, public planning meetings and workshops were announced in the media and broader participation was observed). In a number of instances, views that did surface were ignored: “Where individuals articulate issues that don’t fit in with the process consultant’s definition of the session, the information (mostly useful) becomes lost in the process” (DCD-GTZ 1999, cited in Andrews 2002: 27). In the towns of Nelspruit and Cradock, public hearing results were not systematically processed, interpreted, translated, or transmitted to decision makers (Andrews 2005).

In the Howick municipality, attendance at community meetings was by invitation only and business leaders dominated, resulting in a significant expansion of the tourism-related infrastructure and a decline in direct services to the poor. In Thabanchu many citizens were unable to participate because of language barriers and their lack of understanding of key concepts. In Bothaville community participants showed little interest in providing input, because of “poor understanding of government,” and withdrew their voices from the planning process as a result of their limited ability (DCD-GTZ 1999, cited in Andrews 2005: 28).

Andrews (2002) finds no evidence of a broad voice focus in these processes. The lack of broad voice seems to reflect the inability of implementers or facilitators of the LGTA to pay careful attention, to the kind of procedural details and representativeness found in Vallegrande, Bolivia, or Naga City, Philippines. Little attention is paid in South Africa to making participatory forums accessible (in terms of location, scheduling, and languages used) or collecting and transmitting their contents to decision makers. The South African case studies demonstrate the tenacity of problems concerning poor community organization, particularly in isolated rural villages. And like Bolivia and the Philippines—and a host of other developing countries around the world—South Africa has enormous resource and capacity-building needs that must be addressed even if progressive, effective legal and institutional participation frameworks are put into place.

Conclusions

Citizen participation, and the processes of decentralization and democratization that are usually presumed to enlarge it, are the products of a given political and social environment. As such, they are susceptible to both positive and negative outcomes, most notably elite capture and manipulation. As Fung and Wright (2003: 263) perceptively argue, different governance modes—as the product of the intersection of adversarial or collaborative approaches as well as top-down or participatory processes—suffer from the “characteristic danger that some interests and parties may be improperly subordinated for the sake of more powerful interests and groups.” Moreover, “collaborative governance without an appropriate form of countervailing power is likely to fail”—to degenerate into more adversarial modes, entrench powerful preexisting interests, or simply allow those interests (even with institutional rules for collaboration in place) to advance their causes more ably and effectively. Consequently, “*the problem of generating countervailing power suitable for collaborative governance is not easily solved through clever public policies and institutional designs*” (emphasis in original) (Fung and Wright 2003: 267).

The problem is not solved through the activities of either purportedly neutral technocrats or high-level NGOs or other organizations steeped in special advocacy skills and adversarial modes of exercising power. The strongest forms of collaborative countervailing power come from the ranks of locally organized adversarial entities and politicians seeking populist opportunities. Locally organized groups have deep local knowledge and “are already organized for action at the levels of government and society most appropriate for decentralized problem-solving” (Fung and Wright 2003: 283). Many already engage in local service delivery and are often willing and able to collaborate and experiment rather than engage in abstract policy discussions. Politicians seeking populist opportunities view participatory collaboration as not only good policy but good politics.

These two groups—reform-minded politicians and civil society organizations with adversarial and grassroots ties and credibility—need to be in alignment in order for resources to be released and implementation and capacity-building activities undertaken that can support good institutional designs (and the functional processes discussed in this chapter) embodying effective citizen voice mechanisms. This is certainly the lesson of the widely studied experience of participatory budgeting in Brazil,²⁰ and it conforms to the experience with implementation of the Law of Popular Participation in Bolivia and the success of the Naga City Empowerment Ordinance. Only if these two players engage in constructive dialogue and work in tandem can the promise of effective institutional designs for service delivery accountability be realized.

Annex: The ARVIN Framework

TABLE 6A.1 The ARVIN Framework: A Way to Assess the Enabling Environment for Civic Engagement

Item	Legal and regulatory framework	Political and governance context	Sociocultural characteristics	Economic conditions
Association	Freedom of association	Recognition and accreditation policies and procedures	Social capital, gender barriers, illiteracy	Cost of legal registrations and accreditations, cost of convening meetings and forums
Resources	Tax systems; fund-raising and procurement regulations	Government grants, private funds, contracting, and other transfers	Social philanthropy (the culture of giving), history of associational life, self-help and gap-filling	Size of and stresses in the economy, unemployment, impact of economy on contribution by members, infrastructure and cost of communications
Voice	Freedom of expression, media, and information and communication technology–related laws	Political control of public media	Communication practices (use of media by different social groups)	Fees associated with expressing views in media (advertisements versus op-eds); costs to present, publish, and distribute views (petitions, newsletters, radio announcements)
Information	Freedom of information; rights to access to and provision of public information	Information disclosure policies and practices, ability to demystify public policy and budgets	Information networks, illiteracy, word of mouth	Costs/fees for access to information

(continued)

TABLE 6A.1 (continued)

Item	Legal and regulatory framework	Political and governance context	Sociocultural characteristics	Economic conditions
Negotiation	Legally established dialogue spaces (referendums, lobby regulations, public forums, and so forth)	Political will, institutionalized dialogues and social accountability mechanisms, capacity of parliament and national government to engage	Social values and hierarchies that establish who can speak on what subject in what context and when	Bargaining power, impact of economic constraints on autonomy and advocacy

Source: Thindwa, Monico, and Reuben 2003.

Notes

1. Andrews and Shah also note the tendency for most public sector reforms to have substantial centralizing effects based on the way in which reforms are initiated and the preferences of central governments and external reform partners for centralized hierarchical systems that reduce transactions costs for assistance and facilitate the monitoring of how funds are used.
2. There is evidence suggesting that certain forms of “voice” (such as transparency and participation-enhancing mechanisms) have a greater impact on government accountability than do the quality of internal administrative rules, meritocratic personnel standards, or higher public sector wages (see, for example, Kaufmann, Mehrez, and Gurgur 2002). Research based on the participatory budget experience in Brazil suggests that such practices have targeted poorer residents and needier areas better than ordinary budget practices. Participatory budget reforms across Brazil between 1997 and 2000 were associated with increased municipal spending on health services, improved fiscal status, and certain improvements in service delivery (such as drinking water) and some human development outcomes, including poverty and educational enrollment rates (Baiocchi 2006). A World Bank study of 121 rural water supply projects in 49 developing countries finds a strong correlation between project success and beneficiary participation: only 8 percent of the 49 projects with low levels of participation were successful, while 42 percent of the 64 projects with high levels of participation were deemed successful (Narayan 1995). A study of the use of citizen report cards in Bangalore, India, also finds some impact on service delivery outcomes (Ravindra 2004). In Bolivia there appears to be some correlation between increasing levels of decentralized public participation and higher investment in human capital and social services, including in the poorest municipalities (Faguet 2004).
3. In this chapter, *institutions* is used primarily to denote organizational forms or processes rather than its broader New Institutional Economics meaning that includes a wide spectrum of rules, norms, and practices.
4. These modes include, on a rough continuum, autonomous managerial decision (no participation), modified autonomous managerial decision (a decision that may or may not reflect group influence), segmented public consultation (a decision based on separate consultations—ranging from interviews to meetings to surveys—that does reflect group influence), unitary public consultation (shared deliberation with a unified public group through advisory groups or public meetings), and public decision (shared deliberation and decision making with broader segments of the public, also via advisory groups or public meetings) (Thomas 1990).
5. This study shows that South African municipalities that adopted legislation in the 1990s requiring new budget planning, information reporting, auditing, participatory governance, and administrative procedure rules had better fiscal outcomes than those that did not.
6. According to Ackerman (2004), such institutionalization can take three forms, depending on the level at which such institutions are formalized. First, they can be built into the strategic plans of government agencies, and rules and procedures can be required that obligate front-line officials to consult or otherwise engage with societal actors. Second, specific agencies can be created that have the goal of ensuring societal participation in government activities (that is, serve as a liaison between government

and civil society). Third, participatory mechanism can be inscribed in law, requiring agencies or the government as a whole to involve societal actors at various points in the public policy cycle.

7. Many countries seek to “legislate progress” in public participation, relying on legal mandates to prescribe the major contours of citizen voice transmission. This may initially appear to be a rational approach in countries where excessive bureaucratic discretion and corruption seem to suggest the need for rigid and detailed legal prescriptions. Such a legalistic approach does not guarantee compliance with, or use of, voice mechanisms, however.
8. Top-down, highly formal mandates may privilege elite, central government interpretations of how local democracy should operate; at worst, they may create ceilings rather than floors, cutting off local understandings and bottom-up innovation that endow local actors with greater social capital and give them a greater investment in seeing that voice mechanisms operate effectively. The best solution to these dilemmas in many developing countries may be to have a national law on local self-government mandate certain minimal standards for citizen participation—many of which might track the functional requirements described in the previous section—while leaving it to local authorities and CSOs to determine how these rules and institutions—or a variety of informal processes—might best be structured consistent with local values and norms.
9. According to Goetz and Gaventa (2001:11), “where there is robust multiparty competition, with well-institutionalized and ideologically diverse parties, civil society groups may pursue confrontational, high-visibility strategies to promote group interests or challenge state behavior, in the hope of interesting opposition parties in taking up their concerns in the legislature.”
10. Gaventa and Valderrama (1999) survey common constraints and suggestions for alleviating such impediments, based on a review of seven multicountry studies.
11. Both the OECD (2001b) and the Institute of Development Studies at the University of Sussex (McGee 2003) employ variations of this three-tiered framework to describe increasing intensities of citizen participation.
12. In the budgeting context, Andrews and Shah (2005b) list different institutional processes, but they share most of the same functions: the right to information institutions, revelation institutions, reflection and resolution institutions, reporting institutions, and response and redress institutions. These opportunity structures overlap with those offered by Goetz and Gaventa (2001), who posit processes that facilitate consultation, presence, and influence (roughly corresponding to opportunities to offer views, participate to a limited degree in decision making, and help shape actual policy and financial decisions relating to service delivery).
13. Andrews and Shah (2005b) propose budget formats that are written in a clear, easy-to-read, and understandable style and that cluster and focus attention on the budget information of the greatest interest to citizens. They propose that all agencies and departments make budget bids that focus on producing specific outputs. They also suggest that departments make alternative proposals as to how outputs can be produced and disclose the specific performance criteria they would be willing to commit to (based on the specific output projected to be generated, according to quantity, location, and date) and associated benchmarked targets (based on total cost, cost per unit, and quality).

14. Leisher and Nachuk (2006) find that a favorable decentralization legal framework, formal local laws and regulations, robust information dissemination systems, and solid monitoring and data collection plans were critical to local success in delivering better services to the public. They also note the importance of noninstitutional factors, such as local political leadership and financial sustainability.
15. The government can spend only 15 percent of coparticipation funds on operational costs. In some cases, this has been inadequate to support the work of the oversight committees in participatory budgeting processes (Beneria-Surkin 2005).
16. In Brazil some participatory representatives are reportedly cynically referred to as “professional citizens,” who often monopolize and control access to information (Beneria-Surkin 2005).
17. Nearly 40 percent of civil society participants in the 2003/04 processes said they still had little or no knowledge of how participatory planning functions operate and what the rules were for the municipal budget (Beneria-Surkin 2005).
18. To counter these impediments somewhat, the Local Government Code establishes village development councils, which are tasked with mobilizing citizen participation in local development efforts, including development planning. The public also receives significant organizational and legal help from the more than 250 village legal resource centers around the country, which provide redress and accountability regarding resource tenure and access to justice (Iszatt 2002).
19. The constitution mandates sectoral representation on legislative councils at all levels. Three seats are reserved for women, labor groups, and the urban poor, indigenous cultural communities, or disabled. After nearly two decades, however, implementation is spotty, partly because of the lack of sufficient support for implementing legislation that would establish greater specificity on the selection of these representatives.
20. There is ample evidence that the initial success of participatory budgeting in Porto Alegre and its successful replication in several other cities are directly traceable to the efforts of these two players. Not only was participatory budgeting championed by Workers’ Party politicians, it was carefully designed by citizen activists with long experience in community organizing. These social actors led the process and modeled it on previously existing practices and demands. For example, the Porto Alegre experiment originated as an initiative proposed by the Union of Residents’ Association (Ackerman 2004; Baiocchi 2006).

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