



Enabling Environment for Participation and Accountability

And the Role of Information -

Jeff Thindwa

Social Development Department

World Bank



Participation

The process through which stakeholders influence and share control over priority setting, policy-making, resource allocations and access to public goods and services.

World Bank, 1992



Accountability

Accountability is about power- about people having not just a say in official decisions but also the right to hold their rulers to account.

- Human Development Report, UNDP 2002

Accountability is the ability to call public officials, private employers, or service providers to account, requiring that they be answerable for their policies, actions, and use of funds.

- Empowerment and Poverty Reduction Sourcebook, WB, 2002



Civic engagement

- The participation of private actors in the public sphere, conducted through direct and indirect interactions of civil society organizations and citizens-at large with government, bilateral and multilateral institutions and business establishments to influence decision-making or pursue common goals.



What is an Enabling Environment?

- A set of conditions – often inter-related – that impact the capacity of citizens and civil society organizations to engage in development processes in a sustained and effective manner, whether at the policy, program or project level, or to pursue common goals.
- They include legal, regulatory and policy frameworks, and political/governmental, economic and socio-cultural factors.
- Factors also exist within civil society that constitute part of this environment.



Why Civil Society?

- Engagement of citizens and citizen organizations in
 - public policy debate
 - delivering public services
 - monitoring and contributing to the management of public goods
- ... is a critical factor in making development policy and action responsive to the needs and aspirations of the people and potentially of the poor.



Why “Enabling Environments”?

- Role and effectiveness of civil society critically depend on the right set of conditions
- Understanding these conditions and how they influence civic engagement is essential to the design of reform and capacity building efforts
- This calls for analytical, multi-stakeholder, qualitative, participatory approaches
- Supported by collaborative public advocacy efforts.
- ARVIN framework/assessment tool



Introducing the ARVIN Analytical Framework

An action-learning, multi-stakeholder, participatory approach to assessing the conditions influencing civic engagement, yielding qualitative and quantitative information that is translated into strategies for appropriate policy and legal reforms and capacity building efforts





To facilitate a comprehensive assessment of the institutional conditions for civil society and civic engagement as they affect:

- Freedom to Associate
- Ability to mobilize Resources to fulfill mandates
- Ability to articulate Voice, formulate and convey opinion
- Access to Information
- Existence of spaces and rules of engagement/Negotiation with state, market.



The ARVIN Framework	Legal & Regulatory Framework	Political & Governmental Context	Socio-Cultural Characteristics	Economic Conditions
Association	Constitutional provisions and laws on freedom of association Procedures for registering CSOs Sanctions or limitations of non-registration	Recognition & accreditation policies & procedures Conflict of registration and licensing regulations	Social Capital, Gender barriers Illiteracy Attitudes to youth, disabled, elderly Social hierarchies	Cost of legal registrations & accreditations. Cost meetings& forums Cost of communications and travel
Resources	Tax laws Laws on foundations Regulation of fund raising Procurement regulations	Government grants to CSOs Donations from politicians Political interference on contracting	History and culture of philanthropy Self-help incentives and practices	Impact of economic pressures on CSO funding sources Impact on employment
Voice	Constitutional provisions and laws on Freedom of Expression, Media & ICT related law	Political control of media Restriction on civic protests Mass media influence on policy making Professional training of journalists	Communication practices (use media by diff soc groups) Relations of media and CSOs	Cost of advertising Cost of publishing and other CSO communications
Information	Constitutional provisions on access to information Freedom of info. laws Regulations for access to public information (people, places and documents)	Info disclosure policies & practices. Ability to demystify pub pol & budgets	Role of Information movements and Networks, Barriers created by illiteracy, Oral cultures Social barriers	Cost/fees for public documents Printing and communications facilities
Negotiation	Legally established dialogue spaces. Decentralization legislation-provision for participation Legal framework to define institutional roles, checks and balances: Legislature, Executive, and Auditor General Legal framework for rules/regulations guiding budget decision-making process	Political will o engage citizens Governments capacities to engage Institutionalized dialogues CSO collaboration with legislature Accessibility of Executive to CSOs Social accountability mechanisms Political limitations on the role of Parliament	Social values & hierarchies that set rules and expectations on who can participate (Social exclusion of children, youth disabled, elderly and other special interest groups)	Impact of economic pressures on autonomy, bargaining power and advocacy of CSOs Risk of cooption Impact on resources for advocacy Impact of budget constraints on capacities of legislators to engage in budget accountability/transparency



Guiding Principles of ARVIN

- Participatory and inclusive
- Action-research orientation
- Adaptability and customization
- Outreach and collaboration



Key Elements of Methodology

- Conceptualization and appraisal
- Stakeholder mapping
- Research of institutional and civil society context
- Scoping mission to identify assessment priorities
- Peer review consultations- donors, CSOs, experts
- Participatory data collection: (Focus groups, town hall meetings, Semi-structured interviews, workshops, information “testers”)
- Data analysis and identification of focus areas/priorities for reforms
- Dissemination, public advocacy and learning



Association

- Do laws, policies or procedures make legal personality a pre-requisite for civic activity?
- Procedures for registering CSOs & NPOs
- Sanctions or limitations on non-registration?
- Procedures for accreditation and licensing
- Cost of registration
- Conflict between registration and licensing regulations
- Political restrictions on assembly
- Are there gender related barriers to access?
- What is the impact of Illiteracy on citizen access?
- Attitudes to youth, disabled, elderly
- Social hierarchies
- Economic constraints on assembly
- Economic constraints on communications and travel



- Resources:
- Laws on taxation of profits from CSO economic activity
- Laws/policies restricting foreign income to CSOs
- Profit tax on grants received and membership dues
- Tax deductions on sponsorships and donations
- Exemptions from VAT, and attending rebate procedures
- Eligibility criteria for acquiring government grants
- Laws on foundations
- Legal/policy framework for CSO licensing and procurement
- Cultures and incentives for individual philanthropy
- Cultures and incentives on self-help
- Impact of economy on employment in CSOs
- Impact of economy on fundraising
- Self regulation restricting specific funds for CSOs



Voice

- Constitutional, international, national legal provisions relating to freedom of expression
- Hierarchy and applicability of international legal norms
- Rights of individuals and legal entities to exercise free expression
- Government control of media
- CSOs relationship with media
- Defamation laws, impact on journalism and free expression, confidentiality of source
- Official language requirements
- Civil society use of internet for information, mobilization, advocacy...
- Time and place restrictions on freedom of expression
- Qualification, accreditation and licensing of journalists



Information:

- Constitutional, international, national provisions related to access to information
- Hierarchy and applicability of international legal norms
- Transparency of government procedures and information
- Regulations and policies for access to people, places and documents-including cost
- Information disclosure policies & practices
- Administrative capacities and policies on access
- Role of transparency movements and information networks,
- Impact of Illiteracy on citizen access to information
- Social barriers to access/exclusion
- Cost of printing, publishing, communications



Information

- Access
 - To people, places, documents
 - Cost (e.g Kenya) -
 - Format-is it digestible/readable/user-friendly?
 - Procedures-are they prohibitive, clear?
 - Institutional arrangements and capacities
 - National security/official secrets
 - Disclosure laws
 - Are there groups that cannot access
- Timeliness
 - Are legally sanctioned time limits being observed
- Quality- see discussion on budget cycle
 - Is it reasonably up-to-date?
 - Is it accurate
 - Is it comprehensive
 - Does it comply with required standards?
 - Is it useful/Relevant/appropriate?



Negotiation

- Institutionalized spaces for civic engagement in government decision-making:
 - Participatory budgeting
 - Citizen juries
 - Citizen advisory committees
 - Town-hall meetings and public hearings
 - Policy forums
 - Public disclosure arrangements
 - Public audits
 - Citizen and community score cards
 - Referenda
 - Citizen charters and covenants
 - Compacts and national strategies on government/civil society cooperation
 - Liaison offices at ministerial/presidential levels
- Laws affecting trade unions
 - Voluntary vs. compulsory membership
 - Rights and duties with regard to members/employers



Negotiation-continued

- Provision for public advocate or ombudsman
 - Complaint procedure
 - Duties/power of advocate to investigate, demand cooperation
 - Overseer of compliance with information laws



Information and the Budget Cycle

- Does legal framework provide for comprehensiveness of budget?
- What are the sources of budget information required: MoF, Revenue department, Auditor General?
- Information on activities of parliamentary committees
 - Public Accounts Committee
 - Finance Committee
- And their constitutional powers (and standing orders)
e.g -to summon witnesses
 - to receive Auditor General's report
- What information needed and available for each stage of budget cycle?



1. Drafting Stage

Information/data on:

- economic policies
- provisions/priorities of the PRSP
- Provisions for special groups
- Revenue projections

2. Review (tabling) Stage

Information/data on:

- Full budget documentation
- In-year budget information
- Consistency of info with constitutional requirements
- Availability of explanatory notes from executive
- Access to evidence and documents from executive

Hence, partnership of CSOs and legislators critical



3. Implementation/Execution Phase

4. *Information/data on:*

- How the budget has been spent at 6 months
- How much revenues collected
- Policy justifications for dramatic variances between allocations and actuals?
- Public reports from Executive?

4. Auditing

- CSOs: request information on budgetary control systems and on performance
- Audit information critical-though often “too late”
- CS pays little attention to Auditor General
- Monitor/understand use of AG authority to go in-depth and inform about management/executive performance
- Information on AG findings and follow up
- Information on activities of anti-corruption bureau
- Information on citizen based expenditure tracking



Information: The Case of South Africa

- Medium Term Expenditure Framework (MTEF)
 -pre-budget report of government's fiscal and budget policy objectives for the forthcoming budget, allowing civil society early access and time for preparation.
- Public Finance Management Act (PFMA)
 - ... has far-reaching provisions for transparency. E.g. monthly actual expenditure reports from departments to treasuries, audited statements to the legislatures, allowing civil society and others to closely monitor government activity.
- Proves that much can be accomplished fast if government is intent on making budget information available



Information: Grahamstown, South Africa

“Public Sector Accountability Monitor”

(An advocacy, parliamentary monitor group)

- Takes Auditor Gen. Report and analyze information on Department of Housing
- Writes to Director General Housing Dept. identifying key performance issues
- Uses various follow up methods including phone calls
- Records phone discussions and posts them on internet
- *Succeeded in enforcing several implementation issues, and at least created stronger accountability*



The Role of Information in the Budget Cycle:

Budget Formulation

- Macroeconomic forecasting of the budget is weak
 - In **Nigeria**, the macroeconomic projections are not stated in measurable terms and are rarely circulated before Budget Day.
- Pre-budget policy statements are not published
 - In **Ghana**, information is only available on Budget Day, and then often only in the budget speech.
- Information on actual spending is not available on time
 - In **Zambia**, actual spending numbers are not available in time to influence decisions for the following year.
- Generally, cost of new and existing policies is not known
- Fiscal implications of extra-budgetary activities not available



The Role of Information in the Budget Cycle: Budget Review & Analysis

- Highly technical language
 - In most countries, “outsiders” have poor capacity to understand the financial information presented.
- Budget lacks supportive documentation
 - In **Kenya**, the budget speech provides the only contextual information.
- Low reliability of the budget
 - In **Nigeria** (1997-98), average deviation between estimated and actual expenditure was 62.5%.
- Incomprehensiveness of the budget
 - Generally, summative information on sub-national expenditure is not available.



The Role of Information in the Budget Cycle: Budget/Expenditure Tracking

- Sufficient in-year information to enable expenditure tracking not available
 - **South Africa** is exception – monthly submissions of spending submitted.
 - In **Kenya**, monthly submissions to Accountant General exclude spending on wages
- Difficult public access to unpublished state-held information
 - In **Ghana**, “official secrets” legislation makes it extremely difficult for public officials to release information on request.

ibid.



The Role of Information in the Budget Cycle: Performance Monitoring

- No annual reports on spending submitted
 - Many countries don't require such reporting- which can be useful starting points for civil society performance monitoring
- Annual reports on spending submitted but too late
 - In some countries, such country-level reports are required and published but these are often late.
- Lack of basic freedoms
 - In Zambia, independent press has come under fire for printing critique of the President's use of public funds.
- Opportunity for CSOs assess if executive and legislature has implemented audit report findings



Necessary Conditions within Civil Society

- Institutional capacities to engage
 - Macroeconomic literacy
 - Advocacy and negotiation skills
 - Organizational capacities
 - Financial resources
- Political economy of civil society
 - Issues of representation and legitimacy
 - Credibility and mechanisms of accountability including self-regulation
- Social capital
 - Networking and alliance-building
 - “Civic inclusion”