CONFERENCE PROCEEDINGS

3rd International Conference on Democratic Governance in the Developing World

Advancing Democratic Governance in the Developing World: The Role of Conflict, Complementarity, and Collaboration in Fostering Democratic Ideals, Practices, and Institutions

Program for the Advancement of Research on Conflict & Collaboration
Maxwell School of Citizenship and Public Affairs
Syracuse University
Syracuse, NY

2017

Proceedings prepared by Ignacio Carolos Pezo Salazar, a graduate of the Master of Public Administration Program at the Syracuse University Maxwell School of Citizenship and Public Affairs
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CONFERENCE DESCRIPTION

The 3rd International Conference on Democratic Governance in the Developing World was held on July 18 and 19, 2016, at the Center for Strategic and International Studies (CSIS) in Washington D.C. The conference brought together more than one hundred scholars and practitioners from diverse disciplines (e.g., public administration, political science, economics, sociology, business, law, journalism, international relations, and others) and from all continents in the world. Numerous countries were represented, including: Australia, Brazil, Canada, Chile, Germany, Ghana, India, Indonesia, Lebanon, México, Myanmar, Nepal, Nigeria, Pakistan, Rwanda, Republic of Kosovo, South Africa, Sri Lanka, Uganda, and the United States.

The conference was organized and financially sponsored by the Program for the Advancement of Research on Conflict and Collaboration (PARCC), an interdisciplinary research institute housed in the Maxwell School of Citizenship and Public Affairs at Syracuse University. Additional conference organizers include the Rwanda Governance Board and Cheyney University of Pennsylvania.

The main theme for the 3rd International Conference on Democratic Governance was Advancing Democratic Governance in the Developing World: The Role of Conflict, Complementarity, and Collaboration in Fostering Democratic Ideals, Practices, and Institutions. Despite the progress made in the democratization process of the developing world, basic ideals, practices, and institutions have yet to be rooted in the day-to-day practices of politicians, public administrators, and citizens. As a result, many developing countries struggle to adequately address conflict and foster collaboration across sectoral, jurisdictional, and other boundaries. Participants discussed and shared their perspectives on the political, economic, social, spiritual, and cultural dimensions needed to advance and sustain democratic governance in the developing world.

During the two-day program of the Conference, twenty-one Panels were held where participants addressed numerous themes and issues articulated in six main tracks:

1. **Democratic Ideals, Practices, and Institutions.**
   What democratic ideals (e.g., accountability, transparency, integrity) are critical for good governance, and what practices and institutions are most appropriate for enacting them? How might conflict and collaboration support or undermine these ideals, practices, and institutions? How are these ideals, practices, and institutions affected by contemporary changes or reforms in governance?

2. **Conflict Resolution and Collaboration as Democratic Ideals and Practices.**
   What is the relationship between conflict, collaboration, and democracy? How and why might (or might not) conflict resolution and collaboration be important ideals and practices for democratic governance? In what ways and why are conflict and collaboration healthy or unhealthy or constructive or destructive) for democracy? What are some mechanisms and practices for transforming conflict and using collaboration to promote democratic governance?

3. **Contextual and Cultural Determinants of Conflict Resolution and Collaboration.**
   Do Western norms and ideals about conflict and collaboration transfer to other parts of the world? What cultural norms and values might make such practices context-specific? How do trust and social capital advance conflict resolution and
collaboration? How can nations best engage in peace-building and other post-conflict reconstruction efforts? What can we learn from extant cases and examples about what works and what does not?

4. **Representation and Participation as Democratic Ideals and Practices.**
   What is the role of representation and participation in fostering democratic governance? How do they ameliorate or exacerbate conflict and help or hinder collaborative efforts? What is the significance of racial, gender, caste and class representation and participation for democracy? How can such ideals (representation and participation) be used more effectively to promote democratic governance?

5. **The State-Civil Society-Market Balance.**
   What is the appropriate State-Civil Society-Market balance in democratic governance, and how can that balance be best struck? What role do civil society, non-profit and nongovernmental organizations play in fostering democratic values, institutions, and practices? How can such organizations promote peace and reconciliation, constructive conflict resolution, and productive collaboration? What administrative capacities and resources are needed to manage cross-boundary and cross-sectoral relationships and promote democratic governance?

6. **Scenarios of Democratization in the Developing World**
   What are the most serious challenges to democratic governance facing the developing world? What are root causes of democratic success and failure? What do cross-national comparative studies reveal about the patterns of convergence and divergence in achieving democratic ideals and practices across nations or regions in the developing world? What lessons can be learned in developed nations from advanced democracies?

In addition to the presentation of over 70 papers, many of which are included in this proceedings, participants also heard a Keynote Address, “One World: Building a Coherent Body of Knowledge for Statecraft,” given by Dr. Alasdair Roberts, an internationally renowned scholar and professor of public affairs.
ORGANIZING COMMITTEE

The members of the conference program committee included:

- Tina Nabatchi, Committee Chair, Program for the Advancement of Research on Conflict and Collaboration, Maxwell School of Citizenship and Public Affairs, Syracuse University
- Khaldoun AbouAssi, School of Public Affairs, American University
- Catherine Gerard, Program for the Advancement of Research on Conflict and Collaboration, Maxwell School of Citizenship and Public Affairs, Syracuse University
- Louis Kriesberg, Program for the Advancement of Research on Conflict and Collaboration, Maxwell School of Citizenship and Public Affairs, Syracuse University
- Gedeon Mudacumura, Cheyney University of Pennsylvania
- Shamsul Haque, National University of Singapore
- Oluwole Owoye, Western Connecticut State University
- Alketa Peci, Fundação Getulio Vargas, Brazilian School of Public and Business Administration
- Sabina Schnell, Program for the Advancement of Research on Conflict and Collaboration, Maxwell School of Citizenship and Public Affairs, Syracuse University
- Anastase Shyaka, CEO, Rwanda Governance Board

SPONSOR ORGANIZATIONS

Program for the Advancement of Research on Conflict and Collaboration (PARCC) is an interdisciplinary research institute housed in the Maxwell School of Citizenship and Public Affairs at Syracuse University. It is a multi-faceted, interdisciplinary research center that advances both theory and practice in the fields of conflict and collaboration. Founded by Dr. Louis Kriesberg in 1986 with Hewlett Foundation funding, PARCC was initially known for its breakthrough work in conflict transformation, intractable conflicts, and identity conflicts in the international arena.

Rwanda Governance Board is a public agency established in 2011 and centered on promoting good governance for sustainable development in Rwanda. Its objective is to be a center for excellence in governance policy and research, application of innovations and fostering government accountability, democracy and decentralization.

Cheyney University of Pennsylvania is a public university established in 1837, through the bequest of Richard Humphreys, as the first institution of higher learning for African Americans. Today, Cheyney University students represent a variety of races, cultures, and nationalities who receive educational instruction far beyond the vision of Richard Humphreys. The university offers baccalaureate degrees in an array of disciplines and master’s degrees in teaching, education, and public administration.
# CONFERENCE PROGRAM

**MONDAY, JULY 18**

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<th>Time</th>
<th>Event</th>
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<tr>
<td>9:00 - 10:00</td>
<td>Registration and Continental Breakfast  <em>(Atrium)</em></td>
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<td></td>
<td><strong>Welcome and Conference Opening</strong> <em>(Rooms A, B, C)</em></td>
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<td></td>
<td>• Catherine Gerard, Director of the Program for the Advancement of Research on Conflict and Collaboration, Maxwell School of Citizenship and Public Affairs, Syracuse University</td>
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<td>• Dr. Robert Dixon, Provost of Cheyney University of Pennsylvania</td>
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<td>• Mr. Lawrence Manzi, First Counselor, Embassy of the Republic of Rwanda</td>
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<tr>
<td>10:00 - 10:15</td>
<td>Coffee Break  <em>(Atrium)</em></td>
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<tr>
<td>10:15 - 12:00</td>
<td>Concurrent Panels</td>
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<td></td>
<td><strong>Collaborative Partnerships</strong> <em>(Room A)</em></td>
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<td><strong>Panel Chair</strong>: Dragan Stanishevski</td>
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<td></td>
<td>2. An Integrative and Multidisciplinary Community Public Health Conversation for Youth Development (David Kenneth Waldman)</td>
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<td>4. The Dynamics of Collaboration and Contention in Social Movements in Relation to Public Organizations and its Effects on Democratization: The Case of the Natural Childbirthing Social Movement in Russia and Ukraine (Vadym Pyrozhenko)</td>
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<td>5. When the Markets Fail: An Analysis of Public-Nonprofit Partnerships in a Brazilian State (Aline Santos, Desiree Machado, and Alketa Peci)</td>
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<td>10:15 - 12:00</td>
<td><strong>The Role of NGOs in Democratization</strong> <em>(Room B)</em></td>
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<td><strong>Panel Chair</strong>: Khaldoun AbouAssi</td>
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<td>6. Balancing the State-Civil Society-Market Relationship in Myanmar (Kyi Pyar Chit Saw)</td>
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<td>7. Opportunities and Challenges for International Nonprofit Organizations in China (Zehui Liu and Triparna Vasavada)</td>
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<td>8. Globalization, NGOs, and the Government: The Struggle to Define ‘Development’ (Sabith Khan)</td>
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<td>9. Four Ways in which Social Accountability and Open Government Interventions Bridge the State and Society (Florence Guerzovich and Paula Chies Schommer)</td>
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<td>10:15 - 12:00</td>
<td><strong>Perspectives on Democracy and Governance</strong> <em>(Room C)</em></td>
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<td><strong>Panel Chair</strong>: Sabina Schnell</td>
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<td>10. The Government They Deserve: Why Unelected Governments Have No Reason to be Responsive (Bakry Elmedni)</td>
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<td>11. Large Forces and Governance (Richard F. Callahan)</td>
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<td>12. Institutional Constraints and the Inefficiency in Public Investments (Leyla Karakas)</td>
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<td>13. The Role of Democracy, Good Governance, and Rule of Law to Enhance Sustainable Development: The Ethiopian Experience (Moges Zewdu Teshome)</td>
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<td>14. Conflict and Peace in Democratic and Autocratic Regimes: The Case of Africa (Oluwole Owoye)</td>
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<td>12:00 - 1:30</td>
<td>Lunch (Atrium)</td>
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<td><strong>Scenarios of Democratization</strong> (Room A)</td>
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<td><strong>Panel Chair</strong>: Gedeon Mudacumura</td>
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<td>16. A Tale of Two Countries (Genevieve Meyers)</td>
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<td>17. Conflict as a Path to Electoral Reform: The Case of Pakistan’s 2013 General Elections (Azeema Cheema)</td>
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<td>18. Political Participation: Shaping Public Policy (Tassew S. Gizaw)</td>
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<td>1:30 - 3:15</td>
<td><strong>Transparency and Open Data</strong> (Room B)</td>
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<td><strong>Panel Chair</strong>: Triparna B. Vasavada</td>
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<td>19. Challenges Developing a Culture of Transparency in the Public Sector (Carolina Maturana Zúñiga)</td>
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<td>20. Why Are Some Governments More Open than Others? Assessing the Drivers of Participation and Success in the Open Government Partnership (OGP) (Sabina Schnell and Suyeon Jo)</td>
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<td>21. Open Data in Africa (Erna Ruijer and Douglas Kimemia)</td>
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<td>22. Health Data Governance Related to Pandemic Situations in Developing Countries (Jose Francisco Salm Jr., Paula Chies Schommer, and Marcelo D’Agostino)</td>
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<td>3:30 - 3:45</td>
<td><strong>Inclusion, Representation, and Voice</strong> (Room C)</td>
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<td><strong>Panel Chair</strong>: Tina Nabatchi</td>
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<td>23. Inclusion, Representation, Transparency, and Synergy in Nepali Civil Society Organizations (Hansh R. Joshi and Prakash Kafle)</td>
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<td>24. Reaching Out Concerning Civic Literacy for Citizens’ Participation in Rwanda (Godfrey Kayumba and Florence Mutesi)</td>
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<td>25. Approaches on Demobilization as Part of Democratic Dynamics (Tamara Ilinsky Crantschaninov, Márcio Aquino Alves, and Gabriela de Breilz)</td>
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<td><strong>Coffee Break</strong> (Atrium)</td>
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## Concurrent Panels

### The Public Sector and Peace-Building (Room A)

**Panel Chair:** Catherine Gerard

1. The Public Sector and Peace-Building under Democratic Governance in Developing Countries (Frank Ohemeng and Joseph Ayee)
2. Building for Peace: Public Sector Agency, Institutions, and Conflict Transformation (Ufo Uzodike)
3. Institutionalizing the Return and Engagement of Skilled Liberian Diaspora in Post-Conflict Public Sector and Service Delivery (Amanda Coffie)

### NGOs, Politics, and Elections (Room B)

**Panel Chair:** Richard F. Callahan

1. Putting Elections to Work for Accountability (Brittany Danisch)
2. The Dynamics of Collaborations of Nonprofit Organizations for Democratic Elections: A Case of Democratic Governance in India (Triparna B. Vasavada)
3. Faith-Based NGOs and the Advancement of Electoral Democracy: A Case of the Inter-Religious Council of Uganda (William Kalanzi)
4. Civil Society and Electoral Reforms: Challenges and Opportunities for Electoral Democracy in Uganda (Mugie Abbas)

### Collaborative Governance in Theory and Practice (Room C)

**Panel Chair:** Tina Nabatchi

1. Building Trust in Collaborative Governance (Eun-Sil Yoo)
2. From Collaborations to Collaborative Governance: The Importance of Initial Conditions (Margaret F. Reid)
3. Rethinking Collaborative Governance: Non-Profits as Mentors, Motivators, Monitors, and Mediators for Local Governance. A Case Study in Maharashtra, India (Nidhi Vij)
4. Environmental Governance: Building a Public Agenda for Sustainability in Northwest Mexico (Gina Chacón and Maximino Matus)

## Cocktail Reception (Atrium)
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<tr>
<td>8:00 - 8:45</td>
<td>Registration &amp; Continental Breakfast (Atrium)</td>
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| 8:45 - 9:45  | **Keynote Address** (Rooms A, B, C)  
Dr. Alasdair Roberts  
One World: Building a Coherent Body of Knowledge for Statecraft |
| 9:45 - 10:00 | Coffee Break (Atrium)                                               |
|              | **Concurrent Panels**                                               |
|              | **Contextual and Cultural Aspects of Conflict** (Room A)            |
|              | Panel Chair: Sabina Schnell                                         |
|              | 39. Democratic Governance and Post-Conflict Peacebuilding in Nigeria’s Niger Delta Region (Obasesam Okoi) |
|              | 40. Context-Specific Approach and Communitarianism: What We Can Learn from Neo-Traditional Policies in Rwanda (Francis Gaudreault, Eric Chanmpagne, and Prince Kayigire) |
|              | 41. Building the Peace in Rwanda after the Genocide: The Role of the Military (Quassy Adjapawn) |
| 10:00 - 11:00| **Conflict and Conflict Transformation** (Room B)                 |
|              | Panel Chair: Catherine Gerard                                       |
|              | 42. Developmental State and National Leadership: A Democratic Governance Reflection (Prince H. Kayigire) |
|              | 43. Social Cleavages and Political Conflicts in Africa (Douglas Kimemia) |
|              | 44. Cooperatives, Democracy, and Reconciliation: The Case of Post-Genocide Rwanda (Ezechiel Sentama) |
|              | **Human Rights** (Room C)                                           |
|              | Panel Chair: Nidhi Vij                                               |
|              | 47. Combating the Abuses of Power: The Challenge of Democracy in East Asia (Fang-Ying Sophie Su) |
| 11:00 - 11:10| Break (Atrium)                                                        |
## Concurrent Panels

### Governing Public Money (Room A)

**Panel Chair:** Christopher Koliba

1. Fiscal Sustainability: Anticipating Conflict and Treating Budgets as Common Pool Resources (Richard F. Callahan)
2. Where There's a Way, There is No Will! The Dichotomy between State Capacity and Quality of Public Spending in Brazil and Spain (Marco Aurelio Marques Ferreira and Carmen Pineda Nebot)
3. A Legal Perspective on Participatory Budgeting in South Africa: A Reflection on the Status Quo (Oliver Fuo)
4. The Role of Brazilian Local Legislatures in Fiscal Sustainability: Gender, Professionalization, and/or Partisanship? (Ricardo Correa Gomes and Claudia N. Avellaneda)

### Secularism and Separatism (Room B)

**Panel Chair:** Adam Masters

1. Insurgency in Consolidation of Nascent Democracy: Bipolar Examples from Nigeria (Osagioduwa Eweka)
4. Exploring Narratives of Moderate Islam: A Look at Mali and Morocco’s Partnership (Fatima Hadji and Kamissa Camara)

### Inclusion and Political Participation (Room C)

**Panel Chair:** Margaret Reid

1. Women’s Political Participation in Jordan (Fatima Ahmad Atiyat)
2. U Report: Technology and Public Participation for Social Mobilization (Jennifer Lee Nieves and Pamela Davis)
3. A Case Study on the Electoral Geography of Bihar Legislative Assembly Elections-2015 (Stuti Saxena)

### Schedule

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<tr>
<td>11:10 - 12:25</td>
<td>Concurrent Panels</td>
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<td>12:25 - 1:45</td>
<td>Lunch (Atrium)</td>
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<tr>
<td><strong>NGOs and Governance</strong> (Room A)</td>
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<td><strong>Panel Chair</strong>: Frank Ohemeng</td>
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<td>60. Citizenship, Partnership, and Data: A Case Study of Advancing Democratic Governance in Jordan (Andy Yates)</td>
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<td>61. Creating Sound Governance through Cross-Sectoral Interactions at the Local Level (Khalidoun AbouAssi and Ann O'M. Bowman)</td>
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<td>62. Ethics and Integrity in Public Administration: Examining the Collaboration between Ministries and Civil Society Organizations in the Republic of Kosovo (Shpresa Kaciku)</td>
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<td>63. Localizing Delivery of Development and Accountability in Developing Countries: The Case of the Joint Action Development Forum (JADF) in Rwanda (Shyaka Anastase and J.P. Munyangamutsa)</td>
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| **Accountability and Corruption** (Room B) |
| Panel Chair: Gedeon Mudacumura |
| 64. Tackling Corruption to Enhance Democratic Governance (Rima Kawas) |
| 65. On the Path to Good Governance: Assessing Public Sector Accountability in Sri Lanka’s Northern Province (Sambasivam Sutharsan, Christopher Koliba, and A. Saravanabavan) |
| 66. Clientelism and Democracy (Bradley Gardner) |
| 67. Avoiding the Pitfalls of Union Corruption (Adam Masters) |

| **Attitudes and Perceptions Toward Public Services** (Room C) |
| Panel Chair: Oluwole Owoye |
| 68. Governance Gradients: Comparing Distance, Service Quality, and Citizen Perceptions of Government across 18 Countries in Sub-Saharan Africa (Derick W. Brinkerhoff, Anna Wetterberg, and Erik Wibbels) |
| 69. Democratic Deficit, Bureaucratic Ethos, and Critical Citizenry: A Comparative Study of Democratic Disillusionment in the Public Service and among Political Activists (Dragan Stanisevski) |
| 70. Examining Democratic Practices in Public Sector Management of the Iraqi Kurdistan Region (Heja Alsindi) |
| 71. A Democratic Assessment of Iraqi Public and Private Sector Professionals’ Attitudes toward Acting in the Public Interest (Bonnie Johnson and Dhirgham Alobaydi) |

| 3:30 - 3:45 |
| **Coffee Break (Atrium)** |

| **Plenary Panel Discussion and Conference Closing** (Rooms A, B, C) |
| **The Future of Democratic Governance in the Developing World** |
| **Moderator**: Dr. Matthew Cleary, Professor, Maxwell School of Syracuse University |
| **Panelists**: |
| • Tom Garrett, Vice President for Programs, International Republican Institute |
| • Ambassador Fatuma Ndangiza, Deputy CEO, Rwanda Governance Board |
| • Tiago Peixoto, Team Lead, World Bank Digital Engagement Unit |
| **Conference Closing** – Tina Nabatchi, Associate Professor, PARCC, Maxwell School of Citizenship and Public Affairs, Syracuse University |
SUBMITTED PAPERS
Abstract

This paper explores the relationships between collaboration and democratization in social movements. It examines how social movement dynamics affects collaboration forms and democratization effects on the basis of one case, the natural childbirthing social movement (NCBSM) in Russia and Ukraine, from 1980s to 2000s. The strategies of NCBSM actors in relation to state maternity hospitals are compared at four movement stages: emergence, movement-building, specialization, and institutionalization. Using two existing typologies of collaboration in social movements, this study finds that informal individual collaborations take place during early movement stages and that formal collective collaborations do not occur until later during the institutionalization stage. The democratization effects produced by different collaboration forms vary at different movement stages. Internal democratization effects prevail during early movements stages, while external effects are the strongest at later movement stages. The paper concludes with the discussion of theoretical implications for theories of collaboration in social movements, collaborative public management, and citizen participation as well as a brief reflection on how civil society can enhance the positive effects of collaboration on democratization.

Introduction

Collaboration with the state does not appear a viable path to democratization. In developing and transitioning countries, the power balance between state and civil society is significant, political institutions are underdeveloped, the rule of law is weak, and corruption is high. There are few compelling reasons for state authorities, bureaucrats, and other state actors to share power with citizens. The statement by Steven Buechler—“Why would elites ever accept cuts to their power, privilege, or property unless effectively challenged from below?” (Buechler, Oct 31, 2012, para 10)—is especially true for political elites in developing countries. When state actors do engage in collaboration with civil society groups, co-option becomes a likely result. Collaboration appears to secure the status quo
rather than to promote social change and democratization. Civil society groups might also favor confrontation over collaboration as a more democratic, authentic, and straightforward strategy of acquiring power and achieving their goals.

This paper delves into the relationship between social conflict, collaboration, and democratization. It examines how and why social movement actors use collaboration to pursue movement goals and what democratization effects this form of collective action produces. Social movements represent major sites of social contention where social groups challenge state policies, social practices and discourses (Giugni, McAdam and Tilly, 1998; McAdam, Tarrow and Tilly, 2001; Tilly, 1995; Tarrow, 1994). Tarrow (1994) defines social movements as “collective challenges by people with common purpose and solidarity in sustained interaction with elites, opponents, and authority” (p. 3). According to scholars of social movements, social movement actors use a whole range of collective actions and strategies that include both collaboration and confrontation (Casey, 2002; Giugni & Passy, 1998). The present research builds on these theories by focusing on social movement collective actions in relation to public organizations. It examines the case of the natural childbirthing social movement (NCBSM) in Russia and Ukraine, 1980s to 2000s, and investigates the strategies and collective actions of movement actors in relation to state maternity hospitals, first. These collective actions are considered in connection with the movement dynamics. I construct the movement dynamics using the movement stage approach (dela Porta and Diani, 2006; Eyerman and Jamison, 1991, McAdams, 1999) and identify four stages of the NCBSM: emergence, movement-building, specialization, and institutionalization. Movement collective actions are examined at each stage. Second, I explore how these actions affected democratization. The paper concludes with the discussion of the findings, their theoretical implications, and a brief reflection on how civil society can enhance the positive effects of collaboration on democratization.

Collaboration and confrontation in social movements in relation to public organizations

Contention is a defining feature of both democracy and social movements. Robert Dahl identifies contention and inclusion as two key dimensions of democracy (Dahl, 1973). In ideal democracies, citizens have institutional guarantees, such as freedom of expression and association, the government considers citizens as political equals and responds to their
preferences: Dahl’s ideal of democratic government is the government that is “completely or almost completely responsive to all its citizens” (Dahl, 1973, p. 2). In real democracies, governments are less than “completely responsive,” it is not sufficient for citizens to passively express their preferences and they have to actively contend the government. Inclusion, Dahl’s other dimension of democracy, refers to the “breadth of the right to participate in public contestation” (Dahl, 1973, p. 4). Using Dahls’ definition of democracy, social movements thus constitute a major vehicle of democratization: contention is social movements’ *raison d’être* and inclusion is their primary means of mobilizing new members and increasing their basis of social power.

Contestation of political authority and specific state policies, social practices and discourses represent an essential democratic function of social movements at the societal level. The general contention orientation of social movements cascades into specific movement actions, tactics, and strategies—or the repertoires of contention (Tarrow, 1994; Tilly, 1995). However, several social movement scholars have recently argued that, in relation to state actors, contention does not exhaust the whole range of collective actions and that social movement actors might use the collaboration strategy in addition to the traditional confrontation strategy (Casey, 2002; Giugni and Passy, 1998). Given the limited power of social movements and their general contentious orientation, Giugni and Passy (1998) call such collaborative strategy “conflictual cooperation” (p. 85).

Actual collaborations between state and social movement actors occur both in legislative and administrative arenas and reflect the complexity of contemporary governance (Giugni and Passy, 1998). Unfortunately, these collaborations have received little attention from either social movement or public administration scholars and there has been little dialogue between the two disciplines too. On the one hand, social movement scholars tend to focus on policy issues and policy institutions because social movements seldom challenge administrative practices. Only a few social movement studies deal with administration (Giugni, 2004; Giugni and Passy, 1998). On the other hand, many public administration scholars have recently addressed the theme of collaboration between government and citizens (Agranoff & McGuire, 2004; Bingham & O’Leary, 2008; O’Leary, Gerard, & Bingham, 2006) but have not considered how citizens’ embeddedness in social movements might affect such collaborations. In particular, most studies of collaborative public management focus on those collaborations where citizens are either represented by formal organizations, such as advocacy or nonprofit organizations, or act as individuals.
Collaborations between informal citizens’ groups and public administrators have been largely ignored. The theoretical “silencing” by public administration scholars of social movement actors further happens in different ways. Some scholars expand civic agency by including administrators-as-citizens (Boyte, 2008; Stone, 2001) and by attaching the role of civic enabler to the government (Sirianni, 2009) but pay much less attention to integrating social movement groups into collaboration theories. Other scholars ignore social movements as not fitting the collaboration paradigm altogether. For example, Cooper, Bryer, and Meek (2006) contrast collaboration to the “aggressive adversarial advocacy” (p. 78) approach of older social movements, exemplified by Saul Alinsky’s organizing activities, and overlook the practices of more contemporary social movements. Also, the rational approach to collaboration that dominates much of the citizen participation literature (Roberts, 2008) has hindered the integration of social movement theories into public administration collaboration theories. According to this approach, administrators and deliberation experts can construct short-term structures and processes of public deliberation as to enable the articulation by citizens of their interests and to facilitate problem solving jointly by citizens and administrators. The question how organic long-term processes internal to social groups and taking place outside these artificial deliberative forums compare to citizen participation settings has not been well addressed.

The topic of collaboration between state and social movement actors is important for developed democracies for two main reasons. First, many scholars view citizen-administration collaborations in democratic terms as a mechanism to energize citizenry by promoting direct citizen participation in government (Roberts, 2008), decrease citizen distrust, and making governments more responsive to citizens. Second, scholars of collaborative public management admit that public organizations often lacks resources and knowledge to solve many public problems and thus both government and civil society benefit if they share resources when pursuing common goals (Agranoff & McGuire, 2004). Compared to developed democracies, developing and transitioning countries have different priorities: basic democratic institutions need to be constructed and strengthened before direct citizen participation can occur, and corruption should be addressed and accountable public bureaucracies developed before new managerial and governance approaches are introduced. Finally, policy implementation emerges as a principal social movement focus in developing countries. Unlike developed democracies, new laws and policies do not necessarily get implemented in developing and transitioning nations, and social movement actors might achieve little if they ignore what happens at the administrative level.
Therefore, existing public administration collaboration theories need to be adjusted by integrating the experience of collaboration between social movement actors and public organizations in developing and transitioning countries.

Theoretical framework, definitions and research questions

Theoretical framework

The proposed theoretical framework helps explore the mediating role of social movement collective actions and strategies in relation to public organizations in the dynamic process of unfolding of social movement contention into specific democratization outcomes (Fig 1). It draws on Dahl’s dimensions of democracy—contention and inclusion (Dahl, 1973)—and those sociological theories that view social movements as major societal mechanisms of contention (Giugni, McAdam and Tilly, 1998; McAdam, Tarrow and Tilly, 2001; Tilly, 1995; Tarrow, 1994) but recognize that social movement collective actions and strategies vary and might include collaboration (Casey, 2002; Giugni and Passy, 1998). In addition, these collective actions and strategies depend on internal movement dynamics at specific movement stages (della Porta and Diani, 2006; Eyerman and Jamison, 1991; McAdams, 1999).

Figure 1. Theoretical Framework

| Social Movement Contention | Social Movement Stages | Social Movement Actions & Strategies | Democratization Effects |

Social movement contention

Social movement contention refers to that core movement contention that defines the essence and gives existence to a given movement. Contentions can be positively framed as new issues placed on the social agenda. For example, the labor movement challenged the lack of attention to workers’ rights and placed the issue of workers’ rights on economic and political agendas. The environmental movement challenged the lack of consideration of
non-economic environmental impacts by the dominant economic paradigm. Core movement contentions further cascade into a greater number of movement goals and objectives that are shaped by movement goals and internal movement dynamics.

Movement dynamics and movement stages

Several social movement scholars have used the stage approach to examine how movements change over time (della Porta and Diani, 2006; Eyerman and Jamison, 1991; McAdams, 1999). Some scholars believe that social movements complete a natural life cycle that starts with spontaneous protests and ends up with movement formalization and institutionalization (Blumer, 1951; Dawson and Gettys, 1929). However, most other scholars reject the natural evolution assumption as simplistic (della Porta and Diani, 2006; Eyerman and Jamison, 1991; McAdams, 1999). For example, della Porta and Diani (2006) note that social movement evolution is not granted, rather it depends on the combination of external factors, such as available institutional opportunities, as well as internal factors, including movement culture, movement structure, and the movement’s ability to use technologies. At the same time, most scholars believe that the movement periodization approach helps in constructing broader movement histories and provides a long-term perspective on movement dynamics.

Different authors identify different numbers of movement stages and the names of stages differ too. Della Porta and Diani (2006) review existing movement periodizations and identify four common stages: emergence, coalescence, formalization, and institutionalization. McAdam (1999) traces the history of black insurgency from 1930 to 1970 and views it as a “continuous process from generation to decline” (p. 36). Eyerman and Jamison (1991) build on McAdam (1999) and distinguish four movement stages: awakening, movement-building, specialization and polarization, and incorporation and marginalization. Jamison (2001) describes six stages in the history of environmental movement: awakening, age of ecology, politicization, differentiation, internationalization, and integration. The periodization in this paper includes four stages: emergence, movement-building, specialization, and institutionalization. Specific movement processes and strategies characterize each stage. For example, the articulation of movement goals and values, the exploration of available resources and ideas, and creative experimentation with various new practices characterize the emergence stage (Eyerman and Jamison, 1991).
contrast, later stages involve the dissemination and the societal integration of those movement practices and values already established within the movement.

Social movement actions and strategies

Social movements use various actions, tactics and strategies to achieve their goals. Specific actions may take the form of petitions, demonstrations, protests, sit-ins, acts of civic disobedience, as well as less peaceful forms, such as blockades and riots. Tilly (2008) refers to these individual social movement actions as “performances.” They might appear disorderly and chaotic but social movements seldom act spontaneously. Rather movement actors learn from their own and others’ experiences and act purposefully. Tilly (1995) refers to social movements’ purposeful tactics of using combinations of various actions as “repertoires of contention,” they are “routines that are learned, shared, and acted out through a relatively deliberate process of choice” (Tilly, 1995, p. 42). Tarrow (1994) relates repertoires to movement cycles. Tilly (2008) places repertoires into broader historical contexts by contrasting more peaceful nineteenth-centuries repertoires to more violent eighteenth-century ones. Tilly (2006) argues that repertoires reflect the capacity and level of democratization of specific political regimes. Less democratic regimes leave fewer contention opportunities for social movements: “Repertoires meet regimes in collaboration and conflict” (Tilly, 2006, p. 89)

Unfortunately, scholars have focused on repertoires of contention and paid less attention to social movements’ “repertoires of collaboration.” Giugni and Passy (1998) argue that movement actors might supplement contentious activities with collaborative ones when they share common interests with state actors. They consider new social movements, those movements that tend to focus on cultural issues and challenge social practices and discourses. The authors start with an example of collaboration between governments and gay movement organizations that involved the exchange of knowledge and competences in the context of AIDS policy-implementation. Also, they present two new cases: the collaborations between the French and Swiss governments and the solidarity movement on development aid programs for African countries in the 1980-90s, and collaborations with the ecology movement on sustainable development issues in the 1990s.
The typology of cooperation developed by Giugni and Passy (1998) includes degrees of cooperation—consultation, integration, and delegation—and types of cooperation—individual and collective. The delegation of policy implementation functions to social movement organizations represents the most intense kind of collaboration. Collaboration is least intense when state actors consult with individual social movement members. In the analysis of the conditions for cooperation, Giugni and Passy (1998) find that cooperation is more likely in decentralized states, such as Switzerland, and when social movements institutionalize, moderate their goals, and when they possess specific expertise and skills in a given policy area. Casey (2002) proposes another typology of collaboration. In contrast to Giugni and Passy (1998), he includes both institutional and non-institutional collaborations. The examples of the latter type include informal meetings and community education. Because developing and transitioning nations lack strong institutions, one would expect that non-institutional collaborations would be more common in such nations compared to developed democracies.

Democratization effects

Social movements represent complex social phenomena that involve a great number of factors. Scholars admit the difficulty of determining the consequences and impacts of social movements on society (Giugni, McAdam and Tilly, 1999). MacAdam and Snow (2010) note that assessing movement outcomes involves many “daunting methodological challenges” (p. 659). Assessing democratization effects of social movement actions is even more difficult due to the lack of reliable standards and measures. Some common democratization effects of social movements include direct and deliberative democracy practices inside social movements (della Porta, 2009), as well as external effects such as policy and political outcomes, strengthening democratic institutions, and increasing government responsiveness. These effects somewhat overlap with general categories of movement outcomes: intended and unintended consequences, policy and political outcomes, and social and cultural effects at societal and microsociological individual levels (Giugni, 1999). Therefore, in this paper I will examine both internal and external democratization effects. One key external democratization effect is the success or the failure of the given movement’s efforts in addressing the social conflict that underlies the movement’s core contention.
Research questions

This paper focuses on collaboration as one social movement strategy and seeks to explore the relationship between this particular movement strategy, social movement dynamics, and associated democratization effects. Thus it addresses two research questions:

1. What collaboration strategies do movement actors use in relation to public organizations at each of the four movements stages—emergence, movement-building, specialization, and institutionalization?

2. What democratization effects do social movements create at each of the four movements stages—emergence, movement-building, specialization, and institutionalization?

Methods and data

This research is an exploratory case study (Stebbins, 2001; Yin, 2013) that uses qualitative methods. The case examines collaboration strategies of the natural childbirthing social movement (NCBSM) in Russia and Ukraine, in relation to state maternity hospitals at four movement stages, from the movement emergence in the 1980s to its institutionalization in the 2000s. The movement spanned the period when Russia and Ukraine were transitioning towards democracy and had emergent but not consolidated democratic institutions. Both countries inherited Soviet centralized state systems that were weakened but not reformed during the 1990s. Their administrative systems thus can be described as traditional bureaucracies that had not yet adopted new governance methods, including collaboration with other sectors. The NCBSM challenged practices at state maternity hospitals and developed its own “natural childbirthing” philosophy and practices. The case explores NCBSM actions and strategies in relation to maternity hospitals, which are considered public organizations.

The single-case embedded design methodology (Yin, 2013) used here allows for the examination of these actions at different levels: individual, city, and national levels. In particular, two cities—Moscow, Russia, and Dnepropetrovsk, Ukraine—have been selected because the NCBSM had the strongest presence in these cities, according to the movement’s leaders. Primary data sources for this research include twenty-five semi-structured interviews with movement participants and administrators, six participant
observation events in 2008, and my and my wife’s personal experiences as movement participants in 1998-2001 and then in 2008. Secondary data were collected from NCBSM web-sites, publications and documents, as well as publicly available online materials on the NCBSM and relevant online forums.

Broad questions about the relationship between movement activities and democracy were initially included but then dropped from the list of questions because interviewees refused to answer or found them irrelevant. Some interviewees did not want to be perceived as “American agents.” Others understood democracy as related to political activities only and stated that the NCBSM had never been involved in politics. Therefore, the description of the movement’s democratization effects is based on the author’s interpretations. For example, NCBSM activists did not consider their internal practices as democratic even though scholars of democracy (della Porta, 2009) would define these practices as meeting democracy standards.

Case description: Natural childbirthing social movement in Russia and Ukraine, 1980s – 2000s

This section starts by explaining the NCBSM’s core contention and then continues with the detailed description of movement actors, their actions and strategies in relation to maternity hospitals and the movement’s democratization outcomes at each of the four movement stages.

NCBSM’s core contention

In the 1980s, the NCBSM challenged maternity practices in Russia and Ukraine as “unnatural.” Movement participants viewed those practices as mechanical, technocratic, not taking into consideration women’s needs, and preventing the personal growth of women and newborn children. The NCBSM core contention resembled one contention of women’s movements in the West, which challenged the medical model of birthing by constructing alternative sociological and anthropological models of birthing (Michaelson, 1988; Rothman, 1984). The NCBSM’s “natural childbirthing” discourse adopted many elements of innovative Western obstetrics principles that stressed psychological dimensions
of birthing (Odent, 1984) as well as the experience with “spiritual midwifery” of the hippy Farm Community in Tennessee, United States, and its community leader May Gaskin (Gaskin, 2002). At the same time, the movement developed its unique waterbirth method (Belousova, 2002; Naumov, 2001; Sidenblau, 1983). Therefore, the core movement’s contention remained the same—they challenged unnatural birthing at state maternity hospitals—but the movement realized its positive ideal of natural childbirthing differently at different movement stages, first framing it in spiritual terms and then stressing psychological dimensions of birthing.

**Four stages of the NCBSM**

**Stage one. Movement emergence, the 1970s-80s**

The NCBSM emerged from the activities of family clubs in Moscow, Russia, in the late 1970s. Family clubs initially attracted those parents interested in alternative early child development. They experimented with new approaches that emphasized children’s creativity, physical development, independence, and personal growth. For example, Nikitins family developed a new approach that became popular throughout the entire country. By borrowing some elements of Montessori discovery philosophy it guided parents on how to make and use sets of developmental games and innovative equipment. Some clubs expanded the range of their activities and included herbal medicine, healing, meditation, breathing exercises, cold showers and winter swimming. Most importantly, club participants “discovered a new sense of personal initiative and self-expression,” remembers Rinata Ravich, one of the directors of the Healthy Family, the largest family club in Moscow (Interview with Ravitch, June 11, 2008).

All family clubs were very informal. They gathered in private apartments, public parks, and public lecture halls. There were no membership rules and few boundaries as people moved easily from one club to another to discuss a topic that interested them. Most topics were focused on self-development but discussions were very eclectic as participants had diverse backgrounds: physicists often debated with philosophers and doctors. For example, family clubs were influenced by the teachings of Yan Koltunov, a charismatic leader of Kosmos club near Moscow (Interview with Naumov, June 12, 2008). Koltunov, a space engineer and researcher, lectured on topics related to space exploration, human
survival in space, and social improvement. His self-development approach borrowed from space physiology, yoga and Soviet science fiction. Moscow clubs thus created a public space where people could openly exchange ideas on diverse range of topics related to self-development. Cole (1986) compared family clubs to the human potential movement in the U.S. This intellectual and spiritual environment provided a fertile ground for the NCBSM.

The NCBSM started when Igor Charkovsky, a sports biomechanics researcher and swimming instructor, came to the Healthy Family club and introduced the waterbirth method in the late 1970s. He framed his method in spiritual and evolutionary biology terms but clubwomen had a more practical interest. They believed that Soviet maternity hospitals could not meet their spiritual self-development needs and that it was better to face risks and birth outside maternity hospitals (Naumov, 2001). Charkovsky’s waterbirth methods offered this alternative. Marina Semyonova, a club participant, remembers that moment: “When Charkovsky came to the club, his ideas fell on a fertile soil. I had one child born at the [maternity] hospital by that time. And I knew I did not have to go there again to give birth to my next baby. Others in the club were thinking the same way” (Interview with Semyonova, June 12, 2008). The first waterbirth took place in one of Moscow’s private apartments in March, 1980 (Naumov, 2001; Martynova, April 25, 2014) followed by several other successful homebirths (Belooussova, 2002).

Collaboration with state authorities

Formal collaboration between clubs and the state were very limited. State authorities issued permissions for clubs to rent lecture halls and to cover club activities in the media. State and Communist party authorities viewed clubs as part of the health movement supported by the state. At the same time, the state monitored and disciplined those club leaders who deviated from the official Soviet “spirituality.” However, informal collaborations on routine issues were very common. For example, if state administrators of small gyms suspected that a certain club engaged in spiritual activities such as yoga, club leaders had to negotiate informally and find those state administrators that were friendlier to the clubs. Most importantly, clubs benefitted from the diverse expertise of many

1 Charkovsky promoted the “aquatic ape” theory that had traced human origins to the ocean. He argued that humans were designed biologically for aquatic living and that waterbirth lessened the shock of entering a non-water environment for a newborn child who had spent nine months floating in the mother’s amniotic fluids (Sidenbladh, 1983).
professionals employed by state institutions. Many doctors, physiologists, nurses, and sports instructors interacted with clubs individually and informally. For example, Irina Martynova, a professional obstetrics nurse, helped with the first waterbirth in 1980 (Martynova, 2014).

**Democratization effects**

Clubs’ activities had little or no effect on formal policy and political processes. However, they empowered many families and individuals who came to the clubs. Intellectual and spiritual discussions of self-development increased people’s self-esteem, independence, and openness to new points of view. Participants learned how to debate, listen, and disagree. Club members strengthened their organizing, leadership, and advocacy skills. In other words, clubs promoted the norms, principles, and practices associated with deliberative democracy without articulating their practices as democratic.

**Stage two. Movement-building, the 1980s**

The NCBSM formed around those family clubs that focused on preparing pregnant women for waterbirthing in the 1980s. The movement’s base expanded as more families birthed at home. The Healthy Family club split into three new clubs, each focusing on childbirthing and early child development education but stressing different practices. The new waterbirth method became known as “spiritual midwifery” a term borrowed from May Gaskin’s book (Gaskin, 2002), which the NCBSM translated into Russian in the 1970s. Most of Russian “spiritual midwives” had no medical education or training. They learned from similar clubs, from the books written by Western innovative obstetricians, and rediscovered the Russian pre-modern midwifery tradition. Besides internal club organizing, most NCBSM’s organizing efforts focused on promoting the idea of natural childbirthing and waterbirth method by publishing books and videos, and by giving informal instruction to beginning spiritual midwives from other clubs and cities. For example, the neonatology nurse Natalia Kulikova, the pioneer of natural childbirthing in Dnepropetrovsk, Ukraine, learned about new maternity approaches when she came to visit her relatives in Moscow and accidentally met with club leaders (Interview with Kulikova, April 11, 2008). As a result of these efforts, new family clubs formed in most large cities, including Saint Petersburg (formerly Leningrad), Kiev, and Dnepropetrovsk, by the late 1980s.
In the 1980s, the NCBSM philosophy stressed that birthing was a spiritual event. Spiritual midwives believed that waterbirthing should take place in a spiritual environment. For example, Charkovsky and several family clubs organized summer camps in Crimea and many women birthed in the Black Sea because they considered those places “natural” and having “special energy.” Most women certainly did not go to Crimea preferring the comfort of their home bathtubs to the cold sea. However, they learned about spirituality of birthing at NCBSM trainings that lasted for several months. In particular, spiritual midwives taught women to deal with personal fears (Sidenbladh, 1983). The NCBSM borrowed a New Age idea that “energy blocks” created by personal fears stopped energy flows in the body and were especially harmful during birthing. One reason why the NCBSM encouraged women to birth at home was the belief that maternity hospitals squashed spirituality by intentionally intimidating women. For many NCBSM participants, maternity hospitals were part of the Soviet repressive system that aimed at producing fearful citizens (Belouossova, 2002).

Collaboration with maternity hospitals

The NCBSM had very adversarial relationships with maternity hospitals in the 1980s. When homebirths became frequent, maternity hospital administrators and doctors used the entire range of repressive methods against the NCBSM. They called spiritual midwives “quacks” and the NCBSM a “cult,” threatened them with legal actions, and coordinated police raids of family club events. Most of the state pressure was felt at the individual level though, when women had to register their newborn children and visit hospitals for medical examinations and other reasons. Registration was one typical situation where NCBSM women interacted with state authorities. Sometimes state clerks refused to register children. Martynova (2014) reports one story when a male doctor refused to recognize a newborn baby as a child because, as he said, “a child cannot be born at home by definition” and so he referred the woman to a forensic expert. Most doctors were less repressive but women had to go through long “interrogations” explaining why they had chosen homebirth. Another typical situation was when the woman had been preparing for a homebirth but due to medical conditions had to be transported to a hospital during birthing. While in the hospital, the woman tried to follow at least some natural childbirthing practices. Some of those practices were more contentious such as the women’s choice not to vaccinate the
newborn child. Other practices were less controversial, such as breastfeeding and not separating the child.

The strong ideological conflict between the NCBSM and maternity hospitals made formal collaborations between them impossible. However, informal collaborations did take place. Many hospital nurses and staff were sympathetic to NCBSM ideas. Others were bribed by birthing women. When the birthing woman had to be transported to the hospital, she could give small “gifts” to the nurses for allowing her to keep the child after the birth despite maternity medical protocols that required separation. Or she tried to persuade nurses that not separating the child from the mother meant less work for them. NCBSM clubs collected information about NSBCSM-friendly nurses, doctors, and hospitals. They shared this information with women explaining what to say, who to speak to, and what gifts to give. They made lists of friendly maternity hospitals and encouraged women to go there when having a choice.

Informal collaborations between individual doctors and nurses were especially important for the NCBSM. The woman could visit doctors during pregnancy for regular check-ups without sharing her homebirth plans. However, women often needed routine medical help during and shortly after birthing. For example, doctors had to examine the woman and put stitches when necessary. Some obstetrics doctors and nurses attended homebirths to provide those services. However, they had to do this informally and secretly because they risked losing their medical licenses. It was not illegal for women to birth at home but it was illegal for doctors and nurses to provide maternity services outside hospitals and it was illegal for spiritual midwives to provide any medical service without medical licenses. Therefore, women usually told state authorities that no doctors or nurses were present during birthing at home. When caught by authorities, midwives responded that they provided comfort rather than medical services. Therefore, the NCBSM purposefully nurtured informal networks connecting women, spiritual midwives, nurses, and obstetricians. Doctors and nurses had good reasons to participate in those networks besides extra income. In the Soviet Union, the greatest majority of obstetricians were women. Many obstetricians themselves decided to waterbirth at home. Also, natural childbirth gave them new learning experiences. In particular, obstetrics nurses learned new functions that they would never perform at hospitals due to narrow specialization.
Democratization effects

The NCBSM had little power to directly challenge the state. It had almost no effect on maternity policies and did not engage in political activities. However, the movement succeeded in building its internal capacity. Women started identifying natural childbirthing as a “movement.” They developed organizing and advocacy skills promoting NCBSM ideas and practices. Club activities became increasingly structured around waterbirth education but largely remained vibrant and egalitarian social spaces. Experience and knowledge about birthing mattered more than the social status. Gender roles were challenged. Homebirthing required active men’s involvement, men were encouraged to participate in trainings and many of them had to learn to be followers in this women-dominated environment. While the NCBSM promoted inclusiveness internally, most non-movement individuals viewed its ideas as exotic, esoteric, and elitist because of the movement’s focus on spirituality. Finally, homebirthing helped women and men develop personal responsibility and initiative.

Yevgeniya Igoshina, one of the NCBSM pioneers in Saint Petersburg noted that “[NCBSM] people discovered that they did not have to await the mercy of the state, but could do things themselves for their children” (Igoshina, 2014). Therefore, the NCBSM’s democratization effects primarily related to internal movement practices and changes in participants’ personal attitudes, in the 1980s.

Stage 3. Movement specialization, the 1990s

In the 1990s, the NCBSM further expanded and became subject to specialization and formalization forces. Many women saw the value of natural childbirthing but found its spiritual philosophy too narrow and impractical. Several entrepreneurial doctors reinterpreted natural childbirthing in psychological rather than spiritual terms. They often excluded waterbirth but kept other NCBSM practices, such as breastfeeding, breathing exercises, partner-birth and psychological preparation. NCBSM ideas penetrated significantly into the maternity system at that movement stage. Naumov (2001) lists several obstetricians who even practiced waterbirth at maternity hospitals besides other NCBSM methods. New psychological justifications of natural childbirthing rediscovered domestic practices, such as the Soviet post-war psychoprophylaxis method that adopted hypnosis for perinatal training of women, and foreign practices, such as Lamaze breathing method and the methods of the French obstetrician Michel Odent. The NCBSM used psychological
concepts to articulate natural childbirthing principles when engaging in a dialog with maternity care officials. For example, the book by Alexander Naumov, the NCBSM’s self-appointed historian and a leader, represents a response to the critique of the NCBSM by Blishansky, Moscow’s Chief City Obstetrician (Naumov, 2001). In addition, the World Health Organization started promoting breastfeeding and several other “psychosocially sensitive care” practices (Chalmers, Mangiaterra & Porter, 2001) that the NCBMS had adopted much earlier, which helped the NCBSM establish its legitimacy. The perinatal psychology and education thus slowly crystallized into a new specialization within maternity care. At the same time, newer psychological interpretations and practices of natural childbirthing co-existed with older spiritual ones.

The formalization of the NCBSM was primarily associated with perinatal education centers, a new organizational form in the NCBSM. Perinatal centers provided psychological training and helped redefine NCBSM’s former spiritual concepts into psychological ones. Psychologists or those doctors with natural childbirthing experience and psychological certificates often became leaders of those centers. Centers differed from family clubs because they were better organized, more professional, formal and relied less on volunteers. For example, Zhanna Tsaregradskaya, the leader of Rozhana perinatal education center in Moscow, defines these differences as follows:

Perinatal education center is the most modern form of work with future parents... [Family] clubs differ from centers because they do not keep records, do not have evaluations, do not develop teaching materials, and do not engage in any research. Clubs employ ... people without appropriate educational background... It is some kind of informal work with pregnant women that does not imply any responsibility... they can experiment with anything without any accountability (Tsaregradskaja, 2000).

Given these differences, tensions and conflicts between clubs and centers were not uncommon. Many spiritual midwives felt they were being pushed aside.
Collaboration with maternity hospitals

Natural childbirthing practices spread at maternity hospitals through the activities of individual doctors and psychologists rather than through collective collaborations. At the same time, maternity hospitals started recognizing the value of perinatal education centers. For example, Ulyana Terekhova, the leader of a perinatal education center in Dnepropetrovsk, says that the maternity hospital that employs her as an obstetrician gives her credit because the women prepared by her center are “good patients.” “Unfortunately, [unprepared] pregnant women do not know what to do during birthing. This leads to the additional medical interference…” (Interview with Terekhova, March 21, 2008).

Many maternity doctors thus started referring women to perinatal education centers informally because it meant less work for them. However, these collaborations came at a price for the movement. Doctors preferred their peers to spiritual midwives and perinatal centers to family clubs. Internal conflicts over what NCBSM principles could be compromised when establishing collaborations with the “medical establishment” became frequent between clubs and centers. For example, Zenaida Andreeva, the leader of the largest family club in Dnepropetrovsk, hoped to establish a collaboration with a newly formed commercial medical center in order to financially sustain her club as a “spiritual community.” Unlike the family club, the new program was targeting a wider audience and framed natural childbirthing in more conventional terms. Zenaida hoped to “find compromises that would work well both for the [city] doctors and the club” (Interview with Andreeva, February 16, 2008). However, she faced an internal conflict in the team she had built. The team included two doctors. Zenaida depended on them because the city medical community often criticized her for publicly lecturing on maternity topics without having formal medical training and thus she needed doctors on her team to “talk to other doctors” (Interview with Andreeva, February 16, 2008). As a result of the conflict, the team had split and the doctors eventually took over her project and formed a new perinatal center. They argued that family clubs’ “enemy at the gate” attitude to maternity hospitals and their lack of trust towards doctors was a major barrier to further collaborations with hospitals (Interview with Mikryukova, March 19, 2008).
Internal democratization effects lessened as a result of movement formalization. Unlike family clubs, perinatal education centers’ goals stressed professional services over building the NCBSM community. Many centers functioned as private businesses. Some directors of perinatal centers did not identify with the NCBSM. Therefore, the formalization, professionalization, and commercialization of natural childbirthing dissipated the social energy of the movement.

The NCBSM did not affect policy or political processes in the 1990s. The failure of the NCBSM leaders to create a childbirthing association (Interview with Naumov, June 12, 2008) and the conflicts between family clubs and perinatal centers reduced the NCBSM’s social power. The third sector was just emerging and had not yet built enough legitimacy. State maternity hospitals looked down at any non-state organizations. For example, Irina Demura, the director of a perinatal center in Dnepropetrovsk, proposed to organize free workshops on perinatal education for city maternity personnel. However, the collaboration failed because administrators of city hospital asked the center to pay them for being trained (Interview with Demura, February 29, 2008). Perinatal centers tended to avoid any formal contacts with state authorities. Ulyana Terekhova states: “We [her center] are not powerful enough. We have to hunker down and sit like mice” (Interview with Terekhova, March 21, 2008).

Stage 4. Movement institutionalization, the 2000s

The NCBSM further penetrated into Russian and Ukrainian societies, maternity hospitals and academic institutions, which integrated many movement practices and ideas in the 2000s. Perinatal education was largely institutionalized. My web search identified eighty perinatal education centers in three cities—Moscow, Saint Petersburg, and Kiev—in 2008. Perinatal psychology was established as a new academic field. The Russian Psychological Society added perinatal psychology to its list of psychology subfields in 2004 (Kovalenko, 2010). Moscow State University started publishing *Perinatal Psychology* journal. The Russian Association of Perinatal Psychology and Healthcare gave perinatal training to more than 1000 perinatal specialists in the 2000s (International Institute of Psychology and Management, 2013). Most importantly, many maternity and health care policies had
integrated perinatal education. For example, the Ukrainian Ministry of Health issued Executive Order No 620 in 2003, which established the woman-centered maternity approach in Ukraine. The order explains women’s maternity rights and describes specific maternity care options available at hospitals, such as partner birthing. Also, it encourages “partnerships” between maternity hospitals and perinatal education centers (Ministry of Health of Ukraine, December 29, 2003).

State maternity hospitals have adopted the values and practices of natural childbirthing, according to the assessments of both movement activists and maternity administrators. For example, Irina Martynova, a professional obstetrics nurse and a NCBSM pioneer in Saint Petersburg comments:

Doctors’ attitudes started changing gradually. Now, as I am looking from the 2008 back to 1987, I see that we have started shaking the [doctors’] stereotypes. Even maternity hospitals use some of our methods now—we offered a new algorithm of actions that is slowly gaining force (Martynova, 2014).

Angela Kostyuchenko, Dnepropetrovsk's Chief City Obstetrician, believes that the city’s maternity system has changed substantially by adopting natural childbirthing methods but does not attribute these changes to the influence of the NCBSM: “We have had many scientific studies... conferences, and roundtables. Now we have evidence that the natural way is the most effective...” (Interview with Kostyuchenko, March 18, 2008). Lyudmila Padalko, the director of Dnepropetrovsk maternity hospital #2, places maternity care “between health science and the mystery of nature.” She lists several recent changes at the hospital that include the elimination of unnecessary medical procedures, letting women chose birthing positions, and allowing partner birthing. Padalko shares that she had long believed in natural childbirthing methods but rigid medical protocols prevented her from practicing them openly: “If I started practicing them back then [in the 1980s] I would have probably been expelled from the [Communist] party” (Interview with Padalko, March 19, 2008).

At the same time, those NCBSM leaders who built the movement in the 1980s are skeptical about the movement success. According to Alexander Naumov, the changes at maternity hospitals have been “cosmetic” at best, and new practices are merely imitations of NCBSM
methods. He is disappointed with low numbers of homebirths in the 2000s, which indicate for him that the movement is waning. According to his estimates, Moscow had about 600 homebirths in 2007, less than one percent of births in that year—a sharp decline compared to the 1990s when the proportion of homebirths in Moscow grew up to three per cent. He is also pessimistic about the future of the NCBSM in general and envisions that family clubs “will soon disappear” (Interview with Naumov, June 12, 2008).

**Collaborations with maternity hospitals**

Collaborations between perinatal centers, universities, and maternity hospitals were instrumental to institutionalizing the psychological approach to maternity care in Russia and Ukraine in the 2000s. Many large perinatal centers established formal inter-organizational collaborations with maternity hospitals. The case of the Stork perinatal education center in Dnepropetrovsk represents an example of a successful collaboration. The center opened in 2004, soon after the Ministry of Health of Ukraine had issued its Executive Order No 620 that institutionalized perinatal education. The center became a leading provider of perinatal training for women, obstetricians, and perinatal instructors in Russia and Ukraine in 2008 (Interview with Mikryukova, March 19, 2008). It established a close collaboration with the largest Dnepropetrovsk maternity hospital No 2 in 2007, “the first joint project of a Ukrainian non-commercial organization and a state maternity hospital to create a family-type ward” (Stork web-site, 2008). The center rented and renovated one of maternity wards at the hospital. Those women who attended perinatal training at the center birthed in that ward but could access other hospital resources, including medical support. The collaboration started when one of the hospitals’ senior administrators attended the training at the center and suggested a closer collaboration to the center’s director Olga Mikryukova. The hospital’s director Lyudmila Padalko supported the collaboration because the hospital lacked capacity to offer perinatal education services and thus could benefit from the expertise of the center’s “highly qualified professionals” (Interview with Padalko, March 19, 2008). The collaboration became a success. Many hospital obstetricians and nurses attended perinatal training at the center. Most importantly, they could observe, learn, and adopt those methods practiced by the center’s perinatal psychologists at its ward:
They observed what we were doing and they liked it. And our statistics was amazing! We had three times lower C-section rates compared to the hospital—five versus fifteen percent... So they [medical personnel] began thinking about [our practices] and started learning from us (Interview with Mikryukova, March 19, 2008).

In addition to collaborations between perinatal education centers and hospitals, formal collaborations between medical schools, universities and maternity hospitals became very common in the 2000s. For example, many medical schools have added psychology training to its formal curriculum in obstetrics. Psychology departments responded to the growing demand of maternity hospitals in perinatal education by offering many courses and workshops. Lyubov Samoshkina, professor of psychology at the Dnepropetrovsk National University, notes that her department developed certificate and degree programs for medical personnel at maternity hospitals, those obstetricians teaching perinatal education classes at consultation clinics, lecturers at medical schools, and psychologists at clubs. She attributes the growing demand in perinatal education to the changes at maternity hospitals:

Maternity hospitals have changed. Women can request anything they want now—the individual ward, relatives to accompany them, dimmed light... They [medical personnel] just listen and write it down... [That is why] they need psychologists who would take care of those women’s requests (Interview with Samoshkina, March 13, 2008).

Finally, collaborations at the policy level took place in the 2000s. For example, Family from A to Z—a family club, popular TV studio and perinatal education center in Kharkov, Ukraine—has promoted “an alternative maternity system and improving the quality of the Ukrainian maternity care in general” (Family from A to Z web-site, 2008) by coordinating collaborations between senior Ukrainian maternity officials, leaders of Ukrainian perinatal centers, and European public health organizations since 2000. The Ministry of Foreign Affairs of Netherlands funded one of the club’s programs to bring Ukrainian perinatal education instructors, obstetricians, and maternity administrators to Netherlands, a country having a very strong tradition of natural childbirthing and homebirthing. As a result of this program, several senior Ukrainian officials committed to promoting new maternity approaches in Ukraine, which culminated in the Executive Order No 620 (Interview with Andreeva, February 16, 2008; Interview with Mikryukova, March 19, 2008).
Democratization effects

The institutionalization of natural childbirthing methods in Russia and Ukraine represents the end point of the NCBSM and its greatest external democratization effect. The movement core contention—that state maternity hospitals had “unnatural” maternity practices—has succeeded as indicated by the adoption of the psychological women-centered approach to maternity care by state hospitals. Compared to the narrow reach of the earlier NCBSM, natural childbirthing options became available for a much greater proportion of women in the 2000s. Recent maternity policies stress that women have rights to receive new maternity services. Unlike first family clubs’ elitist focus on spiritual dimensions of childbirthing, perinatal education centers frame childbirthing more inclusively as a right. For example, they provide legal consultations to women and purposefully educate them about their maternity rights as well as specific state policies and documents that support those rights (Interview with Demura, February 29, 2008; Interview with Terekhova, March 21, 2008). Therefore, the external democratization effects of the NCBSM on maternity policies and administrative processes became greatest during the movement’s final stage.

In contrast to the NCBSM’s substantive successes on policy and administrative levels, the movement largely failed to articulate its democratic effects on broader democratic institutions and culture. Neither movement participants nor external actors framed NCBSM activities in democratization terms. The NCBSM positioned itself as non-political and engaged in very few political activities. International actors seldom gave credit to the NCBSM and also tended to inflate the outcomes of their own involvement. For example, the Dnepropetrovsk maternity hospital No 2 partnered with the Maternal and Infant Health Project (MIHP), a USAID-funded four-year evidence-based maternity care program. The MIHP assessed the partnership as highly successful but did not recognize the contributions of the Stork perinatal education center in training the hospital personnel. According to Mikryukova, the MIHP only “taught about maternity statistics” and provided little training (Interview with Mikryukova, March 19, 2008). International organizations, such as World Health Organization and USAID, pushed natural childbirthing in a top-down way by strengthening the legitimacy of new maternity approaches and by providing funding. For example, the Stork center used a USAID grant to build its initial capacity (Interview with Mikryukova, March 19, 2008). However, these third party actors neither
recognized the NCBSM’s substantive contributions to building expertise in natural childbirthing, nor acknowledged the deeply democratic social processes underlying the movement.

Table 1. Overview of the Natural Childbirthing Social Movement in Russia and Ukraine, 1970s-2000s.

<table>
<thead>
<tr>
<th>Movement stage</th>
<th>Movement emergence</th>
<th>Movement-building</th>
<th>Movement specialization</th>
<th>Movement institutionalization</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chronology</td>
<td>1970s</td>
<td>1980s</td>
<td>1990s</td>
<td>2000s</td>
</tr>
<tr>
<td>Meaning of “natural childbirthing”</td>
<td>N/A</td>
<td>Spiritual</td>
<td>Psychological</td>
<td>Psychological, women’s right</td>
</tr>
<tr>
<td>Practices</td>
<td>Early child development, self-development</td>
<td>Waterbirth</td>
<td>Waterbirth, perinatal education</td>
<td>Perinatal education, some natural childbirthing practices at hospitals, waterbirth</td>
</tr>
<tr>
<td>Movement actors</td>
<td>Clubs</td>
<td>Family clubs</td>
<td>Perinatal education centers, family clubs</td>
<td>Perinatal education centers</td>
</tr>
<tr>
<td>Collaboration forms</td>
<td>Informal individual</td>
<td>Informal individual</td>
<td>Informal/formal professional individual</td>
<td>Informal/formal professional individual, inter-organizational</td>
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<tr>
<td>Democratization effects</td>
<td>Democratic practices in the clubs</td>
<td>Democratic practices in the clubs, movement organizing, advocacy</td>
<td>Advocacy, movement organizing, democratic practices in the clubs and some perinatal centers</td>
<td>Policy change, advocacy</td>
</tr>
</tbody>
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Discussion of case findings
This section relates case findings to two research questions.

Collaboration strategies, research question 1

On the basis of the NCBSM case in Russia and Ukraine, collaborations between social movement actors and state organizations occurred frequently but their character varied over the course of the movement’s history (Table 1). The overall relationships between the NCBSM and state maternity hospitals can be described as very adversarial during the beginning and middle movement stages—movement-building and specialization—because natural childbirthing practices challenged many legal, professional, and institutional norms of the maternity care system in the 1980-90s. At the same time, numerous informal collaborations happened at the individual level. The NCBSM ideal scenario of childbirthing stressed waterbirth in home settings under the supervision of a spiritual midwife. In practice, doctors frequently provided medical services to birthing women informally. Also, many NCBSM women birthed at maternity hospitals and thus had to informally negotiate with medical personnel trying to change and deviate from certain medical procedures not deemed acceptable in natural childbirthing standards. Family clubs kept “records” of all successfully negotiated deviations and nurtured those informal “collaborations.” They also fostered informal networks connecting NCBSM-friendly doctors and hospitals in order to have access to medical services in non-hospital settings. On the other hand, individual doctors and nurses supported these networks to experiment with innovative maternity approaches. Informal collaborations thus were important because they produced long-term effects by helping to diffuse NCBSM practices and ideas in the society and at maternity hospitals. These informal collaborations fit into the non-institutional collaboration type, according to Casey (2002). However, Casey (2002) limits such collaborations to informal and social meetings between social movement actors and decision-makers. The NCBSM case demonstrates a much wider range of informal collaborations that also occurred as part of formal interactions between NCBSM women and maternity hospital personnel and involved the purposeful strategy of recruiting of state employees by the movement.

Formal collaborations between maternity hospitals and NCBSM organizations, such as perinatal education centers, did not develop until later during the movement institutionalization stage. Using the typology of types and degrees of cooperation proposed by Giugni and Passy (1998), formal individual collaborations between perinatal education
instructors and maternity hospitals prevailed but collective collaborations were not uncommon at that late stage, including “delegation”—the most intensive form of cooperation. For example, the case of the Stork center in Dnepropetrovsk illustrates that maternity hospitals adopted women-centered psychological maternity principles but did not have capacity to provide new perinatal services and thus depended on perinatal education centers. At the same time, this substantive delegation took place in the absence of formally established collaboration processes. For example, the Executive Order No 620 of the Ukrainian Ministry of Health laid down the foundation for a new women-centered model of maternity care in Ukraine and encouraged partnerships between perinatal education centers and maternity hospitals. However, Ukrainian state organizations had little prior experience with cross-sector collaborations and thus maternity hospitals lacked guidance on designing and managing such partnerships.

Democratization effects, research question 2

Democratization effects of the NCBSM have been relatively modest overall. Internal effects prevailed during the early movement stages—emergence, movement-building—and involved the individual and movement levels. Individual-level democratization effects resulted from the processes inherent to movement building and included the development of movement participants’ personal democratic attitudes, norms, and specific skills, such as deliberation, leadership, and personal initiative. As the NCBSM was building its capacity as a social movement, its individual members also learned new skills such as advocacy, organizing, and networking. The internal democratization effects of the NCBSM at its early stages can thus be summarized as increased democratic capacity. Arguably, movement participants could apply their democratic skills in other social areas outside the movement. However, this research has not examined whether such a transfer of democratic skills had actually occurred in practice. At the same time, the case indicates that democratic spaces created by the NCBSM has expanded the range of options for dissenting professionals—doctors and nurses—and that such options were very unlikely to emerge inside the rigid bureaucratic institution of maternity hospitals inherited from the Soviet health system.

The external democratization effects of the NCBSM were most visible during its last institutionalization stage. The movement has fulfilled its core contention in Russia and Ukraine. State institutions and the two societies at large had accepted the legitimacy of
natural childbirthing. After maternity and health policies incorporated natural childbirthing under the umbrella of women-centered maternity philosophy, maternity hospitals had adopted many natural childbirthing practices in the 2000s. At the same time, the institutionalization came at a price for the NCBSM. The professionalization, formalization, and specialization of movement practices entailed the weakening of movement identity. Paradoxically, the external democratization effects became greatest when the movement could not claim them because it had already waned significantly. Perinatal education centers emerged as chief movement actors during the movement institutionalization stage but many of them stopped identifying with the NCBSM. After the state had accepted the legitimacy of natural childbirthing, these centers did not have to engage in advocacy and relied instead on a more commercial approach that stressed the innovativeness and the quality of natural childbirthing rather its progressive social aspects. Perinatal centers resembled formal organizations that neither nurtured the larger NCBSM community, nor their own internal democratic spaces. The commodification of NCBSM practices obviously disarticulated the external democratization effects of the movement. At the same time, the market-based strategy helped strengthen the women’s rights discourse: in their marketing campaigns, many centers attracted clients by framing natural childbirthing as women’s maternity right. In contrast, earlier family clubs framed natural childbirthing in spiritual elitist terms because the legal foundation for a rights discourse had simply been absent in the 1980s. Finally, weak third sectors, underdeveloped democratic institutions, and the lack of democratic cultures in Russia and Ukraine further silenced any democratization effects of the NCBSM. The author is not familiar with any discussions of the NCBSM in the context of democratization. Movement actors seldom framed NCBSM in democracy terms. Even large international organizations applied a very narrow maternity lens to natural childbirthing in Russia and Ukraine and ignored its movement basis and origins. Unfortunately, the NCBSM has never received any credit for and had not become aware of the democratization effects it had produced.

Implications and next steps

The most important implications of this exploratory research on the role of collaboration in social movements relate to its main finding that the character of collaboration depends on the movement dynamics. First, this study contributes to the social movement literature on repertoires of collaboration (Casey, 2002; Giugni and Passy, 1998). The NCBSM case
supports that research venue by providing evidence that collaboration represents a viable social movement strategy in transitioning nations. At the same time, the case indicates that collaboration is embedded within the broader contention movement strategy. During early movement stages collaboration has clear features of what Giugni and Passy (1998) call “conflictual cooperation” because the social movement has few institutional mechanisms it can leverage to promote its values and practices as the overall balance of power is unfavorable to the social movement. In particular, informal individual collaborations between the social movement and state actors may take place along very adversarial formal relationships at early movement stages. For example, state-employed doctors and nurses collaborated with the NCBSM informally and secretly by deviating from many formal norms and laws. At later movement stages, after movement ideas and practices become institutionalized and the society and state organizations adopt those ideas as legitimate, formal collaborations become more common. The range of collaboration forms increases and, in addition to individual collaborations, it can include formal collective collaborations between movement organizations and state actors that can even involve some delegation of state functions to movement organizations—the most intense form of collaboration, according to Giugni and Passy (1998). Therefore, this research contributes to the social movement literature on collaboration strategies by expanding the range of collaboration forms and by showing how movement dynamics might determine specific collaboration forms in transitioning and developing nations.

Second, this research contributes and challenges the literature on collaborative public management and citizen participation (Agranoff and McGuire, 2004; Bingham and O’Leary, 2008, Roberts, 2008). The scholars of collaborative public management usually focus on collaborations between public organizations and formal non-state organizations. Also, these scholars seldom consider social movement organizations as collaborators. However, the NCBSM case indicates that collaborations between state and movement organizations can emerge naturally during the movement institutionalization stage. The case also suggests that a good understanding of movement history is important when designing such collaborations because movement history determines and shapes movement actors’ resources, expertise, interests, and values. In other words, the collaboration with a movement organization can be more predictable, stable, and effective if the organizers of such collaboration are able to position that specific movement organization on a bigger movement trajectory. In addition, the case indicates that individual informal collaborations between movement and state actors underpin much of the movement dynamics and that
later-stage formal collaborations usually build on earlier informal collaborations. Therefore, theories of collaborative public management need to integrate both the movement dynamics and informal individual collaborations as new factors.

The case also contributes to citizen participation literature (Roberts, 2008) by highlighting the organic deliberative spaces, processes, and mechanisms in social movements. In particular, it shows that very long-term deliberative processes need to be engaged to meet certain complex public needs. Citizen participation authors are typically concerned with constructing short-term deliberative events but they set their expectations too high hoping that citizen participation can tackle complex public problems that public organizations cannot solve alone. In contrast, it took more than a decade for the NCBSM to develop its natural childbirthing approach. It is not hard to imagine that even the most effective short-term citizen participation would have barely scratched the problem of low quality of maternity care had the organizers decided to focus on it—it was the same problem that the NCBSM spent years to frame and then resolve. Therefore, when addressing wicked public problems, short-term citizen participation mechanisms mismatch the essentially long-term processes of idea generation, exploration, experimentation, and testing, which occur naturally in civic settings. The case also illustrates the embeddedness of deliberative processes in complex social and cultural contexts that cannot be created by most citizen participation designs.

Finally, the NCBSM case indicates that governance and democratic processes go together in social movements. Much of the literature on collaborative public management faces the challenge of integrating collaboration into formal democratic governance structures because it views collaboration primarily as a governance and conflict resolution tool (Agranoff and McGuire, 2004; Bingham and O’Leary, 2008, Roberts, 2008). In contrast, the case suggests that collaboration might organically enable democratic processes in social movements. At earlier movement stages, internal movement collaborations play an important role in building the movement’s capacity by engaging and developing democratic practices and individual participants’ democratic skills. At later movement stages, collaborations between movement and non-movement actors serve as the chief institutionalization mechanism whereby movement practices and values get integrated by the broader society and public institutes. Reflecting back on the NCBSM case, the democratization effects of the movement could have been enhanced if external civil society actors helped articulate the democratization effects of collaboration strategies used by
movement actors as part of the bigger process of unfolding of the core movement contention. This did not happen in Russia and Ukraine because of their weak democratic institutions and the lack of democratic culture. However, it is plausible to assume that third-party organizations skillful in conflict resolution, deliberative democracy, and having an understanding of social movement processes, could have helped reframe many movement outcomes as democratic thus spreading the movement’s democratization effects to non-movement areas.

References


5. When the Markets Fail: An Analysis of Public-Nonprofit Partnerships in a Brazilian State

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Introduction

The number of public/non-profit partnerships (PNPs) is growing considerably worldwide, which speaks to the non-profit sector’s important roles in both delivering public goods and addressing societal problems. PNPs are also becoming a prominent form of collaboration in Brazil, in important policy arenas, such as public health. Initiated by the State partner, PNPs are generally justified due to several managerial difficulties faced by the public sector, and an expectation that nonprofits partners will provide better service delivery results.

However, the growth of collaborative arrangements is increasingly being confronted with corruption denunciations promoted by media, negatively influencing public opinion regarding collaborative arrangements with the public sector. Based on the assumption that PNPs will also be affected by the nonprofit capacity to manage and sustain service delivery, in this research, we investigate these collaborative arrangements from an understudied angle in current research: we aim to measure the organizational capacity of nonprofit and public partners and their role in the performance of the partnerships.

Specifically, our research focused on the 13 (thirteen) Social Health Organizations (OSS) in Rio de Janeiro, that are service delivery nonprofit partners collaborating with the municipality in the health sector. Based on these data, we created a typology of nonprofits partners that vary in terms of degree of organizational capacity: the public nonprofits, the subcontractors, and the opportunists. Our analysis of several organizational dimensions matching of profits and nonprofits also indicated the emergence of three types of collaborative outcomes: synergy, complementarity and imposition.
Our results indicate counterintuitive findings regarding the nonprofits that demonstrate higher degrees of organizational capacities and synergically add to the partnership: in fact, the origin of these nonprofits is also related to the public sector. We interpret such findings based on the State-centered historical path of contexts, such as Brasil, contributing to the theme The State-Civil Society-Market Balance, of the conference

Organizational capacities in PNPs

Among the diverse rationales for public-nonprofit partnerships, the concept of complementarity and synergy prevail (Skelcher, 2005). Assuming that neither public nor private or nonprofit organizations are capable of resolving complex social problems on their own, it is expected that partnerships would “enable different people and organizations to support each other by leveraging, combining, and capitalizing on their complementary strengths and capabilities” (Reich, 2002; Lasker, Weiss & Miller, 2001, p. 180). Initiated by the State partner, PNPs are generally justified due to several managerial difficulties faced by the public sector, and an expectation that the collaboration with nonprofits partners will provide better service delivery results.

As a consequence, it is expected that partnerships will reduce costs, improve quality and maximize efficiency (Alexander & Nank, 2009; Lambright, Mischen, & Laramee, 2010; Lecy & Van Slyke, 2012), and such improvements rely on an implicit recognition that nonprofit partners will have the capacity for a better service delivery.

The concept of capacity in analyzing partnerships is problematic because it generally applies to a single partner’ organizational dimensions. In fact, most of the literature relies or adapts dimensions related to the notion of organizational capacity, generally defined in terms of organizational attributes that help or enable a single organization fulfill its missions (Balduck et al, 2015; Eisinger, 2002; McPhee and Bare, 2001) and centered on the performance of a single organization, instead of the capacity of the partnerships.

On the other hand, the notion of collaborative capacity emerges as an important alternative to such single-organizational approach, and, simultaneously, as a complex multilevel concept. Collaborative capacity refers to conditions needed for coalitions to promote effective collaboration and build sustainable change (Goodman et al., 1998; Foster-Fishman, 2001). The outcomes of the partnerships are result of interventions aiming to
produce sustained change at levels ranging between the individual and entire nations (Sajiwandani, 1998). On the other, unsustainable partnerships may lead to mistrust and pessimism eroding the foundations for future collaboration (Alexander et al, 2003; Huxham and Vangen, 2000; Weiner and Alexander, 1998).

Such a broader view based on sustainability of the partnerships, indicates the need for collaborative capacity at four critical levels: (a) within the members of partner organizations; (b) within their relationships; (c) within their organizational structure; and (d) within the programs they sponsor.

Our focus relies on collaborative capacity that partnerships develop at the organizational level, aiming to approach both abovementioned perspectives, based on the assumption that organizational collaboration is a structural and necessary (although not sufficient) condition for partnership sustainability.

The type of partnerships that we investigate in our field work directs such conceptual and empirical focus of the research. The context of Brazilian health SO partnerships is characterized by a contractual and highly formalistic approach toward partnerships that privilege a role on organizational capacity levels of analysis (although all the other aspects of the collaboration also are important along the partnership trajectory).

Within this context of formalized PNPs, capacity can be broadly defined as the means to produce the desired outputs and outcomes (Balduck, 2015) and it is explicitly related to the expectation of organizational complementarity or synergy of both partners, public and nonprofit organizations. The advantages of the partnerships occur when they bring together organizations that can combine their human and material resources in achieving more ambitious objectives, that each single organization is unable to bring about alone (Kanter, 1994; Lasker et al., 1997; Mayo, 1997; Wandersman, 1996). However, complementarity and synergy are treated as similar outcomes that emerge from collaborative arrangements, and some defend that synergy, when the collaboration creates something greater that the sum of its individual parts is the only desirable outcome of an advantageous partnership (Lasker, Weiss, Miller, 2001).
Dimensions of partner's organizational capacity that contribute to partnerships

The literature on public-nonprofit partnerships, although very prolific in terms of drivers of collaboration, and on contextual specificities of PNPs, has generally neglected the specific role of nonprofits in fostering and maintaining the partnerships. According to Paynter and Berner (2014), organizational capacity literature has not covered the quest to examine how service delivery at the local level is affected by organizational capacity. This is to say that whenever a nonprofit receives contracts or grant to deliver public services, the public sector partners assumes a sufficient level of nonprofit organizational capacity to deliver the service (Fredericksen & London, 2000).

In practice, the organizational capacity of nonprofits and their public partners emerges as an important dimension toward successful partnerships, particularly because it is a multidimensional concept that highlights the role of specific organizational factors that might contribute to the results of the partnership as a whole. The expected complementarity or synergy of the partnerships results from the combination of the organizational capacity dimensions of nonprofits with the organizational capacity dimensions of their public sector partners.

Research on organizational capacity is dispersed in terms of alternative concepts, such as managerial capacity (Sowa et al, 2004) or administrative capacity (Lodge & Wegrich, 2014), but is also empirically rich in terms of specific dimensions that relate capacity to organizational performance. Organizational capacity has emerged in nonprofit literature as a significant theoretical framework that provides the basis for a holistic analysis of the factors involved in goal attainment and, more broadly, organizational effectiveness (Eisinger, 2002; Millar and Doherty, 2016), in other words, highlighting the ability of organizations to mobilize resources or capitals toward their mission fulfillment (Balduck, 2015; Eisinger, 2002; Hall et al.2003; Sharpe 2006).

The organizational capacity is a multidimensional concept that comprises a range of organizational attributes that are considered important to an organization's ability to achieve its goals. In fact, capacity refers to how the organization operates, to the structures and operating processes in place, and to the organizational members’ involvement (Sowa, Selden & Sandfort, 2004). Using different conceptual lenses, the key dimensions of the capacity transvers three forms of capital – human, structural and financial (Sharpe, 2006). For example, Hall et al.’s framework (2003) developed for the nonprofit and voluntary
sector selects five dimensions: human resources, finances, relationships and networks, infrastructure and processes, and planning and development. Misener and Doherty (2009) focus on human resources, financial resources, formalization, and external linkages. For Eisinger (2002), effective leadership, skilled and sufficient staff, a certain level of institutionalization, and links to the larger community from which an organization might draw influence its capacity. And Fredericksen and London (2000) in studying community-based development organization capacity, highlight four dimensions: leadership and vision; management and planning; fiscal planning and practice; and operational support.

Of course, the dimensions related to organizational capacity highly depend on the partnership types. The external linkages, although very important for community-based organizations, are not very relevant for more formalized types of partnerships as in Brazil. However, other dimensions are important, particularly because they may potentially contribute to the complementarity/synergy aimed in a partnership rationale. We focus on: leadership and vision/ degree of institutionalization of organizational processes and routines/ primary sources of funding/ operational support (including skilled and sufficient staff/physical space/ equipments) in our analysis, and studied those dimensions in nonprofit and public partners.

**Leadership and vision:** according to Frederickson and London (2000), this dimension includes the presence of a *cohesive board of directors* that articulate the organizational direction via a *vision/ mission statement*. Leadership dimensions have been broadly investigated in nonprofit literature, and recognized as a key dimension of their organizational capacity (Fredericksen and London 2000; Henton, Melville & Walesh 1997; Heimovics, Herman & Jurkiewicz Coughlin 1993). Effective leadership is characterized by commitment to mission, stability, multiplicity, effective goal setting and effective administrative and policial coping (Rainey and Steinbauer, 1999). We focus on two important dimensions: the mission statements and the composition of the directing boards.

The mission statement must describe why the organization exists in a brief way and shared it with the stakeholders, making possible the understanding with everyone involved in the partnership. Furthermore, mission public description gives control and transparency to the society (BRASIL, 1997), and justifies the very existence of the partnerships. Ultimately, all the dimensions of organizational capacity are related to mission fulfillment (Rainey & Steinbauer, 1999; Paynter and Berner (2014). More important than individual mission statements, we consider the relevance of mission coherence when created a partnership,
investigating how public and nonprofits’ missions combine toward more ambitious objectives.

The distinction between different organizational structures, particularly in the role of leadership, is likely to influence organizational capacity: a board and professional staff manage some organizations while volunteer committees lead other, the payment of the executive director has been clearly established as an important aspect of a successful organization (Paynter and Berner, 2014). Organizations with an experienced executive director are more likely to be equipped with the expertise to understand and manage internal and external situations more easily than novices, thereby thriving on flexibility and enhanced performance (Mumford et al., 2000).

**Degree of institutionalization of organizational processes and routines:** it is related to the degree of stability and efficiency in the organization’s internal operational processes (Zucker, 1987). These formal processes give stakeholders the instruments to measure program strengths, weaknesses, or needs. Also it refers to plans and support systems needed to enable planning (e.g., budgeting systems, planning models, information about past organizational experiences). If management neither plans nor possesses the support systems needed to enable planning (e.g., budgeting systems, planning models, information about past organizational experiences), then the issue of capacity is largely moot (Paynter and Berner, 2014). Lastly, the ability to develop and draw on organizational strategic plans, program plans, policies, and proposals is included in Hall’s framework, but also in the framework of Walker and Weinheimer (1998).

**Primary sources of funding (Fiscal Planning and Practice):** it represents the ability of an organization to develop and deploy financial resources, and more importantly for partnerships, to rely on diverse funding. Hall et al. (2003) reported that financial issues posed difficulties for organizations in fulfilling their missions due to problems associated with project funding and a lack of financial support for infrastructure. Gumulka et al. (2005) indicated that sports and recreation organizations have fewer financial resources than many other types of nonprofit organizations, resulting in a variety of problems relating to managing finances and acquiring external funding. Frederickson and London (2000) argued that the most well-organized group is limited without adequate and predictable financial resources to support operations. The authors studied if the primary sources and predictability of funds are self-generated, public/private grants or local fundraising. Degrees of financial maturity, such as budgeting and funding diversity, allow
agencies to act deliberately in pursuit of the mission rather than in an ad hoc, financially vulnerable position (Greenlee & Trussel, 2006; Tuckman & Chang, 1991; Schuh & Leviton, 2006). More autonomous organizations may be less dependent on single funders, have increased resources, and engage readily in strategic planning processes (Vinzant & Vinzant, 1996).

**Organizational support:** it is the ability of an organization to deploy or rely on organizational elements related to day-to-day operations. Staffing, organizational structure, and facilities affect organizational capacity for effective action (Fredericksen and London 2000). We focused on three important dimensions were investigated: skilled staff, physical space and equipments.

**Skilled staff**

Human resources capacity is defined as the ability to deploy human capital within the organization. It also includes the competencies, knowledge, attitudes, motivation, and behaviors of individuals in the organization. It is the key dimension that has a direct impact on all other capacities (Hall et al, 2003). Such dimension has been studied and considered very relevant in community capacity (Chaskin, 2001) or in voluntary sport organizations (e.g., Adams & Deane 2009; Cuskelly 2004; Cuskelly et al. 2006b; Kim et al. 2007, 2010; Seippel 2002; Vos et al. 2012; Warner et al. 2011). Paynter and Berner (2014) argue that organizational capacity may be easily linked to human resource management, since attracting and retaining sufficient staff, whether paid or volunteer, is critical to service delivery. Fredericksen and London (2000) also defend that the size of the organization in terms of staffing levels versus volunteer levels is important for sustained organizational learning and consistency of operations, as is the ability of the organization to attract and maintain qualified staff and volunteers.
Organizational infrastructure typically also includes non-personnel resources which in their presence or absence contribute to organizational capacity. Wicker and Breuer (2011) used the resource dependency theory and the concept of organizational capacity to understand the scarcity of resources in nonprofit German sports clubs. Space is mundane but an essential consideration: accessible and adequate physical space for operations contribute to an organization’s ability to operate (Fredericksen and London 2000).

Equipments

Coordination and planning are often necessary to ensure resources, e.g. personnel, equipments and facilities can be mobilized when required (Poncelet and de Ville de Goyet, 1995), and quality assurance systems may be necessary to determine whether an organization is performing optimally or to assist it to learn and improve (Muller, 1996). In Fredericksen and London’s vision (2000), the presence of support equipment collaborate to organizational capacity.

Methodology

Our research was based on an inductive approach, aiming to construct a typology of public-nonprofit partnerships in the primary health care sector. Our field research approached 13 (thirteen) Social Health Organizations (OSS), the nonprofit partners, and the Municipal Secretary of Health (MSH), the public partner, in Rio de Janeiro, from Aug2015 to Jun2016.

It is important to highlight that Rio de Janeiro has the largest municipal medical-hospital concentration in Brazil, as a result of being the former capital district, since the former state of Guanabara inherited the entire structure established by Federal District. This peculiarity of Rio led the municipality to follow its own logic of regionalization: in 1999, 28 (twenty-eight) hospitals, clinics and maternity hospitals were municipal (Oliveira, 2015). In 2004, the city of Rio faced a crisis in the health sector because of the low investment capacity due to excessive spending on personal and political isolation from other spheres of government and the private sector, combined with an extremely high cost of municipal debt and the inability to take new loans. According to Mattos (2012), this crisis started the discussion of
a new health management model in municipality. Thus, the mayor Eduardo Paes implemented a new model aiming to improve the procurement procedures, reduce costs and increase transparency. After promulgating Law nº 5026 of 19th of May, 2009, the municipality had the possibility of establishing PNPs in order to increase the efficiency, flexibilize labour relationships and replace precarious contracts.

Until Aug2015 13 (thirteen) OSS (nonprofit organizations) signed partnership contracts with MSH: Associação Paulista para o Desenvolvimento da Medicina (SPDM); Fundação para o Desenvolvimento Científico e Tecnológico (FIOTEC); Instituto de Atenção Básica e Avançada à Saúde (IABAS); VIVA RIO; Centro de Estudos e Pesquisas 28 (CEP 28); FIBRA Instituto de Gestão e Saúde; BIOTECH Humana; Centro de Estudos e Pesquisas Dr. João Amorim (CEJAM); Instituto UNIR de Saúde; Sociedade Espanhola de Beneficência (SEB); Instituto SAS; Cruz Vermelha Brasileira (RED CROSS); and Instituto GNOSIS. Table 1 briefly presents each of them, and it is important to highlight that the lack of transparency of some and the difficulty we faced on accessing data regarding some of the nonprofit partners.

Table 1 – Social Health Organizations (OSS)

<table>
<thead>
<tr>
<th>OSS</th>
<th>YEAR OF CREATION</th>
<th>CHARACTERISTICS</th>
</tr>
</thead>
<tbody>
<tr>
<td>SPDM</td>
<td>1933</td>
<td>A nonprofit foundation, sponsored by the University Hospital of the Federal University of São Paulo (UNIFESP). It has a board of associates and advisers among teachers and representatives of the Teachers Association, residents and students of UNIFESP.</td>
</tr>
<tr>
<td>FIOTEC</td>
<td>1998</td>
<td>A nonprofit foundation created to support National School of Public Health (ENSP) projects. It is linked to Oswaldo Cruz Foundation (Fiocruz), a public organization supervised by the Ministry of Health.</td>
</tr>
<tr>
<td>IABAS</td>
<td>2008</td>
<td>A nonprofit organization that focus on the management and service delivery in the health sector.</td>
</tr>
<tr>
<td>VIVA RIO</td>
<td>1993</td>
<td>A NGO that focus on the issue of violence in Rio de Janeiro. The entity is funded not only by the government but also by international institutions and private companies.</td>
</tr>
<tr>
<td>CEP 28</td>
<td>1967</td>
<td>A philanthropic institution founded by professionals of the Santa Casa da Misericordia of Rio de Janeiro, a medical assistance institution.</td>
</tr>
<tr>
<td>FIBRA</td>
<td>2000</td>
<td>A nonprofit organization founded in Mogi das Cruzes, São Paulo. Its main director has worked in a health insurance company and in a private university.</td>
</tr>
<tr>
<td><strong>BIOTECH</strong></td>
<td><strong>2006</strong></td>
<td>An NGO originated from another one, taken in March 2011 by a hospital manager with various management contracts with the public sector.</td>
</tr>
<tr>
<td>-------------</td>
<td>----------</td>
<td>----------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td><strong>CEJAM</strong></td>
<td><strong>1991</strong></td>
<td>A nonprofit organization created to support care, teaching and research at the Perola Byington Hospital, public hospital. It includes among its representatives directors of Paulista Medical Association.</td>
</tr>
<tr>
<td><strong>UNIR</strong></td>
<td><strong>2002</strong></td>
<td>A nonprofit organization created by a group of physicians and health professionals.</td>
</tr>
<tr>
<td><strong>SEB</strong></td>
<td><strong>1859</strong></td>
<td>Philanthropic organization founded by Spanish immigrants and it owns Spanish Hospital.</td>
</tr>
<tr>
<td><strong>SAS</strong></td>
<td><strong>2002</strong></td>
<td>A nonprofit organization founded in São Paulo, it operates in various sectors beyond health and it is qualified as an OSS in several states and municipalities.</td>
</tr>
<tr>
<td><strong>Red Cross</strong></td>
<td><strong>1908</strong></td>
<td>A nonprofit organization linked to the International Red Cross Movement, recognized by the Brazilian government as a voluntary aid society, autonomous, auxiliary to the public authorities.</td>
</tr>
<tr>
<td><strong>GNOSIS</strong></td>
<td><strong>2009</strong></td>
<td>A nonprofit organization intended for the provision of health services, including medical, hospital, diagnostic and therapy services.</td>
</tr>
</tbody>
</table>

In order to collect data regarding the organizational capacity dimensions of both partners, and considering that some of the nonprofits partner behave as a “black box” in terms of transparency, we relied on a variety of sources: documental research, partnership contracts and reports, curricula vitae of boarding members and directors, websites of nonprofits, information available at the Management Panel accessed with the support of the MSH, and interviews with the staff of MSH. The data were content analyzed according to capacity dimensions identified in the theoretical discussion, and we created categories for each organizational capacity dimensions. Such categories were used as the basis for an overall assessment of each organizational dimension capacity dimension, as well as of the capacity as a whole for each nonprofit organization and the public partner (MSH).

Considering that PNPs in the health sector have been consistently the focus of criticism and denunciations, we focused on the negative performance of the partnerships. Data related with the negative performance of the partnership were web scraped from media news, and audit institutions’ reports and content analyzed to comprehend to what type of capacity dimensions were related with. We focused on: a) reports in the mainstream media and alternative media (blogs and electronic periodic); b) MHS reports in Management
Panel; c) Operational Audit Report of the Federal Audit Court; and; d) Processes and other documents from Justice Court of Rio de Janeiro.

The organizational capacity dimensions related to nonprofits were compared with the organizational capacity dimensions of nonprofit, constructing 3 types of partnerships patterns: synergy, when both partner's capacity dimensions contribute to achieve better results with the partnerships; complementarity, when one of the partner’s shortages in capacity dimensions is substituted by the other partner’s strong capacity dimension, but more ambitious results are not reached; and, imposition, when, in case of weak capacity dimensions of one of the partners, the stronger partner enforce their modus operandi in the partnerships.

Data description and analysis

Leadership and vision

Nonprofit partners

We analyzed the missions of all nonprofits involved in the partnerships, and observed 4 possible types: a) the nonprofit mission has an explicit health-related orientation, demonstrating expertise in the health sector; b) the nonprofit mission focuses on a contractual orientation, without any explicit focus on the health; c) mission focuses on alternative societal sectors, such as charity or social assistance, including or not including health; d) there is no mission. Table 2 shows this typology according to OSS mission.
Table 2 – Leadership and vision: OSS Mission and political affiliation

<table>
<thead>
<tr>
<th>OSS</th>
<th>MISSION</th>
<th>Mission orientation</th>
<th>Political affiliation</th>
<th>VALUE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fiotec</td>
<td>Providing basic care and health promotion.</td>
<td>Focus on health</td>
<td>No</td>
<td>3</td>
</tr>
<tr>
<td>Iabas</td>
<td>Managing contracts, programs and projects in health and education sectors through better teams and management practices, acting in a humane manner, respecting ethics and social commitment.</td>
<td>Focus on contractualization</td>
<td>Yes</td>
<td>2</td>
</tr>
<tr>
<td>SPDM</td>
<td>Promoting health actions integrated with the public sector.</td>
<td>Focus on health</td>
<td>Yes</td>
<td>3</td>
</tr>
<tr>
<td>Viva Rio</td>
<td>Promoting the culture of peace and social inclusion.</td>
<td>Alternative social sectors</td>
<td>Yes</td>
<td>1</td>
</tr>
<tr>
<td>SEB</td>
<td>Democratizing access to medical care.</td>
<td>Focus on health</td>
<td>No</td>
<td>3</td>
</tr>
<tr>
<td>Red Cross</td>
<td>Acting in case of war. Working in all sectors covered by the Geneva Conventions in period of peace.</td>
<td>Alternative social sectors</td>
<td>No</td>
<td>1</td>
</tr>
<tr>
<td>Cep 28</td>
<td>Since the redesign of its Statute in 2005, CEP28 expanded its area of operation, going beyond women's health: Environmental Defense, Historical and Cultural Heritage, Health, Education and Citizenship.</td>
<td>Alternative social sectors</td>
<td>No</td>
<td>1</td>
</tr>
<tr>
<td>Gnosis</td>
<td>Promoting knowledge in various technical and operational areas related to activities in health.</td>
<td>Focus on health</td>
<td>No</td>
<td>3</td>
</tr>
<tr>
<td>SAS</td>
<td>Promoting Network Health works horizontal concept of integrated health services network.</td>
<td>Focus on health</td>
<td>No</td>
<td>3</td>
</tr>
<tr>
<td>Cejam</td>
<td>Promoting better quality of life by offering programs in health, education and social responsibility.</td>
<td>Alternative social sectors</td>
<td>No</td>
<td>1</td>
</tr>
<tr>
<td>Unir</td>
<td>Our main objective is the quality management of processes provided to the population, increasing its efficiency and effectiveness, involving the satisfaction of the citizen, based on the development of projects on fair value and optimal results.</td>
<td>Focus on contractualization</td>
<td>No</td>
<td>2</td>
</tr>
<tr>
<td>Biotech</td>
<td>Unknown</td>
<td>inexistent</td>
<td>No</td>
<td>0</td>
</tr>
<tr>
<td>Fibra</td>
<td>Unknown</td>
<td>inexistent</td>
<td>No</td>
<td>0</td>
</tr>
</tbody>
</table>

Values: a) Focus on health=3; b) contractualization =2; c) alternative social sectors =1; d) inexistent=0.

By analyzing the mission of each organization, we observed that most institutions clearly do not focus their missions or expertise in health, but instead, are oriented by a focus on contractualization, by highlighting their role as a support organization and management in health care or alternative social sectors. Some of the nonprofit partners have a clear purpose on health, which translates also in health expertise as the basis for building a partnership with the public sector. Therefore, in all cases where the health sector
orientation is not clear as an institutional orientation, aggravate the potential outcomes of the partnerships with the public partner, observing a tendency to perceive such organizations as mere subcontractors.

In order to further the expertise of the nonprofit partners, we also analyzed data related to organizational members’ expertise in the health sector and professional trajectory of their executives. The executive board is a deliberative organ, responsible for the OSS control and the legislation charged of describing the basic criteria of the composition of its members as well as its main rights as a requirement for OSS qualification. Law nº 5.026/2009 establishes that executive board must have notorious professional competence and moral integrity.

By analyzing the organizational members’ expertise, we found members with health expertise in every executive board. In Fiotec and SPDM, besides health professionals, all members are public servants: from Foundation Oswaldo Cruz and Federal University of São Paulo, respectively.

In fact, although it seems suspicious, civil servants in Brazil are not forbidden to be members of the executive boards. The limitation occurs only for public servants who have commissioned offices or bonus functions (political appointees). We believe, however, that the possibility of existing civil servants linked to renowned institutions, as well as the professionalization of managers in the health sector are good indicators to define the degree of expertise of the leaders of these institutions.

Additionally, we checked if any member of the executive board is affiliated with a political party. IABAS has the peculiarity to count on members that are relatives of PMDB and PSD politicians. Still, according to electoral information about Luciano Artiori, also component of its board of directors, he ran for Federal Congressman in 2010, DEM. Besides it is worth noting that one of the members of Viva Rio board, Sebastião Correa dos Santos, with the nickname "Tiao Santos" was candidate for assemblyman in Rio de Janeiro, the Workers Party (PT).

Public partner

On the other hand, MHS demonstrates high level of expertise and mission orientation toward health sector. MHS is responsible for public health policy formulation and implementation at the municipal level, oriented by its mission “to provide the necessary
condition for a systemic health support, prevention and assistance, executing activities of excellence in public health, and, ultimately improving the quality of life of Rio de Janeiro’s citizens”.

Its strong orientation and cohesion toward public health policy is influenced by its participation in the Unified Health System (Sistema Único de Saúde - SUS). SUS, created in 1990, is Brazil’s publicly funded health care system, based on a complex federative arrangement in terms of funding and policy formulation, and implementation. SUS refers to a complex network of health services provided by federal, state and municipal institutions. Despite its several reorganizations, SUS has been responsible for internalizing key policy orientations for public health in Brazil, being the most important one: “health is a fundamental right of human beings, and the State is responsible for providing the indispensable conditions to guarantee such a right.”

SUS directives are incorporated in MHS vision and actions, that aims to promote health through a range of actions, such as preventive policies, democratization of the information’s related to citizens’ rights and potential health risks. MHS operates based on 5 subsecretaries, investing in the qualification and universalization of public health access, and modernization of more complex health services.

Although Secretary and Subsecretaries are politically appointed, they share experience and knowledge in the health sector. Such characteristics give to MHS a cohesive leadership that articulates the efforts of the MHS toward a strong public health oriented mission.

**Degree of institutionalization of organizational processes and routines:**

*Nonprofit partners*

We analyzed the degree of institutionalization of organizational procedures and routines according to data available at OSS websites, Management Panel of the MHS, and partnership contracts, such as:

a) year of creation; b) written policies and procedures; c) strategic planning; d) management reports; regulation of public purchase; f) hiring process. Table 3 shows the presence of indicators:
Table 3 – Degree of institutionalization

<table>
<thead>
<tr>
<th>OSS</th>
<th>YEAR OF CREATION</th>
<th>WRITTEN POLICIES AND STRATEGIC PLANNING</th>
<th>MANAGEMENT REPORTS</th>
<th>REGULATION OF PUBLIC PURCHASE</th>
<th>HIRING PROCESS</th>
<th>VALUE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fiotec</td>
<td>1998</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Ibas</td>
<td>2008</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>SPDM</td>
<td>1933</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Viva Rio</td>
<td>1993</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>SEB</td>
<td>1859</td>
<td>X</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Red Cross</td>
<td>1908</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>X</td>
<td>-</td>
</tr>
<tr>
<td>Cep 28</td>
<td>1967</td>
<td>X</td>
<td>X</td>
<td>-</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Gnosis</td>
<td>2009</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>SAS</td>
<td>2002</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Cejam</td>
<td>1991</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Unir</td>
<td></td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Biotech</td>
<td>2006</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Fibra</td>
<td>2000</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

Values: 5 indicators here means the availability of written policies and procedures; strategic planning; management reports; regulation of public purchase and hiring process. Then the score is: a) 5 or 4 indicators = 2; b) 3 or 2 indicators = 1; c) 1 or 0 indicators = 0.

As a measure of organizational stability, we included the year of OSS creation. We noted that there is a trend of the oldest institutions, with a historic of robust experience, have its origin linked to some important names in the history of health. In this list, we can include some of which have more than fifteen years of creation, especially Fiotec, SPDM and the Red Cross, being linked to institutions nationally recognized as the National School of Public Health / Foundation Oswaldo Cruz, the Federal University of São Paulo or, internationally, the International Red Cross Movement. In the case of institutions SEB and Fibra, because their sites were not available during data collection, we didn’t observe any of institutionalization data. Regarding to SAS, its website presents only a brief comment about its creation by a group of Federal University of São Paulo doctors, without details, which restricted this type of analysis.
Public partner

Differently from some of the nonprofits partners, that seem to be unstructured organizations in terms of organizational procedures and routines, MHS is a typical bureaucratic unit oriented by a strong rational-legal culture (Weber, 1974). Its organizational processes and routines are highly institutionalized following bureaucratic standards and a high degree of formalization. Tendered public employees, formal channels of promotions, legal and process oriented controls, standardized policy and operational manuals are some of the indicators related to the degree of institutionalization of a bureaucratic organizational processes and routines. However, such highly institutionalized bureaucratic culture may be problematic when we consider partnerships, because of its authoritative imposition of its own modus operandi to nonprofit partners.

Primary sources of funding (Fiscal Planning and Practice):

Nonprofit partners

We analyzed the fiscal planning indicators in order to check the primary sources of funding, looking if they have alternative sources of funding, and also if they work in alternative public contracts beside MHS. We observed if the following indicators were available to consult in the OSS websites: a) previous health projects before qualifying in MHS; b) contracts celebrated with other public sector. Table 4 shows the presence of indicators:

Table 4 – Primary sources of funding

<table>
<thead>
<tr>
<th>OSS</th>
<th>PREVIOUS HEALTH PROJECTS</th>
<th>CONTRACTS WITH OTHER PUBLIC PARTNER</th>
<th>VALUE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fiotec</td>
<td>X</td>
<td>X</td>
<td>2</td>
</tr>
<tr>
<td>Iabas</td>
<td>-</td>
<td>-</td>
<td>0</td>
</tr>
<tr>
<td>SPDM</td>
<td>X</td>
<td>X</td>
<td>2</td>
</tr>
<tr>
<td>Viva Rio</td>
<td>-</td>
<td>X</td>
<td>1</td>
</tr>
<tr>
<td>SEB</td>
<td>X</td>
<td>-</td>
<td>1</td>
</tr>
<tr>
<td>Red Cross</td>
<td>X</td>
<td>-</td>
<td>1</td>
</tr>
<tr>
<td>Cep 28</td>
<td>X</td>
<td>X</td>
<td>2</td>
</tr>
<tr>
<td>Gnosis</td>
<td>X</td>
<td>-</td>
<td>1</td>
</tr>
</tbody>
</table>
According to Law n° 5.026/2009, the participation in other health projects, as evaluation parameter, due to the fact that such information is treated as some of the specific requirements for the qualification as a Social Health Organization. So, it is important to check: a) the registration of its constitutive act and b) the establishment for at least two years, in full exercise of activities in the health sector. By analyzing the primary sources of funding, we believe that the existence of previous health projects and contracts with other public partner, it shows that the OSS tend to be more autonomous organizations since it will not be dependent on single funders. Moreover, we emphasize the importance of proving their expertise in the health sector by presenting other projects beyond those contracted with MHS, since it provides feedback to the population.

**Public partner**

MHS is the partner responsible for funding the partnerships’ contracts. Considering that nonprofit partners do not contribute financially in the contracts, such centralization of funding also drives an impositive posture of the public partners.

**Organizational support:**

We focused on the staffing of OSS as the main measurement of organizational support. It is interesting to note that Health Secretary demands that all personnel hiring must be ruled by the Consolidation of Labor Laws (CLT), as well as there is the obligation in the standardization of salaries. This is to say that there is no competitiveness in the labor market since all OSS offer the same financial benefits, which demonstrates one of the imposition nonprofits face in their relationships with the public partners.

We collected the MHS reports, available in Management Panel in order to check for elements related to day-to-day operations. We analyzed the report parameters established

<table>
<thead>
<tr>
<th></th>
<th>SAS</th>
<th>-</th>
<th>-</th>
<th>0</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cejam</td>
<td>X</td>
<td>X</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Unir</td>
<td>-</td>
<td>X</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Biotech</td>
<td>-</td>
<td>-</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Fibra</td>
<td>X</td>
<td>X</td>
<td>2</td>
<td></td>
</tr>
</tbody>
</table>

Values: a) 2 indicators = 2; b) 1 indicators = 1; c) 0 indicator = 0.
by Healthy Secretary such as: a) absenteeism; b) employees turnover; c) training measured by hour per man. Table 5 shows the presence of indicators:

**Table 5 – Organizational Support: Human Resources**

<table>
<thead>
<tr>
<th>OSS</th>
<th><strong>ABSENTEEISM (GOAL &lt;3%)</strong></th>
<th><strong>EMPLOYEES TURNOVER (GOAL &lt;4%)</strong></th>
<th><strong>TRAINING (GOAL &gt;2 HOUR/MAN)</strong></th>
<th><strong>VALUE</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Fiotec</td>
<td>1,24%</td>
<td>3,06%</td>
<td>1,59</td>
<td>2</td>
</tr>
<tr>
<td>Iabas</td>
<td>0,8%</td>
<td>0,97%</td>
<td>0,72</td>
<td>2</td>
</tr>
<tr>
<td>SPDM</td>
<td>1,74%</td>
<td>11,61%</td>
<td>1,24</td>
<td>1</td>
</tr>
<tr>
<td>Viva Rio</td>
<td>1,41%</td>
<td>1,33%</td>
<td>2,78</td>
<td>3</td>
</tr>
<tr>
<td>SEB</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>0</td>
</tr>
<tr>
<td>Red Cross</td>
<td>0,92%</td>
<td>2,51%</td>
<td>1,58</td>
<td>2</td>
</tr>
<tr>
<td>Cep 28</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>0</td>
</tr>
<tr>
<td>Gnosis</td>
<td>2,48%</td>
<td>6,06%</td>
<td>1,59</td>
<td>1</td>
</tr>
<tr>
<td>SAS</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>0</td>
</tr>
<tr>
<td>Cejam</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>0</td>
</tr>
<tr>
<td>Unir</td>
<td>2,08%</td>
<td>7,34%</td>
<td>2,29</td>
<td>2</td>
</tr>
<tr>
<td>Biotec</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>0</td>
</tr>
<tr>
<td>Fibra</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>0</td>
</tr>
</tbody>
</table>

Values: if indicator was not available = 0
absenteeism; <3% = 1; = or >3% = 0
employees turnover; <4% = 1; = or >4% = 0
training measured by hour per man; >2 h/man = 1; = or <2 h/man = 0

We decided to observe these indicators based in the following constructs: a) absenteeism: check if OSS has operational capacity in personnel management; b) employees turnover: check if OSS has operational capacity to hire professionals without embezzle the team; c) training measured by hour per man; check if OSS has operational capacity of qualify hired personnel. Our research pointed out the issue of maintaining human resources. The results of UNIR, Gnosis and SPDM confirm this idea. Also, there is lack of investment in training hired personnel that can demonstrate low adherence to OSS. All these indicators seem to
be a barrier to the achievement of goals whereas it affects the quality of work and, by consequence, the quality of patient care. Unfortunately, management reports of SEB, SAS, CEJAM, Biotech and Fibra were not available on Panel.

**Overall assessment of nonprofits partners**

Based on the grades attributed to each of the organizational dimensions we constructed an overall assessment of nonprofit partners, as in Table 6:

**Table 6 – Overall assessment of nonprofit partners**

<table>
<thead>
<tr>
<th>CAPACITY DIMENSION</th>
<th>LEADERSHIP AND VISION</th>
<th>INSTITUTIONALIZATION</th>
<th>SOURCES OF FUNDING</th>
<th>SUPPORT</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fiotec</td>
<td>3</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>9</td>
</tr>
<tr>
<td>Iabas</td>
<td>2</td>
<td>2</td>
<td>0</td>
<td>2</td>
<td>6</td>
</tr>
<tr>
<td>SPDM</td>
<td>3</td>
<td>2</td>
<td>2</td>
<td>1</td>
<td>8</td>
</tr>
<tr>
<td>Viva Rio</td>
<td>1</td>
<td>2</td>
<td>1</td>
<td>3</td>
<td>7</td>
</tr>
<tr>
<td>SEB</td>
<td>3</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>4</td>
</tr>
<tr>
<td>Red Cross</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>Cep 28</td>
<td>1</td>
<td>2</td>
<td>2</td>
<td>0</td>
<td>5</td>
</tr>
<tr>
<td>Gnosis</td>
<td>3</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td>7</td>
</tr>
<tr>
<td>SAS</td>
<td>3</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td>Cejam</td>
<td>1</td>
<td>0</td>
<td>2</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td>Unir</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td>2</td>
<td>6</td>
</tr>
<tr>
<td>Biotech</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Fibra</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>0</td>
<td>2</td>
</tr>
</tbody>
</table>

1 According to “Dimensions of nonprofit organizational capacity that contribute to partnerships”. 2 Data from Table 2 – Leadership and vision: OSS mission. 3 Data from Table 3 – Degree of institutionalization. 4 Data from Table 4 - Primary sources of funding. 5 Data from Table 5 – Organizational Support: Human Resources. 6 Sum which the maximum is 10.
Based on such assessment, we created a typology of nonprofits partners:

The “public” nonprofits – Fiotec and SPDM. Such denominations might look tautological, but it represent a very specific type of nonprofit partner, public foundations originated from public universities. Although such foundations are created as nonprofit organizations, in practice, they share a lot with the public partners. Public foundations are originated from the public sector, have a clear focus in health, share the same bureaucratic culture with the public sector, and count with public employees.

The “subcontractors” – IABAS, Viva Rio, SAS, CEJAM, Unir, SEB, Gnosis, CEP 28 and Red Cross. Here we have a range of nonprofits that do not have an explicit mission orientation on health, are focused on contracting human resources or equipments in order to overcome operational difficulties public partners faces.

The “opportunist” – Biotech and Fibra. Those are typical opportunistic organizations that have nor transparent data nor capacity indicators related to the partnership. These OSS had terminated contracts or discontinued by unilateral decision of MHS, facing even disqualification process. Information on these organizations and on management contracts they signed are much more obscure than the others, harming the transparency of the model.

Data analysis

Collaborative outcomes of the partnerships: synergy, complementarity and imposition

PNPs are justified due to several managerial difficulties faced by the public sector, and an expectation that nonprofits partners will provide better service delivery results. Our research revealed that the nonprofit partner faces several organizational capacity limitations, particularly related with the organizational support dimensions, that obstacle the efforts of the MSH to expand the citizen’s access to health service, despite having a strong focus and mission orientation toward public health. In other words, partnerships emerge out of necessity of public agents.

Our research demonstrates that collaborative outcomes are dependent on a complex web of relations that partners develop along key capacity dimensions, as demonstrated in Table
We were able to observe the emergence of three types of collaborative outcomes: synergy, when both partners collaborate toward more ambitious objectives; complementarity, when nonprofit partners substitute public partner’s capacity shortages (in our case, public partner’s shortages); and imposition, when, because of the the nonprofit weaknesses, public partners imposes their own modus operandi.

Table 7 – Collaborative Outcomes

<table>
<thead>
<tr>
<th>Capacity dimensions</th>
<th>Nonprofit organizational</th>
<th>Collaborative Outcomes</th>
<th>Public partner organizational</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Leadership and vision</td>
<td>1. Health orientation and expertise</td>
<td>SYNERGY</td>
<td>1. Health orientation and expertise</td>
</tr>
<tr>
<td></td>
<td>2. Contractualization orientation and expertise</td>
<td>COMPLEMENTARITY</td>
<td></td>
</tr>
<tr>
<td></td>
<td>3. None</td>
<td>INEXISTENT</td>
<td></td>
</tr>
<tr>
<td>2. Degree of institutionalization</td>
<td>1. strong bureaucratization</td>
<td>IMPOSITION</td>
<td></td>
</tr>
<tr>
<td></td>
<td>2. low degree of institutionalization</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Funding</td>
<td>1. funding dependence</td>
<td>IMPOSITION</td>
<td></td>
</tr>
<tr>
<td></td>
<td>3. Funds 'owner&quot;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Organizational support</td>
<td>1. staffing flexibility</td>
<td>COMPLEMENTARITY</td>
<td></td>
</tr>
<tr>
<td></td>
<td>2. physical space flexibility</td>
<td>COMPLEMENTARITY</td>
<td></td>
</tr>
<tr>
<td></td>
<td>3. equipment</td>
<td>COMPLEMENTARITY</td>
<td></td>
</tr>
</tbody>
</table>

The matching of specific organizational dimensions of both partners influences such outcomes of the collaboration. In our case, we see the potential for a synergic collaboration when both partners share expertise and are strongly oriented toward public health values, as in the case of collaboration with Fiotec. The complementarity emerges when the nonprofit partners supply severe managerial and organizational shortages that public partners face in expanding the access and quality of health public services, mainly related to organizational support infrastructure (difficulty to hire and maintain health professional and staff, to invest in equipments, etc.). There is a considerable group of nonprofits, whose mission orientation assumes such contractual relationship with the public sector. Lastly, we observed strong indicators of impositive outcomes, when nonprofits are not able to institutionalize their own organizational procedures and routines and depend exclusively on
public funds. In fact, most of the contracts are detailed in procedures that public partners tend to impose on nonprofits, such as the basic salaries of the health professionals, the number of the computers and printing machines they need to have, etc.

**Capacity dimensions that contribute to the negative performance of the partnership**

Media and auditing reports are full of denunciations regarding health partnerships. But, to what capacity dimensions are such denunciations related with? We webspliced data from media news, and audit institutions’ reports and content analyzed to better understand the critiques toward partnerships.

**Frame – media news**

<table>
<thead>
<tr>
<th>Nonprofit typology</th>
<th>CASE</th>
<th>Negative performance</th>
</tr>
</thead>
<tbody>
<tr>
<td>PUBLIC NONPROFIT</td>
<td>SPDM - “New scandal in Unifesp points out SPDM executive board.” and “Court identifies irregularities in the management of Hospital.”</td>
<td>Contract irregularities</td>
</tr>
</tbody>
</table>
| SUBCONTRACTOR      | “Court points of R$ 80 million in irregularities nine OSS contracts in Rio.”  
Viva Rio - “Court charges R$ 6.1 million of NGO Viva Rio.”  
SAS – “Court discovered deviation of R$ 11 million in four hospitals in Rio.”  
SEB – “Federal Police dismantles corruption scheme.”  
Red Cross – “Brazil Red Cross runs the risk of being suspended.” | Contract irregularities / corruptions indicators |
| OPPORTUNISTIC      | Fibra - “Institute hired by government to manage Maternity is involved in scandal.”; “Institute commits irregularities in hospitals accounts”  
Biotech – “Paes puts OSS managers linked to health máfia away.”; “Gang accused of defrauding R$ 48 million from public safes is arrested” and “Pelegrine brothers, members of Biotech, back to jail in a closed system.” | Corruption and imprisonment                    |

Even with prior control at the time of qualification and over the contracts, we found news related to cases of corruption in 12 OSS that signed management contracts with MHS.
Fiotec is the only nonprofit partners that doesn’t face any denunciation related with the partnerships. It seems that most of the denunciations are related to the progress of contracts. Although the public partner imposes contractual clauses in order to check the OSS modus operandi, it cannot prevent misappropriation of resources and corruption. Although some stories are not specifically related to contracts executed in Rio, it is clear the negative impact over the partnership model. Furthermore, in the last five years, the budget for the OSS gradually increased. In the 2016 budget, R$ 4.9 billion are destined to health and the OSS will have R$ 1.9 billion (38,8%).

CONCLUSIONS

Our research aimed to open the “black box” of health partnerships in Brazil, that emerge from the limited capacity dimensions public partner faces to fulfil its mission of public health universalization and access. Despite such noble intentions, public-nonprofit partnerships face several denunciations that indicate a complex relationship between partners.

Based on the assessment of several capacity dimensions of nonprofits partners we created a typology related to specific dimensions of organizational capacity: the public nonprofits, the subcontractors, and the opportunists. Contrary to other context, the public nonprofits, are not a tautological phenomenon in Brazil, but refer to organizations intimately related with the public sector, in terms of their expertise orientation, member base and modus operandi. Such nonprofits were also assessed as the most successful organizations in partnering with the public sector. Their mission and expertise’ matching with the public partner, but also their sharing of the same bureaucratic cultural background facilitate the partnerships, and, in some of the dimensions, such nonprofit partners can deliver more synergetic outcomes of the partnerships. Such phenomena might be related with a State-centered tradition that prevails in Brazil, despite recent attempts to bring other private and nonprofit actors in the policy implementation processes.

The most problematic part of the analysis refers to a huge part of the partnerships that are based on a complementarity relation, where nonprofits are defined as subcontractors, outsourcing part of organizational dimensions where public partner faces more shortages and difficulties (as human resources, and other operational dimensions). Despite forcing
and imposing their own modus operandi in detailed contracts, public partners are not able to avoid corruptions and other types of denunciations related to the partnerships. Such public partner’s posture not only doesn’t avoid nonprofits misbehavior, but also limits the participation of more solid and health related nonprofit partners that avoid collaboration with the public sector in Brazil.

As Lasker, Weiss, and Miller (2001), we also believe that synergy is the only possible outcome of collaboration that legitimates and sustain partnerships. Without delivering more ambitious public goods, partnerships cannot be sustain and will continue to be the focus of criticism of public opinion, and other public agents. However, synergic outcomes emerge based on specific capacity dimensions matching, something that requires strong diagnosis, nonprofit competition and ad hoc solutions – contrary to the “one fits all” approach that prevails in the Brazilian public sector.

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7. Opportunities and Challenges for International Nonprofit Organizations in China

Zehui Liu, Penn State Harrisburg
Triparna Vasavada, Penn State Harrisburg

**Key words:** INGO in China, State-NGO collaboration, China

**Introduction**

Since China’s reform and opening-up in 1970, an increasing number of international non-governmental organizations (INGOs) has been allowed to step in China. They have played important roles in service delivery and social development. Taking the development process of INGOs in Yunnan Province as an example, over the last two decades, Yunnan has become a popular destination for INGOs and provincial authorities have for the most part welcomed them because of their contribution to the local economy.

However, not all INGOs are welcome by the Chinese government. The Chinese government prefers INGOs operating in social welfare, poverty alleviation, education, and public health because they promote China’s economic and social development as well as China’s influence in the international community, but heavily constrains INGOs who are focusing on political issues, human rights and religions as it may stir China’s socio-political environment. Indeed, only a minority of INGOs are legally registered and many INGOs adopt backdoor strategies to carry out their works on fields, such as register as foreign enterprise with the Bureau of Industry and Commerce, open project offices at local or provincial levels and carry out work on the basis of their project office status (Yin, 2009). Though the long-term trend is that Chinese government is tending to open to more INGOs from a macro perspective, regulations of INGOs in China are becoming more tightened recently.

The Chinese government is formulating new regulations to oversee the operations of INGOs. *The Law on Management of Foreign NGOs’ Activities in Mainland China (LMFNGO)* passed in April 2016. For the first time, it puts INGOs under the direct supervision of China's security apparatus and impose a range of new restrictions (Makinen, 2015).
Within these contexts, this research aims to explore the opportunities and challenges that INGOs may face under this new regulation by looking into the literature and conduct qualitative interviews with key individuals from INGOs in China. The experience of the participants working in China, their impression for LMFNGO and its impact on their organizations will be collected through the interviews.

To build the context for the paper, first we will explain the term INGO in the context of China along with the brief discussion about the overall nonprofit sector in China. Next, the development process of INGOs’ operations and Chinese government’s policy are introduced to illustrate how they interact with each other. Third, we will introduce Chinese regulations and the government’s attitudes toward INGOs in China to better understand why LMFNGO is formed. After providing the background information of nonprofit sector of China and the discussion about the policy, we will present the method section. This will be followed by analysis of the data and final section will focus on discussion of the opportunities and challenges that INGOs face. The paper will conclude with discussion of implications of finding for literature and practice.

This paper makes three contributions to the related literature. First, it points out a significant literature gap. As the trend that interactions between INGOs and Chinese governments become deeper and more frequent, it is important to carry out research on the relationships between INGOs and Chinese governments. However, by analyzing current literature about INGOs in China, there is a gap results from lack of empirical study on how governments and INGOs interact with each other. Most literature either simply adopt western countries’ experiences to judge Chinese practices or generate vague suggestions to both sectors without empirical evidences. or example, Yin (2009) quotes that “Foreign NGOs in the United States, Europe, Latin America, and Africa share a relative autonomy from states. The tradition of a centrist government in China does not allow such independence (Hsia & White, 2002).” Yin also quotes that “Some Western analysts believe that future Chinese NGO legislation will follow Russia’s lead (Jeremy Whitcombe, 2006).” Second, based on the interviews with the managers of INGOs in China on their reflections on the new “INGOs law” that passed in April, this paper generates opportunities and challenges that both INGOs and Chinese governments are facing. Third, the result of both literature review and the interviews will shed light on the future study on the relationships between Chinese governments and INGOs.
Defining INGO

The definition of INGO is first given in Article 71 of United Nations Charter in 1945. (Global Policy Forum, 1968). It notes that “the United Nations Economic and Social Council (ECOSOC) may make suitable arrangements for consultation with international nongovernmental organizations which are concerned with matters within its competence”. Up to now, there is no authorized definition on INGO. Scholars and related authorities defined INGO from the concept of international organization and non-governmental organization (NGO).

ECOSOC defines “international organization” as a social organization which is “not established by intergovernmental agreement”, “not taking profit maximization as its purpose”, and “conducting humanitarian rescue, social and welfare services. INGO is recognized in the Yearbook of International Organizations, which has to meet the following requirements: (i) permanent bodies with offices, officers and a constitution, (ii) not created by intergovernmental agreement, (iii) members, officers, and funds from at least 3 countries, (iv) no redistribution of profits to members, (v) non secret, (vi) democratic officers election procedure, (vii) autonomous, excluding subgroups of organizations, (viii) currently active, (ix) excluding: (non-democratic) religious orders, educational or training institutions or social and entertainment clubs (United Nations, 2011).

ECOSOC Resolution 1296 describes, “any international organization which is not established by intergovernmental agreement shall be considered as a non-governmental organization”, “the ECOSOC may make suitable arrangements for consultation with NGO which are concerned with matters within its competence” (United Nations, 2011). The current resolution defines the term NGO referring to organization at international level, which links to INGO.

Some Chinese scholars believe that INGOs mean social organizations which are self-governing, voluntary, legal registered and carry out public welfare activities in more than three countries with fund from at least two countries (Zhong 2015). They are non-government, non-profit, non-enterprise, non-party, non-religious and non-racial organizations. Anheier & Themudo (2005) use INGOs to refer to non-profit organizations that make significant
operating expenditures across national borders and do not identify themselves as domestic actors. Barnett & Finnemore (2004) state that international organizations and INGOs all have five features, (i) they have permanent institutions which can undertake a series of function; (ii) volunteered membership; (iii) they have a set of basic charters to illustrate its purpose, structure, action methods etc.; (iv) they have consultative machineries with broadly representative; (v) they have permanent secretariats which are succession managing research and processing information. Wang (2004) consider INGOs are non-governmental organizations with internationalization for their purpose and activities scope, or organization structuring and membership, or capital source and function. They also point out that INGO is originated from the concept of NGO, which means INGO is a subset of NGO. INGO not only have the general attributes of NGO, but also possesses internationalization as its special characteristics.

While, in China, the Ministry of Civil Affairs (MCA) is responsible for overseeing and administrating the NGOs working in China. MCA (Chen, 2001) defines NGOs as “organizations formed by citizen volunteers which carry out activities aimed at realizing the common aspirations of their members in accordance with organizational articles of association”. Chen considers “trade associations, fraternities, business associations, foundations, advocacy associations, academic associations, research associations, and friendship associations” as NGOs.

According to Shieh (2012), in China, NGOs are commonly referred to as “civil organizations” (民间组织), “social organizations” (社会组织) or “public welfare organizations” (公益组织). NGOs registered with Civil Affairs departments are generally referred to as “social organizations” and separated into three categories: “social groups” (社会组织) which are similar to membership associations, civil non-enterprise units (社会团体) which are similar to service providers, and foundations (基金会). Chinese law and regulations require all NGOs register with MCA. There are 354,000 registered NGOs in 2006 (CNPO, 2007) and 662,000 registered NGOs by the end of 2015 (Xiao, 2016).

Chinese researchers and practitioners often divide Chinese NGOs into ‘officially organized NGOs’ (GOGNOs) and ‘popular NGOs’. The former is initiated by the government and receive government subsidies. Their staff are often on the government’s payroll, and their
leadership positions are often held by government official. By contrast, popular NGOs are initiated by individual citizens and receive no government subsidies. Their staff are not government employees, and they do not have officials occupying their top management positions (Lu, 2005). Because of this relationship, GONGO are considered the least independent organizations. Apparently, those NGOs that are not funded by the government and/or unregistered have the most autonomy (Ma, 2002a).

A review of the history of regulation in the nonprofit sector in China

<table>
<thead>
<tr>
<th>Year</th>
<th>Major Laws and Regulations Governing Social Organizations in China</th>
</tr>
</thead>
<tbody>
<tr>
<td>1988</td>
<td>Regulations on Management of Foundations</td>
</tr>
<tr>
<td>1989</td>
<td>Provisional Measures on Management of Foreign Chambers of Commerce</td>
</tr>
<tr>
<td>1998</td>
<td>Regulations on the Registration and Management of Social Associations (revision of the 1989 regulations)</td>
</tr>
<tr>
<td>1998</td>
<td>Provisional Regulations on the Registration and Management of Civil, Non-Enterprise Institutions</td>
</tr>
<tr>
<td>1999</td>
<td>Public Welfare Donations Law</td>
</tr>
<tr>
<td>2004</td>
<td>Regulations on the Management of Foundations (revision of the 1998 regulations)</td>
</tr>
<tr>
<td>2016</td>
<td>Charity Law</td>
</tr>
<tr>
<td>2016</td>
<td>The Law on Management of Foreign NGO’s Activities in China</td>
</tr>
</tbody>
</table>


The Law on Management of Foreign NGOs’ Activities in China (LMFNGO), was passed in April 2016. It describes INGO as “海外非政府组织（Overseas NGO）”. "Overseas NGO"
refers to foundations, social groups, think tanks and other non-profit, non-governmental social organization that have been lawfully established outside of mainland China (China Development Brief, 2016). This article discusses INGO under the current Chinese condition. “Overseas NGO” or “foreign NGO” has the same meaning with INGO.

Adopting the description on LMFNGO, the INGOs covered in this article include all the NGOs which have been lawfully established outside of mainland China, working in fields such as the economy, education, science and technology, culture, health, sports, environmental protection and in areas such as poverty alleviation and disaster relief, may carry out activities that legally aid the development of public welfare. Due to the exemption by the law, this paper does not look at INGOs associated with universities, hospitals and science-and engineering-research organizations, nor the INGOs whose work touches on China but do not have China-based programs.

**INGOs in Yunnan Province: A typical example of the development process of INGOs in China**

In this section, the development process of INGOs in China is presented by taking Yunnan Province as an example. In addition, the current situation about how INGOs operate in Yunnan is summarized. Yunnan Province is selected as it provides good case to study the INGOs in China. Here are the specific reasons. First, Yunnan has an advantage of location. Situated in southwest part of China, Yunnan is a frontier province. It shares a common border with Laos, Vietnam and Myanmar and adjacent to India, Bangladesh, Thailand AND Cambodia. Yunnan is China's gateway to South and Southeast Asia. Its unique location attracts a large number of INGOs from neighboring countries to enter China from Yunnan and take activities in Yunnan. Second, the economic condition of Yunnan province attracts high number of INGOs. Yunnan is a poverty alleviation pilot province because of its ethnic diversity and relatively high poverty incidence (Ahmad @ Goh, 2007). It draws much attention of poverty alleviation INGOs to Yunnan to improve economic conditions of the population. Third, Yunnan is a severely afflicted area of HIV/AIDS. Yunnan experienced a rapid influx of international resources for HIV/AIDS projects from organizations such as China/UK AIDS Project, AusAID, USAID, Gates Foundation, and Global Fund (Hsu &Teets, 2016).
Therefore, many INGOs open their offices in this province to oversee the efforts of HIV/AIDS relief. Fourth, diversified religions of 26 ethnic minorities make increasing religious INGOs come to Yunnan. Additionally, Yunnan is disaster prone region and various natural disasters such as earthquake, flood, drought, mud-rock flow etc occur here with painful regularity. This also makes Yunnan province a region for INGOs disaster relief efforts. Based on these reasons, Yunnan province presents a compelling context to study INGOs and its relationship with the government and the impact of regulation.

To establish the context for this study now we will discuss the development of existence of INGOs in Yunnan province. This development process can be differentiated into three stages—infinity stage, primary stage and mature stage. Each stage has its own characteristics, integrating with domestic and international dynamics at each specific period. First is the infancy stage. It started from 1980’s to the early of 1990’s. With the rapid development of China’s reform and opening up for global exchange, Chinese government changed the attitude from refusing foreign aid to accepting outside help without affiliated political and religious conditions, which resulted in an initial emergence of INGOs. Yunnan is an underdeveloped province with unbalanced economic development. Some INGOs from HongKong and Macao as well as a few of international charities started to donate money and goods to help the poor to overcome poverty in the Yunnan province. They also carried out public welfare projects to help meet the most basic life demands of the local people. For example, Ford Foundation cooperated with Yunnan Provincial Poverty Alleviation Office (YPPAO) to develop agriculture project. Ford Foundation not only supplied free seeds, fertilizer, mulch but also popularized farming species and provided technology to farmers. The foundation also invested into construction projects to develop the infrastructure such as bridges and roads, as efforts to improve the economic conditions of the region. The INGOs that enter into the region during this period are Ford Foundation, Care International, Salvation Army of San Francisco and U.S. Medical sponsored Association (Yunnan Provincial Foreign Affairs Office, 2012). INGOs adopted an exploration contact way to enter Yunnan which gradually accepted by local government and beneficiaries.

The second stage is the primary development period from the early of 1990’s to late of 1990’s. The number of both Chinese and INGOs started to increase dramatically during this period, especially after the fourth World Conference on Women held in Beijing in 1995. During this
time, China implemented more profound reform that lead to opening up to the outside world. This resulted in more INGOs emerging in China. Because of the geographic location of Yunnan province in the southwest frontier of China and the underdeveloped economy with a large number of ethnic minorities in need of welfare help, INGOs had large scope to work in this province. Though the scope for the work for INGOs was broad, their presence in the province were still in the developmental stage. At this stage, only a few of INGOs set up project offices or representative offices in Yunnan. Their activities included mainly the short-term projects that were focused in the area of disaster relief, anti-epidemic in animal husbandry and micro-credit.

The third stage is a period maturing period where the rapid growth in the INGOS was noted. This time period is from late 1990’s to now. During this period, lots of INGOs set up project offices or representative offices, employed local workers, opened bank accounts in Yunnan. Instead of former single way of donated money and goods, they changed their aims to long-term sustainable development projects and cooperated with local government to sponsor projects together. According to statistics, there are 37 INGOs have set up representative offices or project offices in Yunnan Province, such as the Nature Conservancy, World Vision, International HIV/AIDS Alliance UK, and World Foundation for Nature Science (Yunnan Provincial Foreign Affairs Office, 2012).

In order to carry out projects smoothly, it is easier and better for INGOs to cooperate with Chinese Partners, including Chinese governmental agencies and NGOs. First, INGOs seek to work and cooperate with Chinese government. They collaborated with provincial and local state agencies as a practical strategy for accessing the policy process, normally closed to public and particularly international participation, for example, collaboration allowed these groups to access policy makers in the Health Bureau to indirectly advocate changes in Yunnan’s policy toward HIV/AIDS. (Hsu & Teets, 2016). INGOs sign project cooperation agreement with related administrative departments at different levels of government in Yunnan, so that INGOs can get official recognition from government and share information, financial, advanced technology and experience. Take the cooperation between the Nature Conservancy (NC) and Yunnan Provincial Government as an example. They signed cooperation memorandum, actually, NC got official recognition and financial support from government to
conduct activities legally in Yunnan. HK Oxfam signed contract with YPPAO to share financial and technology support (Yunnan Provincial Foreign Affairs Office, 2012).

Second, INGOs cooperate with GONGOs or cross-nation NGOs such as Trade Union, Youth League Committee, the Women’s Federation and Red Cross. It is flexible to operate with less procedures for approval and easy to be accepted by both sides. For example, an INGO whose work is focus on the field of disaster relief cooperated with Ya’an County Youth League Committee after Ya’an Earthquake in 2013. This INGO tried to carry out children psychology recovery project in more than one hundred local primary schools. A staff from the organization tells me in the interview that “we had advanced training textbooks and instruments, but we lack of staff and we are not familiar with local situation. So we seek for cooperation with local agencies, and we found that cooperating with GONGOs was a good choice. They are not only familiar with local situation, but also has government background. It was easy to gain indirect recognition and support from government but with less procedures for approval.”

Third, INGOs cooperate with local NGOs. INGOs’ purposes have direct relationship with immediate interests of grass-root people, so it is easy to resonate local people (Yunnan Foreign Affairs Office, 2012). The direct interest for local NGOs is financial support, especially grassroots NGOs are dependent on international assistance (Ma, 2002). Normally local NGOs apply projects and fund from INGOs and INGOs make assessment after projects completed. For example, HK Salvation Army cooperated with Yunnan Association for NGO Cooperation in the fields of health, HIV/AIDS prevention and treatment, the person-livestock drinking water engineering in rural communities.

Cooperative programs are mainly funded by INGOs. Some Chinese partners may provide supports to the cooperative projects but mostly INGOs provide the major supports. The cooperation between Oxfam Hong Kong and Yunnan Provincial Poverty Alleviation Office (YPPAO) is an example. On the agreement 2010, Oxfam promised to finance no less than U.S. $1.56 million as the project fund. At the same time, YPPAO did not only support 30% of the total fund, but also participated in the cyclical activities such as choose programs sites, select and set up programs, oversight and assess the programs.
Overall, the activities of INGOs in Yunnan have been developing for the last 30 years. Most of them do not carry out activities alone but seek domestic partners to carry out projects collectively. They are not only growing in numbers but also expanding their working areas. Due to this situation, the Chinese government has also formulated policies and regulations to either support INGOs’ activities or suppress them.

Before we proceed further with the discussion about the INGOs and its dynamics with government it is important to provide information about the method of this study. This paper is a descriptive case study of experience of INGOS in Yunnan province and the impact of government regulation on its working. The paper have utilized various sources of material such as scholarly literature, government reports, and funding agencies report to gather information. Further, to strengthen the research and validate some conclusions, we conducted qualitative interviews with key individuals from some INGOs working China and Chinese NGO who has partnership with INGOs. We employed open-ended semi-structured interviews to collect data. The individuals are selected using snowball sampling technique. The INGOs that took part in this study are involved in environmental protection, disaster relief, poverty alleviation, agriculture and health care and have experience working with government and other local NGOs in Yunnan province.

**Chinese Regulations and The Government’s Attitudes Toward INGOs**

It is estimated that there are currently more than 7,000 INGOs operating in China (Xinhua, 2016). It is difficult to calculate the accurate because there are many unregistered INGOs due to the absence of clear regulations for the registration and management of INGOs before *LMFNGO* was passed on April 28, 2016 (Shieh & Knutson 2012). Many scholars estimate that there were actually more unregistered INGOs than registered INGOs in China (Shieh & Knutson, 2012). It results in a huge challenge for Chinese government to regulate and oversee INGOs. The regulatory condition of INGOs in China can be divided into two parts by the passage of LMFNGO.
Before the passage of LMFNGO, there is few law addresses INGO in the national level but there were some regulations or policies that are related to a broader subject – NGO. The State Council promulgated regulations for each category of NGO in China, including the Regulations on the Registration and Administration of Social Groups (RASG) in 1998, the Provisional Regulations on the Registration and Administration of Private Non-enterprise Entities in 1998, and the Regulations for the Administration of Foundations (RAF) in 2004. In addition, the Ministry of Civil Affairs promulgated the Interim Measures on the Registration of Private Non-enterprise Entities in 1999 and the Interim Measures for Banning Illegal Non-governmental Organizations in 2000. None of the above regulations, except RAF, specifically addresses INGO. Indeed, even though RAF mentions INGO, foundations represent only a relatively small number of INGOs entering China. RASG was the major NGO regulation in China but the it defines “social organizations” as voluntary groups formed by Chinese citizens in China. Therefore, INGOs is not under this law (Yin, 2009).

In many cases, it is not because INGOs are unwilling to register but because the lack of clear rules and guidance from governmental authorities. It created barriers for INGOs seeking to register and carry out work in China. Without legally registered representative offices, INGOs are not allowed to admit members or to raise funds in China. However, actually INGOs found various alternative ways of operating, such as register as foreign enterprise with the Bureau of Industry and Commerce, open project offices at local or provincial levels and carried out work on the basis of their project office status (Yin, 2009).

In the provincial and local level, Yunnan issued the first-ever regulations in China specifically governing INGOs in 2009. The Yunnan Province Interim Regulations Standardizing International NGO Activities provides INGOs with a way of gaining legal status in the province through a registration process known as bei’an (备案, depositing their file on record) with the provincial Civil Affairs Department. On the one hand, previous interviews with INGOs in Yunnan indicate that the regulations are welcomed by INGOs which have been operating in China for years without legal status. On the other hand, the regulations are also requiring INGOs to submit much more paperwork and discouraging some partnerships between international and domestic NGOs. As part of the registration process, INGOs are required to report and get
approval for every project they operate in the province and for every partnership they engage in with domestic NGOs.

**After the passage of LMFNGO**

In May 2015, a draft of *China's Overseas NGO Management Law* was issued to public and ask for suggestions and advices from the society. Some international journalists declared that this law was a "crackdown" on civil society (Hsu & Tets, 2016). The process of seeking for opinions from international and domestic NGOs on the law draft last almost one year. Finally, the Standing Committee of National People's Congress passed LMFNGO in April 2016. It will be effective on Jan. 1, 2017.

The most significant adjustment in the new law is that INGOs are subject to a “dual registration and supervision” regime. The law proposes that INGOs must register with both the Public Security Bureau (PSB) and a supervisory agency. It requires INGOs to report work plans and budget annually to both the supervisory agency and PSB. In addition, after the completion of each project, the project reports are also require to be submitted. INGOs working in China come under the authority of PSB, rather than the Ministry of Civil Affairs, which traditionally oversees them. And prior to register in PSB, INGOs are required to first find and obtain approval from a "relevant departments and units of the State Council and provincial level governments" as their "Professional Supervisory Units" or sponsor.

The law authorizes PSB to supervise, inspect, and suspend INGOs. The “Chinese Police” will have the right to suspend any activities if they think those activities may have a threat to national security. The heads of these INGOs would be empowered to "invite for talks" by Chinese Police (Xinhua 2016). The police can add any INGOs they judge to promote "subversion of state power" or "separatism" to a "not welcome list", which would ban them from stepping in the country. According to Hsu & Tets (2016), putting INGOs under PSB sends the message that their work is more an issue of social stability and security than of civil affairs.
Since China's reform and opening-up for about 40 years, the activities of INGOs conducted in China have gone through from none to some, from some to many (The National People's Congress of the PRC, 2016). The unclear regulation has made many INGOs live in a "gray area" for more than three decades (Wong, 2016). Even though there is successful local experiment with regulations governing the registration and management of INGOs at provincial level, the enact of LMFNGO, undoubtedly for the first time, is a milestone for China's civil society development on INGOs management.

**Chinese Government Attitudes Toward INGOs in China**

The lack of legislation regarding the access operation of INGOs in China reflects the suspicious or mixed feelings of Chinese government toward INGOs (Yin 2009). Generally speaking, Chinese government holds a "selectivity attitudes" to different kinds of INGOs. On the one hand, Chinese government welcome INGOs operating in areas of promoting social and economic development of China or less political sensitivity, such as social welfare, poverty alleviation, education, public health may carry out activities with relatively few restrictions and little interference. On the other hand, INGOs that try to broach politically sensitive subjects, such as labor, religion and human rights, are at risk of abrupt closure administrated by the governmental authority.

**Positive Attitude Toward INGOs**

Zhang Yong, Deputy Director of the NPC Standing Committee’s Legislative Affairs Commission, says during the PRC press conference, “the absolute majority of INGOs have made many active contributions to the promotion of people-to-people exchanges, communication, and cooperation between China and the rest of the world, and to the promotion of China’s several decades of reform and social development. It cannot be disputed that China has always maintained an active, open and welcoming attitude to INGOs seeking to come to China to carry out friendly exchanges, communication and cooperation” (The National People's Congress of the PRC, 2016).

Chinese government welcomes INGOs for two reasons. First, it can contribute to economic and social improvement in China. The capital, intellectuals and modern management brought by INGOs to China are beneficial to China’s development. Taking Yunnan Province as an
example, funding to Yunnan by INGOs have accumulated 2 billion RMB yuan since 1980’s (Yunnan Provincial Foreign Affairs Office, 2012). Some INGOs put most of the funds and equipment into the vast poverty-stricken rural areas to help local people overcome poverty and achieve prosperity. INGOs also supported experts, technicians and staff who had brought in abundant helpful information, experience and technology. The Chinese government encourages INGOs who bring funds, intellectuals and modern management methods.

INGOs can help China foster public awareness and create supportive communities. For example, compared with the eastern coast provinces of China, Yunnan’s social and economic development is still lagging behind. At present and for a considerably long time in the future, solving the poverty problem in rural areas is still one of the most important tasks of Yunnan provincial government. In contrast with poverty-relief work carried out by government, an outstanding feature of poverty alleviation work conducted by INGOs is organizing extensively and arousing local people to participate in anti-poverty work. INGOs not only give financial support to poverty-stricken areas, but also bring up the participation of local people as one of the standards for project measurement. Such kind of method has improved the self-reliance ability and sense of participation of the poor people. Moreover, INGOs have helped raise awareness for the socially underprivileged, public services, volunteerism, and environmental protection and have helped China move closer to becoming a “rule of law” society.

Second, the Chinese government’s increased support of INGOs’ development and operations in China has also resulted from the government’s desire to achieve greater influence on the international front. China has been actively seeking to join the globalization process and be accepted into the global village. (Yin 2009). Due to the special role of INGOs in international society, cooperating with INGOs will no doubt further China's goal of gaining recognition and influence worldwide. Therefore, Chinese government regards cooperation with INGOs as part of its opening-up and as an inevitable element in the pursuit of globalization. For example, INGOs had improved Yunnan’s reputation in the whole world. The dispatched staff from different countries introduced their experience in Yunnan to their families and friends, which made more people to know Yunnan. It is known that many foreign officials and entrepreneurs come to invest and visit in Yunnan with the introduction of INGOs.

Negative Impact and Chinese Government Concerns over the Growing INGOs in China
While recognizing the potential contributions of INGOs, the Chinese government is also becoming increasingly wary of the growing presence of INGOs in the country and has warned against the "potential national threat" that they may pose (Yin 2009). Such attitudes come from concerns as follows:

First, Chinese government oppose INGOs that attempt to endanger Chinese social stability and national security. Some INGOs used funding channels and methods to engage in illegal actions, such as those that have harmed China's national security and interests (The National People's Congress of the PRC, 2016). Some INGOs were trying to shake political foundation at grassroots level. For example, most of the activities taken by INGOs in Yunnan were focused at grassroots in remote and poverty-stricken areas. Since 1990’s, some INGOs paid more and more attention on democratic election at grassroots level. They interposed or took part in the grassroots democratic election by the ways of research, train, fund and aid (Yunnan Provincial Foreign Affairs Office, 2012). Some INGOs come to China with an agenda that is not welcomed by the government, such as promoting religion or collecting intelligence, thus making the presence of INGOs a sensitive and politicized issue in China (Han 2011). Chinese government believe that "increasing the strength of management in this area, including the handling of illegal activities, is something that needs to be done." (Hao, 2016)

Second, Chinese government concerns that some INGOs supported by governments of foreign countries may have a motive to subvert the rule of Communist Party of China (CPC) through "peaceful transformation" (Qiu & Liu, 2005). A minority number of INGOs propagate western values such as human rights, democracy and religion, which made ideological and cultural infiltration to China. For example, some INGOs supported by western countries select a group of pioneering youth from government officials, judges, procurators, lawyers, experts, scholars and journalists to train and wash their brain. Some INGOs support and fund overseas hostile organizations against China. Some INGOs use the disadvantages of the backward of economy, culture, education, living standard, health care in border areas to propagate their concepts and ideas through what they called humanitarian aid (Yunnan Provincial Foreign Affairs Office, 2012).
It is controversial that Chinese government has “selective attitude” towards different INGOs: welcoming INGOs operating in areas of promoting social and economic development of China but suppress INGOs trying to broach politically sensitive subjects. The purpose is obvious, that is to improve economy and to keep national security in short. The unequal treatment towards different INGOs represents the Chinese government’s concerns about “foreign goods”: absorb what is good and reject what is bad based on the national conditions and interests. The result of the new regulation is unknown but it will definitely change the framework of interactions between INGO and Chinese government. Those changes can create both challenges and opportunities to the development of INGOs in China, which are important to explore and discuss.

**Opportunities and Challenges Facing INGOs in China**

The opportunities and challenges that this section will generate is based on the Yunnan province case study research and interview with key individuals of INGOs working in China as well as Chinese NGOs that collaborate with INGO. Analysis of the case indicate that even though the new law passed recently shows that Chinese government is tightening the management on INOGs operating in China, opportunities and challenges co-exists for both Chinese government and INGOs working in China, as well as for some domestic NGOs who collaborate with INGOs.

**Opportunities for Chinese Government**

First, it is a great progress for Chinese government on the road of “rule the country with law”. Chinese government puts INGOs onto a path towards legal governance. It is a part of a general trend that is governing China in accordance with the law. One of the officer from Chinese NGO working in multiple fields such as disaster relief, health care, agriculture and environmental protection says during the interview, “it was a great improvement in lawmaking process for Chinese government in case of transparency and democracy. The legislative and relevant organs conducted thorough investigation and research, listening to a broad range of opinion from the public and social spheres, holding many conferences throughout the country. I was one of the representatives who was invited to attend the
meetings with more than 70 pieces of opinion collected from Chinese and international NGOs.”

Second, it opened a new era for government to oversee and manage INGOs in China and it puts keeping national security as the top priority. Before the new law was passed, most INGOs operated in a gray area. No clearly defined governmental authority took care of them. As a result, there was even no governmental agency had a clear idea about how many INGOs were engaged in activities, and how well they were operating in China (Han 2011). It is true that there are some organizations disguise as INGOs and try to contradict the Party’s policy and create potential threats to public and political security in China. One of the officer from INGO working in disaster relief says in the interview that “by passing this law, Chinese government will have a much clearer picture on the current situation and will clear the path for PSB to administrate.”

Third, the law will improve the efficiency and effectiveness of providing services to INGOs. With experience in handling foreign organizations and individuals conducting activities in China, it is convenient for PSB to manage INGOs. Why PSB became the supervision organ instead of Civil Affairs Ministry? The officer from Chinese NGO explains that “putting PSB as supervision organ is the consideration of legislator within Chinese current situation. Some countries also have similar organs to supervise INGOs in their own countries, for example, INGOs register at court in Germany. INGOs are registered and supervised by police department in Hong Kong. Japanese Department of Justice is the administrative organ on INGOs operating in Japan. So INGOs should not simply worry about PSB.” Even though it is controversial for INGOs to accept, regarding to its unfair treatment to international and Chinese NGOs, it is more effective and efficient for PSB to oversee and manage INGOs. In China, PSB is not only responsible for keeping national security, stabilizing social order, and stopping and punishing illegal behavior, but also responsible for managing household registration, citizenship, entry and exit procedures, and other procedures related to foreign individuals conducting activities or business in China (The National People's Congress, 2016). Thus, the PSB have the potential to regulate INGOs as foreign entities. Guo Linmao (2016), a member of the social law office of the Legislative Affairs Commission, declared that “we draft the law to give the authority to the public security to facilitate their provision of fast and convenient services to INGOs”.

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Opportunities for INGOs operating in China

Opportunities for INGOs after passing the new regulation exist in the following manner: 1. protecting INGOs’ lawful rights, 2. providing a transparent law enforcement, and 3. promoting collaboration between INGOs and domestic NGOs. INGOs’ lawful rights and interests will receive more comprehensive and powerful protections under the standardized guidance of the law. The officer from Chinese NGO says in the interview that “it is better to have a law rather than have no law. It means INGOs’ activities are recognized by government and their lawful rights and interests will be protected.” The officer from INGO working in disaster relief says that “although the law is far away from perfect in terms of regulating INGOs, it is a good turn for Chinese government and INGOs for the first time to supervise and administrate INGOs by law. It changes the situation from ‘lawlessness’ to at least there is a law to abide by.” One of officer from INGO working in environmental protection says that “considering from national security, it is a scientific law for both Chinese government and INGOs due to the ‘Orange Revolution’ in Ukraine.” Fu Ying, China's parliamentary spokeswoman, says the regulations are designed to ensure INGOs to have “a sufficient legal basis" to operate in China and protect their legitimate interests so as to let them play an even greater role in the Chinese society.

Moreover, this law will also create a more transparent environment for INGOs. The officer from INGO working in disaster relief describes that “even though this new law makes tighter regulations over INGOs, it will also make sure that the law enforcement process will open to public.” Governmental agencies cannot suspend any activities or list any INGOs on the “not welcome list” at their own convenience without legal evidences. And all the standards for PSB judgements are required to open to public. “By providing a transparent environment under this new law, lawful INGOs will have a brighter and safer stage for them to perform.”

One of the officer from INGO working in environmental protection also expresses in the interview that “this law will make a bright future for the cooperation between international and local NGOs.” The law protects legal rights and interests of INGOs but fight against illegal behavior conducted by INGOs. The lawful INGOs are recognized by Chinese government. One of the officer from a local NGO working in agriculture also mentions that “it makes sure that it is safe to cooperate with lawful INGOs for domestic NGOs. On the one hand, Chinese domestic NGOs, especially some small local NGOs, are still underdeveloped comparing to the
strong INGOs. They are looking for opportunities to learn from INGOs and to carry out programs collectively with INGOs. On the other hand, some INGOs are also willing to cooperate with Chinese domestic NGOs. The cooperation will improve their efficiency in adopting local conditions because the domestic NGOs can help them know more about the local contingencies.”

The officer from Chinese NGO expresses that “There will be some other opportunities for INGOs in China under the new law, but they will depend on how PSB implement it.” PSB will have the right to suspend any activities if PSB think those activities may have a threat to national security. They can add any INGOs to the “not welcome list” based on PSB judgement. However, The officer from Chinese NGO says “There is no detail about how to judge which one is good or bad since now.” The law does not seal up the implementation details but gives PSB flexibilities. For example, INGOs that conduct activities in China shall legally register and establish a representative office. Unregistered overseas NGOs that wish to conduct temporary activities in China shall legally file a record (China Development Brief, 2016). However, the officer from INGO working in disaster relief argues that “it is not clear about what the procedures to legally register or file a record at PSB is, how to find a ‘supervisory unit’ prior to register, and how to obtain the consent of ‘supervisory unit’. Thus, as the officer from Chinese NGO says, “it is difficult to predict the opportunities for all INGOs generally without detailed guidelines or implementation plans.” Therefore, further studies should be conducted to generate other opportunities for INGOs if the details are published.

**Challenges for Chinese Government**

**First, it is a challenge for PSB to be in charge of a new area and a special group of objectives.** INGOs worry and suspect public security authorities serving as registration departments. The officer from INGO working in disaster relief mentions in the interview that “It is the first time for public security department to oversee and supervise activities of INGOs in China. I doubt PSB’s ability to manage INGOs, because PSB has no management experience in this area.” As officials from government says, PSB should collaborate with the Ministry of Civil Affairs and other relevant departments. It should be ensured that before the
law takes effect, INGOs’ activities will continue to be allowed to carried out. PSB should build up its ability from national level to grass-root level. It is very important to provide special training to their officials and let them communicate with INGOs and get a better understanding of INGOs’ needs.

**Second, effective and comprehensive guidelines under the Law are needed.** According to the interview, the officer from INGO working in disaster relief says “I care most about what the specific procedures, measures and guidelines that apply to how to establish ‘a representative office’, what belongs to ‘temporary activities’, and how to find the ‘supervisory units’. Detailed and comprehensive implementing guidelines are badly needed before the law implemented. The PSB should give INGOs enough time to learn about the rules and guidance so that INGOs can be familiar with the law’s content and their own rights and responsibilities.”

**Third, it is a challenge for “supervisory units” to sponsor and supervise INGOs whose activities across several fields.** Such as an INGO whose activities involve in fields of poverty alleviation, education, health and culture. It means that government departments of poverty alleviation, education, health and culture all have rights to take the responsibility to sponsor this INGO, but it is impossible for the different departments to gain sufficient information on the projects implemented in different areas and then reasonably allocate resources in these areas. This leads to low efficiency in the utilization of funds and technology. Meanwhile, there is no effective accountability mechanism for INGOs (Han 2011). Li-xin (2004) suggests a stable and systematic cooperation relationships and communication mechanism should be set up between related government organs and INGOs.

**Challenges for INGOs in China**

Challenges for INGOs after passing the new regulation are mainly on the registration difficulty because it is not easy to find matching “supervisory units”, tight standards and complicated procedure which may raise administrative cost may and the restriction on sensitive activities conducted by INGOs.
First, “dual registration and supervision” management approach may lead to escape registration of INGOs. Before registration at PSB, according to the law, INGOs must find a “supervisory unit” normally Party or government organs with similar functions. For example, an environmental protection INGO would need an environmental protection department from government to be its sponsor. However, both the officers from INGO working in disaster relief and Chinese NGO complain that “Such sponsorship is difficult to find, especially for INGOs whose activities across multiple fields.” As a result, INGOs cannot find relevant professional supervisory units and they cannot get registration at PSB. The officer from INGO working in disaster relief says “if it is difficult to find a ‘supervisory unit’ in government organs to sponsor his organization, my organization may choose not to register but keep identity as foreign enterprise registered with the Bureau of Industry and Commerce a couple of years ago.”

It is true, as Hao Yunhong declares, Head of Foreign NGO Management Office of the Ministry of Public Security, that it is a good facilitation measure by providing INGOs in advance with a published project category and directories of activity areas and professional supervisory units. The officer from INGO working in disaster relief still argues that “even if there is a published project category and directories, it is still difficult to find a ‘supervisory unit’ who is willing to be the sponsor and take the responsibility to manage the applicant.”

Second, INGOs may move out China due to tight standards and complicated procedure for INGOs. INGOs are required to submit annual work plan, budget, as well as report of each completed project, to both the supervisory agency and PSB (Denyer, 2016). The officer from Chinese NGO says “this requirement may raise INGO’s administrative and time cost.” The officer from INGO working in disaster relief complains in the interview that “such complicated procedure may raise our cost and we have to leave China as our back-up plan. Meanwhile, I also worry that my organization has to sacrifice its independency as INGO if the organization meets the requirement and standard of management organ.”

Third, INGOs conducted activities in the sensitive field such as human rights, labor and religion will be restricted. As mentioned above, this law provides powerful legal protections for the lawful rights and interests of an absolute majority of INGOs in China. However, Guo linmao told the press that “illegal behaviors or activities undertaken or funded
that touch the sensitive fields of Chinese government or threaten national security will
definitely be punished in accordance with the law.” The officer from INGO working in
environmental protection declares in the interview that “INGOs serving in the sensitive fields
such as human rights, labor and religion must be careful to take activities in China, because
Chinese government does not allow activities that threaten national security happen.”

Recommendations

Nearly, the past four decades have witnessed a rapid development of INGOs conducting
activities in China, driven by the opening of China’s market and its integration with the
international community. The majority of INGOs working in social welfare, poverty
alleviation, education, and public health are welcomed by Chinese government, because they
promote China’s economic and social development as well as China’s influence in the
international community. But a minority of INGOs focusing on political issues, human rights
and religions are distrusted and constrained by Chinese government as it may stir China’s
socio-political environment.

Because the lack of clear rules and guidance from governmental authorities on the registration
and management of INGOs operating in China, a large number of INGOs choose unregister
but live in a gray area in China’s legal framework. It is an obstacle for the development of
INGOs in China. To facilitate INGOs development, Yunnan Province issued the first-ever
regulations in China specifically governing INGOs in 2009 which is a successful example in
China. With the increasing number of INGOs carrying out activities in China, Chinese
government formulated and passed the first national level law- LMFNGO- to manage and
oversee INGOs in China. It brings China into a new era with a constructive legal framework
which benefit not only for INGOs and Chinese government but also for the cooperation and
partnership among international and Chinese NGOs as well as Chinese government.

However, challenges are coexisting with the opportunities for both Chinese government and
INGOs. It is safe for Chinese government to oversee INGOs by “dual registration and
supervision” approach both in PSB and government’s “supervisory unit”. But it is difficult for
INGOs, especially INGOs’ activities across areas, to find and get the consent of related
“supervisory unit”. It is easy for Chinese government to supervise INGOs activities and fund sources by submitting annual work plan and budget, but raise administrative and time cost for INGOs operating in China.

All in all, the enforcement of LMFNGO will definitely affect INGOs that are already operating in China or preparing to enter China, as well as the partnership between Chinese government and INGOs. Opportunities and challenges are coexisting for both Chinese government and INGOs. Under the context of Chinese current situation and international civil society, we propose some recommendations for both Chinese government and INGOs.

**Recommendations to Chinese government:**

First, Chinese legislative organs should persist in lawmaking with transparency. For decades, Chinese government has made great efforts to increase their transparency in case of legislation process. This is the key element to ensure fair and equitable treatment to INGOs. Detailed and comprehensive guidelines and rules are still in need. Before making these guidelines and rules, the legislative organs should always collect opinions from multiple stakeholders, consulting with experts in related fields and disclose lawmaking information process to public.

Second, PSB should cooperate with Civil Affairs department to carry out an overall survey of INGOs as soon as possible. There is no exact information until now about how many INGOs are operating in China and how well they are operating. This new law aims to administrate INGOs but the government has not fully understated the facts of objects. The lack of information creates a great barrier for PSB to administrate INGOs. A fully investigation on the current situation of INGOs working in China is essential to break down this barrier and it will also benefit future study of INGOs.

Third, in order to improve the efficiency and effectiveness of providing services to INGOs, PSB should simplify the procedures of INGOs registration and lower the cost of registration for INGOs. PSB must admit that government is not only a supervisor but also a public servant. PSB should provide essential services for INGOs in order to maximize the welfare that INGOs created. There are many strategies to improve the efficiency and effectiveness of PSB regulating INGOs. For example, it is significant to build up and refine a “database and information management system of INGOs”. All required documents of INGOs can be easily
uploaded and downloaded by a file management system and this information can be shared with related authorities.

Fourth, substantial training for PSB officials should be provided. According to our research, some INGOs are suspicious about PSB’s ability to regulate INGOs because they believe that public security authorities have no experience serving as a registration department. In order to improve the capacity of PSB to fulfil the new needs of this law, PSB should build up its ability from national level to grass-root level. It is vital to provide special training to their officials and let them communicate with INGOs and get a better understanding of INGOs’ needs.

Fifth, in order to give INGOs enough time to learn about and get familiar with the rules and guidance before the law implemented in 2017, legislative organs and PSB should accelerate the policy making process of comprehensive guidelines and rules. There are many significant questions need to be answer on the guidance. For example, how to establish “a representative office”? How to define “temporary activities”? How to find the “supervisory units”? A fair and clear accountability mechanism should also be established by the guidance. Detailed and comprehensive implementing guidelines are badly needed before the law implemented.

Recommendation to INGOs:

First, INGOs should do research on the new law and fully understand INGOs’ responsibilities and rights in the law. It is important to protect legal rights of INGOs on the basis of knowing their rights. Besides, paying attention to what kind of activities are illegal is also a way to protect their own rights. INGOs must follow the new regulation seriously in order to keep their legal status.

Second, INGOs should make active efforts to participate in law making process. The more the voices and needs of INGOs are heard by legislator, the better for the legislators to understand INGOs and make reasonable detailed and comprehensive rules for INGOs.

Third, INGOs should seize the opportunity of cooperation with Chinese local NGOs. Chinese local NGOs are one of the most important partners in China. It is not only good for Chinese domestic NGOs to learn from INGOs and carry out programs collectively with INGOs, but
also essential for INGOs to cooperate with Chinese domestic NGOs for improving their efficiency in adopting local conditions.

Fourth, INGOs should strengthen the communication and cooperation with PSB and other government organs. PSB will have the right to suspend any activities if PSB think those activities may have a threat to national security. They can add any INGOs to the “not welcome list” based on PSB judgement. Under this context, INGO should carry out more dialogue with PSB. A stable and systematic communication mechanism among related government organs (PSB and “supervisory unities”) and INGOs should be set up.

**Conclusion**

The passage of *The Law on Management of Foreign NGOs’ Activities* in China (LMFNGO) totally changed INGOs’ embarrassed environment of uncertainty and unclear regulatory since 1980’s. Because it is the first law on the management of INGOs operating in China which drew concerned attention of many INGOs and raise a number of doubts, it is necessary to have a correct interpretation of this new law from both Chinese government and INGOs aspects. We utilize various sources of material such as scholarly literature, government reports, and funding agencies report to gather information and conducted qualitative interviews with key individuals from some INGOs working in China and Chinese NGOs who have partnership with INGOs. We find that opportunities and challenges for government, Chinese and INGOs are coexisting. There is a potential space for the collaboration between government and INGOs, as well as domestic NGOs.

However, it is difficult to predict more opportunities and challenges for government and all INGOs generally without detailed guidelines or implementation plans. Therefore, further studies should be conducted to generate other impacts and cooperation ways for government, INGOs and domestic NGOs if the details are published. In the future, as the regulatory environment improves and China influence and status rises in the global community, the strategies of Chinese government and INGOs in China will undoubtedly change but the roles and partnership relations will continue to be defined by the collaborative approach between government and INGOs. Furthermore, Chinese NGOs have already gone out for international cooperation, and they will face the restraint of local laws in the countries where they are
How to provide better services and collaborate with local government is a new topic worthy of in-depth research.

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http://siteresources.worldbank.org


Lu, Yiyi (2005). The Growth of Civil Society in China Key challenges for NGOs [J] Chatham House, 05/01


Abstract

Using the example of Indian NGOs that receive funding from international sources, I examine how, in the last three years or so, this tenuous relationship between the state, NGOs has evolved. This is happening, in the context of renewed call for ‘development.’ Since the liberalization of Indian economy in 1991, the very idea of development has been radically changed, from its earlier Gandhian focus of ‘self-development’ and as a result, there has been a redefinition of government-NGO relations. I offer an analysis of how the ‘truth’ about development is being defined by the groups and what it means for the democratic character of the country.

Using Corporate Social Responsibility – as a proxy for globalization- and International NGOs working in India as examples, and contextualizing this in the field of environment sustainability in India; I suggest that there is a great tension in terms of who defines the ‘truth’ of development. In terms of implications, I suggest that this phenomenon of creating a new ‘discursive regime’ has an impact on how pluralism and democracy are understood and framed. In a political economy dominated by religious and cultural values, this paper examines some urgent and important issues that are at the core of the very idea of democracy in contemporary India.

Keywords: Development, India, NGOs, globalization, discourse
Introduction

In his book *Development as Freedom* (1999) Amartya Sen’s framing of development as ‘freedom’ is an important one, and one that can help us understand some of the recent developments in Indian system of governance. His call is to look at development beyond just measures of Gross Domestic Product (GDP) or other measures such as household income – which though are necessary conditions for achieving freedom, are not sufficient. As he argues for a nuanced understanding of both markets and the idea of development, his insight that “economic unfreedom can breed social unfreedom, just as social or political unfreedom can also foster economic freedom. (p.8)” by ‘unfreedom’, Sen means the lack of ability to freely participate in any system, either due to restrictions on movement or labor force practices (slavery, community identity etc.). Sen’s framing of development is inclusive, encompassing economic, social and political considerations. His definition of freedom includes these five elements: political freedoms, economic facilities, social opportunities, transparency guarantees and protective security. For practical purposes, I will use his definition of development, in this article, as a point of comparison for examining the various definitions and discursive formations of development.

This leads to the question: who defines what is ‘development?’ How are International NGOs and Indian firms (that are engaging in Corporate Social Responsibility (CSR)) defining development? And what does this mean for the way the discourse of development has evolved, in the context of inter-connecting relationships between the various actors – the state, corporate entities and NGOs, in India? This paper will seek to answer these two inter-related questions. The discourse of development in India, until recently, has been dominated with the need for the state to spend more on education, healthcare or employment generation (Shariff, 2015; Sen, 1999). While the discourse of state-led development has been prevalent for many decades from the time of India’s independence, as several scholars have pointed out, this is changing, with a renewed focus on other actors, such as the corporate sector, NGOs – both local and international – taking up the mantle of fighting for this change.

Using Corporate Social Responsibility – as a proxy for globalization- and International NGOs working in India as examples, and contextualizing this in the field of *environment sustainability* in India; I suggest that there is a great tension in terms of who defines the ‘truth’ of development.
In terms of implications, I suggest that this phenomenon of creating a new ‘discursive regime’ has an impact on how pluralism and democracy are understood and framed. In a political economy dominated by religious and cultural values, this paper examines some urgent and important issues that are at the core of the very idea of democracy in contemporary India.

The way that development has been defined in India, can be broadly classified as either: economy driven or ‘values’ driven. While these categories are not dichotomous, they have been framed as such; by each of the actors, involved. And this has varied, across both space and time. Within the administrative system, the understanding of what constitutes development has varied – with the pre-Independence India, led by the British focused on developing Indian markets for exports from Britain, which can be considered a very economy led discourse of development. With Independence came a new understanding for the need of self-sufficiency. The current debate is not whether the sort of development that India needs is one based on state led intervention or one led by the corporates, but there seems to be a consensus that the state should enable the corporate sector to achieve its goals. There is very little debate going on and there seems to be a concerted effort by the state apparatus to enforce its version of what constitutes ‘development.’

While each of the three actors, the state, corporate sector and the NGO sector each advances their own version of what constitutes ‘development,’ there is convergence and divergence in their visions. Recent controversies such as the de-registration or barring of working of over 9000 NGOs in India is one more example of not just the coercive power of the state, but also the clashing of visions of what constitutes ‘development’ and for whom². The government justified this stance by using the Foreign Contributions (Regulation) Act (FCRA) and arguing that the NGOs in question had violated the norms under this act, by indulging in ‘political acts.’ While their activities (which are largely in the environmental realm) may deemed to be political, broadly defined; but per se, they were carrying out their work and were purely ‘technocratic,’ as far as their work is concerned. The most famous of these NGOs is Greenpeace, which has since stopped operating in India.

As a recent investigative piece points out, this controversy could be linked to the ongoing struggle that Greenpeace is engaged in, to stop mining in parts of India by Essar

² For more, see - http://www.ishr.ch/news/india-end-legal-restrictions-against-civil-society
Energy, a large conglomerate. The Guardian report points out that “Essar Energy was one of two companies licensed to mine in Mahan; Greenpeace argued that the filthy process of mining coal would pulverize acres of forest and displace thousands who lived in the area.” This debate is playing out in the context of the promises made by the present administration led by Mr. Narenrda Modi, who came to win the elections on the promise of growth and stabilizing the Indian economy.

Viewed from another perspective, this ‘technocratic’ decision by the Indian state to bar these NGOs from working amounts to a ‘values’ led attack, while couching it in the discourse of ‘technocracy.’ As Dwight Waldo has argued in his book *The Administrative State* (1948), wherein he argued that democratic states are underpinned by bureaucracies and despite the fact that efficiency is touted as the main aim of government, it is ‘service’ that is of central relevance to the work of these agencies. While Waldo argues that a government cannot be run like a business and this line of thinking has become quite steeped in classical public administration literature and praxis, the new wave of business thinking and discourse of development has reinforced the counter view: that government must be run like a business and be ‘efficient,’ treating citizens like clients. This debate is also playing out in India, where the teaching of administration and its practice has been heavily influenced by American thinking. Indeed, the Dean of Maxwell School of Citizenship and Public Affairs, Paul H Appleby worked as a consultant, helping set up the Indian Institute of Public Administration.

Indian government, Corporate India and International NGOs – the trinity of ‘development discourse’ in India

In a review of the state of development in India, Rahul Menon (2011) suggests that the key tension one must pay attention to, when analyzing the development discourse is one of state-led development and one led by the private sector, or capital accumulation. He points to work of Eric Reinert and Friedrich List, two social scientists whose work has argued for greater state-led intervention in insuring that the economy is well equipped to perform its functions and private industry is able to reap the rewards of a system that is well functioning. He also

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3 For more, see - http://www.iipa.org.in/profile.html
points to the work of Shafeaddin (2005) who has found that only after its industries were fully functional, under protectionism did England start advocating free-trade. The case of South Korea, he argues points to the role that a state can play in increasing the material well-being of its citizens, even if it comes at the expense of labor rights. In the case of South Korea, the state sided on the side of capital, against the labor, he suggests. According to Sen’s argument, this may not a substantively or normatively ‘good’ case of development, even if materially the citizens are well off.

Gilbert Rist’s argument that development has origins in the Enlightenment era and a modern revival in the Point four program of President Harry Truman is worthy of consideration (Rist, 2009). His insight that GDP has been lionized above all else may resonate with others such as Amartya Sen, who has argued as much in his Development as Freedom (1999). Rist’s critique that development has become a ‘fetishized term’ that has become a ‘modern religion’ that is often accepted without any critique is worth examining, in the present case – where economic development has been trumped as all important and displacement of people, deforestation and other ills are brushed off as incidental collateral damage to be ‘managed,’ by both the state and the corporate sector. The Greenpeace controversy and others that preceded it, such as the Narmada Bachao Andolan (NBA) are both products of this development discourse.

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<th>Era</th>
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If one examines this table, one sees that the three sectors: Government, private sector and NGOs each played a different role. While the NGO sector did not exist in an organized manner (though if one considers the self-help groups and other forms of cooperative societies that existed), then they may be broadly considered as NGOs.

Pre-independence:

This era was marked by India serving as the provider or raw material, which was shipped to Britain; who in turn shipped back finished goods, back to India (Menon, 2009; Saul, 1960). This model served the British well, while decimating the local cottage industries. One of the pillars of the nonviolent movement that Gandhi led was a return to local manufacturing or Swadeshi model of development.

1947-1990

This phase was marked by state-led development projects, when industries were characterized as the ‘modern temples’ in India by the first Prime Minister, Jawaharlal Nehru.

1991-Present day

With the liberalization of Indian economy in 1991, the corporate sector, INGOs and even the state have had a strong voice in defining development. The cacophony of voices is sometimes interrupted by a singular shout for reform and constraining the government’s overreach, when cases such as the Greenpeace emerge, to shock the world.
While I have characterized International NGOs under one umbrella term, they are also a wide range of entities; with varying political and ideological commitments. The way these NGOs interact with each other and with the existing power-structures is also not uniform. There is no homogeneity among these entities. There are free-market enterprises which collaborate and work with free-market thinktanks (some collaborate with CATO and others), and others which are left-leaning. The manner in which the NGOs negotiate space in the Indian landscape is complex, as scholars have pointed out. This call for a multi-pronged approach to development, involving civil society is somewhat new, having found traction only post 1991.

One can see this argument being made by those in the policy sector, as well as scholars. A new book titled *Institutionalizing Constitutional Rights: Diversity, Equal Opportunity, and Socio-Religious Communities in India* by Dr. Abusaleh Shariff, former member of the Sachar Commission. The Sachar Commission was a major initiative to evaluate the progress that the religious minorities have made in India, post independence (Shariff, 2015). Shariff’s analysis is poignant as it places the context of today’s debates, which are taking place in the context of economic liberalization (which is assumed to be normatively good) by both the administration as well as the middle-class, which has enjoyed much benefit, from it. Shariff argues that the early leaders of India’s freedom movement, in particular Nehru, India’s first Prime Minister believed that “socialism along with secularism and democracy to be integral for transforming India into an equitable and just nation.(p.3)” This thinking prevailed until the 1980s, when the government started moving control on various apparatus of production to private hands. This process culminated in 1991, when India’s then Finance Minister (Dr. Manmohan Singh) helped liberalize the economy.

The core thesis that the book is built on, is that, despite the progress made by India in terms of growing its economy and access to global markets; the development has not been equally distributed among its various groups. Taking the case of Indian Muslims, Shariff analyzes how these groups have been left out of development planning. Whether it is access to scholarships, jobs or government granted loans, the indicators are all there for us to see, Shariff argues; and the picture is not too pretty, he warns. Shariff argues that development must be carried out...
guided by civil society actors, who push the government to act in ways that are conducive for the benefit of those who receive its services.

**Discursive space of ‘development’ – realigning priorities and structures of governance**

The discourse of development has shaped India’s destiny. The kinds of subjects who were to be formed varied – from Gandhi’s insistence on producing self-sacrificing subjects to the capitalist, efficient subjects that are sought after by the present day ruling Indian elite. The current ‘regime of truth’ about development is characterized by a focus on growth of the economy, embrace of globalization, with ambivalence to the values that it brings.

Michel Foucault is one of the more insightful observers of power in the public realm. I suggest that his analysis of state power could be applied to the study of discourses of development, especially in the context of India. As Foucault suggests, “But I'd like to underline the fact that the state's power (and that's one of the reasons for its strength) is both an individualizing and a totalizing form of power.” This power could be considered ‘salvational’ in the sense that it is individualizing and seeks to reform the individual as well as the collective. Given the discourses of development being framed in a context of reform of Indian civilization and culture, in an ultra-nationalistic mould, I suggest that this is almost a transcendental framing of development, which is unique, in many regards.

As Foucault suggests, a study of ‘how’ power is exercised in this context – in the relations between the various actors can be a useful exercise that will shed light on how development is being framed and understood. Consider the example of Process of Black Communities (PCN), a group in Colombia. Arturo Escobar has offered a compelling critique of the discourse of development in their case and suggested that what we call development, has failed to bring any rewards to these people and those in power to define this process have not been cognizant of this fact. The notion of “development” is also important, as he points out that groups such as the World Bank and others jumped onto the bandwagon of development and tried to bring this to the local people, with several disastrous consequences.
Escobar suggests that the “re-imagination” of modernities through the formation of co-operatives, the efforts to create shell-fish marketing groups among others are seen as an effort to link literacy, history and economy to preserve and convey a sense of continuity, through means which the local groups have control over. These are conversations going on in social theory and movements. The ontological politics take place are based on conflicts are about different visions of the world, and are not seen as such. This case in many conflicts, and this is about different visions – and the question is: can this vision of originality give us some insights into how we can solve them? Escobar points out that there is a deep relationship maintained between the people and nature, which is inseparable. This is an embedded place, where the ‘Concheras’ or Shell collectors are struggling to survive. Projects such as Plan Colombia – a U.S funded project, involving fumigation of projects, have displaced and destroyed several indigenous practices and created complex dynamics in the region. The poverty, internal displacement of over 3 million blacks in Colombia is not well known. The fact that over 65% of Colombians live below 2 dollars a day adds to the complexity of the discussion.

Escobar’s is a searing take on the politics of development, the nature of identity, political economy of Colombia and also of how historic narratives are alive and kicking in a region which is strategically important for not only Latin America, but rest of the world (Escobar, 2008). Similar cases exist in India, with the ‘regime of truth’ defining ‘development’ of adivasis or the tribals; the central question needs to be asked: Who is the development for, and how are we doing it? What are the power relations involved here? Is there fairness in how this process is being carried out?

A Foucauldian analysis of power relations in this discourse of development would ask the following questions: a. who is defining what sorts of development should take place. B. For whom? C. By what means d. What are the rules defining this form of development e. What strategies are being put in place to enforce these rules? In the Indian case, it is indeed the foreign funders of projects – both commercial and non-profit, the International development agencies, World Bank and IMF, Private investors in the private sector and the Indian government itself.

Another empirical example of this discourse of development (in the case of sustainable agriculture) not going too well comes from Trent Brown (2016). Brown’s analysis comes from
three case studies of NGOs in India and how they interact with other structures of Indian society and the government agencies. Using the example of civil society organizations in the sustainable agriculture field, Trent Brown argues that they must build relations with five entities: the state, donor organizations, activist networks, rural elites and the rural poor.

“Strategic decisions must be made regarding which of these entities are prioritized and, for a variety of reasons, the leaders of sustainable agriculture organizations often prioritize relations with powerful actors rather than the rural poor, (2016, p.381).” This means that the voices of the poor do not get reflected in the decisions that are made, nor in the priorities that are set.

Brown also points to existing research that has uncovered the fact that the middle-class technocratic managers of these NGOs are more interested in “being well-networked in global activist communities over genuinely representing the perspectives of their constituents (Shah 2010; Herring 2008).” So, being caught between International donors, the government agencies and their NGO managers, the rural poor do have a stark choice to face when it comes to following the discourse of development: Do they participate in this process at all or remain inactive in these networks of power and access to capital and information? Do they just participate – in a token manner – in the ‘how’ of the development implementation or get to actually decide the ‘what’ of these initiatives?

Once again, it seems that the discursive space for managing ‘development’ is constrained by several forces and the beneficiaries of this process of development; and the recipients of this development have very little access to what sort of ‘development’ they will undergo and under what constraints. Other scholars have pointed out that the agrarian poor have intimate knowledge of the local conditions and know exactly what is to be done, in the case of a crisis. This also brings to focus the question of access to public sphere and platforms where the poor can articulate their visions of what sort of development. Once can see how the middle class NGO managers become ‘representatives’ of the development process (Chatterjee, 2004). Brown further suggests that while there are claims by scholars that there are two sources of accountability claims on these actors: donors and constituents (Gray, Bebbington, and Collison 2006; Ghosh 2009; Petras 1999), there is another perspective that apart from this bipolar perspective, there is a multipolar perspective, where these NGOs can be seen as being embedded in multiple networks of donors, recipients, government agencies etc. which pull their accountability in many directions( Dixon and McGregor (2011).
On the other hand, the process of controlling how NGOs function is done through the FCRA act, and the state can just cancel the registration of those it deems too political (Jalali, 2008). As per Brown, many NGOs with foreign donors are kept passive by this threat and it only takes a certain kind of fearless organization to go against the goals of the state apparatus. Even in the field of environment activism, the NGOs lack a genuine grassroots support, and hence, they make up for it by forming networks in metropolitan areas, with other organizations and groups that share similar language, social networks access. This, one could argue, is a 'discursive regime.'

Greenpeace in India – an alternate vision of development or an ‘anti-national’ agent?

One of the most recent and hi-profile case of a clash of development discourses is that of Greenpeace. The recent move by the Indian government to de-register the NGO, which has international ties, on the suspicion of ‘carrying out anti-national and anti-development’ activities, highlights the tension in how development is being pursued and what alternate visions exist.

The intelligence report bureau that the Indian government has used to take actions against Greenpeace suggests that the organization is indulging in anti-national activities, by providing fodder to foreign governments, to act against India’s interests. While this may sound like a case of gossip or conspiracy theory, the manner in which this investigation has unfolded suggests not only a clash of visions and discourses, but an active ideological leaning on part of the government to quash any dissent.

While Greenpeace has always been provocative in its stance – and as the Guardian report suggests – it takes provocation to the limit, to not only bring attention to an issue, but also to push those in power to seek remedial actions. If one considers the claims made by the Intelligence bureau (IB), all the NGOs mentioned have taken on causes such as shutting down a nuclear plant, stopping the functioning of a coal mine or similar infrastructure project. These projects are not only necessary for India to ‘develop,’ but are also hi-visibility projects; that

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4 For a media analysis of Greenpeace’s struggles in India, see https://www.theguardian.com/world/2015/aug/11/indias-war-on-greenpeace
have garnered a lot of attention, but domestically and internationally. Given the ultra-nationalistic rhetoric of the present day BJP led government, there is reason to believe that development has also become an ideological tool, much more than a purely scientific or technical issue. The discourse of development and social progress that the political party promotes is not completely representative of the ground reality, as scholars and activists have pointed out (Shariff, 2015; Atterberry, 2012).

In terms of impact on governance and development agenda, Greenpeace seems to have taken a confrontational position, vis-à-vis the mainstream development discourse. This has prevented the organization from having meaningful impact on the policy realm, suggest scholars Hauger and Salman (2014). Though this is a recent development, there has been some effort to understand the dynamics of this discourse – which seeks to discipline and punish those who are outside of its parameters. The Indian government has been strident in its efforts to project an image of neutrality and fairness, all the while suggesting that it is for development and progress. This is occurring, as the government is cracking down on NGOs that work in India, which have donors in foreign countries. The venerable Ford Foundation, which has so far had a strong relationship with the Indian elite, has also come under the scanner and its relationship with the state seems tenuous5.

Why is this happening? And why now? One possible explanation could be that in its quest to show that the country is ‘developing’ and making progress, while keeping up the current growth in the economy, the Indian state is ensuring that while foreign direct investment stays steady or even improves, it restricts the flow of ideas and challenges to its hegemony from the West. The Indian state is saying that it wants to enjoy the fruits of globalization, without indulging in the politics that accompany it.

**Conclusion: What does all of this mean for understanding development in India?**

As the debate regarding environment sustainability demonstrates, one might be forced to step back and ask: what sort of development does India need, and for what purposes? If it is the state apparatus and the corporate sector defining what constitutes ‘development’, then this may

5 For more, see http://www.reuters.com/article/us-india-ngo-politics-idUSKCN0RV4B620151001
be at odds with the aspirations of what certain NGOs and groups want – as the case of Greenpeace demonstrates. This debate is taking place in the context of a discursive space, that is defined in opposition to various interests and values – localism vs. globalization; protectionism vs. exploitation. Note that the Greenpeace’s registration was cancelled for ‘working against the economic interests’ of the country. This may be interpreted as being a direct clash of two value systems – one which seeks to promote economic growth, at all costs (the Indian state’s position) and that of Greenpeace which seems to be questioning this dimension.

While there is some truth in the argument that the discourse of development that Greenpeace is not entirely ‘grassroots’ based on the needs of those living in India – who, through elections have voted for Mr. Modi’s brand of development- there is also reason to suspect this line of questioning, which is based on a narrow, nationalistic reading of who is supposed to set the agenda. One could read the current scenario as a clash of visions of two elite – the ruling elite in India and the elite among policy and NGO sector, internationally. So, is ‘development’ a purely technocratic discourse or one laden with values, assumptions and underlying interests that no one wants to really discuss?

One might even recall the prescient words of Dwight Waldo, when he said that “It is important also that the rise of public administration occurred during the golden age of private charity. In the past fifty years billions of dollars have been contributed, chiefly by the business community, to found and support dozens of activities which in other civilized countries are undertaken by the State. (1948, p.22).” Is the discourse of CSR just a convenient mechanism to pacify those who are left out of the development discourse, or is it a genuine effort to include others – especially those who are too vulnerable to fight for their own rights? Considering the amount of influence that corporate foundations and hi-networth individuals enjoy, both in India and other economies; there is reason to raise these questions. The power to define what sort of development should happen, to set an agenda is clearly moving away from elected representatives to those with money – with the increasing co-opting of the business discourses in government’s functioning in India.

Finally, Brown’s observation that “In their attempts to secure access to resources and moral legitimacy, organizations often formulate solutions designed more to impress outsiders than to
meet communities’ immediate needs, (2016, p.398)” needs to be heeded when analyzing the
discourses of development in India – especially, when a global issue such as environment or
climate change is concerned. Given the amount of foreign donations involved and the
intermeshing of interests, there is potential for the original agenda of an NGO or organization
to be lost, along the way. As one can see, there are multiple stakeholders in this scenario and
the business of ‘developing’ a country is rather messy and multi-pronged.

As Ananta Giri writes in his book *Knowledge and Human Liberation* (2015), the politics of
consumerism should be also seen in the context of the ethics of consumption and production.
While the Indian economy has transformed over the last two decades, there has been a shift
not only in the way that Indians think and feel about themselves, but also in terms of which
discourses they find themselves a part of. In the new era, where globalization dictates not only
what the middle class Indian eats and drinks, but also what one thinks, development has
become a ‘religion’ of sorts; with its own dogmas and beliefs, that are hard to question and
dislodge. Giri’s analysis that the Swadeshi movement was an act of political consumerism, that
sought to replace the imperialistic consumption patterns with something local are important, in
this regard. What we are witnessing - with the global CSR, NGO movements and the reaction
of a government that is ultra-nationalistic – is a sort of similar reaction, but one that is
exclusive and deeply prejudiced against anything that challenges its hegemony.

The push-back against foreign NGOs and globalization is not only coming from left-
leaning parties, but also from the right-wing. One example of this is the Swadeshi Jagran
Manch (SJM) an umbrella organization of the BJP, and it is a critic of globalization. As Giri
suggests, “though its political wing, the Bhratiya Janata Party, is the leading partner of India’s
ruling coalition, SJM is fighting against multinational companies” (Giri, p.212). As one can see
in this case, the push-back for restricting development and its agents is coming from not only
the foreign sponsored NGOs, but also from within the ruling establishment. But each one is
approaching this agenda with a different perspective and a different goal in mind.

In this analysis of what has become a Neoliberal state, the Gramscian insight that the ruling
ideals of any age are those of the ruling class seems quite apt. As Brown has shown, through
his case studies, discussed earlier, the development agenda is already decided by the state, while
“Participation is reduced to questions of how these models are implemented, and that, too,
often comes under the influence of local elites. (2016, p.400). It is the ruling elite that are defining ‘development,’ and the discourse of development is operating under this ‘truth regime.’

References


9. Four Ways in which Social Accountability and Open Government Interventions Bridge the State and Society

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Abstract

Social accountability and open government approaches to improve the provision of public goods and services increasingly prioritize collaboration, constructive engagement, and co-production between state and civil society actors. This explosion does not come in a one-size fits all model of collaborative engagement. Yet, we know little about the conditions under which different forms of collaboration evolve and bring about change. This paper seeks to contribute to the literature and practice of collaborative engagement by presenting a typology of state-society bridges through social accountability and open government interventions.

It identifies four types of collaborative engagement - inclusive, targeted, restrictive and detached - as a result of a theoretical-empirical exercise that focuses on the interaction between context, strategy and organization as three interrelated variables that jointly have greater potential to account for results than each one of them separately. To operationalize the variables, the paper identifies four key dimensions in the literatures and practices of social accountability, open governance, and co-production of public services and control. These are: (i) capacities of the partnership; (ii) harness the context; (iii) complexity of strategy; (iv) adaptability for learning
The paper then illustrates the types and the potential of this heuristic device for understanding when, how and why different forms of collaboration could shape change on the ground, by looking into a series of local social accountability and open governance interventions in select Brazilian cities. Our initial focus is research conducted in 2015 and 2016 about initiatives across Brazil that bring together citizens and CSOs (including professional and business associations) - use the expertise of local citizens/professionals to help (working with) public agents to reduce corruption and the waste of public resources, the lack of qualification and the discontinuity in public policies, projects and services. We then extend the analysis to other Brazilian interventions, including state-led ones.

The Brazilian experience suggests that, in the implementation of collaborative open government and social accountability strategies, the actions (as opposed to static plans or structures) serve as bridges between components of the state and elements of the societies to which they belong. Different types of bridges can help make inroads in understanding the potential and limits of state-society engagement to tackle public policy and governance problems. It is important to consider that the diverse local political contexts in which action happens shapes and, over time, can be shaped by their organizational structures and strategies that make up different forms of engagement. Yet, progress is neither automatic nor guaranteed, strategies can revert in less promising directions. In fact, state-society collaboration fits with context, strategy and organization and delivers after cycles of experimentation and learning rather than as one-shot instances of engagement.

**Key-words:** social accountability; open government; co-production of control; governance in Brazilian municipalities.
Four Ways in Which Social Accountability and Open Government Interventions Bridge the State and Society

The eruption of new state-society bridges

Social accountability and open government approaches have grown exponentially around the world in the last decades (Grandvoinnet, Aslam, & Raha, 2015; Edwards & McGee, 2016). We have seen an increase of efforts to extend and increase the capacity of citizens to mobilize and act beyond elections through a range of tools and tactics that aim to tackle policy-problems, and to co-produce solutions (Ostrom, 1996; Brandsen & Honingh, 2015, Schommer et al., 2015). These efforts also aim to trigger needs-based responses to service delivery challenges, hold accountable the state officials and service providers and/or bring about redress.

Examples of new practices in this field include Moldovan and Filipino civil society groups contributing to improved education outcomes (Vlad et al., 2016a; 2016b; Guerzovich & Rosenzweig, 2013), groups in Ghana, India, South Africa, and Argentina, among other countries, monitoring fiscal flows (IBP, 2016). In Brazil citizens have mobilized for the approval of the Clean Record Act (Lei da Ficha Limpa) that aims to bar corrupt politicians from running for office, and civil society co-producing control with Audit Institutions (Doin et al., 2012; Schommer & Guerzovich, 2016). While many of these efforts have grown from organic demands in each country, others have been imported from outside. Either way, social accountability and open government efforts are often linked in different degrees to broader international networks and flows of technical and financial resources.

Internationally, there is a growing bet that there are governance and development problems that are more likely to be solved by transforming the adversarial culture of state society engagement that has historically driven social accountability and open government advocacy. This bet does not mean that collaboration is helpful for all problems and situations. There are instances in which constructive engagement approaches may not be available to drive desired social change, leaving citizens to resort to more adversarial forms of engagement (Guerzovich & Poli, 2014; OGP, 2015; GPSA, 2016a). Nevertheless, many stakeholders are increasingly supporting social accountability approaches that prioritize collaboration, constructive
engagement, and co-production across state and civil society actors. Yet, we know little about the conditions under which collaboration emerges and new bridges shape up and work on the ground, amid recent efforts to discuss confrontation vs. collaboration (Kosack & Fung, 2014) and the conditions of development of collaboration that produces change (Guerzovich & Moses, 2016). In so far as collaborative engagement takes different forms and plays different functions we know little about which types are better suited to contribute to desired outcomes in particular circumstances.

This paper seeks to link theory and practice and contribute to this debate. We argue that the Brazilian experience suggests that the implementation of open government and social accountability strategies – the actions rather than the plans or the structures - serve as bridges between components of the state (organizations) and elements of the societies (organizations) to which they belong. The diverse local political contexts in which action happens shapes and, over time, can be shaped by their organizational structures and strategies. State–society collaboration fits with context, strategy and organization fit and deliver after cycles of experimentation and learning rather than as one-shot instances (on open governance as experimentation, see Hudson 2015 and 2016).

In the next section, we deepen the discussion of the state of knowledge in the field. The reflection helps us identify a working presumption: collaborative social accountability and open government interventions are more likely to be effective when the articulation between strategy, context, and organization reinforce each other. Still, these three factors vary so, how does this interaction look like in practice? Section III introduces a typology of collaborative engagement for social accountability and open government interventions. This typology was developed from an inductive-deductive exercise, mapping different ways in which Brazilian Social Observatories - civil society groups and organizations (CSOs) engage with their state partners and local sociopolitical contexts. In Section IV, we illustrate the types with the case of five cities in Brazil and explain why and how different types can be associated to different pathways to effective results. In Section V we conclude discussing implications of our analysis for efforts in the field focused on supporting and/or implementing collaborative forms of engagement in the social accountability and open government fields.
Social Accountability, Open Government, Co-production

The bet on multiple possibilities of mutual engagement between public servants and citizens to deal with public problems and to deliver public services is a common element of the concepts of social accountability and open government. Both can be associated to the concept and practice of co-production of public goods and services – a field that has generally evolved in parallel. While recognizing the novelty and evolving character of these concepts, in this paper we consider them as:

**Social accountability** is the extent and capacity of citizens to mobilize and take actions beyond elections to engage, trigger needs-based responses, hold accountable the state officials and service providers and/or bring about redress (Grandvoinnet, Aslam, & Raha, 2015). Constructive engagement approaches to social accountability are a subset in which citizens privilege acting as partners and cooperating with select service providers and/or public officials to achieve joint goals – as opposed to confrontational, adversarial strategies that are perched on the development of countervailing power (GPSA 2013, Fung & Kosack 2013).

**Open government** is a novel concept, with conceptual ambiguity or fuzziness around it (Edwards and McGee, 2016). According to the Open Government Partnership (OGP), open government is premised on citizens, civil society and governments working together, sharing interests to tackle governance and development challenges. Sustainable transparency, accountability, participation and responsiveness of government to their own citizens, sometimes aided by technology, are key components of this approach (OGP, 2016).

**Co-production** - a strategy to design and deliver public goods and services through the mutual and continuous engagement of government and citizens (users), which share power, resources and responsibilities, in a hands-on approach (Verschuere, Brandsen & Pestoff, 2013; Brudney & England, 1983; Salm, 2014). In a classical definition from the 1970’s, Ostrom considers co-production as “the process through which inputs used to produce a good or service are contributed by individuals who are not ‘in’ the same organization” (1996, p. 1073). The co-production can occur only in the phase of design or planning of a service; only in the phase of implementation or delivery; or both in the design/planning phase and delivery/implementation phase (Bovaird, 2007; Brandsen & Honingh, 2015).
As can be inferred from the discussion above, co-production, social accountability in its collaborative form, and open government are distinct but partly overlapping concepts and practices. Their shared goals (improved policy and institutional outcomes), multi-stakeholder nature, and common pillars such as transparency, state-society engagement and accountability mechanisms link them. Many times one helps to operationalize the other.

Regarding the connection between social accountability and co-production, it is particularly relevant the notion of co-production of information and control. That is “a mutual and continuous engagement between regular producers of information and control in public administration (government agencies) and users or those interested in information and control (citizens, individually or organized into councils, groups, and associations)” (Schommer et. al, 2015, p. 1377). Public information and the control of public administration can be considered as public goods that are essential for accountability, particularly for social accountability in its collaborative form, which emphasizes the interaction between citizenship and government.

As social accountability and open government action has exploded, so have efforts to map different types of social accountability and open government efforts and understand whether they actually achieve results (Carter, 2014; Westhorp et al, 2014; Baltazar & Sepúlveda, 2015; Renzio & Wehner, 2015; Carothers et al, 2016; O’Meally, 2013; World Bank, 2016a; World Bank, 2016b). Collectively, these reviews suggest that social accountability and open government interventions can produce results, in other words, the concept has been proven (Fox, 2014). However, we know less about when social accountability and open government is on average more likely to produce results.

One of the reasons identified by the literature for this knowledge gap is that social accountability and open government interventions aim to tackle complex service delivery and political problems (McGee & Gaventa, 2013). This means that the pathway between an intervention and a desired result is rarely certain and linear. Rather, than thinking in terms of standard theoretical prescriptions that travel across contexts and asking why certain solutions work on average or not, many researchers argue that we need to start by asking when and how different forms of social accountability and open government interventions work (or not) as they interact with concrete environments. In other words, the literature asks us to look deeper at the interaction of contextual factors (O’Meally, 2013; Guerzovich & Rosenzweig, 2014;
Kosack & Fung, 2014; Grandvoinnet, Aslam, & Raha, 2015; World Bank, 2016a) and types of interventions (or processes) as the key to understand results (Sharma & Rocha Menocal, 2008; Falleti & Lynch, 2009; Guerzovich, 2010; Guerzovich & Moses 2016). We do not know under which conditions long-term, multi-stakeholder, multi-pronged and adaptive efforts that harness the context (or strategic approaches) work. Yet, we know that standard tools deployed by individual actors over short-periods of time (or tactical approaches) rarely do suffice to navigate complex politics and achieve sustainable transformational results (Guerzovich 2010, 2011, Guerzovich & Giraudy 2011, Guerzovich & Poli, 2014b; Fox, 2014).

We also have some research, and much anecdotal information, that organizational variables are also likely to help us understand in tandem with context and strategy whether social accountability and open government interventions pay-offs (Guerzovich & Moses 2016; on the more general point Dasandi, Marquette & Robinson, 2016). In fact, many have argued that interventions are limited by design in so far as interventions in this field, and in development more broadly, are shaped by civil society groups’ needs to attract funds (e.g. Cooley & Ron, 2002) and work with advocacy models that are not fit for purpose (Guerzovich, 2010, 2011; Halloran, 2015). These organizational factors, however, are only some of the variables that can be at play in these types of interventions. Other important factors could include resource mobilization, decision-making procedures, learning and capacity building processes, number and diversity of membership, technical know-how, leaders characteristics, among others.

In short, the interaction of strategy, context, and organization is a frontier in the literature about effective social accountability and open government intervention, generally, and collaborative interventions, in particular. In fact, many of the new international interventions that promote collaboration in the field try to reconcile the state of the evidence about the inability of alternatives to fulfill promises with the recognition that different forms of collaborative strategies may be more or less effective given organizational and contextual factors (Guerzovich & Poli, 2014c; GPSA, 2015). Still, these debates often are not specific enough to be useful for practitioners. For instance, regarding the debate about context, some believe that:

*despite the proclamations that “context matters,” however, it’s much harder to articulate exactly how it matters. This remains a challenge despite valuable efforts to identify and define key contextual factors.* With few
exceptions, however, the literature available tends to be dense and often theoretical, rather than diving into how, specifically, contextual factors shape CSO decision-making and effectiveness. Moreover, the macro-level focus of much of this literature largely overlooks the intricate contextual considerations critical to the success of local-level reform efforts -- where the rubber hits the road in much (social accountability) work (Polk and Knox, 2015).

This paper seeks to move this frontier forward by exploring what does it mean in practice that context, organization and strategy matter for the effectiveness of collaborative social accountability and open government efforts? To do so, the next section presents a typology of engagement for social accountability and open government interventions.

A typology of engagement in social accountability and open government

This section introduces a typology of engagement in social accountability and open government, clustering 4 types of engagement (inclusive, targeted, restrictive and detached), informed by the literature on co-production. These types have theoretical, methodological, and practical payoffs. They operationalize and capture specific aspects of social accountability and open government interventions, considering the insights of the literate.

Building the typology – Methodology

The typology of engagement in social accountability and open government is a result of an inductive-deductive exercise to build a heuristic device that focus on the interaction between context, strategy and organization as three interrelated variables that jointly have greater potential to account for results (and operationalize and act on them) than each one of them separately. The focus is in the local level. Context is considered as a configuration of concrete factors outside the control of practitioners that affect the likely success of their strategies and interventions. Organization includes the structured relationships, resources, procedures, and knowledge articulated in a regular and continuous basis around a common goal. Strategy is considered as a broad plan of action linking inputs to desired outcomes and impacts.
The research was developed in four main phases. First, the **conceptualization**, based on literature of social accountability, open government and co-production of information and control, allowed to explore the interconnections between these concepts and to identify gaps and questions to be empirically explored. We also considered documents and previous experience with initiatives in different countries.

We then **selected Brazil** as the national context to explore. The country has experienced, in recent decades, a dynamic process of building democratic governance, fighting corruption and promoting transparency and quality of public expenditure (see e.g. Michener 20xx; Taylor 20xx; Wampler, 20xx). This includes innovations in citizen participation, regulation and a diverse and complementary set of tactics, applied by different organizations and networks, in a complementary and/or adversarial attitude, in different levels - national and local, institutionalized and non-institutionalized. There are advances, setbacks and adaptation, in different levels of integration and mutual influence (Schommer & Guerzovich, 2016).
Currently, the country is dealing with a political and economic crisis, that is, in some extent, a result of the maturation of Brazilian political culture, and the recent improvements in accountability and open government. This includes new coordination mechanisms among institutional bodies and the co-production of information and control (Loureiro et al., 2012; Doin et al., 2012; Schommer, Dahmer & Spaniol, 2014; Schommer et al., 2015).

Besides the national reforms linked to an international agenda – for instance, the Access to Information Act, approved in 2011, the most noteworthy innovations seem to be happening in Brazilian municipalities (Schommer & Guerzovich, 2015). Multi stakeholder initiatives in the local level, in some contexts, are showing that insurgency about corruption and bad quality in public services can boost the strategic engagement of different actors, combining adversarial and collaborative courses of action to produce results in fighting corruption, improving public administration and building democratic governance in the local level.

The experiences we looked into vary across a range of local contextual, organizational and strategic variables (see Table 1 and below for a discussion of variables). Although there are common contextual features and mechanisms being spread all over the country, there are significant variations in terms of tactics and results among cities and areas of public services. This means that we can apply sub-national comparative methodology, leveraging similarities and differences within a single country. This approach, in turn, enables us to describe and explain with greater confidence what are the key aspects of each type and how different types can be associated to different pathways to effective results.

The next step was an exploratory investigation, including field work and desk analysis conducted in 2015 with a focus on the development and experience of Brazilian social observatories (SOs). A social observatory is a non-partisan and non-profit space to bring citizens and organizations from civil society together to transform their right to be angry into work to promote transparency and better use of public resources. The first observatory was

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7 This section builds on findings from Guerzovich & Schommer forthcoming. Also see Schommer et al, 2015; Schommer & Guerzovich, 2016.
created in Maringa, in Southern Brazil in 2006. Today there are 96 organizations operating in 17 Brazilian states. SOs use the expertise of local citizens/professionals to help (working with) public agents to reduce corruption and the waste of public resources, the lack of qualification and the discontinuity in public policies, projects and services. Their entry point to achieve these goals is procurement, but effectiveness in terms of engagement with the public sector and results is uneven across SOs (Guerzovich & Schommer, to be published). All of these characteristics make SOs suitable for the research goal.

The stage of the research included, first, interviews, participation in a national meeting of social observatories and local events, and revising documents and studies about these organizations in Brazil. Second, a survey based on a structured questionnaire, answered by 28 observatories, which made possible to develop a primary version of the typology, and to select the cases to explore in depth. The survey enabled us to rank the observatories according to how they reported they were doing in terms of functional equivalent indicators capturing the theoretical dimensions discussed below. It is important to note here that initially we focused the analysis on the civil organization (in this case, the SOs) and its action to engage with the local context. Progressively, we changed the focus to the action, or the interaction between context, strategy and organizations (which can be state or non-state actors). The exploration suggested that it is the type of engagement – or the bridge – that links these three variables, rather than a characteristic of the organization that is the initial focus of research that matters to answer questions about state-society collaboration and its effectiveness.

Third, preliminary in-depth qualitative research in a sub-set of observatories. Fourth, the study of three cases/cities – Londrina, Itajaí and Rondonópolis, based on participation in meetings, documents, and interviews with public officials, observatories volunteers and staff, journalists and partners, in a project with U4 (Guerzovich & Schommer, to be published).

Finally, we developed the typology, analyzing data obtained in the field work, literature, and data from other research about Brazilian cities where there are social accountability, co-production and open government initiatives.
Building the typology - the four characteristics of state-society engagements

Four interconnected dimensions compose the typology, as a result of a theoretical-empirical exercise: (i) capacities of the partnership; (ii) harness the context; (iii) complexity of strategy; (iv) adaptability for learning.

**First, capacities of the partnership - the willingness and ability of an organization to act together with others to solve public problems** in ways that can help bolster individual organizations’ political and technical capacities. Xavier de Souza Briggs (2008) calls this “civic capacity”. Our work focuses on engagement of different stakeholders across state and civil society. We build on the assumption, consistent with the literature reviewed, that individual actors going alone are unlikely to trigger sustainable solutions to tackle complex public problems (Johnston & Kpundeh, 2004; Andrews, McConnell, & Wescott, 2010; Guerzovich & Giraudy, 2011; Carothers & Brechenmacher, 2014; Marquette & Pfeiffer, 2015; Booth, 2012; Kosack & Fung, 2014; Fox, 2015; Kissler & Heidemann, 2006; Henrikssen, Smith & Zimmer, 2015; Pestoff, 2015).

It also is part of a broader set of research in social and political sciences, that moves away from the state society (or supply and demand of accountability) dichotomy, towards an understanding that effectiveness in solving complex governance problems lays at the interaction of segments of both actors (Grandvoinnet et al. 2015 cf. World Development Report 2004).

The emphasis on the hybridity of forms to deliver public goods and services and diversity of actors involved in policy design and provision of public services, enhancing the innovation collective capacity to deal with complex challenges is mirrored, but parallel, in debates about public management (Pestoff, 2015; Henrikssen, Smith & Zimmer, 2015) beyond social accountability and open government.

One of the strategies to put this in practice is the co-production of public goods and services, in which both governmental agents and citizens play an active role, sharing responsibilities, capacities and resources (Kissler & Heidemann, 2006; Salm, 2014; Pestoff, 2015). Co-production activities gather the broad technical and institutional capacities of professional providers with the perceptions and knowledge people who live the problem in the context
have about it – something no one else can have. Co-production can occur in the design and/or the implementation phase of a particular service (Bovaird, 2007; Brandsen & Hoeningh, 2015), involving a relationship between regular providers of this service (professionals), and (groups of) citizens/users, requiring a direct and active contributions from these citizens for the work to be done (Brandsen & Hoeningh, 2015).

One of the reasons this kind of collaboration is critical is to enable social accountability and open government reformers in state and civil society to draw on the diverse capacities that other stakeholders may have to strengthen change efforts (Poli & Guerzovich, 2016).

However, in general, collective action is hard risky and costly for those seeking to sustain. According Olson (1965), a collective action problem is a situation in which there are multiple individuals who would benefit from a certain action, but the fact that costs or benefits are shared across individuals makes it unlikely that any one individual can or will undertake it on their own. State-society collaboration, including co-production, is a way to share the risks and to combine individual and mutual interests and benefits (Verschuere, Brandsen & Pestoff, 2013), preserving its public purpose or nature. The co-production alternatives are deeply connected with the context in which people live and face the problems; so, the solutions they build are also dependent on their resources and engagement, and are often not replicable in other contexts. Beyond open government and social accountability, co-production is particularly relevant in areas like health, education, child and elder care, and community safety, because the engagement of users and/or their families and communities is crucial in delivering the service (Bovaird, 2007; Verschuere, Brandsen & Pestoff, 2013; Henrikssen, Smith & Zimmer, 2015).

Meantime, even when there are broader institutional incentives, the characteristics of co-production is something defined in each situation, by the people engaged in a specific problem or service. Both the government and the citizens in each context can favor it or crowd out its development. But neither citizens or government, alone, can’t determine more or less co-production (Pestoff, 2015). The most important is the relationship, the mutual confidence, the shared repertoire and the results that are developed and continuously transformed in practice.

Paradoxically, many times reformers lack the capacities to overcome collective action problems, actively manage relationships, build trust, and advance joint projects. Furthermore,
in the social accountability and open government, collaboration and coproduction is hard, because it entails changing business as usual for organizations in the field – which have often developed by and through confronting with each other. For example, a study on the effectiveness of the Open Government Partnership in five countries found that state-society collective action is limited and generally circumscribed to select groups and actors. Where it has been more successful, Mexico and the Philippines, action has depended on pro-reform actors who were willing and able to link open government processes to their political strategies, organizational needs, and other pre-existing contextual conditions. This configuration of factors was not present in less successful experiences in Costa Rica, Albania, and Tanzania (Guerzovich & Moses, 2016).

Similarly, recent research by the International Budget Partnership has informed the following diagnostic: “we need to shift beyond a narrow focus on building the technical skills and knowledge of CSOs to influence the executive arm of government to a more holistic approach that recognizes the complementary roles of different actors” (Van Zyl & Renzio, 2016) (Larsen, 2016). The research found that cooperation across state and society tends to increase impact but it is neither widespread nor systematic in this segment of the field. Contextual factors such as the absence of institutional arrangements fostering citizens access to government and cooperation partly account for this status quo. So do organizational factors, including, fragmented external support to budget accountability actors by donors and international non-governmental organizations, incentives for the development of relationships, and other skills.

The case of open budget reformers is interesting, but only partly overlapping with those faced in the broader open government and social accountability fields. While the former can bolster their efforts by linking to similar actors facing similar capacity challenges across a broad range of countries (de Renzio, 2016), the same is not clear for the latter. This means that most

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8 A GPSA grantee comments about the challenge in the country: “[GPSA] projects will require us to challenge and overcome some deeply rooted dynamics, assumptions and behaviors in our countries. …. While striving to empower the poor, the focus should not only be on them, but also on finding ways to ignite the interests of all stakeholders, especially the decision makers, to take the voices of citizens seriously, despite their prevalent reluctance to accept changes. We, as GPSA grantees, should therefore contribute to building and enabling an environment for constructive engagement between the government, service providers, civil society organizations and the community at large. And this is how the ‘magic’ will happen!” (Aliberdieva et al. 2015).
reformers in the field need to first identify and prioritize who may complement their expertise, outreach capacity and influence in working towards the proposed objectives. What resources do they bring to the table and what does it take to keep them in the table. Do these partners and allies plan to continue business as usual so that in practice partners and allies exchange some information, divide tasks and go about their work in parallel routes? Or do they plan to pool together strategies and resources in ways that actually bolster the proposed project’s impacts? And do these efforts engage those most affected by the problem at hand or, like many other co-production and open government efforts, they disempower or/and underrepresent them (Verschuere, Brandsen & Pestoff, 2013; MAVC/McGee & Edwards 20xx)? Furthermore, until recently, most budget work focused on the co-planning or co-designing of budgets (Bovaird, 2007), and, at times, co-assess with supreme audit institutions (SAIs y OG 2016), rather than in co-implementation – a critical step for moving open government action closer to service delivery outcomes.

**Second, harness the context - the willingness and ability of an organization to deploy a strategy that harnesses the context by bridging segments of state and society** (actors, institutions, norms, and processes). This analysis builds on Guerzovich & Poli (2014d), which in turn summarizes the literature and practice in the field of social accountability and open government. It also links the analysis to the co-production literature that underscores that one of the virtues of this approach is that in bringing different stakeholders to work together, including those affected by a problem in a particular context. This enables the combination of contextualized views of a problem and possible ways to deal with it with technical and institutional skills and resources needed to do it. In other words, the bridge between stakeholders through action is perched on a view of context that, through joint action, seeks to make the most of the interplay between forces at the micro and macro levels of society (Pestoff, 2015). The alternatives developed in each context depend of valuing, institutional and sociopolitical dimensions, which is a condition but also a result of practices being developed in the interplay between the local, the national and the international levels (Schommer et al. 2015). In this way, action happens in a world in which neither context nor blueprints are king.

Knowledge in the social accountability and open government fields suggests that contextual factors, including broader governance arrangements, local knowledge and resources, and institutional forces shape the extent to which changes to accountability arrangements are
feasible. Accordingly, social accountability and open government efforts that aim to be effective should bet on contextualized, realistic strategies to contribute to solving policy problems and, in due course, transforming the very context. This may mean, for example, devising and implementing a set of interventions that tap on the existing incentives of the various public sector institutions [with influence and power over the issue at different junctures of the policy-making cycle] to respond in a positive direction to the intervention, change or seek to strengthen those incentives in context.

For instance, the Malawi Economic Justice Network (MEJN) and Care Malawi, are implementing projects aimed at strengthening accountability and the effectiveness of textbook distribution in Malawi. To implement this project, the organizations have devised a social accountability strategy that is based on building a strong mutually-beneficial relationship with school stakeholders as well as with the Supplies Unit of the Ministry of Education, so that the latter can and does lever information gathered at the school level to inform its decision-making about textbooks (GPSA, 2016b).

However, many times organizations ignore or bypass these opportunities and challenges to applying a standard approach, such as importing a best practice from elsewhere or take other forms. For instance, Transparency and Accountability technology platforms tend to trigger more responses from government when they factor in what is going on in government or what is in the interests of other users of information, but many times information technology interventions fail to do so (Peixoto & Fox, 2016). Research has shown that it is more frequent to find state and civil society groups importing formal, technical consultation processes from the Open Government Partnership than leveraging them to navigate the politics of reform (Guerzovich & Moses, 2016). Research explains that strategic options that are detached from context are less likely to help build and sustain engagement for problem solving, let alone transform contexts over time. It also suggests that organizational incentives, funding, cultures, mandates, among other factors may have a role, in pushing organizations in different strategic direction.

Third, complexity of strategy - the willingness and ability of an organization to prioritize the cluster of procedures and methods that are most likely to pay-off for their intended, strategic goals (Poli, Giraudy & Guerzovich, 2010). Research in social
accountability and open government fields shows that, in theory, organizations can use a range of discreet, focused procedures, or methods for promoting a desired end or result, i.e. tactics. For instance, anticorruption advocates can lever a range tactics, including but not limited to, investigation of corruption cases and litigation, regulatory drafting, monitoring, social audits and other diagnostics of anticorruption systems, awareness raising campaigns, participation in policy dialogues, mobilization of the press and the citizenry. Advocates of open budgets can use combinations of presentations of evidence to members of the executive branch of government, litigation as a means to enforce greater accountability, capacity building of legislators as agents of fiscalization, partnerships with supreme audits institutions and mobilization of citizens for campaigns seeking reforms, among other tactics (Overy, 2011).

Proponents of social accountability and open government change have scarce resources so financial and non-financial investments in a particular tactic, necessarily limit the resources that can be directed towards other tactics. So, the theoretical and practical challenge in light of these tactical toolkits is to bet on the specific group of tactics that is likely to provide the best value for investment for a given organization’s strategy in a given place and time (Guerzovich & Poli, 2014c).

In practice, civil society groups restrict themselves to a limited set of tactics. The key question is how organizations pick that group of tactics. One route, consistent with the growing literature in political economy in the field, is to prioritize tactics that are relevant in a given context or sector. The combination of tactics that may work to open the education sector in the Dominican Republic (Guerzovich, Giraudy & Zucchini 2011) may not work in the health sector in the country or to open the education sector in Brazil. Politics varies across country but also across sectors. Furthermore, while in one setting the entry point for reform maybe a combination of actors and organizations that respond to citizens’ pressure or other tactics; at other junctures the key veto points may not be responsive to those tactics or the tactics may not be feasible.

The ability to infuse this kind of thinking into a social accountability strategy is what explains the wins and sustainability of the results achieved by the Scoala Mea project in the education sector in Moldova. In 2014, this civil society led-initiative started implementing public budget hearings at the school level as well as producing education budget analyses and periodically
discussing them with the Ministries of Education and Finance at the central level (Vlad, 2014; 2016). By 2016, the context in the country had changed, including the coalition in power in the central government, and the project team had learned a number of lessons about what was possible or not at the school and regional levels. Scoala Mea opted to formalize its relationship with the central government and take steps to better integrate local-level work with the national policy and budget processes and interests, for instance meeting the Ministry of Education’s interest in obtaining direct feedback from students and the school community. It is also pivoting the strategy towards officials at the regional level to gain influence on school spending and improving the articulation of local level tools as well (Vlad et al. 2016a; 2016b).

Conversely, one of the great challenges faced by the Vigilantes Project in the Dominican Republic to achieve results are the difficulties it faced adjusting a social accountability strategy devised at the moment of peak of social movements in the country to the demobilization of these movements (Guerzovich, 2015).

In the cases of the social accountability initiatives in Moldova and the Dominican Republic, contextual changes played a role in determining the tactics that could lend themselves to more effective state-society engagement (or not). The challenge is that too often social accountability and open government proponents are unclear about why their choice of social accountability tools is realistic and likely to be actionable and effective, given the structure of the policy process in their context and the political incentives and constraints facing key government actors. Other routes to determine priorities can be intuitive hunches or replicating what organizations are already doing or what they have done in the past. For example, anticorruption organizations can draw on the above mentioned tactics, however, as organizations build their strengths, staffing, fundraising and brands around a tool rather than a strategy, they find it very hard to move beyond their comfort zone – even if change is not driven by single tactics or tools (Guerzovich, 2011, Chapter 6).

**Fourth, adaptability for learning - flexibility to incorporate learning to manage the intervention as the glue that helps engagement become resilient over time.** This characteristic is consistent with current calls and research in the social accountability and open

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government field that suggest that the export of technical best practices without adaptation to politics and context does not work. This approach is consistent with current calls to support “strategic” anticorruption and social accountability (Guerzovich, 2011; Guerzovich & Poli, 2014c), “doing development differently” (DDD, 2016), and “thinking and working politically”\(^\text{10}\). These are three emerging movements in development based on parallel bodies of literature that highlight the importance of implementing politically-smart interventions. That includes considering the big picture (context and strategy), in addition to technical tools.

This transition may be illustrated by the case of the trajectory of the “Linking Education and Accountability for Development” (LEAD) project in Morocco (Bouhamidi et al, 2016). Through this project CARE International Morocco (CIM), the lead implementing CSO, initially thought to apply to learning approaches that are consistent with the best practice logic: replicating a participatory feedback gathering tool building that was tested in a small number of pilot schools to a large number of schools and importing a social accountability tool used in another country in the region. Both attempts failed because the tools were a poor match to the country’s education sector, where for example levels of autonomy and procedures at the school level are different than in other countries. These obstacles led the team to change strategy, instead of trying to implement a standardized technical methodology regardless of context and insights from partner organizations in civil society, the state, school staff and project external funders, CARE engaged by doing in an adaptive learning process. Thanks to this approach the Near East Foundation (NEF) as well as that of the National Federation of Parent Associations (FNAPEM), the main advocate for parent and student rights in Morocco at both the local and national level provided inputs to implement a more participatory preparatory phase and laid the groundwork for a multi-pronged strategy. They also found a way to better articulate their intervention to ongoing reforms in the education sector.

The presumption is that learning by doing, iteration, and adaptation are elements that make bridges that link civil society and state open efforts more adaptive, strategic, and politically smart and, in turn, more resilient. The examples of the Scoala Mea project described above or the Mexican open government partnership work, among others, also share these characteristics. Experiences of co-production of information and control over a number of

\(^{10}\) Note: The case for thinking and working politically: the implications of ‘doing development differently’. Available at: http://publications.dlprog.org/TWP.pdf
years in Brazil shows that “the mutual engagement between citizens and public servants continuously affects the impact and results of the States functions, contributing to shape the structure and make the State action limits more sensitive, fluid, and permeable to the society’s interests. The State apparatus and its specific responsibilities are present, but it assumes a more flexible form” (p. 1382). Likewise, these are all instances in which key organizational factors support this kind of learning for resilient engagement.\textsuperscript{11}

This typology and their component factors, which as the discussion above suggests interact, are summarized in Table 1\textsuperscript{12}. These four characteristics can be observed and provide an imperfect, albeit initial glance regarding the likely ways engagement strategies, contexts, and organizational structure can work together in social accountability and open government at a moment in time. As can be inferred, these aspects capture capacities that the literature and new inductive analysis associate with effective collaborative social accountability and open government interventions (Poli & Guerzovich, 2016).

\textsuperscript{11} More recently, some of this literature has also underscored that organizational factors that may help or hinder adaptation and political thinking, but this is an area that deserves further analysis (Dasandi, Marquette & Robinson, 2016).

\textsuperscript{12} This selection builds on the analysis of 4 dimensions and 36 concrete indicators of strategic, constructive social accountability interventions (Guerzovich & Poli, 2014b).
Table 1 – Types of State-Society Bridges through Social Accountability and Open Government Interventions

<table>
<thead>
<tr>
<th>DETACHED</th>
<th>RESTRICTIVE</th>
<th>TARGETED(^{13})</th>
<th>INCLUSIVE</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>STAKEHOLDERS (WHO ACTS?)</strong></td>
<td>Limited subset of individuals &amp; organizations</td>
<td>Limited subset of individuals &amp; organizations who sporadically coordinate action. Attempts to build multistakeholder coalitions or partnerships pro-social accountability and open government reforms, but they face discontinuity.</td>
<td>Specially selected set of individuals &amp; organizations in concrete areas of intervention, where multistakeholder coalitions or partnerships may emerge.</td>
</tr>
</tbody>
</table>

| RELATIONSHIP WITH THE CONTEXTS (HOW IS THE ACTION?) | Inexistent or tenuous by design and/or due to closed space. The local is juxtaposed to the foreign without considering the peculiarities of the specific context, such as existing decision-makers’ incentives, ongoing efforts, and obstacles. | Strives to engage amidst existing or self-made contextual and organizational obstacles. For instance, action taps into existing incentives of stakeholders with the capacity to make relevant decisions in limited junctures of the policy-making cycle. | Reformers explicitly or implicitly acknowledge that each area of intervention has its own technical and political contexts and ways of working, which should inform the type of strategy and organizational development needed to tackle it. Focus on the needs, priorities and capacities of select local stakeholders. In catering to specific stakeholders, reformers aim to complement their own capacities and resources by drawing on existing organizations and institutions in the system, step by step. Manage the risk of overpromising and creating vicious cycles based on disappointment. | Weaves context relevant politics through organizations & strategy. The actors mutually engaged in a specific context implements a strategy that taps into existing capacities and resources of diverse stakeholders with the capacity to make relevant decisions across the policy-making cycle, and uses the strategy to navigate obstacles. |
| LINES OF STRATEGIC ACTION (WHAT ARE THE ACTIONS?) | The complexity of strategy is limited. Blueprints imported to the local context without attention to incentives and action on the ground. The set of tactics is disconnected from each other. There is no locally owned co-production to solve problems. | Blueprints imported to the local context, with minor adjustments. Set of tools limited by contextual & organizational factions. There is sporadic and peripheral sharing of information, and coordination for control and/or provision of public goods and services, but it does not transform policy or governance dynamics. | Tactics are tailored to specific aims & stakeholders, building on contextual & organizational resources. There is sharing of information coordination for control and/or provision of public goods and services, and at times collaboration and co-production. Focus on areas where reformers have a better chance of nurturing islands of change can contribute to making the state apparatus more sensitive, fluid, and permeable to the society’s interests. | Range of tactics that work with each other to lever on stakeholders to achieve joint goals leveraging diverse contextual & organizational resources. Action nurturing the mutual engagement between citizens and public servants continuously affects the impact and results of the States functions, contributing to shape the structure and make the State action limits more sensitive, fluid, and permeable to the society’s interests. There are different forms of collaboration involving |
segments of society and the government. There is co-production in various ways and at different levels of institutionalization. The State apparatus assumes a more flexible form, opened for the society contributions.

| DYNAMICS OVER TIME (WHEN IS THE ACTION?) | Lever external know-how on an ongoing basis, high degree of discontinuity of adaptation through experimentation. | Lever external know-how on an ongoing basis, with instances of locally led course correction. | Lever local experience for focused strategic & organizational improvement. | Lever local experience for strategic & organizational improvement. Joint multistakeholder learning paves the way to transformative forms of learning by doing. |

Source: developed by the authors
The typology helps us have further confidence about the causal homogeneity of types of interventions across distinct countries and sectors and identify which universe of cases can be productively compared. We presume that these four types of engagement matter for they open or closes different types opportunities to open government and exercise social accountability. It also sheds light on which specific strategies will be more useful for practitioners, depending on the context and organization in which they act.

We explore these issues further in the next section using empirical cases. It is important to note that we use functional equivalent indicators\(^1^4\) to group the cases into the types. For instance, the number of regular volunteers and external partners that an observatory has can reflect whether certain social accountability interventions are able to build on and mobilize existing resources in the context. It also can tell us something about its capacities to perform volunteer work (organization) or the nature of its strategy (i.e. does it include many or is it based on a few). Other quantifiable indicators may include observatories’ monthly budgets, which can signal whether the social observatory is perceived as legitimate and credible by local citizens, public officials, and/or external stakeholders who are willing, in turn, to mobilize resources for it. Sustainable access to time, political capital, and funding contributes to and enables operations. Another key factor is whether an intervention focuses on a single set of actions or is able to deploy a diverse set of tactics, the latter hints that the stakeholders is able to engage and mobilize diverse resources and capacities available in its community towards collective public problem solving. Different interventions, accordingly, would require different set of indicators to facilitate measurement equivalences.

**Four types of engagement in Brazilian cities and implications for effectiveness**

This section illustrates the types of state-society engagement looking at cases in which social accountability, open government and, at times co-production, intersect in five Brazilian cities. These cities share a number of national-level commonalities. They are part of the gradual development of Brazilian democracy in which diverse multi-stakeholder’s initiatives, including at the local level, are showing that collaboration can be a driver improving public administration, contributing to the

\(^{14}\) On this methodological issue see Przeworski and Teune (1970) and Locke and Thelen (1995).
institutionalization of certain values and mechanisms (regarding participation, regulation, politics, and public management), fighting corruption, and building democratic governance.

The results achieved by collaboration do not mean that conflict is not present and is not valuable. In a contextualized form of control, co-produced by all those involved, articulating different capacities and generating collective learning, citizens do not lose their own critical attitude and their ability to demand solutions and accountability. Citizens can also contribute to these solutions (Schommer & Guerzovich, 2016).

Table 2: How do organizations, strategy, and context fit together in Select Brazilian Cities?

<table>
<thead>
<tr>
<th></th>
<th>Florianópolis</th>
<th>Rondonópolis</th>
<th>Itajaí</th>
<th>Blumenau</th>
<th>Londrina</th>
</tr>
</thead>
<tbody>
<tr>
<td>Population</td>
<td>421,240</td>
<td>211,718</td>
<td>183,373</td>
<td>309,011</td>
<td>506,701</td>
</tr>
<tr>
<td>(IBGE, 2010)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>State/Region</td>
<td>Santa Catarina, in Southern Brazil</td>
<td>Mato Grosso, Midwest region of Brazil</td>
<td>Santa Catarina, in Southern Brazil</td>
<td>Santa Catarina, in Southern Brazil</td>
<td>Paraná, in Southern Brazil</td>
</tr>
<tr>
<td>(IBGE, 2013)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Human Development Index for 2010 (IBGE, 2010)</td>
<td>0,847 - high</td>
<td>0,755 - high</td>
<td>0,795 - high</td>
<td>0,806 – high</td>
<td>0,778 - high</td>
</tr>
</tbody>
</table>
The Brazilian experience suggests that the implementation of open government and social accountability strategies – the actions rather than the plans or the structures - serve as bridges between components of the state (organizations) and elements of the societies (organizations and citizens/users) to which they belong. The diverse local political contexts in which action happens shapes and, over time, can be shaped by their organizational structures and strategies. The manner these aspects affects and are affected by the organizational structures and strategies of pro-openness / accountability stakeholders, although challenging to track, are visible in the trajectory of each city. The quantity and quality of elements within the state and society that these reformers engage and the ways in which they do so influence, and are influenced, by their strategies, contexts and organizational structures.

In some situations, the combination of these external and internal elements sets up a deeply challenging set of circumstances for the open government and collaborative social accountability activities, in general, and co-production, in particular. In other situations, organizational structures,
strategies and context are better aligned improving the likelihood that reformers’ collaborative engagement will deliver on their promise.

To make our case, below we map state-society social accountability and open government efforts in five Brazilian cities and discuss why we categorize them in a particular type. This discussion illuminates how alternative types are also useful to map and understand the potential mechanisms that different organizations (or actors) have to navigate the challenges to turn state-society open government and social accountability strategies into improved governance and service delivery results.

Detached city level social and political action

The first type of city level engagement, illustrated by efforts to open contracts in the city of Florianopolis, reflects the detachment of state and society organizations and their strategy from their political context. The experience of the Social Observatory of Florianopolis (SOF) between 2009 and 2015 fits in this type because, although citizens managed to partner with local officials and recruit a one-off large amount of public financial resources, the effort lacked multiple resources, partnerships, and actions that would suggest a deeper level of engagement with the local political context.

In 2009 a group of public servants and academics in the city were inspired by social accountability initiatives in the cities of Maringá and Itajaí to control and open public contracting in the local government. They worked together to import the organizational and strategic model developed in the latter city and then disseminated by the national organization Social Observatory of Brazil (SOB) across the country. The SOB's best practice methodology included a series of precise steps to organize social observatories, partner and mobilize resources in society with a focus on business association and private funding, monitor tenders, promote fiscal education and communicate results. The franchising model sought to ensure certain performance standard among social observatories as well as mitigate any reputational risks to the social observatories’ across the country from the activities in a particular city.

In Florianopolis, as elsewhere, the creation of this observatory raised expectations among other observatories in Brazil. The Florianopolis case, unlike many of its partners, received a windfall of financial support from a public fund for civil society organizations, rather than the private sector.
This factor, along with the imported standard methodology, meant that the observatory did not need to build bridges with many in its context. For instance, the observatory’s leaders, mainly public servants acting as volunteers in a new CSO, tried to connect the SOF with businesses associations, the media, universities, other CSO’s in the city, and oversight institutions. However, linkages with local business associations and traditional CSOs in the city remained weak. The observatory did not need to provide a compelling enough case to ensure professional and business associations teamed up with the observatory, providing financial and non-financial resources to the endeavor. The need for compromise was perceived as less urgent than elsewhere.

In turn, the observatory was not compelled to lever those resources to adjust its approach to the local context by improving the best practice from outside through new combinations of tactics. The tactics applied by the SOF remained limited. The main way in which the observatory thought to build its legitimacy was to conduct the monitoring work exactly as recommended by the standard methodology of the SOB, trying to prove that the work of the SO could save public money. The work had to be “technically perfect” and “very carefully politically.” The approach was more similar to the traditional bureaucratic tradition than to new forms of state-society policy-making and control of corruption. The observatory showed limited will to understand and work with the context, and weak political capacity to build coalitions. There was no room for co-production. The few results obtained in monitoring procurement and trying to have access to information were timidly communicated. Politics did not inform actions. The relationship with the local government was wavering and the media and social networks were not used to link up to and mobilize others.

In 2012, the SOF was invited to participate of another initiative in the city (Floripa Te Quero Bem), a multistakeholder coalition aimed to improve accountability, citizenship and democratic governance (Dahmer, 2013). But the OSF decision was to continue focusing on monitoring procurement, not to engage in a broader agenda and methods. The observatory prioritized superimposing an accurate external model to the local context, rather than embedding and adjusting it so that it could better fit the context and potentially transform it. In so far as the leadership resisted to learn and change from the benchmark, it limited its ability to sustain the support of partners and volunteers and, in turn, to attain results.

Beyond Florianopolis, observations and research beyond the survey suggest that there may be a large proportion of citizen-led open contracting efforts going this route in Brazil (Guerzovich &
Schommer, to be published). This category can include newer open contracting strategies, and more generally open government and social accountability efforts, that import standard strategies from outside. This category may also include reformers working in an ultra-restrictive political environment and/or that make strategic decisions that reinforce one or many of these characteristics. This means that openness strategies face contextual barriers that limit their effectiveness.

For instance, when the Social Observatory of Niteroi, in the Southeast state of Rio de Janeiro, tried to implement the open contracting strategies developed by their counterparts in other Brazilian cities, they found that the formal best practice fitted a lot less in their political context. In 2008, the leadership of the Chamber of Leading Shopkeepers (CDL, for its Portuguese acronym) in Niteroi imported the organizational strategy to establish a social observatory (OSN) to open up local contracts\textsuperscript{15}. The initiative was led and hosted by the business association. Months later the political context changed: a new mayor allegedly pressured the CDL to abandon the OSN. In turn, the CDL ceased to host the OSN and pressured businesspeople to choose between the OSN and the CDL. If the original design of the open contracting strategy was restricted to this small, but powerful group of local stakeholders and the resources they could mobilize, this shock undermined the potential of the observatory. Organizationally, the observatory lost the resources to implement the strategy as well as limited the number of local stakeholders that have been engaged in the activities of the OSN since then, despite on-going efforts to mobilize other local partners from universities to trade unions and religious organizations.

These twin changes in context and organization also undermined the promise of locally-driven change. The quick end of the local partnership, frustrated expectations demobilized local stakeholders and threatened a more gradual, multi-stakeholder process (on expectations more generally, Guerzovich 2010, Levy 2014). In turn, they forced changed the strategy. A thinner base of political support can make it difficult to fulfill the observatory’s mission. In order to sustain OSN’s few loyal members, its leadership built external bridges. State and society actors, organizations, and institutions from across Brazil provided encouragement, partners, agendas, legitimacy and other, albeit limited, resources to survive and act with a locally relevant strategy. According to Souza Magalhaes (2013), this strategy would have as its main goal the strengthening of the local civil society

\textsuperscript{15} The analysis of the case of Niteroi is based on Souza de Magalhaes (2013) as well as interviews with the author.
as a whole, through joint action, so that together civil society groups have a chance at withstanding a political process that is dominated by patrimonialism and repression of anticorruption initiatives.

Their counterparts in Santo Antonio de Jesus in the Brazilian state of Bahia also prioritized the implementation of an externally designed strategy and faced similar challenges. In these two cities, citizen-led initiatives also devoted their limited resources to mimicking organizational forms, that in theory, could help implement the standard strategy including strong ties with an external standardizing body – which provided legitimacy and funding, among other resources. These organizations did not develop structures that built bridges to local partners and resources to help them identify contextually functional strategies. For instance, the number and diversity of local volunteers in both cases is low as are other forms of local resource mobilization. Santo Antonio de Jesus – 7 regular and 5 eventual volunteers; 02 paid staff; monthly budget – R$ 2 a 5 mil. Niterói – 2 regular and 3 eventual volunteers; no paid staff; monthly budget – less than R$ 2 mil). These organizations did not reconcile organizational structures and resources nor strategies to their context so they could better engage with others in the state or local society to try, learn, and adapt solutions and navigate complex political dynamics entailed in open government efforts (Hudson, 2016).

Organizational forms, coupled with imported strategies, and difficult contexts were not conducive to nurturing state-society collaboration for the co-creation, implementation, or control concrete policies or programs. Ultimately, these set ups have undermined the ability of these open government efforts to deliver results. In fact, it is hard to find in Florianopolis, Niterói, or Santo Antonio de Jesus the kinds of open contracting policy wins that we will see in other kinds of local experiences below; let alone the broader governance changes that stem from multi-stakeholder collaboration.

Restricted city level engagement

The second type of organization-strategy-context fit, restricted, strives to associate State and society amidst a large number of obstacles. Some of the strategic obstacles observatories face are structural, but others result from strategic decisions and their consequences (i.e. they are self-made).

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16 It is important to note that this analysis considers the trajectory of the initiative since 2011, even if more recently the effort may be transitioning to a restrictive one. Phone Interview with Pamela Moura da Rocha, Coordinator of the Social Observatory of Santo Antônio de Jesus, May 8, 2015
17 See DiMaggio and Powell (1983) on the phenomenon of copy-pasting organizational forms across countries even if they are ineffective. Also see Andrews, Pritchett, and Woolcock (2012); Levy (2014), cf. Krause (2013)
Take the case of the Social Observatory of Rondonópolis, founded in 2009 by a group of business leaders and people from the city’s traditional elite, with the incentive of the Social Observatory of Brazil (OSB), to promote opening of public procurement in a local socio-political context unfavorable for that (this section builds on Guerzovich & Dahmer, to be published, and Guerzovich & Schommer, to be published). The founders were concerned about public spending, mainly because it was frequent to have unfinished infrastructure projects, and others that took years to be completed. These factors were perceived as damaging for the business environment and the economic development.

The experience of the OSR partly followed the path truncated by the CDL in Niterói. Initially, it built on an organization that was set up and driven by a small group of elite organizations. These groups were not focused in mobilizing other segments of society – by design the OSR limited quantity and quality of bridges linking its strategy to other segments of the state and society (organization). Their strategy was sustained by the resources they could mobilize towards advancing their public interest mission, but also was widely perceived to advance their private interests, too. Conversely, observatories did not tap into existing incentives of public sector institutions with influence and power to respond in a positive direction to their open government and control efforts. Quite the contrary the strategy was focused on few technical tactics recommended by external advisors. Even when staff may have realized that the models were not always well developed or did not work well in their context, they made efforts to apply them. At times, this national guidance was helpful to trigger thinking and adaptation, but other times it became counterproductive, a dead weight from above that not only reinforced but also undermined this Observatory’s weaknesses.

The political context – a Mayor that had an agenda opposed by the traditional elite\(^{18}\) – reinforced the limited capillarity of the open contracting strategy. The OSR coupled efforts to monitor contracts with a confrontational strategy vis-à-vis those who had the capacity to tackle problems in the contracting process, including public officials that may have shared interests and/or mandates to open up the system. This in turn reinforced a widespread perception that the Observatory’s mission was to promote private interests and to control Mayors that did not cater to those interests, burning bridges between the observatory and important segments of the state and society.

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For many years, strategy and organizational strength did not turn into positive outcomes. This confrontational approach undermined the observatory’s tactical and organizational choices. The OSR required public information to monitor the contracting process and, critical, to find solutions to problems. The OSR did not get very far. Its confrontational (“my way or the highway”) attitude did not trigger answers, but led to mistrust, tension and inaction. This political struggle also harmed the OSR's legitimacy outside the state and hindered its efforts to mobilize local organizations and their capacities. Reliance on external inputs was on-going which could have turned the OSR into a case of detachment. By 2011, there were doubts among the OSR managers about the continuity of the project as Board members walked away. If the context created obstacles for the Observatory’s strategy, the OSR’s approach helped to make it even more restricted.

However, since 2012, the OSR has gotten a new chance to survive and reboot its approach. Change started with organizational decisions: hiring a new coordinator who took time to diagnose the situation and tried to reflect on the past to course correct and establishing limits to its relationship with the business associations that undermined the openness strategy’s legitimacy. The OSR started to spend a large proportion of its budget to rent an office for itself in the hope to regain its autonomy (real and perceived).

Through this reflection process, the OSR tried, learned, developed new capacities, and pivoted towards a new strategy that relied on collaboration with state and national level Supreme Audit Institutions (Tribunal of Accounts of the State of Mato Grosso and the Union’s General Comptrollers) and gradually with local civil servants and society. Collectively, these stakeholders have been learning to trust each other and identifying ways in which to link open government processes to their political strategies, organizational needs, and other pre-existing contextual conditions. Critically, concrete staff in the OSR and its partner Supreme Audit Institutions had the mandate, incentives and time to help bear the transaction costs of coordination, which often undermine collective action.

These processes are the bases on which they can create a tailored multipronged strategy to contribute to solving policy and governance problems together. One of the pillars of this new strategy and a way in which the OSR and the Supreme Audit Institutions are learning to co-produce openness and accountability are joint efforts to ensure the implementation at the local level of the Federal Access to Information Law of 2012, among other preconditions for increasing the chances
of opening up contracts effectively. These Supreme Audit institutions, as well as the State prosecutors’ offices, have technical capacities and oversight over the Municipality’s implementation of the statute, but on their own they could not tackle the systemic challenges posed by the ineffective implementation of the access to information law.\footnote{ENCCLA gave the city only 3.90 points out of 10, a bad performance compared to the state of Mato Grosso’s score (9.50) or the state’s capital Cuiabá (8.50).}

Still, these state bodies know how critical is to inform the OSR’s efforts, including researching alternative courses of action, seeking partners, evaluating alternative diagnostics of statute’s implementation, applying diagnosis tools, channeling the information to lever state mechanisms that can propose solutions to the problem and hold City Hall accountable. Beyond working on formal aspects of access to information, the partners started to informally claim its rights in specific procurement processes to establish a closer conversation and develop a culture of active transparency. The Observatory hopes to present to state and federal bodies that have the mandate to ensure implementation of the law a detailed diagnostic of the implementation of the access to information statute in relation to the information the OSR requires. This new constructive engagement approach was tested with staffers. It paid off to access specific pieces of information. The Observatory also learned that staffers work in an imperfect system and is more willing to make realistic recommendations, rather than push for ideal overhauls.

More recently, its OSR’s strategy seems to be leveraging its collaborative trajectory, by experimenting with monitoring of priority contracts by mobilizing a broader range of state and societal capacities. For opening infrastructure contracts the reformers, for instance, is trying to partner with universities that can bring in new capacities available locally to strengthen collective problem-solving. By 2015, nonetheless, the observatory had an Administrative Board (1 President, 4 Vice-Presidents), Audit Committee (1 member), Executive Secretariat (1 Executive Coordinator, 1 secretary, 2 interns), Press Office and volunteers and a US$ 2,018 monthly budget.

This new cycle of open government and social accountability learning in Rondonópolis suggests that engagement approaches are not born and fixed into a category in our typology, but strategic learning and action have a key role to play in how engagement unfolds. Still, one of the great challenges faced by reformers in this city to achieve results are the difficulties they still face pivoting the strategy, and
in turn, adjusting the organizational anchor to reflect learnings. In fact, recently the coordinator of
the effort who led the change left the OSR. Reversals cannot be ruled out.

**Targeted city level engagement**

The third group includes the city of Itajaí, where citizen-led open government / social
accountability strategies that also link State and society politics gradually, but do so in a more
targeted way.

In Itajaí, as in other cities, a social observatory was launched by a group of leaders of diverse
traditional local business associations and unions and retired public officials inspired by a
dissemination processes across Brazil in 2009. Unlike the previous cases, Itajaí’s leadership adapted
the standard practice to its context. At the launch of the initiative the city was in a state of calamity
caused by major flooding. The state could bypass standard processes and the elites where concerned
irregularities in the reconstruction process (large funds available; nor regular control mechanisms).
Standard social accountability tactics copied from outside town could not have worked.

Once the state of emergency had passed the observatory’s leadership could build on a pathway of
experimentation it had chartered for itself. By 2013, the OSI developed and tested a new strategy of
engagement with the political group in City Hall, although initially the observatory only managed to
collaborate with few public officials and had had difficulty to access information from the city
government. The OSI used formal and informal mechanisms to get it. The OSI faced many
difficulties and formal denials from City Hall. It set up a meeting between its complete board and
the Mayor. The OSI presented itself as the Mayor’s ally. The conversation paved the way to have
access to certain information.

The National Information Action Statute (LAI) was enforced in 2012. Since then, the answers to
OSI’s requests are faster and more frequent. Critical to this success is the development of a win-win
relationship with the Prosecutor’s office that have the mandate and ability to respond to societal
demands “Our role is social oversight. The Prosecutor Office’s role is institutional, constitutional.
They have to fulfill that role and we can help them do so. In reality, we help them because they help
us.” (Schommer et. al, 2015). A special partnership formalized this relationship which was
instrumental to increase the observatory’s credibility vis-à-vis the public administration. According

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20 For more on Itajaí, see Schommer & Dahmer, to be published; Schommer & Guerzovich, to be published.
one interview, “almost nobody in the government longer ignore the requests of the Observatory, because they know if they do not answer, in a few days they receive a request from the Prosecutors’ Office.” The partnership also increased civil society’s capacity to implement social accountability efforts and, ultimately, improve results including the implementation of the access to information legislation. In terms of access to information, the city’s level of implementation of the access to information law and best practices is relatively very good, the National Strategy to Fight Corruption and Money Laundering (ENCCLA). 9.10 out of 10 possible points. The access to information challenge is conceptualized and tackled in Itajaí as a problem to be solve on a case by case basis, rather than systemically as in Rondonópolis. It is solved by triggering the prosecutor’s office once and changing the attitude of many important officials – if needed, the Observatory can solve other individual cases thanks to the precedent or new legal actions.

This process and others have informed the OSI’s learning about potential pay-off of acting to tend more bridges to more segments of state and society but also specializing and building islands of new forms of governance and service delivery moving forward.

We have discussed citizen-led engagement strategies – although the joint leadership of public officials from state and national supreme audit institutions in the Rondonópolis challenges this assumption. Indeed, in cases in which the core of the action, is the interaction of segments of the state and civil society the line is blurry and the initiative can emerge from stakeholders working in the short or long term in the state. The case of the Transparent Administration Project of the city of Blumenau captures this state-led gradual, targeted dynamic.

In 2011, Napoleão Bernardes – a dark horse – became mayor of Blumenau. His campaign included a series of political commitments associated to the open government agenda, including the need to align local law and practice to the Access to Information law as well the empowerment of citizens to hold the government to account as a way to improve public administration and its efficiency. However, the implementation of transparency commitments was not a priority of the new administration in its first year. It was one of many projects, but gradually it gained momentum and
became a structured program\textsuperscript{21}, with publicized goals and deadlines (Guerzovich & Schommer, 2015).

Fast-forward four years and the program has become a “brand” for the re-election campaign, a source of savings and improvement of public service delivery through the implementation of innovative open solutions that could deliver tangible results on particular aspects of the agenda. These include setting up innovative reforms using transparency and technology to end clientelistic allocation of services (e.g., placement in kindergarten, surgeries and pavement lines), improving transparency and accountability of procurement systems, and establishing instances of collaboration with civil society groups.

The basis of this transformation, however, has been gradual organizational development and an incremental strategy that has prioritized building bridges with select state and society groups that provided social, technical and political capital for inside reformers. Key societal partners include the social observatory of Blumenau, business associations and the professional association of lawyers. Two organizations that started as informal allies – demanding and evaluating reforms but also mobilizing political support for it – and overtime are contributing to the coproduction of the Project’s agenda through formal seats in the newly formed multi-stakeholder Municipal Transparency Council.

These elite stakeholders and tactics targeted to their interest where prioritized over building a broad based social coalition as the one needed to win re-election partly to mitigate the risks of overpromising on this set of policies. The risks where perceived to be acute because openness is potentially hard to deliver due to the challenges it poses to traditional/clientelistic politics and, therefore, the resistance from powerful stakeholders who may bear the costs. Another risk factored into the definition of a targeted as opposed to an inclusive approach is associated to the technocratic conceptualization of the open government agenda which by design seemed challenging to communicate to the population in ways that contribute to deliver votes.

Internally, a key component of this approach have been the establishment of an interdisciplinary team of professionals in the administration that had academic knowledge about open government

\textsuperscript{21} For details about the Program of Transparency of the City Hall of Blumenau, see: http://www.blumenau.sc.gov.br/transparencia/transparencia.aspx; https://prezi.com/ntgii3jdqur_/gestao-transparente/
experiences in other cities. This team defined the scope of the project, which initially included only 16 goals to be delivered by the end of the administration’s term, prioritized considering among other variables which areas they had a better chance of building effective transparency islands.

This group, informally first and formally later, convened political and career officials from six government departments in charge of prioritizing and executing concrete project’s goals. These stakeholders were also able to feed into the agenda so that changes met their needs, priorities and capacities. This approach to build bridges inside the municipal government to sectoral areas helped overcome opposition to openness within the government and, in turn, eased the way to the implementation of reforms. For some officials, such as school principals, the very implementation process has perhaps become the most effective targeted approach to turn select officials into supporters of the process. However, by no means, the strategy convinced all civil servants or politicians – many of who remain critical and skeptical of the value of openness due to shortcomings and/or vis-à-vis other policy priorities.

As goals where quickly delivered, risk aversion diminished, and lessons were learned, the number and ambition of internal and external partners’ demands and goals grew to a total of 48 goals to be delivered by the end of 2016 - 14 have been already concluded while 18 are still being executed. The team also built bridges with select civil servants in target areas, specific providers, journalists and groups in civil society. Among them is the formalization of the decision-making bodies which increase the feedback channels from diverse stakeholders, improve communication as well as spaces for coproduction of control.

While this brief summary of the Blumenau strategy may suggest a linear incremental process, openness was anything but linear. Each goal and measure require navigating specific sector-specific challenges and taking advantage of specific opportunities. For instance, the establishment of a transparent, electronic line to allocate surgeries without the interference of politicians required, among other steps, getting the buy in of the multi-stakeholder health council and other stakeholders. A similar line to allocate spaces in public kindergartens required navigating litigation processes through which judges and prosecutors accepted or challenged the system. The line to determine the order in which streets would be paved faced the resistance of at least some politicians and campaign donors who previously could use their power to gain advantages over others.
From the standpoint of the reformers, trial, learning and adaptation shaped and was shaped by the political context – an issue we discuss at greater length in another paper about the political incentives of a politicians implementing reforms that support open government and social accountability. Still, the targeted organizational and strategic development today underscore the challenge posed by the electoral process which requires a broader coalition of support to facilitate the resilience and expansion of the islands of change beyond an administration.

Inclusive city level engagement

The final group of local engagements – which we call inclusive – is one that weaves together context-relevant state and society politics for open government and social accountability through strategies and organizational structures. The case of Londrina, where the development and action of the Observatory of Public Management of Londrina (OGPL, for its Portuguese acronym) needs to be understood along with the bridges gradually built and/or strengthened by the business-led effort to establish Forum to Develop the city22 and the multistakeholder City Council of Transparency and Social Control.

Londrina is a city marked by the stigma of corruption. Over a decade ago, this challenge encouraged different elites in the city to advance a series of initiatives to change the course of history. They included efforts to develop and implement a development strategy as well as transparency and state and society accountability initiatives. Over the years, these efforts which started as targeted efforts became more inclusive of diverse segments of the local society. Pro-openness stakeholders now implement tailored tactics to lever diverse capacities and relationships in society to prepare monitoring plans, tailored to different sectorial contexts and types of services. For instance, the contract to purchase school meals was allegedly affected by inefficiencies and corruption. The OGPL, building on its experience, opted to target many but not all stakeholders in the complex overlap of sectoral, contracting, and accountability systems. It’s politically and technically informed approached engaged the Department of Education, responsible for the design of the terms of reference for bidding, and for monitoring the implementation of contracts; some of the school principals responsible for monitoring contract implementation in 115 schools in the city.

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22 To find out more about the forum Desenvolve Londrina, access http://www.forumdesenvolveldondrina.org/
To do that, the Observatory had to develop capillarity across the city beyond the original elite focus to be able to gather information at the school level and, then, take it up the policy making decision chain. It is important to note that, in practice, this is a relative measure of inclusion. Londrina is a leader among observatories and it has only started a pathway towards inclusion of a more diverse group than originally founded the observatory, recently. Direct engagement and empowerment of underrepresented populations in the city is not yet a reality. It is a question mark, however, what is the adequate equilibrium between further expanding engagement and promoting effective engagement with limited resources, its monthly budget is R$ 7,500 (US$ 2,162), and competing priorities.

The OGPL hoped to use a constructive engagement strategy with these stakeholders and benefit from their capacities. However, relationships were initially confrontational. They evolved gradually and unevenly as the OGPL engaged different sector’s stakeholders over time with target tactics such as training and monitoring, depending on the counterpart. The work of the OGPL was valued by some principals, who saw it as an ally in the relationship with suppliers. The co-production is therefore visible in the design of the contracts of school lunch provision (by private companies), and mainly in implementation/delivering of the school lunches. The OGPL staff and volunteers cooperate actively and regularly with Department of Education officials and the principals in many schools to monitor and improve the service delivery, eventually involving the private providers. Learning by the mutual engagement in implementation is also valuable to improve the contracts in future bids.

The service of landscaping and urban maintenance, under the responsibility of the City Company for Traffic and Urbanization of Londrina (CMTU) is another example of co-production. After irregularities in large bids, a history of poor contract implementation and pressure from civil society and oversight agencies, a new mayor empowered new CMTU staff to revise the whole structure and processes at the Company. The staff acknowledged that they did not have all the skills to redesign the processes and contracts, they invited the OGPL, other CSOs and public agencies to collaborate with them on to solve problems. The Observatory worked together with public officials in designing and monitoring public contracting and in so doing developed new capacities for joint action.

For the OGPL, this also means that the organization’s structure has evolved through cycles of trial, reflection, and adaptation along with the change in strategy. For instance, the organization has now a
more diverse Board and group of volunteers than ever before - 25 regularly and 60 occasionally. It is accountable to a broad group of constituents and partners, too.

This is one example of developing civic capacities that grew of practice and strategy of pro-openness elites. **These elite based dynamics also delivered concrete results such as** the Compra Londrina Program\(^{23}\) that aims to encourage and permanently empower local businesses to participate in public procurement bids or a government transparency program with similarities to the one described in Blumenau. But unlike the more recent case of Blumenau, elites in Londrina proactively and experimentally decided to establish spaces and bet to build bridges and trust among them, foster collective action (paying the costs of coordination) and nurture joint social capital and action among them to take the city out of the vicious cycle that placed it in a low quality of governance equilibrium (Schommer & Guerzovich, 2016). To be sure, these groups did not try to achieve wholesale change at once, but focused on apparently modest gains, achievable and politically relevant at particular junctures in the cities’ context. Persistence over time and bridges across these different initiatives started more structural change. These groups slowly developed the willingness and ability to participate in multistakeholder spaces, act together with others to solve public problems in ways that can help bolster individual organizations’ political and technical capacities. Collectively, they were able to lead on issues that benefited the group even if individual members would lose from their implementation, including open government policies. Their contextualized, realistic strategies to contribute to solving policy problems and, in due course, transforming the very context.

To conclude, it is important to note that **engagement approaches at the city are not born and fixed into a type**. Cities’ political often reflect movement from one type to another and strategic learning can play an important role in helping reformers shift course in a positive direction. Change may be circumscribed to certain islands in a particular city that is a sea of opacity. Still progress is neither automatic nor guaranteed, strategies can revert in less promising directions\(^ {24}\). What makes


\(^{24}\) For the original statement of within state islands of improved governance in territorial seas of opacity, see O’Donnel (1993). For an example of development of sectoral islands see Helfer, Alter, and Guerzovich (2009).
state-society collaboration work suggests context, strategy and organization fit after cycles of joint experimentation and learning.

Conclusions

This paper explored different ways by which state and civil society organizations interact and engage with their contexts through collaborative social accountability and open government interventions.

The starting point was the theoretical literature and reports about experiences being conducted around the world, emphasizing collaboration and constructive engagement rather than confrontation strategies to achieve results in social accountability and open government initiatives. The review uncovered a gap in the literature, that is to understand the conditions under which different forms of state-society collaboration unfold and work on the ground. Furthermore, while we know that context, organization and strategy matter for the effectiveness of collaborative social accountability and open government efforts, including the role of coproduction, the literature is often criticized for its inability to move beyond macro-level, abstract analysis. The paper builds on insights from the literature about open government, collaborative social accountability and co-production, and links it to practice.

We identified four types of collaborative engagement - inclusive, targeted, restrictive and detached - as a result of a theoretical-empirical exercise that focuses on the interaction between context, strategy and organization as three interrelated variables that jointly have greater potential to account for results than each one of them separately. To operationalize the variables, the paper identifies four key dimensions in the literatures and practices of social accountability, open governance, and co-production of public services and control. These are: (i) capacities of the partnership; (ii) harness the context; (iii) complexity of strategy; (iv) adaptability for learning. In each type, we identify: the stakeholders (who acts); the relationship with the contexts (how is the action); the lines of strategic action (what are the actions); and the dynamics over time (when is the action). The concept of co-production of control was a mean to explore how the collaboration between state and civil society work (when it happens) – what are the roles and responsibilities of each part, the skills and other resources invested, the results effectively co-produced.

The paper then illustrates and explores the potential of the typology analyzing the cases of six Brazilians cities where civil society organization (social observatories) and government work
together, in different ways and levels of cooperation, to reduce corruption and to improve the 
quality of public services and public administration.

The Brazilian experience suggests that, in the implementation of collaborative open government and 
social accountability strategies, the actions (as opposed to static plans or structures) serve as bridges 
between components of the state and elements of the societies to which they belong. Different types 
of bridges can help make inroads in understanding the potential and limits of state-society 
engagement to tackle public policy and governance problems. It is important to consider that the 
diverse local political contexts in which action happens shapes and, over time, can be shaped by 
their organizational structures and strategies that make up different forms of engagement. Yet, 
progress is neither automatic nor guaranteed, strategies can revert in less promising directions. In 
fact, state-society collaboration fits with context, strategy and organization and delivers after cycles 
of experimentation and learning rather than as one-shot instances of engagement.

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10. The Government They Deserve: Why Unelected Governments Have No Reason to be Responsive

Bakry Elmedni

Abstract

This paper intends to differentiate between two major political terms, ruling and governing, that were largely confused when analyzing political behaviors of nondemocratic governments in the developing south. Its purpose is to draw the line between the two terms when used as analytical tools. The paper argues that ruling is about staying in power and governing is about implementing rational policies that promote common good. Because these two terms have very distinct meaning and implications, applying governing tools to analyze authoritarian regimes, which aim to rule, can lead to misconception and faulty analysis. The paper ultimately calls for a paradigm shift in how the terms governance and accountability are used in understanding the political behaviors of nondemocratic regimes. This can be done by focusing on the motives of the ruling elites and applying tools that are relevant to their context rather than the universal assumption that every government is about promoting the common good.

Introduction

There is a common assumption in the mind of the public and experts that the sole responsibility of governments is to serve the public through providing public goods and services. In this regard, even autocratic governments tend to have some degree of responsiveness to selective constituents. In theory, this responsiveness can be explained by the fact that autocratic governments have to secure some form and degree of social legitimacy in order to be able to maintain order, whatever that means. Research has shown that social legitimacy can be as important as political legitimacy (Chomsky 1967). In Manufacturing Consent: The Political Economy of Mass Media, Herman & Chomsky
discussed in length the key elements of modern mass media that power elite utilizes to maintain existing power structure. In democratic societies, elections change leaders from within the same power elite, but they maintain power structures that reproduce the balance. One of the tools the power elite uses to manufacture consent is propaganda. The author contended that propaganda is to democracy what violence is to a dictatorship. In nondemocratic societies, propaganda and violence are both used by the ruling elite in manufacturing consent as a form and source of social legitimacy. To a large extent, the overlap between social and political legitimacy contributes to the perpetuation of misconception regarding the role of government in societies. Hence, in nondemocratic societies, there seem to be confusion between ruling and governing.

Simply put, ruling means mastering ways to stay in power, including violent ones. Governing means devising policies—in consultation with the public—and implementing them to meet broad public interests. In many languages, at least in Arabic, ontologically and functionally ruling and governing are used to mean the same thing (both referred to as Alhukm).

To this end, the purpose of this paper is to clarify some of the confusion between the terms ruling and governing as well as to conceptualize failed policies in nondemocratic societies as a deliberate choice of the ruling elite. The paper is theoretical nature, aiming at contributing to the debate on governance, accountability and policy.

Organizationally, this paper is divided into four sections. The following section provides brief background on the role of unelected government in society a ruler not a governor. The third section gives brief literature on political and social legitimacy and how these concepts are employed by authoritarian regimes. The fourth section closes with concluding remarks.

**Ruling or Governing: Background**

Unelected governments rule and not govern and when they provide any types of public services, these service are usually conceived and constructed as a form of social bribery and favors not because of an established legal or constitutional mandates. As such, it might be useful to the political discourse in the developing world to frame governments’ failures in this context. Furthermore, it is
not only necessary, but also imperative to frame and conceptualize the failed government thesis as a choice of ruling autocrats rather than accidental strikes of bad luck and troubled histories.

Additionally, the link between authoritarianism and failed states has been well documented by scholars (Acemoglu & Robinson, 2012; Way, 2005). When we think of failed policies as a choice, we are likely to move beyond the discourse on accountability occupying the experts’ panels in international circles and civil society groups to truly understand that the motives of the ruling elite in authoritarian societies. The primary political motive of the ruling elite is to remain in power not lifting people out of poverty or educating the young. However, if improving living standards occurs as a byproduct of an authoritarian policy, the ruling elite will take the credit, claim success, and use those improvements to further manufacture consent and silence opponents.

One of the major shortcomings of emphasis on accountability is the assumption that the ruling elite is governing or treats it as such. Then, activists, opposition groups, and human development experts rush to gather data about what the country is doing each for its own purpose. Activists take to the social media with scandalous results as evidence of the regime failure. The opposition groups highlight the failure to register points and further legitimize its position. Human development index experts compile their reports and offer academic advice to the ruling elite as if the ruling elite cares. What is missing in these events is the understanding that when authoritarian rulers implement social policies, the least of their concern is how these policies might impact the lives of their constituents or subjects for that matter, because the principle of citizenship is almost nonexistent in the technical debates surrounding good governance in the developing south. What the ruling elite is really after is the social legitimacy. In this context, accountability—based on technicalities of good governance and political legitimacy—has little to no effect on the regime’s behavior.

**Authoritarian Social Policies: bribery in quest for legitimacy**

Political legitimacy is the acceptance of an authority—usually a governing law or a regime—to make decisions. The core of acceptance is whether the authority has a right to impose decisions. While authority refers to specific position in an established government, legitimacy refers to a system of governance. No political system can exist or survive without some form of legitimacy, not necessarily legal and constitutional. The stability and functioning of a political regime, be it
democratic or authoritarian, depends largely on the capacity of the regime to use coercion and the
development of political legitimacy (Canovan, 2005). If political legitimacy stems from people’s
recognition and acceptance of the validity of the rules of their entire political system and the
decisions of their rulers, then how authoritarian regimes continuously obtain legitimacy and validity?

In stable democracies, election is the mechanism for legitimizing authority and the use of coercive
power is confined within the law and legal mandates. Even those who lose in election are
guaranteed the right to free speech and protection of the law to dissent. Authoritarian regimes rely
mostly on social means and coercive tools. Even in established and mature democracies, there
remains the question of democratic legitimacy. The relationship between political legitimacy and
democracy has been in the center of the attention among contemporary political theorists. It is
common knowledge by now that a political system with a functional level of political legitimacy
must be able to: 1) survive periods of crisis, and 2) formulate and implement policies in effective
ways, i.e. the system’s leaders are able to make decisions and commit resources without resorting to
coercion or obtaining approval of the polity for every decision (Dalton, 2004).

Nonetheless, the matter of political legitimacy remains as one of the issues of utmost importance in
politics and political analysis. Largely, because the relationship between democracy and political
legitimacy is very complex, not as straightforward as one is inclined to assume. The essential
foundation of a democratic system is the principle of recognizing all citizens as political equals and
the right of the citizens to self-rule mainly through the election of their leaders. In this context,
democratic legitimacy is frequently thought of as citizens’ orientations toward the main principles of
the political regime or the entire political system (Dryzek, 1996). The heart of this matter is
acknowledgement that exchange of power and authority can only be achieved through democratic
means, and democracy is the only game in town. Yet, one setback with such conceptualization of
democratic legitimacy is its assumption that private interests have equal powers and all will play
ethically. Empirical research on participatory democracy clarified the confusion surrounding
democratic legitimacy by pointing to other dimensions. Five dimensions of political legitimacy are
relevant for the stability and effectiveness of democratic regimes, these are: (1) support for the
political community; (2) support for the core regime principles, norms, and procedures; (3)
assessment of the regime performance; (4) support for the regime institutions; and (5) support for
the authorities (Aragon, 2015).
If elected governments in mature democracies are in constant struggle to extend their democratic legitimacy as a means to consolidate political legitimacy, one can imagine that authoritarian regimes will do even more to establish political legitimacy. However, this is not actually always the case. On one hand, many authoritarian regimes conduct general elections so as to appear legitimate. On the other hand, coercion—not social policies—has always been the policy of choice for authoritarian governments. Unsurprisingly, the countries with the worst human rights records are the countries that score the highest in authoritarianism index. But if that were the case, why would nondemocratic regimes trouble themselves by holding public elections?

Holding election can serve multiple purposes for an authoritarian regime. First, contested legitimacy is better than outright dictatorship. Second, election can be an effective tool for dragging the dissident voice out of the woods and providing the legal justification for oppressing them. Third, elections send a message about the regime’s political legitimacy for concerned international organizations such as IMF and World Bank. Fourth, elections provide materials for political consumption and distraction from the regime’s failed social policies and programs. In theory, elections are a democratic tool for peaceful exchange of power, but more importantly, elections serve as a democratic tool for public accountability. In a mature democracy, when a governing party implements unpopular public policies, the electorate will punish the party in the following elections by electing opposition parties. In this context, the real challenge then becomes what accountability purpose do elections serve in nondemocratic societies? Moreover, does holding an election make a regime democratic? Of course, scholars have developed sophisticated measures of meaningful and true democratic practice. Yet, determining how democratic a regime is remains a controversial matter at least in political circles.

In reality, it is not a secret that public elections can serve the purpose of political immediacy—image of legitimacy and distraction—in nondemocratic regimes. However, as for accountability what is more important is that elections do not change the leaders nor do they prompt the regime to change or alter its social policies. Mubarak ruled Egypt for almost 30 years while holding elections. Robert Mugabe has been in power since 1987 when he was first elected president and remains in power through election. Omar al-Bashir of Sudan came to power through a coup in 1989 and remains in power through election. There is no need to present statistics about policy failures in Egypt, Zimbabwe or Sudan. Poverty rates, per capita income and life expectancy in these countries make
the case in a point. Yet, elections failed to peacefully replace the ruling elite nor did they produce change of policies.

How do we explain the commitment of ruling elites to implementing failed policies while seemingly not willing to learn anything from these failures at all? Is it the lack of organizational memory, which leads to adoption of ad hoc policies and random changes? An explanation might lie in the fact that social policies enacted by ruling elite in nondemocratic societies were not deployed to solve social problems consistent with theories of rational and public choice. They are, in the best-case scenario, arbitrarily formulated and haphazardly implemented. Furthermore, policies adopted by nondemocratic regimes can be reactionary tools for social engineering and political maneuvering. They are a form of social bribery; their ultimate objective is to solidify the ruling elite’s grip of power. They are intended to prolong the regime’s life while serving as a medium and tool for silencing opponents and manufacturing consent of groups that perceived as a threat to the ruling elite. In ethnically divided societies—as in the majority of African countries—social policies are often used to buy allegiance of certain ethnic groups as a way to create a balance of power (Paul, Wirtz, & Fortmann, 2004) or measured weakness that can keep ruling elite in power. In some occasions, social policies can be used to create a ruling coalition by rewarding ethnic members for their allegiance and loyalty. In places where civil society has shown a level of maturity—measured by the degree of independence from the state—social policies can be very effective in buying temporary allegiance. One example is President Mubarak’s tactics of enticing and professional associations. All what it takes is for the government to announce that teachers, doctors or engineers will have the support of the government to buy apartments or home appliances.

In the developing world, given what we know about the relationship between elections and accountability, which is dubious to say the least. If this is the case, why are we wasting time and energy in applying rational measures in attempt to hold the ruling elite accountable for what experts deem failed policies? A better question yet is what purpose would the discourse on accountability serve beyond talking points? The point here is that failed policies are not a function of poor governance as widely conceived and popularized by the panels of experts who are educated and trained as rational policy analysis. Rather failed policies are mechanisms for political maneuvering and social engineering with the ultimate goal of subjugating opponents and buying allegiance both of which are crucial for staying in power.
The difference between the two approaches is that failed policies implemented by nondemocratic regimes should only be expected not the other way around. This is not to suggest that we should not hold ruling elite accountable for the atrocities and human rights violations, but rather to conceptualize a path that takes us beyond the talking points. Authoritarian regimes have to commit atrocities and violate human rights to stay in power, this should not be a surprise nor should it be our only focus. Intellectually, we are likely to open doors for new possibilities when we understand that ruling, unlike governing, is not about formulating successful public policies that lift millions out of poverty or improve the lives citizens. Rather, ruling is about implementing policies that either build a sustainable coalition or strike a balance of weakness to keep the ruling elite in power. Of course, there are authoritarian regimes that implement sound policies and improve the lives of their citizens. This argument has been used and exhausted the modernity theorists to suggest that democracy is likely to be sustainable in economically stable nations, therefore, developing authoritarian regimes should be given a chance to build a solid economic foundation because it is inevitable that people will demand political freedom when they realize economic freedom. Asian tigers—South Korea, Singapore, Malaysia, and Indonesia— are highlighted to explain the logic of this argument. This argument is not only morally problematic, but also can absolve authoritarianism and justify its irrational actions while waiting for the miracle of economic development to occur. Some nations have endured authoritarianism for decades and have not seen a light of development and still occupy the bottom rung of global societies. It is logical to wonder whether a ruling elite would implement policies that will not maximize its social legitimacy even if that means resorting to policies that impoverish large groups of people.

The need for a paradigm shift is paramount, for accountability discourse not only limits the horizon, but also has become a prison of vision. The way for such shift will only begin when we do not equate governing with ruling. Governing connotes rationality and logical design of policies that intend to promote the common good, primarily reflected in competing interests of various groups in society. Ruling only reflects the dynamics of bargain among the ruling elite and barely lends itself to rational policy analysis tools and mechanisms. When we apply governing tools (policy analysis) to ruling, we are not only missing the big picture, but it is likely that our efforts cease to create impacts. Take for example the discussion about corruption in Sudan, Zimbabwe, Cameron or Niger. What new knowledge are we producing when we say water is H$_2$O. Corruption is nothing but a logical outcome in the absence of true accountability mediated through meaningful democratic practice.
Conclusion

Authoritarian regimes are not stranger to the creation of and engagement in political drama for the sake of distraction and consumption. The focus on accountability based on rational measures play right in the hand of nondemocratic regimes. They hold elections not for achieving peaceful power exchange or referenda on public policies, but rather to give the appearance of political legitimacy while benefiting from the likely ensuing controversy as to whether elections were free. In the meantime, the ruling elite remains in power and the regime’s policies continue to be random and arbitrary if analyzed from the good governance point of view. Conceptualizing failed policies adopted by authoritarian regimes in this way allows us to scrutinize the motives of the ruling elite in new light with sharper tools that are more contextually relevant.

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The Role of Democracy, Good Governance, and Rule of Law to Enhance Sustainable Development: The Ethiopian Experience

Moges Zewdu Teshome*

Abstract

The objective of this article is to illuminate the interrelationship among the three triumvirate concepts: Rule of law, democracy and good governance, on the one hand and their contributions towards an endeavour to realize sustainable development in Ethiopia. Whether these concepts are mutually exclusive or symbiotically intertwined, whether one is a precondition for the enthronement of the other and if any development strategy can be conceived of without a due respect and protection of others, will be analysed. To this end, theoretical discussions are made and followed by critical insight into the legislative, Institutional and practical framework of democracy, rule of law and good governance in Ethiopia. The result of this analysis indicates that in principle, democracy and rule of law are ostensibly provided in Ethiopia but in practice and even by virtue of some pervasive statutes; democratic culture, supremacy of the law and good governance fades in oblivion. What prevails in Ethiopia is more of ‘rule by law’ and less of rule of law. Rife corruption, maladministration, ethnic tension, ignorance, lack of democratic culture, unfair distribution of wealth, disguised laws, political economy, non-inclusive political structure, weak and dependent Institutions and judicial partisanship are primordial factors responsible for the underdevelopment of Ethiopia. Institutional reforms, equitable distribution of resources, provision of quality education, freedom of press, academic independence, building democratic culture, inclusive and participatory political system, among other recommendations, are the necessary conditions to ensure rule of law, democracy and good governance and lay foundation for sustainable development.

Key Words: Democracy, rule of law, good governance, sustainable development, and supremacy of law.
Introduction

Ethiopia is, in terms of state formation, one of the oldest states in the World with rich history. However, where it comes to practice of democracy, prevalence of rule of law and entrenchment of good governance, all that can plausible be said is that these concepts are unfortunate to find conducive environment to flourish. Akin to Ethiopian justice system is a long tradition of subversion of law to rule of men.

The three concepts; democracy, rule of law and good governance are subtly intermingled to set a boundary that separate them for conceptual understanding. Their relationship is so intricately linked that, sometimes, one wonders where one stops and the other begins\(^{25}\).

Democracy, the rule of law and good governance are the key elements that are imperative for the existence of what Plato, in his republic, described as an “ideal state”. Democracy provides conducive and stimulating environment for the rule of law to thrive, while rule of law sustains democracy; good governance, on the other hand, strengthens both democracy and rule of law in every modern society\(^{26}\).

The subtle relationship among democracy, rule of law and good governance, is succinctly stated by Charlie Nwekeaku, as follows: Their relationship is akin to what exists among road, car and fuel. The rule of law is the road, on which democracy, that is the car, plies, while fuel, that is good governance, sustains the car (democracy). Simply stated, democratic culture, rule of law and good governance are quintessential for the very existence of modern states and reinforces any social transformation for good. The three concepts are mutually inclusive and functionally reinforce each other.

Democracy, rule of law and good governance are, either individually or collectively, paves the way for development. Indeed, development index of a country incorporates the three concepts as a measurement of development. In a real and modern sense, development should be pursued

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\(^{26}\) Ibid.
holistically and sustainably to bring broad spectrum economic, social and political transformation. Thus, the nexus between democracy, rule of law and good governance and sustainable development is direct and indispensable.

This article is divided into four sections: brief introduction, theoretical discussion, analysis of the Ethiopian experience and conclusions and recommendations, respectively. In section one, brief introduction is made with a view to give a clear picture of the whole discussion, followed by section two which fairly discusses about conceptual framework of democracy, rule of law, and good governance and their contribution to realize sustainable development. In section three, the main theme of the article, Ethiopian context and experience, will be buttressed in light of theoretical, legislative and practical setting. Finally, the article will be culminated with conclusion and recommendations.

**Democracy, Good Governance and Rule of Law: the road to sustainable development**

**Democracy and democratic culture**

There is no consensus among scholars on the exact definition of democracy. The definition of democracy has been undergoing a profound change and consequently, the Athenian conception of democracy has been broadened. Many attempts have been made to come up with a solid definition and nature of democracy, but, far and in between. Democracy is an “essentially contested concept”.

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27 In this article, the term “sustainable development” is used in its widely accepted definition. In the 1972 Stockholm Conference on environment, and as further reinforced in Rio Declaration, Sustainable development is defined as the development that satisfies the needs of the present generation without compromising the rights of future generations. Furthermore, it is defined by developmental economists as “development which is holistic to encompass varieties of development index and consistently maintained for a fairly longer period of time. Thus, the term sustainable development is not used as narrowly applied to environmental protection. Readers of this article are commended to read further on this matter to get the full picture of the concept.

For the purpose of this article, democracy as originally defined by Athenian philosophers and as further enunciated by Abraham Lincoln, is used: “democracy is the rule of the people, by the people and for the people”. Indeed, democratic rule reigns when the supremacy of the people prevails, governors are elected from among citizen by their free will and exclusively works for the general welfare of the society. Amid the varying definitions of democracy, the tenable approach to understand about democracy and democratization is to know about the pillar principles and nature of democracy as it appears in the contemporary world.

Accordingly, democracy can be seen from three perspectives: democracy as an ideal, democracy as a condition or process and democracy as fruit or real. Democracy is an ideal. It is deployed as an analytic concept, a normative ideal, a political prescription, and an empirical description\textsuperscript{29}. The idea of democracy is real in its far-reaching consequences. Democracy is also a condition for the realization of rule of law, good governance and all other virtues. It is a process which has no end line, always changing with new developments and undergoing metamorphosis process.

Democratization, being a process, is the priority agenda in Africa and other developing countries. Democracy is not, however, a state of affairs that can finally be achieved. Nor can there be one or more linear paths toward democratization, marked by stages of transition and consolidation\textsuperscript{30}. Democratic commitment has been taken as a precondition by donor Agencies and International financial institutions such as World Bank and IMF to allow grants and loan. For democratization strategy achieve its end and democratic rule become hegemonies, there must be minimum conditions of democracy fulfilled. The followings, among others, are the fundamental conditions of democracy; namely: democratic culture, inclusive political system, free, fair, and periodic election, representative Institutions, rule of law and good governance. Rule of law and good governance are discussed in the next sections.

Democratic culture is the mentality of the people towards democracy and democratization. On the soil where tyrannical and dictatorship regime flourishes, democratic culture hardly takes a foothold. Democracy presupposes a culture which welcomes and sustains it. Democratic culture is, therefore, a primary condition to ensure democracy, most importantly, in developing African Countries.

\textsuperscript{29} Ibid.
\textsuperscript{30} Id, p. 343.
Inclusive political system thrives for participatory governance whereby all stakeholders are involved in political decisions, in one way or another. Genuine representation, multiparty structure and independent and representative institutions play a pivotal role in this regard.

Democratic elections, predicated on fair, free and periodic procedures, keep democracy on board. Democratic elections enable people to choose who will represent their views, interests, and concerns in legislatures and other public arenas. They also enable people to decide collectively who will govern them. “Deliberative democracy” as normative ideal proceeds “through public argument and reasoning among equal citizens”31.

Central to democratic system is independent and representative institutions. Governments may set up independent institutions to protect rights, to regulate the public activities of private and state institutions, and to referee elections. However, they tend to be taken aback if they act too independently. This obviously is what is happening in most African countries. Institutions need to maintain their independence to a realistic extent for democracy to stand along.

These being said, democracy or democratic system serves as a building block for rule of law and good governance to be ensured and also enables the citizen to have a say on development plans and strategies through participatory procedures and transparent and accountable system.

**Good Governance**

The term good governance denotes two concepts: governance and a qualifying word” good”.

Thence, it is imperative to have a glimpse of discussion as to what constitutes governance. The World Bank has identified three distinct aspects of governance:(i) the form of political regime; (ii) the process by which authority is exercised in the management of country’s economic and social resources for development; and (iii) the capacity of government to design, formulate and implement policies and discharge functions32. The OECD uses the World Bank definition of governance with the following links: legitimacy of government (degree of democratization), accountability for political and official elements of government (media freedom, transparent decision making, accountability

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mechanisms), competence of governments to formulate policies and deliver services, and respect for human rights and rule of law (individual and group rights and security, framework for economic and social activity, and participation).

From these definitions follows that governance is the administration of economic, social and political affairs of the country by a legitimate government within its delimited authority. Good governance is juxtaposed to bad governance or maladministration, and embraces a range of issues. Good governance is defined as a process by which governments and people together identify shared values, needs and challenges, set priorities and develop programmes to address those needs and challenges and jointly manage the administration of those programmes and available resource, through transparent and accountable process with shared responsibilities and broad-based. This requires a climate for rule of law, the existence of institutional checks and balances and full respect for human rights, with the expressed objective of maximizing to men and women for common good. In other words, good governance is proper and gender conscious, is legitimized by participatory process, undertakes anti-corruption efforts, is bureaucratically accountable, is efficient and effective in the use of resources, and promote active involvement of private sector and civil society to counteract vested rights.

Good governance, as Reif lists, numerous practices such as: elimination of corruption in government, a predictable, transparent and accountable administration, democratic decision making the supremacy of the rule of law, effective protection of human rights, an independent judiciary, a fair economic system and appropriate devolution and decentralization of government.

For Hiroshi Matsuo, “good” governance (government) includes various elements but can be divided in to three aspects: (a) the “efficiency” of the government’s function, (b) the “righteousness” in exercise of power and (c) the “benevolence” of the government toward the people.

To ensure justice in its true sense minimum requirement is of good governance. Bad governance is one of the prime and common reasons for sluggish economic development in developing

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34 Ibid.
36 Hiroshi Matsuo, The Rule of Law and Economic Development: A Cause or a Result?, Nagoya University School of Law, CALE BOOKS 2, 2005, p.64.
countries. "When governments are corrupt, incompetent or unaccountable to their citizens, national economies falter". When inequality is very high or there is unfair distribution of wealth, rich people often control the political system and simply neglect poor mass people, forestalling broadly-based development.37

Consensus emerged that dysfunctional political institutions and governance bear much of the blame for Africa’s poor economic performance, hindering the successful pursuit of any development strategies- whether oriented towards capitalism or socialism, self-reliance or global integration.38 World Bank Reports over the last decades have been proving the direct relationship between good governance and development and, also good governance provides a shelter for democracy and rule of law.

Good governance, as enshrined in the legislations and ensured in practice, is quintessential for holistic and sustainable development in any country, regardless of the economic, political and social structures of that country.39

Rule of Law40

The principle of rule of law, in contradistinction to rule by men is an ancient one.41 The Secretary General of the United States [2013] defines the rule of law as:

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37 In the country where there exists no fair and equitable distribution of wealth and utilization of resources, the system tolerates exploitation of the mass by the few and politics is aligned to achieve the same goal, then, that is the clear case of maladministration and is a prelude to public discontent hindering sustainable development from being realized. In most African countries experiencing bad governance, political crisis and fragility, economic development has shown very poor performance.


39 It may seem a paradox to see some countries with poor record of good governance to grow economically at an alarming rate. One may argue that countries such as China are economically developed, yet exhibit poor democracy and good governance. The point is then, can it be said that China is developed (sustainably and holistically) - the development which benefits its entire citizen with massive eradication of poverty? After all, does development confined to economic growth or it also encompass other aspects? This is a subject to be answered by developmental economists. However, from its face value, development includes, in addition to economic growth, fair distribution of wealth, human development and cultural transformation.

40 In this paper, the term” rule of law” is used to mean independent, efficient and accessible judicial and legal systems, with a government that applies fair and equitable laws equally, consistently, coherently, and prospectively to all of its citizens.

41 See e.g. Aristotle, Politics III. P.16.
A principle of governance in which all persons, institutions and entities are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards.

At its core is the conviction that law provides the most secure means of protecting each citizen from the arbitrary will of every other. By being constrained to govern by means of general laws, the rulers of society cannot single out particular citizen for special treatment. The law is to constitute a bulwark between governors and the governed, shielding the individual from hostile discrimination on the part of those with political power. The idea is that “when we obey laws, in the sense of general abstract rules laid down irrespective of their application to us, we are not subject to another man’s will and are therefore free”. The doctrines most obvious application to constitutional theory is the requirement that the action of the executive, and those of every other civil authority or government official, should be justified in law.

Rule of law also incorporates the principle of legality, administrative accountability and due process of law. The principle of legality and ideal of rule of law requires that the nature and limits of official encroachment on the liberties of the citizen be clearly stated in advance of any action against him in the name of the state. In this way, the powers of the government are constrained in a manner which precludes arbitrariness on the part of government officials. More precisely, the rule of law requires that governmental actions in relation to citizen be circumscribed by rules which limit the scope of official discretion.

The court should stand as a mediator between government and the citizen, to ensure that any statutory powers claimed by public officials are properly authorized, and that the citizen safely rely on the relevant statutory wording in formulating his plans and deciding on the scope of his liberties under the law. The rule of law, to large extent, also presupposes separation of power (if not personnel) among branches of government. The threat to the rule of law is enhanced when delegation of extensive discretionary powers is coupled with statutory provisions which seek to limit, or extend, the possibility of judicial review.

44 Supra note 15, p. 114.
45 Ibid.
Stated in a general term, rule of law is ensured when there is supremacy of constitution and other laws, arbitrary and discretionary power is defined and limited, democratic decision making prevails, equality before the law is the rule and independent judiciary serves as a fountain of justice.

Rule of law strengthens democracy by ensuring that government operates only within rules adopted or sanctioned by parliament. It is also obvious that when rule of law is the governing principle, then, follows good governance. It is also sound to state that rule of law is the basis of governance, democracy, good governance and all other virtues such as human rights protection. Because, if everything is done according to the [just] laws and rule of law prevails, there is no fertile ground for arbitrary decision and bad governance.

Generally, there is a political consensus that Democracy, rule of law and good governance are necessary foundation for efforts to achieve sustainable development. For a planned but not spontaneous development to foster in a given country, rule of law serves as a bridle dictating economic policy making and development plans, sustains the well functioning system and pacify broad-spectrum changes in society attitudes to extreme poverty and deprivation. The rule of law expresses and enables a society’s conception of social and economic justice, and more specifically it frames wealth, resource and power [re]distribution. Reinforced by democracy and good governance, rule of law enhances sustainable development by bringing political, economic and social stability within the country, provided the government is committed to that end.

**Democracy, Good Governance and Rule of Law versus Development: International Perspective**

The nexus between Democracy, Good Governance and Rule of Law and development has been heatedly debated since the 1960's Law and Development movement. After 1990s, the law and development movement is replaced by the Rule of Law project. Currently, International Community and Institutions are paying much attention to Democracy, Good Governance and Rule of Law (as triumvirate concept) for its tremendous role to ensure justice and bring about sustainable development.

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The World Bank writes that “a lack of access to justice is itself a central dimension of poverty.”\(^{47}\) The UN Secretary General (UNSG) defines\(^{48}\) rule of law as a

“principle of governance in which all persons, institutions, and entities, public and private, including the state itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards. It requires, as well, measures to ensure adherence to the principles of supremacy of law, equality before the law, accountability to the law, fairness in the application of the law, separation of powers, participation in decision-making, legal certainty, avoidance of arbitrariness and procedural and legal transparency”. In this context, the rule of law contributes to sustainable human development as a system of regulation and justice.

The states have committed to international norms and standards, including to the principle of the rule of law itself. During the 2012 UN General Assembly High Level Meeting on the Rule of Law, member states recognized that “there are common features founded on international norms and standards which are reflected in a broad diversity of national experiences in the area of rule of law.”\(^ {49}\) “The advancement of the rule of law at the national and international level is essential for sustained and inclusive economic growth, sustainable development, the eradication of poverty and hunger and the full realization of all human rights and fundamental freedoms, including the right to development [emphasis added], all of which in turn reinforce the rule of law.”\(^ {50}\) The UN General Assembly has reaffirmed “that good governance and the rule of law at national and International levels are essential for sustained, inclusive and equitable economic growth, sustainable development and the eradication of poverty and hunger”, in subsequent resolution regarding the MDGs.\(^ {51}\)

The International Community has also shown strong Commitment in Rio+20 Conference, by upholding that “Democracy, good governance and the rule of law, at the national and international levels, as well as an enabling environment, are essential for sustainable development, including

\(^{49}\) UNGA/A/RES/67/1 at para 9
\(^{50}\) Declaration of the High-Level Meeting of the General Assembly on the Rule of Law at the National and International Levels,2012.
\(^{51}\) Keeping the promise: united to achieve the Millennium Development Goals(General Assembly Resolution)A/RES/65/1(2010)
sustained and inclusive economic growth, social development, environmental protection and the eradication of poverty and hunger.”

The UN Commission on Legal Empowerment of the Poor also conveyed similar message in its report: “the rule of law is not a mere adornment to development; it is a vital source of progress. It creates an environment in which the full spectrum of human creativity can flourish, and prosperity can be built”.

From the above discussions, it can be deduced, that ensuring democracy, good governance and rule of law at national and international level paves the way for sustainable development. However, there is no clear theoretical foundation, which leads to consensus as to the causal relationship between Democracy, good governance and rule of law and development. All most all International Donor Agencies and Institutions believe that the former is the foundation for the later while significant numbers of scholars are divided in their analysis. The writer personally argue that the causal relationship works both way, but for reliable, holistic and sustainable development to be achieved, the prevalence of democracy, good governance and rule of law is a foundation. The writer is mindful of the complex nature of the matter, carefully decided to take a stand based on his personal analysis and supporting his argument by prevailing contemporary discussions, though. As such, in addition to the foregoing discussions, approaching the issue from the right to development perspective is worth discussion.

The UN Declaration on the Right to Development succinctly elucidates the causal relationship between democracy, good governance and rule of law and development. In its preamble it is recognized that the human person is the central subject of the development process and that development policy should therefore make the human being the main participant and beneficiary of development. In turn, there is no abstract right to development and hence, to fully exercise the right to development, obstacles should be removed. Without participatory democracy, good governance

53 UN Commission on Legal Empowerment of the Poor Final Report, 2008.
54 Concerning the causal relationship between democracy, good governance and rule of law and development, discussions continue between the opposite views. On the one hand, there is a belief that democracy, good governance and rule of law facilitates the economic activities and it is a necessary precondition for economic growth. On the other side of the view, it is criticized that democracy, good governance and rule of law is not “a path to development” but “a highly desirable result and spill over of development.
55 United Nations Declaration on the Right to Development, United Nations Millennium Declaration(UNGA Resolution 55/2)
and supremacy of rule of law; the right to development cannot be imagined. The right to
development is predicated up on democracy, good governance and rule of law—it requires conducive
and enabling environment. Human being, as a centre of development, should exercise his/her rights
through democracy, good governance and rule of law. Thus, ensuring democracy, good governance
and rule of law is a precondition for the right to development to exist and serve both as the means
and an end for sustainable development.

The Ethiopian Experience: Analysis of the law and practice

Democracy and Democratic Culture in Ethiopia

Being one of the oldest states in the world, viewed from the perspectives of state formation,
religious practice and trade relation, Ethiopia is supposed to be one of the countries where
democracy and democratic culture attained its zenith. Nevertheless, democracy is still at its infant
stage in Ethiopia owing to myriad of factors. One of those factors, indeed strong one, is poor
democratic culture which made every efforts of democratization to remain sluggish. The
conservative tradition, prolonged civil wars, ignorance, hierarchical social structure and repugnant
culture, among others, are some of the reasons for poor democratic culture.

The other factor for poor democratization is the political structure. Virtually all rulers of Ethiopia,
whether they are monarchical, military or some other regime with distinct ideological back up, has
had unstable political power founded up on volatile ground. Due to this reason, leaders had no
enthusiasm to rule democratically and let its citizen to exercise their democratic rights. Thence,
transition to democracy in Ethiopia is taking long and tortuous routes.

The third factor is lack of independent of democratic institutions. For the long past period of time,
there have no democratic institutions and if there are any, maintained no independence both
institutionally (structurally) and functionally. Strong and viable democratic institutions is the”

56 There are two forms of independence of institutions: structural independence which refers to independence
in terms of structure whereby institutions are separated from each other and legally protected from any kinds
guardian of democracy”. Democratic institutions such as human rights commission, Ombudsman, Anti-corruption Commission, Election Commission, civil societies and the judiciary are fundamentals of democracy. However, democratic institutions have already defying the very promise they are set for. Their independence is glaringly questionable. Both by structure and function, these institutions are practically discharging the political responsibilities assigned to them, with thinking that they represent the government as a political body. Even to the surprise of many, the Ethiopian Human right commission has been engaged in preparing the country report to human right committee. The commission may risk itself being too closely identified with the government and as such, blurred its independence. The same is true to other democratic institutions including the judiciary. It is the universal principle that judiciary should have special role in interpreting and safeguarding the democratic rights entrenched in the constitutions.

Courts should stand as a mediators between government and the citizen, seeking to ensure that any statutory powers claimed by public officials are properly authorized, and that the citizen can safely rely on the relevant statutory wording in formulating his/her plans and deciding on the scope of his/her liberties under the law. Unlike other democratic institutions, independence of judiciary is non-negotiable for the very reason that the ultimate and final home to bring grievance and see justice being served is the courts of law. Courts in Ethiopia lost their independence mainly due to high political intervention from all directions. Specifically, when government interest is at stake, cases are already decided before it reaches proper hearing due to political affiliation and fear of tenure insecurity. The rhetoric which holds that judges should not be a member or supporter of any political party is not true against the ruling political party- in the name of government policy and strategy implementation, judges at all levels, dejure or defacto, are politically chained and their appointment is not merit based but evaluated based on political conviction and tendencies.

of unjustified encroachment. While functional independence relates to scope of power of each institution with the idea of minimizing power overlap and ensure efficient separation of power.

58 Supra note 17, p. 115.
All in all, courts are highly impartial, dependent and not living up to their promises, because of political intrusion and dictation, tenure insecurity\(^{59}\), economic dependence, serious corruption, and ethical problems (lack of integrity).

The role of civil societies cannot be overlooked at this juncture. The institution of democracy rests on three major pillars: government, business community and civil society\(^{60}\). Civil society plays a critical role in independently reviewing the success and shortfalls in the implementation of programmes meant for the people and has the ability to channelize the people\(^{61}\). The role of civil societies to enhance democracy is also remarkable. There should be, however, positive and friendly relationship between the government and civil societies aimed at hastening democratization. Every effort is made to work for common objective and they need to work hard on the front. At the same time, it should be understood that civil society involvement in service provision is not intended to undermine the role of government, but rather to complement and improve government action and share their experience in solving development problems and advocating democracy.

Despite the fact that civil societies were, are and will tremendously contribute in the democratisation process, Ethiopian government is at a loggerhead with civil societies. In the aftermath of the 2005 national election, conditions have dramatically and drastically changed which significantly limited the role of civil societies. This is mainly done through enactment of pre-emptive legislations\(^{62}\). At the heart of such restrictive measure lies political centralization, the obsession of fearing power sharing. The government doesn’t want to see active, aware and well-informed citizen who knows his/her rights and duties to question the system. For civil societies work to empower citizens to exercise their democratic rights, civil societies are considered a threat to the political system. As the role of civil societies are dwindling, democratization process is obliterated.

The fourth factor for poor democratic record in Ethiopia is symbolic commitment of the government. The government every time adopts confusing and inconsistent policies and strategies,

\(^{59}\) In principle, Article 78 of the Constitution of the Federal Democratic Republic of Ethiopia (herein after the “constitution”, provided for life long tenure security of judges and institutional independence. However, by broadly and arbitrarily interpreting exceptions and enactment of inconsistent laws, judicial independence lost its essence.


\(^{61}\) Ibid.

\(^{62}\) Proclamation to provide for Charities and Societies, Proclamation No. 621/2009, see relevant provisions on powers, activities and limitations of Civil Societies.
trying each on the citizen as a laboratory, introducing new one when the former fails and the viscous circle continues. Let’s see the current national ideology which provided for principles that guide economic, political and social transformation—“Developmental state and developmental democracy”. Without going into endless discussions, the writer only discuss developmental state in light of developmental democracy to see if developmental state ideology is in harmony with democratic commitment of the country—Ethiopia. Is it possible to bring development and ensure democracy at the same time or, development first-democracy later?

According to government reports, the Country has come to enjoy the fastest improvement in the Human Development Index among the Least Developed Countries. It has set for itself a challenging goal of becoming a democratic developmental state seeking to create a middle-income society by 2025. Nothing is wrong to set development plan at a national level and aspire to bring democracy but working towards that end is the most important thing.

Developmental state, in simple terms, is a state that is and seeks to be a strong player in the economy of a nation with a view to enhancing economic development. There are also varying definitions of developmental state, and for this reasons it is tenable to point out the features of developmental state. The basic features of developmental state are provided in literatures as: strong national government, economic centralization, consensus, homogenous vision, and unperturbed by frequent elections. Bolesta asserts that it seems justifiable to claim that a developmental state would be difficult to sustain in a fully democratic system in which people enjoy extensive political rights.

With this ideology as an underlying tenet, the Ethiopian government claims that it has enthroned democracy and will continue to do the same. But isn’t it far from the truth and against its policies behind the scene? Uncharacteristically, the government frequently claims that it is protecting democratic rights and bringing the fastest economic growth in the World. The writer argues that developmental state may bring democracy but that is a long overdue. Moreover, the practical situation in Ethiopia doesn’t indicate any optimism, even though human rights are stipulated in the

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64 Ibid.
Constitution. Where is freedom of press, opinion, speech, assembly, religion, expression, movement... and of life envisioned in the Constitution? What is the score of human development index of Ethiopia? Who is getting how much from the economic benefits-social justice? Above all, has Ethiopia ever experienced free, fair and genuine election? All these questions call for in-depth inquiry and objective analysis.

The government that has been gallantly muzzling freedom of media and press, castrating the justice system, narrowing the horizon of academic freedom and relentlessly working against inclusive political system is not morally and legally capable to allege that it has ensured democracy across the board. It is

**Development or Democracy or Both?**

Development first-democracy later or the other way around? Scholars and public opinions are divided on this issue, some arguing it is not the nature of developmental state to handle development and democracy side by side and some optimistically arguing that it is possible to realize both. In the academic arena, there are three broad camps to describe the links/sequential order between democracy and development. They are: (a) the democratic governance camp, which stresses the importance of democratic governance for development; (b) the developmental state camp, which believes that the developmental state comes first and democracy later; and (3) the multiple path camp, which emphasizes politics but also highly context-specific paths to development. Consequently, there is no “one-size-fits-all” approach to democracy vs. Development, leaving the subject with no universal consensus.

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66 In the Constitution, human and democratic rights are provided with restrictions and limitations thereto. A closer look at of Chapter three of the constitution clearly reveals it. However, the Constitution and other enabling legislations are full of “claw back clauses” which bestowed the government with untrammelled discretion to interpret it widely or narrowly.

67 A proclamation to Provide for Freedom of the Mass Media and Access to Information, Proclamation 590/2008, Federal Negarit Gazeta, 14th Year, No.64. In article 2(2) of this Proclamation, it is provided that no restriction may be made on freedom of press except as provided in this law and the Constitution. It has been this same article that has been broadly applied against the Citizen in a negative way. The practice of arresting journalists and closing various print media is concrete evidence.

68 Public discussion made on September 2014 as part of the training on Growth and Transformation Plan and related issues, Haramaya University.

69 Anna Lekvall, Development First, Democracy Later?, International Institute for Democracy and Electoral Assistance, (2013), pp. 27.
However, the writer argues that the first approach cannot withstand the modern values resonating all over the world—without democratic system put in place; development can’t be conceived. Development, as it includes all virtues of developed nation not only economic growth, and being sustainable, is hardly possible to make. Simply because democracy is one facets of development. There is a positive relationship between democracy and development. For example, Amartaya Sen has famously argued that it is not merely a coincidence that there has never been a famine in a functioning multiparty democracy. Democracies generate relatively strong incentives for political leaders to promote development. Sen sees democracy and rule of law as beginning with the capabilities of individuals and communities to participate in defining what is just. Development interventions have sought to build these capabilities—or a citizen’s agency and voice—across sectors.

In sum, democracy is more than the functioning of effective representative institutions. It also means upholding fundamental principles, protection of human rights and rule of law. Human rights are necessary for the functioning of democracy and a functioning democracy is essential to ensure the full enjoyment of human rights (including the right to development). Therefore, Democracy is a prerequisite for development.

**Rule of Law in Ethiopia**

As it is extensively discussed in section one, rule of law is one of the foundations for orderly functioning of politics, protection of freedoms and liberties, ensure supremacy of the law and enhance provision of justice. Moreover, rule of law guides, of necessity, the development plans and strategies. Indeed, it is a common fact that there cannot be orderly change or transformation in the society in the absence of rule of law, law being the potent instrument of social engineering. Despite its utilitarian value, law reflects strong moral values, social norms coherently embedded in the hallmark of legislations. For the same reason, [sustainable] development requires an environment where rule of law prevails. Ethiopia cannot be an exception to this general principle, too.

The rule of law presupposes the supremacy of law in the state. This means that law, and nothing else, counts in the society, as everything, everybody is subject to the same law. Both the ruler and the

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ruled, or the ruler and the subjects, are not only subject to the rule of law, but also equal before the law. This in turn requires protection of rights (freedoms and liberties) provided in the Constitution and other relevant laws, fair (if not equal treatment) for benefits and burdens-political, economic and social justice and efficient and predictable recourse for justice (both administrative and judicial recourses).

Viewed from the above perspectives, does rule of law prevails over rule of men and / or rule by law? The fact is that there are laws, indeed, swath of laws, in Ethiopia which don’t justify prevalence of rule of law. Rule of law is much more than having laws, more specifically; enactment of law is only one limb of rule of law. If laws are used to restrict freedoms and extend discretion, then, that is the clear manifestation of rule-by-law. Invariably all human and democratic rights guaranteed by the Constitution have been subject of unjustified restrictions, arbitrary derogations and temporal limitations, albeit, to a varying degrees. Most of the limitations and restrictions are waged against political rights such as the right to elect and be elected, freedom of press and media, freedom of speech, freedom of religion, freedom of assembly, and civil rights such as the right to be presumed innocent, freedom to be free from arbitrary arrest and torture. The most striking problem is the practical implementation of those rights enshrined in the Constitution. The rights, at least, partially exists on the paper, but crippled by the poor implementation on the ground.

There have been periodic elections in Ethiopia; so far we experienced the 5th election. But elections are not free, fair and genuine due to lack of equal access to information, resource, reliable system and misrepresentations. This happens highly due to the partiality of National Election Board, media and law enforcement bodies.

Media, which are considered to report objective facts, are antithetic to the rules of the country and receive negative remarks to the extent of closure and imprisonment of journalists. Freedom of

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73 Rule by law is the corollary of rule by men but presupposes existence of law; laws which are enacted by violating constitutional values, to achieve some political motives and with a view of justifying illegal actions of the government. These laws are, what Lon Fuller considers, as” unjust and bad law”; laws which are arbitrary, incoherent, unclear, retrospective and derogative.

74 Generally see Article 15, 17, 19, 20, 27, 29, 30 and 31 of the Constitution for reference of these rights.

75 This same fact has been regularly reported by the World Bank, Human Rights Watch, Amnesty International, UNDP,…by all major International Organization working on the area. For further information, please the annual report of each Institution.
religion is one of the sacred and sensitive rights provided in the Constitution\textsuperscript{76}. The intervention of the Government in the religion reached the extent of proposing dressing codes and ritual ceremony for the believers\textsuperscript{77}. Freedom to be presumed innocent is crippled by anti-corruption proclamation which shifts the burden of proof from the prosecutor to the defendant\textsuperscript{78}. Arbitrary arrest is done by virtue of Anti-terrorism proclamation\textsuperscript{79} and vagrancy proclamations\textsuperscript{80} which provide for arrest without warrant.

These are just some of the examples which indicate absence of rule of law in Ethiopia. At this juncture, therefore, it is not plausible to say supremacy of rule of law prevails in the Ethiopian justice system but rule by law. Needless to state, disregard of rule of law is one of the factors that contributed for faltering development of Ethiopia.

**Good Governance in Ethiopia**

Good governance calls for participatory, transparent, accountable and decentralized government system reinforced by democracy and rule of law. There can’t be any reliable evidence other than government report that pointed out absence of good governance in Ethiopia. On every public report, the Ethiopian government has been admitting widespread practice of bad governance\textsuperscript{81}. Corruption, bureaucracy, poor customer service practice and weak institutional structures are

\textsuperscript{76} Generally see Arts.11 and 27 of the Constitution. In both provisions, religious in dependence is provided with sweeping exceptions opening the door for the government to meddle in the private matters. While article 11 of the Constitution stipulated the principle of secularism or separation of religion and state, article 27 provides for extent of religious freedom. The restrictions to religious freedom are public order, morality and violation of the rights of others. These exceptional grounds are taken to its unintended level and religious freedoms have being severely restricted.


\textsuperscript{78} The Revised Proclamation to provide for Special Procedure and Rules of Evidence on Anti-corruption Proclamation 434/2005, Federal Negarit Gazeta,...see article 33 which introduced preponderance of evidence for corruption crimes.

\textsuperscript{79} The Proclamation to provide for combating and criminalization of terrorism, proclamation 652/2009, see article 3, 15 and 16. Article 3 provided for broader definition of terrorist attack, in effect results in arbitrary detention; article 15 and 16 gives sudden and covert search power for the police force.

\textsuperscript{80} A Proclamation to provide for Controlling Vagrancy, Proclamation 384/2004, Federal Negarit Gazeta, Year 10, No. 19, see article 7 which gives a power to police officer to arrest anyone s/he suspects without a court warrant.

\textsuperscript{81} Recently, the Growth and Transformation Plan 2 clearly indicated that lack of good governance is the major challenge posed against the political system and development endeavour.
identified as common causes of absence of good governance. To these, the writer adds non-participatory decision making\textsuperscript{82}, dubious institutional structure, wide discretionary power, political partisanship and unaccountable system as the causes of mal/bad governance in Ethiopia. Above all, weak and unreliable institutions are the threat for good governance in Africa, in general and Ethiopia, in particular\textsuperscript{83}. The viability of institutions depends on the office holders’ whims and vanishes with them. Good governance provides an opportunity for the citizen to participate in the development process as governance rests on the twin values of inclusiveness and accountability. Good governance improves growth improving business environment by reducing basis for corruption, creating transparent mechanisms and bolstering public confidence.

Without participatory, transparent and accountable system and strong and independent institutions put in place that propel good governance; sustainable development will be hampered. Accordingly, relentlessly working on good governance enhances sustainable development in Ethiopia from within.

Conclusions

Democracy, rule of law and good governance are the triumvirate concepts highly intertwined by common threads. They are mutually inclusive and reinforce each other at all times. It is hardly possible to separately treat them due to lack of conceptual clarity. Against this backdrop, in this article, efforts have been made to show the mutual interrelation among these concepts and their \textit{par excellence} contributions to enhance sustainable development.

In Ethiopia; democracy, rule of law and good governance are showing some illusive progress, when viewed from legal perspectives. However, institutional guarantee and government commitments to enthrone democracy, rule of law and good governance are unsatisfactory. Democratic culture is yet to be entrenched in the fabric of the public and the politicians, rule of law is dissipating and rule by law is taking over the role of rule of law and good governance is to be earned at very high cost.

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\textsuperscript{82} The decisions are made top-down and there is no room for bottom-up participatory mechanism. Procedural right is totally missing; prior consultation and involvement of the stake holders is indispensable for good governance. After the decision is finally made, the government has been trying to notify what has been decided to the public, which is a misnomer.

\textsuperscript{83} A public speech of president of the United States of America, Barack Obama, delivered on July 26, 2015 at African Union Headquarter, Addis Ababa, Ethiopia.
The main factors for poor record of democracy, rule of law and good governance in Ethiopia are: poor democratic culture, week and dependent institutions, non-inclusive political structure, violation of constitutions rights and misleading commitment of the government.

Finally, ensuring democracy, rule of law and good governance is a legal and moral demand, as of necessity, to realize sustainable and holistic development. More specifically, democratic system, dictated by rule of law and driven by good governance is the prerequisite for development and cannot be traded off with other values.

**Recommendations**

Based on the analysis made in the forgoing discussions, the following recommendations are in order:

Massive work has to be made to entrench democratic culture in the fabric of the general public and in the political system. This requires genuine commitment from the part of the government and transformation of Institutional structure;

Supremacy of rule of law should be considered as a non negotiable value; consequently any individual or government actions should be aligned to the principles of rule of law;

Disguised laws which allow excessive and arbitrary discretion needs to be bridled so as to maintain human rights and freedoms enshrined in the constitution;

Good governance must be seen by everyone and at all levels. To this end, democratic institutions need to maintain their independence or reasonably distance themselves from the bureaucracy. There should be direct accountability of these institutions to the people not to the political body and the budget constraint should be resolved to allow democratic institutions widen their outreach;

Civil Societies are left with very narrow areas to work on; as a guardian of the people they are left unguarded. Thus, the restrictive proclamation should be amended to allow civil societies live up to their promise;
The government must be duly cognizant of the fact that enthroning democracy, rule of law and good governance is the strong condition precedent for sustainable development to be realized and hence, has to include it into all development plans and strategies in its full-fledged manner.

Finally, all stakeholders shall work in concert to see democracy, rule of law and good governance prevail over any arbitrary rules or rule by law and thrive for holistic and sustainable development.
18. Democratic Governance: Too Important to be Overlooked

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Abstract

The study examines the impact of determinants of democratic governance on political rights and public policy in the sub-Saharan African countries. The study follows the quantitative research tradition using a linear regression model. Together with one trend variable, seven independent variables representing determinants of governance, as well as one dependent variable (political rights/the voice of the people), have been applied into the equation. The computation yielded statistical results that could guide meaningful analysis about the theme under study. The theoretical framework, highlighting public choice theory, and concepts associated with governance and human rights, has shaped the study. The study shows that the lack of democratic governance has negatively affected the status of political rights, and human rights as well as accountability. Thus, public participation in matters that influence public policy has been constrained in the 32 sub-Saharan African countries.

Keywords: governance, political rights, public policy, human rights, accountability

Introduction

Even though the literature presents the discourse of democratic governance following different approaches, their varying perspectives converge towards a need to promote the rule that addresses the demands of citizens. According to prominent scholars, for instance, Bevir (2010); Clawson and Oxley (2013); Morlino (2012); Walby (2009), the essence of democratic governance entails crucial areas such as political rights and the rule of law. This underscores political rights and voice in the choice of governmental administration affect the day-to-day lives of citizens. Thus, it is about the right of citizens to have a say in any ruling enterprise that affects their livelihood. Hence, democratic governance addresses fundamental elements, such as human rights and the rule of law.
Walby succinctly describes democratic governance as “a key component of good governance, which also involves the rule of law, […] human rights, and those institutions sufficiently developed to deliver democratic intent (178).” In line with this description, Bevir identifies two major approaches to define governance. The first approach relates good governance to democracy and elections and the second one is concerned with human rights. In this study, which focuses on 32 sub-Saharan African countries where data could be obtained relevant to the topic of investigation, both approaches have been adopted, and, therefore, “good governance simply means democratic and competitive elections and the lines of accountability that are thus established (Bevir, 2010, p.98).” This leads towards a respect for the voice of the people that enhances their ability to influence public policy as well as the bestowal of any benefits that the rights of citizenship should as a matter of course entail.

Political rights capitalize on fundamental freedoms that guide forces in the political arena towards the respect of citizens’ choice without any undue restraints. “Political rights include the right to vote, to stand for office, to campaign, and to organize political parties (Diamond, 2016: p. 39).” Thus, the preservation of citizens’ political rights demands that active political participation in voting or campaigning not be prohibited. According to Hislope and Mughan (2012), political activities, such as voting, entail conventional participation. On the other hand, unconventional political rights include activities such as peaceful demonstration, boycotting or signing petitions. In democratic societies, political rights are promoted, since citizens’ involvement and opinions are desirable to influence the political process. It is because “…the opinions of ordinary individuals—whose bidding governments presume or are explicitly charged to pursue—can serve as a regular, requisite resource…to achieve the ends of equity, efficiency, responsiveness, and representation (Lee and Odugbemi, 2011, p. 419).” Thus, governments should be ready to monitor and evaluate their performance based on the feedback they receive from citizens. They serve the public and are under obligation to respond to the voice of the people by preserving political rights. This study emphasizes that it is the primary duty of governments to follow adequate modes of governance that preserve political rights and increase the awareness level of citizens relative to the degree of political participation.
Literature Review

2.1 Governance and the Voice of Citizens

The voice of citizens can only be heard when they can express themselves and have a say in the political process. This demands how well governments work to address the public concern with maintaining democratic governance. Governance can also be referred to as a course of action, which rests upon the capacity and commitment of governments, based on their institutional mandate, to deal with the needs of citizens. Massey and Johnston (2015) note the notion of governance came into being because of the ever more complex relations between governments and the communities they serve. The essence of the concept reflects upon the extent to which citizens feel governmental entities protect the welfare of the public. Corresponding to his idea cited in the introduction section, Bevir (2010) points out that there are those international organizations, such as the World Bank, which are interested in good governance as part of their work with developing countries. In order to make some important decisions, these organizations endeavor to make sure that there are no concerns that contradict their values. Their values highlight principles, which “include […] consistent laws, independent judiciary, and the place of codified law of concepts such as fairness, justice, and liberty….(p.99)” In line with this, as posted on its website, the World Bank describes governance as the capability of governments to design and execute sound policies to serve citizens.

In order to highlight the vital importance of serving the people, the World Bank postulates certain governance dimensions (indicators), which play a significant role to promote political rights, and thus democratic governance. They are: “voice and accountability, political stability and absence of violence, government effectiveness, regulatory quality, rule of law, and control of corruption (Accessed on July 23, 2016).” Since these indicators are adequate and they are found to be highly suitable, they have been adopted in this study. In order to observe the economic impact, per capita GDP and unemployment rates have been included. These determinants of governance reflect perceptions associated with how well governmental functions should operate in compliance with the voice of the people. Simply put, governance entails several factors including the capacity and commitment of governments, based on their institutional mandate, to promote the political rights of citizens on a sustainable basis. Thus, in this study, democratic governance is about the identified
determinants serving the target dimension—the people’s voice—(voice and accountability). This has been further explained in the succeeding pages.

To ensure clarity, adopting the World Bank’s description, the voice and accountability dimension is about citizen’s ability to choose their government. It includes basic freedoms such as the right to have a say, and to collectively express themselves in association. Their access to enjoy free media is also categorized under this dimension. Essentially, the voice of the people outweighs any governmental decision; no policy should exist in contravention with the people’s preference. The crux of the matter is that the voice of the people matters and thus, governments are accountable to the people they serve. The second dimension focusses on the level of political stability or the nonexistence of violence. The voice of the people could be better entertained with political stability and peaceful coexistence. In fact, it is important to acknowledge that there cannot be complete political stability or absolute peace in society. It is a common knowledge that when there would be different interests involved, conflict can inevitably emerge. For instance, politicians/policymakers may be motivated to act in every possible sphere merely to increase their own power and thus do so for purely egotistical reasons, which could lead to conflict or political instability.

Governance also includes the effectiveness of governmental delivery of quality of public services (the third dimension). It entails the design and execution of policies imbued with a commitment to serve the people. This lends itself to the quality of governmental regulations (fourth dimension) in relation to the policies that should regulate and encourage the growth of the private sector. In order to maintain sustainable operations, the application of rules and regulations (the fifth dimension) is of paramount importance in maintaining the rule of law, with a view to ensuring both law and order and greater social equity. It highlights the sixth dimension as to the significance of measures pertaining to the controlling of corruption, the prevention of inappropriate usage of power, particularly that which is predisposed against the people’s voice undermining political rights.

It is possible to presume that, in democratic societies-- where there is democratic governance-- people exercise their political rights to impact public policy and thereby address public concerns. On the other hand, in authoritarian regimes, freedom is at stake in that powerful individuals control everything at their disposal to maximize their benefits by consolidating their power. In democratic regimes, politicians compete to hold public office through elections (the voice of the people). Nonetheless, it is possible to suggest that there can be some level of conflict, which can emanate
from the competition. It is possible to “compare and contrast patterns of political conflict and
competition in both democratic and authoritarian regimes (O’Neil and Share, 2010, p. 13).” Where
there is competition, there could be greater aspiration to hold power to maximize individual benefit.
Hughes (2012) affirms that the ambition of an individual can lead outside the collective realm to
exploit personal gain.

What this means is that politicians may be motivated to act in every possible sphere merely to
increase their own power and thus do so for purely egotistical reasons. Thus, the more there is an
egotistic tendency in existence, the greater the prevalence of unchecked power that typically
characterizes authoritarian regimes. This fosters a breeding ground for further corruption, and an
almost total lack of respect for rule of law, which is against the principle of fair ruling. In
authoritarian regimes, power is concentrated in the hands of those few influential individuals who
are accustomed to undermining the wishes and needs of the masses. Conversely, it is presumed that
in democratic countries, power is devolved based on structured checks and balances. For instance,
the existence of three branches of government (the legislative, judiciary and executive)—shared
governing powers—in the U.S. makes it less probable for the tendency towards egotism to produce
that elected officials, including the President, can only hold public offices for their designated terms.
In addition to this, elected officials are constrained from making any decision beyond their
constitutional mandate (Robertson, D., 2012; Muir, W., 2012). This political and constitutional
arrangement is designed to limit power based on popular participation exercised through political
rights, such as voting, which ensures that the voice of the people is heard. In other words, the
people’s voice is better served in democratic societies where human rights are respected.

This study argues that democratic governance—serving the people and safeguarding political rights—
by its very nature preserves fundamental human rights. As posted on the website of the United
Nations (UN), in the Universal Declaration of Human Rights (UDHR) emphasizes the importance
of rights associated with anything that empowers citizens to enjoy civil benefits. This embraces the
right to enjoy decent standard of living that includes the right to safety scheme during measures of
unemployment. Such rights have been protected under UDHR (Article 25, 1). It is also specifically
enshrined that everybody is entitled to inalienable rights such as political freedom, and right of
assembly. Article 2 of the declaration states: “Everyone has the right to freedom of opinion and
expression; this right includes freedom to hold opinions without interference and to seek, receive
and impart information and ideas through any media and regardless of frontiers (Accessed on July 27, 2016).” In line with this, the African Charter on Democracy, Elections, and Governance (ACDEG), requires African countries to respect human rights through the promotion of good governance and accountability. As posted on the website of the African Union (AU), the Charter (Article 4, 1) affirms that: “State Parties shall commit themselves to promote democracy, the principle of the rule of law and human rights. (Lat accessed on January 23, 2017).

**Noteworthy Treaties**

As the signatories of UDHR, and ACDEG, African governments are mandated to clear any roadblock which could stifle the voice of citizens from being heard. Anything conducted against the will of the people is considered a violation of human rights. In other words, listening to the voice of the people by protecting political rights inherently promotes human rights, which are universally recognized and acknowledged so essential that all citizens may have the opportunity to enjoy life in a meaningful manner. Roper and Barria (2009) reiterate that “no research area is better situated to address theoretical, empirical, and policy-relevant issues than human rights.” Accordingly, this article argues that when political rights/the voice of the people respected, there can be human rights protection ensuring democratic governance. The impact of the identified governance indicators on political rights/the voice of the people will be determined corresponding the 32 African countries based on their common denominators (UDHR, and ACDEG). All of the countries under study are the signatories of these human rights tools. The premise is that the governance principles enshrined in all legislation in principle should limit the power and authority of political leaders, challenge authoritarianism, and so lead to the preservation of human rights. When this happens, it is possible to promote the respect for the voice of people maintaining accountability.

**Authoritarianism and Instability**

Ottaway indicates that there have been many semi-authoritarian regimes in various parts of the world including sub-Saharan Africa. According to her description, the consolidation of democratic systems has not been easy in countries that have undergone political transitions since the beginning
of the 1990s. She attributes this to obstacles associated with undemocratic traditions, socioeconomic problems and ethnic or religious clashes. These multifaceted issues have also been obstacles to economic development, which in turn could affect the democratization process in African countries. According to Levitsky and Way, since African countries have been dependent on external aid, they remain subject to influence from Western countries in one form or another. Countries such as the U.S. have had the tendency to link aid to democratic reform. Thus, the number of African countries with single party rule has been on the decrease. Similarly, Cheeseman (2015) argues that some African countries, due to problems such as instability, cannot uphold a transition to democracy without outside assistance; they are, in fact, democratically dependent. For instance, there is a tendency to expect donors to cover the expenses for electoral personnel, ballot documents, and the relevant logistics required during elections. He mentions some countries where their transitions needed external support: “…countries such as Angola, the DRC [Democratic Republic of Congo], Liberia, and Sierra Leone…unable to sustain the process of democratization without external support (p. 12).” Furthermore, he argues that the success of liberalization in Africa seems to be dependent upon the will of political elites since they possess dominant power. However, it must be clear that the question of democracy is not a ration to be apportioned by the will of political leaders. It is first and foremost a matter of human rights that citizens should enjoy through democratic governance. Akin to human rights concerns acknowledged in UDHR, the UN further emphasizes political rights in its International Convention on Economic, Social and Cultural Rights. It clarifies: “… the ideal of free human beings enjoying civil and political freedom and freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his civil and political rights (Accessed on July 30, 2016).” The interest of the people can only be fulfilled when there is commitment on the part of leaders who claim popular representation and when there is a genuine transformation that is commensurate with political rights. Of course, for this to happen the promotion of the level playing field is important to safeguard broad participation and ensure the representation of all citizens from all walks of life. This may be difficult to bring about within a short period of time where repression has been the norm, but without hearing widespread political opinion, it is scarcely possible to conceive of the promotion of human rights. Despite the difficulties, however, the democratization process is capable of eventually bringing about the voice of the people being heard and respected, even though the resistance of those holding power is hindering the pace of the democratization process. Authoritarianism is challenged, and in return challenging those who promote the preservation of political freedom and human rights. The
condition of human rights is linked to the role that an individual might play in the community. In executing the expected normative role, an individual's political rights are protected when the rule of law reigns, and when democratic governance is in existence. This study argues that lack of political rights downplays popular participation, thereby smothering the voice of citizens, which may in certain circumstances be too weak to influence policy formulation with respect to their needs. When political rights are protected, the voice of the people can be heard, and thus human rights are respected, which signifies compliance with the principle of governance. Hence, the area of investigation is of paramount importance, and the focus of the study is on the sub-Saharan African countries.

In order to capture the impact of the economic dimension adequately, per capita GDP and unemployment rates obtained from the World Bank databases have also been used as independent variables. The dependent variable is the voice of the people/political rights, which is represented by the World Bank’s voice and accountability measure corresponding to the 32 African countries during the course of 13 years (2002 to 2014). The premise is that when the voice of the people/political rights are respected, citizens can influence public policy warranting accountability, as well as cherishing the status of human rights. Hence, the overarching theme emphasizes that the limited existence of democracy and the copiousness of human right abuses can obstruct democratic governance in Africa. In other words, the voice of the people/political rights are affected by determinants of governance that have been further elucidated in the following hypothesis.

Hypothesis and Objective of the Study

The hypothesis is that there is a relationship between the dependent variable--political rights (the voice of the people)--in the 32 sub-Saharan African countries and the determinants of governance during the period from 2002 to 2014. The objective of the study is, therefore, to determine whether the voice of the people (political rights) has been impacted by the identified determinants of governance. The presumption is that human rights and accountability are enhanced when there is a respect for the voice of the people. Hence, the hypothesis is based on the association between the dependent and the independent variables, which have been identified herein. The time period from 2002 to 2014 has been determined because of the availability of the data with the identified variables.
corresponding the African countries under study. Further, the data has been collected from one source (the World Bank). This has facilitated the compilation and assembly of the required data and the proper preparation of the dataset essential for the study.

**Methodology and Data**

**Data**

Focusing on political rights/ the voice and accountability measure (the dependent variable), the study adopts the data available on the websites of the World Bank (Last accessed on January 9, 2017). It is about citizens’ ability to choose their government; and thus, their capability to influence public policy. Hence, the investigators have used a number of variables, which have been adopted from the World Bank corresponding 32 sub-Saharan Africa countries. The countries are: Angola, Benin, Botswana, Burundi, Cameroon, Central African Republic, Chad, Congo Republic, Côte d'Ivoire, Democratic Republic of Congo, Equatorial Guinea, Ethiopia, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Kenya, Liberia, Malawi, Mali, Mozambique, Niger, Rwanda, Senegal, Sierra Leone, South Africa, Tanzania, Togo, Uganda, Zambia, and Zimbabwe.

**The Model**

The data adopted from the World Bank databases aggregated on a time series scheme; and adequate dataset has been prepared to run the required regression computation. In this study, therefore, the dependent variable, one trend variable as well as seven independent variables have been computed all together to yield results based on their interactions. Since the dependent variable (voice/accountability) can be affected by different socioeconomic factors, seven independent variables (including per capita GDP and unemployment rates) have been utilized. The independent variables are: political stability, government effectiveness, and regulatory quality, rule of law, control of corruption, per capita GDP, and unemployment rates corresponding the identified countries during the course of 2002 to 2014. Year (as a trend variable) has been included in the statistical computation.
In order to determine the statistical significance based on the interaction of the identified variables based on the linear regression model has been utilized. Linear regression helps to measure the estimation of the association between variables (Montgomery, Peck, and Vinig, 2012; Kim and Timm, 2007). Accordingly, the following formula has been utilized to run the regression: \[ Y = \beta_0 + \beta_1 \cdot \text{Polistab} + \beta_2 \cdot \text{GovEffect} + \beta_3 \cdot \text{RegulatoryQ} + \beta_4 \cdot \text{RuleLaw} + \beta_5 \cdot \text{ConCorr} + \beta_6 \cdot \text{PCGDP} + \beta_7 \cdot \text{HDI} + \beta_8 \cdot \text{UnempRate} + \beta_9 \cdot \text{Year} + \text{error}. \]

In the model, political rights as a dependent variable (\( Y \)) have been determined by the trend variable and the other seven independent variables. The results, based on the linear regression procedure, have displayed statistical significance.

**Results and Analysis**

The SPSS computational technique was applied in order that the regression would proceed smoothly once the investigators successfully entered the dependent and independent variables into the system. Consequently, the results of the statistical computation have been adequate yielding meaningful \( p \)-values. The required statistical results have been displayed in the table depicted below. The value of the standard errors (depicted in the table—column 3) corresponding each variable are quite adequate, signifying that the model is demonstrably reliable and valid. Further, the results shown in the table (column 6) yielded meaningful \( p \) values corresponding to the trend variable as well as the seven independent variables. In order to obtain a clearer picture of the outcome of the study, the statistical results have been displayed in the table below.
Panel Regression: Political Rights/VoiceA

Coefficients

<table>
<thead>
<tr>
<th>Model</th>
<th>Unstandardized Coefficients</th>
<th>Standardized Coefficients</th>
<th>t</th>
<th>Sig.</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>B</td>
<td>Std. Error</td>
<td>Beta</td>
<td></td>
</tr>
<tr>
<td>(Constant)</td>
<td>-8.208</td>
<td>10.653</td>
<td>----</td>
<td>-0.770</td>
</tr>
<tr>
<td>PoliStab</td>
<td>0.155</td>
<td>0.037</td>
<td>0.191</td>
<td>4.193</td>
</tr>
<tr>
<td>GovEffect</td>
<td>0.193</td>
<td>0.091</td>
<td>0.158</td>
<td>2.114</td>
</tr>
<tr>
<td>RegulatoryQ</td>
<td>0.367</td>
<td>0.083</td>
<td>0.313</td>
<td>4.437</td>
</tr>
<tr>
<td>RuleLaw</td>
<td>0.326</td>
<td>0.106</td>
<td>0.274</td>
<td>3.073</td>
</tr>
<tr>
<td>ConCorr</td>
<td>-0.113</td>
<td>0.078</td>
<td>-0.090</td>
<td>-1.443</td>
</tr>
<tr>
<td>PCGDP</td>
<td>-4.260E-5</td>
<td>0.000</td>
<td>-0.261</td>
<td>-7.823</td>
</tr>
<tr>
<td>UnemRate</td>
<td>0.011</td>
<td>0.004</td>
<td>0.099</td>
<td>2.883</td>
</tr>
<tr>
<td>Year</td>
<td>0.004</td>
<td>0.005</td>
<td>0.023</td>
<td>0.772</td>
</tr>
</tbody>
</table>

Dependent Variable: VoiceA

N=390

As can be seen above, the first category of the results portrays that the p values (less than the alpha level of .05) analogous to six independent variables corresponding to the dependent variable have signified six noticeable relationships. On the other hand, the statistical results regarding one independent variable, and trend variable in association with the dependent variable have generated insignificant relationships, because they are greater than the alpha level of .05. Hence, focusing on
the first set of variables, there is a strong relationship between political rights—the voice of people and accountability—(VoiceA) and level of political stability (PoliStab). This is affirmed through the statistical significance corresponding to the preceding two variables at $p$ equals .000. In other words, the level of political instability has affected the extent of political rights, which translates into the existence of less respect for political rights. One can, therefore, argue that the consistent political instability in the sub-Saharan African countries has resulted in the prevalence of less respect for political rights/the voice of the people. Therefore, this has resulted in a lower level of political rights, which has been deficient in addressing the governance interest of the people of these countries.

The relationship regarding the second set of variables, the voice of the people and government effectiveness in quality service delivery, measured at $p$ equals to .035, shows statistical significance. What this means is that the government sector’s contribution has been less than the level desired to ensure the voice of the people/political rights. Failure in not addressing quality service delivery is equivalent to non-fulfillment of the benefits or demands of the public. In other words, it contradicts the presumption that political rights are the tools needed to attain the civil benefits that citizens are entitled to. Thus, the statistical result has led to the uncomplimentary conclusion that political rights have not been favored because of a lack of provision of delivery of quality service. As indicated in the literature review, the leaders have been preoccupied with protecting themselves from threats that challenge their power. What this indicates is that when it comes to the allocation of budgets scant attention is given to adequate service delivery. The budget allocation strategy focuses on anything that would promote the continuity of rule of the regimes. In other words, governments reassure their own interests at the expense of the benefits of the people. Their propensity to focus on maximizing their interests concurs with public choice theory. Thus, it may be imprudent to expect that African regimes inimical to the priority of citizens’ benefits would simultaneously respect the voice of the people.

Likewise, there is a statistical significance (RegulatoryQ, $p$ equals to .00) concerning the regulatory capacity of governments of the sub-Saharan African countries in formulating and implementing sound policies. This can simply mean that the governments’ effort to encourage the private sector has been minimal. In other words, the less support given to the private sector, the less political rights and thus the less adequate governance approach would be followed. The statistical inference appears quite logical, because the information obtained through the literature review shows that the
governments would tend to do anything possible to remain incumbents during every election season. It may be inappropriate to expect sound policy formulation from regimes which would ferociously contest for the permanency of their rules. This shows the lack of governance principles, which signify the voice of the people to determine the fate of a leader to remain in office. It is also appropriate to argue that the absence of democratic principles would result in the lack of sound policy formulation, which would address the public interest. What this means is the regimes authorities cannot be checked; any effort exerted to uphold the values of cherishing accountability would have been undermined.

The association between the rule of law and political rights is so significant (at \( p \) equals to .002). Given the human rights violations exhibited in most of the countries under study, the statistical significance apparently has revealed the actual state of affairs. This is even interesting because, based on the reviewed literature, the application of relevant laws concerning political rights most of the time has not been practical. For instance, it appears that the governments might have encouraged elections to be free and democratic by applying the rule of law superficially for short period of time (during elections season) to appease stakeholders such as the international community. Hence, consistent with what the literature has presented, it is very likely that political rights have been compromised in these countries. Thus, there is a strong likelihood that systematic election rigging has occurred behind the scenes with the undetected counting of an overwhelming number of the ballots in favor of incumbents. Such a practice would stifle the voice of the people making public policy formulation difficult to entertain the needs or demands of citizens. This would be an outright rejection of the principles of good governance.

When it comes to the association between corruption and political rights, a statistical insignificance (\( p \) equals to .150) has been observed. Based on statistical inference, it may not be possible to argue, that the degree of corruption has been greatly extensive in affecting political rights, and/or the voice of the people in the countries under study. Nonetheless, given the information collected via the literature review, the statistical inference attached to this result should not be interpreted while making the normal inferences. In other words, most of the leaderships of these countries of the region have been known for corruption. In fact, the statistical result (\( p \) at .002) in the study corresponding the RuleLaw variable also presents the inference regarding the absence of respect for existing laws in these countries. It is valid for the study to assert that there would be instances of governmental practices in contradiction with administrative traditions that can ensure democratic
governance. Consequently, it can be argued that the governance style in these countries is seriously flawed, which could utterly taint the illegitimacy of the regimes.

As to the impact of the economic conditions regarding the voice of the people in these countries, noticeable statistical significance has been obtained. As far as the two economic variables (unemployment and less productivity (less standard of living) associated with the voice of the people are concerned, two different relationships have been observed. Thus, productivity/standard of living as quantified through its proxy measure, per capita GDP (PCGDP) is part of the computation and a result has been obtained (at $p$ equals to .000). What this means is that the level of PCGDP affects the political rights/the voice of the people in the sub-Saharan African countries. It can be argued that, as compared to wealthy countries such as the U.S., the voice of the people has been suppressed because of less productivity/less standard of living or because of a reduced amount of individual prosperity. This lends itself to a focus on the achievement of peoples’ economic prosperity through employment has not been realized sufficiently. The inference, therefore, emphasizes less standard of living/ less level of prosperity, which is in contravention with what is enshrined under UDHR (Article 25, 1) regarding civil benefits that citizens should enjoy. In other words, the lack of necessities important to lead decent life hampered the capacity of citizens to become active participants to influence policy outcomes. Further, related to UDHR (Article 25, 1), the statistical significance ($p$ equals to .004) corresponding to the unemployment rate shows that the voice of the people or political rights have been impacted due to the prevalence of joblessness.

It can be argued that the inability of fulfilling the necessary provisions to lead life could negatively affect the bargaining power essential to gain political rights. Overall, it is appropriate to conclude that the voice of African people is not respected, and thus their political rights were in jeopardy during the 13 years of the study (between 2002 and 2014). It is possible to argue that on the count of six governance indicators, the voice of the people/political rights have been jeopardized in the region under study threatening the underlying principles enshrined in the two human rights instruments (UDHR and ACDEG). It is, therefore, possible to argue that the status of human rights will likely to remain hampered. When it comes to the relationship between the voice of the people/political rights (the dependent variable) and the trend variable, statistical insignificance (.441) has been observed. This inference shows that unless there is some change, as time progresses, in factors that can enhance the capacity of citizens, for instance, with a better standard of living, or based on an increase in income, gaining political rights would be unattainable. Thus, the
uncomplimentary trend in matters that influence public policy in the sub-Saharan African countries is unlikely to change in favor of the voice of the people/political rights in a relatively near future.

Summary and Conclusion

In light of the reviewed literature, particularly related to the international and regional human rights instruments (UDHR and ACDEG), the concepts of democratic governance, human right as well as public choice theory, the study has confirmed that the voice of the people/political rights have generally been undermined in sub-Saharan Africa. It is possible to assert that democratic governance has been absent or unstable and the rule of law has been lacking. According to the corresponding statistical inference, it can also be determined that related economic factors such as high unemployment and less per capita GDP, which translates into less productivity or less standard of living (less income), has made the populace less powerful in political arena. Consequently, the voice of the people or political rights have not garnered significant respect, meaning that human rights violations have remained rampant. The incidence of allowing the public participation in the decision-making process has been minimal, underlining the principle that the government is accountable to the people. It can be argued that lack of accountability impeded public participation in matters that shape public policy in sub-Saharan African countries during the period from 2002 to 2014. Hence, the opportunities for corruption could remain widespread and government operations could be seriously misguided due to maladministration.

Concurring with the literature, the study has presented the threatened status of democratic governance negatively affecting political rights of the people in the sub-Saharan Africa countries. The study has presented substantive information, which can serve to focus the attention of all stakeholders in exerting a concerted effort to influence these countries to promote democratic governance and be accountable to the people they govern. In other words, democratic nations are responsible to reevaluate their partnerships, commensurate with their political values, in order to safeguard the status of human rights. It would be unethical to fulfill just the demands of the leaders who strive to maximize their benefits, which is in line with the tenet of public choice theory. The U.S. influence in the democratization process is particularly noticeable, since it is strategically partnering with countries espousing the principles of good governance. Its interests can be
maintained on a sustainable basis when the voice of the people is respected. The United Nations, as a global governing entity, is entrusted with the responsibility to monitor and take timely measures against member countries, which perpetrate human rights’ violations. If all concerned work together on the principles of respecting the voice of the people, political rights can gradually obtain a worthy level of respect, and thereby enabling accountability to prevail. Accordingly, democratic governance can guide the operations of governments towards improving political life on the continent. Human rights, therefore, become an increasingly important consideration throughout the region and an issue that will be increasingly difficult to avoid. If there is commitment, sub-Saharan Africa can experience transformation towards democratic governance. In tandem, arbitrary government domination will diminish and fair and popular administration principles be adopted thus facilitating a forum for citizens to be empowered and influence the formulation and implementation of public policy.

The investigators would like to acknowledge that the study has encountered a limitation in that it has precluded a few countries of sub-Saharan Africa due to the lack of data. However, the focus of this article is on democratic governance related to the principles of two human rights instruments (UDHR and ACDEG) to which all the countries under study are signatories. Thus, the article has been prepared based on these common denominators. Since the investigators have made certain the availability of pertinent data of comparable countries around the world, future focus in this area regarding comparative investigation looks feasible.

**References**

African Charter on Democracy, Elections and Governance, at


United Nations, Universal Declaration of Human Rights, at


United States Agency for International Development, at


Abstract

This paper shows and discusses the difficulties to penetrate the organizational and hierarchical bureaucratic structures in order to advance toward a culture of transparency in Chile. The paper analyzes data from the National Study of Public Servants, held by the Consejo para la Transparencia in Chile (Council for Transparency). The results show that most of the Chilean public servants perceived their major obligations to be toward citizens, they have high levels of referential knowledge and valuation of transparency, but in both cases there is a decrease advancing toward more specific aspects of them. Data also shows important differences in each of these areas based on hierarchical level and type of contract. Thus, the results of the Chilean experience has helped to identify blind spots and propose policy orientations for improvement.

Key words: public servants, transparency, governance implementation.

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85 Research Director of Consejo para la Transparencia Chile. Political Scientist and Master in Political Sciences from Universidad Católica de Chile, specialization on Public Communication from Universidad Alberto Hurtado (Chile) and Private Communication from Universidad Diego Portales (Chile).
Introduction

The expansion of legislation about the right to access information around the globe seeks to generate cultural changes among public servants and citizens to promote participation, control and accountability (Banisar, 2005), but there is contradictory evidence showing the impact of these regulations, their implementation and enforcement (Lindstedt & Naurin, 2010; Park & Blenkinsopp, 2011; Grimmelikhuijsen & Meijer, 2012). For example, experimental research has shown limited effects on citizens’ perceptions about public institutions by exposing them to more and better information from public offices, while cross national data in Chile has shown that having knowledge of the right to access information is associated to higher levels of trust on the public sector and better perceptions about the relationship between citizens and government (Grimmelikhuijsen & Meijer, 2014; Maturana, 2015; Consejo para la Transparencia (CPLT), 2015a), thus, at the academic level, the evidence about potential impacts of transparency has not been conclusive.

Regarding the political field, and beyond the empirical evidence, the idea expressed by Banisar in 2005 under the title the “irresistible rise of a right” is still valid among policymakers and civil society organizations around the world. They seek to promote the legal protection of the right to access information and oversee its implementation. These efforts are supported by international organizations, such as the World Bank, OECD and Transparency International, which see the need to promote this right as a tool to contribute to improve governance and reduce corruption. As Figure 1 shows, according to the Global Right to Information Rating (2015), 103 countries, marked with color, have passed access to information laws, 44 of them in the last decade and the number is expected to have significant growth in the next five years.
Considering the political value and the international efforts to increase transparency, it is relevant to address some key elements that limit and condition the possibilities to deepen its effects. Some of these elements are corruption, increasing levels of distrust on public institutions and the persistence of low levels of knowledge about the right to access information among the community in countries that have approved legislation (MORI Research, 2015). In this context, transparency had strongly emerged as a social claim to face the functional and political challenges created by the persistent loss of legitimacy of contemporary democracy (Lagos, 2016). In the case of Chile, people as well as public servants perceive a deteriorated relationship between citizens and governmental institutions that they tend to describe as distant, non-cooperative and mark by maltreatment, all of these perceptions reinforce negative ideas about the public sector, as well as the demand to increase transparency and accountability (CPLT, 2015b).
Transparency as a governance reform

The social claims to increase transparency and accountability - based on the idea that they are tools to prevent corruption and improve the dynamics between citizens and public institutions - are increasingly aligned to the work of international institutions such as the World Bank that have been promoting governance reforms in developing countries during the last two decades (World Bank, 2008). One of the main efforts of governance reforms around the world has been the development of anticorruption programs, where transparency reforms play a relevant role toward this objective (OECD, 2015; World Bank, 2008, Dale, Vella & Potts, 2014). These reforms are also associated to initiatives devoted to increase accountability, social control and social participation, so transparency becomes a main element on the basis of other political reforms (Fuenmayor, 2004; Banisar, 2005), as well as a necessary standard for those reforms that happen beyond its limits. In other words, transparency and accountability will contribute to the correct alignment of interests and actors necessary to approving, implementing, maintaining and deepening, governance reforms (OECD, 2015).

The experience implementing governance reforms, through successful and failed attempts, has allowed experts and policymakers to learn that technocratic solutions cannot be successfully implemented without the consideration of the complex nature of diverse sociopolitical and economic conditions; this means that governance reforms require the correct alignment of citizens, stakeholders, and voice (World Bank, 2008, p.1). In other words, it is important to acknowledge and recognize that the road for these changes is full of obstacles, many of them generated by the vicious practices of our social system, as Martin Luther King Jr. stated law and order exist for the purpose of establishing justice and when they fail in this purpose, they become the dangerously structured dams that block the flow of social progress. So even though, governance reforms are oriented to change the rules and the current social order and are likely to help the majority of the citizens, the general population around the world, is not as likely to be organized, mobilized and active as those who lose with them (Odugbemi & Jacobson, 2008). In this context, the work of Odugbemi & Jacobson (2008) identifies key challenges for governance reformers: develop adequate political analysis; secure community outreach to identify relevant stakeholders; build coalitions pro-change; transform hostile opinion into support; encourage citizen demand for accountability; and gain support from middle managers. The last two
Challenges are more strongly rooted in the implementation phase, and can be clearly identified in the process of operation of the access to information reforms. Based on the accumulated experience of 12 Latin American countries, the role of public servants and the active pursuit of information from the public are the fuel that allows access to information reforms to succeed, improve and grow (Red de Transparencia y Acceso a la Información, 2014; De la Fuente, 2016).

**Challenges on the implementation of Access to Public Information**

Besides the political challenges to implement any governance reform, there are some specific risks faced by the access to public information. These risks are concentrated on the installation phase of institutional tools, mechanisms and practices of the bureaucratic system which can be analyzed from the communicational perspective. Some of these risks are due to the irrelevance, intangibility and the use of this right concentrated on the social and political elite. These risks potentiate each other, because, while intangibility refers to the social lack of knowledge about access information, that may lead to low levels of real usage, irrelevance shows us the difficulties to clearly explain the public value of transparency - in terms of strengthening democracy, but also at the practical level, to show citizens how the access to information can benefit them-, and both problems can be even expanded only if elite groups exercise this right overtime. The presence, and the lack of capacity to address these risks can seriously drain the legitimacy of transparency polices among citizens, but also among the members of the public administration (CPLT, 2012). Then, in order to promote and impulse the access to public information, it is necessary to potentiate a cultural change among public institutions and public servants, because according to Yang (2005), they have the responsibility to serve as trust initiators in order to reestablish and maintain mutual trust between the government and citizens.

Under an institutional approach, it is possible to identify some limitations to effectively implement governance reforms. First, since these reforms are usually oriented to establish more dynamic relationships between citizens and government, they face challenges when they are confronted to traditional bureaucratic governmental structures, where there are strong stakes on the perceptions of the benefits to have hierarchical authority, which grants control; a management based on rules, which is considered to strengthen consistency; and a system of procedures that clearly defines
different work situations (Udy, 1959; Merton, 1954; Hall, 1963). Second, the discussions about changes made on the functioning of bureaucratic system and the implementation of governance reforms, it is usually limited to political authorities and intellectuals. They discuss the convenience or risks to apply new approaches to improve public management, and their decisions have generated several shifts on the public administration perspective, evolving from traditional bureaucracy to new public management; and from there to the actual tendencies on governance based on the idea of participation and co-creation (Hirst, 1994; World Bank, 2008). One of the major problems of these discussions is that they are held at the highest level of the bureaucratic system. Therefore, despite the fact that they seek to improve social participation, increase the quality of the services, advance toward better public policy decisions and strength democratic principles, in many developing countries the discussion about principles, motivations and potential social benefits of the governance reforms does not reach all the members of the bureaucratic system, so their impulse can get lost on the inertial tendencies of traditional bureaucracy.

Based on the hierarchical structures of public administration, it is possible to identify that one of the risks to consolidate the value of transparency seems to be the disconnection between institutional efforts on legislation, open government initiatives, accountability mechanisms and the everyday practices of public servants and citizens. This phenomenon gets accentuated because usually, the efforts to promote governance reforms are focused on external actors: civic society, stakeholders, etc., but there is a lack of awareness about the relevance to incorporate all public servants into these processes. A clear expression of this lack of awareness, can be identified by the resources and time devoted to promote the principles and the fundament behind the procedures that define the implementation of these new rules across the bureaucratic system. In the Chilean case, only 27% of public servants declare to have some kind of training regarding the transparency law, and the access to the training it is clearly differentiated by hierarchical level (CPLT, 2015b; Statcom, 2015).

Without a proper process to make public servants aware of the meaning and opportunities of the access to public information, the risk, is the erosion and loss of legitimacy of the principles of transparency inside the public administration. In this context, it is important to acknowledge that
under the bureaucratic system, middle and lower level public servants are constantly receiving multiple non-comprehensive demands to accomplish performance goals and comply with specific regulations, but they don’t have enough time to process, prioritize, understand and incorporate the principles of the governance reforms. Then, the discussion about their relevance and potential social implications turns to be invisible to them, making the effective implementation of the norms really difficult. Establishing that governance reforms seek to create a new relationship between citizens and institutions, keeping middle and lower level public servants at the margins of the philosophical, political and ethical discussion undermines the real capacity to generate cultural change, modify bureaucratic practices that are not validated by the citizens, and produce changes on the everyday practices of public service.

In the case of access to information regulations, lower level employees, especially those working attending people, are a key component for success – because they generate the interface with citizens–, so their understanding and perceptions about transparency will define their willingness to help the petitioner and also, to grant or deny information. The relevance of the role of public servants during the implementation process of the Right to Access Information, was clearly identified by the Consejo para la Transparencia (2010), conceptualization that served as the base for the development of the Access to Information and Transparency Index (AITI)\(^ {86}\) (CPLT, 2013; Pefaur y Moreno, 2016). This model identifies that the access to information implies individual actions and interactions between three main actors: citizens that need to be aware of their rights and habilitated to use it; public institutions that need to be prepared to welcome and effectively reply to information requests; and Right to Access Information agencies, that promote and guarantee this right and solve disputes. Based on these principles, the AITI establishes some requirements and conditions that need to be met in order to evaluate the progress on the implementation of this policy. Table 1, shows the dimensions of the model which are concentrated on the advancement of these principles among citizens and public institutions.

\(^{86}\) The index is described under the acronym ITAI in spanish.
<table>
<thead>
<tr>
<th>Dimensions</th>
<th>Variables</th>
<th>Level expected</th>
<th>Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>Citizens</td>
<td>Knowledge</td>
<td>Basic level of knowledge about the law and institution that protects the right to access information.</td>
<td>National Transparency Study (CPLT, 2015)</td>
</tr>
<tr>
<td></td>
<td>Valuation</td>
<td>General perceptions about the value of the access to information, its utility and its contribution to improve corruption prevention and participation.</td>
<td></td>
</tr>
<tr>
<td>Public Institutions</td>
<td>Knowledge</td>
<td>Intermediate level of knowledge about the law, the institution and the procedures associated to the right to access information.</td>
<td>National Study of Public Servants (CPLT, 2015)</td>
</tr>
<tr>
<td></td>
<td>Valuation</td>
<td>General perceptions about the value of the access to information, its utility, its contribution to improve corruption prevention, participation, and the valuation benefits versus costs.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Capacities</td>
<td>Institutional performance reflected on the oversight processes on Active Transparency and Information Requests</td>
<td>Results of oversight processes (CPLT, 2015c)</td>
</tr>
<tr>
<td>Real use of the right</td>
<td>Ratio between information requests and complaints.</td>
<td>Source: Consejo para la Transparencia, 2016.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Ratio between visits to Active Transparency websites and complaints.</td>
<td></td>
<td></td>
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</tbody>
</table>
According to the model, citizens as well as functionaries should have a basic level of knowledge about the right to access information and the mechanisms that protect it, as well as a desired level of validation and appreciation. But focusing on the relevant discussion addressed in this paper, special attention should be given to these variables in the case of public servants. Regarding this group, it is important to address their capacity to effectively guide citizens in the process to access public information, and have strong beliefs on the principles of transparency that will promote higher levels of openness and willingness to reply to information requests timely and effectively. When both elements are met, it is possible to identify some sparks on the development of a culture of transparency among public servants.

This paper shows and discusses the difficulties to penetrate the organizational and hierarchical bureaucratic structures in order to advance toward a culture of transparency based on the analysis of information from the National Study of Public Servants, held by Consejo para la Transparencia in Chile (Statcom, 2015).

Methods

Recognizing the relevance of the role and the cultural aspects associated to the success of the transparency polices, since 2012, the Consejo para la Transparencia in Chile (Council for Transparency), has been working on the development of the National Study of Public Servants, an unique study based on an annual national representative online survey of public servants that measures perceptions, opinions and commitment with transparency to understand the cultural penetration of its principles in the public sector (Statcom, 2015).

The main innovation and methodological advancement of the study is the construction of the sampling frame, which it’s based on the application of the Transparency Law. Information about central government employees is requested to DIPRES (equivalent to the Treasury Department in the US), because it is contained in their Human Resources Report (DIPRES, 2014), document that holds statistical aggregated information of the number of employees and their characteristics (does
not include Congress and Judicial functionaries). Aggregated Statistical Information about municipal employees can be accessed directly throughout the National Information Municipal System (SINIM, 2016). Using this information, the total number of functionaries is determined, as well as their proportional distribution among regions and hierarchical level.

The second phase of the sampling process is based on the information available on the Active Transparency websites - where each institution has the information about their employees, their qualifications, region and hierarchical level - , information that allows the possibility to randomly identify the specific functionaries that met the criteria to be selected (geographic distribution and hierarchical level). Finally, each institution where functionaries were selected were contacted through the Transparency Liaison (person that interacts with the Council for Transparency regarding official information and institutional interaction) who helped to get the contact information of each selected person and surveys completed online, 1085 cases were reached in the application process for 2015 (Statcom, 2015).

In order to provide a complete view about the elements of the bureaucratic system that limits the development of the principles of transparency among public servants, we identified 5 variables that describe their characteristics: 1) Hierarchical level, variable based on the sampling model where it is identified as directive =1, professional=2 or non-professional=3; 2) Customer service positions, where we differentiated among those who have them as their main activity =1 versus those whom don’t do it, or do it sporadically=0; 3) Institutional affiliation, from the sampling process we differentiated if the public servants work in municipalities=1 or at the central government=0; 4) Region, that could be extreme=1 or central=0, due to Chile’s geographic conditions the 6 regions belonging to extreme north or south of the country are considered extreme, while the other 9 regions are considered central; 5) Type of contract, under the Chilean regulation public servants can have 5 different types of contracts, we classified them in two groups: permanent contract (including full time contracts and administrative plants)=1 or temporal contract (which includes people under service contracts)=0.

87 Specific details of the sampling process, number of cases and representativeness are publicly available at http://www.cplt.cl/estudios-nacionales-de-funcionarios/consejo/2014-09-11/125235.html
In terms of the elements that propitiate the advancement of transparency among public institutions, we observed 4 dimensions:

Knowledge about the regulation and mechanisms associated to the right to access information, this variable was built as an indicator based on the following questions: Do you know the Transparency Law?; Have you heard about the Council for Transparency; Would you be able to show a citizen: a) the right place for an information request in your institution?, b) the right section of the website to request information?, c) The information request deadlines to provide an answer, d) the Active Transparency section on the institutional web, each question was dichotomized assigning value 1 to the affirmative answers, then the variable knowledge ranks from values 0 to 6. For the analysis, the categories 5 and 6 were grouped to show a high knowledge level associated to value = 1, while the rest was assigned value=0. This dimension also considers the variable of access to training with values 1= yes and 0= no.

General valuation of transparency is measured throughout three variables about the perception and relevance of transparency: 1) evaluation about the existence of the Law (1 to 10); 2) perception about the utility of the Law (1 to 10), both variables were dichotomized into two categories, showing higher levels of valuation about the existence and perception of utility by assigning value = 1, to the answers ranked 7 to 10, and 0 to the other values. 3) The third variable, is the valuation of access to information as a tool to improve democracy, this variable is built based on their answers yes=1/no=0 to this questions: Do you think that -for citizens- the access to public information: a) is useful; b) is necessary, c) prevents corruption, d) improves public probity, e) increases participation; e) improves public management, then this variable ranks from 0 to 6. In this case, values 5 and 6 show better valuation and were assigned value =1, 0 was assigned to other values.

Perceptions about costs and benefits of transparency, this dimension is explored using the question: *In a scale from 1 to 10 where 1 represents mostly costs and 10 mostly benefits, the implementation of the transparency law has implied more costs or benefits to: public institutions, your institution, public servants, citizens?* These variables are analyzed using the mean values.

Governance changes and reforms, this dimension includes the main responsibilities of public servants, measured through the question: *In your opinion, the main obligations of public servants are*
oriented to: the State as an institution=1, the current government=2, their superiors=3 or the citizens=4. This dimension also includes some measurement about the public servants’ likelihood to embrace governance reforms such as, ethical reforms for the public sector, access to information, and digital governance, by the observation of the answers that consider them relevant to advance the modernization of the State (relevant=1, non-relevant=0).

Results

Since our hypothesis established that some of the structural conditions of the bureaucratic system limit the expansion of transparency principles among all its members, we explored how these conditions are related to the knowledge about transparency legislation and functioning, as well as the key condition for that: access to training. Table 2 shows the association between our independent variables and those associated to knowledge and training.

<table>
<thead>
<tr>
<th>Hierarchical level</th>
<th>% with high knowledge</th>
<th>% with access to training</th>
</tr>
</thead>
<tbody>
<tr>
<td>Directive</td>
<td>48,7%*</td>
<td>62,8%*</td>
</tr>
<tr>
<td>Professional</td>
<td>22,0%*</td>
<td>32,1%*</td>
</tr>
<tr>
<td>Non professional</td>
<td>18,4%*</td>
<td>21,8%*</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Customer service positions</th>
<th>% with high knowledge</th>
<th>% with access to training</th>
</tr>
</thead>
<tbody>
<tr>
<td>No</td>
<td>19,1%</td>
<td>29,6%</td>
</tr>
<tr>
<td>Yes</td>
<td>24,0%</td>
<td>23,6%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Institutional affiliation</th>
<th>% with high knowledge</th>
<th>% with access to training</th>
</tr>
</thead>
<tbody>
<tr>
<td>Central Gov.</td>
<td>19,5%*</td>
<td>27,3%</td>
</tr>
<tr>
<td>Municipality</td>
<td>26,4%</td>
<td>26,5%</td>
</tr>
<tr>
<td>Region</td>
<td>Central</td>
<td>19,5%*</td>
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<td>----------------</td>
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</tr>
<tr>
<td></td>
<td>Extreme</td>
<td>28,0%</td>
</tr>
<tr>
<td>Type of contract</td>
<td>Temporary</td>
<td>18,2%*</td>
</tr>
<tr>
<td></td>
<td>Permanent</td>
<td>28,1%</td>
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</tbody>
</table>

*Significant Chi-Square statistic at 0.05, the same differences were tested using z with similar results.

Source: Elaboration from IV National Study of Public Servants Data

Data shows an important decrease in the level of knowledge and access to training along the hierarchical level goes down and permanent workers have more access to knowledge and training than temporary workers. The variables among region and type of institution move in the opposite direction that our hypothesis stated, because public servants from extreme regions and local governments show a significant higher level of knowledge about transparency intuitions and mechanisms.

Table 3 shows that in the case of the valuation of transparency again hierarchical level and type of contract show significant association to the valuation of the existence and utility of transparency in the public sector, while only being part of an extreme region is related to higher valuation of the access to information as a mechanism to improve democracy.
Table 3: Distribution of valuation variables in relation to independent variables

<table>
<thead>
<tr>
<th>Hierarchical level</th>
<th>% high valuation of the existence of access to transparency</th>
<th>% high valuation of utility of access to information to improve democracy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Directive</td>
<td>74,8%*</td>
<td>67,4%*</td>
</tr>
<tr>
<td>Professional</td>
<td>50,5%*</td>
<td>67,9%*</td>
</tr>
<tr>
<td>Non professional</td>
<td>42,6%*</td>
<td>54,5%*</td>
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*Significant Chi-Square statistic at .05, the same difference was tested using z with similar results.

Source: Elaboration from IV National Study of Public Servants Data
Therefore, from the perspective of the AITI model where knowledge and valuation are considered the main conditions to advance toward a culture of transparency, there are more advances on the valuation dimension than the knowledge about the normative and mechanisms related to the right to access information. This represents an important challenge, because knowledge is a key component to effectively attend and respond to citizens’ request for information. The real possibilities that a public servant will effectively guide a person through the bureaucracy to access information is based on the basic knowledge of the process, and their capacity to provide a good service, the functionaries acknowledge this since 45% of them consider that the lack of knowledge is a main obstacle to the adequate implementation of the transparency law (Statcom, 2015). This requirement is also necessary to increase positive experiences and interactions between citizens and bureaucrats that may lead to increased trust in the public sector, as evidence has shown that when people have had positive experiences accessing to public information, they tended to trust more the bureaucratic system (CPLT, 2015a).

Now, in both cases – knowledge and valuation -, it is possible to observe that bureaucratic structures and the hierarchical model affects how decisions regarding the allocation of resources and training related to access to information are made and implemented in the public administration. Lower level functionaries and those holding more vulnerable positions have less access to knowledge and training about transparency, this situation limits the possibilities to expand the scope of public servants habilitated in this field. This limitation directly affects the opportunities to achieve a broader perspective about the main objectives and utility of the access to public information legislation and its obligations throughout the public administration, and also increases the risk that public servants will operate and understand the obligations related to transparency more as additional bureaucratic procedures rather than the implementation of a fundamental right.

Some of the effects of the structural limitations are reflected on the fact that public servants, perceive that access to public information and transparency clearly benefit citizens – under the rationale that citizens enjoy the benefits of transparency under relative low costs (7.03 in a scale from 1 to 10) -, while this balance between costs and benefits for public institutions and
functionaries it is mostly neutral (5.42). So they perceive that costs and benefits are - in the best scenario – even, and only 27% perceives that the benefits are higher than the cost for the functionaries (Statcom, 2015). In most of our independent variables, this perception does not show significant differences between groups, with exception of type of contract where it's possible to observe that functionaries under temporary contracts perceive significant higher benefits at the institutional level than those with permanent positions (Graph 1). These differences may arise from the working conditions of these public servants which are more vulnerable, subsequently, under the same rationale that citizens evaluate the attributes of transparency (CPLT, 2015a), they may associate higher levels of transparency to better public management and a more professional public administration, elements that may relate to their expectations about the promotion of more stable working conditions and evaluations based on merit (MORI Research, 2015).

Source: Elaboration from IV National Study of Public Servants Data

The findings related to the valuation of transparency show that even though, at general level valuation is high, public servants perceived the costs as a burden on their daily responsibilities which ratifies the idea that the obligations associated to guarantee the access to public information and the publicity of the administrative acts is perceived more as an administrative procedure than advancement toward a better democracy. In fact, 40% considers that the main cost of the transparency law is the increase workload of the functionaries and 39% perceives risks in the potential political misuse of information (Statcom, 2015).
The last dimension we explored is related to governance changes and reforms. In this case, those public servants who considered that their main obligation is toward citizens are expected to show better disposition toward governance reforms - especially considering the fact that these reforms are usually oriented to modify the way governments relate to citizens -. The results indicate that there is only one structural condition that shows differences in this area: attending public, which reflects the adherence of these functionaries to their occupations. We also include their perceptions about the relevance of some governance reforms, and we analyze them based on our independent variables. Table 4 shows that hierarchical level constitutes an important factor on the likelihood to consider governance reforms as a contribution to the modernization of the State. In most cases – excepting Transparency reforms-, higher level functionaries value these processes more than the rest of the public servants. Although there are no significant differences in most of our variables, those functionaries who work at the local level have higher expectations about transparency, while those under permanent contracts have significant higher expectations about the development of digital government as a tool for modernization in the public sector.
Table 4: Distribution of governance change and reform in relation to independent variables

<table>
<thead>
<tr>
<th>Hierarchical level</th>
<th>% that considers the main obligation of public servants is with the citizens.</th>
<th>% that believes promotion of Ethics and probity contribute to modernize the State</th>
<th>% that believes Transparency contributes to modernize the State</th>
<th>% that believes digital government contributes to modernize the State</th>
</tr>
</thead>
<tbody>
<tr>
<td>Directive</td>
<td>58,1%</td>
<td>71,0%*</td>
<td>62,2%*</td>
<td>63,1%*</td>
</tr>
<tr>
<td>Professional</td>
<td>58,6%</td>
<td>63,5%*</td>
<td>57,1%*</td>
<td>54,8%*</td>
</tr>
<tr>
<td>Non professional</td>
<td>58,6%</td>
<td>54,9%*</td>
<td>67,8%*</td>
<td>49,3%*</td>
</tr>
<tr>
<td>Customer service positions</td>
<td>No</td>
<td>54,3%</td>
<td>59,7%</td>
<td>62,6%</td>
</tr>
<tr>
<td></td>
<td>Yes</td>
<td>66,1%*</td>
<td>55,2%</td>
<td>65,1%</td>
</tr>
<tr>
<td>Institutional affiliation</td>
<td>Central Gov.</td>
<td>55,7%</td>
<td>58,9%</td>
<td>62,0%</td>
</tr>
<tr>
<td></td>
<td>Municipality</td>
<td>71,8%*</td>
<td>58,4%</td>
<td>70,0%*</td>
</tr>
<tr>
<td>Region</td>
<td>Central</td>
<td>58,2%</td>
<td>59,5%</td>
<td>63,0%</td>
</tr>
<tr>
<td></td>
<td>Extreme</td>
<td>60,5%</td>
<td>54,9%</td>
<td>65,5%</td>
</tr>
<tr>
<td>Type of contract</td>
<td>Temporary</td>
<td>58,3%</td>
<td>58,5%</td>
<td>64,8%</td>
</tr>
<tr>
<td></td>
<td>Permanent</td>
<td>59,3%</td>
<td>59,8%</td>
<td>59,6%</td>
</tr>
</tbody>
</table>

*Significant Chi-Square statistic at .05, the same difference was tested using z with similar results.

Source: Elaboration from IV National Study of PublicServants Data
These results show that even though reforms such as transparency make sense at the discursive level and all actors agree on its relevance and value, directives have a better valuation of other governance reforms over transparency, especially those that have not been implemented yet, or those that won’t interfere with their managerial activities.

Finally, there are relevant differences on the access to knowledge, deep understanding about the principles of transparency and the perception about the relevance of governance reforms among public servants from different hierarchical levels and type of contract. These findings support the idea that the regular functioning of hierarchical structures is detrimental to a real advancement of the principles of transparency, not just as an administrative obligation, but as a way to do things in the public sector to improve accountability, reduce the arbitrary acts of authorities and public servants, limit the asymmetries of power between public institutions and citizens and make advancement in the direction of a better relationship between citizens and governments.

**Discussion**

According to our main hypothesis the traditional structures of the bureaucratic system impose important limitations on the implementation of governance reforms and specifically toward the proper development of access to public information, because its challenges traditional structures and the regular functioning of bureaucratic structures. In this context, since hierarchy and contractual stability of public servants seem to be two main factors that can make the difference on the willingness to embrace transparency among public servants, showing the limitations that medium and lower functionaries have to be part of the democratic reforms. These findings can be related to the limitations public sector faces in order to acknowledge, interact and be permeable to a more diverse poll of social actors, beyond the traditional influence of public opinion, politicians and legality (Luhmann, 1993; Gonnet, 2010).
In addition to the challenges transparency has to overcome inside the bureaucratic system, it is possible to identify challenges among citizens. Traditionally, people have not been involved in the public decision making process, and in many developing countries in Latin America, political institutions are used to act and govern under the principles of secrecy. Under this premise, citizens don’t perceive the need, or the right, to request information from public offices, in other words, they have difficulties to perceive the value public information could have for them, limiting the development of a strong and functional access to information system. This lack of willingness to request information, is complemented by strong perceptions of distrust on electronic and online means to access information, reinforcing the idea that to exercise their right to request information – like any other procedure in the public sector -, people have to go to public offices, spend a lot of time and fill-out extensive paperwork, for an uncertain result (CPLT, 2012b). All these factors, contribute to generate and maintain informal methods to access information through personal connections with public servants. This practice allows people involved in those networks to access more information faster than the regular procedures, damaging the legitimacy of the access to information system and reproducing clientelism (Moya y Dueñas, 2015).

Following these arguments, in order to advance toward a culture of transparency, it is necessary to acknowledge that legal reforms – regardless of the quality of the norms -, are not enough if the implementation phase is weak. In this sense, the implementation should consider actions to promote transparency and engage public servants. These actions should consider the involvement of a broader scope of functionaries on the discussions regarding the improvement of the bureaucratic system, changes on governance standards, and the vision of the democracy our societies are aiming for. Public servants should be more aware that quality of service, and positive experiences accessing public information, improve citizen’s perceptions about them and their institutions, so they will understand the reasons behind the efforts to change some of their bureaucratic practices (Yang, 2005; Maturana, 2015), an element that will allow them to see their selves as part of a process that strengthens democracy and promotes social rights. The inclusion of public servants from different hierarchical levels have been used by several institutions to promote the creation of integrity systems and codes of ethics, showing positive results on the implementation of these tools which shows the feasibility and potential of this approach (UNDP, 2016).
From the lessons learn on the Chilean experience, it is necessary to address effectively the practical challenges related to transparency. Elements such as, the real capacities of public institutions of different scale and resources to meet their legal obligations; the development of archival systems; the standardization of specific documentation (such as formularies, electronic websites, etc.); and the information and training granted to public servants whom will assume responsibilities regarding transparency are key components of a successful implementation. Without them, it will be really difficult to install the perception that transparency is more than an additional administrative burden. When traceability and information recall has to be done manually and becomes a major task, the burden of this labor, undermines the social validity of information requests, eroding the social value of access to public information and transparency (CPLT, 2016). Then the allocation of resources and the commitment of political authorities becomes a key factor for success. If functionaries perceive that transparency is an important element to improve the public administration, they are part of the discussions behind its implementation, and they are granted with the right tools and training to face the requests and legal obligations, any effort toward the creation of a culture of transparency in the public sector will find a solid ground to start growing.

References


Red de Transparencia y Acceso a la Información. (2014). Informe general de resultados de la aplicación del usuario simulado regional en los procedimientos de acceso a la información en los países de la RTA. Santiago, Chile: RTA.


Sabina Schnell and Suyeon Jo

Abstract

More and more countries are adopting open government reforms - in part driven by the Open Government Partnership (OGP), a global partnership dedicated specifically to advancing such initiatives. Yet, there is still wide variation in openness across countries. We investigate the political, administrative, and civic factors that explain this variation, using countries’ fulfillment of OGP eligibility criteria as a proxy for openness. We find that countries with strong constraints on the executive and high levels of citizen education have more open governments. Strong information intermediaries – such as media and civil society organizations – are associated with more budget transparency and higher civil liberties. Countries with high or low levels of bureaucratic power are less open. The results suggest that if the value of openness is to be translated in practice, it is not enough to have capable bureaucracies – countries need informed citizens and strong oversight over executive agencies.
Introduction

Transparency and openness are some of the most frequently invoked values in public administration (Hood & Heald, 2006; Meijer, Curtin, & Hillebrandt, 2012; De Graaf & Van Der Wal, 2010). In the US, President Obama explicitly embraced them during his electoral campaign, and promised that his will be the “transparency presidency.” On his first day in office, he issued the Open Government Directive (McDermott, 2010). In 2011, he launched the Open Government Partnership (OGP) at the U.N. General Assembly, together with six other heads of state. The OGP is a global multi-stakeholder partnership that aims to “secure concrete commitments from governments to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance.” (Elgin-Cossart, Sutton & Sachs, 2016: 2). The OGP offers a global learning platform for open government (OG), and requires members to develop country-level action plans for OG through a participatory process (ibid).

Public administration researchers have examined the conceptual dimension of OG (Meijer et al., 2012), organizational drivers of government openness at the local level in the US (Grimmelikhuijsen & Feeny, 2016), and US OG policy (McDermott, 2010; Piotrowski, 2016). However, few have asked the question: “why are some national governments more open than others?” In this paper, we use national performance on the OGP eligibility criteria to identify the systemic, country-level features associated with a minimum level of government openness. Thus, we partially answer recent calls for public administration research to look at the “large forces” that shape government (Roberts, 2013, 2015), in this case specifically at those that drive government transparency and openness.

We start by presenting the OGP eligibility criteria. We then review extant theoretical and empirical literature on government openness and transparency, and develop a set of hypotheses. We test these using a dataset spanning three years and 197 developed and developing countries. We conclude by highlighting the political, administrative and civic factors which are most strongly associated with government openness.
The OGP eligibility criteria: minimum standards of openness

There is no academic or practitioner consensus about the definition of open government. However, some common themes can be identified. The idea of open government builds on the “transparency revolution” of the 1990s and 2000s (Roberts, 2006; Piotrowski; 2008), the participatory and collaborative governance revolutions (Ansell & Gash, 2007; Emerson, Nabatchi, & Balogh, 2012), and the more recent e-government and open data revolutions (Hanson, Belkacem, Ekenberg, 2014). The concept of open government brings these different but related streams together under one common roof (Meijer et. al, 2012; de Blasio & Selva, 2016).

The core principles of the US OG Directive are “transparency, participation, collaboration.” This vision of OG is also reflected in the OGP, whose core values are transparency (access to information), civic participation, public accountability, and technology and innovation for transparency and accountability. In practice, the emphasis so far has largely been on ICT-mediated transparency. For example, both the US OG Directive and the US OGP action plan focus heavily on making more data publicly available and accessible via new technologies (Hansson et. al. 2014; Piotrowski, 2016; Elgin-Cossart et. al., 2016). Open government policies of European countries have a similar focus (de Blasio & Selva, 2016).

To be eligible for the OGP, “governments must demonstrate a minimum level of commitment to open government principles in four key areas.”¹ The hope is that if such commitment is in place, “pro-accountability actors” within and outside government can leverage the OGP to support reforms (Fox, 2013). The first three OGP eligibility criteria assess a country’s performance on different aspects of government transparency, while only the last one captures the existence of an environment conducive to public participation (see table 1 below). Countries qualify for the OGP if they get at least 75% of possible points on these criteria. Ninety-nine countries have qualified so far, and over seventy have joined.
Table 1. OGP eligibility criteria

<table>
<thead>
<tr>
<th>OGP Criterion</th>
<th>Scoring</th>
<th>Original Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>Budget Transparency</td>
<td>Two points each for publication of (i) Executive’s Budget Proposal, and (ii) Audit Report.</td>
<td>Open Budget Index (OBI) from the International Budget Partnership (IBP)</td>
</tr>
<tr>
<td>(BT)</td>
<td></td>
<td><a href="http://www.internationalbudget.org/opening-budgets/open-budget-initiative/open-budget-survey/">http://www.internationalbudget.org/opening-budgets/open-budget-initiative/open-budget-survey/</a></td>
</tr>
<tr>
<td>Access to Information</td>
<td>4 points for access to information laws (FOIAs), 3 points if a country has a constitutional provision guaranteeing access to information, and 1 point for a draft access to information law under consideration. Countries with both a constitutional provision and a draft law can only be awarded 3 points.</td>
<td>The Right to Information (RTI) <a href="http://right2info.org/">http://right2info.org/</a></td>
</tr>
<tr>
<td>(ATI)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Asset Disclosure</td>
<td>4 points for an officials’ asset disclosure law requiring public access, 2 for a law requiring (non-public) disclosure, 0 points for no law.</td>
<td>World Bank’s Public Officials Financial Disclosure database <a href="http://publicofficialsfinancialdisclosure.worldbank.org/">http://publicofficialsfinancialdisclosure.worldbank.org/</a></td>
</tr>
<tr>
<td>(AD)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Citizen Engagement/Civil Liberties</td>
<td>4 points for countries scoring above 7.5 on the EIU’s Civil Liberties score of 1-10; 3 for scoring above; 2 points above 2.5; 0 otherwise.</td>
<td>Economic Intelligence Unit’s (EIU) Democracy Index - Civil Liberties sub-indicator <a href="http://www.eiu.com/public/thankyou_download.aspx?activity=download&amp;campaignid=Democracy0115">http://www.eiu.com/public/thankyou_download.aspx?activity=download&amp;campaignid=Democracy0115</a></td>
</tr>
<tr>
<td>(CL)</td>
<td>The index captures issues such: the existence of a free press (ca. 5 indicators), freedom of association and petition, and various aspects of the rule of law (independent judiciary, equal treatment under the law, protection of property rights, and respect for human rights).</td>
<td></td>
</tr>
</tbody>
</table>
The eligibility criteria were agreed upon by the OGP Steering Committee, which includes eleven government and eleven civil society representatives from member countries, on a rotating basis. Considering the significant variation in government openness across countries, the OGP tries to strike a delicate balance between inclusiveness and selectivity (Fox, 2013). The transparency criteria are indeed quite generous. Both the access to information (ATI) and the asset disclosure (AD) requirements focus on the existence of legal provisions for openness, rather than their implementation. Yet, such provisions are not always complied with in practice (Pasquier & Villeneuve, 2007). The budget transparency (BT) score does indeed look at actual publication of budget documents, rather than just legal requirements. However, it focuses only on two budget documents, unlike the more comprehensive Open Budget Index.

Despite their limitations, the OGP eligibility criteria are arguably the best currently available cross-national proxies or standards for “minimum” government openness. First, normatively, they capture the two features of open government on which there is the strongest academic and policy consensus: transparency and participation. Second, procedurally, they are the closest to a global consensus about the minimum features of open government, given their selection by a Steering Committee that includes governments and civil society representatives of countries and organizations invested in advancing openness. Third, empirically, they correlate significantly with other cross-national indicators of openness, such as those measuring the release of economic and social data by governments (Hollyer, Rosendorff & Vreeland, 2014) or those that aggregate various dimensions of transparency, participation and accountability (Williams, 2015).

Politicians, bureaucrats, or citizens: who wants open government?

Public administration literature has long emphasized transparency and openness as fundamental democratic values (Piotrowski 2008; Hood & Heald, 2006). Yet, as scholars from Weber (1978) to Roberts (2006) have argued, governments have strong incentives for secrecy. When they open up and why they open up has hitherto been insufficiently researched in public administration. The classic US-based explanation starts with legislative-executive relations. In this account, legislators pressure the executive to be more open, i.e., more transparent and accessible to the public, in order
to reduce information asymmetries between them, their constituents and executive agencies (McCubbins & Schwartz, 1984). Transparency and openness-enhancing provisions, such the Freedom of Information Act (FOIA) or public disclosure and notice-and-consultation requirements in Administrative Procedure Acts (APAs) have been a reaction to expansions in executive power and autonomy, and/or perceptions of government failures and lack of accountability (Roberts, 2015).

This causal logic is built on a series of assumptions about the relationship between legislators, high-level executives, public agencies, and citizens, which do not translate automatically across countries. The first is that “executive agencies act as agents of Congress” (McCubbins & Schwartz, 1984: 167) — i.e., that legislators have the incentives, statutory power, and capacity to place constraints on the executive. The second is that, once openness provisions are enacted, the public agencies have both capacity and willingness to comply with them (Pasqual & Villeneuve, 2007). The third is that citizens themselves not only value openness as a principle, but are also able to use public information and avenues for participation to hold government to account (Etzioni, 2014; Worthy, 2015). In other words, seeing government openness as a reaction to legislative or public pressure assumes a somewhat functioning “accountability triangle” between citizens, legislators, and the public administration. The figure below represents this triangle in a simplified form. The rest of the section reviews the theoretical and empirical literature on the factors represented in this triangle.
Political factors

Legislatures differ in the degree to which they are willing and able to hold executives to account. As Power and Rae (2006:6) argue, “the US Congress has remained a uniquely powerful legislature in comparative terms.” Barriers to legislative oversight over the executive include legal constraints, lack of capacity (Shair-Rosenfield & Stoyan, 2016), “fusion” between bureaucratic and political elites (Schneider & Heredia, 2003), or de facto subordination of the legislature to the executive via the ruling party or ruling bureaucratic elites (Riggs, 1998). Legislators have particularly strong incentives to institute transparency provisions in cases of divided government, when the legislature and the executive are controlled by different parties (McCubbins & Schwartz, 1984; Alt & Lassen, 2006). Even beyond instances of divided government, high political competition strengthens incentives for openness as parties compete more intensely with each other on who can credibly promise more transparency, participation, or openness (Berliner, 2014).

Cross-national evidence confirms these relationships for some measures of openness. Countries with stronger legislative oversight over the budget have higher fiscal transparency (Rios, Bastida, and
Benito, 2014), and countries with higher constraints on the executive release more information to the public (Williams, 2009). Higher political competition is associated both with the adoption of access to information legislation (Berliner, 2014) and with higher budget transparency (Alt & Lassen, 2006; Wehner & De Renzio, 2013). Therefore, our first two hypotheses are:

H1. Countries with higher levels of political competition will have higher degrees of government openness than countries with lower levels of political competition.

H2: Countries with stronger executive constraints will have higher levels of government openness than countries with weaker executive constraints.

Administrative factors

Comparative public administration research has long emphasized that politico-administrative traditions influence how the bureaucracy and citizens interact. One common distinction is between, on the one hand, countries with Anglo-Saxon administrative traditions, which have common-law systems and are in general more market-oriented and more concerned with efficiency and effectiveness of public action. On the other hand are various continental European administrative traditions, which are more prevalent in civil law countries, and which reflect a more legalistic approach to public administration rooted in strong administrative law (Pollit 2007; Torres, 2004; Bolívar, Pérez & Hernández, 2006). While these distinctions are based European and North American administrative systems, they can be extrapolated to developing countries, whose administrative systems are in many cases inherited from colonial rule or integrate some features of the Anglo-Saxon or Continental European systems.

Two characteristics of Anglo-Saxon administrative tradition relate specifically to open government. First, Anglo-Saxon countries have adopted the most far-ranging New Public Management (NPM)-style reforms, since these fit better with a managerial, business-like conception of public administration (Pollitt, 2007; Pollitt & Bouckaert, 2011; Bolivar et. al., 2006). While NPM is a somewhat amorphous concept (Pollitt & Bouckaert, 2011), the goal of increasing the “customer-orientation” of the public sector can be linked to arguments for more openness and transparency. Second, there is substantial cross-national evidence that countries with common law legal traditions
have higher levels of fiscal transparency (Wehner & de Renzio, 2013; Alt & Lassen, 2006, Rios et. al., 2014; Ortiz-Rodrigues et. al., 2015; Bolívar et. al., 2006). The dominant explanation for this has been that common-law puts “more emphasis on restraining the government and on protecting the individual against the government” (La Porta et. al. 1999: 18). Extrapolating this logic to other measures of openness, our third hypothesis is:

**H3a: Countries with Anglo-Saxon administrative traditions have higher levels of government openness than countries with other traditions.**

Regardless of administrative tradition, government openness also requires a certain level of administrative capacity for record keeping, information management, data analysis, as well as processing and responding to information requests. Systematic cross-national evidence on the relationship between the strength of the public sector and openness is scarce. Wehner & de Renzio (2013) find a positive association between GDP per capita and fiscal transparency. However, high income and government openness can be linked to each other in a myriad of ways. Williams (2009) finds that the direction of causality goes from more openness to increased bureaucratic quality, rather than the other way around. He also finds that other proxies for administrative capacity, such as government expenditures and per capita income are not significantly related to transparency. While the evidence is mixed, we take an optimistic view:

**H4a. Countries with higher levels of bureaucratic quality will be more open than countries with lower levels of administrative capacity.**

However, too much bureaucratic power can also be a hindrance to openness. In some of the scarce research on the link between features of the bureaucracy and government openness across countries, Welch & Wong (2001) and Wong & Welch (2004) find a U-shaped relationship between political autonomy of the bureaucracy and website openness across fourteen countries. Their measure of political autonomy captures the degree to which civil service systems are subordinated to the ruling regime and can set qualification requirements for public personnel. If bureaucrats are already strongly controlled by politicians, then the need for increasing transparency as a way to reduce information asymmetry is low. Conversely, if bureaucrats have a high degree of independent power, they have both the incentives and the ability to block or weaken measures to disclose information to the public. Hence, an alternative hypothesis is:
Civic factors

The OGP acknowledges the importance of an active and empowered civil society for open government. As noted, the fourth OGP eligibility criterion assesses whether a country has an environment conducive to civic engagement. Yet, in addition to opportunity, citizens also need capacity to engage in public affairs, i.e., to actually use the information and opportunities for participation made available. At the very least, citizens need to be able to read and interpret the information released by the government (Etzioni, 2014; Worthy, 2015). Better educated citizens are also more likely to demand more government transparency and actively try to hold the government to account (Botero, Ponce, & Shleifer, 2013). Indeed, in countries with higher levels of education, governments release more and better information to the public (Williams, 2009) and have higher levels of e-government (Lee, Chang & Berry, 2011). Thus, our fifth hypothesis is:

**H5**: Countries with higher levels of education will have more open governments than countries with lower levels of education.

Yet, even in developed countries with high levels of education, there are limits on how well individual citizens can understand what government is doing, let alone have the “rare combination of time, interest, and skills” (Worthy, 2015: 9) needed to use government information for demanding and enacting accountability (ibid; Roberts, 2012). As Etzioni (2014) puts it, the expectation that releasing data to the public will by itself “solve” democratic accountability problems ignores the very real time- and knowledge-constraints citizens face. Therefore, “information intermediaries” are necessary, who can process and interpret government data and communicate it to the public or to the relevant accountability institutions (Zyl, 2014; Gaventa & McGee, 2013; Worthy, 2015).

Two types of intermediary organizations are essential: media and civil society organizations. These organizations are not only some of the main users of data released by the government, but also some of the most active advocates for transparency. This has been particularly visible in the FOIA movement (Ackerman & Sandoval-Ballasteros, 200; Michener, 2011). CSOs have been key also in advancing other global transparency initiatives (Brockmyer & Fox, 2015) or acting as advocates for citizen participation (LeRoux, 2007). Even the rapid take-up of the OGP by eligible countries has
been credited in part to the existence of national and international networks of civil society activists and government officials (Fox, 2013).

Involving and empowering CSOs is built into the design of the OGP. However, the current state of CSO participation does not yet fully live up to expectations (Brockmyer & Fox, 2015). Challenges include lack of capacity, lack of representativity, as well as a worrisome, global trend of limiting space for civil society in a number of countries (ibid). Unfortunately, cross-national quantitative evidence on the link between the strength of civil society and government openness is scarce. The only (partial) exception is Grimes (2013) who shows that the impact of civil society on corruption is higher in countries with political competition, press freedom, and government transparency.

Two hypotheses capture the importance of information intermediaries for open government:

**H6:** Countries with stronger civil societies have more open governments than countries with weaker civil societies.

**H7:** Countries with higher levels of press freedom have more open governments than countries with lower levels of press freedom.

Figure 2 below offers a summary of the hypotheses and their placement in our “accountability” triangle, which has been expanded to include intermediary organizations.
**Data and methodology**

We construct a data set of 197 countries over three years from 2011 to 2013. Based on data obtained from the OGP IRM site, we use the overall share of the OGP eligibility score, as well as each of the four OGP eligibility criteria separately as dependent variables. Where the source data for the scores is available we also use that as an additional robustness test and a way to leverage its greater variability for a stronger statistical test (OBI data for budget transparency, scale 1-100, and EIU data for civil liberties, scale 1-10).

Data for the independent variables comes from various sources. Political competition is measured as the share of seats held by all opposition parties in the national legislative (Database of Political Institutions). For executive constraints, we use data from Polity IV, which assesses on a scale from 1 (lowest) to 7 (highest) “the extent of institutionalized constraints on the decision-making powers of chief executives, whether individuals or collectivities” (Marshall, Gurr, & Jaggers, 2015: 24). As a proxy for Anglo-Saxon administrative tradition we use a dummy variable which takes a value of 1 for countries with common law traditions and 0 for other legal-administrative systems (La Porta et al.
For administrative capacity or bureaucratic power we use the International Country Risk Guide’s (ICRG) Bureaucratic Quality Index, which measures on a scale of 0 to 4 whether the public administration has “the strength and expertise to govern without drastic changes in policy or interruptions in government services” (The PRS group, 2012: 7). To assess the density of citizen organizations, we use the log value of Grimes’s (2013) measure of number of CSOs per million inhabitants. Citizens’ education level is measured by the average years of educational attainment (Teorell et al., 2016). The media freedom data comes from the Freedom House’s press freedom index (ibid). We reverse-code the scale, which ranges from 0 (most free) to 100 (least free), for easier interpretation of results.

We include GDP per capita (current US dollars, logged) and population (logged) as control variables, since both are socio-economic factors that sometimes correlate with government transparency (Wehner & De Renzio, 2013). Global policy diffusion has also been a key driver of transparency and open government reforms across countries (Roberts, 2003; Lee et.al., 2011; Wong & Welch, 2004; Berliner, 2014). Hence, we also control for a country’s integration into the global system using the KOF Index of Globalization, which captures political, economic and social globalization of countries (Teorell et al., 2016).

We employ OLS regressions with year dummies and clustered standard errors by country to account for year effects and country-level heterogeneity. We also take into account that the political, administrative, or civic pressures might take some time to translate into more open governance, by using 5-year and 10-year averages in alternate models as robustness checks (Williams, 2009).

Results

Table 2 presents the full results of the base model (same year values, linear relationships). The model performs best for the OBI measure of budget transparency, civil liberties, and the overall OGP eligibility share, but it also produces significant results for access to information and asset disclosure. Two explanatory variables are significant regardless of openness measure used: executive constraints and educational attainment. Table three presents the summary of results for all three time-frames (direction of significant coefficients; full results in annexes 2 and 3). Most of the results do not change substantially if we use 5- and 10-year averages, with one exception: political competition,
which becomes significant for access to information and budget transparency. The remainder of this section discusses each of our hypotheses tests in turn.

Table 2. Base model results for various OGP measures of openness

<table>
<thead>
<tr>
<th>Share of OGP Eligibility Points</th>
<th>Budget Transparency</th>
<th>Access to Information</th>
<th>Asset Disclosure</th>
<th>Civil Liberties</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Political Competition</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>0.147*</td>
<td>0.72</td>
<td>7.778</td>
<td>0.914</td>
<td>0.25</td>
</tr>
<tr>
<td>(0.076)</td>
<td>(0.578)</td>
<td>(8.730)</td>
<td>(0.615)</td>
<td>(0.489)</td>
</tr>
<tr>
<td><strong>Executive Constraints</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>0.064***</td>
<td>0.236**</td>
<td>2.233*</td>
<td>0.300***</td>
<td>0.252***</td>
</tr>
<tr>
<td>(0.012)</td>
<td>(0.095)</td>
<td>(1.322)</td>
<td>(0.092)</td>
<td>(0.079)</td>
</tr>
<tr>
<td><strong>Anglo-Saxon Admin. Trad.</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>0.005</td>
<td>0.364</td>
<td>8.455**</td>
<td>-0.107</td>
<td>-0.195</td>
</tr>
<tr>
<td>(0.030)</td>
<td>(0.235)</td>
<td>(4.091)</td>
<td>(0.228)</td>
<td>(0.198)</td>
</tr>
<tr>
<td><strong>Bureaucratic Quality</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>-0.040*</td>
<td>-0.11</td>
<td>0.071</td>
<td>-0.263*</td>
<td>0.081</td>
</tr>
<tr>
<td>(0.021)</td>
<td>(0.153)</td>
<td>(3.111)</td>
<td>(0.153)</td>
<td>(0.124)</td>
</tr>
<tr>
<td><strong>Educational Attainment</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>0.038***</td>
<td>0.158***</td>
<td>3.464***</td>
<td>0.213***</td>
<td>0.153***</td>
</tr>
<tr>
<td>(0.006)</td>
<td>(0.053)</td>
<td>(0.706)</td>
<td>(0.056)</td>
<td>(0.043)</td>
</tr>
<tr>
<td><strong>CSOs per capita, logged</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>0.033**</td>
<td>0.294***</td>
<td>3.989***</td>
<td>0.141</td>
<td>-0.05</td>
</tr>
<tr>
<td>(0.014)</td>
<td>(0.099)</td>
<td>(1.362)</td>
<td>(0.122)</td>
<td>(0.092)</td>
</tr>
<tr>
<td>Model</td>
<td>Coef. 1</td>
<td>Coef. 2</td>
<td>Coef. 3</td>
<td>Coef. 4</td>
</tr>
<tr>
<td>---------------------------</td>
<td>---------</td>
<td>---------</td>
<td>---------</td>
<td>---------</td>
</tr>
<tr>
<td>Press Freedom</td>
<td>0.001</td>
<td>-0.003</td>
<td>0.286**</td>
<td>0.007</td>
</tr>
<tr>
<td></td>
<td>(0.001)</td>
<td>(0.009)</td>
<td>(0.120)</td>
<td>(0.009)</td>
</tr>
<tr>
<td>Population, logged</td>
<td>0.057***</td>
<td>0.172**</td>
<td>4.946***</td>
<td>0.411***</td>
</tr>
<tr>
<td></td>
<td>(0.013)</td>
<td>(0.079)</td>
<td>(1.681)</td>
<td>(0.097)</td>
</tr>
<tr>
<td>Index of Globalization</td>
<td>0.003*</td>
<td>0.017</td>
<td>0.201</td>
<td>0.015</td>
</tr>
<tr>
<td></td>
<td>(0.002)</td>
<td>(0.014)</td>
<td>(0.199)</td>
<td>(0.013)</td>
</tr>
<tr>
<td>(Constant)</td>
<td>-0.752***</td>
<td>-2.185</td>
<td>-98.158**</td>
<td>-6.121***</td>
</tr>
<tr>
<td></td>
<td>(0.270)</td>
<td>(1.823)</td>
<td>(37.446)</td>
<td>(1.975)</td>
</tr>
<tr>
<td>R-Squared</td>
<td>0.7321</td>
<td>0.4597</td>
<td>0.6518</td>
<td>0.5261</td>
</tr>
<tr>
<td>N</td>
<td>352</td>
<td>237</td>
<td>230</td>
<td>352</td>
</tr>
</tbody>
</table>

Notes: Clustered standard errors in parentheses; Year dummies included but not reported.

Two-tailed tests of significance; * p<0.10, ** p<0.05, *** p<0.01
Table 3. Summary of results over different time-frames

<table>
<thead>
<tr>
<th>Time-frame</th>
<th>OGP Eligibility Share</th>
<th>Budget Transparency</th>
<th>Access to Information</th>
<th>Asset Disclosure</th>
<th>Civil Liberties</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>OGP</td>
<td>OBI</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>H1 Political Competition</td>
<td>Same year</td>
<td>+</td>
<td></td>
<td></td>
<td>+</td>
</tr>
<tr>
<td></td>
<td>5-year avg.</td>
<td>+</td>
<td>+</td>
<td></td>
<td>+ +</td>
</tr>
<tr>
<td></td>
<td>10-year avg.</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>+</td>
</tr>
<tr>
<td>H2 Executive Constraints</td>
<td>Same year</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>+ +</td>
</tr>
<tr>
<td></td>
<td>5-year avg.</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>+ +</td>
</tr>
<tr>
<td></td>
<td>10-year avg.</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>+ +</td>
</tr>
<tr>
<td>H3 Anglo-Saxon Admin. Traditions</td>
<td></td>
<td>+</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>H4 Bureaucratic Quality</td>
<td>Same year</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td></td>
</tr>
<tr>
<td></td>
<td>5-year avg.</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td></td>
</tr>
<tr>
<td></td>
<td>10-year avg.</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td></td>
</tr>
<tr>
<td>H5</td>
<td>Same year</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>+ +</td>
</tr>
<tr>
<td></td>
<td>Education</td>
<td>H6 CSO Density</td>
<td>H7 Freedom of Press</td>
<td>GDP per capita</td>
<td>Population</td>
</tr>
<tr>
<td>-------------------------</td>
<td>-----------</td>
<td>----------------</td>
<td>---------------------</td>
<td>----------------</td>
<td>------------</td>
</tr>
<tr>
<td></td>
<td>5-year avg.</td>
<td>10 - year avg.</td>
<td>Same year</td>
<td>5-year avg.</td>
<td>10 - year avg.</td>
</tr>
<tr>
<td></td>
<td>+ + + + + + + +</td>
<td>+ + + + + + + +</td>
<td>+ + + + + + + +</td>
<td>+ + + + + + + +</td>
<td>+ + + + + + + +</td>
</tr>
</tbody>
</table>
Political factors

Using same-year values, political competition is only weakly significant for the overall OGP eligibility score, and this result is driven by its correlation with the OGP civil liberties criterion. However, measures of average political competition over 5- and 10-year spans are significant also for access to information and for budget transparency (H1 partially supported). Indeed, civil liberties reflect the environment not only for civic but also for political engagement, which can explain the same-year relationship. The results suggest that it is not simply the year-to-year highs and lows of political competition that matter. Rather, sustained and significant competition over longer time frames is what strengthens incentives for openness.

In contrast, executive constraints are significant in all same year models as well as in most lagged models (H2 supported). The only exception is the OBI measure of budget transparency, where executive constraints are only significant in the same year model. However, they are significant for OGP measure of budget transparency in all time-frames. This suggests that executive constraints are important for the executive’s release of basic budget documents, but more fine-grained budget information and participation opportunities depend on other political or administrative characteristics. Our data does not allow us to identify the direction of causality, i.e., whether (i) legislatures which already exercise a high level of executive control are most likely to adopt openness requirements, or whether (ii) the adoption of openness provisions enables legislatures to exercise their accountability function better. It is likely that the relationship runs both ways: the more tools legislatures have to demand the release of information, the stronger the constraints on the executive are, and the stronger the constraints on the executive are, the better positioned legislatures are to demand more transparency. Indeed, Rios et. al. (2014) find evidence of endogeneity between strength of legislative oversight of the budget and level of budget transparency. Similarly, Williams (2009) finds that executive constraints lead to the release of more government information to the public in the long term, while in the short term, more information disclosure contributes to stronger executive constraints.
Administrative factors

Anglo-Saxon administrative traditions are significant only for budget transparency (H3 partially supported). This is in line with current research finding a relationship between common law and budget transparency. However, if the causal mechanism posited is that Anglo-Saxon countries place more constraints on the government (La Porta et. al., 1999), and this is what leads to higher transparency, then we would expect Anglo-Saxon countries to also have higher scores on the other dimensions of openness. Since this is not the case, and we already control executive constraints in our model, other causal mechanisms must be at work.

The alternative explanation is that budget transparency is more closely linked to the NPM-cannon, and specifically to hoped for improvements in service delivery via “armchair audits” or “social accountability” initiatives (Joshi & Houtzager, 2012). As discussed in the literature review, NPM reforms have in turn been more pronounced in Anglo-Saxon countries (Pollit, 2007). In contrast, ATI and AD have been more closely linked either to rights-based approaches or to efforts to stem corruption, respectively (Author, 2014; Ackerman & Sandoval-Ballasteros, 2006), and thus are less part of the NPM cannon.

Bureaucratic quality (BQ) is mostly insignificant in the linear model. It is only slightly significant for ATI, and then with a negative coefficient (H4a not supported). In other words, countries with higher bureaucratic autonomy and capacity are less likely to have strong provisions for access to information. As table 4 below illustrates, the non-linear model shows that this is driven by the negative relationship between bureaucratic quality and access to information in high-BQ countries.
Table 4. Non-linear relationship between bureaucracy and openness

<table>
<thead>
<tr>
<th>Share of OGP Eligibility Points</th>
<th>Budget Transparency</th>
<th>Access to Information</th>
<th>Asset Disclosure</th>
<th>Civil Liberties</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>OGP</td>
<td>OBI</td>
<td>OGP</td>
<td>OGP</td>
</tr>
<tr>
<td>Political Competition</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>0.153*</td>
<td>0.837</td>
<td>8.521</td>
<td>0.945</td>
<td>0.236</td>
</tr>
</tbody>
</table>
| (0.078)                        | (0.582)            | (8.759)               | (0.602)         | (0.470)        | (0.268) | (0.687) |}
| Executive Constraints          |                    |                       |                 |                |     |     |
| 0.058***                      | 0.215**            | 2.105                 | 0.267***        | 0.267***       | 0.210*** | 0.509*** |
| (0.012)                       | (0.095)            | (1.314)               | (0.090)         | (0.084)        | (0.043) | (0.109) |}
| Anglo-Saxon Admin. Trad.       |                    |                       |                 |                |     |     |
| 0.019                         | 0.410*             | 8.723**               | -0.03           | -0.229         | 0.14 | 0.014 |
| (0.028)                       | (0.230)            | (4.216)               | (0.233)         | (0.200)        | (0.093) | (0.237) |}
| Bureaucratic Quality (BQ)     |                    |                       |                 |                |     |     |
| 0.072                         | 0.311              | 2.424                 | 0.374           | -0.207         | 0.372*** | 0.693** |
| (0.053)                       | (0.295)            | (5.147)               | (0.433)         | (0.306)        | (0.124) | (0.296) |}
| BQ squared                    |                    |                       |                 |                |     |     |
| -0.027**                      | -0.113*            | -0.636                | -0.156*         | 0.071          | -0.106*** | -0.169** |
| (0.012)                       | (0.066)            | (1.247)               | (0.091)         | (0.067)        | (0.028) | (0.076) |}
| Educational Attainment        |                    |                       |                 |                |     |     |
| 0.040***                      | 0.169***           | 3.527***              | 0.227***        | 0.147***       | 0.069*** | 0.119** |
| (0.006)                       | (0.053)            | (0.710)               | (0.057)         | (0.043)        | (0.022) | (0.052) |}
| CSOs per capita, logged        |                    |                       |                 |                |     |     |
| 0.039***                      | 0.303***           | 4.036***              | 0.172           | -0.067         | 0.165*** | 0.389*** |
| (0.014)                       | (0.097)            | (1.366)               | (0.126)         | (0.095)        | (0.044) | (0.098) |}
| Press Freedom                 |                    |                       |                 |                |     |     |
| 0.002**                       | 0.001              | 0.310**               | 0.011           | -0.001         | 0.014*** | 0.042*** |
| (0.001)                       | (0.009)            | (0.133)               | (0.009)         | (0.007)        | (0.004) | (0.009) |
Indeed, we find support for an inverted U-shape relationship between bureaucratic quality and civil liberties, as well as somewhat weaker support for such a relationship with budget transparency and access to information (H4b partially supported). As illustrated in Figures 3, 4 and 5 the predicted values of these measures of openness are lower in countries with BQ scores above 3. This suggests that powerful bureaucracies are indeed able to block stronger ATI provisions and resist somewhat disclosure of budget documents. Countries with low levels of bureaucratic quality also tend to have slightly lower predicted values of our measures of openness, though the results are less pronounced. Thus, Welch & Wong’s (2001) and Wong & Welch’s (2004) findings about website openness, accountability, and bureaucratic strength also hold for other measures of government openness.
Figure 3. OGP Budget Transparency - non-linear relationship

Figure 4. OGP Access to Information - non-linear relationship
Figure 5. OGP Civil Liberties – non-linear relationship
Civic factors

On the “demand side” of open government, there is a consistently positive correlation between education and all openness measures, regardless of time-frame. This suggests that more highly educated citizens are more likely to demand openness from their government (H 5 supported). The relationship between the strength of intermediary organizations and open government is less consistent. CSO density is significant for budget transparency and civil liberties, over all time-frames investigated, but not for the other measures (H6 partially supported). Its lack of significance for ATI is somewhat puzzling, given the evidence that CSOs have been key drivers of FOIAs adoption around the world (Ackerman & Sandoval-Balasteros, 2006; Michener, 2011) One possible explanation is that only a handful of specialized NGOs, such as Article XIX or other freedom of expression, democracy, and human rights organizations have been the main advocates. Thus, while a broader set of NGOs, private companies, and individual citizens might actually use FOIA, the general density of CSOs is less relevant for whether a country has an ATI law or not.

Press freedom is only significant for civil liberties and for the OBI measure of budget transparency (H7 partially supported). Since the correlation between civil liberties and freedom of the press is high, we also ran a model with EIU’s civil liberties measure as an additional independent variable for the transparency criteria and tested for multicollinearity. We did not detect multicollinearity but press freedom becomes insignificant in this model, while civil liberties are significant following the same pattern as press freedom in our base model – i.e., they are significant for budget transparency, but not for the access to information or asset disclosure. This suggests that the press freedom coefficient in our base model reflects the importance of a broader set of civil liberties, and that conditions for civic engagement are particularly important for demanding release of information from the government (i.e. for ensuring compliance with transparency requirements), but perhaps less important for the adoption of transparency legislation.
Controls

There are a few interesting results also among our controls. As mentioned, GDP per capita is only significant for ATI and AD, and then with a negative coefficient. This finding is robust across all time-frames used. This could reflect their global patterns of diffusion. In particular, ATI is essentially a global norm, with over 100 countries having a FOIA. Many recent adopters have been lower-income countries. Somewhat surprisingly, global integration is not significant for most openness measures, and only weakly significant for the total OGP eligibility points share. This could be because the KoF index of globalization combines many different measures of global integration, and thus might not fully capture the impact of core channels of diffusion, such as conditionality or normative isomorphism. Deeper analysis of these global channels should look not just at general participation in IOs or in the global economy, but more specifically at those international organizations, donors, and NGOs which focus on advancing OG.

The significance of country size (population) also raises interesting questions. The results are in line with research that finds a correlation between population and e-democracy across countries (Lee et. al., 2011), as well as between population and budget transparency at the municipal level, particularly in Southern European countries (Ortiz-Rodriguez et. al, 2015). However, the mechanism linking population to transparency at the cross-national level is less clear. Case-study evidence suggests that larger countries might have increased agency needs due to higher complexity of government, thus leading to adoption of controlled transparency measures to reduce information asymmetries between central-level and local-level officials (e.g., Malesky, Stromseth, & Gueorgiev, 2016 for China). Understanding the impact of population size on government openness requires further disentangling how government complexity, especially regarding delegation chains, can contribute to increased transparency.

Figure 5 below summarizes the results of our hypotheses tests.
Conclusions and Implications

This article adds to the incipient literature on the empirical determinants of open government (e.g., Grimmelikhuijsen and Feeny, 2016) and expands it to assess such determinants at the national level, using a large sample of countries. Normatively, government openness is inseparable from the participatory dimension of democracy - “government of the people by the people.” We show that this relationship is also empirical, not just normative. Political contestation, limits on executive power, civil liberties, citizens’ education, a free press, and civil society are important even for the “basic” elements of openness captured by the OGP eligibility criteria.

At the most general level, the findings of this article reinforce two messages of public administration literature. The first is that when assessing cross-national variation in government openness at the agency or the sub-national (local) level, we need to move beyond administrative characteristics to take into account also the political and civic characteristics of the country context (Welch & Wong,
The second is that in these “dark times” of seeming autocratic reversal around the world it is particularly important for public administration scholars and for open government advocates to remember and strengthen the democratic values underlying openness in government (Nabatchi, Goerdel, & Peffer, 2011).

However, the paper also generates more fine-grained empirical insights into the relationship between country context and open government. Political, administrative, and civic characteristics all matter, but some of them matter differently for different dimensions of openness. One key distinction between the measures of openness used here is that budget transparency and civil liberties measure actual government behavior (de facto openness, or openness in practice), while access to information and asset disclosure capture the enactment of legal provisions, rather than their implementation (de jure openness, or openness in law). One of the more striking findings is that strong intermediary organizations are associated with the de facto measures of openness, but not the de jure ones. This suggests that research on implementation of openness provisions could benefit from looking more specifically at the role that civil society actors and media can play in increasing administrative compliance.

A second distinction that emerges from our results reflects the complex relationship between administrative traditions and openness. Countries with Anglo-Saxon administrative traditions do indeed have higher budget openness, especially when using more fine-grained measures such as the Open Budget Index (OBI). However, the same is not the case for other measures of openness. As noted, budget transparency is more closely linked to the NPM-cannon. Access-to-information campaigns have been driven by the desire to enshrine the citizens’ rights to obtain government information into law, and asset disclosure is part of a broader toolkit to fight corruption. From a normative perspective, even though budget transparency, access to information, asset disclosure are premised upon the value of openness, they are also embedded in different logics of the role of the state, the rights of citizens, and ways in which the latter can exercise accountability over the former (e.g., Grimmelikhuijsen & Kasymova, 2015). A comprehensive concept of openness should include all these aspects of openness. However, this does not mean that the empirical determinants of various openness dimensions are identical.
Despite these differences, we also find consistent patterns in the data regardless of the openness measure used. Among political factors, constraints on the executive emerged as some of the strongest predictors of openness. Where these are weak, it is unlikely that legislators will have the ability or incentives to demand transparency from reluctant executives. Where these are strong, a “virtuous circle of openness” could emerge, where transparency also enables legislatures and independent accountability institutions to perform their oversight function better. Political competition also increases incentives for some forms of openness. However, it only does so in the medium- and longer-term. The results indicate that what matters more than the strength of opposition parties in a given year is sustained competition over time. In the longer term, openness will be higher where political parties have strong incentives to compete for votes based on their promises of openness in government. These incentives will be even higher where citizens are more highly educated. Indeed, the average education level of citizens is the strongest and most consistent predictor of government openness in our models, across time-frames and measures used.

Our findings also show that the link between administrative quality and government openness is complex. Openness is highest in countries with intermediate bureaucratic strength. The evidence for this is strongest for civil liberties, but we also find a similar relationship for access to information and basic budget transparency. Powerful bureaucracies might be able to resist the adoption of transparency legislation or the disclosure of information (Pasqual & Villeneuve, 2007). Conversely, if the public administration is weak and too politically subordinated, it not only lacks capacity to produce information or consult citizens, but there is also less need for political principals to enact openness to increase accountability of public agencies (Welch & Wong, 2001; Wong & Welch, 2004).

This paper helps unpack better the link between democracy, bureaucracy, and government openness. While idea of openness cannot and should not be separated from the democratic values that undergird it, in practice, the dominant focus of open government initiatives so far has been on open data and ICT-mediated transparency (Hansson et. al., 2014; Meijer et. al., 2012; Piotrowski, 2016). Yet, openness and transparency are about more than that (Roberts, 2012; Hansson et. al., 2014; Meijer et. al., 2012; Author, 2016).

The recent OGP “Strategic Refresh” reflects these insights to some degree. Among other things, it recognizes the need to protect civic space, strengthens the participation guidelines for the action
plans, and mentions the need to bolster the capacity of civil society organizations to participate and “co-create” the action plans and openness initiatives. If these proposals are put into practice, the OGP does have an even stronger potential to further boost government openness among its members. This article suggests further avenues for leveraging the OGP to advance the open government agenda. One salient issue is the distinction between in-law and in-practice openness. The existence of a legal framework that guarantees openness and enshrines citizens’ rights to access government information is no doubt an essential foundation for open government. However, without systematic compliance these rights will not be realized in practice. Current reliable cross-national data on compliance with access to information and asset disclosure requirements is scarce. This is at least in part due to the methodological challenges and the costs of such an exercise (Piotrowski 2008; Michener, 2015; Hazell & Worthy, 2010). However, if any initiative is well positioned to spur such a data collection effort it is the OGP. Some examples from academia and practice already exist (Djankov et. al., 2010 for asset disclosure; OSJI, 2006 for ATI), While not perfect, such examples illustrate options both for gathering better cross-national data on transparency in practice (as opposed to in law) and for defining more “ambitious” OGP requirements to catalyze improvements in the practice of transparency.

The article suggests some additional options for encouraging a “virtuous circle of openness”. First, since education emerged as the strongest predictors of openness, OGP action plans could include more open government measures targeted at the education sector. Indeed, there is evidence that, if done right, increasing transparency and participation in education can lead to improved education outcomes (Fox, 2015; Kosack & Fung, 2014). Second, while the OGP itself cannot change the balance of power or the statutory relationship between the legislature and the executive, the importance of executive constraints suggests that more effort could be made to involve legislatures and independent accountability institutions in the OGP and in open government initiatives generally, for example by increasing their awareness of OG initiatives and “socializing” them into the values of openness, strengthening their capacity and to enact and enforce OG provisions, as well as better use the information released by the government. Indeed, we could argue that an open government cannot exist without and open society – where everybody participates constructively in the production and consumption of information, whether they are part of the government or not.
Correlation coefficients between the share of OGP points on all eligibility criteria and various alternate transparency or openness measure range from 0.5617 to 0.74, all of which are statistically significant.

The open budget scores are available in 2010 and 2012. We import scores in 2010 to the values in 2011, and scores in 2012 to the values in 2012 and 2013 in our dataset.

Since the data is available for only one year (2008), we used the same values for all the years from 2011 to 2013.

As some of our dependent variables are discrete, we ran ordered logit models and Poisson regressions, but most results remain the same. Hence, we report results from OLS regressions in the paper for easier interpretations and consistency across different models.

The correlation between Anglo-Saxon administrative traditions and executive constraints is weak (=0.0407) and insignificant.

We did run robustness tests with alternate measures, such as the number of International Organizations a country is a member is (see also Lee at al., 2011), as well as alignment with US Policy interest. However, neither of these variables was significant.
Bibliography


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Abstract:

The ability of Nepali civil society organizations (CSOs) to constructively engage with government and stakeholders is limited both by technical and organizational capacities. Civil society support project of CARE Nepal has introduced a dialogue tool to improve organizational capacities of Nepali CSOs in the areas of representation and inclusion, legitimacy, transparency and synergy. Dialogue tool, which is one of the tools of outcome mapping methodology, tracks changes in behavior of the actors (partners) with whom it directly engages and wants to influence. CARE Nepal and CSO partners have agreed upon a set of indicators in above mentioned areas on which both are interested to see changes. These indicators known as progress markers are qualitative in nature and set in the form of progressive steps as expect to see, like to see and love to see which carries early positive response, active engagement and deeper transformation respectively towards the ideal behaviour of an actor. This mapping promotes the multilayerd i.e upward to the donors and vertical to the impact groups accountability as partners show progressive change.

CARE Nepal supported the execution of jointly developed plan which was prepared to meet milestones and dream through direct grant, training and mentoring. Likewise, updates on progress markers was jointly reviewed and discussed on an annual basis which has brought encouraging preliminary results. CSOs are progressing in terms of increasing inclusion, adopting tools and techniques to promote transparency to increase acceptance and bringing
synergy. The current political environment has compelled Nepali CSOs to be more inclusive although this is existed as "ceremonial" in most cases. Meaningful participation of women, dalits and excluded group is challenged by both internal and external factors. Internal factors like perception of leadership that women cannot participate because of their restricted roles, level of knowledge to participate and provide strategic inputs and also challenge remains in internalizing and sustaining the achievements as good governance is still a donor-backed issue for CSOs. The leadership paradigm shifted from "friends and families" to more inclusive and legitimate entity however its reluctance to change, rotate and delegate has affected organizational growth.

Importance and priority on governance varies for different donors, which caused CSOs to compromise on their internal governance and accommodate as per donors interest. Similarly, government has focused more on regulation than on facilitation to CSOs which compelled them to take protection from political leadership to create spaces to be engaged with government.

Introduction

Nepal is a diverse country in terms of geography, ethnicity, language, religion, and caste. For most of its history, Nepal was governed by a series of hereditary rulers. In 1990 a popular uprising, ushered in a new period of political freedom. Before the restoration of democracy in 1990, there were only a few civil society organizations (CSOs) operating in Nepal with a main focus on service delivery. After restoration of democracy, there has been a phenomenal growth of CSOs in Nepal. The number has reached to 39,763 registered CSOs in 2014 (Social Welfare council list of registered NGOs 2071).

The recently promulgated Constitution of Nepal in 2015 has guaranteed the freedoms of association, assembly, and speech, as well as respect for human rights. The new constitution aims at adopting a “one door policy” for the establishment, endorsement, engagement, regulation and management of NGOs and INGOs. Under “policies regarding social justice and inclusion”, the government may involve NGOs and INGOs in the areas of national needs and priority by making the investment and role of such organizations accountable and
transparent. It is obvious that “advocacy” or “rights based programming” doesn’t fall under the Government of Nepal (GoN)’s priorities. In Nepal, there is often a distinction between NGOs (about half of which are registered in Kathmandu), loosely constituted people’s movement organizations and formal or informal community based organizations. In this analysis, these are broadly termed CSOs as they all belong to civil society as opposed to the state or the market.

While the unprecedented growth of CSOs and their emergence as prominent actors in development arena can be seen as a very positive trend, there are serious issues with internal governance, opportunism (monetary gain agendas), politicization around party political and ethnic lines, and the lack of collaboration between CSOs. This results in a highly fragmented civil society landscape.

According to the comprehensive CIVICUS civil society index report for Nepal (Civicus 2006), Nepalese CSOs have not been very successful in influencing public policies and exerting pressure on government and other decision-makers. This has, according to the 2013 DANIDA Civil Society Evaluation, changed since 2006, with many organizations becoming stronger and more capable of doing advocacy and influencing policy formulation and implementation. However, the lack of alignment around rights issues hampers the ability of civil society to achieve greater impact.

In most of the cases, CSOs continue to be heavily dependent on external funding which has tends to be project based and short term. This dependency on external funding affects the institutional capacity and achieving the vision. This also has inclined CSOs to the donor agencies rather than to their constituencies where they ought to be and CSOs are more inclined for finding resources and influenced by the nature of the funding rather than being guided by their mission (DANIDA, 2013)

A recent study on CSO sustainability has categorized Nepalese CSOs. It suggests that CSOs are not generally harassed by the government, but they do face several bureaucratic difficulties with registration; they seek foreign aid owing to lack of domestic resources; they generally lack fair elections for executive committees, rely on staffs hired on part-time or project basis; they often find unable to influence legislation substantially, however, offer a wide range of goods and services. The government has recognized the contributions of CSOs in strengthening
democracy and providing services. Despite these characters, the report has pointed out that Nepalese CSOs lack **internal democracy, transparency and accountability. These are critical areas for the development of Nepalese CSOs.** (GoGo, 2014). Most CSOs are family and friends-based. As a result, CSOs tend to have poor governance practices and lack clear divisions of responsibilities between the board of directors and the management. Similarly, most CSOs rely on staff hired on a part-time, intermittent, or project basis. Smaller CSOs especially face difficulty retaining skilled staff due to the limited number of qualified workers and competition from other CSOs and international development organizations. Likewise, the CSOs dependency on the external funding and on official aid with many provisional clauses has challenged the legitimacy. The legitimacy of the CSOs is no more likely to be based on values of voluntarism and altruism but on the contract with official aid agencies. Because of the dependency on the external aid, CSOs have become more accountable to the funding agencies and have not given priorities to their multilevel accountability to their stakeholders and impact groups (Saur and Sinha, 2006)

**Materials and Methods**

CARE Nepal supported its partner CSOs; Community Self Reliance Center (CSRC) and National Farmer Groups Federation (NFGF) to improve their governance, administrative and financial capacities through Civil Society Support Project on Right to Food. The objectives of the support were to make partner CSOs more legitimate and transparent to their constituencies and to promote multi-layered accountability. Both CSRC and NFGF are registered Nepalese CSOs. However, CSRC is a typical NGO whereas NFGF is a members-based federation.

The project introduced a **dialogue tool** to improve governance capacities of Nepalese CSOs in the areas of **representation and inclusion, legitimacy, transparency and synergy (RILTAS)**. The dialogue tool is one of the tools of outcome mapping methodology, which tracks changes in the behavior of the actors (partners). CARE Nepal and CSO partners agreed upon a set of indicators in above mentioned areas on which CARE Nepal and CSO partners were interested to see the changes. These indicators are known as progress markers in the outcome mapping system which are qualitative in nature and set in the form of progressive
steps as **expect to see, like to see and love to see**. Expect to see is focused more on early positive response where as like to see is active engagement and love to see is the deeper transformation towards the ideal behaviour of an actor. The progress markers were set in a way that it promotes the multilayerd i.e upward accountability to the donors and vertical accountability to the impact groups and stakeholders.

CARE Nepal and its partners conducted periodic dialogue to catch the progress against each progress marker on an annual basis. As the issue is the governance, the dialogue sessions were attended by senior staff and board members of the partners and CARE Nepal. The results thus obtained were jointly analyzed and discussed between CARE Nepal and its partners. After the dialogue, a joint capacity development plan was prepared and supported to implement. During annual dialogue, the capacity development plan was also reviewed.

**Results and discussions**

**Representation and inclusion**

CARE Nepal partners had shown remarkable progress on representation and inclusion. A gradual change was observed in CSRC. The number of female and marginalized people had increased in the staff structure including senior level positions. CSRC's main working theme is land and agrarian rights for the landless and tenants. CSRC has given specific priority to women's access and control over land as an important agenda in the land and agrarian rights movement. This is a result of meaningful representation of *dalit* (the so-called untouchables) and females in the executive committee of CSRC. These groups, which are traditionally marginalized and excluded hold senior level positions and are influential in decision making processes.

With the support from CARE Nepal, NFGF had formulated human resource mobilization guideline, gender equality and social inclusion policy, zero tolerance policy and federation mobilization guidelines. These policies are explicitly focused on mainstreaming gender equality and social inclusion at all levels of NFGF. Being a federation, NFGF works at different levels; national, sub-national and local. With the execution of gender equality and social inclusion
policy on board, the inclusion of women and socially excluded communities has been significantly increased. Currently, women constitute 31% at central committee of NFGF and 45% in the staff's structure.

Despite the progressive realization of inclusion at all levels, partner CSOs are still “male-dominated”. The weak capacity of female and marginalized staffs and members to lead the agenda was an excuse for them to exclude these groups systematically.

There periodic dialogue session has shown that partner CSOs are progressing in terms of increasing inclusion at all levels of their organization, adopting tools and techniques to promote organizational transparency which has enabled them to increase acceptance among the stakeholders and have enabled them to build on the synergy (Figure 1 and Figure 2). The current socio-political environment has created a discussion and has pressurized Nepalese CSOs to be more inclusive although this is existed as "ceremonial" in most cases. In most of the cases, meaningful participation of women, *dalits* and other excluded group in mainstreamed development and policy influence level is challenged by both internal and external factors.

![Governance spider of NFGF](image-url)
Legitimacy

Among others, legitimacy includes acceptance of entity by the stakeholders. The partner CSOs had shown remarkable progress on legitimacy. CSRC’s acceptance by government and other stakeholders as a resource organization on land rights and non-violent movement is widely established. The government has sought inputs and suggestions from partner CSOs on different policies and acts. Working together with the impact groups through community based land rights forums; CSRC is deeply rooted at the grass root to be a legitimate facilitator for the rights of landless and tenants over productive resources.

Despite in the forming stage, NFGF’s acceptance as a "true" farmer's organization has been increasing. However, there are challenges on legitimacy from political parties farmer's wings and development-NGOs supported farmer’s groups.
Transparency

There are observable changes in the transparency level of the partners. Partners have established a formal feedback and complain handling mechanism to promote transparency. Both CSO partners are organizing social audit at different levels to ensure transparency and accountability in their works. Both partners are strived to become more transparent and accountable by institutionalizing public audit practices in all project events and activities. Such activities have not only increased the accountability of partners to its stakeholders but also helped in building image of the organizations.

Synergy

There are significant changes in the synergic efforts of partners. CSRC was proactively engaged with the Constituent Assembly members during the constitution making process to advocate on the land and agrarian agenda. It is affiliated in different national and internal network. CSRC was consulted by the government and non government organizations as resource organization on land. CSRC proactively worked with the Government of Nepal during the preparation of national land policy. NFGF had also collaborated with other national and international organizations including the Government of Nepal. It continuously engaged with the government and other likeminded organizations to advocate on their agenda and also to collaborate. NFGF had jointly prepared the advocacy plan with other CSOs and played a lead role in its execution. NFGF had mobilized the government resource in different agriculture activities at the district and VDC level. Besides these, NFGF had expanded its affiliation in national level networks and also had increased the participation of different relevant committees formed by the Government.

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25. Approaches on Demobilization as Part of Democratic Dynamics

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Track: Conflict Resolution and Collaboration as Democratic Ideals and Practices

Abstract:

This paper aims to present different approaches on demobilization that stresses its relation to democratic dynamics and its natural conflictual processes. Mobilization has been studied as part of civic engagement and social movements literatures, but little attention has been paid to demobilization. Apparently, scholars are more concerned in studying the rising cycle of movements than its decline. The existing studies about demobilization seems to connect the changing of perspective on democracy with the demobilization process, especially in campaigning periods or electoral processes. That is, demobilization occurs when the movement in question or its members starts to perceive the democratic interaction process in a different manner than before. This perspective transformation, original from educational studies, is related to the recognition of every individual as himself and their surroundings structures, leading to changes on behavior - at relationships and, in a broader way, frames and beliefs. This manuscript will explore the relation between perspective transformations with its impacts do democracy. At last, there will be a discussion about the role of governments and its mediatory position between stakeholders, considering the contemporary importance of governance to democracy and conflict resolution.

Keywords: demobilization; public participation; civil society
Introduction

This paper seeks to overcome an existing gap in normative public participation literature associated to the demobilization and its causes. We believe that one of the unintended effects of different forms of institutionalized public participation is demobilization. Most of times, demobilization is interpreted as failure. We sustain that it can also be understood as a constitutive part of democracy. Demobilization may result from conflictual processes of democracy. These conflicts allow analyzing relations between groups of interests and the devices that they use to stand for their positions.

It is important to highlight what we call demobilization at this paper. We are not referring to a specific event, group or space, but to social dynamics that can be seen on social systems in general. There are, obviously, differences between different societies, but this article promotes an effort to address the major lines of demobilization processes. Therefore, demobilization is a process that a person, group or even a whole society can go by and represents the transformation from a status to another - from a mobilization status to a demobilization status. This may sound redundant, but demobilization only occurs when there are a previous mobilization for a specific cause. Therefore, a demobilized actor is the one that once was acting in favor of some cause, but it is not anymore. It may appear simple, but that are so many factors around the reasons and the process itself that this preliminary definition may work for most of the cases.

However, it cannot be assumed that demobilization process happens because the cause is not important anymore. Many different factors may interfere at this transformation. Demobilization can also represent the transformation from one kind of action to another, or action in one space to another one - that is, sometimes the cause is valid, but the action strategies are not anymore. Therefore, demobilization can represent the failure of action in a specific way or forum. This transformation can lead to the loss of some members or even a transformation on the goals of the mobilization itself, which represents another great discussion on the demobilization theme.
The main point of this article is to show that demobilization is one of the possible consequences of a mislead interaction between systems, as a result from the interactional process that changes the perspective of the actors involved about the cause, the action strategies or the space where this interaction happens. So, demobilization should be considered not as a failure, but as a recognition that a cause cannot be properly defended at a particular interactional scheme.

The next section of this paper will present some of the existing approaches on demobilization, presenting some of the possible causes to its happening and descriptions of the process. Further, it will be presented our understanding on demobilization as part of democracy dynamics, to then present our conclusion notes.

**Existing approaches on demobilization**

The dynamics of mobilization and mobilization are movements of attraction and dispersion between members of a subsystem. In case of mobilization, literature (Gohn, 2008; Olson, 1971; Tilly, 1978) believes that it is aiming to achieve a common goal the subsystem; or as the process of "activation of people," either by the government or by society, aiming a change in behavior. The dynamics of mobilization do not have such in-depth literature, despite some studies about it. As explained by Lapegna (2013)

*The mechanisms causing demobilization are little understood, and our theoretical toolkit about processes of mobilization dwindles in comparison to the availability and refinement of concepts explaining mobilization (LAPEGNA, 2013: 844).*

Fillieule (2015) agrees with Lapegna (2013) on the lack of sufficient studies on demobilization processes. According to this author, scholars are more concerned in studying the rising cycle of movements than its decline. Gohn (2008) agrees with the excessive focus on the mobilization processes without a specific look at its opposite process.
There are four possible explanations for the lack of studies in the field of demobilization. First, the activism has been less studied by "itself" than by the organizations that lead its processes. The micro sociological approaches to behavior were discarded long ago, in the name of collective action approaches. In addition, the sources for the study of activism flow is scarce: the former activists are not present in the investigations, and organizations hardly keep in touch with people who left. Finally, there is a difficulty of evolving from static approaches to a procedural approach based on longitudinal studies.

This section aims to present some of the concepts used in this field, although sparse, beginning with the very Fillieule (2015). The author believes that the concept of demobilization relates to a plurality of studies, from phenomena on individual disengagement to the political demobilization of an entire society. The author cites four different possible approaches in this sense. The first is the study of demobilization in multi-organizational perspective, that is, involving all social organization industry, with their formal organizations and networks involved in this process, as the decline of the protests in Poland in the 1950s and disunity of movement of workers in Europe. On the other hand, demobilization can also be studied from the collapse of a mobilization campaign, such as an overall decline related to the movement causes. The third approach considers that the disengagement trajectories (particular demobilization) can relate to a variety of determinants, and it does not always happen voluntarily. The latter approach relates to the cost of the output organization. If the cost of entry or exit is too high (for example, if the member is financially dependent on the organization), it is less likely that the disengagement will happen.

The Fillieule study (2015) is interesting for mapping possibilities and theoretical aspects of demobilization. He proposes that studies on demobilization should be based on interactionist approaches, and, from the beginning, he sees three possible explanations for demobilization from this perspective: the perceived exhaustion of benefits in being part of the movement; the loss of ideological significance; and changes on personal relations within the movement (the looser ties are, the greater the chances of demobilization). The three explanations are derived from changes in individual perspectives of members of movements in relation to the senses of mobilization and participation.
Lapegna (2013), in turn, uses a case study in Argentina to describe the relationship between patronage and demobilization. In other words, there is already an attempt of connection between the demobilization process and characteristics of subsystems that relate to social movement. He argues that demobilization process results from the "omnipresence" of patronage in popular politics and a relational process of "double pressure" on popular movements. This double pressure is caused due to the alliances signed between the social movement and government entities, resulting from the redefinition of relations between the two actors from the implementation of popular policies in the 2000s. The movements become institutionalized linkages between low-income population and the government, under pressure from these two groups. The movements start to be seen by the population as a "problem-solving network", and engage in order to obtain material benefits in this relationship, replicating patronage standards. At the same time, the government pushes the movement, for they have become "customers" and these are constantly discouraged to take action against any government action. That is, both the government and the population are responsible for the replication of a model previously rejected by the movement - the clientelistic, causing their demobilization.

Shifting the view on demobilization to Brazil, Silva (2011) starts his analysis with the disclosure of the letter of 51 activists from ground social movements in the country, such as the Movement of Landless Rural Workers (Movimento dos Trabalhadores Rurais Sem Terra – MST) and Peasant Way (Via Campesina), announcing their exit of their movements. The motivation would be excessive bureaucratization of movements, especially after the rise of leftist popular governments in the country. The author highlights the significant process of institutionalization of the movements in the last decade, through the expansion of institutional access opportunities caused by the change of political line at federal level. This increasing of access also relates to the increase of public policies that require the involvement of the population in their implementation; and increase of resources transfer to social organizations. Thus, organizations begin to direct their energies to the occupation of these spaces, but, in this process, they need to be modified in order to take such spaces. Again, the relationship between subsystems and the mutual influence between each other shows latent - and there is a code prominence of one over the other. The "conflict" begins to occur within the institutional bodies, but according to the rules determined by government institutions. Gohn (2008)
believes that the movements have gone through a normative institutionalization process in Brazil, so they can access government resources. However, this process does not begin with the arrival of left-wing governments to power in the 2000s, but with a historical relationship between social movements and political parties, where the first always has a dependency on the second.

Can this code transmutation process be considered a demobilization process, due to the loss of the original characteristics of the movement? To Silva (2011), this process depends on how the movement appropriates itself of the institutionalization process, which should not be confused with a mere process of co-optation. Furthermore, the contact may even enhance the movement and its demands from opportunities created at this relationship. Even the MST is cited by the author as a movement that can transit in both fields: at the same time that appropriates government benefits to create a series of actions aimed at small farmers, keeps traditional techniques such as marches and occupations for manifestation contrary positions. Considering the view Dryzek (1996) on the institutionalization of opportunities, this would be an example of positive interaction between subsystems.

The demobilization meaning is studied in depth through a case study by Monteiro and Mendez (2015). The authors sought to understand the process of demobilization of a movement against the construction of a bridge in a nature reserve in Portugal. When the threat of the bridge construction ceases to exist, the movement demobilize, what means the direct relationship between mobilization and common purpose among members of the movement. It is proposed a continuous line that represents the meanings of collective action, with two opposite positions representing the mobilization and demobilization processes. As the proximity of the threat increases or decreases, the movements are more or less mobilized.

Based on readings on the issue of demobilization, it appears that this may be related to several factors, both individual and collective order. A portion of demobilization processes is caused by the interaction between subsystems in the same environment. However, there is no consensus about what it means, in fact, demobilization for the social movement - if the demobilization promotes its extinction, renewal or only an upgrading in relation to their environment or their goals.
It is also needed to investigate what is the effect of demobilization for democracy effectively. In this study, demobilization is considered unfavorable by reducing systemic complexity and privilege the vision of only one of the actors involved in the participatory process to decision making. However, as placed by Dryzek (1996), different types of relationships between subsystems, from their self-organizing features, may lead to different results.

**Demobilization as part of democracy and the role of State**

Dryzek (1996) discuss the concepts of democracy and participation through the inclusion of social groups in the government structure. For the author, there is a common sense that the more democracy and inclusion, the better. Dryzek (1996), however, disagrees with that point of view, through the relativism of the concept of power - after all, is power only achieved through institutional channels? That is, the formal promise of democracy of inclusion can mask exclusions and continuous oppression. The author understands that enter the State in institutional ways only benefits democracy if the group in question knows clearly their interests, and these interests are clearly represented in State imperatives. If this situation does not conform, there will be no democratic gains in this relationship, and it is better that the group continue to press the State from non-institutional channels. If it still does the group decide to participate, it would have only symbolic benefits, as a form of cooptation, placed by Dryzek (1996) as the process of absorbing new elements in leadership or determination structure of an organization's policy in order to avoid threats to their stability or existence (Dryzek, 1996). The inclusion can occur in order to determine and prevent that forces, being out of State, could be able to destabilize the government - and thus, are demobilized. So, in order not to lose the efforts on the original cause, the movement can choose to avoid interaction with the government. The interactional process, in this case, is responsible for the demobilization of the movement on a specific relation, but not of the movement for a cause.

Oxhorn (1996) believes that social movements are consciously demobilized, even as a form to facilitate the progress of other causes. The author is studying social movements demobilization on Latin America during the transition of dictatorships to democracies at the 1980s. In other words, demobilization can be caused by a particular actor, with a specific purpose, in addition
to internal reasons to own movement. Actors can choose to demobilize as a way to guarantee other advances.

That is, demobilization is the result of a learning process about what that mobilization means and what are the possible results of actions related to it. It is not that all the individual actors involved are going to be lost and separate from each other, but a real change of perspective that lead to a change of action.

However, the outcome of this process can be, overall, really bad to democracy, when we consider the centrality of the State on the mediation of social relations between different interest groups. When a social movement, for example, decides not to mobilize anymore in State spaces, it gives space to other stakeholders to take its place. This demobilization, as pointed for Dryzek (1996), can also be intentional to block the access of popular groups to decision-making forums.

Lee and Romano (2013) questions if the use of public deliberation between State and civil society is re-shaping the concept of authority, trying to untie the idea that deliberation events are necessarily co-creation events between the parties. For the authors, deliberation can be used even in the opposite bias – reassurance of hierarchy, earned from the management of uniforms and unstable power dynamics, as relations with civil society. The apparent vagueness of this division of responsibilities in this case can be strategically useful for the preservation of hierarchical relationships, authority of legitimacy and obscure structural sources of inequality. Thus, processes of "deliberation" can be used to influence communities of stakeholders who may otherwise press them to change their practices or policies. The public deliberation works partly because it anticipates a more confrontational action of civil society, and generates alignment goals of organizations and stakeholders.

That is, interactional processes can be intentionally conducted to promote demobilization. Under a new governance paradigm, where the State has a mediation role at social relations, it is fundamental to discuss what are the groups there are being heard and are mobilized to defend their causes at governmental spaces.

Public deliberation has been facing its exhaustion crisis, with a variety of groups looking for other ways to stand up for its causes beyond State. It is known that government lacks in ability
to handle with social complexity, and its hierarchical, bureaucratic model moves away social
groups from a profitable dialogue with governmental instances. It seems necessary to rethink
how the State conducts interactional process with different actors, in order to perceive how
democratic this interaction is.

Some concepts of the complex system theory may help with this task. When Luhmann (1995)
argued that social system are autopoetic, he meant that every system would guide its actions
based on its own references. For example, all the time that a decision needs to be made, the
system will look for the decisions already taken to discover how to act.

State and civil society are different systems with their own references, acting on an autopoetic
way. Each one will look for its own profile to determine how to act and interact with each
other. While both of them - State and civil society - do not recognize this, it will always exist a
failure in this connection, given its own autopoetic nature. It is not possible to handle
complexity without recognize it. Complexity can be used on a diversity of ways to enhance
government democracy and ability to tackle public questions. By increasing interaction and
diversity of actors who seek to solve a given problem, deliberative mechanisms can end up
coordinating the activities of these systems, in a way that (even still in an autopoetic logic) they
are minimally aligned.

Without that, hours and hours of public deliberation can be spent without common
understanding and effective shared decision-making, the base for a democratic and open
governance system - and most of demobilization at Space states can begin at this very point.

**Conclusion**

The purpose of this article was to present some of the existing point of views on
demobilization and to point to a perspective of demobilization as natural at democratic
systems, since it is a result from an interactional process between different actors.
Demobilization must be understood as a perspective transformation that could lead to
different situations, from the complete loss of ties between movement members to a complete
renovation on the strategies to tackle an issue. Interactions are dynamic, and so is democracy.
We also argue that State has a central role on mobilization/demobilization processes, for its centrality as mediator between stakeholders. However, this mediation will only be effectively democratic if the system complexity are recognized as a feature for both sides - State and civil society, turning the interactional process a rich and useful experience for public questions, allowing and creating conditions for a combative mobilization at public deliberation spaces.

References


26. Advancing Democratic Governance in the Cities of the Developing World

William Robert Avis

The 21st century has been referred to as the first ‘urban’ or ‘metropolitan’ century (World Bank, 2008a; UN-Habitat, 2009a; UNDESA, 2014; OECD, 2015). It is broadly accepted that for the first time, more than 50% of the world’s population lives in what can be loosely classified as ‘urban areas’.

In 2014, an estimated 54% (around 3.8 billion people) lived in towns or cities (UNDESA, 2014: 1).

By 2050 the share of urban population is projected to increase to 66%, with the highest rates of urban growth expected in low- and middle-income countries (LICs and MICs). India, followed by China and Nigeria, will account for 37% of projected growth in urban populations (ibid.). India is projected to add 404 million urban dwellers, China 292 million and Nigeria 212 million to their populations. More specifically, it is in poor informal settlements on the periphery of cities that growth is expected to be greatest. An estimated 828 million people live in slums today; this number is expected to double by 2050. Poverty in LICs and MICs is increasingly taking on an urban character (UN-Habitat, 2008). In the Central African Republic (CAR) and Sudan, over 90% of the total urban population resides in slums (ibid.).

Further to this, whilst cities occupy only 2% of the world’s land, they account for an estimated 70% of economic activity, 60% of energy consumption, 70% of greenhouse gas emissions and 70% of global waste produced.

Urban growth is considered to occur because of the real and perceived benefits of the clustering of human activity (economic and social) in areas of close proximity (Henderson, 2002). Urban areas generate employment, wealth and productivity, and are considered drivers of national economic growth. Those living in urban areas also benefit from a range of

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88 National differences mean the distinction between urban and rural populations is not amenable to a single definition for all countries or even to the countries within a particular region: 6% of countries have no official urban definition and 11% report that their population is either entirely urban or entirely rural (Buettner, 2014).

89 http://www.un.org/sustainabledevelopment/cities/
opportunities, including better and more diverse job prospects, improved access to services and the potential for environmental advantage (e.g. through the efficient use of resources) (Henderson, 2002; Hildebrand et al., 2013). They are also social melting pots, centres of innovation and drivers of social change.

The speed and scale of urbanisation, however, pose significant challenges with cities increasingly marked by social exclusion, poverty, conflict and environmental degradation (Beall et al., 2010). Unplanned urban growth may negatively affect economic and social well-being, contributing to congestion, poor housing, pressure on limited public services, air and water pollution (Satterthwaite, 2015) and associated health issues, etc. (Mitlin & Satterthwaite, 2012). The benefits of agglomeration are also experienced unequally across urban populations. For example, although access to services is higher in urban areas, for those living at or below the poverty line service quality can be poor and costs high. Certain groups, particularly those in informal settlements, may also be marginalised both in terms of access to services and decision making processes (Ducrot et al., 2010; K’Akumu, 2004).

Managing urban growth is one of the biggest challenges of the 21st century. The challenge is most acute in the poorest and most fragile states, especially those of sub-Saharan Africa and South Asia. Expanding urban populations are placing increased strain on already overburdened and ill-equipped local government, planning mechanisms, infrastructure and urban finance (Bhatkal et al., 2015). In many areas, the population has increased faster than the capacity of planners to provide houses and infrastructure and local businesses to provide jobs (Moretti, 2014). This has led to the emergence of large slums, crime, an expanded informal economy and increased social tensions.

With accelerating urbanisation, commentators caution that some cities (particularly those in low income or fragile states) may be pushed to collapse (Muggah & Savage, 2012; de Boer, 2015). Muggah (2012) identifies a number of risk factors that influence the prevalence of urban conflict and violence: urbanisation, city density, poverty, inequality, male youth unemployment, youth population bulges, legacies of conflict and governance failures. The term ‘fragile cities’, has been deployed to refer to those urban areas where the cumulative effects of risk may overwhelm local coping systems (Muggah, 2012).
Rapid rates of expansion alongside large informal settlements pose significant challenges for the governance of urban areas in the developing world. With pressure increasing, conflict potential is high. Urban areas where the poor are concentrated are vulnerable to climatic catastrophes and are becoming the locus of violence and criminality (Beall, 2007). Rapid urbanisation has been identified as both an opportunity and a major global risk (UNDESA, 2014; WEF, 2014), with many types of risk converging in cities (WEF, 2014).

Maximising the potential of urban areas requires institutionalising mechanisms of coordination, planning and accountability between diverse stakeholders (Fox & Goodfellow, 2016). However, most city governments face severe capacity constraints, lack the vision to address urban growth, and need better information on poverty, environment and services. Three key messages emerge that underline why urban governance matters (Venables, 2015):

Cities in the developing world can be both productive and liveable places. Their advantage is that of scale, with a concentration of people enabling economic and social interaction to occur more frequently and effectively. This creates the potential for cities to be productive and to offer inhabitants a better quality of life.

To unlock the potential of cities, key issues surrounding land, transport, public finance and regulation must be addressed. Making the city work requires investment in residential, commercial and industrial structures supported by a combination of effective land markets, appropriate regulation, good public services, adequate public finance and transparent and accountable city level political systems.

Harnessing urbanisation requires smart policy and hard work (i.e. effective urban governance); with the implications of failure long-running.

Urban governance is commonly understood as the process by which local governments and stakeholders decide how to plan, finance and manage urban areas. It is not just about the formal structures of city government but encompasses a host of economic and social forces, institutions and relationships. These include labour markets, goods and services; household, kin and social relationships; and the availability of basic infrastructure, land, services and public safety (Devas et al., 2004: 1).
Urban governance plays a significant role in determining the distributional aspect of growth, it influences whether the poor benefit from urban economic growth, determines how the poor bring their influence to bear and whether political and institutional systems, processes and mechanisms (formal and informal) facilitate inclusive and pro-poor decisions and outcomes. The extent to which the poor are able to influence pro-poor decision making and outcomes depends on the nature of the political and institutional processes and systems within the city. Urban governance (Slack & Côté, 2014:7):

Plays a critical role in shaping the physical and social character of urban regions.

Impacts upon the quantity and quality of local services and efficiency of delivery.

Determines the sharing of costs between different groupings.

Affects the ability of residents to access local government and engage in decision-making, influencing local government accountability and responsiveness to citizen demands.

Urban governance involves a range of actors and institutions; it is the relationships between these that determine what happens within the city. In managing urban transformations, governments at all levels must assume primary responsibility for providing governance for all, but, given the complexity involved in this, they should also play a strategic role in forging partnership with other key stakeholders (UNESCAP &UN-Habitat, 2010: 211–12; 2015):
While city government is the largest and most visible aspect of urban governance, much of what affects the life chances of the urban poor lies outside the control of city administrations. The daily experiences of urban dwellers are largely determined by the market and private businesses, agencies of the central state or the collective voluntary action of civil society.

Effective governance should be participatory, transparent and accountable (OECD, 2001; Bukenya et al., 2012) as well as equitable and promoting the rule of law (UNDP, 2014).
Discussions of effective urban governance are often associated with normative values, with ‘good governance’ seen to ensure that political, social and economic priorities are based on a broad consensus and the voices of the poorest and most vulnerable are heard and acknowledged in decision-making. However, it is clear that urban governance is often not effective and fails those most at need i.e. the urban poor. This may be due to a number of factors including limited municipal capacity, a failure to acknowledge the voices of the disenfranchised, an inability or unwillingness to deliver on delegated responsibilities or institutional failings at a national, regional or local level. A comparative assessment of urban governance and local decision-making models identifies the following (Slack & Côté, 2014: 5–6):

No single model applies universally. The variety of governance institutions and decision-making models reflects local context and history and the complexity of urban issues.

Some form of region-wide authority is essential for cities. Most city-regions face challenges coordinating planning, services and economic development in a fragmented landscape.

Decentralisation must be coupled with fiscal autonomy. A common challenge has been the failure to devolve revenue-raising tools to pay for responsibilities, resulting in fiscal imbalances.

Large cities and city-regions are unique. They differ from other municipalities in terms of size and density, financial and administrative capacity, and the complexity of challenges faced.

Central governments play a critical role in enabling success. The national (or subnational) role varies but there is generally a focus on intergovernmental cooperation, local investment and equalisation of fiscal differences, incentives for inter-municipal coordination and governance innovation, and in some cases, direct regional service delivery.

Capable and visible city leadership is critical. For large cities and city-regions, models with a directly elected mayor appear to have greater potential to provide a coherent city vision, mobilise coalitions of stakeholders and offer greater accountability to citizens.

If managed well, cities can act as engines of growth and provide inhabitants with better job opportunities and improved health care, housing, safety and social development. Furthermore, cities can help contribute to national growth through increased revenue generation and
political stability as well as playing a role in post-conflict reconciliation. Conversely, cities that are poorly planned, managed and governed can become centres of poverty, inequality and conflict with the diverse urban poor experiencing profound disadvantage.

The well-being of the urban poor can be improved by facilitating access to economic opportunities, supportive social networks and greater access to land, infrastructure and services. Whether and how these are available to the poor depends to a significant extent on urban governance i.e. local political processes (informal and formal); the influence of the civil society organisations (CSOs) representing the poor; and the capacity of city government to respond (Devas et al., 2004). Outcomes depend on a number of factors, including the nature of the local democratic institutions and processes, the resources available and the ability of the poor to organise and articulate demands.

Devas et al. (2004) suggest that ‘bad urban governance’ disproportionately impacts upon the poor, in particular, oppressive regulation of informal enterprises and settlements can destroy livelihood opportunities. Devas et al. (2004) and Brown (2015) suggest that the design of the city-level political system, including democratic structures with checks and balances between executive and legislature, and periodic elections must be supplemented by broader participation to ensure that decisions reflect the needs of the poor.

Further to this, urban governance can also play a role in fostering the development of ‘resilient’ cities. According to GFDRR (2015), a resilient city is one that adapts to changing conditions and withstands shocks while still providing essential services to residents. The resilience of a city depends on the overall performance and capacity of its systems, including the smooth functioning of its constituent elements.

Whilst it is problematic to generalise across cities regarding elements of effective urban governance, certain factors can be discerned. This topic guide presents four core elements:

**The city-regional-national interface:** effective urban governance depends not only on local institutions and actors, but also on the framework set by national governments, the city–regional-national interface, which establishes a connection between the city and broader regional and national development.
**Municipal capacity**: expanding municipal capacity to plan, manage and finance urban growth is a fundamental component of effective urban governance. It is important that each level of government has sufficient capacity to carry out responsibilities ensuring that physical and socio-economic planning processes are well-coordinated, legally enforced, inclusive and cross-sectoral. Some municipalities have found they have neither the human capacity nor financial resources to meet new obligations.

**The role of the private sector**: The private sector is a key stakeholder in both urban and economic development. One means of engaging the private sector is through PPPs i.e. involving the private sector in the design, construction and maintenance of infrastructure and the provision of services.

**Equity, inclusion and accountability**: A critical factor shaping the extent to which cities develop in a sustainable and pro-poor manner is how a city’s local political system operates. Urban governance is profoundly political, influenced by the creation and operation of political institutions, government capacity to make and implement decisions and the extent to which these decisions recognise and respond to the interests of the poor.

The city-national interface

Academics (Moir et al., 2014; Parnell & Simon, 2014) and donors (World Bank, 2009; OECD, 2015; UN-Habitat, 2015d) agree that effective urban governance depends not only on local institutions and actors but also on the framework set by national governments, the city–national interface, which establishes a connection between the city and broader regional and national development. Only when national policies foster conducive policy environments can city-level initiatives be effective.

It is important to note that the responsibilities of local governments differ between countries and cities, with structure and organisation influenced by historic, social and political contexts. National governments play a defining role in allocating responsibilities between levels of government, designating territorial jurisdictions, establishing electoral arrangements, designing internal management structures and creating appropriate accountability mechanisms.

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90 [https://www.habitat3.org/the-new-urban-agenda](https://www.habitat3.org/the-new-urban-agenda)
Ensuring good working relationships between central, regional and local government, is important for effective operation. Unfortunately, central/regional/local relations are often mired by mistrust. A common source of tension arises from the level of control exerted by central government and the accountability expected at regional and local levels (Rao et al., 2014). Ensuring accountability and coordination mechanisms to facilitate balanced and harmonious central/regional/local relations is therefore a difficult, but important task.

National policies can incentivise certain actions, helping guide urbanisation and urban growth trajectories in sustainable and inclusive ways. This involves the creation of national frameworks that articulate an urban vision outlining how to arrange resources and institutions (Parnell & Simon, 2014: 238). Neither centralised nor fully decentralised models offer a panacea to effective urban governance (UNESCAP & UN-Habitat, 2015). Greater attention must be paid to developing institutional arrangements that work in specific national and urban contexts. For a typology of urban governance arrangements see Slack and Côté (2014: 10–21).

The World Bank (2008a) notes that the evolution of cities necessitates policy interventions that focus on the ‘whole’ urbanisation process rather than on individual cities. The notion of ‘systems of cities’ acknowledges that it is the relationship between cities, their comparative and complementary expertise, and their evolution in relation to other urban and rural areas that should be the focus of national policy. National policies are needed to guide and support spatial development and ensure that the urbanisation process is actively managed where it occurs and in those areas upon which it impacts (see for example box 1 and Sri Lanka’s national urban vision). A growing body of research highlights the extent to which urban and rural areas and intermediate locations are interlinked by complex flows and interactions of people; production and commodities; capital and income; information and ideas; natural resources; waste and pollution etc. (Allen et al, 2015).

A number of challenges and opportunities exist in balancing the interface between cities and nations (Moir et al, 2014: 22):

National governments must balance a range of imperatives when managing systems of cities. Countries with a dominant or primate city are typically concerned with accelerating the development and competitiveness of secondary and tertiary cities to rebalance economies and minimise inter-regional disparities.
National governments with divided systems are concerned to promote growth of less competitive cities and achieve connectivity and collaboration. Imbalances may have consequences for national unity and stability e.g. the development of certain urban areas over others may exacerbate tensions where cities represent different ethnic populations.

National leaders in countries with polycentric city regions need to ensure that cities within their national systems develop complementary rather than competing specialisations. It may be better for cities within a given region to work together in clusters to be internationally competitive.

**Box 1: Sri Lanka's national urban vision—Mahinda Chintana**

Sri Lanka’s urban vision is articulated in its Mahinda Chintana framework. This seeks to develop a system of competitive, environmentally sustainable, well-linked cities clustered in five metro regions and nine metro cities. Ensuring consistent productivity growth in the Colombo Metropolitan Region is the centrepiece of the plan.

The aim is to connect all urban areas so they can grow and evolve into an integrated system, connecting the five metro regions with district and provincial capitals and towns. The framework notes limitations among urban local authorities, leading to inefficient service provision, and that sectoral plans are currently not integrated with urban plans. Responsibility for service provision is fragmented between central government agencies and two parallel systems of government (devolved and deconcentrated). Correspondingly, the vision calls for institutional and policy reforms to leverage the economic benefits of improved connectivity and urban infrastructure. Strategy priorities are:

- preventing the spread of informal settlements on the periphery of cities
- removing constraints on the supply of land and housing finance
- well-targeted housing assistance and livelihood programmes
- repositioning authorities as competent and accountable service providers with proper financial/human resources

More critically, urban development in Sri Lanka has had both winners and losers. The Ministry of Defence plays a leading role through the Urban Development Authority. Colombo has seen a programme of improvement, which started with a “war” on alleged underworld figures; has taken in the eviction of hawkers and the creation of new leisure areas; and now seems to involve the clearance of sub-standard housing.

Source: UN-Habitat (2012a); Moir et al. (2014: 31-32); Spencer & Amarasuriya (2015).

Decentralisation of responsibilities to local governments has been identified as a means of rebalancing relations between cities and national government, making urban government more responsive to local contexts and actors (Rao et al., 2014). Decentralisation is assumed to have a positive relationship with democracy, political reform, participation, empowerment, urban

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91 Polycentrism is the principle of organisation of a region around several political, social or financial centres.
development, fiscal and economic development, accountability and capacity-building (Smoke, 2003). For dynamic, responsible and responsive leadership to emerge at the local level, an institutional framework is required that devolves responsibilities, revenue-generating powers and autonomy in decision-making (Crook & Manor, 1998; Blair, 2000).

Given the ubiquity of decentralisation reforms (administrative, political and fiscal) and the different contexts in which it has been deployed, it is difficult to determine whether it has been a positive or a negative force. In many contexts, inadequate legal frameworks and institutional and financial capacity have impeded effective decentralisation and the emergence of ‘good’ or effective urban governance (UN-Habitat, 2015d). While many national governments are rhetorically committed to decentralisation, several factors influence their willingness to do so (Devas et al., 2004):

- central governments’ hold on power,
- concern regarding the development of autonomous opposition powerbases,
- concern that local decisions may undermine central policy aims,
- concern regarding local administrative capacity.

Municipal capacity

In contexts of rapid urbanisation and increasing decentralisation, municipal governments face a number of challenges for which their structures, processes and capacities are sometimes inadequate. Rapid urbanisation has generated growing demand for urban services and infrastructure. Simultaneously, national policies and laws are assigning ever more responsibilities to municipal government, devolving planning and fiscal powers which can enhance their ability to respond to local needs and priorities. The effectiveness of municipal government is a function of locally available resources, skills, structures and management processes. Existing capacities to respond to the devolution of power and to realise positive change are critical components of the development process and effective urban governance. However, local governments are often criticised for having weak capacity in areas such as; planning and regulatory control, finance, human and administrative capacity and service delivery.
Planning and regulation

Planning has the potential to play a transformational role in improving the quality of life of urban communities and tackling poverty. It can enhance wellbeing, facilitate access to services, amenities and economic opportunities, and empower communities to have a say about their future. Governance is central to urban planning and determines the underpinning of legal and administrative processes, as well as the roles of formal and informal actors who shape urban change (Brown, 2015: 4). In many developing countries, effective formal planning is challenging because of lack of up-to-date mapping; weak development control and enforcement powers; out-of-date planning processes; and limited public knowledge or compliance with land-use regulation. Further to this, globalisation, deregulation and free market policies often shift decision-making powers to the private sector.

In countries with effective regulatory capacity the majority of urban development is formal, however, where governance and oversight are weak, much urban development takes place outside formal frameworks (Brown, 2015). Several problems arise from ‘unplanned development’; retrospective provision of infrastructure can be expensive, low-density layouts increase the cost of providing water, roads and sewerage. Most critically, the urban poor may pay high costs for informal access to land and services, while government administrations miss out on potential tax revenue. In many cities, plans for slums seldom situate them in the context of broader plans for the urban region. CBOs are often weak and not incorporated into the planning process. In addition, planning and regulation generally fail to formulate specific strategies to improve or redevelop slums with minimum disruption to existing homes and economic activities.

Planning and design directly affect how individuals and communities experience the city (UN-Habitat, 2012b). However, the explicit social aims of planning have often been overlooked with a greater focus on technical professionalism. Certain groups (namely the poor) are often excluded from planning and decision-making processes critical to ensuring that city’s meet their specific needs. Patel (2013: 31) comments that the urban poor have legitimate claims to the planning process and have a constructive role to play. For the purposes of better urban governance it is imperative that planners seek legitimacy for plans and are held accountable by city dwellers throughout the planning process.
Where cities fail to provide for the needs of urban residents including the poor, women are often expected to fill the gaps (Tacoli, 2012). This adds to the already numerous demands on women’s time, and to the stresses they encounter daily, such as long-distance travel, travel to multiple locations, waiting in queues and competition for scarce resources (Chant, 2013; Brouder & Sweetman, 2015).

The potential of urban planning to address major challenges faced by cities (poverty, inequality and environmental risk) is considerable but its practice is often undermined by the dominant market paradigm, weak capacity and limited recognition of the priorities of the poor. Brown (2015: 30–1) has identified a number of challenges and opportunities associated with urban planning:

Urban planning can facilitate more transparent development decisions and pro-poor service provision. Where control is weak, governments should intervene selectively through problem-oriented planning that acknowledges informal processes.

Participation of poor communities is essential to give them a voice. However, transformative development processes depend on collaborative decision-making and an equalisation of differential power relations (for example participatory budgeting in Porto Alegre, Brazil).

Planning strategy is often based on national development objectives that do not take into account local issues. Metropolitan plans may channel directions for urban growth, housing development and major infrastructure whilst local plans can identify potential development sites and protected areas.

Development regulation is often predicated on assumptions that development should be authorised centrally with decisions being transparent and accountable. These assumptions are unrealistic when most urban building is informal. In these contexts, development control should focus on priority areas (e.g. to identify land for housing or ensure environmental protection).

Action planning has led to a number of planning innovations that are redefining the potential for urban intervention. These include urban design and new spatial forms, participatory planning, and land regularisation and upgrading.
Planning for mega-cities poses challenges for vertical and horizontal policy coordination. Strategy should focus on key metropolitan functions such as transport infrastructure, solid waste disposal and trunk sewage and water provision.

Whilst planning coordination in contexts of weak governance is challenging a number of measures can be taken to ensure more effective development. It is crucial to evaluate existing capacity and processes, noting the legal frameworks for planning, effectiveness of decision-making, development control as well as appeals and enforcement (ISOCARP, 2008). Where capacity is limited the focus should be on managing developments that have significant environmental or social impact (ibid.).

Effective urban planning depends on locally appropriate solutions, integrated approaches to overcoming challenges that combine physical interventions with strengthening governance capacity (UN-Habitat, 2009a: 60). According to GFDRR (2015: 36), physical and socio-economic planning processes should be well-coordinated, legally enforceable, inclusive and cross-sectoral. Further to this, key stakeholders must be involved to align plans with sector priorities and to ensure the interests of all groups (particularly the urban poor) are taken into consideration.

One approach recommended for augmenting the capacity of under-staffed or under-financed planning agencies is action or problem-oriented planning. This can address a wide range of issues and problems, including the protection of built heritage, small-area planning, upgrading and renewal, etc. Planning tools such as master planning or zoning have proved inflexible in dealing with urban change and are being replaced by innovative strategies such as planning agreements between local stakeholders and tradable development rights. However, establishing transparency and resolving conflicts over new instruments remains a challenge (Brown, 2015: 25–6).

Urban finance

Municipal governments need sound financial resources and systems to adequately fulfil their roles and responsibilities. Finances are secured from a range of sources. Central government transfers are the most significant, based on formulae that cover recurrent and capital spending, but they can be erratic. Municipal borrowing constitutes another common form of sub-
national financing, enabling regional and local governments to finance capital investments. Municipal borrowing helps to address the prevailing infrastructure deficit found in many local governments by shifting the burden of current expenditure into the future and away from grant funding, over which they have little or no direct control (Slater and Goyal, 2015). A prerequisite for municipal borrowing is having a sound decentralisation framework and the development of a mature and liquid domestic credit and capital market, often absent in many developing countries.

City governments can also generate finance locally. Locally generated revenue falls into three broad categories: property taxes, business taxes and user fees. Property taxes have significant revenue-raising potential but are under-used in many cities owing to lack of up-to-date address registers and mapping, limited staffing and political opposition. There remain significant differences in the generation of per capita municipal finance between developed and developing cities. Cities need to establish reliable fiscal databases, billing and collection capacities and communication programmes to inform stakeholders of the benefits of taxation.92

Discussions of taxation have traditionally focused on two aspects: how to improve revenue collection to finance redistribution and public services? How to design tax policy to strengthen incentives for economic growth? In recent years, there has been increased interest in the role taxation can play in improving governance. Taxation is considered fundamental to sustainable development and can be a catalyst for the development of responsive and accountable government and the expansion of state capacity (see Box 3 on tax reforms in Lagos).

The influence of municipal government on land markets is of particular importance, determining where and on what terms individuals are able to obtain housing and access services (McGranahan & Satterthwaite, 2002). Slater and Goyal (2015) identify land assets owned by subnational governments as an important element of finance in most developing countries. Land is generally the most valuable asset available to subnational governments and can be used in multiple ways. Direct land sales are the clearest example of capital land financing. Other instruments for converting public land rights to cash or infrastructure include land pooling approaches adopted for regional economic development and urbanisation. Land

92 See Topic Guide on Communication and Governance (Haider et al, 2011)
can be used as collateral for borrowing and is often an important public contribution to PPPs that build infrastructure projects. Slayer and Goyal (2015) caution that the volatile nature of land assets and an over dependence on such financing may pose risks to sub-national capital budgets necessitating a strong fiscal framework to manage and mitigate such challenges.

Research suggests that many municipal governments lack the requisite skills to raise or manage municipal finance and that subnational capacity development assistance should be embedded in all urban development projects (Sood et al., 2012). This should build the capacity of subnational governments to improve their own sources of revenue (especially property tax); financial management; debt absorption capacity; debt management and monitoring ability; and project development and implementation capabilities to demonstrate their creditworthiness and enable them to access to financial markets. Further to this capacity development is required to establish legal provision and regulatory frameworks necessary to enable the flow of market funds to urban development sectors.

Utility companies should also be targeted to improve performance and financial viability and creditworthiness. Technical assistance should be provided for operational benchmarking exercises, establishing sound regulation and performance standards, strengthening financial management systems and preparing capital investment programmes and bankable projects (Sood et al., 2012).
Human and administrative capacity

Strong and capable local governments are considered a key lever to ensure inclusive and sustainable urban development, facilitating accountable governance systems and balanced multi-stakeholder involvement (Sorensen & Okata, 2010). However, many local governments have limited human and administrative capacity to carry out their responsibilities adequately. While many cities have undergone substantial social, economic and physical transformation, the human and administrative capacities of municipal governments have failed to keep pace (UNESCAP, 2015).

Box 2: Lagos (Nigeria)—taxation, urban development and social capital

Over the past 15 years, the Lagos state government has increased its tax revenues and mobilised resources for investment in infrastructure, expanded service delivery and law enforcement. Electoral pressures as well as elite ambitions have driven reform commitments, with revenue collection identified as critical to urban transformation.

The tax system was overhauled, taxpayer compliance increased and the government pledged to be more accountable for tax expenditure. Annual tax revenues rose from approximately $190 million in 1999 to over $1 billion in 2011. With strong support from governors, the Lagos Internal Revenue Service increased its outreach and monitoring capacities. Teams of revenue staff regularly visit formal businesses and informal sector organisations to identify taxpayers, explain taxation and verify payment certificates. Audits increased in number from 1,500 in 2006 to over 6,000 in 2011.

Bureaucratic reforms have enhanced the state’s ability to track tax revenues, identify taxpayers and create a credible threat of enforcement. However, the government has scarce financial and human resources and the logistical and political costs of attempting purely coercive tax collection are high. Progress has been made in encouraging greater tax compliance by presenting tax payment as a civic duty and part of a social contract. State revenue officials have gained the cooperation of powerful business and informal sector associations to encourage their members to pay taxes.

Positive public perceptions of state government have influenced readiness to pay taxes. A 2010 survey found provision of public goods and satisfaction with state use of revenues were correlated with willingness to pay tax: 74% of responses were somewhat or very satisfied with use of tax revenues. A national survey found Lagosians expressed the highest support among urban residents in Nigeria for the statement that citizens should always pay their taxes.

Source: Alemika et al. (2011); Bodea & LeBas (2014); de Gramont (2015).
UN-Habitat (2016) comment that urban governance requires greater capacity at all levels of government and for all involved in the process. They note that capacity building for urban governance must take into account institutional capacities, the technical and professional skills of individuals as well as local leadership skills. Building capacity related to urban planning, budgeting, public asset management, digital era governance, data gathering and engaging with other stakeholders are highlighted as being of particular importance (UN-Habitat, 2016). This requires both structural, organisational and procedural provisions and overall governance arrangements that ensure performance accountability, transparent decision making and the inclusion of relevant stakeholders in key processes. Impediments to building human and administrative capacity include:

Complex and unclear organisational structures.

Unclear definition of delegated tasks between managing authorities and intermediate bodies.

Insufficient capacity and power within coordinating bodies to fulfil their role.

Weak governance arrangements for holding managers accountable for performance, controlling corruption and avoiding undue political influence over project selection and staff appointments.

Lack of appropriately qualified and experienced staff and high staff turnover rates.

Poor administrative capacity of municipal governments, especially smaller local authorities.

Lack of expertise leading to compliance issues regarding complex national and international regulations e.g. public procurement, aid and environmental legislation.

Limited analytical and programming capacity, including insufficient capacity (and political backing) to deliver result oriented strategies.

To resolve these issues UN-Habitat (2016) call for a systemic approach and the mobilisation of different modalities of education and training - high and middle-level education, technical courses, peer-to-peer learning and technical support. This includes the engagement of local government and civil society in a mutual exchange of information and knowledge. The involvement of civil society in turn requires the development of capacity building programmes.
to improve the ability of community leaders and public institutions to engage in dialogue to support a partnership-collaborative approach. In addition, UN-Habitat (2016) call for stronger learning links between local governments and the business sector to foster collaboration between public officers and local stakeholders.

Service Delivery

The provision of sufficient, affordable, quality basic services is considered a core function of urban government. Delivery of services (water, sanitation, waste management and housing) correlates closely with the health and well-being of urban residents. However, in many developing countries, the delivery of urban services is constrained by coordination, governance, finance and capacity challenges, exacerbated by the pace and scale of urbanisation. Governments, at all levels, have a pivotal role to play in service delivery, regulating, facilitating and collaborating with other stakeholders and institutions. National governments set the policy framework, transferring resources to local government for implementation. Primary responsibility for the provision of basic services usually rests with city or municipal government, even if delivery of services is outsourced to the private sector or NGOs.

Urban governance for basic services covers the full range of arrangements through which governments and other stakeholders work together to install, deliver and manage services. The role of municipal governments may involve some or all of the following; infrastructure provision and maintenance, environmental management, development control, land-use management, community liaison, land leases, land sales, and policy development. These roles are often delegated to larger cities that have a greater capacity to deliver. Smaller towns are often reliant on central government to carry out these roles. Patterns of decentralisation and the structure of local government agencies are critical to the capability of a municipal authority to manage service provision, with incoherent decentralisation often contributing to poor services.

Existing service delivery arrangements often fail the urban poor, who are disadvantaged in both market and public policy arenas and often forced to access services that are expensive, insecure or illegal. Although city governments are generally responsible for providing basic services, for the most part they do so quite inadequately whether because of a lack of political will, resources or capacity. The provision of environmental services and shelter is far from
being a purely technical matter. The political and governance context is paramount, influencing how and where resources are allocated. (Devas et al., 2004). Lack of resources is not only the only explanation for inadequate provision of services. Other explanations include the lack of an adequate national policy framework; the unresponsiveness of city government, multiplicity and rigidity of laws and regulations and the difficulty for the poor in making their voices heard; the lack of accountability of local decision makers and the shortage of effective and accountable CBOs and NGOs to help articulate the needs of the poor and ensure services are delivered.93

Collectively the above compels citizens to pursue informal routes in conducting land and property transactions, doing business, acquiring livelihoods, and importantly, accessing basic services. As a result, parallel systems flourish and ‘informality’ has become the norm in many urban areas. Better provision of basic services could improve the lives of low income urban dwellers that are currently unserved or inadequately served. Common issues include:

**Multiple and overlapping structures:** There are often too many structures and actors involved in service provision within city boundaries, potentially impacting upon accountability. The presence of many different service providers creates a significant challenge for policy coherence, oversight and monitoring.

**Lack of information/data:** Lack of information undermines planning and management of service delivery. Urban stakeholders must improve data collection to facilitate decision making in service delivery and enable justification of decisions. CSOs and NGOs can play a role here.

**Low levels of community participation:** In order to make informed decisions about services and investments, service providers and municipalities must understand what communities want, what their priorities are and what they are willing to pay for. Further to this, urban authorities have to create more awareness of their role through education and communication exercises. These initiatives may include, radio programmes, city newsletters, websites, social media and workshops for civil society actors.

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93 [http://unhabitat.org/urban-themes/urban-legislation/](http://unhabitat.org/urban-themes/urban-legislation/)
Inadequate sources of revenue: Many urban areas rely heavily on transfers from central government. This may have a significant effect on service provision as a result of the inconsistency of payments.

Lack of adequate knowledge of local government issues: Many countries in the global south have initiated reforms to decentralise responsibility to urban areas and to democratise decision making. Many of these initiatives are still at an incipient stage and require prolonged and consistent support both from central governments and international agencies.

Poor levels of service, interruptions, low coverage levels, and other problems undermine quality of life in urban areas and erode trust in local government. Better governance of basic services for the urban poor does not necessarily mean that the government needs to provide all services, but requires it to ensure that the poor can access adequate services. This entails working with service providers (public or private), small-scale vendors, civil society organisations and low-income residents. Moreover, with a number of different government agencies and authorities playing a part in service delivery, coordination between agencies is key.

There is a growing consensus that in order to achieve this, service providers and those who work with them need to be more accountable to these vulnerable groups otherwise truly pro-poor measures are unlikely to be implemented or sustained (UN-HABITAT, 2003). The introduction of decentralised, community based and participatory approaches and processes for the design, development and implementation of urban programmes and projects increases the potential for democracy, accountability and transparency and promotes the development of local involvement and enablement.

The role of the private sector

The private sector is a key stakeholder in both urban and economic development. In most countries, the private sector is a major contributor to national income and the principle employer and creator of jobs. The private sector provides around 90% of employment in the developing world (including both formal and informal jobs), delivers critical goods and services, contributes to tax revenues and the efficient flow of capital (IFC, 2015). While the

traditional role of the private sector has been to create jobs, wealth and profit, it has been encouraged to play a greater role in mitigating the challenges of rapid urbanisation.

Venables (2015: 5) comments that the majority of future development of urban areas will be undertaken by the private sector. The private sector therefore has a pivotal role to play in the development of urban areas and is a significant component of effective urban governance. The private sector and private sector development (PSD) are considered to have a role to play in economic development and poverty reduction, addressing drivers of fragility and conflict, including unemployment, exclusion and instability (Mac Sweeney, 2008; Hameed & Mixon, 2013; Haider, 2014).

One means of engaging the private sector is through PPPs. The underlying rationale for PPPs is that they provide a mechanism for governments to procure and implement public infrastructure, including services, using the resources and expertise of the private sector (PPP-IRC, 2014). PPPs can be defined as contracts between a private enterprise and government, providing a public asset or service in which the private enterprise bears the risk and management responsibility and remuneration is linked to performance (World Bank et al., 2014: 18). Involving the private sector in the design, construction and maintenance of infrastructure and the provision of services has been highlighted as an area where PPPs could be particularly influential.

Building more and better infrastructure is an important goal for many economies blighted by limited public revenues (UNDESA, 2013a). Castells-Quintana and Royuela (2013) show the quality of urban infrastructure determines the growth-enhancing benefits of urban concentration. Countries with good urban infrastructure can accommodate rapid population increases in city centres and sustain high economic growth (Alm, 2011). The quality of a city’s infrastructure (housing, electricity, roads, airports, public transport, water, sanitation, waste management, telecommunications, hospitals, schools, etc.) also influences social inclusion, economic opportunity and quality of life in urban areas (UNU, 2013).

The OECD (2007b) notes the scale of the challenge: globally, infrastructure investment will cost an estimated $71 trillion by 2030. This figure represents about 3.5% of forecasted global GDP.
economies. The Programme for Infrastructure Development in Africa estimates that $93 billion needs to be invested annually in capital investment and maintenance until 2020. Currently, there is a shortfall of $48 billion. PPPs have been identified as one solution to this.

Public services are also considered to be underperforming in many countries despite efforts to improve policies and increase resources. Partnering with the private sector is considered one means of facilitating service delivery by extending services into poorer or informal communities; providing safe work places and adopting non-discriminatory employment policies; helping the poor access credit; and investing in low-cost housing.

Partnerships between urban stakeholders (whether the private sector, NGOs, community organisations, etc.) can assist with service delivery and other critical aspects of urban development (slums, city expansion, etc.). However, in many regions the legal frameworks dealing with tendering, contracts and oversight are weak or unimplemented and this lack of clarity discourages domestic and foreign business investment. At the same time, PPPs have proved complex to implement (e.g. prefeasibility studies, limited technical expertise and negotiation capacities etc.) (UN-Habitat, 2016). National and local governments often lack the information and expertise necessary to negotiate on an equal footing with companies who have extensive experience in different areas of public service delivery.

The requirements for successful partnerships include a buoyant private sector alongside a capable and authoritative local government motivated by a common economic interest (Devas et al., 2004). To be successful, policy-makers need a clear vision of PPP objectives and a sound understanding of the local context to appreciate the advantages and limitations (Phack, 2009). A careful analysis of the long-term development objectives and risk allocation is essential. A country’s legal and institutional framework also needs to support a PPP model of infrastructure development or service delivery and provide effective governance and monitoring mechanisms. In order for the private sector to engage in urban planning, public policy and development objectives, the public sector needs to (UN, 2008b; Khan et al., 2016: 40):

Consider what incentives it can provide to encourage private sector participation (i.e. improving the institutional and regulatory environment and investment climate). World Bank (2005) research suggests the creation of an enabling environment through legal and regulatory
reform is necessary to support more sustainable economic growth and to enhance the private sector’s impact (see box 4, Kigali).

Reflect on alternative arrangements beyond PPPs to meet its financial needs (e.g. fiscal decentralisation, issuing municipal bonds, etc.) and other non-financial obligations (improving service provision through better management of operating systems, reducing distribution and transmission costs, reducing water and electricity theft by informal network providers, combating corruption, promoting e-governance, etc.).

Implement specific policy instruments and interventions that complement, coordinate and collaborate with rather than compete against the private sector.

While the emergence of the private sector as a powerful force in delivering large-scale land development and infrastructure has been beneficial to many financially challenged cities, privatisation has also led to the weakening of public regulation and contributed to urban fragmentation and increasing inequality – notably in access to urban land and services (UNESCAP & UN-Habitat, 2015: 161). Fox and Goodfellow (2016: 157) note that the failure of privatisation to improve services for the majority of urban dwellers and accompanying price increases has led to widespread disillusionment and protest. They further comment that, where privatisation has led to improvements, it has usually been at the expense of universal coverage, with low-income areas excluded.

Equity, Inclusion and Accountability

A critical factor influencing whether cities develop in a sustainable and pro-poor manner is how the local political system operates. Urban governance is profoundly political, influenced by the creation and operation of political institutions, government capacity to make and implement decisions and the extent to which these decisions recognise and respond to the interests of the poor.

Devas et al. (2004) comment that the most significant change to affect urban governance has been the emergence or restoration of democracy at national and local levels. The general trend towards decentralisation and local democracy has increased the room for manoeuvre at the city and local level. The advantage claimed for city and local democracy is the ability to hold
elected representatives accountable through elections, though the mechanisms of accountability are often flawed. The ability of city governments to respond to economic opportunities and to encourage pro-poor growth are often dependent on the wider context of globalisation on the one hand, and non-economic factors, such as the city’s social structure, cultural and religious traditions, and the political order on the other.

Whilst elections represent an opportunity to influence political decision making, this requires vote bargaining, with unequal results for different communities, depending on their degree of organisation, the efficacy of their leadership and their political affiliation. How responsive city government is to the needs of the poor depends greatly on the accountability of its elected representatives.

According to UN-Habitat (2016) many urban areas suffer from an imbalance of political power and insufficient inclusiveness and participation. Collective decision making has failed to address the gap between broader national developmental agendas and inhabitants needs at the local level. While representative democracy is considered an important vehicle, allowing citizens to exercise their rights, participatory processes often suffer from structural constraints. UN-Habitat (2016) note that women, youth, minorities, the urban poor, those with disabilities etc. are often excluded from decision-making. What purpose and in whose interest government actions are taken depends on three factors (Devas et al., 2004; Fox & Goodfellow, 2016).

the political context, which has local, regional and national dimensions. The former refers to the socio-political public space available to urban actors, including the poor, and their ability to exploit that space. The outcome depends on the character of the local political space, the capacity of citizens to engage in politics, the distribution of power and how that power is exercised. The supra-local dimensions of political context include the institutions and rules that govern political behaviour, the political culture and the nature of the national regime.

the way the political intermediation mechanisms (the formal structures and procedures of the urban political system) are designed and how they work in practice.

the political actors involved, their goals and demands, the resources they bring to the political system, the power relationships between them and the strategies and tactics they adopt.
In many cities, there is recognition of the need for a local or neighbourhood level of local government to increase responsiveness and improve service delivery. However, as with city government, the representativeness and effectiveness of lower levels of government depend on their legislative basis, the powers and resources available to them, the arrangements for representation, the nature of their leadership and the relation between them and higher levels of city government. Democratic representation at this level may be based on elections but it is also at this level that opportunities arise for other democratic practices e.g. direct, deliberative or participatory democracy. For local levels of government to be effective, representative, accountable to citizens and capable of holding higher levels of local government to account, they need (Devas et al., 2004):

A supportive political context in which higher levels of government are committed, as a matter of principle, to neighbourhood representation and participation.

A strong civil society to play an advocacy role on behalf of the poor, ensure accountability and organise citizens to claim their rights to land, services and decision making processes.

Ongoing support from NGOs and other organisations to inform and empower citizens, elected representatives and local leaders to fulfil their roles and responsibilities.

Transparency, based on legislative safeguards and a free and active local media.

It is clear that group interests and power relations influence cooperation and disharmony between urban stakeholders (Kedogo et al., 2010). With shared paradigms, cooperation can work and differing interests can be reconciled. On the other hand, failure to agree on a shared vision for urban areas may hinder or prohibit cooperation, even when actors share objectives. With a range of actors participating at different levels of decision-making, there is a need to foster network-based governance approaches instead of a hierarchical government model (Jordan, 2008). This has led to increased focus on the role of participatory approaches to planning, urban management and governance. However, limited capacity and legitimacy of government agencies at local level, the limited efficacy of mechanisms to ensure good performance and accountability and the immaturity of political institutions often results in pervasive clientelist relations and corrupt practices.
Conclusion

Urban governance can support the democratisation of cities. But, building cities and towns that ‘work’ (i.e. are inclusive, safe, resilient, and sustainable and leave no one behind) requires intensive policy coordination and investment choices and is contingent on both resources and the institutions of urban governance. Particular attention needs to be paid to the following aspects of urban governance. The relationship between national and city development must be aligned to ensure that urbanisation is managed effectively where it takes place and, equally importantly, where it does not. This requires a framework that ensures coordination at a national, regional and local level and incorporates an awareness that cities evolve in relation to other urban and rural areas and that this should be the focus of national policy.

Such a strategy can be accomplished through sound decentralisation that ensures delegated responsibilities are accompanied by an enhanced ability to make decisions and raise finance (primarily through property taxation) at a local level. To ensure this there must be investment and training to expand municipal capacity to plan, manage and finance urban growth. This will facilitate improved physical and socio-economic planning processes, coordination, and the development of inclusive pro-poor policies. Capacity building should also be provided to improve municipal government’s ability to engage with other urban stakeholders (namely, civil society and the private sector).

It is clear that the private sector is a key stakeholder in both urban and economic development. Given their pivotal role, municipal governments should seek to direct private sector investment in a manner that ameliorates the challenges faced by the urban poor. One means of engaging the private sector is through PPPs i.e. involving the private sector in the design, construction and maintenance of infrastructure and the provision of services. Further to this, the private sector can facilitate a data revolution in urban areas, for example through the use of mobile data to understand the dynamic interactions between citizen and city.

Finally, equity, inclusion and accountability must be at the heart of city governance. This necessitates an opening of spaces whereby citizens can engage and participate in decision making processes. This must move beyond tokenistic participation to address the structural constraints faced by certain groups in making their voices heard. Further research is clearly needed. In urban areas limited attention has been paid to the political, economic and social
drivers of bargaining and distributional conflicts between the poor and non-poor over policy, goods and services (Desai, 2010; Muggah, 2012; Jones et al., 2014a). These issues must be addressed if we take seriously the concern with equity and inclusion of the urban poor.

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34. Civil Society and Electoral Reforms: Challenges and Opportunities for Electoral Democracy in Uganda

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Abstract

This paper assesses the role of civil society in electoral reforms for democratic governance in Uganda. Civil society is one of the pillars of democracy and acts as a watchdog by shielding citizens from the arbitrary decisions of the state and market economy. It is an emerging concept in the context of electoral democracy. Over the last decade the significance of civil society in Uganda has grown in the areas of electoral democracy, which is relevant to the field of good governance. The important role of civil society relates to its potential to influence leaders, form public opinion and to represent the views of the populace outside the political arena. Societies that have experienced political change from authoritarian rule have usually had a strong civil society based movement. South Africa is the most prominent case of such a democratic transition on the African continent. Mary Burton, one of the commissioners of the South African Truth and Reconciliation Commission, said that during the 1980s South Africa had built a strong civil society which made a democratic transition possible and this was a great resource to the new Government of National Unity in 1994 (Institute for Justice and Reconciliation Conference, 2008). Uganda’s aspiration for democratic governance has been dogged by its post-colonial history. Fifty two years since the country gained independence from the British colonial masters, Uganda have suffered civil strife, political instability and authoritarianism, resulting in political misrule, economic and social hardship. While the country’s immediate post-independence regime was a vibrant multiparty system, it soon collapsed into a one-party state under Apollo Milton Obote from 1967. In
Uganda civil society has played an active role especially in contexts where the government has been unable to deliver. In some cases such civil society interventions have been viewed suspiciously by government and this has frustrated the efforts of civil society actors. The concern of this paper is to assess the role of Civil Society in Electoral Reforms for Democratic Governance in Uganda. The paper will also identify the challenges faced by civil societies in Uganda and propose strategies for civil society’s full engagement in electoral reforms for democratic governance. This will be an exploratory research using qualitative approaches to data collection and analysis. It will involve review of existing literature and related documents; and interviews of key informants among the key civil society organizations in Uganda and selected politician both in the ruling and opposition political parties.

**Keywords:** Civil Society, Electoral Reforms and Democratic Governance.

### 1.0 Introduction

The growing interest in civil society in the academic discourse in relation to Africa’s democratization process has been in a reaction to pervasive state weakness and authoritarianism throughout the continent (Okuku, 2003). Hence an autonomous civil society is seen as a safeguard against undemocratic state power and its participatory role is seen as providing a basis for the limitation of state power by society (Mutebi, 2004). Even in a democratic state, civil society’s participation in governance is considered essential as it provides a means for individuals and groups to ‘mitigate majoritarianism for marginal groups that are not otherwise able to win sufficient backing to see their values reflected in the policies and laws of the state’ (Mutebi, 2004). For these groups civic organisations offer a way in which they can peacefully pursue their interest and goals without being suppressed by the wishes of the majority.

The notion of civil society can be traced back to Adam Smith, Georg Wilhelm Friedrich Hegel and Karl Marx, among others. These theorists conceptualized the state and civil society as two separate and sometimes conflicting entities, with the latter independent of the state and
based on economical interactions through mechanisms of the market (Baker, 2002). The Italian theoretician Antonio Gramsci characterized civil society as ‘the realm of culture and ideology, or more concretely, as the associational realm (made up of the church, trade unions, etc.) through which the state under normal circumstances, perpetuates its hegemony or achieves consent’ (quoted in Baker, 2002). Recent discourses on civil society now focus on non class-based forms of collective action linked to the legal, associational and public institutions of society (Cohen and Arato, 1994).

In Uganda civil society has played an active role especially in contexts where the government has been unable to deliver. In some cases such civil society interventions have been viewed suspiciously by government and this has frustrated the efforts of civil society actors (Orjuela, 2003; Toure, 2002). Early literature tended to laud civil society as homogenous and always working in the interest of the citizenry; some recent scholars argue that these assumptions are misleading and warn against ‘romanticizing’ civil society’s role (Wanyande, 1996). Civil society campaigns have been known to frustrate their own efforts; as a result coalitions have fallen apart before their impact could be realized. Moreover some civil society organizations are undemocratic and revolve around a single, charismatic leader (Orjuela, 2003; Wanyande 1996).

The role of civil society in democratization process has been seen as ‘schools of democracy’, where the citizens learn democratic thinking and acting, tolerance of diversity and pluralism, mutual acceptance and willingness to compromise, as well as trust and cooperation. Advocacy organizations can influence government officials to adopt positions supporting their members and follow formal rules that facilitate open, free and fair political debate and decisions. Thus building organizations that can act independently and are willing to confront the government, either to hold it to account or to influence policy is instrumental in democratization processes (Kasfir, 1998).

Uganda’s aspiration for democratic governance has been dogged by its post-colonial history. Fifty two years since the country gained independence from the British colonial masters, Uganda have suffered civil strife, political instability and authoritarianism, resulting in political
misrule, economic and social hardship. While the country’s immediate post-independence regime was a vibrant multiparty system, it soon collapsed into a one-party state under Apollo Milton Obote from 1967 (Mazrui 1967, 1974; Mujaju 1976; Uzoigwe 1983). This was followed by Idi Amin’s military coup in 1971. Amin’s nine years of brutal dictatorship (1971-79) was sustained by military governors in almost all state positions. The order of the day was suppression of free political expression, brutal murder of suspected opponents and instilling fear amongst the population.

The 2016 elections present both challenges as well as an opportunity for Uganda to show the whole world that she has achieved political maturity. This will however depend on whether these elections will be handled in a free and fair environment. Given the country’s current Electoral Legal framework, it is close to impossible to have free and fair elections. There is therefore need for reform of existing legislations to put them in conformity with modern democratic practices. The opposition and civil society groups in Uganda launched a ‘citizens for reform now’ campaign to pressure parliament to institute electoral reforms ahead of next year’s general election. Among the reforms, they include; restructuring of the electoral commission by changing its appointment process, composition and strengthening its independence. The civil society together with the opposition want an amendment to the electoral laws pertaining to the voting, tallying and transmission of election results from the polling stations to the national tally center.

They also proposed the restraining the role of the security forces such as the army and the police during elections, and protecting public funds from abuse during elections by government. There is also a need to ensure that there is a review of the role of the media during elections so that there is equal access to media houses to all political players and enhance media impartiality. To be continued

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*For more information see: [http://vps.stanleyfoundation.org/initiatives/un21/resources/securitycheck/uganda_civilwar.php](http://vps.stanleyfoundation.org/initiatives/un21/resources/securitycheck/uganda_civilwar.php)*
2 Theoretical framework and Literature Review

2.1 What is civil Society?

Civil society has been defined as the space that the citizenry has carved for itself to enable it learn more about their rights and how to exercise them at the private, personal and familial level so as to be politically-conscious at the community or national level and thus be in a position to protect their interests, make claims and contribute to general community development (Atua, 2008). Sachikonye defines it as ‘an aggregate of institutions whose members are engaged in a complex of non-state activities- economic cultural, production, voluntary associations, household life- who in this way preserve and transform their reality by exercising all sorts of pressures or controls upon state institutions’ (Sachikonye, 2003). They relate to the state in a way not seeking to control it but rather to obtain from it concessions, benefits, policy changes, relief redress or accountability.

Thus civil society is often defined in relation to the state and as operating in opposition to the state. However it should not (and it is not) taken for granted that civil society is uniformly progressive in challenging authoritarianism and advancing democratisation or that it is naturally virtuous (Okuku, 2003). However the focus here is on those civil society organisations that are involved in the advancement of democratisation and which rely on participation mechanisms to do so. According to Kasfir (1998), any conception of civil society and its contribution to the democratisation process in Africa must take note of the interconnectedness between civil society and the state as well as its limitations in causing authoritarian states to become more democratic.

In order for civil society to be part of and contribute to the democratisation process it has to function according to democratic values itself. Whatever the specific goals and interests of different associations are they will in some way contribute to democracy if in their own affairs they govern themselves democratically that is, follow the democratic norms of participation, tolerance, cooperation, accountability, openness and trust. According to Kazemi (2002), democratic civil society can sustain a democratic state. According to him the ‘civility that makes democratic politics possible can only be learned in the associational networks; the
roughly equal and widely dispersed capabilities that sustain the networks have to be fostered by the democratic state’.

Civil society is believed to be sufficiently democratic when citizens recognize themselves as authoritative and responsible participants in at least some of its parts. Thus, a democratic civil society is one controlled by its members. Makumbe writing on NGOs specifically as members of civil society, states that an organisation that does not empower its members, even though it may pluralize civil society merely by its own existence does naught for democratization (Makumbe, 1998)

According to Leweis (2002), civil society is seen not only about associational life, but it is also about individuals and associations which take parting wider rule-setting activities. Hence civil society’s activities may take the form of behaviour modification, information gathering, educating and implementation of programs and provision of services. In many budget-strapped nations, CSOs, and more particularly NGOs, are the institutions most capable of implementing environment and development programs.

2.2 Historical development of civil society and its relationship with the sate

The idea of civil society emerged in the late seventeenth century and eighteenth century in Europe as a result of a crisis in social order and a breakdown of existing paradigms of the idea of order. At that time Europe was undergoing rapid industrialisation. This developing economy of market relations challenged social existence by creating, for example, the highly autonomous social actor (Seligman, 1992). This in turn produced greater emphasis on community and the reestablishment of some public space to mediate the adverse effects of individualism (Obadare, 2004). In contrast, according to Makumbe (1998), the experience of African civil society is largely focused on the peoples struggle against despotic rulers, repressive regimes and governments that violated both their individual and collective rights. He contends that ‘tyranny has produced the massive social contradictions from which have sprung isolated
rebellions, collective actions and civil society’. Colonial regimes actively discouraged the formation of civic groups which could have participated in political process unless they were those of settlers and colonists. Africans responded to this by creating seemingly apolitical organizations such as burial societies. Over time these ‘innocent’ organizations became crucial for the expression of the political demands of the oppressed colonized people. So successful was this approach in fulfilling civic needs of the colonised Africans that in some countries, soon after the attainment of national independence, the new government sought to control these civic groups through legislation, registration and various other measures which would enable the regime to know what was going on in these organisations. Thus, generally, the cyclical tendency in Africa has been that before the end of the colonial era, governments in place had confrontational relationships with civil society organisations while after the end of the colonial era, governments usually started with cordial collaborative relationships with civil society up to a point; that point being either when the state’s governance and service delivery capacity/confidence was reaching its peak or when the state’s governance and service delivery capacity/confidence was on a downward spiral (SAEIA, 2003)

2.3 The Link between Civil society and Electoral Democracy

Since dissident East-European intellectuals have re-discovered the concept of civil society in the 1970s, it has played a prominent role in democratization discourses, both inspiring hope and causing skepticism concerning its ability to bring about and improve democracy. The perceived importance of civil society varies, from claims that it is a necessary pre-condition of a stable democracy to a more moderate view of civil society as a helpful tool for strengthening democracy. Still others see civil society as an outcome of democracy and not its driving force.

Before any democratic institutions are in place, civil society can try to undermine the authoritarian regime and “till the soil” for a democratic transition by providing alternative sources of information, raising consciousness, building social capital, establishing networks of trust and so on (Diamond 1999). Shortly before and during a democratic transition civil society
organizations often play a prominent role by mobilizing the public, leading mass protests, pressuring the authorities and acting as representatives of ‘the people.’

Most of the evidence in support of the role of civil society in bringing about a democratic transition is derived from case studies of what Huntington (1991) has named the third wave of democratization. The case of Polish Workers’ Defense Committee and Solidarity movement has by now become almost an encyclopedia example of the role of civil society in resisting, weakening and initially overpowering an authoritarian state (Bernhard 1993; Geremek 1996). Analyzing the experience of four post-communist countries (Poland, Hungary, Czechoslovakia and East Germany) Bernhard (1993) comes to the conclusion that civil society has been a necessary, although not sufficient, condition for democratization.

One of the strongest supporters of the role of civil society in democratization is Larry Diamond. He argues that “in a number of prominent cases, civil society has played a crucial role, if not the leading role, in producing a transition to democracy” (Diamond 1999). The cases described by Diamond (1999) include the Philippines in 1986, South Korea in 1987, Chile in 1988, and Poland in 1989. The following African countries are briefly mentioned as examples of civil society contributing strongly to democratic transitions: Benin, Cameroon, Nigeria, Niger, Ghana, Kenya, South Africa, Zambia, Zimbabwe, Malawi, and Zaire. Diamond’s (1999) list can be extended to include three more countries: Georgia, Ukraine and Kyrgyzstan in 2003, 2004 and 2005, respectively. Local civil society organizations and social movements of these three countries played a major role in the so called ‘color revolutions’ (Beissinger 2005).

In addition to case studies of democratic transitions, there are a few comparative analyses with broader empirical bases. Recent studies of third wave democratization by Karatnycky and Ackerman (2005) and Shin (2006) demonstrate that strong non-violent civic mobilization is one of the most important factors determining the successful transition to full liberal
democracy. “The more vigorous, cohesive, and peaceful civil society is, the likelier the process toward full democracy; the less vigorous and cohesive and more violent civil society is, the more common is the reversal to non-democracy” (Shin 2006). ‘Top-down’ transitions, on the contrary, have little positive effect on the increase of freedom in respective societies.

However, civil society does not always necessarily have to contribute to democratization. Examples of failed democratic transitions despite strong mobilization of civil society include Burma in 1990 and Nigeria in 1993 (Diamond 1999). In a case study described by Hashemi (1996) one NGO’s attempt to promote political change in Bangladesh by helping the poor to mobilize and contest local elections was crashed by terror. These examples show that mobilization of civil society does not guarantee a transition to democracy.

Despite the few reported cases of civil society failing to bring about a democratic transition, the conclusion that could be drawn from the current state of democratization research is that civil society contributes significantly to the processes of democratic transition. The role of civil society in this case is relatively straightforward: it helps undermine the credibility of the regime and helps popular mobilization to force the regime to step down.

2.4 Elections and democratic governance

Makinda (1996) held that, generally, democracy can be seen as a way of government firmly rooted in the belief that people in any society should be free to determine their own political, economic, social and cultural systems. More commonly, the concept of democracy is used to describe a political system designed to widen the participation of ordinary citizens in government the powers of which are clearly defined and limited to more established ones, are by definition fragile in the sense that they not formally constituted and are less experienced (Pridham & Lewis, 1996). Vengroff and Magala (2000) have gone ahead to contend that new democracies also lack the pre-existence of a political culture of democracy the emergency and
growth of which could, however, become possible as a result of institutional modifications independent of economic development.

Nonetheless, the founding pillars of democratic political system, whether considered fragile or established, remain undoubtedly elections which can simply be taken as the most critical and visible means through which all citizens can peacefully choose or remove their leaders, and which are evidently costly affairs (Anglin, 1998). In other words, elections are the principal instruments that compel or encourage the policy makers to pay attention to citizens (Powel, 2000). Indeed, the winning political of the elections, or ruling party, is conceived as holding temporarily the mandate of the entire citizenry, only in so far as it continues to win elections. Parallel, political opposition is held to be legal, legitimate and even necessary because there will simply be no real test of the competence of the ruling party without such opposition in elections.

Thus, elections require the existence of multiparty system so that citizens make a political decision by voting for the competing candidates fielded by various political parties holding divergent views and presenting different alternatives. There is general agreement among political scientists that one of the essential components in a healthy democracy is the existence of an enduring opposition that critically checks the day-to-day activities of the ruling party (Kiisa 2005). In fact the ruling parties attempt to run the government so as to defend their record and win public approval, knowing that if they fail to do so they may lose office. The opposition parties point out defects in the ruling parties’ public policies and make alternative proposals, hoping that the voters will entrust them with power in a four, five or six years time. The opposition, then, is essentially a government in waiting (Kuiza, 2005).

It follow that, in any political system, the democratic litmus test will be, by default, the peaceful changeover of government power with the opposition winning elections and constituting a government, and the ruling party quietly accepting the results and not responding with
violence and intimidation. This occurred in Zimbabwe where the ruling party accepted its defeat in the first round of the elections of 28th March 2008 with trepidation and almost immediately resorted to absurd retribution (Amnesty International, 2008). Otherwise, as Mainwaring (2001) puts it, opportunities for new parties are restricted, not legally, but rather as a result of the low turnover. Another form of test may be power sharing (Budge & Keman, 1990).

The conventional wisdom holds that, despite the political overture of the 1990s, there is no place for democracy in Africa because of one-party dominance, restriction of civil liberties, monopolization of the means mass communication, marginalization of civil society, detrimental economic indicators and disrupting foreign interference (Diamond, 2008).

Further more, the United States and European states only require a simulacrum of democratic adherence to play down the anti-democratic practices carried out by African governments, and even reward them with increased assistance. To make matters worse, many African citizens are beginning to perceive that democracy has distinctive shortcomings including unruly political discourse, a poor record of service delivery, and new opportunities for corruption (Bratton 2007).

According to Joseph (1999), African elections are in simple terms, window-dressing rituals with no real political meaning other than the stuffing of the ballot boxes behind closed doors. They are just administrative formalities which have become standard signs of good conduct adopted by African governments to western states and international institutions on which they are financially and politically dependent (Adejumobi, 2000).

In Africa where most states are undeniably plural societies marked by deep cleavages among diversity of ethnic groups (Erdmann & Basedau, 2007), elections seem to provide the opportunity to legitimate the political and economic pre-eminence of one group, to reward supporters of that group and compel them to adopt greater political conformity, and to reimpose a firm hand on challenging elements within or outside that group (Young, 1993). In
other words, they seem to merely represent an artificial exercise the results of which are instinctively manipulated by a ruling party in order to prevent opposition political parties winning elections despite the fact that citizens might courageously vote for change (Monga, 1999). The cumulative effect of such a misdemeanor will be, unfortunately, political uncertainty and sharpening of ethnic politics which will, in turn, inspire the widespread disillusionment of Africa’s citizens who will be forced to rethink that the solution to prevailing problems cannot be found within the framework of democracy.

3.0 Methodology

3.1.1 Introduction

This was an exploratory research that involved qualitative approach in collection of primary and secondary data, using statistical, as well as thematic perspective analysis, with the main objective of analysing the role of civil society in electoral reform. Data was collected through key informant interviews. The qualitative data helped the researcher to elicit personal views of the respondents concerning the role of civil society in electoral reform and the need for electoral reforms in Uganda. The method of the study was descriptive in order to get the data as presented by the respondents in the research area.

3.1.2 Scope and Limitation of the study

The study was limited in geographical area, time scope and content. The geographical area of study was limited to the 3 areas of Bushenyi, Kabale and Mbarara. The time limitation was the period from the emergence of NRM in power, in 1986 to 2015. The research was conducted within the months of May and June, 2015. The content scope of the study on the other hand was limited to the objectives of the study, as well as expected outcomes, namely, the role of civil society in electoral reform and the relevance of electoral reforms in Uganda.
3.1.3 Sampling and Sampling Techniques

The study used a multi-stage sampling process involving different sampling techniques for different respondent groups and different individual units within the respondent group. In selecting the respondent groups, purposive sampling was used by identifying their titles. Expert purposive sampling was also used at this stage to identify the key informants for purposes of administering the key informant interviews.

3.1.4 Target population

The study was conducted in 3 districts in Uganda, namely, Bushenyi, Kabale and, Mbarara. The respondents were selected from program participants, aggregated as below:

Table 1: Respondent categories

<table>
<thead>
<tr>
<th>Respondents</th>
<th>Persons</th>
<th>No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Religious Leaders</td>
<td>Priests, and Imams</td>
<td>06</td>
</tr>
<tr>
<td>Politicians</td>
<td>District base and Members of Parliament</td>
<td>06</td>
</tr>
<tr>
<td>Corporates citizens</td>
<td>Middle class employees in corporate organizations</td>
<td>06</td>
</tr>
<tr>
<td>Youth</td>
<td>18-35</td>
<td>06</td>
</tr>
<tr>
<td>Rural folk</td>
<td>Farmers, teachers based in rural areas</td>
<td>06</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>30</strong></td>
</tr>
</tbody>
</table>
3.2 Data Collection

3.2.1 Types of Data

The type of data collected for analysis, which was the basis of this study was obtained from both secondary and primary sources. The primary data was collected from the above stated area of study through questionnaires. Secondary data was obtained from literature reviews of writings on the same topic from various sources including desk research, textbooks, journals, newsletters and newspapers.

3.2.2 Data Collection Instruments

The researcher used the following instruments and modes of administration in data collection:

Key Informant Interviews: These are expert sources of information, who given their personal skills, or position within a society, are able to provide more information and a deeper insight into what is going on around them. They are “natural observers” and are interested in the behaviour of those around them, they observe the development of their culture and often speculate, or make inferences.

ii) Structured Questionnaires: The researcher used structured questionnaires which were thematically based on the research questions and objectives. The questionnaires were constructed for collecting quantitative data.

Focused Group Discussion: The research will also make use of focused group discussions to elicit group views, and collect opinion from collective groups that shape opinion. The structured questionnaire was used for the group discussions, with questions phrased as discussion points.

Review of Documents: This method was used to collect primary data retrieved from government records and publications, as well as secondary data from project reports and activities.
3.2.4 Data Analysis Procedure

Data from questionnaires was entered into the computer using a basic word document sheet for analysis. The key informant interviews, observational notes and document examination were reduced into categories or themes.

3.3 Demographic Data

3.3.1 Districts of Research

The research sought to offer a country wide focus to the people’s perception on the role of civil society electoral reforms in Uganda and five districts were chosen for the study, namely: Bushenyi, Kabale and Mbarara. Of the 150 respondents sought to be interviewed, the study only managed to get responses from 86 respondents distributed as shown below:

<table>
<thead>
<tr>
<th>District</th>
<th>Respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bushenyi</td>
<td>10</td>
</tr>
<tr>
<td>Kabale</td>
<td>10</td>
</tr>
<tr>
<td>Mbarara</td>
<td>10</td>
</tr>
<tr>
<td>Total</td>
<td>30</td>
</tr>
</tbody>
</table>
3.3.2 Respondents by Sex (Male or Female)

The research sought to get views of both sexes, so as to provide results which were gender inclusive. The respondents interviewed by sex were as below:

<table>
<thead>
<tr>
<th>Sex</th>
<th>Respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>18</td>
</tr>
<tr>
<td>Females</td>
<td>12</td>
</tr>
<tr>
<td>Total</td>
<td>30</td>
</tr>
</tbody>
</table>

3.3.3 Respondents by Occupation

The research also sought to have a cross section of the public being interviewed to provide a representative sample of response for purpose of recommendation and advocacy strategies. The respondents were as below:

<table>
<thead>
<tr>
<th>Occupation</th>
<th>Respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Corporate citizen</td>
<td>07</td>
</tr>
<tr>
<td>Religious leaders</td>
<td>03</td>
</tr>
<tr>
<td>Rural folk</td>
<td>03</td>
</tr>
<tr>
<td>Youth</td>
<td>10</td>
</tr>
<tr>
<td>Political leaders</td>
<td>07</td>
</tr>
<tr>
<td>Total</td>
<td>30</td>
</tr>
</tbody>
</table>
3.4 Findings

3.4.1 What do you understand by civil society?

The study intended to assess peoples’ understanding of the concept of civil society. Some people perceive civil society as a society lived in by civilians. These according to some respondents may include; the media, religious institutions,

3.4.2 Do you think civil societies in Uganda are of any use in the electoral reforms?

The study examined the role of civil societies in Uganda. Among the respondents, some believe that civil societies act as checks and balances of the ruling governments. Civil societies were looked at as being the champion of electoral reforms. Some of the politicians interviewed, acknowledged that both the opposition and civil societies were working hard to force government accept electoral reforms. Among the electoral reforms proposed by both the opposition and civil societies included; any presidential candidate who scores 5 per cent if he or she loses the elections automatically becomes a member of parliament. They argued that this proposal is intended to promote peace and stability in the country, they also want the constitution amended to provide for deputy president with full authority and mandate of the people, article 60 of the constitution amended to provide for an independent commission, the appointment of the Electoral Commission by the Judicial Service Commission, they are also pushing for the removal of army from parliament to insulate the house from partisan politics, they have also proposed that ministers become ex-official members of parliament and to introduce a Speaker’s panel so that in the absence of the Speaker and Deputy Speaker, a member of the panel can chair the house. They argued that by doing so, the work of parliament will not be obstructed.

3.4.3 In your view, what is the purpose of an election?

The research study sought to analyse the respondents’ understanding of the purpose of elections. The first category of respondents looked at elections as an opportunity to choose
leaders that can represent their interests at the national level. Elections were also seen as a platform to select competent persons with the capacity to change the lives of the electorate and also contribute to development. These responses demonstrate the high level of expectation that voters have in their elected leaders. Such leaders, in order to demonstrate their competence to the masses, must be at the helm of the electoral reform process that will eventually enable Uganda to realize its development goals. Other respondents linked elections to democracy, which is a tenet of good governance. Elections were also looked at as some form of citizen empowerment process, which enables the ordinary man to participate in the affairs of his country. Still in this regard, to another respondent, elections serve as a leadership accountability tool since it is during such a process, that voters are able to evaluate their leaders and either vote for their stay or removal from any political positions. Of the above responses, 15 drew a connection between elections and democracy, 10 were of the view that elections serve the purpose of choosing leaders. 5 shared the view that elections provide societies with pro-development leaders. Some of the other individual responses included the fact that elections can also provide an opportunity for persons to vote for a particular political interest and additionally, that it is through elections that countries are able to enjoy peaceful transitions of government.

3.4.4 What do you understand by electoral reforms?

Many of the respondents looked at electoral reforms as amendments or changes aimed at improving electoral processes. To the greater percentage, electoral reforms are intended to ensure that elections are not only free and fair but also more organized and foster peace. It is through electoral reforms that loopholes in the electoral process can be identified and addressed. The changes adopted can streamline electoral processes and thus be accepted by all parties. Other respondents noted that the process of electoral reforms also involves the revision of existing electoral laws and policies to ensure that they fit the current needs and interest of society. Some respondents who looked at electoral reforms from the bigger picture saw it as one way of entrenching democratic values in society. From the above, it is clear that the respondents saw a clear connection between electoral reforms and democratisation of the political process; free and fair elections; and the need for legal reform.
3.4.5 Do you think the current Government’s proposed electoral reforms are suitable for Uganda’s democracy?

The survey also sought to know the percentage of the respondents, who thought that the current Government’s electoral reforms are suitable for Uganda’s democratic aspirations. Of the 30 respondents, 10 believed that the reforms were suitable for democracy and 20 believed that they were not. One of the opposition leaders interviewed had this to say,

“For the last more than 52 years of independent life of Uganda, we have not had any credible election and part of the scars our country still manifests today is as a result of rigged elections. Mr. Museveni came to power walking on corpses that were created on account of rigged elections. 500,000 corpses are lying in the fields of Luwero on account of rigged elections.”

Some respondents were also disappointed with Government’s Constitutional Amendment Bill, 2015 that was tabled in parliament. Among them they include; proposing a change in the name of the Electoral Commission to the Independent Electoral Commission (IEC); the president to continue appointing the commissioners with the approval of parliament, and will retain the powers to dismiss them through a tribunal he appoints. However, some members of Citizens’ Reforms Now (CIREN), a civil society organization which aims at compelling government to incorporate the reforms contained in the Citizen’s Compact had this to say;

“We strongly reject the government proposed reforms in the strongest terms possible and launch a decisive, ceaseless and protracted campaign to demand for the essential reforms until they are realized”

It was thus found out that the current proposed reforms by government falls short of peoples’ expectations and fails to capture the key reforms that can give the country free, fair and credible elections.
3.4.6 Do you think Uganda needs electoral reforms?

The respondents were also asked whether Uganda needed electoral reforms. Interestingly, 10 were of the view that this was not necessary whereas 15 indicated that indeed Uganda needs electoral reforms. This justifies the need for electoral reforms to be at the forefront of Uganda’s national agenda. It is also clear that some of the 5 respondents, who were of the view that the electoral system is suitable for the realization of Uganda’s democratization aspirations, nonetheless still believe that Uganda needs electoral reforms.

3.4.7 Who should guide the electoral reform agenda?

The research also sought to ask the respondents who they thought was more equipped to guide the electoral reform process. The key responses were as follows:

<table>
<thead>
<tr>
<th>Body</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Government</td>
<td>04</td>
</tr>
<tr>
<td>Parliament</td>
<td>05</td>
</tr>
<tr>
<td>Civil Society</td>
<td>08</td>
</tr>
<tr>
<td>Everyone</td>
<td>10</td>
</tr>
<tr>
<td>Others</td>
<td>01</td>
</tr>
<tr>
<td>No answer</td>
<td>02</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>30</strong></td>
</tr>
</tbody>
</table>
From the above, it is clear that a multi-stakeholder approach will be required to guide the electoral reform agenda. The benefits of this approach are that it can bring on board different actors, who can effectively complement each other’s efforts. Civil society, according to one respondent, can play a neutral role by representing the interests of all parties regardless of their political leaning. Parliament can also participate actively in the legal reform process. The least number of people placed the role of guiding the electoral reform agenda on the government, perhaps because its role should merely revolve around being the general overseer of the reform process by providing an enabling environment for the discourse and other financial and logistical support.

Other responses included handling of the reform agenda by a team of eminent foreign nationals, citizens, political leaders and opposition parties.

3.4.8 What do you think needs to be reformed in the electoral management process and how should the electoral system look like

Some of the areas of reform proposed by respondents in the electoral management process included the appointment of independent electoral commission, increased transparency in electoral processes, allocation of equal funding to all political parties, introduction of electronic voting and counting, conducting of civic and voter education campaigns to raise awareness, demilitarization of electoral processes, re-introduction of presidential term limits, updating of the voter register, the judiciary to take part in appointing Commissioners and spelling out their substantive roles, and putting in place stronger penalties for persons who commit electoral malpractices. It is evident that many respondents envisage a system that ensures that elections are free and fair and that the citizen’s right to elect a leader of his or her choice is upheld. The process should be managed by an independent and representative electoral commission that inspires confidence in the electoral process.
3.4.9 Who do you think is most responsible for electoral reforms?

On who has the responsibility in the electoral reform process, the following were listed: citizens, political parties, CSOs, the Electoral Commission, parliament, government and other actors such as religious leaders. Although at this point, respondents did not have an opportunity to indicate whether these actors should operate independently or collectively, it is evident from a previous question asked on the actors that should guide the electoral reform process, that a multi-stakeholder approach will be more beneficial.

3.4.10 What are the possible challenges to electoral reforms?

Respondents were also consulted on some of the possible challenges to the electoral reform process. The main challenge raised by the majority revolved around the limited political will by the government to support a reform process, since this may not be in the interest of the incumbent’s political agenda. Additionally, an electoral reform process may be too costly given Uganda’s budget constraints. Still in this regard, there were respondents, who were of the view that with the rampant levels of corruption, it may be nearly impossible to push for electoral reforms. Some respondents also argued that harassment from security agencies such as the police and military may also stand in the way of electoral reforms through intimidation of persons agitating for changes.

Another possible challenge to the process raised by respondents is the timing of the reform discussion, because with the 2016 elections fast approaching, it is clear that the reforms may not be implemented before this period and thus be rendered redundant.

Many respondents did not trust the capacity of the parliament, which plays a key role in the law reform process to undertake the electoral reform task effectively, given the internal dominance of members of the NRM ruling party.
3.4.11 How can we ensure effective electoral reforms in Uganda?

To the respondents, one of the key ways through which effective electoral reforms can be ensured in Uganda is through strategic mass consultations with different stakeholders to identify the loopholes in the electoral process and how these can be addressed. Citizens, whether young or old, must first and foremost be educated on their rights and the critical role they play in the electoral process. It is through this that they will be empowered to push for electoral reforms in order to make the process more representative of their interests.

Pressure must also be put on the government and parliament to support this process despite its potential to negatively affect their political interest. Respondents noted that the electoral reform process will be incomplete without the involvement of the different registered national political parties. As participants in the electoral process, representatives of different political interests have first-hand experience and are able to use this to identify the pros and cons of the current electoral process. There must be some form of consensus building on the subject of electoral reforms among all interested parties. Thus far, electoral reforms are perceived as an opposition political party agenda and yet in reality, as evidenced above, they are an impetus for development.

The creation of an independent Electoral Commission is also at the forefront of ensuring effective electoral reforms in Uganda. Without it, it is highly likely, that any milestones made in this regard will be rendered irrelevant. Other respondents proposed that the electoral reform process should be led by an independent body tasked with carrying out a nation-wide survey on the loopholes in the system and how these can be addressed prior to the upcoming 2016 election. Although this may be a credible proposal, it is important to note that civil society coalitions such as CCEDU have already carried out such studies and perhaps their reports may be used to complement the work of the established body.
3.4.12 What is the role of civil society in electoral reforms?

Respondents had different views on the role of civil society in Uganda. Some urge that civil societies play the role of education and sensitization of the masses on the importance of reforms in regard to democracy. Civil societies also advocate and promote integrity, transparency and active citizen participation in Uganda’s electoral process. They have also engaged government to appreciate the need of electoral reforms before the 2016 general elections.

3.4.13 What are the challenges faced by civil society in agitating for electoral reforms?

On the challenges faced by civil society, it was found out that civil society organizations are facing challenges in their attempt to push for electoral reforms before the 2016 general elections in Uganda. These challenges include; the unfair application of the law guiding public assemblies, that is that the Public Order and Management Bill (POMB), 2009, lack of funds for grass root sensitization, legal restricts- the NGO Act, the role of the NGO board and public order management bill; hostile government rhetoric towards NGOs, disruption of civil society activities by the police and security agencies, arrests and detentions of civil society activist, lack of strong connection between elitist NGOs and grassroots communities that they seek to represent, strong dependency and external aid or poor local resource mobilization, inadequate intra and international civil society synergies and technical and administrative issues.

3.4.14 What are the strategies by civil society in electoral reforms?

The study found out that the civil society can engage religious groups in the process of electoral reforms, grass root mobilization for citizen power, developing constructive linkages with traditional civic associations, building and strengthening national and international coalitions to defend civil society organizations, maintain constructive engagement with the government to dispel perception that civil society is preoccupied with a regime change agenda, exploring avenues of local mobilization of resources through membership structures to enhance independence and perception of independence.
4 Conclusions

The role of civil society in democratization process has been seen as ‘schools of democracy’, where the citizens learn democratic thinking and acting, tolerance of diversity and pluralism, mutual acceptance and willingness to compromise, as well as trust and cooperation. Advocacy organizations can influence government officials to adopt positions supporting their members and follow formal rules that facilitate open, free and fair political debate and decisions.

4.1 Recommendations

A new independent and impartial Electoral Commission should be established. The selection of commissioners and the Electoral Commission staff must follow a process of open application, public hearings and scrutiny conducted by the Judicial Service Commission. The successful applicants should be finally vetted by parliament and upon approval, be submitted to the President for issuance of instruments of appointment. No commissioners to the commission should be beholden to any political affiliation.

The military should have no involvement whatsoever in the electoral process and should remain focused on its constitutional duty of securing our borders and defending our sovereignty. Ensuring law and order during elections should be exclusively the responsibility of the regular police. The police personnel deployed to provide security, law and order during the elections period should be placed under the supervision and direction of the Electoral Commission.

The Public Order Management Act (POMA) should be repealed, the Police (Amendment) Act (2006) should be amended and brought into full conformity with the Bill of Rights under Chapter Four of the Constitution, police operating procedures in ensuring public order in the context of campaigns and throughout the electoral process, should be transparent and made public.
A credible and independent judiciary should be realized which is able to competently and credibly adjudicate all electoral disputes as they arise expeditiously. Members of the judiciary should be subjected to an open process of selection and appointment, including public scrutiny. The constitution should guarantee non-interference by any other authority in the exercise of judicial authority by judicial officers. The remuneration of judges should be such as to ensure their independence.

There should be gazetted media spaces that provide all political parties with equal access to media. In the U.S.A for example, during the election period, public presidential debates and associated publicity and press matters are managed and regulated by an independent body, the Commission on Presidential Debate (CPD). This could potentially address the challenges related to access to equal media opportunity that opposition parties regularly face during the election period.
References


Karatnycky, Adrian and Peter Ackerman (2005). *How freedom is won: From civil Resistance to Durable Democracy*


36. From Collaborations to Collaborative Governance: The Importance of Initial Conditions

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Introduction

In the United States intersectoral collaborations have been a topic of discussion for at least three decades, however, with varying success at theorizing about them (Ansell & Gash, 2008; Risse, 2005). The array of institutional contexts in which these collaborations occur and the meaning which actors ascribe to these arrangements are critical to our understanding how norms and practices (such as accountability and transparency) evolve, but also present the crux of identifying unifying conceptual themes (Emerson, Nabatchi & Balogh, 2012).

Efforts of institutional scholars to understand how various institutional logics emerge, how they become legitimated and ultimately diffused or rejected in an institutional field (Purdy & Gray, 2009) pose considerable challenges for comparative scholarship. Especially the development of new institutional practices seems to be under-researched (Helms, Oliver & Webb, 2010). The paper will concern itself primarily with the early stages of the emergence of collaborative, intersectoral arrangements, and discuss preconditions for sustained patterns of relationships (collaborative governance) built around norms and rules that guide collective actions and decision making of the parties involved. The focus is on the deliberate formation of such arrangements around specific public policy issues, as each policy arena is populated by a diverse, heterogeneous set of organizational actors whose policy involvement and goals must be sufficiently cohesive for collaborations to extend beyond informal or sporadic interactions. At the same time, extant social and political power structures maybe preclude the inclusion of stakeholders who would most benefit or lose from those decisions.
A better understanding of multi-sectoral and trans-jurisdictional collaborations is urgently needed in light of the participants’ disparate views of how to best solve those “wicked problems” and each participating unit’s varied capacities to possess both global and local skills. For the purposes of this paper I will discuss two cases in which national laws or international regimes exist but where projects in local jurisdictions are potentially impeded by the lack of sufficient implementation structures that must be created by the participants themselves and must fit local conditions. One example will focus on financial inclusion in selected Latin American countries; the other will discuss sustainable local tourism developments in western China. The reasons for selecting these examples are threefold: for one, despite an extant public policy, public and private parties enter the collaborations with disparate goals; next, establishing a shared communication framework is critical, especially when the parties have typically operated in adversarial environments with differential knowledge, power and awareness of the issues; finally, finding suitable governance arrangements - especially when neoliberal premises are dominant that tend to privilege economic interests and can produce asymmetric power relationships inimical to collaboration and shared governance.

The importance of initial conditions in intentional interorganizational collaborations

Over the past three decades, institutional and management scholars have noted the emergence of heterogeneous organizational arrangements in both national and transnational contexts, often in response to perceived failures or inadequacies of single institutions, or multiple organizations in a domain, to address complex social or economic problems (see for an overview Ansell & Gash, 2008; Haveman & Rao, 1997).

However, the untidy nature of theory development in this field has left policy and management scholars bereft of agreements on conceptualizations of “collaborative governance”, networks and other complex interorganizational and in some cases interinstitutional arrangements. The picture becomes even more complicated when we consider collaborations between state and non-state actors in transnational contexts where they are often referred to as governance regimes (e.g. the WTO). Moreover, in different institutional domains, mechanisms for the formation of collaborations may vary, both in speed and structural complexity, or may remain insufficiently institutionalized. Thus one of the important issues that informs this debate is the
question around “initial conditions”, institutional paths that are present or absent to address a multi-layered challenge: degree of urgency to act, such as incongruences in legal or policy frameworks that trigger perennial conflicts and thus require responses, (mis)alignment of institutional logics between policy domains that provide opportunities for potential collaborators to consider different institutional or organizational arrangements, and the lack of capacities of collective and individual actors to resolve the issues on their own (see e.g. Purdy & Gray, 2009; Hinings et al., 2004). Given the theme of the conference of advancing democratic governance, the focus will be on public actors/agencies and their collaborating partners in defined organizational fields that are undergoing significant changes, challenging extant structural arrangements to respond to emerging logics in that field as new norms and practices challenge extant arrangements. Organizational fields are composed of established sets of organizations engaged in a similar purpose or in related activities which together shape activity and meaning in that field, e.g. health care (Scott, 1995: 56). Fields typically form after prolonged struggles between organizations and other collective actors adhering to competing institutional logics (Seo & Creed, 2002) who realize that compromises may need to be found to perform institutional work (Lawrence & Suddaby, 2006). In some cases a dominant institutional logic emerges to facilitate coordination and collaboration, in other cases a dominant logic may be temporarily accepted but competing logics may persist.

Understanding initial conditions for collaborations in fields that may utilize formal arrangements but are still not fully institutionalized -- meaning organizational practices are not yet fully specified around a dominant logic (Tolbert & Zucker, 1983) presents challenging questions that extant scholarship finds difficult to address both theoretically and methodologically (see e.g. Lieberman, 2015). We will only consider arrangements that have already arrived at a level of stability where the collaborations can be seen and studied. Institutionalization does not occur in a vacuum. Preferred institutional practices and their embedded logics are likely to affect how institutionalization of collaboration is being approached, how collaborations are being resourced and capacities created (Thornton & Ocasio, 2008). In the current cases to be discussed below, the initial conditions are such that several options and choices are/were available to institutional actors reflecting both endogenous and exogenous constraints present. When agency occurs in complex institutional systems with competing logics, decisional outcomes are hard to predict as the contested terrain
is not occupied by the same actors or actors with the same power and reflecting the same interests during the course of the formation of the collaboration (see e.g. Delbridge & Edwards, 2013). For analyses of this type it is important that we examine:

a. the temporal paths of social, political or cultural changes that lend expression to structural (re)arrangements required for institutionalization of collaborations to occur;
b. exogenous shocks and/or endogenous forces which create uncertainty about institutional logics (laws, policies, competing governance arrangements);
c. organizational and interorganizational arrangements that provide the platform on which collaborations can be built to sustain them in political or economic climates that may not support them;
d. the power of ideas that can galvanize actors, create legitimacy and shape narratives

Before I will discuss the cases, I will briefly present these analytical components.

Temporal paths

Institutional logics is defined as “the socially constructed, historical pattern of material practices, assumptions, values, beliefs, and rules by which individuals produce and reproduce their material subsistence, organize time and space, and provide meaning to their social reality” (Thornton & Ocasio 1999: 804). Social construction requires time to sort out the different institutional logics that are the result of “inconsistencies and tensions within and between social systems” (Seo & Creed 2002: 223). It is not always clear if a dominant logic emerges or if multiple but complementary logics can continue for some time to deal with the complexities in a specific domain. Since logics have historically emerged from prior states, in other words, they are legacies of previous institutionalized practices and processes, dislodging those logics is difficult (see e.g. Schneiberg, 2007).

Recent advances in comparative historical analysis provide us with mechanisms to examine complex macro-social, political or economic processes and that can be complemented by other social science methods to analyze meso- and micro level behaviors (Mahoney & Thelen, 2015; Lieberman, 2015).
Exogenous shocks or endogenous forces?

While macro-level institutions are typically portrayed as stable over time, exogenous shocks "smacking into stable institutional arrangements" (Clemens & Cook, 1999:447) are the most commonly discussed factors contributing to institutional change. These disruptions may include shifts in social values (Strauss, 1978), regulatory policies (Edelman, 1992), or changes in technology which may serve to reproduce or destabilize institutional arrangements (Gawer & Phillips, 2013; Barley & Tolbert, 1997; Garud, Jain & Kumaraswamy, 2002).

However, not all institutional dislocation are triggered by exogenous events. As previously mentioned, latent competing institutional logics may provide sources of contention, if dominant logics prove unsuccessful in resolving tensions within the domain. The increasing role of professions in organizational fields serves as another source for endogenous change. In organizational fields with dominant professions of high status (e.g. doctors in the health field) discourses around institutional norms may be sufficiently altered as to incrementally redirect institutional logics. Understanding this range of various mechanisms (Thornton & Ocasio, 2008), from purposeful action to incremental, bottom–up change, is critical to our understanding of formation of collaborative action.

Institutional platforms for collaborative actions

As discussed in the previous section, both exogenous and endogenous institutional forces may trigger change. Many issues that become critical political or economic concerns in transitioning political economies across the globe often are initiated by external forces (crises or conflicts; international legal conventions) that were triggered by the recognition that collective action is needed (Schlager, 1995). Typical examples are problems associated with environmental degradation and depletion of natural resources, threats to natural habitats or cultural heritage, or international economic conflicts around trade, labor issues or resource extraction. Most of these concerns are examples of interinstitutional clashes whose origins lie in different normative, legal or regulatory arrangements prevalent in the institutions themselves. In addition, policy decision regimes composed of multiple sets of actors, organizations or interorganizational networks create differential power structures that often operate in a top-down manner because of the inability or unwillingness of institutional actors to devise other
mechanisms and by the lack of representation of critical stakeholders. Lockwood and his
associates (2010) in the context of natural resource management identified eight principles that
are critical for complex governance arenas: legitimacy, transparency, accountability,
inclusiveness, fairness, integration, capability, and adaptability. Many of these are equally
important for the management of other policy environments involving economic,
governmental and nongovernmental actors.

Transformative power of ideas

Traditional institutional scholarship has rarely considered interests and ideas (Howarth, 2103;
Eleveld, 2016) and they have played a limited role in the discussions of perpetuation or change
of institutions as practices and beliefs are seen as institutionalized (e.g. Davis et al., 1994).
Social movement theories are a useful complement to organizational institutionalism as both
are trying to explain change (social or organizational) and diffusion of practices that are seen
as legitimate to the participants in their respective institutional domains (see e.g. Davis & Zald,
2005). The conditions that either allow for a contestation of ideas to occur, and those that are
carefully orchestrated by actor coalitions intent of promoting their favored outcomes is nicely
illustrated by Blyth (2002; 2003). He argues that in the wake of the economic crises of the
1970s a coalition of business actors advocated for a set of economic policies as response to the
crises. Not only did they define what type of crisis it was, they then subsequently promoted
new institutions that could “solve” the crises—i.e., they offered a new institutional logic to
convince others with different interests to adopt their construction of the nature of the crisis
as well as. In other words, there was no objective institutional path from the prior institutional
arrangements to the new ones, but it was the framing of ideas promoted by a set of powerful
actors during a time of crisis which ultimately shaped the institutional contours of the new
economic regime. Thus the initial conditions for change are a critical departure point for how
durable or viable a coalition can become over time.
This brief overview must suffice to provide a rudimentary framework for the discussion of the
two cases.
Case Studies: Financial Inclusion and Heritage Tourism in China

The two cases studies show the evolution of complex institutional arrangements to respond to international pressures to adhere to norms that have been formulated over the last two decades or so while also addressing the needs of local populations whose voices are not always considered by the many institutional players in these processes.

Since the end of the global financial crisis, a rethinking of international power relationships is in evidence. The emergence of China and other international actors is increasing the influence of emerging market players (and especially their governments, since many are state-controlled) demanding more influence over international economic regimes (Chin & Helleiner, 2008). It is not clear however at this point if these shifting power relationships will lead to strengthening of the institutional coordination among transgovernmental networks of regulators on a global scale. It is possible though that the dynamics across world regions demand more focus. The institutional logics literature suggests that it is quite possible that we will witness a co-existence of divergent international, national or regional approaches and standards. As informal collaboration increases, or other pressures persist (such as the need to collaborate to combat terrorism) new standards may emerge.

Case Study 1: Challenges for Financial Inclusion in Latin America

Financial inclusion is increasingly replacing the more narrow use of the term of “microfinance" in the international discourse around the structure of financial markets serving the poor, very poor and the underserved. Given the complex network of service providers and regulators, this topic is well aligned with the conference theme. As existing private banking systems do not provide financial products that are accessible to these populations (Hishigsuren, Spahr, Estevez & Magnoni, 2014) research has provided comprehensive evidence that the poor are increasingly relying on a basket of financial services rather than a single product. Wyman (2008) noted that of the nearly 2 billion working poor few rely on microcredits and most do not qualify for other formal financial arrangements. In fact Collins and his colleagues identified a multitude of services that are used by the poor, among others cash savings, insurance, microcredit, local lenders and increasingly e-products (Collins et al., 2009).
Ehrbeck and colleagues (2012: 3) have noted, “An ecosystem involving multiple businesses may work better for poor people”…and “represents a shift from vertically integrated business models that limit efficiency and scale.” As this graph shows, assessing financial inclusion requires a complex set of indicators as a recent IMF study shows (Dabla-Norris et al., 2105: 6).

The threat of international terrorism has further complicated matters. International conventions to stem money laundering and financing of terrorism have not found uniform compliance after the Financial Action Task Force (FATF) conducted assessments of individual countries’ compliance regimes. Given the urgency of these issues, including financial inclusion, FATF is working collaboratively with other international bodies such as the IMF, The World Bank and others to conduct the assessments (Lyman & Noor, 2014). Since all of these issues involve a form of risk assessment, incorporating financial inclusion components makes sense in this context, as some financial instruments could be trapped by the assessment tools since they often operate in informal or unregulated areas of the economy. It also indicates a rethinking in international bodies that compliance with these governance regimes requires attention to the real problems on the ground that many of these developing countries are facing.
Before I analyze a few examples from the Latin American region, which have consistently ranked high in financial inclusion efforts (Global Microscope 2015), a few comments are in order.

All of the components of the conceptual framework are in place, though at different rates for different countries and they require close coordination and collaboration with international, regional and national entities, though to varying degrees. The temporal components are critical: historical experiences across regions (such as the legacies of colonialism, regional conflicts, or corrupt governments), extent of collaboration on other policy issues, notably social policies to deal with inequality, as well as differential policy commitments have a significant effect in most countries that rank low on the indicators. Furthermore, governmental commitment to establishing and implementing social inclusion frameworks is significantly linked to these countries’ success in having viable policies in place. In addition, working closely with market actors to develop new mechanisms to increase access is central to these endeavors. Finally the acceptance of ideas as well as new approaches must be the starting point. Advancing financial inclusion is a relatively recent phenomenon as the recognition has grown that the vast majority of the working poor across the globe work through informal financial arrangements to access credit for their businesses or their personal lives (Fardoust, Kim, Paz & Iveda, 2011).  

The evidence for the strengthening collaboration around regional standards for financial inclusion is well documented across the Latin American region and can only be addressed briefly for the purposes of this paper.

Financial inclusion is composed of two distinct components: use of financial services (such as bank accounts), and access to or supply of these services. Increasingly governments rely on non-branch banking or mobile/electronic banking to expand the reach of their services to where people live and work. Government initiatives have been instrumental in harmonizing approaches in individual countries though not across the Latin American and Caribbean region (LAC). Country commitments, new initiatives on electronic payments, and continued integration to mainstreaming financial systems are key pre-conditions for increasing financial inclusion and the LAC countries have made steady strides on all fronts, largely because of the

97 As a side note: In the US (unlike similar populations in the UK, Canada or Australia) poor households show a much higher lack to savings accounts (Demirgüç-Kunt & Klapper, 2013)
willingness of many countries to learn from successes in other parts of the world, and adapt those approaches to their countries’ conditions and needs (i.e. a combination of exogenous and endogenous forces).

Despite recent improvements, however, LAC countries lags behind other countries in emerging markets for household inclusion. According to Dabla-Norris et al. (2015: 6) only Brazil, Costa Rica, Jamaica, Chile, and Uruguay, scored high on household financial inclusion which can be attributed in part to household financial stability “combined with government policies aimed at improving distribution channels, promoting transparency (requiring banks to publish information on financial products), fostering financial education, and adapting regulation of financial services to the needs of low-income customers.” In Chile, for example, the improvements can largely be attributed to efforts aimed at fulfilling commitments made under the Maya declaration (an international agreement, signed by 90 developing and emerging country policy makers and includes a measurable set of commitments to promote financial inclusion in their countries). Chile introduced an electronic payment system for making transfers of state benefits, the launch of a financial education program for beneficiaries of electronic payments, and development of a financial inclusion survey.

As a consequence, the Global Microscope (2015) focusing on LAC reports that the region leads in four of the twelve Microscope indicators: prudential regulation, regulation and supervision of branches and agents, market conduct rules, and grievance redress and operation of dispute resolution. Mentioning Peru and Colombia, the report notes that these countries have ongoing strategies for financial inclusion, have a comprehensive approach that includes multiple services and multiple providers, and are taking serious steps to revamp their payment systems with Colombia having one of highest score globally in prudential regulation and exemplify the solid foundation of the region’s financial systems. With regard to market conduct, Bolivia and Peru are global examples for creating functioning market rules that protect the financial consumer and promote transparency in the provision of financial services.

These are just a few examples that collaboration of state and non-state actors and commitments to and implementation of innovative policies can render significant improvements for large numbers of residents in these countries. To what extent these efforts
lead to greater trust in public and private institutions and laying the building blocks for stronger democratic institutions is too premature to judge.

**Case Study 2: Sustainable Tourism Strategies in Western China**

China’s State-led tourism initiatives and its attendant policy structure provide both advantages in the short term, but potentially serious challenges in the long term when it comes to sustaining complex projects or developing democratic structures. From an institutional perspective, tourism planners must increasingly manage complex policy systems that require the collaboration of all governmental levels, especially the provincial and local levels, and increasingly also include private companies (both domestic and international) which demand greater independence from government regulations. Even regional projects present considerable challenges as each tourist destination requires attention to its assets, the effects on the community, and the mix of national and international tourists who frequent these places. However, there is currently no agreement in the research community what policy models can best guide China’s tourism strategies as many of these models are based in western settings with very different institutional dynamics, notably the dominant position of market actors in the tourism domain. Thus replication of these models must be approached with extreme caution. Tourism research represents a unique opportunity to question western paradigms informing these studies while also noticing inherent disagreements within the Chinese research community how to approach this subject (see e.g. Zhang & Xiao, 2014). Critical in the development of these conceptual models is to identify the institutional push and pull factors that may promote or inhibit the development of a sustainable tourism strategy at specific locations. Recognizing the different institutional (pre)conditions that characterize the extant Chinese tourism environment is critical to the successful development of such a model. Zhang and Xiao’s (2014) RICI (Resources, Institutions, Capital, Innovation) model is conceptually useful for testing, but cannot be discussed here in detail.

Focusing on China’s western and southwest regions is instructive for a number of reasons: they feature a high degree of spectacular natural assets attractive for both domestic and international visitors; some provinces have diverse ethnic populations such as Yunnan, and the
larger region is economically highly diverse, with Yunnan one of the poorer regions, sharing borders with one of the wealthier, Sichuan.

Lijiang City (see Dong et al., 2011), a World Heritage site in Yunnan, lies along an ancient caravan road that connects Tibet with Sichuan. Its integrity is threatened by the pollution of its ancient water canals, or by natural degradation (among others deforestation, seismic activities, and glacial run-offs). Tourism planners are challenged to protect local residents from the adverse impacts of mass tourism. The site has seen heavy governmental involvement in both planning and research. However, surveys conducted at the site (Dong et al., 2011) demonstrate the significant disagreements between pro-development proponents who would like to see a larger percentage of the protections lifted, compared to others who advocate for continued protections of the land while also acknowledging the need for economic development of the local residents.

Research by Yang and other scholars has consistently reported mixed reactions both by local residents and some tourists to poorly done mass tourism. While government policies largely adhere to internationally promoted standards of nature conservation and protection (note: the Chinese government has established many protection zones across the country), how to manage those areas remains a point of contention over land uses between central government planners and local tourism officials. Latter believe that they must listen to demands of the Chinese tourists who visit these sites and who, in no small measure, contribute economic resources that can be plowed back into enhancing the site’s protection as well as enhancing tourist enjoyment of the natural environments. Such efforts will require the cooperation of tourism operators, local governments and sometimes NGOs which support environmental protection or protection of cultural heritage, but such collaboration has not been forthcoming or has remained largely adversarial. Much of the current development in this province would fall along the early continuum of the RICI model: cultural assets as resource have been identified, government involvement in the development of the asset has been present, i.e., tourism provides significant supplementary income for the village outside agriculture, but larger capital inflows outside the governmental sector are still relatively scarce. In addition, a regional development plan have not yet been completed. This is however needed to identify future public and private tourism investments in Yunnan while also protecting extant cultural assets and community interests—however there is limited citizen participation in most local
economic development projects and when projects are sufficiently scaled up they tend to benefit the large investors based in eastern China or from abroad. Tsing captured these tensions for the Chinese context aptly when she wrote “to learn about the collaborations through which knowledge is made and maintained…through the friction of such collaborations” (Tsing, 2005: 13).

Conclusion

To conclude, in the wake of the recent financial crises and the ascendency of new actors on the global scene, traditional approaches that were heavily dominated by Anglo-American institutions, are no longer possible. In addition, the complex mix of different sectors and agencies require new approaches to collaborations (and maybe collaborative regimes) to magnify and sustain impact locally. The main challenges, as was briefly discussed, are four-fold: there is no single approach which fits all policy arenas (e.g. creating better access to financial resources requires different institutional arrangements than accommodating tourists and the local communities that they visit); participation of individual countries, and residents in them, is critical to finding nuanced solutions that actually benefit those countries and their residents; capacity building must become a central concern if identified solutions are to be sustainable and adaptive to changes that will inevitably occur. This latter issue is expensive and time consuming. The roles of governmental and corporate leaders require ongoing discussions. Strengthening policy frameworks and their attendant institutions are just as critical as creating market mechanisms that create vital access for the billions of people excluded from mainstream economic, political and social benefits to reduce the widening inequality gaps and which threatens the emergence of nascent democratic institutions in these countries.

Models of collaboration can be transferred only to a certain extent. Respect for the historical and political contexts in each country must be considered when international organizations and international nongovernmental organizations come in by promoting their specific approaches.
References


40. Context-Specific Approach and Communitarianism: What We Can Learn from Neo-Traditional Policies in Rwanda

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Abstract

In 1993—against all odds—, the president of the World Bank, Lewis T. Preston, said that “diversity of experience reinforces the view that economic policies and policy-advice must be country-specific, if they are to be effective”. Today, if this idea is more or less integrated into many developing countries officials’ mind, it is not yet translated into action across the Global South. Indeed, the question of the difference between Western norms/ideals and developing countries still need to be addressed and looked upon through examples that worked. For many researchers and practitioners, the failure of many public institutional and policy reforms in African contexts is a good argument for the necessity to formulate country-specific policies in harmony with “African values”. Indeed, it is now often said that public sector reforms cannot succeed without taking account of countries’ specific realities including its history, culture,
politics, economy, sociology and values. This paper focuses on the importance of making policies based on country-specific cultural norms and values to address local conflicts and governance challenges through a public administration and culturally-centered lens. By looking at the case of two Rwandan neo-traditional policies—Umuganda and Ubedehe—, this paper aims to show how these neo-traditional policies are following a communitarian approach to development that differs from the Western pro-individualism approach. In this article we argue that in the field of international development and public sector reform, Western individualistic ideals and norms can hardly transfer to other parts of the world, especially in communitarian cultures.

**Keywords:** Democratic governance; Communitarianism; Development; Policy ownership; Culture;

In 1993, the president of the World Bank, Lewis T. Preston, said that “diversity of experience reinforces the view that economic policies and policy-advice must be country-specific, if they are to be effective”. Twenty-six years ago, this kind of statement from such a highly ranked official of an international institution was, to say the least, unusual. Today, this discourse is more or less included in most reports from international institutions or think-thanks whether it is addressing to the West or the Global South. For example, a recent report from the Institute for Government in the UK found that efforts to replicate successful UK reforms elsewhere often fail because global consultancies encourage their application without regard for local context, culture and capability (Alari and Thomas, 2016).

Indeed, in the last decade or so, a great deal of observers and academics have criticized the *one-size-fits-all* approach to development. Many questions have been raised about the so-called effectiveness of such internationally grown policies in different local context. It is claimed that externally driven public sector reforms implies the imposition of artificial structures built on false and utopian assumptions on the relationship between state and society and within the society (Long, 2001).
Among the new “prescriptions” partly created in response to such critiques, international institutions now generally underline the importance of national ownership or context-based policies by the states and by the populations (Kayizzi-Mugerwa, 2003). In other words, international stakeholders now recognize the central role of local context and culture in policy-making and implementation.

By acknowledging the importance of local contexts, international institutions have—maybe indirectly—put into question the universality of Western norms and ideals about development to other parts of the world. This issue brings to life an almost forgotten debate between individualism and communitarianism and between common good and good for individuals including personal autonomy and individual rights.

Historically, the liberal individualistic concept of development as “progress” has been dominant, and this was especially the case in Africa. However, if individualism is the norm in the West, it is hardly the case in other parts of the world. In most African societies for example—even with the large variety of social and political models—traditional communitarian values are still central (Hellsten, 2013, Cobbah, 1987). For this reason, context-based policies in Africa cannot get around the concept of communitarianism when drafting policies.

Among the rising number of African countries that are now adopting context-based policies for development, one country seems to set itself apart from group with the quality of its policies and its apparent willingness to confront some liberal approach: Rwanda. Recent progress in Rwanda has been notably achieved through the development of home grown solutions to local problems. It is especially the neo-traditional or reinvention of traditional metaphoric concepts such as Umuganda, Ubedehe, Abunzi, Gacaca and Imihigo that serve the Rwandan government as an inspiration to develop modern participatory, conflict resolution and performance management mechanisms often advocated by international institutions but with a context-specific approach. By looking at the case of two Rwandan home-grown policies—Umuganda and Ubedehe—, this paper aims to show how these neo-traditional policies are following a communitarian approach to development that differs from the Western liberal approach.
The purpose of this article is to emphasize the role played by these context-based and communitarian policies for national ownership, social participation and nation building. From that perspective, Rwanda is a fascinating case from which we can draw some interesting lessons.

This research paper is structured as follows. The first section will define the research problem and lay the theoretical framework. Section two will present the Rwandan context; and section three will display two case studies of traditional approaches that have been used in Rwanda: Umuganda and Ubudehe. Finally, the last section will be a discussion on these context-based policies and their intrinsic communitarian approach.

**Individualism and the Liberal Ideals of Development**

In the last few decades, Western-influenced public sector reforms have mostly followed the liberal model of development. One crucial aspect of this model has been its tendency to push towards the so-called concept of *individualism* and individual rights. Even with the dominating presence of this model of development in the world, many critiques have been made over the years on the so-called universality of this concept as it is seen today in the West. Indeed, individualism is considered by many thinkers as a universal value for development and part of a single path towards a “modern” society. With historical perspective, the transfer of Western model of development to Non-Western countries with different cultural norms and ideals has proven to be extremely challenging to implement.

For Ronald Dworkin (1977), it is the commitment to the protection of individual rights that distinguishes liberal society. Liberal societies are thus willing to suffer the disadvantages of policy and economic rationalism in order to preserve the freedom and dignity of the individual. So with this in mind, liberalism long sought to focus on universal ideals, especially individual human rights. In other words, the ideals of individualism were seen at the time as the unique path towards “modernization” often imposed to developing countries by external forces. Between the 1960s and the 1980s, this discourse of modernization through individualism became subjected to increasing criticism. Huntington (1971) famously challenged this view by saying it was a simplistic dichotomy between tradition and modernity. Following the same
discourse, Weinberg (1969:13), said that “[b]y universalizing the historical experiences of
Western countries, the paradigm [of modernization] left itself open to charges of
ethnocentricity”. It is thus at that time, notably in Asia, Africa and in the US that some
thinkers and political leaders started to develop an alternative approach to development that
was inspired by Communitarianism. This communitarian approach challenged the liberal view
often dominant in many social sciences—especially neoclassical economics—, the study of law
and international development.

**Alternative Approach to Development: Communitarianism**

Communitarianism is a political and social philosophy that emphasizes the importance of the
community in the functioning of political life, analysis and evaluation of political institutions.
The approach arose in the 1980s as a critique of contemporary liberalism, which seek to
protect and enhance personal autonomy and individual rights through the activity of
government (Etzioni, 2016). At that time, a small group of American philosophers including
Shlomo Avineri, Jean Berthke Elshtain, Amitai Etzioni and Alasdair MacIntyre, started to
argue for the importance of *common good* in opposition to contemporary liberals who
emphasized the good for individuals including their personal autonomy and rights. Around the
same period, communitarianism gained much popularity with students of East Asian politics
and society to describe governance in China, Singapore and Malaysia which praised social
obligations and the importance of the common good while according much less importance to
autonomy and rights.

In the Global South, it is in the early days of the decolonization era that many started to
question the western-imported development paradigm. It is thus in the 1960s that they started
to think about a development model that was more in line with their local culture and
tradition. In *Africa*, the culturally oriented approach of African socialism was based on existing
African cultural strengths such as communalism and solidarity. For many African leaders
(Nkrumah, 1970; Nyerere, 1967, 1973; Senghor, 1962) the individualistic focus on individual’s
right rather than on social duties was seen as a potential source of social fragmentation and
disharmony based on competing interests. For this reason, they wanted to base the
development of their newly independent nations on traditional solidarity values (Hellsten,
African socialism was based on community-centered values such as egalitarianism, solidarity, and social responsibility. This new “context-based” ideology was thus introduced as an alternative for individualistic capitalism advocated by Western officials. For Hellsten (2013), as an ideology for development, African socialist approach was drawn from a communalist approach rather than directly from socialist political theories. Its original goal was to activate the people to work for their communities, rather than care merely for their individual self-interest.

In Asia, around the same period, many academics and politicians objected to the liberal approach that emphasizes “excessive” individualism at the expense of the centrality of community for personal identity and moral thinking (Arthur, 1998). Asian communitarians, contrary to liberals, thought that individuals need to go beyond the self to fulfill their civic obligations and pursue the “common good”, understood as a collective determination of a set of goals or values for the community: the so-called Asian values (Bang et al., 2000). Indeed, many political leaders in East and Southeast Asia attempted to develop communitarianism into an explicit national ideology for the purpose of rationalizing general governance and specific administrative policies (Chua, 2005). For Tan (2013:480), “a good citizen in Asia is interpreted as one who contributes to society by supporting his community and adhering to a set of publicly shared values”. The emphasize for citizen is not so much on the rights they enjoy but the responsibilities they have towards family and the community (Kennedy, 2004). A good number of specialists of East Asia have, for instance, partly explained the early success of Japan—and the Asian Tigers—as driven not by market but by collectivism (Cumings, 1999).

If this debate between communitarianism and individualism in is still present in East Asia with philosophical and ideological positions defended by scholars and public leaders such as Park Chung Hee, Bilahari Kausikan, Mahathir Bin Mohamad and Russel A. Fox, it has not really been the case in Africa. 1960’s African socialism has not been able to conquer African countries and most have followed the liberal model of development advocated by International institutions. However, we believe that the growing approval of policy ownership in developing countries is bringing the debate over communitarianism back again. For this reason, the case of neo-traditional policies in Rwanda is of much interest since some of them seem to proudly
follow a traditional communitarian path, and it is important to learn from developmental values of other cultures.

**Theoretical Framework**

In the mid-2000, economic development and development aid approaches have been challenged and criticized by new theories that identified fundamental paradoxes in the way international development practices were conducted and that can be summarized as the Samaritan’s dilemma in development aid (Gibson et al., 2005). One of the main aspects of that dilemma is the wrong incentives and the lack of self-sustainable development of developing countries vis-à-vis the international assistance leading them to dependency. At the same period, through the Paris declaration in 2005, the donors’ community has acknowledge the importance of ownership by developing countries to set their own development and state building strategies as a way to improve aid effectiveness (OECD, 2012). The key to the new agreement was to hand back the ownership of development to recipient countries so they can define their own development path rather than steered by donors. The aim was to give political choice to developing countries.

In this paper, we adopt a culturist view where public sector management approaches must take into account the cultural context where it is implemented. As the like of Antwi, Analoui and Nana-Agyekum (2008: 263), we believe that “reform in the 21st Century will hardly succeed without contextualising reform efforts within country specific realities including its history, culture, politics, economy, sociology, ideology and values.” In this theoretical perspective, political, administrative and social ownership is a precondition for successful public sector reforms and is critical for long term development (Booth, 2011).

Therefore, this context-based approach needs to take into accounts the very specific needs and solutions at community levels. To do so, a communitarian approach in a communitarian society seems to be a good idea for development.
By looking at the concept of policy ownership, it becomes very interesting to see what the tools are and approaches both internally and externally that can increase national ownership, state-building and development in developing countries and if reinventing traditional participation mechanisms can help.

The general question leading this research is the following: Do Western individualistic approach on development transfer to other parts of the world? In this paper, we argue that Western individualistic approach on development is hardly possible to transfer in communitarian societies. For this reason, reinventing traditional communitarian mechanisms as public management tools can potentially be a powerful alternative approach to trigger change and foster the implementation of reforms in the African context. To explain this point of view, the case of Rwanda’s neo-traditional policies will be put forward as a good example of context-based policies that has worked.

**The Rwandan context**

In the years following the genocide, Rwanda was faced with a two-fold post-conflict challenge: to reconstruct the social fabric by rebuilding trust, tolerance and a sense of community among its people; and to rehabilitate the physical and economic infrastructure that was destroyed by this catastrophe. After a few years of crisis management, the Rwandan Patriotic Front (RPF) government opted for a process of decentralization to improve local service, reduce poverty, and create sustainable development (Scher and MaCauley, 2014; Scher, 2010). Since 2000, Rwanda’s policies has been almost exclusively driven by the view that economic and social development—notably poverty reduction—is the one and only way to overcome this country’s ethnic division and violent past (Booth and Golooba-Mutebi, 2012; MINECOFIN, 2000). This vision is clearly stated in the long term development plan called “Vision 2020” that notably underpins the importance of offering adequate provision of essential public goods by the state.
To deal with this post-conflict challenge, in addition to providing essential public goods to the population, RPF-led government had faith in the Rwandan traditional culture to build a sense of duty and pride. Despite ethnic tension, a key feature of Rwanda is its reliance on one common language, Kinyarwanda, which is spoken by almost all Rwandan including many exiles who returned to their homeland from neighboring countries. As a consequence, the common culture of Rwandan people could be considered as a tool to enhance unity and cooperation in the country. The existence of this strong common culture was certainly instrumental in the reinvention of traditional metaphoric concepts such as Umuganda, Ubudehe, Abunzi, Gacaca and Imihigo that were used as an inspiration to develop modern participatory and conflict resolution mechanisms.

**Reinventing Traditional Participation Mechanisms in Rwanda**

In the last decade, Rwandans have built on traditional participatory practices and modified them to address modern development needs and challenges at community level. As mentioned earlier, a particularity of the State of Rwanda is its reliance on one common language and culture which facilitated the identification and adoption of meaningful concepts from countrywide shared culture. These traditional initiatives are mainly used to address issues of nation building, poverty reduction, justice, conflict resolution and mutual help in general. For instance, concepts such as Umuganda, Ubudehe, Abunzi and Gacaca have been reinvented in a modern fashion as participation mechanisms at the community level. In this section we present two of these neo-traditional policies—Umuganda and Ubudehe—to see how it attempt to enhance social participation, national ownership and nation building in a communitarian fashion that seems to be more fit in the context of Rwanda.

**Umuganda**

The term Umuganda means a pole used to support the roof of a house. In the Rwandan tradition, when someone was building a house or doing any other work, friends and relatives were compelled to provide whatever support the person needed. After construction, drinks
were shared and any existing problems discussed and resolved. The concept of *Umuganda* was thus related to the idea of solidarity and a communal sense of living (Hasselkog and Schierenbeck, 2015; Uwimbabazi and Lawrence, 2013). Today, the term still retains its original purpose which is to participate in mandatory work for the common interest. In 2001, the RPF government reinstated *Umuganda* as a significant element in government’s poverty eradication plan and in promoting unity and reconciliation in the society (Uwimbabazi and Lawrence, 2013; Mukarubuga, 2006). The rationale for *Umuganda* after 2001 was mainly in the areas of infrastructure where there were need to construct new school buildings, houses for the poor, feeder roads and plant trees to curb environmental hazards such as soil erosion. Based on the nature of the problems facing communities at the time and the limited capacity of the government to simultaneously address emergency and development issues, the contribution of local labor was necessary. Presently, *Umuganda* activities are supported materially by communities themselves, that is, those who reside in the community provide the tools and equipment used during *Umuganda*. In its present form, *Umuganda* is mandatory and non-remunerated community work which is to be locally planned, and takes place nationally on the last Saturday of every month.

According to Rwandan government, *Umuganda* provides an opportunity for communities to discuss issues of common interest and take ownership of plans to address them. It has also been utilised as a mechanism for conflict resolution and peace promotion (MINALOC, 2012). In Bugesera district for instance, an area known to have lost many lives during the 1994 genocide, participants highly credited *Umuganda* for promoting unity and reconciliation among them as it is an opportunity to discuss collectively about different issues facing their communities whether they are conflicts or development issues.

The use of *Umuganda* as a modern tool for management offers many positive aspects to the population. The simple use of a positive traditional concept certainly helps foster a sense of duty toward the society in general and of course helps in nation-building. In addition, this mandatory and non-remunerated community work is locally planned and focuses mostly on problem solving by the people for the people, providing a great opportunity to the citizens to take ownership of local projects.


Ubudehe

Ubudehe is the Rwandan tradition of mutual support and collective action to solve problems (RoR, 2013). The literal origin of the word describes the practice of digging fields before the rain comes and the planting season arrives. A group of households join together to dig their fields; acting collectively to share the burden of the work and make sure that everyone is ready in time for the planting season. The concept of Ubudehe was traditionally very inclusive, covering men and women and all social groups. It can also be extended to those who are too poor or incapacitated to take part in the collective action. After the group has completed their field work they move on to those who have not been able to participate directly. A successful harvest was then celebrated with contributions from everyone’s harvest. Started in 2001, Ubudehe is a participatory structure within the Poverty Reduction Strategy Paper (PRSP) framework used to nurture collective action towards solving problems of local people, by local people, for local people; with support from local government, NGO’s, local resource people and donors. By targeting communities at the village level, Ubudehe goes right down to the lowest decentralized structure of local government. The main aim is to become a tool for bottom-up planning and policy-making (RGB, 2013).

According to government documents (MINALOC, 2000; 2009), the objectives of Ubudehe today are: To sensitize people about the importance of grouping themselves in associations to discuss their own problems and how they can be overcome for the common good; to help people understand the nature of their problems and how they can be overcome; to analyze the procedures made by poor households to survive, and help these people to develop; to mobilize the population, leaders and NGOs problems surrounding the population and households in order to be solved; to learn how to analyze together majors problems surrounding the cell habitants; to take equal responsibility for/profit from community activity; to put all forces together aiming on a better and quick solution; to collect funds to help them to fulfil their duties and activities (MINALOC, 2009).
1 Since 2008 the Ubudehe programme has been gradually replaced by a more comprehensive social protection programme called Vision 2020 Umurenge (VUP) (Hasselskog and Schierenbeck, 2015).

One major aspect of Ubudehe and VUP programme is participatory planning and implementation of labour intensive projects for the common good (Hasselskog and Schierenbeck, 2015). Ubudehe takes place at the cell and household levels. At the cell level, with the help of facilitators, the poverty profile is determined based on causes and consequences. A social map of the cell is then drawn to show the households in the cell, and the type of infrastructure. Based on the social map, problems affecting the cell are identified. The problems are then prioritized to guide the decision and eventual implementation of the appropriate collective action to solve the problem (Loda, 2009).

A management committee, elected by the community, local technicians, local authorities and other stakeholders approve the execution of the collective action and engage to safeguard and respect the principles of collective action. Funds are made available to support the identified Ubudehe collective action. At the household level, a poor household is selected by community members. According to the Rwanda Local Development Support Fund the rationale in this selection approach is to “encourage community level participation and awareness, as well as ownership” (VUP, 2011). Another goal of this programme is to prove that with determination and collective effort, poverty can be overcome. Concerning the community, the selected household is analyzed to determine its problems and coping strategies. Eventually, activities are designed and a budget allocated to help solve the problem. Before execution, the planned action or strategy is pre-tested for relevance to the household’s major problem(s). The final stage is for the selected household to receive funds to implement the selected action/strategy. At the end, the proclaimed goals of the Ubudehe and VUP programmes are to create a sense of local ownership and to promote community participation at planning as well as implementing for the common good.
Discussion

The cases of Rwanda’s neo-traditional policies such as *Umuganda* and *Ubudebe* are good examples of the use of local culture to attain development goals and develop a sense of solidarity. One intrinsic characteristic of these context-based policies are certainly the special emphasis placed on the role of the community for the common good. As said before, we believe that the issue of policy ownership in developing countries is bringing to life an overlooked debate between individualism and communitarianism, as well as between common good and good for individuals including personal autonomy and individual rights. For the government of Rwanda, this kind of initiatives are part of a larger goal of national ownership called *Agaciro* that include, dignity, self-reliance, self-determination and self-respect for the sustainable rebuilding of the nation (Rutazibwa, 2014). In other words, neo-traditional initiatives are part of a strategy aiming at rebuilding the nation, its pride and independence.

Naturally, these community-based or communitarian reforms in Rwanda are not without their critics. Any analyse or categorization of policies made by the regime in Kigali is controversial and polarized. While large international organizations like the IMF and the World Bank are often citing Rwanda as an example for developments and innovative policies since 2000 (Lagarde, 2015), other critics focuses more on what they call the authoritarian, top-down style of governance which, they argues, employs a discourse of national unity and reconciliation to silence opposition (Desrosiers and Thomson, 2011; Ansoms, 2011; Purdekovà, 2011; Reyntjens, 2011) or are pointing toward strong centralised tendencies in the implementation of these policies (Ansoms and Rostagno, 2012; Waldorf, 2011; Newbury, 2011). The aim of this article is to discuss the implication of policy ownership in developing countries and we believe that if one opens his mind to context-based policy, it should also be open to discuss the complicated issue of communitarianism and individualism in all its complexity.

With the cases of *Umuganda* and *Ubudebe*, we have seen that much emphasis is put on the importance of the common good and solidarity in opposition to contemporary liberals who emphasize firmly on the good for individuals, particularly personal autonomy and individual rights. In the past, the often simplistic critics of communitarian policies have
been characterising this approach as akin of authoritarianism but we believe there is much to gain in trying to find a more flexible and culturally sensitive analysis than this rigid position. Of course it could be argued that social formulation of the good—along with the obligation they generate—can sometimes be oppressive, but this risk doesn’t mean communitarianism has nothing good to offer, especially in a communitarian society.

Despite criticism, *Umuganda* and *Ubudebe* appear to have delivered much-needed development targets in Rwanda’s districts and it is hard to deny the great leap forward by the country’s public administration and the improvement of service delivery. (Booth and Golooba-Mutebi, 2012; Scher, 2010).

As it was acknowledge by the donor’s community in Paris in 2005, policy ownership is important to improve governance. We have seen with the analysis of Rwanda’s neo-traditional approaches that not only they listened to the importance of ownership but they integrated the concept of participatory planning and implementation with respect to traditional values such as communitarianism. One key aspect with these policies is the intention to influence the population for caring for one another with solidarity action for the common good, with great pride.

Finally, when we look at the neo-traditional tools of management developed and implemented in Rwanda in the last fifteen years and their success, we can argue that it helped a lot to improve public sector reforms in this developing country. Indeed, it seems that these approaches were able to improve public service with a locally grown tool of management that incorporate nation-building and social participation. Ultimately, we surely can look at *Umuganda* and *Ubudebe* as good examples of traditional management tools that use local ownership, social participation and nation building as the base for reforms.

At the end, any supporter of policy ownership should keep in mind that it implies that not all Western norms and ideals about development can perfectly fit to other parts of the world. Maybe it is time to adopt a more pragmatic approach to public sector reforms that include a more flexible and contextual vision to development and a communitarian approach to human problems that offer an alternative framework to the Western liberal individualism.
Conclusion

As we have seen in this paper, interesting neo-traditional policies have emerged in Rwanda and have been tested. By reinventing traditional communitarian policies, the government of Rwanda has been able to pursue three very important goals in today’s governance: social participation, national ownership and nation-building. This kind of policies is an answer to previous international critiques claiming that externally driven public sector reforms implies the imposition of artificial structures built on false and utopian assumptions on the relationship between state and society. In this article we argue that in the field of international development and public administration, Western individualistic ideals and norms can hardly transfer to other parts of the world, especially in communitarian cultures.

Given that Rwandan culture is far more communitarian than Western countries’, the government decided to follow a traditional communitarian approach to development that differs from the Western liberal approach. This approach is part of a larger government vision that puts much importance on dignity, self-respect, self-reliance and self-determination and that is greatly suitable with the policy ownership or context-based policy concept. The purpose of this article was to emphasize the positive role played by these communitarian policies for national ownership, social participation and nation building. Indeed, recent economic and social progresses in Rwanda have been notably achieved through the development of home grown solutions to local problems. The essential lesson of this success is that there is no unique path to development and that it is important to remain flexible regarding sometimes distant and alien concepts—especially for Westerner—such as communitarianism. Based on Rwanda’s experience, it may be beneficial to adopt a more pragmatic approach to public sector reforms that include a more flexible and contextual vision to development.

Community-driven development is certainly a great ideal and it makes sense as a development philosophy. But this is not without risks or limits. For instance, in the case of Rwanda, the increasing number of traditional community participation initiatives can potentially generates difficulties for the citizens to manage all the requests. We can legitimately ask questions on the capacity of citizens to participate into multiple social
participation platforms. And there is another important criticism that is often stressed by critics of community-driven development: elites can capture processes and resources of development projects (Platteau, 2004; Mansuri and Rao, 2012; 2004). Although traditional participatory mechanisms can look like a great tool for public sector management, more research must be done on the subject to get the full picture and increase our understanding of this interesting phenomenon.

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41. Building the Peace in Rwanda after the Genocide: The Role of the Military

Quassy Adjapawn, Bernard R. Niyomugabo and Philip Duku Osei

Abstract

Addressing the changing nature of world insecurities and peacebuilding after the guns have gone silent has always never been possible without The Armed Forces of the nation coming out of war. Although the traditional core functional imperative of the Armed forces has been the defence of the state from external threat. Among others, the roles of the Armed Forces in the 21st century emphasize on nation building, domestic military assistance and playing the part in peace building after the guns have gone silent.

The overall objective of this study was to assess the roles of the Rwandan Defence Forces (RDF) in peace building after the genocide in 1994. The study was conducted by administering a questionnaire to civilian institutions that work in collaboration with the RDF and conducting in-depth interviews with top officials of the RDF. The study finds that the RDF has been playing major leadership role and set the example for peaceful co-existence in the most critical stage in the country’s rebuilding process. Their efforts have contributed immensely to the growing peace and economic achievements in post-genocide Rwanda.

The study therefore recommends that there should be more collaborative efforts between the military and civilian institutions in order to achieve optimum contributions of the military. Lastly, it is recommended that to improve and enhance military-civilian interactions, mutual trust and respect must be promoted in all sectors.
Background to study

Rwanda is a small landlocked nation in the Great Lakes region in the heart of Africa. It is approximately 10,000 square miles with a temperate climate, and vast mountainous topography (Cook, 2006). Pre-colonial Rwanda was inhabited by a people who were living harmoniously and united by the same language, Kinyarwanda, common animist religion, and shared the same cultural traditions. One of the legacies of colonization was the strict classification of the people into the predominantly Hutu (85%), Tutsi (14%) and Twa (1%) “ethnic” groups (Mgbako, 2007). This classification of the people laid the foundation for setting the country on course of conflicts culminating in the 1994 genocide.

The Belgian colonial masters favoured the Tutsis and marginalized the Hutus by systematically denying them higher education, land ownership and positions in government. This contributed largely to “ethnic” resentment in Rwanda. The context of decolonization which started in the 1950’s also complicated the situation. When the Rwandan elite (Tutsi) started to claim for independence by the end of the 1950’s, to counter them, the colonizer revived the “racial problem” inciting the "Hutu people" to free themselves from the "invader Tutsi". It is within that context of instrumentalization of politicized ethnicity by the colonial power that the 1959 "revolution" took place, engendering the phenomenon of statelessness for a part of the Rwandan population. In the late 1950’s during the great wave of decolonization, tensions increased in Rwanda. The Hutu political movement, which stood to gain from majority rule, was gaining momentum that signalled the loss of acquired privileges for the Tutsis. In November 1959, a violent incident sparked a Hutu uprising in which hundreds of Tutsi were killed and thousands displaced and forced to flee to neighboring countries. This marked the start of the so-called ‘Hutu Peasant Revolution’ or ‘social revolution’ lasting from 1959 to 1961, which signified the end of Tutsi domination and the sharpening of “ethnic” tensions. By 1962, when Rwanda gained independence, 120,000 people, primarily Tutsis, had taken refuge in neighbouring states to escape the violence which had accompanied the gradual coming into power of the Hutu community (Des Forges, 1999).

In 1988, the Rwandan Patriotic Front (RPF) was founded in Kampala, Uganda as a political and military movement with the stated aims of securing repatriation of Rwandans in exile and
reforming of the Rwandan government, including political power sharing. The RPF was composed mainly of Tutsi exiles in Uganda, many of whom had served in President Yoweri Museveni’s National Resistance Army, which had overthrown the previous Ugandan government in 1986. While the ranks of the RPF did include some Hutus, the majority, particularly those in leadership positions, were Tutsi refugees. On 1 October 1990, the RPF launched a major attack on Rwanda from Uganda with a force of 7,000 fighters. Because of the RPF attacks which displaced thousands and a policy of deliberately targeted propaganda by the government, all Tutsis inside the country were labeled accomplices of the RPF and Hutu members of the opposition parties were labelled as traitors. Media, particularly Radio et Television Libre des Milles Collines, continued to spread unfounded rumours, which exacerbated “ethnic” problems (Mgbako, 2007).

The 1994 genocide was triggered by the death of the Rwandan president in a plane crash caused by a rocket attack. The attack which lasted for 100 days resulted in the death of an estimated 1,000,000 Tutsis and displacement of several others. Some soldiers in the Rwandan Armed Forces were complicit in the genocide because they distributed firearms to militia and other supporters of Habyarimana in 1993 and early 1994. The international community also has to bear a fair share of the blame for lack of urgency in their actions which led to scale of the attacks (Des Forges, 1999).

After the genocide, the nation has been on the path of recovery and the consolidation of peace and stability in the country. Twenty years on, the nation has made remarkable progress. This progress has been borne by the concerted efforts of several institutions and actors both in the country and outside the country. A large focus of all these actors has been on conflict transformation in the country.

**Problem statement**

The Armed Forces remain key actors in addressing national, global and regional insecurities. However, the changing nature of these insecurities has necessitated a fundamental reassessment of the role that armed forces as traditionally constituted can play in addressing them, and even whether they are the most appropriate organizations to do so. The traditional
core functional imperative of the Armed forces has been the defense of the state from external threat. Among other things, the roles of the Armed Forces now emphasize nation-building and domestic military assistance roles (Edmunds, 2006).

The new emphasis of the roles of the Armed Forces implies a strong involvement in conflict transformation in any post-conflict situation. According to the Berghof Foundation (2012) “conflict transformation is best described as a complex process of constructively changing relationships, attitudes, behaviours, interests and discourses in violence-prone conflict settings. Importantly, it also addresses underlying structures, cultures and institutions that encourage and condition violent political and social conflict”.

In the case of Rwanda, this will mean the removal of the underlying factors that contributed to its history of civil wars, political unrests and the genocide. In this quest, Rwanda has made significant gains. The country is now politically stable with well-functioning institutions and respect for the rule of law. It has also been able to achieve a sustained high growth and macroeconomic stability. The political stability, investment prospects and reforms undertaken by the government has now made the country the most competitive place to do business in East Africa and the third in Africa (Rwanda Development Board, 2014). It is quite obvious that numerous actors and institutions acting in concert would have been responsible for the impressive turnaround in the peace and stability of Rwanda at the moment. The thrust of this study is to assess the role that the Rwandan Defence Forces (RDF) have played in the post-genocide rebuilding effort of the country.

**Objectives, key question and scope**

The overall objective of this study is to assess the roles of the Rwandan Defence Forces in peace building in the post-genocide era. In doing so, we seek to enumerate the specific strategies, projects and initiatives by the Rwandan Defence Forces in post-genocide peace building; assess the outcomes of such strategies, projects and initiatives; and finally outline the challenges the Rwandan Defence Forces face in playing their roles in the conflict transformation efforts of Rwanda in the post-genocide era.
To achieve the set objectives, questions asked include what are the specific strategies, projects and initiatives undertaken by the Rwandan Defence Forces in the post-genocide era towards peace building; what have been the results and outcomes of such strategies, projects and initiative; and what have been the challenges faced by the Rwandan Defence Forces in their conflict transformation efforts? The study was restricted to interviews with key Rwandan Defence Forces in leadership, and by administering questionnaire to civilian administrators of institutions involved in the quest to build a sustainable peace in Rwanda. Thence, the views of ordinary citizens about the roles the military has been playing in the conflict transformation efforts of the country will not be reflected in the study.

**Significance of study**

The new approaches to peace building necessitate a change in how the military operates and the nature of their relationship with the civilian population. It is important for the civilian population to know more about the activities of the military if any change in their perception about the military is hoped for. This study is expected to contribute to the literate in two important ways. Firstly, it is expected to highlight the specific roles of the military in peace building and conflict transformation in a post-conflict situation by providing evidence from Rwanda. Secondly, it is also to highlight the new roles of the military to help the civilian population change their perception about the military. Such changes in perception are important for the interaction of the military and the civilian population which will become more commonplace given the new integrated approach to peace building. Furthermore, the findings of this research are expected to be a resource for policy makers and strategists in civilian administrations and the military. Again, the findings and recommendations of this
study can spur further research in the role of the military in peace building and conflict transformation in Rwanda.

Definition of concepts

Genocide

The term genocide was first used by Raphael Lemkin in 1944 during World War II, in which more civilians had died than soldiers. In his book, *Axis Rule in Occupied Europe*, published in 1944, he coined the word “genocide” constructed from the ancient Greek word *genos* (race, tribe) and the Latin *cide* (killing). He used it for the first time to describe a “…coordinated plan of different actions aiming at the destruction of essential foundations of the life of national groups with the aim of annihilating the groups themselves” (Lemken, 1994). On December 9, 1948, by Resolution 260 (III) A of the UN General Assembly, the United Nations adopted the Genocide Convention, which defined genocide as “any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group”, as such:

Killing members of the group;

Causing serious bodily or mental harm to members of the group;

Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;

Imposing measures intended to prevent births within the group;

Forcibly transferring children of the group to another group.
The 1994 conflict in Rwanda is classified as genocide because there was systematic targeting and killing of Tutsis who consisted of about 14% of the population of Rwanda over a period of 100 days.

**Conflict transformation**

According to the Berghof Foundation (2012) “conflict transformation is best described as a complex process of constructively changing relationships, attitudes, behaviours, interests and discourses in violence-prone conflict settings. Importantly, it also addresses underlying structures, cultures and institutions that encourage and condition violent political and social conflict”. Schilling (2012) also defines the concept of conflict transformation as “a comprehensive term that refers to both the process and the completion of the process (the initiatives and activities) which seek to alter various characteristics and manifestations of violent conflicts. This is done by addressing the root causes of a particular conflict over the long term”. The take of Cacayan et al. (2005) on the concept is that “conflict transformation includes the processes, actions and approaches which seek to constructively address conflict, dealing with the attitudes and behaviours of the parties, as well as the contradictions – the root causes and underlying structures and dynamics – of the conflict.” From the above definitions conflict transformation aims to transform negative destructive conflict into positive constructive conflict and deals with structural, behavioural and attitudinal aspects of conflict. This involves a change in how individuals and communities perceive and accommodate their differences in general; away from adversarial win/lose approaches towards collaborative problem-solving. The definitions further suggest that conflict transformation involves a change of relationships that support violence. It means a move away from contradicting win-lose approaches towards collaborative problem-solving.

It can also be deduced from the various definitions of the concept of conflict transformation that it is a complex process which does not have any quick fixes. On other words, the process has to simultaneously address the differing interests, relationships and attitudes as well as the conditions that promote violence. Dealing with human behaviour and structural changes would require persistent efforts in a long period of time. Therefore, the conflict transformation
process in post genocide Rwanda is expected to last several decades and would require consistent efforts to achieve the desired objectives for the Nation.

**Peacebuilding**

Schilling (2012) defines peacebuilding as “the set of initiatives by diverse actors in government and civil society to address the root causes of violence and protect civilians before, during, and after violent conflict”. It is also the view of Barnett et al. (2007) that “peacebuilding is generically understood as external interventions that are intended to reduce the risk that a state will erupt into or return to war”. According to Mpangala (2004) “peacebuilding is a process of making sure that a country or society creates conditions for sustainable peace. Such conditions can be created when the country is already in the state of being peaceful”. Caritas International (2002) also assert “peacebuilding assumes that conflict is a natural part of human existence, and that the goal is to transform the destructive ways we deal with conflict to lead to more constructive outcomes”. Peacebuilding is also defined by Brabrant (2010) as “the community of practice that includes actions and principles that seek to address the root causes of conflict in order to build social relationships and state structures capable of sustaining peace”. The view of the most important international organization responsible for global peacebuilding, the United Nations (2010) is that peacebuilding involve “programs designed to address the causes of conflict, the grievances of the past and to promote long-term stability and justice. Often it is understood as the phase of the peace process that takes place after peacemaking and peacekeeping”.

The above definitions suggest that peacebuilding has two objectives, maintaining a peaceful state or returning to a state of peace. These are achieved by removing or minimizing the pre-disposing factors or root causes of violent conflicts. In this sense, peacebuilding is an integrated process because the causes of violent conflicts are diverse and complex. In this study, peacebuilding is more concerned about eliminating or limiting the factors that contributed to the Rwandan Genocide in the country’s post-conflict reconstruction.
Theory of conflict transformation

Conflict transformation theorists argue that contemporary conflicts require more than the reframing of positions and the identification of win-win outcomes. The very structure of parties and relationships may be embedded in a pattern of conflictual relationships that extend beyond the particular site of conflict. Conflict transformation is therefore a process of engaging with and transforming the relationships, interests, discourses and, if necessary, the very constitution of society that supports the continuation of violent conflict. Constructive conflict is seen as a vital agent or catalyst for change. People within the conflict parties, within the society or region affected, and outsiders with relevant human and material resources all have complementary roles to play in the long-term process of peacebuilding. This suggests a comprehensive and wide-ranging approach, emphasizing support for groups within the society in conflict rather than for the mediation of outsiders. It also recognizes that conflicts are transformed gradually, through a series of smaller or larger changes as well as specific steps by means of which a variety of actors may play important roles (Miall, 2004).

This theory implies that the post-conflict reconstruction efforts of Rwanda are expected to take a long period of time to achieve. For the process to gain legitimacy there must be broad based support and ownership by Rwandans. In other words, the process and activities must be seen to be home grown rather than imposition from external sources. At the same time, it would require consistent efforts to achieve the set objectives.

The conflict transformation map

It is common in the study of conflict to develop a map that helps us to engage in conflict assessment and analysis. Similarly, it is useful to have a map of what we mean by transformation. Figure 2.1 provides a shortcut overview of such a map, which can help us to visualize the development of a strategy to constructively transform conflict. This transformational framework has three components, each of which represents a point of inquiry in the development of a response to conflict:
The first point of inquiry is the presenting situation, which is the conflict episode that provides an opportunity to look both at the content of the dispute and the patterns of relationship in the context in which the dispute is expressed. This is graphically represented in Figure 2.1 as a set of embedded circles or spheres. A transformational view raises two important questions: What are the immediate problems that need to be solved? What is the overall context that needs to be addressed in order to change destructive patterns? In other words, transformation views the presenting issues as an expression of the larger system of relationship patterns.

Figure 1: The big picture of conflict transformation

Source: Paffenholtz et al. (2009)
It moves beyond the “episodic” expression of the conflict and focuses on the relational and historical patterns in which the conflict is rooted. Put another way, presenting issues connect the present with the past. The patterns of how things have been in the past provide a context in which the issues in a dispute rise toward the surface. But while they create an opportunity to remember and recognize, presenting issues do not have the power to change what has already transpired. The potential for change lies in our ability to recognize, understand, and redress what has happened, and create new structures and ways of interacting in the future.

The second point of inquiry is the horizon of the future, the image of what we wish to create. It asks us to consider what we would ideally like to see in place. However, this is not simply a model of linear change, in which there is movement from the present situation to the desired future. While the presenting issues act as an impetus toward change, the horizon of the future points toward possibilities of what could be constructed and built. It represents a social energy that informs and creates orientation. Thus, the arrow points not only forward to the future, but also back toward the immediate situation and the range of change processes that may emerge. This combination of arrows suggests that transformation is both a circular and a linear process, or what we will refer to here as a process structure (Paffenholz et al. 2009).

The final major inquiry is the design and support of change processes. This broader component requires that we think about response to conflict as the development of change processes that attend to the web of interconnected needs, relationships, and patterns. Because the change processes should address both the immediate problems and the broader relational and structural patterns, we need to reflect on multiple levels and types of change rather than focusing on a single operational solution. Change processes must not only promote short-term solutions, but also build platforms capable of promoting long-term social change (Paffenholz et al. 2009).

**Theory of peacebuilding**

The term peacebuilding came into widespread use after the then United Nations Secretary-General, Boutros Boutros-Ghali announced his Agenda for Peace in 1992. The practical approaches and activities to peacebuilding are derived from eclectic theories of peace.
A summary of some of these theories that have influenced peacebuilding activities and approaches is presented in Table 1.

Table 1: Summary of theories of peace

<table>
<thead>
<tr>
<th>Theory</th>
<th>Proposition(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Institutional development</td>
<td>This theory proposes that stable institutions are the foundation for securing peace. Therefore efforts to secure peace must focus on institutions that guarantee democracy, justice and equity.</td>
</tr>
<tr>
<td>Root causes/justice</td>
<td>It is necessary to address the underlying causes of war, such as injustice, oppression, lack of security, and threat to social identity.</td>
</tr>
<tr>
<td>Individual change</td>
<td>Transforming individual’s attitudes, behaviours, and values will lead</td>
</tr>
<tr>
<td>Withdrawal of resources of war</td>
<td>Interrupting the supply of materials that support war will collapse the war system and bring about peace.</td>
</tr>
<tr>
<td>Healthy relationship and connections</td>
<td>Diminishing the structures and processes that sustain divided societies, such as prejudices among and between groups, will lead to</td>
</tr>
<tr>
<td>Grassroots mobilization</td>
<td>Mobilizing a critical mass of people who are against violence and war will eventually cause elite to follow suit</td>
</tr>
<tr>
<td>Economics of war</td>
<td>Stopping the flow of money that funds war and combatants will</td>
</tr>
<tr>
<td>Public attitudes</td>
<td>The media can be used to change public attitudes of intolerance and prejudice, and this shift will contribute to peace.</td>
</tr>
<tr>
<td>Reduction of violence</td>
<td>Reducing violence between combatants will lead to peace</td>
</tr>
<tr>
<td>Political elites</td>
<td>Peacebuilding needs to address and change the attitudes of elites so</td>
</tr>
</tbody>
</table>

Source: Summarized from Ricigliano (2012).

Peacebuilding practices and approaches in recent time are influenced by eclectic theories of peace because none of the theories on their own is able to create large-scale, sustainable change. According to the Vision of Humanity (2013), the organization that produces the Global Peace Index, after using data from over 300 country-level data set there are eight
independent and yet reinforcing factors that are the foundation of peacebuilding. These are well-functioning government; sound business environment; equitable distribution of resources; acceptance of the rights of others; good relations with neighbours; free flow of information; high levels of education; and low levels of corruption. These “pillar” and the linkages between them is presented by Figure 2.

Table 2: Overview of methodologies for measuring impact

<table>
<thead>
<tr>
<th>Method</th>
<th>Methods</th>
<th>Relevance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Impact evaluation (IE)</td>
<td>Quantitative methods such as control groups (e.g. randomised control trials) and before/after comparisons</td>
<td>Enables attribution by undertaking a ‘counterfactual’ analysis to compare what actually happened with what would have happened in the absence of the intervention - quantifies impact</td>
</tr>
<tr>
<td>Theory-based impact evaluation (TBIE)</td>
<td>Quantitative and qualitative methods - Control groups and before/after comparisons combined with theory of change approaches</td>
<td>Strengthens traditional impact evaluation by using theory of change to understand what worked, what did not, and why</td>
</tr>
<tr>
<td>Contribution analysis</td>
<td>Qualitative methods such as case studies, MSC stories, focus group discussions</td>
<td>Seeks to show plausible evidence of effect of an intervention by testing programme logic and theory of change</td>
</tr>
<tr>
<td>Outcome mapping (OM)</td>
<td>Qualitative methods such as focus group discussion, workshops and use of ‘progress markers’</td>
<td>Focuses on measuring change based on the premise that changes in behaviour of key stakeholders will ultimately contribute to impact</td>
</tr>
<tr>
<td>RAPID outcome assessment (ROA)</td>
<td>Draws on outcome mapping methodology, MSC technique and episode studies to enable triangulation of data</td>
<td>Seeks to assess and map the contribution of a project’s actions to a particular change in policy or the policy environment</td>
</tr>
<tr>
<td>Most significant change (MSC)</td>
<td>Qualitative methods such as group discussions, interviews and workshops to support systematic selection of MSC story</td>
<td>Collection of ‘significant change stories’ that are perceived as being the most significant in contributing to impact on people’s lives: Illustrates change rather than measuring impact per se</td>
</tr>
</tbody>
</table>

Source: Scherrer, 2012.
Measurement of peacebuilding impacts

Several organizations and actors involved in peacebuilding require a justification for the efforts and resources put in the process. To be able to make justifications, the impact of peacebuilding efforts must be measured. Table 2.2 provides a summary of the common approaches used.

The measurement of impact poses a number of dilemmas, including weighing the relatively high costs of assessments against the potential benefits and disaggregating the contributions of specific interventions given the wide range of actors concerned. There are several qualitative and quantitative approaches used in measuring the impact of peacebuilding activities. The methodologies as presented by Table 2 include Impact evaluation; theory-based evaluation; contribution analysis; rapid outcome assessment; and most significant change. Depending on the goal of the impact assessment, a combination of methodologies may be used.

Figure 2: “Pillars of Peace”

Pre-disposing factors for the Rwandan genocide

In order to achieve the lasting peace post genocide Rwanda strives to achieve, the underlying causes of the genocide must be systematically eliminated. Therefore, peacebuilding efforts must be seen to targeting the underlying causes of the genocide and the conflicts prior to that. This section attempts to highlight the underlying causes of the Rwandan genocide and the conflicts prior to that.

The first underlying cause of the conflicts and the eventual genocide in Rwanda was “ethnic” discrimination. Prior to independence, the Belgian colonial masters favoured the Tutsis and marginalized the Hutus by systematically denying them higher education, land ownership and positions in government. This contributed largely to “ethnic” resentment in Rwanda. This resentment resulted in violence between Tutsis and Hutus in 1959 leading to the overthrow of Tutsi rule. During the transition to power, there were mass killings of Tutsis and about 130,000 were displaced as refugees to neighbouring countries of Congo, Uganda and Burundi among others until the Hutus took over power in 1963. Furthermore, the Hutu government also kept the practice of systematic marginalization but this time it was the Tutsis who were at the receiving end. The subsequent political disturbances and the eventual genocide were all largely inspired by “ethnic” resentment (Des Forges, 1999; Magnarella, 2002; Mgbako, 2007).

Another important factor to the conflicts and eventual genocide in Rwanda was complicity by neighbouring countries. Neighbouring countries allowed insurgent groups to mobilize on their territories and launch attacks in Rwanda. There were series of unsuccessful attacks launched in Rwanda by refugees in Burundi between 1960 and 1963. Tutsi refugees in Tanzania and DR Congo seeking to regain their former positions in Rwanda began organizing and staging attacks on Hutu targets and the Hutu government. Ten such attacks occurred between 1962 and 1967, each leading to retaliatory killings of large numbers of Tutsi civilians in Rwanda and creating new waves of refugees. Again Rwandan Tutsi refugees in Uganda, together with some Rwandan Hutu refugees, formed the Rwandan Patriotic Front (RPF) and committed themselves to return to Rwanda. The fighting caused the displacement of hundreds of thousands of people. Habyarimana retaliated by heightening internal repression against the Tutsi. From 1990 to 1992, Hutu ultra-nationalists killed an estimated 2,000 Tutsi (Des Forges, 1999; Magnarella, 2002).
Chronic bad leadership and governance is also an important root cause of conflicts in Rwanda. African problems are not only due to lack of good governance of the state. They are also related to lack of management and eradication of negative ideologies inherited from colonial times. Nepotism, clientelism, corruption and exclusion which have been practiced by the successive powers in this country since it acceded to independence have led to social split and identity-based fission and, eventually, to the crystallization of conflict-generating cleavages. The role of politicians continuously remains at the heart of the exacerbation of identity-based conflicts which are tearing African peoples apart. Identity-based wars would not occur today in Rwanda if post-colonial leaders had not systematically built their political discourse on divisionist community themes. Bad governance as a causal factor has formed around three fundamental structures: A bad start of independences; unequal distribution of national resources and conflict-generating political systems (Shyaka, 2001).

Roles of the Armed Forces

Traditionally, Armed Forces exist to defend the state against real or potential external threats and as a coercive tool to promote and protect national interests abroad (Edmonds, 2006). However, the changing nature of insecurities and threats has necessitated a fundamental reassessment of the role that armed forces as traditionally constituted can play in addressing them, and even whether they are the most appropriate organizations to do so. Consequently, the scope of the tasks of the Armed Forces continues to increase and new roles are constantly being added. Some of these new roles are executed externally and others internally.

One of the new external roles which is now in the remit of the Armed Forces is peacekeeping. The traditional peacekeeping model involved peacekeepers being called upon to fulfill pacific monitoring functions under Chapter VI of the United Nations Charter, while two state actors brokered peace agreement (Development, Concepts and Doctrine Centre (DCDC), 2011). In recent years, the scope of activities undertaken by peacekeepers has increased tremendously. In addition to the traditional peacekeeping roles, armed forces have monitored cease-fires and elections, enforced no-fly zones and demobilization efforts,
secured relief convoys and supported civilian actors by providing logistics support, establishing
camps for displaced persons, and lending engineering expertise to reconstruction projects

Apart from peacekeeping and its related activities, the Armed Forces are also used to conduct
offensive military operations in other countries aimed at achieving specific objectives. A
typical example was the Northern Mali conflict in which there was a counter-insurgency
operation. In January 2012, several insurgent groups began fighting a campaign against the
Malian government for independence or greater autonomy for northern Mali, an area known
as Azawad. The National Movement for the Liberation of Azawad (MNLA), an organization
fighting to make Azawad an independent homeland for the Tuareg people, had taken control
of the region by April 2012. The MNLA were also backed by other Islamist groups. Following
a request by the Malian government for military help to re-take the north, the French military
and other Forces from African Union states were deployed against Islamists. By 8th February
2013, the Islamist-held territory had been re-taken by the Malian military with the help from
the international coalition (BBC, 2013).

Internally, the Armed Forces have assumed several roles outside their traditional mandates.
Internal Security Operations (ISOPs) are one of the things the Armed Forces are increasingly
going involved in. Internal Security Operations (ISOPs) are those acts carried out by the
domestic security agents such as the Police, Customs Service, Immigration Service, and others,
for the purpose of containing domestic threats to the security of the country. These threats
often relate to dire cases of riots, demonstrations, strikes, communal clashes, terrorism, and the
likes, which normally fall outside the constitutional duty of the military (Rasmussen, 1999). For
example in Ghana the Military were deployed in communities such as Yendi and Dagbon
whenever there are communal clashes. They have also been involved in dispelling violent
protests. Another non-traditional role of the Armed Forces is domestic policing. Under some
circumstances, the military in partnership with other law enforcement agencies are involved in
special operations that are not part of their traditional mandate (Edmonds, 2006). In Ghana
during period of heightened armed robbery attacks, there are joint military and police patrols
in areas where such attacks are prevalent. Again, the military have been involved in special
operations aimed at stopping the activities of illegal miners popularly referred to as “galamsey” as well as illegal timber loggers.

The armed forces are also used to provide support during times of domestic disasters. For instance in 1988, Hurricane Hugo caused $10 billion indirect damage to South Carolina, North Carolina, Puerto Rico, and the Virgin Islands. Even more costly damage resulted from the 1989 Loma Prieta earthquakes in California. In both of these disasters, military forces played a major role in disaster response (Schrader, 1993). In Ghana whenever there are serious floods especially in the city of Accra, the army is deployed to assist in humanitarian relief operations.

According to the 2003 Rwandan Constitution, the Rwandan Defence Forces are expected to play the following roles;

Defend the territorial integrity and national sovereignty of the Republic;

Collaborate with other security organs in safeguarding public order and enforcement of the law;

Participate in humanitarian activities in case of disasters;

Contribute to the development of the country;

Participate in international peace keeping missions, humanitarian assistance and training.

It is quite obvious that the constitutional mandate of the RDF includes roles that are not traditionally associated with the mandate of the Armed Forces. They are expected to be involved in domestic law enforcement as well as playing active roles in the development efforts of the country.

**Post-conflict peacebuilding activities**

The aftermath of an armed conflict is a state of disarray because in most instances, most of the conditions required for the running of a state would be non-existent. Conditions are very fragile and the tendency for relapse is eminent. Therefore, such a situation requires some
strategic focus on priority activities that must be rigorously pursued. The United Nations (1996) has provided a framework of the most important priority peacebuilding activities after an armed conflict. The first post conflict peacebuilding activity is the provision of a basic political agreement.

This may be a cease-fire agreement which is broad based and inclusive as far as practicable. All relevant issues for creating the platform for a lasting peace must be adequately reflected in the peace agreement. The agreement must as much as possible have inbuilt consensus-building mechanism and built on realistic expectations of stakeholders. Relief and humanitarian assistance is key in post-conflict peacebuilding. Humanitarian assistance must be aimed at providing the strict minimum to meet the so-called “immediate and basic needs of people” such as food, water, primary health care and the like. For this to be effective there must be provision of basic safety and security. This can be achieved by enhancing the capacity of the administrative capacity of the state. Another important focus in the immediate period after an armed conflict is disarmament, demobilization and reintegration. This requires a very careful demobilization plan that includes confidence-building measures among conflicting parties. Before the combatants are disarmed and demobilized, it is necessary to ensure that a reintegration programme has been prepared, funded and made ready for implementation in step with demobilization. The objective of the integration programme is to facilitate and assist the reintegration of ex-combatants into the civilian and productive life of the country.

Enhancement of human rights and building a participatory system of government at all levels is also critical during peacebuilding following an armed conflict. The violation of human rights has often been one of the causes of conflicts, and human rights have usually suffered further as a result of the conflict itself. Long-term consolidation of peace requires a participatory system of government that is not imported and that responds to the aspirations and the cultural values of the people. It is necessary to enable all members of society, without discrimination, to participate fully in political, civil, economic, social and cultural life. The frequently requires constitutional reform, electoral reform, judicial reform, and reform of the police and armed forces.
The final area of focus in post conflict peacebuilding is rehabilitation, reconstruction and reconciliation. Conditions must be created for national healing of any lingering trauma and pain the people may suffer in the events leading to the conflict and during the conflict itself. Fiscal, monetary and exchange rate policies and institutions must be oriented toward facilitating reconstruction and peace consolidation. The damage to and/or destruction of industrial production and service facilities as well as housing and engineering structures is often widespread. The social fabric of society as well as the social infrastructure are frequently seriously damaged and thus need special focus to rebuild.

**Institutions in conflict transformation and peacebuilding**

Conflict transformation and peacebuilding are very complex and dynamic processes. Consequently, they require concerted efforts of numerous actors and institutions and a complex array of interactions. To better understand the context and nature of the interactions between the various institutions and actors, the Institutional Analysis and Development (AID) framework is adopted and is presented in Figure 3.

Figure 3: Institutional Analysis & Development Framework

According to Polski and Ostrom (1999) “…institutions delimit capacity for social change. They are important precisely because they are intentional constructions that structure information and create incentives to act or not to act in a particular situation, thereby imposing constraints on the range of possible behaviour and feasible reforms. Interacting with physical and cultural conditions, institutions create incentives for social behaviour. This behavior generates observable patterns of interaction, which in turn, produce policy outcomes”. Therefore, there is an underlying context that determines the nature of the interaction between the institutions in a country and their subsequent policy outcomes.

Some of the generic institutions involved in conflict transformation and peacebuilding include the Armed Forces; the Government; the Judiciary; Non-governmental organizations (both local and foreign); Inter-governmental organization; public and civil services (Schilling, 2012; Ricigliano, 2012). Relating this to the post-conflict peacebuilding activities, all these institutions have important roles to play. The outcomes of their actions would therefore depend on the physical world, community and rules-in-use contexts as well as the quality and level of interactions among the actors.

**Theoretical review**

Several methodologies exist for measuring the impact of peacebuilding efforts. The choice of methodology adopted has several considerations including weighing the relatively high costs of assessments against the potential benefits and disaggregating the contributions of specific interventions given the wide range of actors concerned. The methodology adopted for this study is a modified version of the Theory-Based Impact Evaluation (TBIE).

Theory-based impact evaluation (TBIE) takes traditional impact evaluation methods a step further by combining them with theory of change methods to generate better understanding of the underlying reasons for success (or failure). Such evaluations aim not only to establish what impact a program has had but also to “understand why a program has, or has not, had an impact” (White, 2009). Mixed methods (qualitative and quantitative) for data collection and analysis are used. They include document analysis (for example, analysing project documents to understand the project logic; academic and political literature to understand the context...
and inform the evaluation design), focus group discussions, various types of interviews with project staff, beneficiaries and key stakeholders (Scherrer, 2012).

The application of the TBIE approach is based on six steps:

**Mapping the causal chain (programme theory):** This means mapping the connection between inputs, outcomes and impacts, in order to reveal the theory of change underlying the programme logic. Before mapping the causal chain, there is a thorough assessment of the problem (problem identification and characterization) so that the connection between the variables are situated in their proper context.

**Context analysis:** This step involves conducting a desk study of project documents and relevant academic literature prior to designing the evaluation. It should support an awareness of the social, political and economic factors that may affect the context of the program or its evaluation.

**Anticipating heterogeneity of impact:** This involves analysing factors that may affect impact such as the socio-economic context, the kind of beneficiaries targeted and the design of the intervention. This is important for identifying both the appropriate sample size and the sub-groups to be tested before an evaluation takes place.

**Establishing a credible counterfactual:** A counterfactual should be identified using a control group carefully selected to avoid selection bias. Considerations include the risk of the control group being affected by the intervention in question (“spill over effects”) or by other interventions (“contamination” or “contagion”).

**Rigorous factual analysis:** Factual analysis to understand the logic behind the causal chain and potential breaks in the chain that may have resulted in low impact. This would include target analysis (of the beneficiaries) in order to check whether there were targeting errors.

**Use of mixed methods:** This involves considering the balance of qualitative and quantitative approaches to be used (White, 2009).
**Research design**

Research design is defined by van Wyk (2009) as the overall plan for connecting the conceptual research problems to the pertinent (and achievable) empirical research. The function of a research design is to ensure that the evidence obtained enables us to answer the initial question as unambiguously as possible. The research design employed in the study was an explanatory survey because it is suited for the aims and objectives of the study in hand. Explanatory research is more concerned about casual processes, explaining why social behaviour occurs in some instances and not others (Burton, 2000). There are different types of explanatory survey designs such as classic experimental design; quasi-experimental design; cross-sectional design and longitudinal design. The cross-sectional design was used in the study. Thus, in this design, data was collected from the respondents at one point in time.

**Data sources and collection instrument**

The study utilizes data from both primary and secondary sources. Primary data consists of the data captured with an interview guide administered to high ranking officers of the Rwandan Defence Force at the Headquarters. The respondents for the interview include head of RDF Directorate of Civil Military Cooperation, Department of Operations and Training, Department of Administration and Personnel as well as the RDF Spokesperson. Questionnaires shall also be administered to civilian administrators who normally work together with the RDF on their programmes, projects and initiatives. Such civilian respondents shall include leadership of the National Unity and Reconciliation Commission (NURC), Rwanda National Demobilization Commission, Rwanda Institute for Peace and Development, and the Rwanda Commission Against Genocide. Secondary data consists of reports and documents that review the strategies, projects and initiatives by the Rwandan Defence Forces towards peacebuilding in the post-genocide era. Data collection instrument is any type of written or physical device which is purported to be used for measuring variables (Sproull, 1988). The key to designing a reliable research instrument is that researchers must be consistent in their approach to measurement by asking respondents exactly the same questions and that they record those answers in a systematic manner (Burton, 2000). Considering these,
an interview guide and a questionnaire were selected as the data collection instrument to collect data from the respondents. The questionnaire has both open and close ended questions to combine the benefits of both. (See Appendix 1 for a copy of the questionnaire).

Validity and reliability of instrument

Morse et al (2002) opined that without rigor, research seems to be fiction and have no value, so, there is dire need of reliability and validity required in all research methods. Kuzel and Engel (2001) argued that all researches aim to find believable and credible outcome which demands the application of validity and reliability. According to Coleman and Briggs (2002) reliability is the extent to which a test or procedure produces similar results under constant conditions on all occasions. Wallen and Fraenkel (2001) defines validity and reliability as “the meaningfulness, appropriateness, and usefulness of the inferences researchers make based on the data they collect, whereas reliability refers to the consistency of these inferences over time.” To achieve reliability and validity as far as this study is concerned, the research instruments (interview guide and questionnaire) were designed with great care, matching the questions with the objectives and guided by the literature review. Also, to ensure that the desired level of reliability is achieved, during the data collection, the researcher will ensure that the questions are based on appropriate authorities on the subject under study.

Data analysis and presentation

The TBIE approach is the framework upon which the specific strategies, projects and initiatives by the Rwandan Defence Forces are interpreted. The approach also provides a framework for contextualizing the challenges the Rwandan Defence Forces face in playing their roles in the conflict transformation efforts of Rwanda. This ensures that the results from the interviews and questionnaire administration as well as the review of documents and reports are interpreted in the right context. The information gathered from the interviews shall be compared with those elicited through the administration of the questionnaire to the civilian administrators. This will serve as a counterbalance to substantiate the information obtained.
from the RDF. Statistical summaries such as means, proportions and percentages will be the tools for the analysis. The results of the analyses are presented using tables, graphs and charts.

**Initiatives and projects of the RDF in Post Genocide Rwanda**

In post genocide Rwanda, the RDF has played important roles in their nation building efforts. Some of the activities of the RDF are closely associated with the traditional roles of the military whiles other are relatively unconventional roles. This section discusses some of the important initiatives and projects of RDF and their results.

**Integrating and forming a coherent National Defense Force**

In the immediate aftermath of the Genocide where tension and mistrust was high, the RDF showed a unifying example to the rest of the society. This was accomplished through the full integration of the ex-military and militia into the new national army. In this sense, the military led the way and provided the example of the effectiveness of peace-building that could be replicated elsewhere. The RDF adopted the consent model of peace-building, which is based on comprehensive, negotiated settlement of conflict between two parties conducted under third party supervision. Government forces may absorb guerrilla forces or merge the two warring factions to form a single national force. It is important to note that peace-building is usually conducted after cessation of hostilities, though the security situation may remain fragile. Through the leadership of the RDF, ex-combatants were fully integrated in the spirit of the 1993 Arusha Peace Agreement between the RPF and government of Rwanda. Protocol III of the Agreement made possible integration of the Rwandan Patriotic Army (RPA) into the Forces Armées Rwandaises (FAR).

Between 1995 and 1997, a total of 10,500 ex-FAR officers and soldiers were integrated in the RPA, and between 1998 and 2002, a total of 39,200 ex-FAR and militia were integrated in the RPA. From the ex-combatants and demobilized soldiers, a new police force was formed to
take over the national policing duties from the military. The ex-combatants also went on to form the local defense units in their respective areas of origin. Rwanda’s security was therefore locally owned. The action of the RDF to integrate combatants into the army and subsequently form a functioning police force would be explained by the institutional development of peace which proposes that stable institutions are the foundation for securing peace. In this regard, strengthening the RDF and the Police institutions have played a significant role in the peacebuilding efforts of the country.

The RDF after showing the way for national unity and peaceful co-existence has gone on to build competence and credibility. By 2004, the RDF was becoming widely recognized as one of Africa’s more capable forces. That same year, the RDF was the first military in the world to answer the African Union’s call requesting a small peacekeeping force in Sudan. Currently the RDF has over 4,000 personnel deployed for peacekeeping missions in diverse places on the globe. It came to light through the interview that the people of Rwanda have very high confidence in the RDF. It was revealed that a survey conducted showed about 85% approval rating of the credibility of the RDF (Mgbako, 2007).

**Disarmament, Demobilization and Reintegration (DDR)**

The objective of the DDR process is to contribute to security and stability in post-conflict environments so that recovery and development can begin. The DDR of ex-combatants is a complex process, with political, military, security, humanitarian, social and economic dimensions. It aims primarily to deal with the post-conflict security problem that arises when ex-combatants are left without livelihoods or support networks, other than their former comrades, during the vital transition period from conflict to peace and development. Through a process of removing weapons from the hands of combatants, taking the combatants out of military structures and helping them to integrate socially and economically into civil society, DDR seeks to support ex-combatants so that they can become active participants in building peace.
The RDF has been working in close partnerships with the Rwanda Demobilization and Reintegration Commission (RDRC) in the post-genocide era. In this regard, the RDF has played and continues to play important roles in the DDR process in Rwanda. For instance the RDF Kanombe Military Hospital continues to provide free medical treatment and surgical operations to the ex-combatants. The RDF also provides monetary and other support to cooperatives of ex-combatants especially those living with disability. The RDF together with the RDCR also advocate for job opportunities for ex-combatants. For instance they successfully advocated for the employment of more than 3,000 ex-combatants in fencing the Akagera National park in Eastern Province and making terraces in the Western Province. They also successfully advocated for and acquired land for construction of houses for ex-combatants living with disability.

The Demobilization and reintegration program in Rwanda is presently in its third phase of implementation, assisting ex-soldiers in settling into ordinary lives by financing their micro-projects. This third phase targets to integrate some 9,500 ex-combatants into normal civilian life. This includes the demobilization of some 4,000 soldiers as the national stability of Rwanda continues to improve. The DDR process of which the RDF is an integral part, has contributed significantly to the stability and peace in Rwanda in the post-genocide era. It is a testament to this success that the third phase of the process includes the demobilization of some 4,000 soldiers into civilian life. Again, there have not been any major internal disturbances orchestrated by armed groups to derail the peace building efforts of the country in the post-genocide era. The DDR process in conflict transformation is underpinned by several theories including the Healthy Relationship and Connections theory which proposes that diminishing the structures and processes that sustain divided societies, such as prejudices among and between groups, will lead to peace. The Reduction of Violence theory also proposes that reducing violence between combatants will lead to peace. By demobilization and disarmament, the potential for violence is reduced.
The “Ingando” civic education camps

The mindset and ideology held by people is critical to harmonious and peaceful co-existence. People also need to develop the right attitude about their responsibilities and roles towards nation building. When a critical mass of people have convergence in the right mindset and ideology, it becomes easier to achieve national objectives. In a sense, this is the overarching objective of the “Ingando” camps which are run by the RDF in conjunction with some civilian collaborators. The camp targets a wide array of people including ex-FAR soldiers and demobilised rebels (adult and youth ex-combatants), provisionally-released prisoners and those serving ‘alternative sentences’, prison-born children, public and private university entrants, groups of uneducated youth, college students in diaspora, head teachers of primary and secondary schools and district education officers, civil servants, the inyangamugayo (gacaca judges), various associations (ATRACO ‘taxi’ [bus] drivers, tea growers, masons), hawkers and street children.

Participants learn about history, philosophy (idealism versus materialism), unity and reconciliation, genocide ideology and ways of avoiding it, military operations (different systems of combat), national politics and the national economic policy (Vision 2020). Other important subjects participants learn about include environment, health (family planning, methods of contraception, HIV etc). The Ingando camps also share the ideology of patriotism and civic responsibility to participants. Although no thorough empirical reviews have been conducted about the impact of the Ingando camps on national unity and peaceful co-existence, it is generally agreed that the camps have had positive impacts. Below are some extracts of the experiences of some participants in the camp;

“When you come back [home from ingando], you already know Hutu, Tutsi, the history, it is meaningless. We try to consider it as nonsense ideas.’
‘Of course [ingando builds solidarity]. Before entering ingando, I was in obscurity. The authorities come [to the camp] and give you a lot of information. Now I know how to live with others [because] I have already socialised with other Rwandans [in ingando]. In our generation, there is no more Hutu, Tutsi, Twa.’

We are different students there, some are Hutu, some are Tutsi, but after being enlightened [we realise] it is not us, but our fathers [who] put a hand [to the genocide]….there is no reason why we should not feel united.’

‘It changes people... it [ingando] helps you everywhere you are going, not to be frightened by different people, different ethnics, you go back to that experience.’

Apart from the RDF’s involvement in the Ingando camps, they send resource personnel to speak on various themes and subjects under programmes and workshops organized by other state institutions. Invariably, such programmes and workshops aim to foster peaceful coexistence, nation building and civic responsibility.

The idea of the Civic Education camps can be explained with the Individual Change theory which proposes that transforming individual’s attitudes, behaviours and values will lead to peace. In this sense, the elimination of genocide ideology as well as encouraging peaceful coexistence that are some of the objectives of the camps are about attitude change which is what the Individual Change theory proposes.

Construction of infrastructure

One of the fallouts of every armed conflict is the destruction of public infrastructure. Infrastructure such as roads, bridges, telecommunication installations, schools, hospitals among others is mostly targeted. Therefore, in the post-conflict reconstruction process, the absence of these critical infrastructures slows the pace of progress. Typically a lot of investment is needed to have a modicum of pre-conflict levels in public infrastructure. The
RDF realizing the gap in the infrastructure levels in post-genocide Rwanda has been involved in diverse construction projects. The RDF has been involved in the construction of houses for genocide survivors especially those who have been left disabled. They have also been involved in the construction of classrooms for basic schools, bridges and health centers in many places across the country. The classroom blocks they have constructed have contributed to increasing school enrolment at the basic level especially in remote areas. The health centers have also helped to increase access to healthcare by the general public. The poorest among them receive free medical treatment from the RDF as well.

**Contribution to development funds**

In order to fast track development and economic empowerment of Rwandans, several development funds have been set up. One of such fund is the Agaciro Development Fund which is an indigenous fund set up to undertake infrastructure projects throughout the country. Another fund is the “One Dollar Campaign” which targets genocide survivors. There is also the “Girinka Nyakatsi” eradication fund which targets extreme poverty eradication. Contribution to these funds is voluntary and open to individuals and organizations inside and outside the country. The RDF has been a religious contributor to all these funds which have very noble objectives and goals for the country. For example funds from the “One Dollar Campaign” have been used to commence the construction of seven hostel blocks for genocide survivor students. By facilitating the building of infrastructure and other targeted interventions, the RDF helped to eliminate some of the root causes of war such as poverty and social isolation. These are the tenets of the Root Causes/Justice theory. The theory proposes that the underlying causes of war must be eliminated to peace to prevail.

**Cross-border security**

It was shown in the literature review that many neighbouring countries of Rwanda were complicit in its conflicts and the eventual genocide. Neighbouring countries allowed insurgent groups to mobilize on their territories and launch attacks in Rwanda. Therefore, it is clear that
lasting peace in Rwanda cannot be achieved without collaborations with its neighbours such as Burundi, Tanzania and Democratic Republic of Congo.

Over the years the RDF has taken steps to prevent any threat that may emanate from its neighbouring countries. The RDF has established Joint Border Verification Mechanisms with its neighbours so that individuals who are considered to be security threats are easily identified for appropriate action to be taken. They also hold regular security meetings with counterparts in the neighbouring countries to enhance cooperation. In efforts to maximize Regional Security Cooperation, the RDF has been using mechanisms such as UN Missions, Northern Corridor Defense and Security Pact as well as the Eastern African Standby Force to observe and acting quickly to avert any security threat to the nation.

Figure 4: Level of success of programmes done in collaboration with the RDF

![Pie chart showing level of success]

Source: Author’s contract, 2014.

The roles that the RDF play in post-genocide Rwanda are not done in isolation but a lot of them are done in collaboration with civilian institutions and organizations. Some of the institutions that the RDF has been working with include Rwanda Demobilization and
Reintegration Commission (RDRC), Ministry of Local Government (MINALOC), Rwanda Governance Boards (RGB), National Commission for the Fight Against Genocide (NCFG), Ministry of Refugees and Disaster, Ministry of Infrastructure, Ministry of Justice and Ministry of Internal Security among others. This section focuses on their view on their collaborations with the RDF, successes and challenges they face.

Respondents from these institutions were asked about how they would rate the level of success of projects, programs or initiatives they have undertaken in collaboration with the RDF in terms of impact/outcomes of such projects, programs or initiatives. The result of this assessment is presented by Figure 4.

The results show that from the perspectives of the civilian collaborators, when they judge the levels of success of the programmes they undertake in collaboration with the RDF in terms of outcomes/impacts of such programmes they are generally successful. The result as presented by Figure 4 shows that 80% of the respondents rate such programmes as being “very successful” and the remaining 20% rate them as “fairly successful”. The survey further assessed the extent to which the respondents believe the roles played by the RDF were instrumental to the results they obtained and the nature of their collaborations with the RDF.

The results of this assessment is presented by Table 3.

Table 3: Nature of collaborations with the RDF

<table>
<thead>
<tr>
<th></th>
<th>Strongly</th>
<th>Agree</th>
<th>Undecided</th>
<th>Disagree</th>
<th>Strongly</th>
</tr>
</thead>
<tbody>
<tr>
<td>The roles played by the RDF have been very instrumental to the</td>
<td>90.3%</td>
<td>9.7%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
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<td>kind of results we have had in our collaborations.</td>
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<tr>
<td>There are always mutual respect between us and the RDF.</td>
<td>90.3%</td>
<td>9.7%</td>
<td>0.0%</td>
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<td>There are no clashes with our approaches to getting things</td>
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<td>done and that of the RDF in our collaborations.</td>
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Source: Author's construct from data, 2014.
The results show that all the respondents generally agree that the roles played by the RDF had been instrumental to the kind of results they have had in their collaborations. The results show that 83.2% of them “strongly agree” whiles 16.8% “agree” with the statement concerning the role of the RDF. This shows that the RDF have played critical roles in the nation building efforts of these institutions. In many ways the approach the Military adopts in getting things done are different from how civilian bureaucracies work. Therefore, there is potential conflict of approaches in collaborations between civilian institutions and the Military. The results as presented by Table 3 shows that on the whole there is mutual respect between the RDF and civilian institutions in their collaborations. From Table 3, 90.3% of the respondents “strongly agree” and 9.7% “agree” with the statement that “there is always mutual respect between us and the RDF in our collaborations”.

The results further show that clashes in approaches of getting things done has not been a problem in the collaborations of civilian institutions with RDF. From Table 4.1 63.2% of the respondents “strongly agree” whiles 22.8% “agree” with the statement that “there are no clashes with our approaches to getting things done and that of the RDF in our collaborations” Only 14% of the respondents “disagree” with the statement. This result generally shows that the RDF is very efficient in their dealings with civilian institutions.

The main challenge that the civilian institutions face in their collaborations with the RDF is delays in implementing programmes and initiatives on their part. The military establishment does not face the kind of bureaucracy faced by the civilian institutions. Therefore the RDF is able to quickly begin implementation in collaborative programmes and initiatives whereas the bureaucracies in the civilian institutions tend to delay the overall speed of their joint programmes. This sometimes creates the notion in the mind of beneficiaries of such programmes and initiatives that the civilian institutions are not too concerned about working to solve their problems.

**Challenges faced by the RDF in their roles**

This section focuses on the challenges faced by the RDF in executing their duties and mandate in the rebuilding efforts of Rwanda. The in-depth interviews reveal that the biggest challenge
the RDF face is inadequate financial resources. This is not a surprising issue because the resources of the nation have to be spread in such a way to ensure that all the challenges facing the nation are addressed simultaneously. Given the destruction which occurs during armed conflicts, it is a situation that is expected to persist.

Another challenge faced by the RDF in their roles in the conflict transformation of Rwanda is negative propaganda by dissidents and genocide perpetrators living outside the country who undermine through the media the achievements of the country. This is because some people living inside and outside the country still hold genocide ideology. For instance a documentary film titled ‘Untold Story’ aired on BBC was deemed to be genocide denial. It provoked protests among Rwandans and other sympathetic people. In spite of the best efforts of the RDF in collaboration with their counterparts in neighbouring countries, there are still some genocide perpetrators who have found refuge in other countries with significant refugee populations. This continues to be a threat to the lasting peace that the nation aspires to build.

The missing links - Introduction

The Armed Forces remain key actors in addressing national, global and regional insecurities. However, the changing nature of these insecurities has necessitated a fundamental reassessment of the role that armed forces as traditionally constituted can play in addressing them, and even whether they are the most appropriate organizations to do so. The traditional core functional imperative of the Armed forces has been the defense of the state from external threat. Among other things, the roles of the Armed Forces now emphasize nation-building and domestic military assistance roles. The overall objective of this study has been to assess the roles of the Rwandan Defence Forces in peace building in the post-genocide era. Specifically the study sought to enumerate the specific strategies, projects and initiatives by the Rwandan Defence Forces in post-genocide peace building; assess the outcomes of such strategies, projects and initiatives; and outline the challenges the Rwandan Defence Forces face in playing their roles in the conflict transformation efforts of Rwanda in the post-genocide era.
Summary of results

This study has shown that in the immediate aftermath of the Genocide where tension and mistrust was high, the RDF showed a unifying example to the rest of the society by the integration of the ex-military and militia into the new national army. From the ex-combatants and demobilized soldiers, a new police force was formed to take over the national policing duties from the military. This act was fundamental to the cessation of hostility and setting the tone for lasting peace. The RDF has been working in close partnerships with the Rwanda Demobilization and Reintegration Commission (RDRC) in the post-genocide era help in the disarmament, demobilization and reintegration of ex-combatants. This effort has contributed significantly to the growing peace and stability in the country because there have not been any major internal disturbances orchestrated by armed groups to derail the peace building efforts of the country in the post-genocide era.

The RDF has also been involved in running the “Ingando” camps with the aim of fostering peaceful co-existence and unity of purpose towards nation building through high sense of civic responsibility. Although no thorough empirical reviews have been conducted about the impact of the Ingando camps, it is generally agreed that the camps have had positive impacts. The RDF has also been involved in the construction of infrastructure such as bridges, school blocs and health centres. These have contributed to increase in school enrolment and access to healthcare for the poorest and genocide survivors. The RDF has also been contributors to numerous funds set up to speed up the rebuilding process of the nation. These include the Agaciro Development Fund, the “One Dollar Campaign” and the
“Girinka Nyakatsi” eradication fund. Over the years the RDF has taking steps to prevent any threat that may emanate from its neighbouring countries. Initiatives have included Joint Border Verification mechanisms, holding regular meetings with their counterparts in neighbouring countries as well as maximizing Regional Security Cooperation. These efforts have also contributed to the growing peace and security in Rwanda.

The study has also shown that collaborations between the RDF and civilian institutions have been smooth and productive. These collaborations have yielded positive results and there is mutual respect between the RDF and their civilian collaborators. However, bureaucracies in civilian establishments reduce the speed in their collaborative efforts. Also financial resource limitations, negative propaganda by dissidents and genocide perpetrators living outside the country and some genocide perpetrators who have found refuge in other countries with significant Rwandan refugee populations create the major impediments to the efforts of the RDF.

Conclusion

The RDF has been playing major roles in the post-genocide peace building efforts of Rwanda. It assumed leadership role and set the example for peaceful co-existence in the most critical stage in the country’s rebuilding process. It has since then remained relevant by playing numerous traditional and non-traditional military roles. This shows that under the right circumstances, the military can become positively involved in nation building efforts.

Recommendations

Based on the findings of this study the following recommendations are suggested;

There should be more collaborative efforts between the military and civilian institutions in order to achieve optimum contributions of the military in their economies.

Mutual trust and respect is critical for enhancing military-civilian interactions. Therefore, emphasis must be placed on promoting such.

There should be constitutional reforms to provide the legal mechanisms for the military to be more constructively involved in nation building. The RDF is able to play significant roles in
the economy of Rwanda because there is a constitutional provision which stipulates they must be involved in the economic development of Rwanda.

REFERENCES


Abstract

The UN Sustainable Development Goals (2015) express global commitment to making cities inclusive, safe, resilient and sustainable and envisages that by 2030, there should be enhanced capacity for participatory planning and management in cities globally. One of the goals is to ensure responsive, inclusive, participatory decision-making at all levels of government. These commitments are generally consistent with recent trends in local government democratic reforms which call for inclusive budget planning and implementation whereby citizens, civil society and NGOs participate in the allocation of resources. This trend is best captured in the concept of participatory budgeting (PB).

In South Africa, post-apartheid constitutional reform opened-up space for citizen participation in local governance. Local government (constituted by about 259 wall-to-wall municipalities) has been established as a distinct sphere of government in the Constitution of the Republic of South Africa, 1996 with legislative and executive powers to govern areas within their jurisdiction subject only to limits imposed by the Constitution. In addition, municipalities are now mandated to realise an expanded developmental mandate with service delivery being only one of their core functions. In order to finance their developmental programmes, municipalities receive equitable allocations from national government and have legal powers to generate
additional finances by, *inter alia*, charging rates on property and imposing surcharges on services provided. In addition to its general obligation to foster public participation in local governance, the law requires municipalities to collaborate with the public in designing and implementing their budgets.

This article critically reflects on the legal and policy framework for participatory budgeting at the local government level in South Africa. Using *South African Property Owners Association v The Council of the City of Johannesburg* (648/2011) [2012] ZASCA 157 (8 November 2012) and *Borbet South Africa (Pty) Ltd and Others v Nelson Mandela Bay Municipality* 2014 (5) SA 256 (ECP) as examples, this paper argues that the legal framework for local government appears to create an elusive right for citizens to participate in municipal budgeting processes. This argument seems to be supported by outcomes of the above cases and the wording of s 27(4) of the Municipal Finance Management Act 53 of 2003 which expressly provides that failure to comply with the requirements for public participation does not invalidate an adopted budget. It is submitted that this provision appears to trivialise mandatory requirements for public participation and where it is abused by municipal officials, this could lead to the sidelining of the real interests of communities in local budgeting. It is recommended that where there is strong evidence of non-compliance, applicants should timeously approach courts for structural/mandatory interdicts that will compel municipalities to comply with their legal obligations. This research is based on a critical and integrated review of primary and secondary sources of law.

**Keywords:** *Local government law; Participatory budgeting; Case-law, South Africa.*
INTRODUCTION

The UN Sustainable Development Goals (2015) express global commitment to making cities inclusive, safe, resilient and sustainable and envisages that by 2030, there should be enhanced capacity for participatory planning and management in cities globally. One of the objectives of Goal 16 is to ensure responsive, inclusive, participatory and representative decision-making at all levels of government. These commitments are generally consistent with recent local government reforms which call for inclusive budget planning and implementation whereby citizens, civil society and NGOs participate in decisions on how governments should allocate resources. This trend is best captured in the concept of participatory budgeting (PB) which has been described as a reform process that involves shifting from a traditional exclusive method of budgeting by council officials and politicians to an inclusive method that empowers citizens to play a direct role in the planning and allocation of municipal resources. The process of PB further seeks to build democratic institutions that enhance accountability, responsiveness and minimise corruption. PB is grounded on the idea that better decisions are made through debate and the building of consensus with all concerned stakeholders rather than through adherence to prescribed standards in a mechanistic

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3 Goal 16 “Promote peace and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels”.
4 See para 16.7 of “Goal 16: Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels” in Transforming Our World: The 2030 Agenda for Sustainable Development (2015).
It has been argued that budgeting is one of the most important decision-making processes local governments undertake because the effects of fiscal decisions permeate most aspects of citizens’ lives - the amount of taxes they are compelled to pay, their employment prospects, the quality of their living environments, and their access to basic services. From a theoretical perspective, this argument highlights why it is important for citizens to play an active role in the process of drafting and implementing municipal budgets.

It is important to note that although the roots of the concept of PB can be traced to experimentation that started in the Brazilian City of Porto Alegre in 1989, there is no specific or generally prescribed model for PB. Different models have been applied in cities, countries and regions across the world. The manner in which PB is applied in different cities around the globe is informed by prevailing economic and political structures of governance. However, it is generally agreed that for PB to be successful, there must be political will within government to share decision-making with citizens and to ensure that budget items speak to real community needs in line with strategic planning objectives. It has also been suggested that municipalities that can generate sufficient revenue and that are less reliant on central governments can

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potentially open up more space for new expenditure priorities because they would be less subjected to centralised control.\textsuperscript{15}

In South Africa, some scholars in the field of Public Administration have argued that the concept of PB is grounded in local government legislation and the democratic ethos of the Constitution of the Republic of South Africa, 1996 (the Constitution).\textsuperscript{16} The purpose of this article is to critically reflect on the legal framework for PB at the local government level in South Africa. Using recent case-law (\textit{South African Property Owners Association v The Council of the City of Johannesburg},\textsuperscript{17} and \textit{Borbet South Africa (Pty) Ltd and Others v Nelson Mandela Bay Municipality}\textsuperscript{18}) as examples, this article argues that the legal framework appears to create an elusive right for citizens to participate in municipal budgeting processes.

In order to achieve the above objective, this article is divided into four main parts. The first part begins by discussing the legal and policy framework for PB. The second and third parts respectively provide overviews of the \textit{South African Property Owners Association} case and the \textit{Borbet} case in order to further consolidate the basis for the critical reflection in the last part. The article ends with a reflection on the implications of the existing legal framework, including the jurisprudence from courts in order to suggest a possible way forward.

\textsuperscript{18} \textit{Borbet South Africa (Pty) Ltd and Others v Nelson Mandela Bay Municipality} 2014 (5) SA 256 (ECP).
Contextual background

In South Africa, post-apartheid constitutional reform led to the complete restructuring of the governance landscape. It led to the establishment of three spheres of government (national, provincial and local government) which are distinct, interrelated and interdependent. These spheres of government are obliged to work together through a system of cooperative governance in order to realise the transformational objectives of the Constitution. Local government, constituted by about 259 wall-to-wall municipalities, have legislative and executive powers vested in democratically elected municipal councils to govern areas within their jurisdiction subject only to limits imposed by the Constitution. In addition, unlike the past where municipalities merely played a service delivery role, they are now mandated to realise an expanded developmental mandate – pursue social justice and sustainable development; contribute, together with national and provincial government, to the realisation of socio-economic rights entrenched in the Bill of Rights; and facilitate public participation in local governance.

In order to enable them deliver on their developmental mandate, the Constitution envisages two main sources of income for municipalities: national equitable allocations and internally generated. The constitutional powers accorded municipalities to generate and manage revenue is given legislative effect through several statutes. Section 4(1)(c) of the Local Government: Municipal Systems Act reaffirms the power of each municipal council to finance the affairs of a municipality by charging fees for services and imposing surcharges on fees, rates on property, and to the extent

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19 See s 40(1) of the Constitution.
20 See ss 40(2) and 41 of the Constitution. See Fuo O “Local government indigent policies in the pursuit of social justice in South Africa through the lenses of Fraser” (2014) 1 Stellenbosch Law Review
authorized by national legislation, other taxes, levies and duties.\textsuperscript{26} In terms of section 74 of the
Systems Act, municipal councils are obliged to adopt and implement tariff policy on the
levying of fees for services they provide.\textsuperscript{27} District municipalities exercise the powers to
impose and collect taxes, levies and duties in relation to the functions that they must provide
for the district as a whole.\textsuperscript{28} Tariff policies adopted by municipalities must further be given
legal force through municipal bylaws.\textsuperscript{29} The details of powers accorded municipalities to
impose rates on property within their jurisdictions is specifically regulated by the Local
Government: Municipal Property Rates Act\textsuperscript{30} while the Municipal Fiscal Powers and
Functions Act (MFPFA)\textsuperscript{31} regulates the powers of municipalities to levy surcharges in relation
to user fees.\textsuperscript{32} The power of municipalities to generate internal revenue by charging fees for
services, imposing surcharges on fees, rates on property and other taxes, levies and duties has
been confirmed by the courts in a number of cases.\textsuperscript{33}
In addition to the above, South African municipalities can also generate revenue by: borrowing money from banks and other financial institutions; requesting donations from the public, including from international partners; applying for grants from other spheres of government especially to build infrastructure; receiving conditional allocations from national government; receiving additional funding from national or provincial government when they are assigned additional responsibilities that fall out of their original powers and functions; selling and leasing of assets; engaging in public-private partnerships; imposing and collecting fines for violations of by-laws; and investments.

It is important to note that, in terms of section 160(2)(a)-(d) of the Constitution, a municipal council cannot delegate the duties to: approve budgets; impose rates and other taxes, levies and duties; and the duty to raise loans. Despite powers to internally generate revenue, most municipalities in South Africa heavily rely on national equitable allocations to deliver basic services because they lack viable tax bases especially in rural areas. In general, the Municipal Finance Management Act (MFMA) seeks to secure sustainable management of the financial
affairs of municipalities and to establish treasury norms and standards for the local sphere of government.41

The power to generate revenue goes hand-in-hand with the powers to budget and make appropriations of funds for expenditure. Municipalities may only incur expenditure in terms of an approved budget and within the limits of the amounts appropriated for the different votes in an approved budget.42 There are two types of municipal budgets covered in the MFMA – the annual budget and adjustment budgets.43 An annual budget must be approved by a municipal council shortly before the start of each financial year44 and is supposed to inform municipal expenditure for the entire year. On the other hand, an adjustment budget refers to any amendment of an annual budget that occurs within the year.45 Generally, a distinction can further be made between an operating budget and a capital budget. In brief, a capital budget sets out money that a municipality plans to spend for that year on long-term purchases and big investments such as road construction, buildings and the purchase of cars. On the other hand, an operating

37 See ss 76, 79 and 80 of the Municipal Systems Act.
38 Generally, for a detailed discussion on the sources of local government revenue in South Africa, see: Steytler and De Visser Local Government Law of South Africa (2014) 12-3 to 12-36.
41 See Preamble of the MFMA. Sustainable financial management in the national and provincial spheres of government is regulated by the Public Finance Management Act (PFMA) 1 of 1999. See Preamble of the PFMA.
42 See s 15(a) and (b) of the Municipal Finance Management Act No 56 of 2003.
43 See ss 16 and 28 of the MFMA respectively.
44 See s 16(1) of the MFMA. The financial year in South Africa, including for municipalities, runs from 1 July of each year to the 30 of June of the following year.
45 For details, see s 28(1)-(7) of the MFMA.
budget lists a municipality’s day-to-day costs and income needed for the delivery of services to communities such as salaries, repairs and maintenance.\footnote{46} Moreover, municipalities are also expected to have medium term budgets which are basically financial plans with budget projections over the next three years.\footnote{47} In this article, reference is generally made to the “budget” which should be understood as the financial plan that municipalities must develop and implement in order to give effect to their developmental objects. This is an umbrella term which covers all the different budget types explained above except where reference is made to a specific type of budget.

It is important to note that municipal budgeting is generally supposed to take place within the framework for integrated development planning prescribed by Chapter 5 of the Systems Act. Each municipal council must, at the start of its five years elected term, adopt a single, inclusive and strategic plan (known as the Integrated Development Plan or IDP) for the municipality which \textit{inter alia}: links, integrates and coordinate plans and takes into account proposals for the development of the municipality; aligns the resources and capacity of the municipality with the implementation of the plan; forms the policy framework and general basis on which annual budgets must be based; and is compatible with national and provincial development plans.\footnote{48} The link between the IDP and budgets is further strengthened by the requirement that the IDP must contain a financial plan which must include a budget projection for at least the next three years.\footnote{49} In order to further give effect to their IDPs and budgets, municipalities are required, within 21 days after the adoption of the budget, to adopt a Service Delivery and Budget Implementation Plan (SDBIP).\footnote{50} The SDBIP is a management tool used to monitor the extent to which the IDP and budgets are implemented to realise projected outcomes. The SDBIP includes service delivery targets and performance indicators that are linked to the performance agreements of senior managers.\footnote{51} An adopted IDP can be amended

\begin{footnotesize}
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\item \footnote{46}{See ‘Local Government Finances and Budgets’ accessed at: \url{http://www.etu.org.za/toolbox/docs/localgov/webmunfin.html} [date of use, 28 June 2016]}
\item \footnote{47}{See s 26(h) of the Municipal Systems Act.}
\end{itemize}
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as prescribed by the Systems Act and remains in force until a new one is adopted by a newly
elected council.\textsuperscript{52} The IDP remains the main strategic instrument to be used by all
municipalities to realise their developmental mandate.\textsuperscript{53}

In line with the preambular commitment to democratic ethos,\textsuperscript{54} section 215(1) of the
Constitution requires that “municipal budgets and budgetary processes must promote
transparency, accountability and the effective financial management of the economy”. This
constitutional commitment represents a clear break from the previous system of government
where public participation in municipal budgeting was almost non-existent even for the white
minority population.\textsuperscript{55} Municipal budgeting was a task that was the exclusive domain of
municipal of officials. The discussion that follows, shows the extent to which current local
government legislation and policy makes provision for PB.

\textsuperscript{52} See s 25(2) of the Municipal Systems Act.
\textsuperscript{53} For a detailed discussion, see Fuo O \textit{Local Government’s role in the pursuit of the transformative constitutional mandate of social justice in South Africa} (2014, LLD thesis, North-West University) 336-375.
\textsuperscript{54} According to the Preamble of the Constitution, government must be based on the will of the
people. See ss 1 and 195(e) and (g) of the Constitution. Generally, the Constitution does not guarantee
an enumerated right to public participation but the South African Constitutional Court has indicated
that this right is given effect through, \textit{inter alia}, the political rights guaranteed in s 19 of the Bill of
Rights and the duties imposed on government to facilitate public participation and promote democratic
and accountable governance. See \textit{Doctors for Life International v Speaker of the National Assembly & Others}
2006 12 BCLR 1399 (CC) para 106; Fuo 2015 \textit{AHRIJ} 172.
\textsuperscript{55} Smith (2004) 2 and 17.


Municipalities should be held responsible and accountable to local taxpayers for the use of public funds. Elected representatives should be required to justify their expenditure decisions and explain why and how the revenue necessary to sustain that expenditure is raised. The fiscal system should be designed to encourage accountability. Municipal budgeting and financial affairs should be open to public scrutiny, and communities should have a greater voice in ratifying decisions about how revenue is raised and spent. Community participation in budgeting should aim to incorporate those groups in the community…who face particular constraints in participating. It should also include a capacity building component to ensure that people understand the process of prioritisation – why resources are allocated to one set of things rather than to another. Accounting and financial reporting procedures should minimise opportunities for corruption and malpractice.

From the above extract, it is clear that South African local government policy embraces the notion of PB based on its intrinsic and instrumental values. The extract demonstrates from a policy perspective that a major objective of post-apartheid municipal finance management system is to promote PB as a means of ensuring inclusion, responsiveness and accountability in relation to budgets at the grass root level.


The Systems Act generally makes extensive provision for, and creates different mechanisms for communities to participate in local governance. As explained in 2.1 above, the Systems Act creates links between municipal budgets, integrated development planning and SDBIP requirements. It obliges municipalities to encourage and create conditions for local communities to participate in: the preparation, implementation and review of IDPs; the establishment, implementation and review of its performance management systems such as the SDBIP; the preparation of budgets; and strategic decisions relating to the provision of municipal services. In addition, the Systems Act stipulates that a municipal council or a committee of the council, may not

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exclude the public when considering or voting on a budget tabled in the council. Generally, mechanisms, processes and procedures established by the Systems Act must be utilised to ensure that communities are consulted on their development needs and priorities and to ensure that they participate in the drafting of the IDP. In terms of section 22(1)(b)(i), the Minister may further issue guidelines that should facilitate the participation of local communities in the affairs of municipalities.

**Local Government: Municipal Property Rates Act 6 of 2004**

A municipality’s property rates policy and any annual amendment thereof must accompany the municipality’s annual budget when it is tabled to the municipal council. It is trite noting that, in line with Chapter 4 of the Systems Act, the Municipal Property Rates Act equally makes elaborate provision for community participation in the adoption of a municipality’s rate policy. Before adopting its property rates, the municipal manager must conspicuously display the draft rates policy for a period of at least 30 days at the municipality’s head and satellite offices and libraries; and on their website – if available. In addition, he/she must advertise a notice in the media stating: that a draft rates policy has been prepared for submission to the council; and that the draft rates policy is available at the municipality’s head and satellite offices and libraries - including website if available, for public inspection during office hours.

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63 Although the Minister has not yet published any guidelines, some have been developed by other stakeholders such as the South African Local Government Association (SALGA). See *SALGA Guideline on Enhancing Public Participation: Mechanisms to Improve Public Participation in Addition Towards Ward Committee* (2013) accessed at: http://www.durban.gov.za/Resource_Centre/new2/Documents/Enhancing%20Public%20Participation%202013.pdf [date of use, 28 June 2016].
64 See ss 3(2) and 5(1) of the Municipal Property Rates Act.
65 See s 4 of the Municipal Rates Act.
66 See s 4(2)(a) of the Municipal Property Rates Act.
The media notice should invite the local community to submit comments and representations to the municipality within a specified period which may not be less than 30 days. Each municipality must take into account all comments and representations received when it considers the draft rates policy. Where there is an annual review of a rates policy, community participation in amendments to a rate policy must be effected through the municipality’s annual budget process as determined by the Municipal Finance Management Act 56 of 2003.

Municipal Finance Management Act 56 of 2003 (MFMA)

The MFMA seeks to secure sound and sustainable management of the financial affairs of municipalities and to establish treasury norms and standards for the local sphere of government. As indicated above (2.1), a municipality can only incur expenditure in terms of an approved budget and within the limits of the amounts appropriated for the different votes in an approved budget. The council of each municipality must, before the start of every financial year, approve an annual budget for the municipality. The municipal mayor must table the annual budget for approval at a council meeting at least ninety days before the start of the budget year. The content and format of the annual budget must be in line with the requirements of section 17 of the MFMA.

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67 See s 4(b)(i) of the Municipal Property Rates Act.
68 See s 4(b)(ii) of the Municipal Property Rates Act.
69 See s 4(3) of the Municipal Property Rates Act. See s 5(2) of the Municipal Property Rates Act.
70 See Preamble of the MFMA.
71 See s 15 of the MFMA.
72 S 16(1) of the MFMA.
73 S 16(2) of the MFMA.
74 For details, see s 17(1)-(3) of the MFMA.
The budget preparation process is spelt out in section 21 of the MFMA. The mayor of each municipality is responsible for coordinating the process for preparing the annual budget and ensuring that there is alignment between the IDP, the tabled budget and budget-related policies. At least ten months before the start of the budget year, the mayor must table in the municipal council, a time schedule outlining key deadlines for: the preparation, tabling and approval of the annual budget; the review of the IDP and budget-related policies; the tabling and adoption of any amendment to the IDP and budget related policies; and any consultative processes related to the preparation of the budget and IDP. When preparing the annual budget, the mayor of the municipality must: take into account the IDP of the municipality; ensure that the revision of the IDP takes into account realistic revenue and expenditure projections for future years; take into account the national budget, the national government’s fiscal and macro-economic policy, the Annual Division of Revenue Act (passed annually by Parliament) and the relevant provincial budget; and where required, consult with or provide information to other organs of state at the local, provincial and national spheres.

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77 See s 21(1) of the MFMA.

78 See generally s 21(2) of the MFMA.
Immediately after the annual budget has been tabled in a municipal council, the municipal manager must make public the annual budget and other supporting documents and invite the local community “to submit representations in connection with the budget”.79 Printed and electronic formats of the annual budget and supporting documents must also be submitted to the National Treasury, relevant provincial treasury and to any municipality affected by the budget.80 Section 23 of the MFMA requires that when the annual budget has been tabled, the municipal council must consider, inter alia, any views of the local community which made submissions on the budget.81 In the context of local government law, a local community comprises of residents of the municipality, ratepayers of the municipality, Community-Based Organisations/Non-Governmental Organisations, the private sector and any other bodies involved in local affairs within the municipality.82 It is important to note that, after considering all budget submissions, the council must give the mayor an opportunity – (a) to respond to the submissions; and (b) if necessary, to revise the budget and table amendments to the council for consideration by the council.83 Furthermore, the National Treasury has powers to issue guidelines on the manner in which municipal councils should process their annual budgets, including guidelines on the formation of a committee of the council to consider the budget and to hold public hearings.84 However, no guidelines issued in terms of subsection (3) are binding on a municipal council unless adopted by the council.85 At moment, it seems there exist no national guidelines from Treasury stipulating how municipalities should consult local communities in budgeting processes. In general, municipalities still have to resort to the mechanisms, processes and procedures established in the Systems Act.86

79 See s 22(a) of the MFMA.
80 See s 22(b) of the MFMA. This applies to local municipalities in a district municipality.
81 See s 23(1) of the MFMA.
83 See s 23(2) of the MFMA.
84 See s 23(3) of the MFMA.
85 See s 23(4) of the MFMA.
86 See ss 17-21 of the Municipal Systems Act.
The municipal council is required to consider approval of the budget at least thirty days before the start of the budget year.\(^{87}\) The annual budget must be approved by the start of the financial year and this is done when council adopts a resolution approving the annual budget.\(^{88}\) The annual budget is approved, by the council, together with the adoption of resolutions as may be necessary: imposing any municipal tax for the budget year; setting any municipal tariffs for the budget year; approving measurable performance objectives for revenue from each source and for each vote in the budget; approving any changes to the municipality’s IDP; and approving any changes to the municipality’s budget-related policies. Following approval of the annual budget, the accounting officer (municipal manager) submits the budget to the National Treasury and the relevant provincial treasury.\(^{89}\)

From the above discussion, it appears that although public participation in the budgeting process can take place in different phases within the context of the IDP, the most prominent opportunity is during the “notice and comment” phase.\(^{90}\) This occurs where the draft budget is tabled in the council for the first time, together with proposed resolutions for revenue generation measures – proposed increases in taxes, tariffs and surcharges. Following the tabling of the budget, comments are invited from the public through the structures established in terms of the Municipal Structures Act and mechanisms prescribed by the Systems Act and the MFMA. Inputs from the public are

\(^{87}\) S 24(1) MFMA.

\(^{88}\) S 24(2)(a)-(b) of the MFMA.

\(^{89}\) S 24(3) of the NFMA.

used to revise or amend the budget. During the budget adoption phase, there is no direct participation by the public—the municipal council deliberates and adopts the budget with or without amendments although this process is open to the public.\textsuperscript{91}

It is important to note that there are serious consequences where a municipality fails to approve an annual budget and relevant revenue-raising measures to give effect to the annual budget by the first day of the budget year.\textsuperscript{92} This failure triggers a section 139 provincial intervention requiring the executive of that province to intervene\textsuperscript{93} by taking appropriate steps to ensure that: the budget or relevant revenue-raising measures are approved; an administrator is appointed and the municipal council is dissolved until a newly elected council is established; and that a temporary budget and revenue-raising measures are approved to ensure the continued functioning of the municipality.\textsuperscript{94}

Non-compliance with the statutory requirements of the budgeting process is dealt with by section 27 of MFMA. Although the Act makes provision on the process which municipalities should follow when they anticipate the possibility of non-compliance with the generally

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\hspace*{1cm}92 See ss 25 and 26 of the MFMA.

\hspace*{1cm}93 S 139(4) of the Constitution provides that; “If a municipality cannot or does not fulfil an obligation in terms of the Constitution or legislation to approve a budget or any revenue raising measures to give effect to the budget, the relevant provincial executive must intervene by taking any appropriate steps to ensure that the budget or those revenue-raising measures are approved, including dissolving the municipal council and –(a)appointing an administrator until a newly elected Municipal Council has been declared elected; and (b) approving a temporary budget or revenue-raising measures to provide for the continued functioning of the municipality”.

\hspace*{1cm}94 S 26(1) of the MFMA.
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prescribed process, section 27(4) categorically provides that “[N]on-compliance by a municipality with a provision of this Chapter relating to the budget process or a provision in any legislation relating to the approval of a budget-related policy, does not affect the validity of an annual or adjustment budget”. This means that even if the municipality fails to consult the community and improperly adopts a budget, that budget is valid. As the case-law below shows, the implication of this position is that constituent elements of an annual or adjustment budget such as tariffs and property rates remain valid even though they were improperly imposed.

Section 27(1) to (3) reads as follows: “27(1) The mayor of a municipality must, upon becoming aware of any impending non-compliance by the municipality of any provisions of this Act or any other legislation pertaining to the tabling or approval of an annual budget or compulsory consultation processes, inform the MEC for finance in the province, in writing, of such impending non-compliance. (2) If the impending non-compliance pertains to a time provision, except section 16(1), the MEC for finance may, on application by the mayor and on good cause shown, extend any time limit or deadline contained in that provision, provided that no such extension may compromise compliance with section 16(1). A MEC for finance must – (a) exercise the power contained in this subsection in accordance with a prescribed framework; and (b) promptly notify the National Treasury, in writing, of any extensions given in terms of this subsection, together with the name of the municipality and the reasons. (3) The mayor of a municipality must, upon becoming aware of any actual non-compliance by the municipality of a provision of this Chapter, inform the council, the MEC for finance and the National Treasury, in writing, of – (a) such non-compliance; and (b) any remedial or corrective measures the municipality intends to implement to avoid a recurrence.”
Observations regarding legal framework for participatory budgeting

Smith and Leduka have argued that although South Africa is a relative newcomer in the field of citizen participation in municipal budgeting, it has within a short space of time provided a comprehensive and progressive legislative and policy framework for citizens to participate actively in decisions about how resources are raised and allocated within the local government sphere.\(^{96}\) The legal framework largely envisages that PB should take place within IDP processes and that citizens be consulted specifically about the budget once it has already been drawn up.\(^{97}\) Some writers suggest that it difficult for inputs of citizens to have any significant impact on budgetary allocations once a municipality has completed a draft budget.\(^{98}\) However, it is also acknowledged that most communities are unwilling, and lack the skills needed to effectively engage in the intricacies of municipal budgeting.\(^{99}\) Generally, local mechanisms for public participation such as ward committees are largely dysfunctional thereby limiting the potential for any meaningful public participation at the local level.\(^{100}\) An empirical study carried out by Leduka suggests that some municipalities still utilise a top-down rationalistic approach


in drafting municipal budgets\textsuperscript{101} and that communities are consulted merely to satisfy a legal requirements.\textsuperscript{102} Smith submits that:

\textit{Currently one of the fundamental limitations on participatory budgeting in South Africa is that under the current regime of structured public participation in local governance, there is only as much participation as the municipality creates space for.}\textsuperscript{103}

The above extract shows that despite the legal and policy framework for PB, the degree of community participation is questionable.\textsuperscript{104} This state of affairs is attributed to diverse reasons – some of which are listed above. Matsiliza suggests that because the budgeting process is located at the mayor’s office, this could be manipulated through political interference.\textsuperscript{105} For PB to be successful, municipalities have to also invest in capacity building and create conducive spaces for engagement.\textsuperscript{106} Even with the implementation of these measures, it should be acknowledged that participation in budgeting processes cannot always result in consensus.\textsuperscript{107} Often, consensus or mutually-acceptable trade-offs cannot be attained especially when a municipality engages intransigent community members on budget priorities and allocations, for example.

The sections that follow provides an overview of recent-case law in order to illustrate the elusive nature of the right to PB. It lays the foundation for a critical reflection on the nature of the existing legal framework on PB.

\textsuperscript{101} See Leduka (2009) 97-98.
\textsuperscript{102} See Leduka (2009) 97-98.
\textsuperscript{103} Smith (2004) 34. Own emphasis.
\textsuperscript{104} See Leduka (2009) 63, 74-76.
\textsuperscript{105} Matsiliza (2012) 449.
\textsuperscript{106} Smith (2004) 34.
\textsuperscript{107} See Fuo 2015 AHRLJ 190.
The South African Property Owners Association Case

Facts

In *South African Property Owners Association v The Council of the City of Johannesburg*, the main issue that the Supreme Court of Appeal (SCA) had to address was whether the Council of the City of Johannesburg had failed to comply with the statutory requirements for public participation in adopting its property rates policy and the budget for the 2009/2010 financial year. On the 26 of March 2009, the Council resolved to generally increase the rates for property within its jurisdiction by 10% and advertised these rates together with the proposed budget for the 2009/2010 financial year for public comments.108 Before the process of consultation was finalised, the Council realised that even with the approval of the proposed rates, it was facing a projected shortfall of more than 300 million Rands for the 2009/2010 financial year.109 In order to address the shortfall in revenue, on 21 May 2009, the Council of the City reversed its earlier resolution and decided to increase property rates on commercial and business properties by 18% in the 2009/2010 financial year without any meaningful public consultation.110 This decision meant that the rates on business and commercial properties increased from 1,2 cents in the rand to 1,54 cents in the rand instead of 1,32 cents in the rand as envisaged by the decision on 26 March 2009.111

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110 *South African Property Owners Association*, pars 1, 16-32. The detailed background is outlined in paras 16-32.
111 *South African Property Owners Association*, par 1.
The appellants, South African Property Owners Association (SAPOA), approached the South Gauteng High Court to review and set aside or declare null and void the budget of the City of Johannesburg for the 2009/2010 financial year or alternatively the commercial property rates of 1.54 cents in the rand. SAPOA sought this relief on the grounds, inter alia, that: the levying of property rates was an integral part of the budgeting process in terms of local government law and the decision to increase the rates on business properties by an additional 18% required community participation which did not occur. The High Court dismissed the application on the ground, inter alia, that the levying of property rates is not an integral part of the budgeting process and that there was no failure to promote public participation. SAPOA approached the SCA to review and set aside the decision by the Municipal Council (adopted on 21 May 2009) on basis of the principle of legality – that the Municipal Council had failed to comply with the legally prescribed requirements for public participation in municipal budgeting processes.

112 For details of this and the other two arguments raised, see South African Property Owners Association, par 2.
113 South African Property Owners Association, par 3-4.
Decision and ratio decidendi

After a detailed exposition of the statutory framework regulating PB in local government, the SCA held that the levying of rates is an integral part of a municipality’s annual budget process. In addition, the Court found that the Municipality had failed to comply with its obligations to facilitate public participation in relation to the further increase in the rates levied on business and commercial properties. The Court observed that:

The respondents do not dispute SAPOA’s allegations that, after the public participation process had been concluded, the respondents saw fit to introduce fundamental, far-reaching and inappropriate changes to the proposed budget without adequate public participation; that they did so without following the prescribed process, and without properly advising, consulting and considering the views of the local community; that the appellant, because of its role and function as a community organisation, par excellence, was entitled to be notified timeously and be provided with all relevant information regarding the budget and that the appellant was entitled to be provided with a reasonable opportunity to respond to these far-reaching amendments to the budget.

As the extract above indicates, even the Municipality acknowledged its failure to meet its statutory obligations regarding public participation. The Court indicated that in the context of the projected financial shortfall, the preparation and finalisation of the amended budget required the participation of the ratepayers, particularly the ratepayers most likely to be required to make up the shortfall. The Court observed that although the MFMA does not specifically provide for such a situation, it ought to have been dealt with in terms of the provisions of the laws governing the preparation and approval of a budget and any other statutory provisions governing participation by the local community.

114 South African Property Owners Association, pars 6-15 and 32.
115 South African Property Owners Association, pars 33-34, 40 and 80.
116 South African Property Owners Association, par 34.
117 South African Property Owners Association, par 38.
118 South African Property Owners Association, par 38.
In view of the circumstances, Court indicated that the following steps should have been followed by the mayor and municipal council in order to meet the legislative requirements for PB: the budget should have been amended to set out the realistically anticipated revenue from each revenue source and the indicative revenue per revenue source for the two financial years following the budget year; the draft resolutions accompanying the budget and imposing municipal tax (new tariffs) should have been amended to reflect the amended rates; the measurable performance objectives for revenue from each source and the projection of cash flow for the budget year by revenue source, broken down per month, accompanying the budget, should have been amended to reflect the amended rates; the mayor should have provided a statement explaining the necessity for amending the rates, demonstrating the effect the amendment of the rates will have on the budget and indicating aspects of the budget that required comment.119

According to the Court, following amendment of the budget and accompanying documents as well as the statement by the mayor, the accounting officer of the municipality should have made public the amended budget with the amended documents. After making these public, the accounting officer should have invited the local community to submit representations within a reasonable time in connection with the amended budget and accompanying documents and the amended rates proposed.120 In addition, the accounting officer of the municipality ought to have provided these documents to the National Treasury and the relevant provincial treasury. In line with this procedure, the Court indicated that after receiving submissions from the public, the council is required to consider them and then give the mayor an opportunity to respond to the submissions and, if necessary, revise the budget and table the amendments for consideration by the council.121

120 South African Property Owners Association, par 39.
121 South African Property Owners Association, par 39.
The Court indicated that, from a theoretical point of view, an owner of commercial property aggrieved at the rate improperly imposed ought to have a claim for refund. However, the Court pointed out that in the circumstances, such an owner might experience difficulties formulating such a claim. The majority of the Court held that, in the current context, it was fair and equitable not to order the repayment of rates that were not validly imposed. The majority of the Court mostly based its decision on the potential knock-on effect that an order of repayment would have had on successive budgets that the municipality had adopted and implemented. The Court observed that:

Although counsel on behalf of SAPOA persisted in having the rate improperly imposed set aside, he advisedly recognized the difficulties of a court even attempting to set aside the 2009/2010 budget, two budgetary periods thereafter. Successive budgets are based on surpluses or deficits from prior periods. One is built on the outcome of the other. This, in modern language, is called a knock-on effect. The legality of the budgets for the successive periods has not been challenged. Considering the knock-on effect it must be so that any subsequent increase in rates would have owed its genesis to and been premised on the rate presently sought to be impugned.

In line with the practical difficulties highlighted in the above extract, the Court indicated that if the 2009/2010 budget were to be set aside, expenditure on items such as parks and libraries and capital expenditure used to improve infrastructure would have been called into question.

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122 South African Property Owners Association, par 70.
123 South African Property Owners Association, par 70.
124 South African Property Owners Association, par 71.
125 South African Property Owners Association, par 74.
In addition, the majority of the Court held that the Council’s failure to adopt a rate in terms of the applicable legislation to meet the anticipated revenue shortfall did not mean that the prior suggested rate that was first tabled for consultation became the lawful rate by default.\textsuperscript{126} The Court took into consideration the chaotic nature of the property valuation roll and its negative impact on the Municipality’s income generating potential.\textsuperscript{127}

The Court indicated that there was significant undervaluation of some commercial properties in the jurisdiction of the Municipality coupled with huge backlogs in clearing-up the valuation roll. It noted that while some properties were overvalued, the majority were undervalued thereby depriving the municipality of a significant stream of income. The majority reasoned that if the comments and response procedure for the amendment of the budget was followed, it would still not have been possible to clearly identify undervalued properties. Due to these uncertainties, it was impossible to say with exactitude, what the rate on any category of property would have been had the valuation roll been rectified in time and had the statutory requirements for public participation been complied with.\textsuperscript{128}

The Court indicated that, in effect, a rate to deal with the revenue shortfall had not been lawfully adopted at any time by the municipal council.\textsuperscript{129} The Court concluded that the practical and jurisprudential difficulties identified, as well as the effluxion of time, dictates that the budget for the 2009/2010 financial year cannot be set aside. The same applied to the rate in question, which was the principal component of the 2009/2010 budget.\textsuperscript{130} The Court ordered that the Municipality should in future comply with its statutory obligations to promote public participation in its budgeting processes.\textsuperscript{131}

\textsuperscript{126} South African Property Owners Association, pars 68-69.  
\textsuperscript{127} South African Property Owners Association, pars 68-69.  
\textsuperscript{128} South African Property Owners Association, par 68.  
\textsuperscript{129} South African Property Owners Association, pars 68-69.  
\textsuperscript{130} South African Property Owners Association, par 75.  
\textsuperscript{131} South African Property Owners Association, par 80.
THE BORBET CASE

Facts

The applicants in the Borbet Case were five large corporations operating within the jurisdiction of the Nelson Mandela Bay Municipality. They relied heavily on services such as water, electricity and sanitation provided by the respondent for their operations and were ratepayers to the metro.\(^\text{132}\) Based on the facts sketched below, the applicants approached the Port Elizabeth High Court for relief in relation to the 2011/2012 annual budget that was adopted by the Municipal Council of the metro.\(^\text{133}\)

The 4\(^\text{th}\) municipal elections in democratic South Africa took place on 18 May 2011. Due to the schedule of these elections, the National Treasury requested the metro to adopt its annual budget before the scheduled election date or allow the newly elected council to do so. The metro elected to finalise and adopt its budget in the period available after the national elections. However, the municipal budget for 2011/2012 was tabled at a council meeting on the 31 of March 2011. According to the Municipality’s version of facts, before the tabling of the budget on 31 March 2011, there were 16 public consultation meetings across the metro where: “issues raised at the public participation meetings were compared with existing ward priority plans in order to consider whether any issue should be incorporated in the IDP and/or Budget”.\(^\text{134}\) However, due to the need to provide time for election canvassing, the council meeting of 31 March was the last meeting for the outgoing council. After the elections, newly elected councillors were convened for the first time on the 31 of May 2011 for the swearing-in ceremony and the appointment of office-bearers.\(^\text{135}\) During this session, a decision was taken to defer the consideration of the Council budget to the 7 of June 2011.

\(^{132}\) Borbet, para 3.
\(^{133}\) Borbet, para 71.
\(^{134}\) See Borbet, par 53. This sounds more like an enquiry on what communities wanted to be included in the IDP and Annual Budget rather than participation in the drafting of the budget.
\(^{135}\) Borbet, par 35
As a result of the resolution, items relating to Draft Operating and Capital Budgets, property rates, proposed electricity, water and sanitation tariff increases and other charges were deferred to the next council meeting.\(^{136}\) Similar resolutions were adopted deferring the consideration of the budget on the 7, 14 and 21 June 2011.\(^{137}\) The IDP/Budget Task Team reportedly held three consultation sessions with stakeholders on the 8, 10 and 15 of June 2011 and revised the draft budget and IDP in accordance with the Executive Mayor’s “Non-Negotiable Priorities”.\(^{138}\) The Municipal Council met on the 28 of June 2011, considered and adopted the budget as well as related resolutions for raising of revenue – imposing certain tariffs and surcharges.\(^{139}\)

The applicants alleged that the respondent failed to comply with the mandatory requirements for public participation in some respects: Firstly, they argued that the respondents did not devise appropriate mechanisms for public participation in the preparation of the budget and that no consultative meetings took place before the tabling of the municipal budget. It was argued that no public input was obtained in the preparation of the budget.\(^{140}\) Secondly, the applicants argued that after the budget was initially tabled in the Municipal Council, the respondents failed to upload a copy of the tabled budget on its website for comments. Thirdly, the applicants alleged that they, together with the Ratepayers Association, tried on many occasions without any success to communicate with the office of the Mayor in a bid to engage the municipality in

\(^{136}\) See Borbet, par 38.
\(^{137}\) See Borbet, paras 35-42.
\(^{138}\) See Borbet, paras 41-43.
\(^{139}\) See Borbet, par 51.
\(^{140}\) Borbet, par 54.
respect of the budget. The applicants argued that the only significant public consultation processes were those initiated by the Municipality in June of 2011 – shortly before the budget was approved on the 28. As a whole, the applicants submitted that there was no meaningful public participation in the budgeting processes as required by law. The applicants urged the Court to declare the decisions by the Municipal Council, on 28 June 2011, adopting the municipal budget and determining rates, tariffs and surcharges on tariffs for the 2011/2012 financial year to be unlawful and of no force and effect. Alternatively, the applicants asked the Court to suspend the declaration of invalidity for a period of twelve months to enable the Executive Council of the Eastern Cape Province to take such steps as may be necessary to remedy the defects giving rise to the declaration of invalidity.

3.2 Decision and ratio decidendi

After a detailed exposition of the applicable legal framework, the Court held that the municipality had failed to fully comply with its obligations regarding public participation in the budgeting processes. The Court observed that although the Municipality had engaged the public in the planning phases of the budget, it was troubling that the respondent chose to set out only the barest of facts relating to its conduct on so important a matter. The Court expressed disappointment that despite being the primary mechanism for direct public participation in the affairs of local councils, the Municipality said nothing about the role played by ward committees in the budget preparation process. The Court stressed that the paucity of evidence relating to steps taken to comply with its obligations is compounded when it comes to the period after the tabling of the budget.

141 Borbet, par 55.
142 Borbet, para 3.
143 Borbet, para 3.
144 Borbet, paras 8-33, 58-73.
145 Borbet, paras 74 and 80.
146 Borbet, para 74.
The Court noted that although a copy of the budget and supporting documentation was published - after tabling in council - and calls were made for public comment and the submission of representations, the respondents did not address the issue as to whether during that period any submissions were received by the council and what steps, other than the publication of the budget, were taken to engage in consultative public participation.\textsuperscript{147} The Court observed that the Municipality undertook very limited steps to ensure effective public engagement in the period between 31 March when the budget was tabled and 31 May when the council first “considered” the budget. The Court noted that although public meetings in relation to the IDP and the budget were held during this period (between 9 and 12 May 2011), no details about these meetings were provided.\textsuperscript{148} In addition, the Court observed that it was unclear whether the meetings in May 2011 dealt with submissions relating to the tabled budget and whether such submissions were considered by the municipal council. The Court observed that during that period, the Municipality did not identify any particular interest groups and communities nor did it facilitate the establishment of consultative fora to consider submissions made in respect of the tabled budget.\textsuperscript{149} Furthermore, the Municipality failed to provide information on: any mechanisms that were put in place to facilitate public engagement; the resources allocated to facilitate participation; or steps that were taken to build the capacity of communities to participate in the budget process during that period.\textsuperscript{150} The Court further observed that the consultative process initiated after the 31 of May was based on targeted consultations with identified interest groups and stakeholders and did not involve a broad public consultation process in the form of a notice and comment procedure. In addition, the Court observed that the adjustments and amendments to the tabled budget and the amended revenue raising resolutions were not published.\textsuperscript{151} The Court held that the failure to give notice on the proposed amendments and adjustments to the budget was a clear indication of the failure of the municipality to comply with the obligations to ensure public participation.

\textsuperscript{147} Borbet, para 75.
\textsuperscript{148} Borbet, para 75.
\textsuperscript{149} Borbet, para 75.
\textsuperscript{150} Borbet, para 75.
\textsuperscript{151} Borbet, para 77.
The Court stated that:

It is no excuse to say that the municipal council did what it could to enable public participation in the limited time available to it. In my view, the belated efforts to consult, commendable as they may be, cannot mask the fact that there was a failure to comply with the constitutional obligation to take reasonable steps to ensure that local communities participate in the decision-making of the council, particularly in relation to budget preparation. 152

After the above observations, the Court indicated that although all spheres of government are obliged to facilitate public participation in decision-making processes, the nature of the obligation was more extensive and far reaching at the level of municipalities. 153 This expectation was informed inter alia by the country’s historical context and the thinking that, at the local level, the interests of affected communities can more readily be taken into account and promoted in the process of decision-making. 154 The Court indicated that although the municipality has significant leeway in deciding on how to facilitate public participation in its budgeting processes, 155 the measures adopted must meet the requirements of the reasonableness standard. 156 The Court stressed that although the election date was outside the control of the Municipality and that this contributed to the limited time available to the respondents, the determination of an appropriate and effective public participation process, within the constraints of the election, was within the control of the municipal council. 157 The Court lamented the fact that the Council failed to exercise this control which resulted in belated efforts to address shortcomings in the public participation process. 158

152 Borbet, para 79.
153 Borbet, para 72
154 Borbet, para 72
155 See Borbet, paras 58-63, 71. For a general discussion of the Constitutional Court’s jurisprudence on public participation within the context of local government, see Fuo 2015 AHRIJ 179-188.
156 Borbet, paras 64-68.
157 Borbet, para 81.
158 Borbet, para 81.
The Court ruled that:

I am mindful that “significant leeway” must be afforded to the respondent to determine the nature of mechanisms to be employed in encouraging public participation and that its choices in this regard must guide consideration of what is reasonable. *However when consideration is given to the centrality of the budget in all efforts by a municipal council to meet its development obligations and the belated efforts made by the respondent in this instance, I am of the view that the steps taken, objectively considered and viewed in their entirety, did not meet the requirements for effective public participation in the budget process.*

In addition to its finding above, the Court held that the council of the municipality failed to deliberate and decide on the budget that was tabled before it for approval. The Court was of the view that a debate of the budget by the municipal council was supposed to take place after extensive public consultation had occurred in the preparation of the budget and after a notice and comment procedure had been followed. The Court observed that at this stage of the budgeting process, the council, as a representative body, was expected to exercise its executive authority in the process of public deliberation. The Court observed that the requirement that the municipal council should “consider and decide” on the budget seeks to ensure that it is held to account by way of an open and transparent process of deliberation. The Court expressed the view that, based on the resolutions adopted on 31 May 2011 and 7 June 2011 – to defer debate on the budget – the Council did not “consider” the budget for approval during that session. During the sessions, there was no debate about the content of the budget and no vote on the budget was taken as required by section 25(1) of the MFMA.

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159 Borbet, para 82. Own emphasis. 
160 See Borbet, paras 89-92.
The Court highlighted the fact that what was considered was a proposal to defer consideration and approval of the budget and subsequently, the appointment of a Task Team to re-examine budget priorities. Based on the set of events and the minutes of the various council sessions, the Court decided that the Municipal Council did not comply either with s 24(1) or s 25(1) in respect of the approval of the budget.

Despite the above findings, the Court drew from section 27(4) of the MFMA, to hold that the Municipality’s non-compliance with legal requirements for public participation in its budgeting processes, including budget approvals, did not render the approved municipal budget (2011/2012) unlawful or invalid. On this basis, the Court held that the applicants’ attack as to the validity of the budget founded on non-compliance with s 24(1) and 25(1) could not succeed. Drawing from the jurisprudence of the SCA in *South African Property Owners Association* case, the Court considered the knock-on effects of a declaration of invalidity on successive budgets and the significant practical difficulties that could have followed the undoing of parts of the budget or of making provision for claims founded upon an order declaring parts or the whole of the budget invalid. In view of this, the Court expressed the view that it is fair and equitable not to order the Municipality to repay rates that were not validly imposed.

161 Borbet, para 90.
162 Borbet, para 92.
163 Borbet, para 92.
164 Borbet, para 93-95.
165 Borbet, para 94.
166 Borbet, para 107.
The Court’s position was bolstered by the fact that by the time the application was argued, the budgets for 2012/2013 and 2013/2014 years had already been approved. The Court declined from determining whether it is appropriate to grant an order precluding the respondent from instituting claims for recovery against the applicants other than in accordance with the rate determined in the previous budget period. In the view of the Court, such an order would necessarily be determinative of a set of legal issues in dispute that were not fully argued in the application.

**REFLECTIONS ON THE STATUS QUO AND THE WAY FORWARD**

When the legal and policy framework discussed above is juxtaposed with the jurisprudence emanating from the SCA and the Port Elizabeth High Court, there are three lessons that emerge:

Firstly, it is clear that although the right to participatory budgeting is entrenched in local government law, deliberate violations do not affect the legal validity of an adopted municipal budget. A close reading of the jurisprudence of the courts gives the impression that mere attempts by municipal authorities to satisfy facets of the multi-dimensional duty to facilitate public participation in the budgeting process will suffice. According to Justice Goosen, it is only when a municipality has renounced its constitutional duty to facilitate public participation that its purported legislative and policy enactments (such as budgets and tariff policy/bylaw) cease to be valid.

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168 Borbet, para 108.
169 Borbet, para 109.
170 Borbet, para 58-59.
171 Borbet, para 58-59.
The position adopted by both courts is consistent with s 27(4) of the MFMA which expressly provides that the failure of a municipality to comply with the legal requirements for public participation in budgeting processes does not affect the validity of an adopted budget. This provision bolsters the reasoning of the SCA that litigation after the budget has been implemented is merely an academic exercise.\(^{172}\) It is argued that this provision read in conjunction with the jurisprudence of the courts has the potential to dilute the mandatory obligations imposed on municipalities to facilitate public participation in the design and implementation of budgets. Section 27(4) of the MFMA provides sufficient cover for politicians who approach the PB process with preconceived sets of “non-negotiable priorities”. Politicians and council officials who pay lip-service to public participation could easily exploit this provision to undermine mandatory statutory requirements for PB. This thinking is not abstract in a context where decisions are political party-driven.\(^{173}\) As Leduka points out:

In South Africa, the system is more of a political party-driven system than associational. As a result, there is not much pressure on the electoral authority and the ruling party to work and make decisions collaboratively with citizens. Instead, the government has stressed the need for more control over civic institutions”.\(^{174}\)

As the above extract suggest, there is lack of political pressure on local authorities to make budgetary decisions collaboratively with communities. This picture may be troubling given the fact that budgets are political statements that are subject to political capture. As Matsiliza points out, because the budgeting process is led by the mayor's office, this increases the chances of the process being manipulated through political interference.\(^{175}\) This claim finds support in the *Borbet* case where the Mayor approached the budgeting process with predetermined priorities that were “non-negotiable”.\(^{176}\)

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\(^{172}\) *South African Property Owners Association*, par 75.


\(^{174}\) Leduka (2009) at 74. See also 75-76.

\(^{175}\) Matsiliza (2012) 449.

\(^{176}\) See Borbet, paras 41-43.
This suggest that communities cannot make significant contributions to priorities and budgetary allocations which have already been envisaged as “non-negotiables”. Even where community inputs are not taken into account, courts will generally be satisfied once the executive complies with the procedural and formal requirements for participation in the budget process in line with the “reasonableness” standard.¹⁷⁷

Secondly, the decisions of the SCA and Port Elizabeth High Court in effect mean that where municipalities improperly impose rates and taxes in annual or adjustment budgets without meeting the prescribed legal requirements for public participation, community members can only be entitled to a declaratory order of non-compliance from courts. According to the SCA, litigation after the budget has been adopted and implemented is merely an academic exercise.¹⁷⁸ It is submitted that mere declaratory orders are not always sufficient to discourage non-compliance by municipal officials with the mandatory requirements for public participation.

The above paragraphs demonstrate that, the capture of budget processes by politicians, the absence of political pressure from the ruling party, the limits of declaratory court orders and the legal effect of s 27(4) of the MFMA may promote non-compliance with mandatory legal requirements for public participation - mindful of the almost inconsequential effects of non-compliance. From this perspective, it may appear that the local government legal framework for PB creates an elusive right to public participation.

The above notwithstanding, all is not lost. In order to minimise the elusiveness of judicially enforcing compliance with prescribed legal requirements for public participation, there is need for communities to be more alert and timeously challenge non-compliance before municipal budgets are implemented.¹⁷⁹

¹⁷⁸ South African Property Owners Association, par 75.

This requires that, where efforts by communities to secure meaningful participation in budgetary processes is ignored by a municipality, such communities should approach a competent court for a mandatory or structural interdict on an urgent basis in order to compel compliance with legal obligations regarding public participation.179 This route was recognised and encouraged by the majority of the SCA in the case of South African Property Owners Association. 180 This is the third lesson that emerges from the case-law – a way forward provided by the SCA to its own rhetorical question:

Does this mean the Council can continue flagrantly flouting the law with impunity? The short answer based on the principle of legality is no…. If it becomes clear that the Council intends to continue denying its constituent ratepayers meaningful participation in the budgetary process and that it is resorting to irrational means in the process of determining rates a timeous application to court might well result in a proposed budget or even an adopted one being set aside. It is not inconceivable given the history that offending officials could be ordered to pay litigation costs personally.181

By applying for structural interdicts, communities enable courts to play a supervisory role in ensuring that municipalities comply with the formal and procedural requirements for public participation in budget processes. Although this approach has the potential to bring to life the right of community members to participate in municipal budgeting processes, their participation may not necessarily lead to any substantive redirection of priorities and allocations in a budget. This potential solution requires extra-ordinary vigilance of the part of communities and resources needed to engage in litigation.

180 South African Property Owners Association, par 79.
181 South African Property Owners Association, par 79.
Although municipalities are ultimately responsible for final decisions on budgetary matters, it is important that critical stakeholders such as tax payers/community residents be given real opportunities to influence budgetary decisions. Due to the fact that they generally remain the main source of council revenue and are the main beneficiaries of services provided by local authorities, tax payers should be given a co-decision making role on how taxes are generated and on how generated revenue is allocated at the local level. The paying of lip-service to constitutional, legislative and policy commitments on PB side-lines communities from local governance and helps to alienate them from local authorities.

This article demonstrates that although the right to PB is protected by local government law and policy, there are obstacles to the effective enjoyment of that right. A review of case-law demonstrates that local government officials do not always comply with their statutory obligation to facilitate community participation in the budgeting process. This often leads to the improper imposition of property rates and taxes on community members who are obliged to live by such decisions once municipalities have implemented the budget for the financial year. Non-compliance with legal requirements for PB is attributed to diverse reasons including the tendency of local politicians to manipulate the budgetary process. It is was argued that the tendency not to comply with mandatory PB requirements may be emboldened by s 27(4) of the MFMA which expressly provides that non-compliance does not affect the validity of an adopted budget. It is submitted that where section 27(4) of the MFMA is abused by municipal officials, this could lead to the sideling of the real interests of communities in local budgets. This article argues that the most viable option available for communities to compel municipalities to comply with their statutory obligations regarding PB is to timeously apply to courts for mandatory or structural interdicts when they become aware that local authorities are unwilling to create space for engagement. In this manner, courts can play an oversight role in ensuring that the requirements for public participation in budgetary processes are complied with.
Abstract:

The paper addresses the role of cooperation between secular and Islamist opposition forces within the context of the January 25 Egyptian revolution and subsequent transitional periods. Key to Egypt’s revolution and/or transitions was an alliance between secular and Islamist opposition forces against the Mubarak regime. Liberal and leftist movements joined forces with the Muslim Brotherhood during the years and days leading up to the January 25th revolution. However, the relationship between these factions was soon strained by intergroup dynamics and civil strife.

Secular and Islamist (primarily the Muslim Brotherhood) revolutionaries soon found themselves working against one another due to betrayal and an inability to compromise on the ideological aims of the revolution. Since the ouster of President Mohamed Morsi, and the current regime’s crackdown on both secular and Islamist elements of opposition, Egyptian secular revolutionaries and the Brotherhood once again found themselves facing authoritarian retrenchment, but with the inability to collaborate.

This paper explores and deconstructs the factors that led to the erosion of collaboration between liberal and leftist factions and the Muslim Brotherhood in Egypt. By examining these relationships through the lens of agnostic pluralism and loyal opposition, we explore the factors of military involvement and intergroup dynamics between secular and Islamist opposition forces that led to the absence of an expected democratic transition in Egypt.

**Keywords:** Secularism; Muslim Brotherhood; Islamists; Political Islam; January 25; Egyptian Revolution; Arab Uprisings; Coalitions; Political Opposition; Transition; Agonistic Pluralism; Democratization; Authoritarianism
Introduction

The success of the Egyptian revolutions in toppling Hosni Mubarak is often attributed to the fact that protesters in the streets of Cairo were from all walks of life. The uprising was sparked and initially dominated by a diverse group of seculars citizens such as the working class, doctors, lawyers, ardent soccer fans, and women’s rights groups, seculars who identified as anything from liberals, to progressives, to social democrats, to communists. Eventually these secular revolutionaries were joined by political Islamists, most notably Egypt’s Muslim Brotherhood.

The inclusion of Islamists was challenging for the country’s revolutionary movement. Egypt had long been under the rule of draconian despots, who justified their authoritarian tactics on the basis that the only alternative to their rule was a political Islam that would breed radicalism. As such, the Muslim Brotherhood has long been banned from political life. Although the two groups collaborated prior to the 2011 revolution in Egypt, secular opposition has traditionally been reluctant to cooperate with the Muslim Brotherhood, not because of a fear of radicalism but because they believed political Islamists did not sincerely support a democratic, civilian form of government. Many analysts and politically active citizens feared that Political Islamists parties such as Egypt’s Muslim Brotherhood’s operated under the perspective that democracy was the ballot box, a means of applying a one-vote one time mentality to attain their own version of authoritarian rule (Roy 1994).

In this paper, we aim to deconstruct and assess the risks and constraints associated with the Egyptian Muslim Brotherhood’s attempts at formulating relations with secularist political partners and vice versa. These factors are examined from the lens of agnostic pluralism and loyal opposition, we also explore the factors of military involvement, sociopolitical opposition identities, and intergroup dynamics between secular and islamist oppositions. What we aim to prove is that these factors contributed to the failure of democratic transition.
As such, today’s Egypt remains highly polarized, with secular opposition parties finding themselves caught between the binaries of the military regime and the banned Muslim Brotherhood.

For the purposes of this paper, dynamics refers to the way secular and Islamist opposition parties interacted with one another, the modes of cooperation employed, and level of commitment to working together toward a common goal. We have additionally assumed that readers are familiar with the chronological events of Egypt’s revolution. Moreover, we have identified seculars and Islamists in this paper not as actors significantly involved in revolutionary and transitional Egypt, this extends to revolutionaries, activists, political party members, and politicians and does not include members of the citizenry who supported these groups by way of voting or political inclination. The term Islamists in this paper extends to Egypt’s Muslim Brotherhood. Lastly, although paper addresses the relationship between seculars and Islamists, background analysis on the origins, relation to the state, and history is tilted in favor of the Muslim Brotherhood as they were the Islamist party who came to power following the revolution.

Egypt before Tahrir:

We wish to deconstruct the movement of the Muslim Brotherhood first to present our scope of analysis. Technically, the Brotherhood was an illegal party whose leadership, meetings, and operations were highly secretive. However, Wickham’s twenty years of studying the Brotherhood highlights that internal politics were ongoing. The Brotherhood was active throughout the Sadat and Mubarak regimes and worked within a dynamic of self-imposed, but also dictatorship-approved, lines of operation. For instance, the Brotherhood continuously had representatives in the People’s Assembly and came to dominate the majority of professional syndicates in Egypt (doctors and lawyers). Thus, it knew the internal dynamics of, and maintained a working relationship with, the deep state. Wickham cites that the Brotherhood adopted a policy of what she annotates as “pragmatic self-restraint” (Wickham 2011, 211). For instance, she mentions that in the last decade of elections leading up to the revolution, the
Brotherhood fielded candidates in some districts and not all “as not to achieve too great a margin of electoral victory that might spook the regime and the Brotherhood’s critics in Egyptian society at large”. (Wickham 2011, 211) This understanding characterized the politics of the Brotherhood’s traditional leadership, known as the da’wa. While the Muslim Brotherhood was “dictatorship-approved” for a sliver of the political pie, Egypt’s secular opposition parties were historically co-opted and forced to fall in line with the regime and a nationalist agenda. As a result, truly secular parties which opposed the regime have been historically weak and unable to garner legitimate support. As previously noted, analysis, of the history of Egypt’s liberal opposition movements and their interaction with the Egyptian regime is beyond the scope of this paper.

Thus, Egyptian secular and Islamist opposition forces had, for the most part, fought their mutual enemy on different battlefields, through different techniques. Using the framework of post-democratization theory, one can say that the Brotherhood was a form of “loyal opposition” which never admittedly wanted to change the regime and was de facto involved within the Egyptian political sphere, whether because of fear of crackdown or other factors implicitly accepting the authoritarian nature of the system. (Albert 2005). This form of loyalty exacerbated under Morsi’s attempt to fill the state bureaucracy with Brotherhood supporters (Physician’s Syndicate, Judiciary) rather than redefine new institutions of the state.

However, in 2002, an anti-Iraq War conference brought together “ideologically opposed groups that had traditionally squabbled” (Cambanis 2015). Bridges were formed between secular and Islamist youth, who commiserated over their mutual disdain for Mubarak’s police state. The first decade of the new millennium saw these dissidents attend one another’s demonstrations with the older elite following as secular and Islamist opposition currents joined forces to speak out against Mubarak’s plans to hand power over to his son. Eventually the group’s activities precipitated into Kifaya™ (Enough), one of Egypt’s first, truly pluralistic opposition groups (Wickham 2011, 209). It is worth noting that Kifaya included the Wasat
party, which defined itself as “a civil party with an Islamic frame of reference”. The Wasat party came after “a group of reformists, led by Abu Ayla Madi Abu Ayla, broke away from the Brotherhood to form a new group of their own.” (Wickham 2011, 208). We highlight this point because it is key to our analysis on how dynamics within the Brotherhood also dictated its mode of action and political choices.

Seculars and Islamists opposition forces cemented their bond following the presidential and parliamentary elections of 2005, which were opened up to include legitimate challengers. Ayman Nour, prominent lawyer and secular opposition figure, was punished for winning eight percent of the presidential vote with time in prison on trumped up charges of forging signatures for his party’s legal status (Brabant 2005). A few months later, Muslim Brothers winning seats in parliament while running as independents were subject to violence and jail time. The shared experience of oppression in spite of seeking an institutionalized change from within the system, resulted in documented friendships and alliances (Abdelrahman 2009). Secular lawyers defended detained Muslim Brothers and connections were established between the leftist Revolutionary Socialists and the Muslim Brotherhood.

The established secular-Islamist alliance now held more weight when it came to rallying the masses in what had once been poorly attended demonstrations. In 2008, the alliance provided its support to a textile workers strike in Mahalla. Young secular activists known as the April 6 Youth movement strengthened the demonstration with blogs, social, and independent media. While the Muslim Brotherhood did not officially support the strike, it did not prevent its members and activists from lending their efforts to its cause—which has usually been the case for Brotherhood (Beinin and Lockman 1987). Unlike previous worker’s strikes, demonstrators displayed a new political savvy; they won physical run-ins with the police and support from the Egyptian citizenry as the state’s violent response was widely circulated on social media (Ibrahim, Ahram Online 2012). Many regarded the 2008 strikes as the precursor to the uprising that brought down Mubarak.
Thus, when Alexandria police beat an innocent young man, Khaled Said, to death, the overwhelming resentment in response was not much of a surprise. Internet savvy youth responded with the Facebook page known as “We Are All Khaled Said” which drew a pluralistic group of thousands hailing from Kifaya, to Nobel laureate and prominent secular opposition figure, Mohamed ElBaradei’s campaign, to Muslim Brotherhood youth (El Tantawy and Wiest 2011). ElBaradei quickly followed these events with a petition demanding reforms within the realm of emergency law and elections procedures ahead of the 2011 presidential and parliamentary elections. The petition was signed by one million people and included the official cooperation of the Muslim Brotherhood which claimed 21,000 signatures (Magd 2010).

Months later, this alliance transformed into a movement occupying Tahrir Square calling for the fall of Hosni Mubarak’s regime. Prominent activist and later founder of the Kazeboon (Liars) movement, Dr. Sally Toma in an interview conducted by the authors explained that much of the initial cooperation during the revolution could be attributed to connections formed among youth from both camps. Yet, it is important to note that the Brotherhood, a hierarchical top down organization, permitted its youth to join demonstrations only after January 28 2011, the day when protesters in the square were already joined by thousands.

Toma explained that members of the secular opposition were weary of the inclusion of the Muslim Brotherhood as an organization as there was a general perception that the Brotherhood had its eye on parliamentary elections. Such preoccupation with elections represented a prioritization of coming to and possibly consolidating power, instead of working with secular partners the aims of Egypt’s revolution by first drafting a constitution or forming a coalition government. Nonetheless, the tenuous alliance continued and succeeded in toppling Mubarak.
On February 11, 2011, former director of Egypt’s intelligence program and last-minute appointed Vice President, Omar Suleiman, announced that Hosni Mubarak would be resigning and that the Supreme Council of the Armed Forces (SCAF) would step in as Egypt’s interim government. The immediate entry of the military within Egypt’s fresh political vacuum was problematic as its ranks were not part of the secular-Islamist alliance that overthrew Mubarak. Egypt’s armed forces also purported itself to be a neutral caretaker for democratic transition, when in fact it has always enjoyed a special status within the Egyptian deep state as a force above the political fray, one which exercises supremacy over its citizens (Marshall and Stacher 2015). This status has absolved it of responsibility to publish its budget, dominate the Egyptian economy through construction contracts, and employ patronage to place its retired generals in positions they are unqualified for (Abul-Magd 2012). The military was also at odds with Mubarak’s efforts to favor presidential and police power over that of their own and establish a republican monarchy by handing power down to his son, Gamal. As a result of such conditions, scholars have deduced that the military’s intervention following the Egyptian revolution was much less about overseeing a transitional period as a neutral broker of power, and rather about protecting its interests (Salem 2013).

Cleavages in the secular-Islamist alliance started to emerge as the first post-revolutionary debate was marked by secular opposition calling for the drafting of a new constitution before holding elections, while Brotherhood members pushed for parliamentary elections first, knowing that their victory would be secured. It is interesting to look at the demands within a scope that characterizes the political loyalty of the Brotherhood to co-opt or “inherit” the system as is, verses an opposition that intended to change the rules of the game. Secular currents began to attack the Muslim Brotherhood as counterrevolutionaries while the Brotherhood pointed a finger back at seculars they believed “represented a minority of Egyptians” (Mavelli 2014). This is important to relate to the above point on the Brotherhood’s acknowledgement that the secular opposition does not pose a threat to their power. Nonetheless, the Brotherhood still vowed not to “run a candidate for the presidential officer” (Wickham 2011, 215)
The inclusion-moderation theory concludes that “increased political participation in consensual institutions, whether with the regime or with other opposition parties, leads to moderation of the Islamist position regarding the nature of the state and the extent of liberal rights. Thus, through continued interaction with other political actors, Islamists learn to moderate and become socialized into the mechanics of compromise and bargaining, the very foundation of the liberal-democratic game” (Merone 2013, 864). However, Cavatorta and Merone propose a new analytical paradigm for their work on Ennada (the most prominent Islamist party in Tunisia, which leading up to its revolution, was forcefully effaced from Tunisian politics). They argue that moderation through inclusion “does not apply given the almost relentless state repression and widespread social rejection [Ennahda] faced over the last four decades.” Within the limits of this paper, we will not delve into the theory. However, what is posited is that this type of exclusionary politics “pushed Ennahda to accept at all levels the necessity of democracy and allow it to strategically form alliances with equally repressed secular political forces in the name of change” (Merone 2013, 870). If we were to place the Brotherhood within the spectrum of inclusion-exclusion, we can argue that the group behavior applies to neither of these theories as they were never outright excluded or included in Egypt’s politics. The fact that they fall somewhere in-between both of these theories is likely, in part, a reason for their inability to moderate their politics to a point that would have allowed them to form strategic alliances key to further moderation and staying in power.

In late 2011, Egyptians headed to the polls in a parliamentary election supervised by SCAF that Islamists were poised to win. By this time the relationship between secular revolutionaries and members of the Muslim Brotherhood in particular had been strained and almost fully damaged by disagreements over whether or not a constitution should precede parliamentary elections and the events of the Mohamed Mahmoud protests, where the Muslim Brotherhood’s organizational response to the deaths of secular protesters, at the hands of security forces, was condemnation of demonstrators. The relationship took a turn for the worse however, when rumors and situations leading up to parliamentary elections and continuing through Mohamed Morsi’s presidency, suggested that a political agreement had been made between SCAF and the
Muslim Brotherhood. Wael Eskandar, an Egypt-based political analyst, expanded on this in early 2013 when he wrote that “while some Brotherhood positions after the 2011 uprising could be construed merely as alignment with the SCAF, there is a widespread perception that the group’s actions were driven by covert agreements with Egypt’s military rulers.”

Eskandar explained the context surrounding the questions circling the Muslim Brotherhood’s true allegiances leading up to parliamentary elections and continuing through Mohamed Morsi’s presidency. Shortly after Mubarak’s removal, the Brotherhood used “religious rhetoric” to advocate for SCAF’s constitutional amendments to the March 2011 referendum drafted by a committee which SCAF had surprisingly appointed Islamist-leaning figures to join. Besides the evidence of a deal stemming from Brotherhood silence on SCAF-sponsored violence it had also flip-flopped on its previously revolutionary demands. It was thus believed that the Brother’s had only joined secular opposition for their own benefit, seeking to protect their power in parliament.

The Brothers also seemed much more interested in fast tracking to parliamentary elections they were set to win as the first step of Egypt’s transition as opposed to precluding the process with the drafting of a new constitution. Throughout 2011, Egypt’s once-revolutionary Islamists boycotted protests aligned with the aims of the 2011 uprising such as calling for an end to military trials, accountability and retribution for deaths during the 18 days of the January 25 revolution, and justice for members of the Mubarak regime for acts of corruption. In July of 2011, the Brothers boycotted a sit-in calling for bringing Mubarak and security forces responsible for the death of protesters during the January revolution, but followed up 20 days later with protests of their own on the “Friday of Unity” which were dominated by Islamist groups, calling for an Islamic state and support for the army simultaneously (Ibrahim and Shukrallah, Ahram Online 2011). In return, SCAF seemed to have turned a “blind eye” to the group’s illegal status, allowing it to form political parties. In December 2012, the Brother’s supported a constitution that granted unchecked powers to the military, a concept they had joined outraged revolutionary factions to protest when former Prime Minister Ali Al Selmi suggested it a year prior.
A deal between the Muslim Brotherhood and the powers that be would not be an aberration. Prominent intellectual and liberal opposition author, Alaa Aswani explained with rhetorical questions in a 2011 article:

“Why did they [the Muslim Brotherhood] make an alliance with Ismail Sidki, ‘the butcher of the people’, and support King Farouk, shouting ‘God is with the king’? Why did they support [former President Gamal] Abdel Nasser when he put an end to the democratic experiment and abolished political parties, while their own organization was exempted from the abolition? Why did their leader say in 2005 that he supported Hosni Mubarak?”

Such suspicions based on context clues were later substantiated with multiple reports. Eskandar writes that as early as February 2011, a statement by then-spokesman Mahmoud Ghozlan, indicated that members of the Brotherhood’s Guidance Bureau met secretly with then-Vice President Omar Sulieman to secure an agreement that would clear Tahrir Square of protesters. A 2012 article in Reuters confirmed that the Brotherhood had negotiated the 2012 election results (Awad 2012), while an article in Egyptian daily Al Dostor Al Asli leaked the terms of an alleged deal whereby the Brotherhood’s regime would guarantee “safe exit of SCAF personnel and support a candidate acceptable to both powers in exchange for sharing power in the government.”

Author, Joshua Stacher, described the details of this power sharing agreement in April 2013, explaining that it allowed the military to:

“…remain a dominant force with only the most minimal levels of accountability to any elected presidents or parliament (irrespective of the political force from which they emerge). In particular, the military expands its control over its functions through the new National Defense Council, experiences no civilian budgetary oversight, has the ability to employ military trials against civilians, and is guaranteed its substantial economic holdings.”
Political Science Professor at the American University in Cairo, Ashraf El Sherif also noted the agreement, explaining that the Muslim Brotherhood had accepted conditions that allowed SCAF to maintain control over major issues such as “foreign policy, strategy decisions, top economic policies and interests.” Supreme Guide Khairat El Shater later told the Wall Street Journal that SCAF’s promises to share power “were not fulfilled.”

**Extra-Institutional Channels of Opposition:**

Morsi’s Brotherhood occupied the executive and the legislative branches of government and passed several legislations that increased the role of Al-Azhar, SCAF, as well as the executive powers of the president. We presented the above moves in detail to highlight that the secular opposition was ostracized from the political framework, barring it from institutional opposition. As such, the only available route for secular opposition was extra-institutional channels, which meant *Tamarod*’s petition and call for mass protests.

Protests harnessing Egyptian’s discontent with the Muslim Brotherhood spread across the country in 2013. In January, 50 were killed in violent protests associated with the second anniversary of the revolution and Morsi’s Islamist policies. Demonstrations continued throughout the year and seemed to peak in June 2013 when Morsi appointed Islamist allies as regional leaders in 13 of Egypt's 27 governorships. The army’s reactions to these mobilizations not only pointed to its pact with the Brotherhood, but raised speculation of the possibility of its future intervention. According to the Egyptian press, SCAF had been meeting without Morsi’s presence as it “issued ambiguous statements about intervention and then posts messages on social media sites to combat rumors.” It also seemed disinterested in outwardly supporting the Brotherhood in the face of increasing instability. Following the “lawlessness” that gripped the country after the controversial Port Said verdict, then-defense minister Abdel
Fattah El-Sisi warned that continued civil strife could lead to the “collapse of the state,” a comment that insinuates the military’s eventual obligation to intervene (Stacher 2013).

According to Stacher, the power sharing agreement was never about either partner’s interest in the genuine demand of protesters. It was SCAF who ejected Mubarak and embarked upon a 17-month transition meant to preserve its status within the deep state. The Egyptian bureaucracy’s continuity was cemented, and this meant that whoever was to be elected would be forced to “compromise with the bureaucracy rather than break with it and work toward the demands of the protesters.” In this case, the Muslim Brotherhood had been elected, and they would have to compromise with armed forces’ status with respect to this bureaucracy. But Morsi had exacerbated tenuous military support in the face of mass protests, when he challenged the terms of this agreement with “early battles with Field Marshall Tantawi, collisions with the judiciary, and a draconian constitutional declaration.”

Thus in response to the civil strife rooted in revolutionary demands plaguing Egypt in 2013, there were only ever two options. Either the pact was to remain as it was and the government withstand mass mobilization, or that the mobilization would swell and force the military’s hand to intervene. But Stacher explains that even option one was unrealistic, as the belief that the two could work together to outlast protests was “a recipe for fragmentation of a political order,” and “is caused by the fact that Egypt’s political and military elites would rather sacrifice their whole hand than capitulate to citizens demanding more freedom, economic growth, and social equality.”

As Egyptian masses heeded the call to mobilization, a new alliance was formed. Secular organizations and figures such as April 6 Youth Movement and Mohamed ElBaradei sided with the same military they had cursed the Brotherhood for siding with, and endorsed Morsi’s removal by then-defense minister Abdel-Fattah El-Sisi on July 3 2013.
Brotherhood supporters accused their former revolutionary partners of the same betrayal they had allegedly committed following the revolution, as they had joined forces with the enemy, or the army, to end the rule of a freely elected government.

Had a positive dynamic characterized by working together toward the goal of achieving the aims of Egypt’s revolution existed in Egypt, perhaps the Muslim Brotherhood would have been open to negotiations and subsequent resignation, the way the Troika later was in Tunisia. The military however, had wedged itself between the two. A majority of secular opposition currents supported its ouster of Morsi, and a slightly smaller one continued to endorse it when security forces forcibly cleared Pro-Morsi protests in Cairo’s Rabaa Adawiya square, killing between 600 and 2600 civilians (Mavelli 2014).

The nascent, military-backed government of ‘Adly Mansour continued cracking down on the Muslim Brotherhood, eventually extending its repression to secular opposition under the auspice of President Abdel-Fattah El-Sisi. As the former general becomes increasingly more authoritarian, secular and Islamism opposition find themselves once again facing the same enemy, but with what seems to be an impenetrable barrier for cooperation. As seen on January 25 2014, secular opposition demonstrations are often co-opted by Muslim Brothers arriving with Rabaa signs, signifying the massacre taking place in Rabaa Adawiya, with the two former revolutionary friends clashing with one another (Toma 2015).

In this analysis on the Brotherhood, we wish to draw two important analytical frameworks that halted the democratization process. Throughout the turmoil, the Brotherhood did not agree to play within the institutional framework. The Brotherhood dominated the legislative and the executive, removing any institutional framework for the opposition to address their grievances. This authoritarian practice of politics in Egypt was clear from the beginning when in November 2012 “the liberal and leftist members left the Constituent Assembly [which was drafting the constitution] denounced the imposition of criteria from the Islamist majority” yet
the Brotherhood continued and approved the constitutional project by November 30 (Szmolka 2014, 86). Thus, there was never a period in the transition where

Radical differences among secular and Islamist parties were institutionalized. Mouffe terms this institutionalization as agonistic pluralism. Establishing agonistic pluralism is key to avoiding an environment of consensus, where such radical differences are not resolved and opinions are disregarded with “derogatory labels.”

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55. From Fez to Timbuktu: The Journeys and Struggles of Fundamentalism and Tolerant Sufi Islam

Fatima Hadji, Ph.D and Kamissa Camara

“...the real dynamic of terror lies in the telling of the story itself.”

BACKGROUND

The practice of Islam has always been part of the fabric of society in the Middle East and North Africa (MENA) region. However, Islam in sub-Saharan Africa “took on a national identity, delaying the spread of the various Salafist wings in the Sahel and contributing to an edgy relationship with traditional Islamist symbols and institutions in African society.” Yet, in both North and sub-Saharan Africa, Islam has mainly been characterized by a peaceful nature, as inspired by a common and unique Sufi-Maliki orientation.

2 http://studies.aljazeera.net/en/reports/2012/07/20127177719710292.html
3 “The Maliki school derives from the work of Imam Malik. It differs from the three other schools of law most notably in the sources it uses for derivation of rulings. All four schools use the Qur'an as primary source, followed by the sunnah of the prophet Muhammad transmitted as hadith (sayings), ijma (consensus of the scholars or Muslims) and Qiyas (analogy); the Maliki school, in addition, uses the practice of the people of Medina (amal ahl al-medina) as a source. This source, according to Malik, sometimes supersedes hadith, because the practice of the people of Medina was considered "living sunnah," in as much as the Prophet migrated there, lived there and died there, and most of his companions lived there during his life and after his death. The result is a much more limited reliance upon hadith than is found in other schools. Source” http://www.islamawareness.net/Madhab/Maliki/maliki.html
From the early eighth to the thirteenth century, North African traders were major actors in introducing Islam into West Africa.⁴ The Sahel region was an intense point of contact between North Africa and communities south of the Sahara and the introduction of Islam into sub-Saharan Africa facilitated long distance trade. Islam offered useful sets of tools for merchants including contract law, credit, and information networks⁵. As such, the fusion of trade, spirituality and Arabic literacy facilitated the expansion of Islam into West Africa.

The special relationship between Morocco and Mali started from the 11th century onward when the fabled city of Timbuktu (northern Mali) became an important trade center. Goods such as salt and books coming from the Maghreb (Algeria, Morocco and Libya) were traded in Timbuktu for gold. The prosperity of the city attracted Muslim scholars and merchants, making Timbuktu a city of wealth but also a center of excellence for the study of Islam. Timbuktu flourished as a result of its strategic position as the geographical, cultural and trade nexus between North and sub-Saharan Africa.⁶

History took a dramatic turn when in 2012, in the midst of a separatist rebellion in northern Mali, Salafi-Jihadist groups destroyed tombs and other cultural and religious monuments in the city of Timbuktu, northern Mali.⁷ Ansar Dine, a radical group with alleged links to Al-Qaeda and the Algerian terrorist group Al-Mourabitoun tore down centuries-old mausoleums of Muslim holy men in Timbuktu, deeming the veneration of Sufi saints as idolatry, according to the puritanical strain of Islam it adhered to. From then on, the cultural, societal and ideological divide between Salafi or Wahhabi and Sufi

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⁴ http://spice.fsi.stanford.edu/docs/the_spread_of_islam_in_west_africa_containment_mixing_and_reform_from_the_eighth_to_the_twentieth_century
⁵ http://www.timbuktuheritage.org/timhistory.html
⁶ http://www.timbuktuheritage.org/timhistory.html
Islam became very apparent in Mali. By extension, this divide threatens the political stability enjoyed by ideologically similar countries such as Morocco. More importantly, that divide between fundamentalism and Sufi Islam highlighted the struggle for power and legitimacy between both currents, in the battlefield against terrorism, in both North Africa and the Sahel region.

In Bamako, the proliferation of schools and madrassas financed by Saudi Arabia has also been testament to the struggle between different Islamic currents through education. It is currently unknown how much influence or even how many schools have been built by the fundamentalist hard-line and Saudi preachers whose presence has only been recently noticeable in Mali. This worrying situation has prompted Mali and Morocco to sign an agreement to bring 500 Malian imams to Morocco for religious training. This initiative aims to serve as a bulwark against Salafist and Wahhabi sensibilities that have gradually supplanted the more quietist Sufi influence in Mali and across North Africa. In November 2013, Morocco and Mali reached a religious affairs accord in which their respective religious affairs ministries agreed to cooperate on Maliki jurisprudence and interpretation in order to promote moderation and fight hard-line ideologies.

Given Algeria’s growing strategic role in the political stability and security of the Sahel region, it seems that Morocco has found its niche as a regional religious mediator. Morocco’s historical ties with Mali have positioned it as a partner that understands Mali’s religious culture and identity. Morocco’s involvement in Mali’s “religious stabilization” stands to be tested. Therefore, is the promotion of Sufism enough to counter Salafism and its violent Jihadism?

This paper will comparatively explore the bases of Sufi and Salafi Islam in Morocco and Mali, while dissecting the meaning and practices of both traditions in both countries. The paper will also analyze how the different and sometimes conflicting definitions of Jihad – as it pertains to Sufism and Salafism - draw influence from and directly influence the spheres of identity and security in both Mali and Morocco.

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8 Madrassas is an Arabic word for Islamic schools and Quranic instructions.
ISLAM IN MOROCCO AND MALI: COMPARISONS AND DIFFERENCES IN ISLAMIC TRADITION

There has been a plethora of research and literature on Islamism and Islamists movements over the last four decades. Islam and Islamic traditions around the world have been well-documented by scholars such as Malika Zeghal, Mohamed Tozy, Ahmed Darif, and other scholars alike.10

Islam in both Morocco and Mali has pluralistic realities. The term “Moroccan Islam” was first employed by French scholars to describe the cultural interpretations and the religious practices of the Moroccan society.11 Ethnographic studies on Islam in Mali also serve to refine the understanding of the way Muslims who belong to various currents of Islam respect one another and manage differences without succumbing to violence. In general, Morocco and Mali embrace a religion that is constituted by “an Islam that combines the conservative Maliki school of Islam typical of Morocco with Sufi mysticism.”12 Alfred Bel noted that Moroccans have “une mentalite croyante-believer mentality.”13

Islam in Mali is different in that practiced in Morocco as it has absorbed mystical elements, ancestor veneration and African traditional religions such as animism. Many aspects of Malian traditional society encourage norms consistent with democratic citizenship, including tolerance, trust, pluralism, separation of powers and accountability of the leader to the governed. In Mali, relations between the Muslim majority and the Christian and other religious

11 The concept “Moroccan Islam” is noted in Edward Michaux-Bellaire, Eugene Aubin and Edmond Doutte; and later on Mohamed Tozy work.
13 A. Bel noted in Edmund Burke, France and the Invention of Moroccan Islam. The Ethnographic State (University of California Press, 2014).
minorities have remained quite stable over the centuries and no major case of instability or tension has been reported in the past. It is relatively common to find adherents of a variety of faiths within the same family. Many followers of one religion usually attend religious ceremonies of other religions, especially weddings, baptisms, and funerals.

Despite the difference noted above, many scholars argue that religious practices in both Morocco and Mali have always centered on the concept of Sherifism—that is lineage to the prophet Muhammad. During colonization (late 19th century until 1960’s), French scholars differentiated between rural Islam and urban Islam. In their view, rural Islam was that of saints, shrines and sheikhs—that is an Islam of Sufi orders-- or what is called in Arabic “zawiya”. Sherifism provided legitimacy and sacredness to the Sufi sheikhs—called in French “marabouts” and granted them access to the divine. Edmund Burke explained that, “another component of the discourse on Moroccan Islam was the belief of magico-religious practices, such as the belief in baraka (blessing), could inhere in lesser saints and Sufi leaders, as well as in the Sultan. Sherifism and baraka were intimately linked to popular Islamic practices…”14 A similar notion is applicable to Islamic practices in Mali. Therefore, religious practices and traditions in both countries are more similar than they could ever be.

In Morocco, the state continues to derive its legitimacy from traditions, particularly Islamic, monarchical, and tribal traditions.15 The Muslim world usually weds the rhetoric of democracy to sovereignty. The divine contours the realm of politics which, in turns, manipulates the divine to draw the masses and strengthen existing political structures. In most cases, the divine or Islam has been used as the mobilizing vehicle in Morocco and more recently in Mali. The issue also is that “sovereignty” is strongly linked to the divine. Most of the Muslim leaders (specifically) monarchs portray themselves as divine and sacred.

14 Edward Burke, 2014
For instance, in Morocco “the person of the King shall be sacred and inviolable.”  
Additionally, the King is "Amir Al-Muminin" (Commander of the Faithful), shall be the 
Supreme Representative of the Nation and the Symbol of the unity thereof. He shall be the 
guarantor of the perpetuation and the continuity of the State…etc.” The Moroccan motto is: 
God, the Country, and the King.” The reciprocity to God is emphasized to signify the 
absolute power and legitimacy.

Sufism is considered to be one of the main components of Moroccan and Malian religious 
identity. Sufism centers on the idea of *Taklid* (tradition), *marabouts* (saints), *tarbiya* (education), 
and *tabligh* (messaging) that constitute the spiritual pillars of the orders (*zawiya*s). In the early 
20th century, *zawiya*s held political powers in both Mali and Morocco: they have been regarded 
as social institutions within which saints, sheikhs and marabouts yield power through the 
concept of “*baraka*—blessing.” It can be argued that *zawiya* Tidjaniya is one of the most 
widespread orders of Sufi Islam. 

The Tidjaniya networks aimed at attaining new 
geographical extensions as explained by Abdoulaye Kane. Kane goes on to say, “Islamic Sufi 
orders have been among the great players in transnationalism within the Islamic world through 
their rapid geographical

16 Moroccan constitution, article 23: http://www.al-bab.com/maroc/gov/con96.htm
17 Moroccan constitution, article 19: http://www.al-bab.com/maroc/gov/con96.htm
18 Moroccan constitution, article 7: http://www.al-bab.com/maroc/gov/con96.htm
19 Drawing from Abdoulaye Kane: the founder of the zawiya Tidjaniya was born in Algeria and buried 
in Fez. The pilgrimage (*ziyara*) to his tomb takes place annually. The founder of the Tidjaniya Sheikh 
Sidi Ahmed Tijani also traced his lineage to Fatima, the daughter of the prophet Mohamed. Therefore, 
he is also a Sherifian as his roots can be traced back to the prophet. Before his death, Sheikh Ahmed 
Tidjani entrusted his two sons, Ahmed ben Ahamed et-Tounssi, Sidi Haj ben Haj Aissa, and other 
disciples to guide the spiritual path of the Tidjaniya order. Under the leadership of Haj Aissa, the 
activities of the Tidjaniya focused towards Africa. Given this historical perspective, the zawiya Tidjaniya 
sought to expand its reach beyond Algeria and Morocco, to African countries through commerce and 
caravans accompanied by respected disciples of the zawiya. This demonstrates the conscious decision 
made by Tidjaniya Sheikhs to expand, and the transnational practices of the zawiya.
expansion and their connections through pilgrimage routes to holy sites and re-known centers of Islamic teaching."

THE ROLE OF SALAFISM IN MODERN TERRORISM

Al-Qaeda in the Islamic Maghreb (AQIM) formed in 2005 when it changed its name from the Algerian Salafi Group for Call and Combat (GSPC) and announced its allegiance to Osama Bin Laden. Since the early 2000’s, AQIM has mainly operated in North and West Africa where its infamous track record has raised multiple questions about the structure of its different offsprings (Al-Mourabitoune, Ansar Dine, Movement for Unity and Jihad in West Africa, Islamic Movement of Azawad, etc.), their funding base and their ideology. However, what sets all of these extremist groups apart is their allegiance to Salafism. The word 'Salafi' comes from the Arabic phrase, 'as-salaf as-saliheen', which refers to the first three generations of Muslims (starting with the companions of the Prophet), otherwise known as the Pious Predecessors. Salafis are fundamentalists who believe in the original ways of Islam. The Salafist movement in Algeria represents the main branch of Salafism in the African Sahel. Most, if not all, the existing Salafist movements in the region emanated from Algerian Salafism, whose militant leaders were the first instructors of armed jihadist groups. According to Zeghal Salafism is “an orthodox reform movement that brought conservative Wahhabi doctrine…”

21 http://studies.aljazeera.net/en/reports/2012/07/20127177719710292.html
In Mali, a country where the Sunni majority makes up an estimated 95 percent of the population of 15 million, a republican form of Islamism is quietly conquering the southern part of the country. The High Council of Islam, an Islamist civil society organization, has gradually emerged as one of the country’s strongest political forces. It provides social services and education through a network of over 150 nongovernmental organizations (NGOs). The High Council of Islam is led by Mahmoud Dicko, a Wahhabi preacher, who has assisted the Malian government in freeing hundreds of prisoners from the hands of the jihadists with religious extremists in the north during the Malian conflict of 2012-2013. Dicko’s ideological proximity with that of the Islamists has however, raised concerns over the rise of extremism in the capital city of Bamako itself. Dicko has gained a lot of political clout and Malian political leaders often court his popularity in order to gain political power.

Since the 2000’s in Mali, clashes between Middle Eastern and African forms of Islam have been on the rise. According to Dianna Bell, reports often feature “an uncompromising divide between radical, Middle Eastern “Salafist” or “Wahhabi” Islamism and African “Sufi” forms of Islam.”23 It is however important to note that Sufis and Salafis are not really separate sects of Islam—as is the case with Sunnis and Shias—but are, rather, “movements within Islam that emphasize different aspects of that religion’s doctrines and practice”.24

In Morocco, the northern part appears to be the bastion of support for Jihadist movements. Many argue that highly conservative regions such as the North have been marked by economic and political marginalization.25

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23 Refer to: Armstrong 2013; Ould Mohamed 2012; Subrahmaniam 2011
From this perspective, it is crucial to note the role of political and economic marginalization that the region witnessed for decades, as a contributing factor to extremism. As an illustration, Mesbah explained that “by 2014 the town of Fnideq [in the Northern part of Morocco] had exported around 200 fighters to Syria which is 13% of the total number of Moroccan foreign fighters in Syria.”

Historical narratives and grievances of the past are still engraved in the region’s collective memory. In fact, Morocco’s Northern region was offended by King Hassan II in the early 1990’s, when he referred to them as “savage people—Awoubach”, because they were perceived to be opposed to him. As such, local context and social dynamics coupled with the global narrative of Jihadists have a contributing role in radicalization and extremism. That Jihadist global narrative asserts that the Western world is evil and that in order for Muslims to prosper and preserve their identity, the Western ideology should be confronted.

While the Moroccan regime has successfully avoided terrorist attacks since May 16, 2003 due to its sound security apparatus and its tight grip on Salafi leaders, the potential for youth joining extremists groups and committing acts of violence remains. The triggers of Jihad are different from one country to another and the local thresholds in specific time and context vary. However, political instability, marginalization, and the restriction that political regimes impose on their people are what provide an opportunity for Jihadist groups to justify their Salafi narrative and garner support for a return to the origins of Islam or to a ‘pristine Islam’.

“Since the advent of the Global War on Terror, the world has witnessed the continuation of terrorist activity under the banner of Salafi Jihad. With military action proving insufficient to defeat the propagators of the ideology, attention has turned to the ideology itself.” The “resentment of western lifestyles and the strong sense of injustice and inequality” have bolstered the desire to revive authentic Islam among some of the most economically challenged Muslim communities. Another common shared ideology among Salafi hardliners is the inclination towards the effectiveness of violence to get rid of the modern world. The confusion between the traditional and the religious value systems is also a predominant element among militants. This confusion promotes an erroneous interpretation of the Quran and of the life of Muhammad, the prophet of Islam. Non-ideological and non-religious factors that feed into the narrative for extremism include social marginalization, poverty, and frustration. The role of narratives is relatively new in the field of terrorism and extremist studies, as well as the approaches used to analyze them. However, they go a long way in explaining extremism. This could potentially help in better addressing this long standing issue.

Studies have shown that when the political environment allows it, Salafi leaders preach in public spaces. However, when the public space shrinks, they revert to underground activities (informal networks and charity work). This closeness to grassroots gives the legitimacy and the audience to craft and extend narratives of Jihad. Salafi narratives are filled with emotions and motivational anecdotes. As an example, the ability of Salafists to establish connections and relationships between violence, the sacrifice of oneself, the glorification of a past and purer Islam with the image of a future in heaven has been quite successful among youths seeking for an identity and a sense of belonging.

29 Al Raffie, 2012.
Salafi leaders craft their narratives based on local contexts. These messages generally provide justifications from the Quran and the hadiths. They also promote a sense of collective identity and solidarity. Polletta and Jasper theorize collective identity as a concept that “seems to capture better the pleasures and obligations that actually persuade people to mobilize” and “identity can appeal as an alternative to material incentives.”

In general, the Salafi movements’ quest is to return to the origins of Islam. Yet, there are different approaches that have been used by hardliners to make that return appealing. The hardliners camps favor the purity of Islam through the exclusion of non-Muslims and insinuate a call for violence. Salafi leaders including Omar Haddouchi and Mohamed Fizazi are illustrative examples. Critics lament that Salafism appears to be stuck in an outdated area of belief and practices. Moderate Salafists exist. They are apolitical and do not advocate violence. Their motivation is to practice Islam as it was at its beginnings. Examples of these moderate Salafi leaders include Mohamed Khalidi, the founder of Renaissance and Virtue Party in Morocco, and well-known Cheikh Mohamed Maghraoui of Marrakech, Morocco.

PRACTICAL SOLUTIONS TO COMBATING TERRORISM THROUGH SUFI ISLAM

In June 2015, Morocco established the Institute for the Training of Imams. Since its creation, the Institute formed 700 participants from Morocco, sub-Saharan Africa and France. Its main mission is to educate and teach Islamic values and prevent extremism. A year later, Morocco inaugurated the High Council of Mohamed VI Foundation to promote dialogue between and among African Islamic scholars. The Institute for the Training of Imams would support the accord of cooperation signed between Morocco and Mali in 2013 to train 500 Malian Imams over a period of five years.33 The Institute particularly focuses, according to Grosrichard, on an Islam based on three pillars: the Ash’arite doctrine, the Maliki ritual and Sufism.34

In most sub-Saharan countries, including Mali, imams are not salaried. This limits how much time they devote to seek training and opportunities and to learn more on moderate Islamic teachings. Recognizing this difficulty, the Moroccan Institute allocated a stipend of 200 Euros per month for each Imam who is selected to become part of the program, over a period of two years.35

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34 Ash’ari theology is named after its founder. “al-Ash'ari, ABU 'I-HASAN, 'Ali b. Ismail, theologian, and founder of the school of orthodox theology which bears his name. He is said to have been born in 660/873-4 at Basra, and was ninth in descent from the Companion Abu Musa al-Ash'ari.” Retrieved July 3, 2016: http://www.muslimphilosophy.com/ei2/ashari.htm

35 Grosrichard, 2016
Furthermore, the Moroccan ministry of religious affairs always kept close relations with the Tidjaniya brotherhood in Senegal and Mali, specifically. These relationships have often mixed religion and diplomacy since the 1960’s; Tidjaniya sheikhs from all across the Sahel region consider Morocco a land of spiritual healing because it represents a mélange of Arab, Amazigh, and African cultures, by which it is able to preserve its African roots and maintain legitimacy and influence in the Sahel region and particularly in Mali and Senegal.

Sambe argues that Morocco’s strategy in sub-Saharan Africa is grounded on soft power actions, which include religious diplomacy. The historical religious ‘rapprochement’ was specifically targeted towards what Sambe calls countries of “axe privilégié” of Mali and Senegal. This approach demonstrates that Morocco utilizes its religious similarities with that of Western Sahel countries such as Mali to compete with Algerian influence, Libyan interests, and Saudi Arabia’s spread of *Wahhabism* in the region.

Through Sufism, Morocco and Mali strive to lead an experiment that helps in changing the religious paradigm from that of violence to tolerance and dialogue. Both countries also attempt to reproduce an enlightened knowledge *‘tanwir’* of and about Islam, and give voice to moderate thinking. Promoting Sufism is an approach that, both Morocco and Mali have prioritized in countering radical religious strands, putting an end to the epidemic of radicalization *‘adwa tatarof’*, and changing hearts and minds. This suggests that both countries are exploring original and intangible alternatives that complement the security apparatus dedicated to combating extremism in Morocco and the Sahel.

36 Sambe,p. 148
37 Sambe,p. 135
38 Sambe,p.136
CONCLUSION

Morocco and Mali share a common Islamic tradition and history that provides strong reasons for a partnership aimed at putting an end to extremist narratives, particularly in the Sahel. Yet, this partnership is at its early stages and remains to be tested and evaluated. The Sufi rhetoric of peace and moderate interpretation of the Quran remains challenged to defeat the appealing Salafi discourse. The latter strives mostly in contexts where poor economy, social services and unemployment fester. As such, the promotion of Sufism alone cannot combat Salafism. Improved governance and security are key to uproot extremism in a sustainable way.

There is no one size fits all approach to impacting Muslim militancy and its extremist derivatives. However, understanding the practices of Islam in the Maghreb and in sub-Saharan Africa may help guide us to an effective framework to combat terrorism and Salafi rhetoric. Since religion is the driving force of terrorism in the MENA and Sahel regions, “expanding religious interpretations beyond legalistic and promoting Quranic verses on tolerance and peace” are important in injecting positive thinking throughout the continent.

On the political ground, it is vital to encourage “a non-violent culture and promote a sense of pluralism and participation as principles of Islam.” Connecting grassroots leaders - such as religious leaders, teachers, youth mentors, local representatives of political parties, and youth community leaders - with the masses are crucial to changing the narratives from violence to dialogue. These efforts should also be directed towards changing perceptions and prejudices.

On the economic side, there is a pressing need to promote narratives of hope and opportunity among youth and marginalized communities. However, promoting these narratives would not be effective without a comprehensive package of economic policies that address youth unemployment and lack of economic opportunities at the local level.

40 Amr Abdalla lecture in 2004.
Women’s Political Participation in Jordan and the major obstacles hindering their progress

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Abstract

This paper aims to study the political role of women in Jordan and to analyze their status and role in parliament, government and political parties. It is intended to shed light on their status in the constitution, the National Charter of 1990, election laws and the impact of political reform and the democratization process which started in 1989 in this role. Although Jordan women have been assigned ministerial positions, membership in parliament, the Senate, political parties, and the judicial system, there are many obstacles still facing their full participation in politics such as traditions, lack of economic resources, religious and other cultural factors, which needs to be highlighted in this study.

Introduction

Jordan is a constitutional monarchy based on the Constitution promulgated on 8 January 1952. Though Jordan maintains some principles of a parliamentary regime, the Constitution gives the King a high degree of legislative and executive authority. At present, the Parliament consists of 130 members with 15 seats allocated for women based on the 2016 election law and some seats also reserved for Christians and other ethnicities. Adult literacy in Jordan is one of the highest in the region at 92.2 percent; the illiteracy rate among girls is 10.8 and for boys, 3.7 percent. Access to basic services and enrollment in education is 91 percent for primary education, with 49 percent of girls and 51 percent for boys. In higher education, the overall percentage is 31 percent, with females constituting 51.9 percent and males 49.1 percent (Department of Statistics, Jordan, 2016). Since the 1990s, women in the Arab region have had several political, legal, and economic gains. Whilst women were granted the right to vote and stand for election in the early stages after independence in countries like Lebanon (1952), Syria (1953) Egypt (1956) and Jordan (1974), it was not until recently that countries like Qatar (1999), Bahrain
(2002), Oman (2003), Kuwait (2005) allowed women to vote and stand equally in elections (Al-Sabbagh, 2005). Moreover, Jordan has been very responsive to international human rights obligations.

Women political participation, in fact, matters the life of every citizen in Jordan. According to UN publications Report (1990, para. 147) the right to participation is the right of individuals, groups, and peoples to seek decisions collectively and to choose their representatives organizations, and have freedom of democratic action, free from interference. It is a core element of a democratic system based on the consent of the people that enables them to fulfill their obligations toward their society. (Abdi: 2007). The right of the political participation of all citizens is recognized and protected in Article 25 of the international convention on civil and political rights (ICCPR). In exercising the right to participation men and women shall have an equal opportunity in participating in the political process in different forms from voting in elections, holding a position as a legislator, ministry, and judge or holding public office at different levels of administrations including the head of state (Abdi: 2007).

Today, women in Jordan enjoy a wide range of social, economic, and political rights. The government is keen on empowering women in all fields including the political sphere, and to achieve this goal it has drafted and amended political parties and election laws to enable women to reach parliament, the Senate, and other influential government positions. During the last three decade women have held numerous positions in the government, parliament, the Senate, with one woman reached the position of Deputy Prime Minister. Between 201 and 2016, the number of women in senior positions including: four women in the Council of Ministers; seven women appointed to the Senate; seven women appointed to the post of secretary-general of ministries; nine women appointed as secretary generals of commissions/corporations; two women appointed as counselors in the Legislation and Opinion Bureau; one woman appointed as governor; three women directors of police directorates and one woman president of a university and 15 members of Parliament (Jordan Parliament Records 2010-2016)

Women also made progress in political parties’ membership and leadership and had won an unprecedented 20 seats (15%), in the 2016 parliamentary elections including five women through direct competition with men. The successful women's candidacies for non-reserved
seats are indicative of evolution in voter confidence in women's ability to successfully compete and serve in the country's highest elected positions. Although women topped only two party lists, that accomplishment and the growing acceptance of women as MPs as well as their track record since entering parliament attest to their rising influence within political parties, a critical hurdle for women in the Arab States. This high women's presence leads to the belief that there is an official policy seeks pushing women forward to participate in the decision-making process in the legislative, executive, and judicial levels. The first sign of such policy is the government adaptation of the "women quota system" that opened the door for six Jordanian women to be elected to parliament in the 2007 elections, to be increased to 12 seats in 2010 and 15 seats in 2016 elections as shown in (Table 1). Jordan stood out as a model for other Arab countries in raising the status of women and opened the door before them for mass political participation. Women political empowerment not only opened the door for women participation in politics but also is a good indicator of progress for Jordan international image and something appreciated by Jordanians particularly in the context of the Arab spring, globalization and social media revolution that has transformed the world into a “global village” with women’s rights became one of its main features. (Al Shalabi, 2009). To understand the dynamic of Jordanian women’s political participation, this paper is intended to study and highlight women role in the three authorities, the executive, legislative (parliament and the Senate) and judiciary during the last three decades 1989-2016 and examine the social, religious, political and economical obstacles that faced their political empowerment.

Study Objectives

- To assess the women’s political participation and decision making under the Jordanian political landscape.
- To determine the level of challenges of women’s political participation under the lights of the Jordanian political landscape;
- To determine the challenges facing women in political decision making in Jordan.

Questions of the Study

What extent do the women participate and contribute in decision-making process about matters of the state governance in Jordan?
What are the levels of women’s political participation challenges under the lights of the Jordanian political landscape?

What are the challenges facing women in political participation and decision-making in Jordan?

**Significance of the Study**

There is a hot debate regarding the role of women in the political arena in Jordan and the Arab World with public opinion split into two views one in support of women politics and the other mainly, traditional and religious groups, against their participation or they should have the limited role. This study came to shed light on these important tops and to provide knowledge and insight on the Jordanian women’s role in politics and the major challenges facing them in this field. It is also intended be a reference paper for policy makers, researchers, NGOs and other groups who have close interest on the subject matter.

**Women’s Political Participation in Jordan**

During the 1950s of the 20th century, Jordanian women’s participation in politics was very limited and was confined to participation in cultural activities such as attending public speeches, distributing publications, and writing articles in local media. One of their first efforts in the field of political participation was the establishment of the “Arab Women’s Union” of 1954, which focused on raising women’s political awareness, eliminating illiteracy, and preparing women to practice their rights. But the Union was band together with all political parties in 1957 (Al-Shalabi: 2011). Women political mobilization and action was reactivated again in 1974 with the establishment of Women’s Union in Jordan (WUJ); government’s decision to grant women the right to run for election and to vote. In 1978, nine women were appointed as members of the National Consultative Council out of a total of 190 members. In 1979, a woman was appointed Minister of Social Development; in 1982, women were given the right to vote and to run for municipal council’s elections; in 1984 another woman was appointed as Minister of Information (Khader: 1996). The 1980s witnessed the appearance of new and more effective women’s organizations that had national objectives such as “The League of Democratic Jordanian Women” in 1983, and the “Arab Women’s League” in 1985.
The political status of women has changed in Jordan over time due to a number of socio-economic and political transformations on the national, regional, and international levels. The process of political reform and democratic transformation that Jordan has experienced since 1989 and especially after the Arab spring had a significant impact on Jordanian women political status in comparison with the past. The Jordanian government showed seriousness in empowering women in all fields especially in the political sphere and indeed is committed to implementing the principles of the “1948 Universal Declaration of Human Rights” the 1952 “Convention on the Political Rights of Women”, which Jordan joined in 1992; the 1966 international covenants on human rights; the 1979 Convention for the Elimination of all Forms of Discrimination against Women (CEDAW) (Iyadat: 2006). These efforts came as a translation of the social, economic and political principles embodied in the Constitution of 1952, the National Charter of 1990, as well as Jordan’s commitment to international agreements related to women political and social empowerment. According to Article 6, of the Constitution “Jordanians shall be equal before the law; there shall be no discrimination between them as regards to their rights and duties on the grounds of race, language or religion." The Constitution reaffirmed this in Article 22, which states that: "Every Jordanian shall be entitled to be appointed to public offices under such conditions as are prescribed by law or regulations" (Jordan Constitution: 1952), (El-Dajani: 1993).

The National Charter in 1990 also affirmed some rights for Jordanian women, including the provision of Article 8, which states clearly that: "Jordanian men and women are equal under the law. There shall be no distinction between them in rights and obligations regardless of the difference in race, language or religion. They shall exercise their constitutional rights and uphold the higher interest of the state". Section 4, states that: "Attaining equality, justice and equal opportunities for all citizens, male and female, without discrimination." The Fourth Article of the Charter affirmed that: "Jordanians enjoy the right to establish and belong to political parties and groupings, provided that their objectives are legitimate, their methods are peaceful and their statutes do not violate the provisions of the Constitution." In Chapter Five Article 6, the Charter states that: "Women are men's partners and equals in contributing to the growth and development of Jordanian society (Jordan National Charter 1990). This requires an affirmation of women’s constitutional and legal right to equality, guidance, training and employment as a means of enabling them to play their proper role in the growth and
development of society” (El-Dajani:1993). For this reason, other Jordanian laws came in harmony with the constitution which aims to establish women’s equality with men in all rights. Many laws were amended in favor of women, such as the Election Law. Although the Jordanian Constitution did not differentiate between men and women in politics, Jordanian women were not able to practice their political rights in equality with men in the electoral process until 1974 when women were granted the right to stand for election and to vote for the first time in legislative assemblies (Khozai: 2005) and in 1982 law women were allowed to stand for election in municipal councils as well (Owemer 2010).

Women Quota System in Jordan

The Election Law of 2002 was positively amended to raise the number of parliamentary seats to 110 including six seats guaranteed for women (women quota) and reduced the voting age for all citizens to 18 years of age. The number of seats allocated to women through the quota system was increased to 12 seats in 2010 and 15 seats in election law of 2016. However, the Jordanian public opinion regarding this matter still divided into two different views one with the Quota and the other is against it. Indeed, the quota issue caused considerable controversy especially among Jordanian political and legal groups. Those who opposed the quota system argued that such quota contradicts the essence of democracy as elections should be conducted on the basis of equality between men and women (Habashneh: 2004). Supporters of the quota system, on the other hand, argued that the system would improve women image and raise their social status among the public and encourage voters to elect them to parliament (Alsoudi:2010). The purpose of the quota, in fact, was not intended merely to help women reach parliament only, but also to change their inferior image, improve their social status and encourage public debate and discussion about women’s role in politics and to ensure their full support for women candidates in the Parliamentary elections. It should be mentioned that the quota system actually is not new in Jordan as it was in place for more than half a century. There were parliamentary quotas for Bedouins, another for Christians, and a third for Jordanians of Circassian minority (Owemer: 2010). However, Jordan is not the only country to adopt the quota system rather it is a well-established system in many countries across the World. By looking at parliaments all over the World, data shows that women constitute on average 23.4% worldwide (Charlotta: 2011). It would be fair to say that the period between 1989 and 2016 saw a qualitative progress in women’s practical participation in political life as
voters and as candidates to parliament, and as political actors in the Executive and Judiciary branches of government, civil society organizations and political parties (Alsoudi: 2006; Dababneh 2012).

**Women in the House of Representatives**

The political system in Jordan is based on the separation of the three powers (Legislative, Executive, and Judiciary). The Parliament of Jordan (Majlis Al-Umma) is the bicameral Jordanian national assembly. Established by the 1952 Constitution, the legislature consists of two houses: the Senate ("Majlis Al-Aayan") and the House of Representatives ("Majlis Al-Nuwaab"). The Legislative power has the right to oversee the Executive power's performance and hold it accountable. The Executive Authority has the right to propose draft laws and to issue provisional laws when deemed necessary.

The House of Representatives is directly elected by the Jordan citizens for a four years term unless the king dissolves it earlier. It consists of 130 seats of which 15 seats are reserved for women, 9 for Christians candidates 9 for Bedouin candidates, and 3 for Jordanians of Chechen or Circassian descent candidates (Election Law N0 (6) of 2016). The Parliament has the right to approve, reject or amend legislation proposed by the cabinet. However, it is limited in its ability to initiate legislation, and it cannot enact laws without the assent of the Senate. Most of the representatives in the House of Representatives are independent candidates while few are affiliated with some political parties. This is a result of the traditional and tribal nature of Jordanian society, combined with a long period in which political parties were banned. At the House of Representatives, women can exercise their right to vote and be elected. In the 1989 parliamentary elections, twelve women candidates ran for parliamentary seat forming 2% out of 647 candidates who competed for the 80 seats. None of them was nominated or supported by a political party, and none of them was elected. In 1993, only three women candidates ran for parliamentary seats forming 0.06% out of 550 candidates, and all women candidates participated in the elections as independent candidates without the support of any political party (Ktishat, 2004). For the first time, one woman, Ms.Togan Faisal, had won one of the three seats allocated for the Circassian minority (Jordan Parliament Records 1989). She was considered an important example of women’s ability not only to participation in politics but
also to win a parliamentary seat. She proved that women are capable of having an independent and effective political discourse and indeed her popularity was not due to her social demands, but her political discourse which her supporters understood and supported (Dababneh:2012)

In 1997 general elections seventeen women had run for parliamentary seats forming about 3% out of 561 male candidates, but no woman was elected. In 2003 general elections the "Quota System" was adopted for the first time allocating six guaranteed seats for women. Six women were elected through the quota system constituting 5.5% of the total number of the 110 seats (Nasser, 2004). In the 2007 elections again seven women were elected six through the quota system and one was elected through competition. In the parliamentary elections of 2010, women's voters reached 53% compared to 52% in the 2007 elections. According to Jordanian Lower House records, 142 women stood for election in 2010 general elections of which 12 were elected through the quota system and one independent. Women candidates received only 6% of the votes in 2010, compared to 3.4% in 2007 (Jordan Parliament Recodes 2016). The quota system proves to be effective in encouraging more women to won seats in parliament. Election's results show that women candidates have failed to win a single seat in any of the 1989, 1993, 1997 and 2003 election on the bases of free competition with men. However, number of parliamentary seats which were won by women through the quota and outside the quota system increased from six seats in 2003 elections 20 seats in the 2016 elections and the number of women appointed to the Upper House increased from one woman in 1989 to nine in 2016 Senate, see (Table 1).
Table 1

Number and percentage of males and females candidates 1989-2016

<table>
<thead>
<tr>
<th>Year</th>
<th>Total seats</th>
<th>Total candidates</th>
<th>Males candidates</th>
<th>Females candidates</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>number</td>
<td>%</td>
</tr>
<tr>
<td>2016</td>
<td>130</td>
<td>1293</td>
<td>1035</td>
<td>80</td>
</tr>
<tr>
<td>2013</td>
<td>150</td>
<td>1484</td>
<td>1287</td>
<td>86.7</td>
</tr>
<tr>
<td>2010</td>
<td>120</td>
<td>763</td>
<td>629</td>
<td>82.5</td>
</tr>
<tr>
<td>2007</td>
<td>110</td>
<td>885</td>
<td>686</td>
<td>77.5</td>
</tr>
<tr>
<td>2003</td>
<td>110</td>
<td>765</td>
<td>711</td>
<td>93.0</td>
</tr>
<tr>
<td>1997</td>
<td>80</td>
<td>524</td>
<td>507</td>
<td>96.7</td>
</tr>
<tr>
<td>1993</td>
<td>80</td>
<td>534</td>
<td>531</td>
<td>99.5</td>
</tr>
<tr>
<td>1989</td>
<td>80</td>
<td>647</td>
<td>625</td>
<td>96.5</td>
</tr>
</tbody>
</table>

Source: Data was assembled by the researcher (Records of Parliament 1989-2016)

As shown in (Table 1) Jordanian woman’s representation in parliament was moderately increased but their representations still weak in comparison with their counter parts in the developed World. During the three general elections of 1989, 1993 and 1997, only 32 women ran for elections, but only one woman was elected in 1993. This is a clear indication regarding the serious weakness of women's political role in politics. During the last eight elections between 1989 and 2016 and despite the introduction of the quota system, and in spite the increase of women candidates from 22 in 1989 to 258 in 2016 only ten women succeeded in winning a seat through competition with men outside the quota. It is worth noting that no woman was nominated or supported by a political party except one in the 2003 election, in the
city of Zarqa based on the nomination of the Islamic Action Front. Undoubtedly, the electoral law of 2002 or “The one man one vote” which has been in effect until 2016 considered one of the impediments to political participation, not only for woman but also for all the other political parties in the country. Under the public demand for modern election law, the government issued a new proportionate election law in 2016 which gave each voter two votes: one for a list and another for the individual candidate (Election Law No (6) of 2016).

Women in the Senate

The Upper House (Majlis al-Ayan) forms one-half of the national legislature, the other being the House of Deputies. The Senate consists of 65 seats, and its members are appointed by the king for a period of four years, and it has similar legislation duties as the lower house. It should be mentioned that according to Article 64 of the Jordanian Constitution, a member of the Senate “should be 40 years of age, and must belong to one of the following categories: prime ministers, current and former ministers, former ambassadors, acting ministers, speakers of parliament, Court of Cassation and Court of Appeal judges, religious and secular, retired officers, of the rank of brigadier general and above, former members of Parliament who were elected not less than twice, and individuals of similar characteristics who have the confidence of the people and who have served the nation and the homeland”. As regarding women’s participation in the Senate, it started in 1989 when one woman was appointed to the Upper House of Parliament. The number of women in the Senate was increased in the following years as follows: one in 1989; two in 1993; three in 1997 and 2003; seven in 2007, and nine in 2010 and 2013 and 10 in 2016 elections, see (Table 2).
### Table 2

**Women representation in Jordan’s Parliament 1989-2016**

<table>
<thead>
<tr>
<th>Year</th>
<th>Lower house</th>
<th></th>
<th></th>
<th>Upper house</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Total MPs</td>
<td>Females MPs</td>
<td>%</td>
<td>Total</td>
<td>Females</td>
<td>%</td>
</tr>
<tr>
<td>2016</td>
<td>130</td>
<td>20</td>
<td>15.4%</td>
<td>65</td>
<td>10</td>
<td>15.4</td>
</tr>
<tr>
<td>2013</td>
<td>150</td>
<td>18</td>
<td>12.0</td>
<td>75</td>
<td>09</td>
<td>12</td>
</tr>
<tr>
<td>2010</td>
<td>120</td>
<td>13</td>
<td>10.8</td>
<td>60</td>
<td>09</td>
<td>15</td>
</tr>
<tr>
<td>2007</td>
<td>110</td>
<td>07</td>
<td>6.3</td>
<td>55</td>
<td>07</td>
<td>12.7</td>
</tr>
<tr>
<td>2003</td>
<td>110</td>
<td>06</td>
<td>5.4</td>
<td>55</td>
<td>03</td>
<td>5.4</td>
</tr>
<tr>
<td>1997</td>
<td>80</td>
<td>00</td>
<td>00</td>
<td>40</td>
<td>03</td>
<td>7.5</td>
</tr>
<tr>
<td>1993</td>
<td>80</td>
<td>01</td>
<td>1.2</td>
<td>40</td>
<td>02</td>
<td>5</td>
</tr>
<tr>
<td>1989</td>
<td>80</td>
<td>00</td>
<td>00</td>
<td>40</td>
<td>01</td>
<td>2.5</td>
</tr>
</tbody>
</table>

Source: Data was assembled by the researcher (Records of Parliament 1989-2016)

On comparison with international ratios of women's participation in the Senate, it appears that Jordan with 15%, is close to the USA (16%) and Britain (19.7%). Jordan also holds the 5th place among Arab countries in the number of women in parliament, after Tunis, where the ratio of women in the Senate is 15% and Mauritania, which holds first place among Arab countries at 16% (Al-Jabri, 2010). It is clear that Jordanian women's participation in the Senate is better than in the Chamber of Deputies, which is a clear indicator that the government wants to raise the political role of Jordanian women by appointing more women in the Senate, which is appointed by the king based on the recommendation of the government.
Women in the Cabinet

Jordanian women participate in the Executive Authority through the position of minister in the Council of Ministers. The executive authority consists of the King, who is the head of the executive and exercises his powers through the Ministers; the Prime Minister and the Ministers. The first time that a woman reached this position since the democratic transformation process which started in 1989 was the appointment of a woman as Minister of Industry and Trade in 1993. This appointment is particularly important because it was the first time that a woman had received such an important position. In 1995 another woman was appointed Minister of the Ministry of Social Development and for the first time ever that two women had served in the same cabinet. In 2002, two women were appointed ministers, and in 2005, five women were appointed to this position and between, 2002-2011, the numbers of women at the cabinet fluctuated between 2-5 women in each cabinet plus two women are serving as ambassadors in France and Italy. Nonetheless, the question relating to the role of woman in the government presents itself: could we conceivably see a Jordanian woman in the position Prime Minister or as the Foreign Ministry, the Ministry of Interior, the Ministry of Justice and others? Since the start of the process of democratization in 1989, one woman was appointed as Minister of Industry and Trade in 1993. This appointment was particularly important because it was the first time that a woman had received such an important position. Later in 1995s, another woman was appointed Minister of Social Development, and two other women were appointed in the same cabinet. The number of women ministers reached a new level in 2005, with five women being appointed to a ministerial position. The number dropped to four in 2006, and in 2007 cabinets. The first woman was appointed as Ambassador at the Ministry of Foreign Affairs was in 1970 and today there are two women serving as ambassadors in France and Italy, and two women are head of political parties. (Jordanian prime ministry, 2016).

Regarding high positions in the Judicial authority, which is closely related to the Executive, 1995 was a crucial year for women's participation because that year saw the first appointment of a woman as a judge. This opened the door for other women to join the judiciary and their number rose from 42 in 2008 to 48 in 2009 to 60 judges in 2010, and it increased to reach 18 per cent of the judicial body in 2015. The number of female judges in Jordan increased in 2010 to 176 out of a total of 973 justices, and in 2013 there were 142 female judges out of 908
justices in total (Haddadin: 2011), (The Jordan Times, 14 May 2016). At the highest level, the first female Supreme Court Judge was appointed in 2003, and she remains the only female Supreme Court Judge until the present day. Currently, there are no female judges in the Judicial Council, the Supreme and Sharia courts. Last year, the Amman Sharia Court of Appeal made a controversial ruling that female witnesses have to wear the hijab as not doing so would 'affect the fairness and honesty in their testimony' (Al Bawaba: 2014).

Women in Political Parties and municipalities

Political parties are an integral part of civil society, and they are linked to "political development." Unfortunately, political parties were abolished in April 1957 and only in 1992 Jordan did return to a multi-party system with a new Political Parties Law. There cannot be true democracy without political parties and political participation of all citizens, including women who constitute nearly half of the total population in Jordan. Article 4 of the Jordanian Political Parties Law of 1992 states that: "Jordanians have the right to form political parties and to join them voluntarily in accordance with the provisions of the law" (El-Dajani: 1993).

The volume of Women’s participation in the activities of political parties, as members or leaders, still low due to social and religious factors. A careful reading of Jordanian women’s participation in political parties in (Table 3) shows that it is at the lowest level in comparison with some Arab countries. Although the Political Parties Law of 1992, allowed women to join political parties women’s participation in the founding committees of political parties was 9% of total founders, and today there are two women occupied the position of secretary-general of a political party. It may be noticed in (Table 3) that the Liberal Party attracted the most women as founders of a party at a ratio of 50%, followed by the Jordanian National Party at a ratio of 43.5%; while women’s participation in leftist parties was low, as the Jordanian Leftist Democratic Party only got 0.3%; and the same applies to nationalist parties, where the ratios of participation were very low, as the ratios for the Baath Party and the Progressive Arab Baath Party were 0%. As for the Islamic current, the ratio of women who founded it reached only 3.5%, while the ratio for the Jordanian Communist Party was 7% (Al Shalabi: 2011).
Women’s participation recorded its highest regional increase (2.8 points to 16%) in the Arab States. The most notable gains came in Saudi Arabia and Jordan, both reflecting positive trends and a changing political landscape for women in the region, the fruit of persistent advocacy over many years. In Jordan, women showed the traction they have gained in political parties and with the public by winning an unprecedented 20 seats in 2016 parliamentary election (15%), including five won their seats through direct competition with men. The successful women’s candidacies for non-reserved seats are indicative of evolution in voter confidence in women's ability to successfully compete and serve in the country's highest elected positions. Although women topped only two party lists, that accomplishment and the growing acceptance of women as MPs as well as their track record since entering parliament attest to their rising influence within political parties, a critical hurdle for women in the Arab States (Alsoudi:2006). Nevertheless, through their participation in party political life, Jordanian women succeeded in acceding to important positions in the parties. Women became members of the Shura (consultative) Council of the Islamic Action Front and of the political desks of the Communist Party, the Democratic People’s Party (HASHD), and the Popular Unity party. But women’s participation in the activities of political parties is still below the level required, and much below the ambitions of women; because women’s participation in political parties is the most important indicator of the level of their participation in political life. Furthermore, the rise of the number of women in political parties would help them accede to more advanced positions in public and private sectors. A recent report by the Jordanian National Commission for Women states that women’s participation in political parties is still “low,” not exceeding 6.3% in 2005, 7.5% in 2007, to stay at the same level in 2010. (Al-Sarayra: 2011).

Regarding women participation in the municipal councils, they were granted the right to voting and candidacy in 1982 but they practically practiced this right in 1995 when ninety-nine women were appointed in the different municipal councils in the Kingdom. Since then, there has been a moderate increase in the number of female candidates for these councils. In 1999 forty-three women ran for seats in the municipal council's elections but only (8) had won and (25) others were appointed in the different municipal councils (United Nations development Fund for Women, 2007). Later, %20 of the municipal council's seats were allocated for women, and in 2010, the(quotas) seats were raised to %25 (Dababneh 2012).
It can be said that Arab women’s participation in political life remained below the required international level. Although, women’s political participation in Jordan constitutes a national duty and part of their citizenship their participation still very low (Al-Naqshabandi: 2003), and this can be attributed to many factors, such as: lack of resources available for women, the negative perception of women and lack of belief in their abilities to assume leadership positions, as well as women’s level of awareness and realization of their roles, their self-confidence and belief in their equal rights with men as citizens (Shetewy and Daghestani, 1994; dababenh:2012; Nahar 2013).

**Obstacles facing women’s political participation**

There are a number of economic, social and religious factors that continue to the lack of women political participation in politics and public life. It is well known that these traditional social structures prefer to support a man than a woman candidate irrespective of qualification. Moreover, this is in addition to the lack of women support for women in the election and their lack of political experience in politics and lack of economic resources. The traditional social structure of the Jordanian society which is marked by males’ domination is supported by social, religious, economic and political institutions. Therefore and despite the socio-political transformation of the Jordanian society the family and the tribe continue to play a central role in political participation functions favoring men and marginalizing the role of women. Without a doubt the traditional and conservative political culture that prevails in Jordan depends on a system of values and traditions that draw a stereotype of women through social upbringing. Religion and culture play important role in defining what appropriate or inappropriate roles for men and women: they define what is appropriate for women as caring for their children, husbands, and families, while what is appropriate for men is defined as leaders and therefore assuming political and legislative positions. Also, there is a negative view held by Jordanian women against women, which is termed women's jealousy in the political field. The polls of the Jordan Center for Social Studies support the saying that: the woman is woman's worst enemy, by showing that the number of women who voted for women candidates did not exceed 11%, even though women leaderships deny this statement (Haddadin: 2011).
Women’s failure in free competition with men in legislative and municipal elections is a clear indication that Jordanian society does not trust women’s ability in political work, which is the domain of men as many members of Jordanian society claim. Although the Jordanian state uses a number of forms of positive discrimination to offset this failure through proportional representation for women in parliament (quota) or appointment to municipal councils and some political and leadership positions, this does not necessarily mean that women have sufficient power and authority, because these women lack the support of popular bases and public opinion. They also lack the support of official and unofficial leaderships that affect the process of political participation, who do not aspire to the development of modernization due to weak cultural, social, and religious pretexts (Owemer: 2010). There are four major obstacles for women political empowerment these are:

Cultural Factors

Jordanian society can be described as a male dominated and patriarchal society. To understand the political status of women, one should review the social status of women in the realm of culture. A cultural belief in male superiority and greater ability to leadership assigns women inferior positions from an early age (Nagaad: 2007). Traditionally, Arab culture is based on the concept of patriarchy and is manifest by male rule. The patriarchy as a system of male domination shapes women's relationship in politics and constructs the hierarchy of gender relations where men are privileged, and women are subordinated. This gender role places women within the private arena of home as mothers and wives and men in the public sphere (Adamu & Mekonnen: 2009). This is one of the important factors that shape the level of women's political participation in Jordan and the rest of the Arab World. Cultural attitudes are hostile to women's involvement in politics (Kiamba: 2008). It has been argued that women themselves are often reluctant to run for public positions and this is partly attributed to cultural prohibitions on women speaking in public or going to public places. (Pettygrove: 2006) Had made analytical research on the hindering political challenges encountered by the Jordanian women. In her research, she put the gender roles in Jordanian society under the focus and underlined the tribal structure as one of the significant factors that effected women in public and privates sphere. In public sphere, it was found that that tribal social structure
affects women political activity and women's abilities to participate in the political activities. As the fundamental building block of the tribe, the critical aspects of tribal structure can be traced down to the family unit, it is widely understood that the family structure in Jordanian society create significant and social and strategic barriers to women's empowerment and participation as a decision-makers in the public sphere (Al-Azzam: 2008).

Even when women are aware of their rights and have adequate resources, the family structure prevents women from participating fully in the society. Within the family, women are not involved in making decisions, as gender roles within the family are based on patriarchal values. Women's allegiance to the family or tribe creates a barrier to dissent which is very difficult to prevail. Jordanian women had no economic and educational barriers as a justification of their political backwardness. They were mobilized and organized themselves in various social organizations. Women also have equal access regarding education and others social services provided by the state. But there are other challenges that can be attributed to their absence from political participation, particularly religious and culture as in Islamic society, like Jordan, religious beliefs are the most significant parameter that determines every social and political question. (Pettygrove: 2006).

Political Factors

The nature of politics is another factor for the exclusion of women from politics. If one looks at the nature of the political culture in Jordan, it is obvious that the system mainly supports men's involvement in politics. The domination of men in the political process can be attributed to the influence of tribalism which is based on gender discriminating which excludes women from participating in the political sphere and public affairs. Despite the fact that women enjoy equal political rights with men and are allowed to stand as candidates and be elected to parliament in practice, however, a citizen who desires to be elected in the election process must have the support of his/her tribe. The acceptance and support of the tribe are very important factor most candidates in Jordan. Accordingly, it is only a few numbers of women that indeed stood as candidates in the previous parliamentary elections see (Table 1), (Nahar: 2013)
It is agreed that women’s leadership is different from the men’s one. Their leadership had demonstrated more flexibility and participatory approach as well as for more power and information sharing. Some scholars hold that women are better at conflict management, have better listening skills and show more tolerance and empathy. Instead of considering their leadership characteristics as positive traits, it was stereotyped as a weakness (Kiamba: 2008). It can be said that inherent patriarchal structures that pervade lives and cultures of many Arab societies are identified as the underlying obstacles that kept women away from participating effectively in the political process. Political campaigning requires that one travel extensively, spends nights away from home, go into public meetings and gathering, and that means mixing with men. All of these activities are not easily accepted for women in Jordan and other Arab societies. Women who vie for public office have to consider the risk of being labeled 'loose' or ‘unfit' as mothers and wives and being socially stigmatized. Such considerations make many women shy away from politics, and positions that put them in the public eye. Moreover, administrative/leadership positions require hard work, long hours and are stressful. For women, this burden is added on to their child-care, home, and family responsibilities, a phenomenon referred to as the ‘double shift. Some scholars pointed out to the fact that the majority of women are not always supportive of other women and want to maintain the status quo (Alsoudi: 2006). However, when we consider the political role of Jordanian women we find that male domination, cultural; religious and tribal based politics are the main factors that inhibit their political participation. The absence of women's competency and the required political skills to participate and influence the outcomes of the political decisions are made them have no voice or self- assertions on the decision-making table. Women are also lacked to political exposures and communications that are enabling them to influence political, economic, social decisions and processes.

Religious Factors

In Islam, both men and women are entitled equality before the law and the courts of the law. Both men and women are accountable for their deeds before the law. However, in the Islamic context, a woman's right to political participation and decision-making remains to be open to question. Some Islamic scholars argue that women's are religiously required to undertake the
important task of taking care of her home and her offspring. The Koranic verse which says "And stay quietly in your houses (Qur'an: 32:33), is used as the defense of their argument. (Alsoudi: 2003). Other Muslim scholars support women involvement in politics and argue that they can occupy leadership position except for head of state and judges of religious courts. As a result of these religious differences over the concept of women's political participation, Islam is underlined as a major obstacle in front of women's political participation. Indeed, many women are influenced by the perceptions of Islamic scholars who view women's political involvement as a forbidden act that ought to be avoided. This means that women feel content with the established gender roles, and do not feel that they are being deprived anything. (Nahar: 2013).

**Economic Factors**

Lack of economic resources is one of the obstacles to women's political participation and electoral processes. It is clear that women face specific and diverse economic and financial challenge. Economic resources are a major factor for a man or woman candidate who considers running for parliamentary election as he supposed to finance his election campaign in the absence of political parties' support. Women's unequal access to economic resources restricts their ambition to stand for election. (Nagaad, 2007). In Jordan, women decline to become political candidates for a variety of economic reasons. First, most women do not enjoy personal saving and do not have access to husband or family resources. Hence, women's lack of capital is one of the major obstacles that hinder women political empowerment (Adamu & Mekonnen: 2009). Although the number of female leaders has increased today the top leadership is viewed as a masculine domain and the notion that men make better leaders than women is still common today in Jordan and the rest of the Arab World (Nahar: 2013, Alsoudi: 2006).
Conclusion

The issue of women's political participation is not unique to Jordan; it touches nearly the whole Arab world. Statistics show that the ratio of working women on average does not exceed 25%-30%, although the number of university degree holders from this segment of society reached 70% in 2007. This issue is more crucial in Jordan because women constituted nearly half of the population of Jordan or 48.5% in 2008, and the number of women who have the right to vote (over 18 years old) reached nearly 1.191 million, making up 51.2% of the total number of Jordanian voters in 2007. Although Jordanian women's participation remains below ambitions, compared with some other Arab countries, Jordan has made considerable progress in realizing the political participation of women, owing to the Hashemite dynasty’s continuous and strong support. Lebanese, Fatima Charafeddine, in a study prepared for UNESCO in 2004, referred to this fact: “On comparative study between Lebanon, and Jordan, she found that there was no significant difference in the status of women between the two countries. Women in Lebanon have the same opportunities for education as men, and the percentage of women graduates surpasses that of men; yet women's participation in parliament does not exceed 2.3% (Charafeddine: 2004). Moreover, not a single Lebanese woman has reached the position of Minister. Jordanian women, on the other hand, surpassed their Lebanese counterparts in political participation because of the difference like the political regime. In reality, Jordanians women are appointed to cabinet and Senate by the king, and by consequence, women have occupied ministerial and other high-ranking position in government. Changing society attitudes towards women political participation in Jordan and the rest of the Arab World requires a supportive mechanism such as good policy and government commitment and willingness to ensure the policy implementation. There is need to formulate adequate policies and programs addressing negative customs and practices, which fosters women's marginalization and those who create unfavorable political culture. There is also an urgent need for framing and adaption of national gender policy. This requires laying grounds for gender mainstreaming and gender equity in all the levels to include politics. This could be done among others by stressing gender representation in the political system and all public spheres. Advocacy, lobbying and awareness initiatives are also effective tools for empowering and enabling women to have influence in the political sphere.
It should be observed that political participation is an important element of socio-economic development. This is so because when we want to initiate development, we need to have the concerns of all those who are potentially going to be affected by the development process which the political aspect is one of its components. Jordanian tend to look at women as in-home care takers and look at their most immediate and short-term needs of food, water and the like, but they normally ignore their political and strategic needs. The presence of women in some political positions in cabinet and parliament did not turn out to be effective in changing women traditional status. And more importantly, Instead of women voting for women the majority of them practically vote for men in the general elections. This is due to the cultural biases and religious beliefs as well as negative stereotypes against each other which prevent them from supporting women candidates. Though attempts have been made by some women pressures groups to change this reality, they did not yield any positive results. Therefore, to attain political success, women need to trust each other and stand united to protect their common needs and political rights. Only then, the society would gradually change its negative attitudes towards women in general and in politics in particular.

Traditionally, Arab culture is based on the concept of patriarchy and is manifest by male rule. The traditional of tribalism based on gender does not only discriminate against women in the election process but also disfavors them in the appointment in high political positions and public offices. Moreover, the Jordanian government efforts for empowering women were not successful in politics and had little impact on the representation of women in the political sphere. The reality thus stands that, Women in the higher positions including both houses of parliament are not equally represented. The domination of men in the political life and decision-making processes can be attributed to the influence of tribalism, culture, and religion which is based on gender discrimination and prevents women from getting equal access to the political process. The other obstacle is the lack of economic resources as Women's unequal access to economic resources restricts them to manage their political activities. Moreover, women's lack of tribal financial supports is another constraints factor on women's political participation. In Islam both men and women are entitled equality before the law and the courts of the law. Practical events on the ground indicated that, In Islamic context, a woman's right to political participation and decision-making remains to be open to question. Some Islamic scholars argue that women's are religiously required to undertake the important task of taking
care of her home and her offspring. Hence women's abilities are overshadowed by clouds of doubt. The Quranic verse which says "And stay quietly in your houses (Qur'an32:33), is used as the defense of their argument. Moreover, women are also lacked to political exposures and communications that are enabling them to influence political, economic, social decisions and processes.

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57. U-Report: Technology and Public Participation for Social Mobilization

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Abstract

U-Report is an SMS mobile technology tool developed by UNICEF to empower youth to exercise agency around the social and economic issues affecting their communities. Through free SMS, participants, called U-Reporters, are able to respond to weekly polls and report issues, amplifying their voices at the local, regional, and national levels of government. U-Report expands young peoples’ representation in social and political areas, connects public servants and citizens, and motivates youth to be agents of change in their communities. Today, U-Report has been scaled to 23 countries worldwide and has a continuously growing number of active U-Reporters, which today stands at 2,231,869. This case study illustrates how technology is used to enable youth participation, increase democratic accountability, and connect citizens, governments, and development agencies. Despite the extensive use of U-Report globally, this case study focuses on the implementation of U-Report in Uganda, which was the first country to pilot and scale the innovative tool.

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Problem and Purpose

Political, economic, and social challenges make it difficult to implement innovative structural reforms, partly due to citizens’ skepticism. Building inclusive and responsive societies requires engaging the public in policy making through participatory mechanisms. Statements regarding children and youth are frequently used to talk about the legacy governments must leave to future generations. Youth are often thought of as representing the future; thus, governments should provide the necessary services and opportunities for them to grow and succeed. Nevertheless, youth should also be thought of in the present, and as such, be given the opportunity to voice their concerns and opinions directly to government and related institutions. This is particularly true in the context of Uganda, where 78% of the total population is under 35 years old.

For this reason, UNICEF supports actions that address youth concerns and empower them through “participatory, reflective, and innovative mechanisms”. U-Report is envisioned as an innovative participatory tool for youth to have a voice on the issues that matter to them, connecting them with government, and motivating them to work together to build inclusive and responsive societies. Through weekly SMS polls on particular issues, U-Reporters contribute information to ensure accountability and transparency in development programs and services. The purpose of U-Report Uganda is to mobilize youth to respond on issues such as education, health, immunizations, civic engagement, livelihoods, and peace and conflict so that UNICEF Uganda, Ministers of Parliament, and respective government agencies can collect and map regional data and ultimately impact policy creation.

Process

U-Report was developed by UNICEF as part of a series of innovation projects led by the UNICEF Innovation Unit. U-Report functions through the RapidPro Framework, another

101 Ibid., UNICEF Innovation
102 Ibid., UNICEF Innovation
tool developed by UNICEF, which enables the international development community to have an exchange and flow of information through mobile technology. The RapidPro software allows development officers to collect information through SMS, manage contacts, visually map information, and send messages in multiple languages. U-Report was based on this platform and focused on youth participation to strengthen democratic accountability and enhance citizens’ trust and interest in political activities\textsuperscript{103}. UNICEF designed U-Report on equity grounds to reach all people independently of their location and background. Just like U-Report, other tools have emerged from the RapidPro framework, each focusing on a particular set of issues. For example, mTrac covers health services, EduTrac assesses education and, U-Report focuses on youth participation. By responding to and engaging on polls on a variety of issues, U-Reporters help UNICEF and governments collect and map information by district so that services and development programs can be strengthened.

In May 2011, UNICEF launched U-Report in Uganda. Its launch was built on partnerships with community organizations, national associations, and other NGOs. The Uganda Scouts Association played an important role in U-Report’s launching and recruitment of participants. Prior to its official launching, the Scouts Association recruited and trained scouts as “Pioneer U-Reporters.” Since then, U-Report Uganda has been actively growing and making an impact on community engagement and policy. The team of U-Report Uganda is currently comprised by one project manager and one data analyst, with a steering committee of some 30 partners including faith-based organizations (FBOs), community based organizations (CBOs) and Government\textsuperscript{104}. The success of the tool in Uganda has brought many accolades from the international community and contributed to scaling the tool to other countries in Sub-Saharan Africa, Europe, Latin America, and Asia.

U-Report is an opt-in initiative, so youth decide if they want to join and they can opt out anytime. To become U-Reporters, they send via SMS the word “JOIN” free of charge to #8500–U-Report’s number in Uganda. Upon joining, U-Report collects some information about the user, including age, location, and gender. This allows U-Report to understand

\textsuperscript{103} Ibid., UNICEF Innovations
participant demographics, and map incoming information\textsuperscript{105}. As of July 2016, U-Report Uganda has a total of 311,740 U-Reporters, of which 66\% are male and 34\% are female. Approximately 41\% are ages 20-24 and 30\% ages 25-30, with 25 years old being the median age for U-Reporters\textsuperscript{106}.

Participant recruitment takes place in two forms: mass communication advertisements and field recruitment. For the first 2.5 years of U-Report, UNICEF Uganda did Radio/TV advertisements; however, their country partners now do this. Field recruitment has also been fundamental as it taps into UNICEF and U-Report’s networks to reach out extensively, particularly those in remote areas. Field recruitment is done through U-Report’s partners such as the Scouts Association.

U-Report Uganda has increased its social media presence via Twitter (begun in June 2012) and Facebook, even becoming available via the latter’s messaging platform. An individual need only follow U-Report Uganda on Twitter or send U-Report Uganda a Facebook message to become a U-Reporter. U-Report Uganda implements these methods to recruit participants, engage with the public, and provide information\textsuperscript{107}. These methods are becoming increasingly important as Ugandans, mainly youth, are turning to Twitter and Facebook for functions such as news sources and consumer interaction with businesses\textsuperscript{108}. The public can also connect on a global level, as U-Report has expanded to include SMS, Twitter, Facebook, Telegram, App, in addition to connecting with participants via YouTube\textsuperscript{109}.

All 427 Members of Parliament are registered U-Reporters with respective accounts, creating a direct link to their respective constituencies\textsuperscript{110}. Most recently, U-Report and the Uganda Parliament Forum for Children collaborated to install two television screens in Parliament,


\textsuperscript{107} @UReportUganda (Author). Twitter Feed. Retrieved from https://twitter.com/ureportuganda


giving real time updates to the Ugandan Parliament in addition to SMS messages. All 112 local government chief administrative officers receive SMS text updates from U-Report, which gives them access to information from U-Reporter’s responses. Moreover, government agencies/public administrators have utilized U-Report to make more informed decisions based on participant responses and communicate more directly with the public, namely in Uganda’s Budget Monitoring and Accountability Unit, Ministry of Finance, and Ministry of Health.

As of the U-Report website’s last update, U-Report Uganda counts on 311,740 U-Reporters out of the overall Ugandan youth population of 7,310,386. U-Report shapes participant’s interactions because they can use the publicly accessible poll results and disseminated information to interact with one another and respond to issues that affect them. U-Report’s partner potential is also increased due to its existence as a UNICEF initiative and the arrangement between U-Report and the Uganda Scouts Association.

Case Outcomes

Examples of participation outcomes from U-Report have included access to services, Banana Bacterial Wilt (BBW) response, Ebola outbreak response, assistance for an emergency situation in the Rwamwanja Refugee Settlement, improving community disaster preparedness, and the Children Act Amendment.

**Access to Services**

Beginning in April 2015, any U-Reporter in Uganda can text “LAW” to the U-Report number and be provided with free legal advice from qualified providers via partnership with Barefoot Law Uganda.\(^{115}\)

U-Reporters are also able to access business workshops, helping them gain entrepreneurial skills.\(^{116}\)

**Banana Bacterial Wilt (BBW) Response**\(^{117,118}\)

With BBW response, U-Reporters’ participation enabled real-time mapping of the BBW outbreak and dissemination of methods to contain its spread. Targeted efforts were made towards communities in which the incidence of BBW was reported to be highest, and extension programs were oriented towards these communities. They have also now expanded this participation to spread information about how to combat the spread of crop-damaging fruit flies.

**Ebola Outbreak Response**\(^{119}\)

During the Ebola outbreak, U-Report was able to spread information about the outbreak and refer participants to the Ministry of Health for additional information. They had sessions to solicit feedback about the community Ebola response. Some responses provided expressed desire for the government to utilize U-Report to respond to more viruses aside from Ebola.

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Emergency in the Rwamwanja Refugee Settlement\textsuperscript{120}

U-Report is an especially important tool for refugee camps, as alternative opportunities to shape public decision-making and to increase agency are limited. Aside from providing feedback and participating, in one case, a U-Reporter was able to send an SMS text to alert authorities of a woman with a medical emergency after childbirth.

Community Disaster Preparedness\textsuperscript{121}

In this application, U-Report was employed to map risk-prone zones and improve community disaster preparedness. Communities were provided with training on how to properly identify, report, and respond to emergency signals/signs. 100 volunteers were leveraged to expand the reach of the community disaster preparedness initiative.

The Children Act Amendments\textsuperscript{122}

For the creation of the Children Act Amendments, public participation was used to gauge parliamentary approval for the legislation regarding corporal punishment in schools. Members of Parliament that requested more information were subsequently invited to a workshop on the issue. This tool was used to incorporate participation into amendment provisions.

Analysis

The more general effects of U-Report, such as an easily scalable, free, and direct link to participate are evident based on the case outcomes. However, due to the fairly recent release of the tool, the additional research and study are needed to assess longer-term effects. Moreover, given the collaborative nature of U-Report, it is difficult to isolate the effects of the U-Report tool from the effects of the initiatives it partners with (i.e., Scouts Association).


One of the benefits of U-Report is that it provides a direct link between Ugandan youth and decision makers and services for free.\(^1\) Polling through SMS is also a feasible programmatic option, because the majority of the population has cell phones.\(^2\) Also, it is a method for the public to solicit consistent and pertinent information and potentially have requests referred to other government agencies in a rapid manner. The polls' availability in different languages, such as Luo and Karimojong,\(^3\) translates to increased agency for participants, as they are able to receive information and contribute in languages other than Uganda’s official languages. Choosing to make the RapidPro platform open source rather than restricting it to only UNICEF makes it a truly public resource, because others can add to the existing foundation.

A concerning issue for participation in a community-based platform is that polls are done at the country level. While polling at the country-based level better allows for better measurement and can still result in targeted community outreach for service provision, it may not necessarily reflect local community priorities in public participation, or issues that may occur in one community, but not another.

Another issue lies in self-selection bias—by giving direct access and information to participants, the agency of non-participants could be affected. A way to mitigate this would be to increase the number of participants to a level where the majority of Ugandans could participate.

While U-Reporters have different preferred ways of using the tool (some might participate primarily to receive information, while others might more actively engage and submit information), the low response rate to U-Report polls—currently listed at 7.844%—is concerning, and identified as a primary challenge.\(^4\) Low response rates inhibit the tool’s utility and are concerning because significant resources are used to send the polls to individuals via SMS.

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In addition, topics for polls are decided based on the UNICEF Priority Information Requirements (PIR), which are a reflection of UNICEF’s programs. While the tool is housed under UNICEF, because it identifies itself as “designed to address the issues people care about,” individuals could be more closely consulted about the issues they would like to see addressed. It should be noted, however, that U-Report’s current platform allows for individuals to provide general feedback or commentary outside of poll/alert responses, which creates a mechanism for expressing issues concerning individuals.

U-Report provides an alternative platform for women’s participation. However, 65% of U-Reporter respondents identified themselves as male in a poll. U-Report has attempted to increase women’s participation by creating a poll around International Women’s Day, asking participants how women have impacted their respective lives.

U-Report has also facilitated more partnerships between civil society actors, the private sector, and government. Collaborators such as the Intel Corporation, Idibon, and local telecommunications companies have been involved in everything from developing platforms to analytics to ensuring SMS delivery, while partners such as the World Bank and the Ugandan Parliament assist in the dissemination of information. Organizations such as the Scouts serve as resources for how to use the tool. As seen in the emergency situation in the Rwamwanja Refugee Settlement, local agencies are able to provide services and direct information to participants.

This technology has a capacity for greater information for policy makers but could be prone to several challenges. Because U-Report engages in service provision, and often in emergency situations, it can be “gamed” if reported incidences are higher than actual incidences, which

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131 U-Report Uganda. “Polls: #IWD2016: U-Reporter! Mar 8 is Int’l Women’s Day 2 celebrate contributions of women. Who is the most important woman in ur lyf and what impact did she have on ur?”
might be done to get more resources directed to a particular community. For certain high-stakes issues, it could lead to response bias if population segments with strong opinions are more likely to provide responses. As it transitions into the application development phase, specific segments of U-Reporters will not be able to access certain features without a smartphone, such as the U-Report chat feature.

**Recommendations**

In the spirit of its publicly accessible information, U-Report Uganda should set specific and measurable benchmarks for itself to determine if the initiative is performing successfully, which can incorporate its existing published targets for recruitment and participation levels and UNICEF U-Report’s benchmarks\(^{133}\). Since it is a mechanism for public participation, it could engage the public by having participants define what would constitute success and subsequently asking the public to assist in reaching those metrics. This would be an excellent supplement to the extensive anecdotal information about U-Report’s positive impact on individual’s lives.

It would also be beneficial for the public to have access to commitments agreed upon by U-Report partners in the Rules of Engagement statute they sign when collaborating with U-Report\(^{134}\). This would increase transparency, public awareness, and accountability for this participatory mechanism to ensure administrators translate this information into action.

With respect to technology, U-Report should maintain an optimized social media strategy. It will be crucial for U-Report Uganda to remain up to date with newer, more popular social media platforms while ensuring content is evenly distributed across platforms considering its available resources. This factor may present additional complexities as U-Reporters increase their engagement with one another at supra-national levels. Perception of access and of equal representation must be an important consideration as U-Report becomes accessible to more countries.


U-Report has the capacity to involve the public in decision-making that affects them, as progress has demonstrated in Uganda. As its presence continues to increase, additional opportunities will arise for the public to influence policy, access information, connect various stakeholders, and increase accountability to the public.

References


60. Citizenship, Partnership, and Data: A Case Study of Advancing Democratic Governance in Jordan

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International Republican Institute

Abstract

This study explores the state-civil society market-balance in Jordan using the lens of international non-governmental organization (INGO) as force multiplier. It analyzes how INGOs with mandates to support democratic governance at the local level can best foster an environment that promotes democratic values, institutions, and practices within and between municipal governments and civil society. This analysis presents three key methods for actualizing sustainable change. First, it details how INGOs can speed the transition to democratic governance by successfully leveraging partnerships with citizen activists, and outlines how these partnerships enable positive returns by elevating: a) local ownership of initiatives through participatory citizen engagement; b) decentralization of decision-making authority; and c) the establishment of flat organizational structures to maintain the above processes. Second, it explains how innovative labor and cost sharing arrangements with municipal governments can achieve more effective and efficient results than traditional methods. Finally, it shows that modest investments in data collection mechanisms can improve accountability and municipal service delivery to citizens. In summary, this research demonstrates how INGOs can effectively capitalize on the fluidity of local government priorities and citizens’ concerns to increase the sustainability of hard-won improvements to democratic governance.

Keywords: governance, Jordan, citizen activism, municipal government, local data collection, labor and cost sharing, INGO
Citizenship, Partnership, & Data: A Case Study for Advancing Democratic Governance in Jordan

In developing countries with strong central government control, the international community often devotes vast resources and effort towards fostering civil society at the national level, with the intention of creating local institutions to counterbalance government hegemony. Lund (2006) notes that this type of assistance to local nongovernmental organizations (NGO) form part of the larger policy agenda of the United States, the European Union, and the United Nations to promote democratization. On the surface, this approach appears logical because powerful central governments could ideally be held accountable, to the needs of ordinary citizens, by influential civil society organizations (CSO) operating at the national level. In reality however, this approach may fail to develop the grassroots networks of citizen activists that are, most often, the real driving force behind social change. Attempting to establish accountable, responsive, and transparent governance via national level efforts may also prove prohibitively lengthy and costly—especially when facing the entrenched bulwark of autocratic nations with their innumerable mechanisms to slow the pace of reform. Moreover, Uvin (2006) notes that “as a result of the emerging harmonization and alignment agenda, the development community is now concentrated in capital cities”\(^{135}\) (p. 7), but most citizens in developing nations rarely have meaningful interaction with national politicians or policies and are not particularly interested in debates between national political leaders and national CSOs taking place in those capitals.\(^{136}\)

Furthermore, by artificially buoying national level CSOs, international nongovernmental organizations (INGO) and their international donors may be unintentionally creating a “CSO class” that is largely disconnected from local level issues. Uvin (2006) even finds that “many organizations] are also connected with local elite groups that promote their own vested interests.” The individuals that staff these CSOs are not ill-intentioned; on the contrary, they are diligent and often join out of a sincere desire to reform their country. However, to be successful, social movements must derive their power from capturing the imaginations of ordinary citizens and then mobilizing them to action—as seen in the Color Revolutions—not

\(^{135}\) Uvin’s case studies center on Rwanda and Burundi, where 95 percent of the development community was located in the capital cities.

\(^{136}\) For example, in a national poll conducted by IRI in April 2016, 87 percent of Jordanians could not recall a single positive action attributable to parliament.
from holding countless meetings in capital cities. Uvin (2006) finds that in the places he studied, “Many of the citizen structures or grassroots organizations now appear to be token structures created to manage projects benefits and they typically exist only as long as the projects do” (p. 7).

A highly centralized model for civil society development is particularly detrimental to the long-term development of civil society in instances where international support is eventually greatly drawn down. Lund (2006) notes that “domestic NGOs have often been found to lack appropriate organization skills, technical skills, and resources to…sustain themselves” (p. 4). This is especially true in countries like Iraq and Afghanistan, where many of the most talented CSO leaders eventually immigrated to the West or found other employment once international funding could no support their efforts.

Lesson 1: Leveraging Local Partnerships and Promoting Citizenship

The building of a civil society requires the creation of processes that allow people at all levels of society to engage in collective action; to learn to build their own capacities; and ultimately, to act as citizens. If one examines the dynamics of many conflicts, citizenship is arguably a much more important concept than civil society organizations. (Uvin, 2006, p. 8)

Since investing in standardized, nationwide approaches to fostering civic engagement generally yields low returns, IRI’s work in Jordan focuses on promoting citizen activism at the local level, based on the hypothesis that it is better for INGOs to facilitate local frameworks comprised of local stakeholders to address local challenges. In comparing national and local government officials, Bardhan and Mookherjee (2006) have stated, “Local government officials are likely to be better informed about preferences of local citizens and thus exhibit greater responsiveness to heterogeneous needs” (p. 7). In Jordan, for example, recent IRI polling data shows that 52 percent of Jordanians have either a large or moderate degree of confidence in
municipal governance—far surpassing their confidence in parliament (see Figure 1).

Figure 1. IRI polling on Jordanians’ confidence in social institutions.

Following the same logic, it could be said that local activists are inevitably more informed and responsive compared to national CSOs. Without support from the citizenry at large, CSOs are unlikely to affect change at the national level and citizens are unlikely to back organizations based outside their own communities and that are focused on issues that do not touch their daily lives. While living paycheck to paycheck, most citizens do not have the luxury of spending time on anything but the most pressing concerns of their immediate community—family, neighbors, and tribe. So unless INGOs and the local CSOs they support are approaching governance from this most fundamental, household level, lasting change will never be realized.
Citizen Committees: Fostering Citizenship

IRI has cultivated a network of citizen activists within Jordanian municipalities known as Citizen Committees. Citizen Committees are composed of diverse groups of city residents who have self-selected to work on behalf of their fellow residents to improve local governance and municipal service delivery. They range in age from 18 to over 65, are comprised of 56 percent women and 44 percent men, and represent wide-ranging professional and academic backgrounds (see Figures 3 and 4).

Figure 2. Infographic based on IRI polling about Jordan’s economy.
**Figure 3.** Professional backgrounds of existing Citizen Committee members

<table>
<thead>
<tr>
<th>Professional Background</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Homemakers</td>
<td>30%</td>
</tr>
<tr>
<td>Private Sector</td>
<td>18%</td>
</tr>
<tr>
<td>Unemployed</td>
<td>15%</td>
</tr>
<tr>
<td>Local Associations for Youth, Women, or Persons with Disabilities</td>
<td>12%</td>
</tr>
<tr>
<td>Education Sector</td>
<td>9%</td>
</tr>
<tr>
<td>CSOs</td>
<td>6%</td>
</tr>
<tr>
<td>Students</td>
<td>5%</td>
</tr>
<tr>
<td>Retired</td>
<td>4%</td>
</tr>
</tbody>
</table>

**Figure 4.** Education level of existing Citizen Committee members.

- High School Diploma: 51%
- Bachelor’s Degree: 28%
- Associate Degree: 13%
- Master’s Degree: 6%
- Other: 2%
Of the 31 cities with which IRI has partnered, 22 have active Citizen Committees. Partner municipalities have been added on a rolling basis following municipal elections in Jordan in August 2013. The nine municipalities where IRI has yet to establish Citizen Committees are primarily among IRI’s newest municipal partners (see Figure 5).

Because Citizen Committee members are formed organically, have diverse skill sets, and occupy different personal and professional networks, they are representative of their respective communities and thus able to mobilize action at the local level. They receive no remuneration, but are motivated by the desire to see their city fulfill its potential, and thus likely to remain forces for good within their communities for many years, as well as effectively adapting to address new challenges as local and international priorities change over time. IRI has witnessed a remarkably low withdrawal rate among Citizen Committee members. By encouraging a participatory approach to addressing local challenges and by structuring well-balanced labor and cost sharing arrangements between municipalities and Citizen Committees, IRI is constructing a foundation on which sustainable improvements to democratic governance are being built.

**Figure 5.** Map of IRI’s partner municipalities in Jordan.
Survey of Citizen Committees and Municipal Officials.

In June 2016, IRI conducted an informal telephone survey of Citizen Committee members (see Figure 6) and of municipal officials (see Figure 7) within the cities where IRI works. The results indicate how both parties view their working relationship with IRI and one another. One Citizen Committee member said, “We did not have access to elected officials before, and this allows for better communication which benefits both sides.” Other members explained how labor and cost sharing created a sense of pride and ownership among all involved. IRI support for Citizen Committees received the lowest ranking, which was not surprising given that IRI provides virtually no economic resources to Committees; but instead offers opportunities for the members themselves to take action. That the ranking is as high as 3.5 is testament to what INGOs can achieve without providing financial incentives for civic action.

Figure 6. Informal survey of Citizen Committee members conducted June 2016

<table>
<thead>
<tr>
<th>Question</th>
<th>Rating 1-5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Please rate the value of IRI’s support for the Citizen Committee</td>
<td>3.5</td>
</tr>
<tr>
<td>Please rate the value of increased access to locally elected officials and city staff</td>
<td>4.0</td>
</tr>
<tr>
<td>Please rate the value-add of working directly with IRI staff</td>
<td>4.3</td>
</tr>
</tbody>
</table>

137 Representatives from all 22 Citizen Committees participated. Respondents were asked to rank the value using a 5-point Likert-type scale in which a response of 1 represents no value, 2 represents limited value, 3 represents mediocre value, 4 represents good value, and 5 represents excellent value.

138 Of a possible 31 cities, 29 took part; 21 respondents were mayors, 4 were deputy mayors, 3 were municipal councilors, and 1 was a city department manager designated by the mayor as IRI’s point of contact in that city. Respondents were asked to rank the value using a 5-point Likert-type scale in which a response of 1 represents no value, 2 represents limited value, 3 represents mediocre value, 4 represents good value, and 5 represents excellent value.
City officials responded in a similar fashion (see Figure 7). The mayor of Jordan’s second largest city, Irbid, said that, “Irbid is a huge city so we can’t reach out to each citizen, but through our partnership with IRI we conducted Baldytak (see Figure 14) surveys with the help of Citizens Committees. The survey results enabled the municipality to create plans based on the citizens’ priorities.” Interestingly, officials ranked “cost and labor sharing” at 3.8, lower than IRI would have predicted. However, because IRI consistently classifies relationships with municipalities as “partnerships,” officials may not even realize that many of their interactions with IRI are in fact labor and cost sharing arrangements: they may simply view them as “partners” helping each other. The Organization for Economic Co-operation and Development (OECD LEED, 2006) points out that when “partners have a high degree of identification with their partnership, this will be a firm foundation to build on” (p. 4). As will soon be detailed, IRI’s approach to democratic governance programming in Jordan is successfully leveraging labor and cost sharing to the benefit of city residents.

139 Follow-up surveys will shed more light on this issue.
Figure 7. Informal IRI survey of municipal officials conducted June 2016

<table>
<thead>
<tr>
<th>Question</th>
<th>Rating 1-5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Please rate the value of IRI’s partnership with your municipality</td>
<td>4.5</td>
</tr>
<tr>
<td>Please rate the value of increased local citizen engagement in municipal activities</td>
<td>4.0</td>
</tr>
<tr>
<td>Please rate the value-add of working directly with IRI staff instead of through a local NGO partner</td>
<td>4.2</td>
</tr>
<tr>
<td>Please rate the value of cost and labor sharing with IRI on initiatives</td>
<td>3.8</td>
</tr>
<tr>
<td>Please rate the value of Baldytak to municipal governance</td>
<td>4.5</td>
</tr>
</tbody>
</table>

Citizen Academies: Balancing the Governance Equation

IRI’s Citizen Academy program began in Jordan in 2015, and is modeled after longstanding, successful municipal outreach programs in Alexandra, VA and Scottsdale, AZ. Citizen Academies provide city residents with the knowledge and networks needed to more effectively engage with their local government. This is achieved through multiple classes in which municipal department managers provide city residents with detailed presentations about their department’s role and responsibilities, culminating with a graduation ceremony presided over by the mayor. Program participants are recruited in three ways: directly by IRI, by IRI’s Citizen Committees, or by the municipality. In some cases, IRI and the municipality hold information sessions for interested citizens to further explain the concept and determine the days/times that best fit citizens’ schedules.

In advance of launching citizen academies, senior managers from numerous cities and various departments spend the day at IRI’s office in Amman to prepare for their presentations—
offering a rare and valuable opportunity for them to share experiences and best practices with each other. Jordan does not have a municipal association of any kind, meaning that city managers are unlikely to ever interact without this program. Through peer and IRI staff feedback on their presentation, the department managers get prepared to face city residents. Bovaird and Loffler (2002) refer to the importance of “more intensive and widely spread knowledge management, not only within local public agencies but also in the networks of stakeholders within the local area” (p. 11). By enabling city staff to take a more outward-looking approach to local governance and by helping citizens engage, a more informed citizenry is developed and both sides of the “governance equation” are strengthened. For example, the Financial Department manager of Sho’leh informed IRI staff that, "For years I have been wanting a chance to meet with citizens from Sho’leh because there is a lot I want to tell them. I want to explain to them how to avoid extra fees and how to do their tax paperwork properly because these things will cause everyone a headache in the future.”

These senior managers possess a wealth of knowledge but traditionally lack opportunities to document or share their experience and have constructive interactions with the citizens they serve. During citizen academies, city department managers detail their respective department’s structure, staff responsibilities, location, current challenges, future plans, and engagement protocol. Their presentations are followed by attendees’ questions and comments. For instance, citizens might ask about how the influx of Syrian refugees has affected the city, how certain taxes are calculated, or about upcoming community events. Most attendees are not aware of the many jurisdictional distinctions between national, governorate, and municipal authorities. These misunderstandings result in city residents reporting concerns to the incorrect government entity or holding their municipal government responsible for tasks beyond its remit. The government and citizens suffered in all cases. For example, many attendees did not realize that their city, not the Health Ministry, is responsible for conducting inspections of local grocery stores, restaurants, and slaughterhouses. This type of knowledge improves and streamlines citizen engagement, such as with the reporting of health code violations. Sometimes attendees volunteer to help a department immediately following a presentation, like when a computer science student offered to help his city’s Planning Department build software to help them digitally store and sort data instead of continuing to rely on cumbersome paper files.
Since the program’s inception, 135 Jordanians have taken part (See Figure 8). They then share what they have learned with friends, family, and colleagues—thereby multiplying the program’s benefits. As the citizen academy program expands, these detrimental misunderstandings will continue to decrease, resulting in more effective municipalities and greater citizen satisfaction. Academy graduates will become the vanguard of local civic engagement—simultaneously supporting their city as well as holding it accountable.

**Town Hall Meetings: A Pillar of Open Government**

Uvin (2006) states, “Civil society building should focus on creating capacities for citizenship through the provision of opportunities for social bargaining and social learning” (p. 8). For years, IRI has worked from this premise and successfully encouraged Jordanian municipalities to hold town hall meetings in order to hear directly from city residents about their priorities and concerns. These meetings have proved beneficial for locally elected officials and citizens alike, and have become a hallmark of IRI’s democratic governance programming.
in Jordan. Town hall meetings are an example of what Bovaird and Loffler (2002) might describe as a “focus on governance issues which are not well dealt with in government, such as transparency, honesty, accountability, citizen engagement, levels of trust in society, levels of respect for democratic processes and the equalities agenda”\(^\text{140}\) (p. 18).

**Figure 9. Venn diagram on good governance (Bruce-Lockhart, 2016)**

![Venn diagram on good governance](image)

Source: *Australian National Audit Office*

The process of organizing a town hall usually begins with IRI approaching an elected mayor about his willingness to conduct such a meeting. Because Jordanian mayors are essentially the chief executive of their respective cities, it is difficult to move initiatives forward without their consent, and more often than not, they are reluctant to agree. Jordanian cities have always lacked the resources required to provide citizens with the public services they desire, and with the added costs of serving as host communities to Syrian refugees in recent years, this financial

\(^\text{140}\) Beirut Madinati, a Lebanese group that grew out of the “You Stink” movement, challenged the political status quo in Beirut, ultimately winning 40 percent in the May 2016 municipal elections. One of the elements of their campaign was the use of town hall meetings to provide citizens with an opportunity to share their concerns publicly (Ghattas, 2016).
strain has only increased. The international donor community is working hard to bridge this gap, but the task is difficult. In addition, many cities have not conducted town hall meetings in many years, instead relying on personal gatherings (like weddings and funerals) as opportunities for residents to share opinions with their mayor or municipal councilors. As a result of these limited opportunities for formal dialogue, many residents never get the chance to air their grievances, and are thus missing out on what Bardhan and Mookherjee (2006) call “an important element of participatory democracy…allow[ing] citizens to have an opportunity to communicate their preferences and views to elected officials who are subsequently rendered accountable for their performance to citizens” (p. 4). This backlog of frustration perpetually simmers below the surface, and it is unsurprising that mayors are not eager to stand in front of angry citizens to face complaints and questions that they often do not have adequate funding to fully address. In fact, the most common excuse given by mayors as to why they want to delay holding a town hall meeting is that they want to wait until they have good news to share; but good news is rare during trying times, and under this logic town hall meetings would never take place.

Through longstanding relationships with municipal leaders built on mutual trust and respect, IRI staff can often assuage mayors’ concerns by detailing the ways in which IRI will support them to conduct a successful town hall. If a mayor remains hesitant, IRI can point to Baldytak citizen survey data—gathered by volunteers using a mobile app—that confirms just how eager citizens are to hear from their mayor. Moreover, IRI staff can point to the robust improvements in town hall meeting satisfaction scores that citizens give cities that have conducted more than one town hall. For example, the city of Shefa, Jordan saw its town hall approval rating rise from 66 percent after its first town hall, to 75 percent after its second, to an incredible 91 percent after its third. Such data and assurances often spur mayors into action, and survey results show that citizens’ satisfaction ratings continue to climb. 141

141 These scores are derived from questionnaires randomly distributed among attendees immediately following each town hall meeting. The questionnaire was designed to be short in order to increase the submission rate, and comprises five questions/statements with multiple-choice responses: 1) Was this event well organized? 2) The issues discussed were interesting to me. 3) The municipal officials appeared knowledgeable about the issues discussed. 4) I have a better understanding of the services municipalities can provide. 5) How can future events be improved? (This final, open-ended question is meant to collect information from attendees with additional feedback). The first four questions/statements are averaged to provide a single score, and then all surveys from the town hall meeting are averaged to generate an overall score. Feedback from the fifth question is reviewed by IRI.
The role of labor and cost sharing. Once the mayor is persuaded to participate in a town hall meeting, IRI and the mayor bring other city stakeholders into the planning process. Generally, the mayor appoints a high-level city staffer to serve as the government’s point of contact, and IRI invites local volunteers drawn from IRI’s Citizen Committees or Empower Committees (women from low-income communities whom IRI is helping find their civic/political voices) to form the working group that organizes the details of the town hall meeting. For a town hall to be a success, everyone involved has an integral role to play. The municipality is responsible for the necessary infrastructure, such as the meeting hall, sound system, tables and chairs—as well as for advertising the meeting on existing city outreach channels (e.g. Facebook, city website, city newsletter, bulletin boards). The local volunteers are responsible for informing fellow residents about the upcoming town hall meeting by reaching out to their diverse networks at universities, local associations for women, youth, and persons with disabilities, local employers, and places of worship. Selecting the right moderator for each town hall meeting is crucial to the event’s success. The moderator must be respected by all members of their community as an impartial arbiter and also be capable of tactfully moving a line of discussion forward to keep the meeting from getting permanently off track. In some instances, the city selects an IRI Citizen or Empower Committee member to moderate—a testament to the impressive women and men that comprise these committees. This is of particular note when the moderator is an Empower member because it is rare for women to lead such large forums within patriarchal communities.

The role of technology. IRI staff also work closely with the mayor and his staff to develop detailed presentation materials for the town hall meeting. Many Jordanian cities are not well-versed in presentation software like PowerPoint, and they lack updated digital archives, which makes it difficult to find useful information and pictures. However, working alongside municipal staff, IRI helps each city create informative and visually appealing presentations while ensuring that all critical information is appropriately documented and displayed. Often, this includes information on recent city infrastructure projects, new city initiatives, updates on the municipal budget, and challenges currently facing the city (especially challenges that require citizen participation, like combatting street litter).

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staff and either given to the municipality to either improve future town hall meetings or followed up on by city staff, depending on the nature of the comment.
Maier-Rabler and Huber (2011) state that “open government” activities provide “added value to citizens in the form of innovative participatory practices and opportunities for networking and collaboration” (p. 188). IRI adds value by leveraging technology on behalf of municipal partners by administering real-time voting during town halls, using keypads distributed throughout the audience with a set of predetermined questions that seek to determine where residents would like local government resources directed, such as towards road improvements, public parks, sanitation projects, or community centers (see Figure 10).

*Figure 10. Results from a live survey question during a town hall meeting in Sahab, Jordan.*

![Bar chart showing city project priorities](Image)

This technology had never been utilized during public forums in Jordan, but is quickly becoming an invaluable tool with which to gauge citizen priorities. Moreover, this technology gives women attendees a more equal opportunity to share their opinions. It is common for men to outnumber women at public gatherings in Jordan and for the women who do attend to feel uncomfortable speaking publically. Though audiences are mostly comprised of men, IRI has documented that women municipal councilors outnumber their male colleagues 57 percent to 43 percent in town hall participation—a statistic that speaks volumes to the dedication of locally elected women to make the most of opportunities for citizen outreach.

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that women in the audience receive keypads, their opinions are more fairly represented during the town hall meeting than they otherwise would be. (Anecdotal evidence also suggests that at town halls with women moderators, women are more likely to voice their opinions and ask questions of their local officials.)

The questions raised by citizens following the mayor’s presentation are exactly as one might expect. Citizens tend to prioritize municipal activities such as regular garbage collection, street repaving, improved sanitation, or street light replacements. Mayors of cities big and small must meet the daily needs of their residents in order to gain the trust necessary to tackle the bigger, systemic challenges. In recent interview on the *Freakanomics* podcast, the Mayor of Los Angeles Eric Garcetti described his priorities this way: “I set a very straightforward goal of getting back to the basics, which is I think is what municipal government’s about. People will give you the responsibility, even the authority, to go after the big things, the visionary things, the reaching for incredible opportunities, if they trust that you’re running a city well” (Dubner, 2016).

Open community forums like town hall meetings serve an important role within Jordanian municipalities, and by leveraging labor and cost sharing, conducting an impressive town hall meeting is affordable for even the most cash-strapped cities. Municipalities, local volunteers, and IRI work together to create an experience that is stronger than its component parts. Each successive town hall meeting establishes a new standard for the quality and frequency of public forums within Jordanian cities. Citizens begin to expect more transparency and accountability from their municipal government, and this expectation cultivates positive habits on the part of locally elected officials—creating a sustainable cycle of ever-improving democratic governance throughout the country.

**Lesson 2: Increasing effectiveness and efficiency through labor and cost sharing**

*Collaboration is seen as an important mechanism for making better use of or coordinating scarce resources, such as funding, time, staff, and expertise, but also knowledge, common, new perspectives, and networks.* (O’Leary & Gerard, 2014, p. 32)
Street Light Replacements: The Start of a Brighter Future

Since January 2016, IRI has partnered with seven Jordanian municipalities to improve street lighting. The impetus was twofold: First, the project responds to citizen surveys collected using IRI’s Baldytak mobile app, in which 35 percent of citizens surveyed listed street lighting as their top local concern—unsurprising, as street lighting is critical in reducing crime and traffic accidents. Second, the tangibility of the project allows IRI and municipal partners to easily measure and learn from citizens’ reactions to this initiative.

After identifying the cities in which residents were most dissatisfied with street lighting, IRI worked with municipal officials to determine the number and type of lights needed. On average, 21 percent of each city’s bulbs needed to be replaced. IRI next met with firms specializing in street light infrastructure to learn about lighting technologies and compare prices. Instead of having each city purchase bulbs individually, IRI served as a central buyer—negotiating a 14 percent discount on the price of each bulb. Further long-term savings are possible, but it would require cities to convert from traditional light bulbs to more advanced LED lighting, which is currently cost prohibitive for most cities at this time. Notably, the cities did provide the necessary trucks, maintenance crews, and safety equipment, with IRI covering only the cost of the bulbs.

Next, IRI coordinated planning efforts between the municipalities and each city’s Citizen Committee. Typically, meetings brought together mayors, municipal councilors, city staff, Citizen Committee members, and IRI staff. Meetings began at city halls, before participants set off to replace broken street lights. For safety reasons, city staff changed the bulbs, but IRI actively cultivated an environment of community engagement throughout the initiatives. For instance, because each city’s mayor, municipal councilors, and citizen activists accompanied the maintenance crews as they moved from one street light to the next, officials were able to share ideas and receive feedback from constituents. Residents often noticed the activity occurring on their street and came outside to investigate, finding their local officials and fellow citizens taking a hands-on approach to good governance. Many onlookers commented that the street lights near their home had long been burned out, and that they were happy to now see them properly maintained.
A follow-up survey using IRI’s Baldytak mobile app has already taken place in Erhab, the first city to pilot the initiative. As seen in Figure 11, the data indicates that the project is affecting positive change, and IRI predicts similar responses when data is collected from the remaining six participating cities. Not only does the initiative clearly improve citizen satisfaction with street lighting, but it also heartens locally elected officials—who often feel overwhelmed—by demonstrating that even low-cost interventions, as long as they are strategically planned and highly visible, can immediately nudge public sentiment in their favor. Lastly, it demonstrates how IRI can successfully leverage working partnerships with local governments and volunteers to implement concrete governance programming at a fraction of the true cost. Porter and Kramer (2011) acknowledge this approach when they write, “Governments and NGOs will be most effective if they think in value terms—considering benefits relative to costs—and focus on the results achieved rather than the funds expended” (p. 12).

Figure 11. Results of the IRI street lighting survey in Erhab, Jordan.

How do you rate the street lighting in your municipality?
A New Trend: Celebrating Earth Day

“The history of the city, to a large extent, is a history of struggle against rubbish.” (Min’an, 2011, p. 350)

A proactive approach to city cleanliness may help prevent such upheaval as affected Lebanon in 2015, where problems with municipal and federal waste management were a catalyst for political unrest (i.e. the “You Stink” campaign). Although the longstanding sectarian dysfunction in Beirut is different from the governance within Jordanian cities, local officials cannot afford to discount the power that uncollected garbage can have in mobilizing angry constituents to action. To address these issues, IRI has developed multiple initiatives, each of which, in order to be successful, must rely on collaborative labor and cost sharing.

Since 2014, IRI has used Earth Day as a rallying call to synchronize the efforts of municipal governments and citizens around the pressing issue of city cleanliness. Celebrating Earth Day is still a nascent concept in Jordan, but a positive trend is emerging. Fifteen cities joined IRI in 2015 to conduct beautification initiatives for Earth Day. In 2016 that figure increased by 93 percent, when 29 cities took part—over a quarter of all cities in Jordan (see Figure 12).

**Figure 12. IRI’s 2016 Earth Day Initiatives in Jordan.**

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143 Kraidy (2016) identifies waste management issues as a common source of tension in his piece on the “You Stink” movement and its provenance.
As part of the planning process, IRI conducted workshops with locally elected officials, city staff, and citizen volunteers starting a month before Earth Day activities were to begin. These workshops proved valuable and served to increase awareness of Earth Day, help cities refine their citizen outreach/public event acumen, share best community organizing practices with local activists, and facilitate a platform for elected officials and their constituents to constructively discuss the issue of city cleanliness. Following many of the workshops, participants toured their city in order to mutually agree on exactly where the Earth Day events should focus.

Each Earth Day event was attended by the city’s mayor, municipal councilors, city staff, IRI, local volunteers, and schoolchildren, and commenced with a mayoral speech, often at a city park, public square, school, local association, or municipal library. Participants were then divided into groups depending on the task they were most suited to tackle. Activities consisted of picking up litter, creating Earth Day themed murals, painting city curbs, planting trees, and passing out anti-litter collection bags to passing motorists. (It is common in Jordan for drivers to toss trash from car windows.) Bovaird and Lofﬂer (2002) say that, “In the case of garbage collection, excellent service provision will not guarantee clean streets if citizens continue to drop litter” (p. 17). By engaging such a diverse cohort of volunteers, these activities had the added benefit of strengthening community cohesion, as people who normally do not interact worked side-by-side for a shared goal.

These Earth Day initiatives are a further example of the benefits of labor and cost sharing between municipalities, IRI, and local volunteers. Each city’s Earth Day event was unique, but each one also involved the sharing of resources. Cities often provided staff, equipment, supplies, refreshments, and trees; IRI provided logistical support, supplies, and refreshments; and citizen volunteers contributed sweat equity to ensure the event’s success.144 As awareness of Earth Day continues to spread, IRI’s eventual aim is for all municipalities in Jordan to organize clean-up/beautification events—with or without IRI’s assistance—in celebration of Earth Day each year. Moreover, as local governments and the public become increasingly committed to environmental health, these types of community events will someday be the norm and need not rely on Earth Day to spur action.

144 Habitat for Humanity International is another example of an INGO successfully employing the concept of sweat equity as part of its core programmatic approach. (Habitat World, 2015)
Reusable Shopping Bags: Combatting Plastic Waste

When asked to rank which local issues should top their municipality’s list of priorities, Jordanians consistently list “city cleanliness” very high (see Figure 13). There are many reasons cities have problems with litter, and most are difficult and costly to tackle. These reasons include: an insufficient number of city trash cans, too few garbage trucks to service the city, and a lack of recycling facilities, just to name a few. However, there is one common cause of city litter that can be addressed, even with limited resources—decreasing the use of disposable plastic bags. It is a common joke in Jordan that the national bird is a black plastic bag, fluttering in the wind across city streets. *The Jordan Times* (2014) highlighted growing public awareness and government tracking of the issue: “In Jordan, more than three billion plastic bags are used each year, according to Environment Ministry estimates in 2012, which means that each person uses 1.6 bags per day and 584 bags a year...more than 30 million bags a year are littered across the country” (para. 19).

*Figure 13. Results from IRI Baldytak surveys, 2015-2016.*
To tackle this issue, IRI staff tested various reusable bags available for purchase in Amman in order to find a bag that was both cost-effective and resilient enough to be used on a daily basis. Once a suitable bag was found, IRI created a cityscape logo to be printed on each bag, spelling “Your Municipality” in Arabic, and above this design, the phrase “Keep Your Municipality Beautiful.” Once printing was completed, IRI set up workshops for Jordanian municipalities to introduce this new initiative. Thus far, 12 municipalities have hosted a workshop on the topic. Workshop participants often include mayors, municipal councilors, city staff, IRI Citizen Committee members, and interested citizens. During these workshops, IRI outlines the many benefits of reusable shopping bags, including: reduced litter (leading to a more beautiful city and a potential increase in tourism); reduced costs to consumers, who are indirectly charged by store owners for disposable shopping bags; less plastic that city maintenance crews must collect and transport to landfills each day; and improved health of local farmers’ livestock. The United Nations Educational, Scientific and Cultural Organization (UNESCO) office in Amman (2012) notes, “Every year, an estimated 60,000 sheep in Jordan suffer from weight loss or mortality due to blockage of the digestive system as a result of eating littered plastic bags” (para. 3). Given the already stretched budgets of municipalities, and the importance of tourism and agriculture to Jordan’s economy, once presented with these facts, workshop attendees began to realize the hidden costs of disposable plastic bags.

IRI staff provide Jordanian officials with examples of how other global cities are curbing disposable plastic bag consumption.\(^\text{145}\) Inspired by these examples, Jordanian officials have considered multiple strategies in their local context, including requiring stores to provide reusable shopping bags as a prerequisite to obtaining a business license, conducting workshops at primary schools about the harmful effects of plastic waste, coordinating with local associations to develop advocacy campaigns in support of reusable bags, and inviting shopkeepers to meet to discuss ways in which their stores can limit the number of bags provided to customers each day; similar to the strategy outlined by the City of Phoenix (Moreno, 2009). Currently, it is commonplace in Jordan for each type of item purchased at a store to receive its own bag. For example, if a customer buys one orange, one toothbrush, and

\(^{145}\) One example used is that of cities that require merchants to charge a nominal fee for each plastic bag, with revenue earmarked for local environmental protection projects—such as what Washington, DC did for river cleanup (Meshke, 2014). While this particular idea would be difficult to implement, it does get participants thinking about other tactics that might work within the context of Jordan to reduce plastic bag use.
one jar of peanut butter, that customer would automatically be given three bags, though one would easily suffice. Since a single, simple reform to this bagging practice could greatly decrease plastic bags use, most municipalities are now planning to focus on this issue to begin their fight against plastic bags.

The creation of reusable bags also addresses additional issues facing Jordan, namely: unemployment among women, additional waste entering local landfills, and integration of Syrian refugees. IRI has formed an alliance with Al-Keram Association in Mafraq Governorate, the area of Jordan hosting the majority of Syrian refugees, to have their members sew used grain sacks into reusable shopping bags. The Association had a preexisting sewing program for women interested in learning a trade to increase their employment opportunities, but now, instead of just practicing sewing techniques, the women are being paid to sew reusable shopping bags that will be used across Jordan. The process begins with Association members approaching local farmers or fabric wholesalers to obtain used grain sacks made from burlap. Each sack is marked with a colored stripe, which indicates the type of grain that was originally in the bag, making each bag visually unique. Once enough raw material is collected, Jordanians and Syrian refugees work side-by-side to create durable, beautiful reusable shopping bags. The director of Al-Keram Association has noted, “The women’s work alongside one another enhances their sense of integration and acceptance within the community.” In addition, by utilizing repurposed fabric and buying the bags outside of Jordan’s capital, IRI is saving money (22 percent per bag). These savings can then be used to produce even more reusable bags for Jordan.

Like all new initiatives, it will take time for reusable shopping bags to become the norm in Jordan. However, because the number of disposable bags used each day is so staggering, if even one in 10 of the 1,9000 citizens who receive a reusable bag adopts the idea, the initiative will stop more than 110,000 plastic bags from entering Jordan’s waste stream each year.
Lesson 3: Improving Accountability and Services through Data Collection

How can we meaningfully measure the outcomes and results of public sector programs to determine if citizens’ needs have been met and quality standards have been realized in the most cost effective manner? One way to help ascertain this is to involve citizens in the process. (Callahan, 2010, p. 95)

While most types of information are useful to locally elected officials, such as data gathered during town hall meetings, quantitative data is proving increasingly valuable. Bovaird and Loffler (2002) detail how in Europe there is “already widespread practice of surveys and other methods to provide user and citizen feedback in relation to service and financial planning” (p. 13). Recognizing this, IRI contracted a Jordanian mobile technology firm in 2013 to design a custom platform for collecting citizen survey data from residents of cities and villages throughout Jordan. The app is named Baldytak, meaning “Your Municipality” in Arabic, and the technology now serves local governments and citizens in myriad ways. Most importantly it provides local officials with quantitative information that can be used to inform decision making, ensuring the efficient allocation of scarce government resources. Before the launch of Baldytak, mayors, municipal councilors, and city staff had little to no numerical data on citizens’ priorities or attitudes, instead relying on anecdotal evidence collected through the course of personal interactions. Without discounting the value of impromptu conversations between officials and citizens, such interactions are inadequate to accurately gauge the needs of all city residents. Relying exclusively on personal interactions yields inevitably low sample sizes and allow officials’ family, friends, and/or fellow tribe members to have disproportionate political sway. Baldytak remedies this imbalance by providing all residents, regardless of background or personal connections (called “wasta” in Arabic) with an opportunity to share opinions with their local representatives and then track subsequent progress.

For the initial test of the new mobile app, IRI’s Citizen Committees in Jordan used it to tabulate data collected before municipal elections in 2013. In the months preceding the election of mayors and municipal councilors, committee members surveyed fellow residents about which issues they wanted candidates to address, such as improving roads, city cleanliness, street lighting, or local parks. IRI then printed large pledge cards listing citizens’ top three concerns for each of the nine municipalities in which Baldytak had been utilized. Next, IRI and Citizen Committee members approached mayoral candidates to sign the
pledges, thereby committing to tackling these issues if elected. Impressively, all the winning candidates had signed pledges, and were subsequently publically presented with their pledge cards once in office. To this day, many of the mayors prominently display the card at their respective city halls as a reminder of their continued commitment to serving their constituents.

Since the proof of concept, IRI has successfully helped municipalities pivot the app from a campaign season tool to an ongoing program dedicated to bolstering the democratic governance of Jordanian cities. From 2014 to the present, IRI's Citizen Committees have conducted seven rounds of surveys within a total of 21 municipalities—collecting a staggering 65,525 individual surveys (see Figure 14). Because Citizen Committee members are so diverse (See Figures 2 and 3), the many types of locations where surveys are collected,\(^{146}\) the large sample sizes achieved, the data collected appears to track very consistently with more formally collected data such as IRI’s scientific public opinion polling in Jordan.

\(^{146}\) Such as at public markets, universities, associations for youth, women and/or persons with disabilities, and even door-to-door at homes.
Before each survey, IRI reviews previously used questions among staff, Citizen Committee members, and city officials to ensure each question remains relevant and actionable. Existing questions are given precedence so that data can be compared across many surveys. However, questions are edited, added, and deleted when necessary, such as when it becomes clear that citizens are consistently misunderstanding a particular question. Next, IRI holds workshops to refresh the memories of Citizen Committee members on best practices for collecting surveys. During these workshops, members familiarize themselves with all the questions that will be asked, and participate in roleplay exercises to ensure questions are asked in an unbiased manner. Afterward, IRI distributes two tablet computers—with the Baldytak mobile app preinstalled—to each participating Citizen Committee. On average, 16 committees participate in each survey round. Committee members may also use the app on their own smartphone to conduct surveys if they prefer. In fact, anyone with a smartphone can download the app and, by doing so, can view aggregate survey results—immediately getting a snapshot of the sentiments of city residents from across Jordan. However, only trained members of IRI’s Citizen Committees have the logins required to input new data.

Survey collection periods usually last two weeks, during which time Citizen Committees collect thousands of surveys from residents of their respective cities. IRI staff electronically monitor the number of surveys collected on a daily basis throughout the survey period, following up with Committees that are at risk of not achieving their targets. Once the survey period closes, IRI immediately begins preparing the data collected for presentation to mayors, municipal councilors, city staff, Citizen Committee members, local residents, and any additional interested parties. This process—reviewing the results, creating presentations, and scheduling the required meetings—takes no longer than two weeks, which is much faster than the time it takes to release traditional polling because Baldytak data is being immediately calculated using IRI’s cloud server.

Reducing the lifecycle of the feedback loop between citizens and their local officials has proved extremely beneficial in convincing municipalities to buy into the results. Having never before seen city-specific, quantitative data, officials were initially hesitant to fully embrace the results, but because the presentation takes place so soon after the survey period, it makes it

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147 On IOS or Android.
148 IRI staff can also monitor the GPS location of every survey conducted.
easier for city officials to accept how their work is reflected in the data. For example, if citizens express dissatisfaction with city streets, and city officials know that potholes caused by winter storms have not yet been repaired. Or if citizens note that city procedures and paperwork are being processed in a more timely way, and city officials know they recently hired new administrative staff, it all increases the respect local officials have for the data and encourages them to make the most of it. It also allows them to benchmark themselves “to the service provision of similar local authorities,” as discussed by (Bovaird & Loffler, 2002, p. 9).

The Baldytak survey program also provides a constructive atmosphere for elected officials and their constituents to discuss ongoing challenges and brainstorm solutions. Instead of discussions becoming personal due to anecdotal information, even difficult topics can be addressed by referring to numerical data projected onto a screen. For instance, it is customary for a survey to ask how well the municipality keeps citizens informed about the city’s challenges, accomplishments, and budget. This question could easily make mayors defensive and dismissive of the data, but because the presentation focuses on the how the numbers are trending instead of the personal characteristics of the mayor, a thoughtful conversation can take place about improving outreach to residents.

Figure 15. IRI Baldytak survey question from Sabha, Jordan

How informed does the municipality keep citizens about the challenges, accomplishments, and budget of the municipality?

This positive trend in the data is likely attributable to the three town hall meetings the municipality held between the two surveys.
Following the presentations, IRI provides each city with their results in hardcopy and digital form (in Arabic and English) to facilitate the further dissemination of the results. Often, cities publish the results in their municipal newspapers, tack them to the city hall bulletin board, post them on the city’s Facebook page, project them during town hall meetings, or share them with guests who visit the municipality. In fact, anyone can visit the website www.baldytak.com to review the results of every survey ever conducted. Significantly, the data can be viewed in English and Arabic and sorted by governorate, municipality, district, age, gender or question—providing an excellent resource for citizens, governments, and researchers.

IRI uses the results of this data to nudge municipal partners toward tangible actions that improve citizen engagement and satisfaction with their locale such as holding town hall meetings or installing citizen suggestion boxes to augment citizen outreach and information sharing; organizing city beautification events to improve city cleanliness, replacing burned out street lights; creating a reusable shopping bag program to reduce the amount of plastic in city landfills; and conducting capacity building workshops for city department managers to improve the provision of municipal services to residents. IRI, citizens, and municipal officials realize the outcomes of these efforts require time to permanently take root, but real progress is being made—and thanks to the Baldytak app, it is even being measured.

**Recommendations**

IRI’s work in Jordan suggests that within developing nations, where security considerations permit, flat organizational structures that facilitate direct interaction between INGOs and local governance stakeholders—elected officials, staff, and citizen activists—will yield more tangible and sustainable results, at lower costs than more centralized models for civil society development. CSOs based in capital cities will rarely engender the grassroots support required to mobilize ordinary citizens to set aside their daily routines and familial responsibilities to demand their rights and hold governments accountable. Highly localized, decentralized decision-making—with INGOs, local governments, and citizens around the same table deciding jointly where to deploy time and resources—supports the local buy-in necessary for
durable reforms. Local governments habitually cite the lack of financing from the national government for their city’s challenges, so by leveraging citizen engagement and innovative labor and cost sharing arrangements, INGOs can encourage positive local government actions at modest expense. Njoh (2001) acknowledges certain criticisms to approaches that are heavily reliant on citizen participation but concludes that, “current thinking in planning and the worsening problem of resource scarcity accentuate the need to actively involve citizens as a cost-saving strategy in the planning process” (p. 102). In environments where every additional dollar is prized, local officials are often willing to accept increased levels of transparency and accountability in exchange for inexpensive but highly tangible local outcomes such as well-executed town hall meetings, repaired street lights, or cleaner public parks. Though beyond the scope of this paper, the United States Department of State and United States Agency for International Development (2016) cite improper governance “where civil society has limited agency or space to operate” (p. 6) as contributors to violent extremism, thus adding an extra level of importance to all endeavors that promote effective democratic governance.

In addition, by addressing the data gap between national- and local-level government entities by providing municipalities with city-specific, actionable, and quantitative information, INGOs can create the framework needed for local officials and their constituents to move from sporadic, anecdotal arguments to consistent, constructive discussions about city performance and citizens’ priorities. Earning the trust of local governments and building a grassroots network of citizen activists is not a quick and easy process. To establish an organizational model that is so reliant on diverse networks and relationship building, the international donor community and INGOs must think in terms of multi-year time horizons—and drink endless cups of tea with local stakeholders—but the results just might be the lasting improvements to democratic governance we all crave.
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61. At the Intersection: Governance, Collaboration and Engagement in Developing Countries

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ABSTRACT

Across the globe, governments continue to seek ways to enhance the provision of services to the public. There have been shifts toward decentralization by increasing the involvement of local governments and toward the third sector by engaging non-governmental organizations (NGOs) in service delivery. This paper addresses a gap in the existing literature: the interactions between NGOs and local governments in developing countries. Focusing on the intersection of these two sets of actors, we identify and discuss five features that condition NGO-local government relationships in the developing world. This framework can be used to structure subsequent scholarly studies of NGO-local government interactions as well as guide practitioners working in development.

Keywords: NGOs, Local Government, Cross-sectoral Relations,
Introduction

Officials with nongovernmental organizations (NGOs) working on development projects in Lebanon offer conflicting perspectives about their interactions with local governments. One describes a close connection and states, “We would not have been able to achieve all of that without our strong presence in these communities and without the buy-in and willingness of municipalities or local governments to be part of this.” Another official offers a very different view: “We had to struggle in the community we are in…You can rather say that our work is the result of NOT working with the municipality…” These varying experiences and viewpoints raise questions about the interaction of NGOs and local governments in developing countries.

Nations around the globe are experimenting with an array of structures, institutions, and rules intended to reform public sector governance. Regardless of the impetus, one of the persistent themes in these reform efforts is the decentralization of governmental responsibilities which is said to improve service provision, enhance accountability, and promote citizen participation. Simultaneous with the growing emphasis on decentralization is the increased presence of NGOs at the local level. As a result of these twin trends, the boundaries that once separated the public sector from that of the private and nonprofit sectors have become so fuzzy that “no one is fully responsible for anything and many players are responsible for everything” (Kettl 2002, 157). What is certain is that the number and complexity of cross-sectoral connections has increased.

This paper examines a specific aspect of these cross-sectoral interactions: those between local governments and NGOs in developing countries. The aim is to fill the gap in the existing literature by developing a framework for these interactions. In developing countries, relationships between the governmental and nonprofit sectors have been subjected to less examination and analysis than in developed countries; therefore, much remains to be discovered. So far, the scholarship related to NGOs and developing countries has focused primarily on central governments. Local governments have been studied far less. The absence of attention may be an outgrowth of the negative stigma, both in the literature and in practice, that the seeming corrupt and incompetent local governments should be bypassed during the implementation of development projects. The contribution of this paper is the identification of
a set of features that condition NGO-local government relationships in developing counties. To supplement the discussion, statements from a series of informal interviews with leaders of NGOs and municipalities in Lebanon are incorporated.\footnote{A series of informal interviews was conducted with executives of NGOs and local governments in Lebanon in 2015. The information provided by these sources is intended to be illustrative. It is not necessarily representative of all NGOs and local governments in developing countries.}

The next section of the paper considers the topic of decentralization. This is followed by a discussion of some of the most prominent frameworks of NGO-government relationships. The objective is to demonstrate that existing frameworks do not fit the local government case in developing countries. Analysis of the nature of the relationships between local governments and NGOs allows us to derive the conditions conducive to supporting good governance in a decentralized context. Our intention is to contribute to the demystification of an important aspect of contemporary governance around the globe.

**Decentralization**

Local governments are becoming increasingly important actors in developing countries. Many scholars studying the distribution of authority in various countries have concluded that, unless compelling reasons for centralization exist, “local decisions are best made by locals” (Hooghe and Marks 2009, 232). In theory, local government is more efficient than a central government in the provision of pure public goods since local governments have an informational advantage over a distant central government regarding local preferences and needs (Oates 1972). Consequently, the promise of decentralization is an improvement in the public sector’s ability to match the delivery of goods and services with the demands of the local populace. This is of particular value in nations with heterogeneous populations clustered into relatively homogeneous communities.

In practice, decentralization can take many different forms (Haase and Antoun 2015; Rondinelli 1981). For example, in its most expansive form, decentralization involves devolving policymaking power to local governments (Dafflon and Madies 2011. A more constrained type of decentralization occurs when local governments are delegated sufficient authority to manage
public functions, but not the power to make policy. Another form, fiscal decentralization, results when a central government reallocates revenues collected at the national level to localities or when local jurisdictions are empowered to generate resources at the local level. Over time, decentralization has been promoted as a desirable option for dispersing decision-making and allocating responsibility, advocated by the World Bank (2009) and similar organizations. Of course, one essential consideration is the type of decentralization is being advocated: full scale devolution of power to local jurisdictions or a more modest delegation of functional responsibility. Robust decentralization can strain traditional boundaries separating central and local governmental responsibilities. But if decentralization is of the modest variety, local jurisdictions will lack meaningful policy authority thereby limiting their potential to reach out to and fully engage with NGOs and other groups.

Even as many scholars (e.g., Andrews and de Vries 2007; Awortwi and Helmsing 2014; Kakumba 2010; Sezen 2011) cautioned against assuming uniformly positive outcomes of decentralization, many nations have taken actions intended to shift authority downward. For example, in Bolivia, several types of subnational jurisdictions have been created and empowered in an effort to achieve efficiency and responsiveness (Faguet 2014); local government empowerment has been advocated as part of rebuilding Iraq’s governance system (Brinkerhoff and Johnson 2009). Empirical evidence exists to support some of the claims made for decentralization. For instance, a longitudinal study of decentralization reforms in 183 Pakistani villages demonstrated real but uneven improvement in the provision of four public services (Aslam and Yilmaz 2011). This underscores the importance of context in any type of decentralization reform: the nature of relationships can differ from one community to the next.

There are other cases where decentralization has fallen far short of its promise. In South Africa, a problem of institutional design—inadequate administrative systems and accountability processes that can be circumvented—has stalled decentralization efforts (Koelble and Siddle 2013). South Africa serves as a reminder that in evaluating decentralization, it is important to distinguish between constitutional or legal provisions and actual practice. Saudi Arabia is another example where the decentralization reality does not square with the rhetoric. There, local governments function primarily as implementers; officials are chosen in local elections.
that are basically ceremonial. Alkadry (2015) refers to this rather evocatively as the “mirage effect.”

**NGO- Government Relationships**

Over the last few decades, NGOs have experienced substantial upsurge and growth in role and number worldwide. NGOs are often extolled for their understanding of community needs, their staff expertise, and their efficiency in delivering public goods and services (Brinkerhoff and Brinkerhoff 2002; Feiock and Jang 2009; Kettl 2000). In addition, NGOs are often the preferred channel for the flow of foreign aid to developing countries (Banks et al. 2015; Mitlin, Hickey and Bebbington 2007). As such the expectations of NGOs have risen. They need to serve citizens, build local ownership, strengthen civic engagement, and work for the public interest/good. They operate in the public domain, and at the local level, they can complement and supplement the work of local governments. The multifaceted role NGOs play positions them at the center of cross-sectoral connections, as shown in Figure 1.

**Figure 1. The interaction of local governments and NGOs**

![Diagram of the interaction of local governments and NGOs](image)
Government agencies and nonprofit organizations’ interactions take various forms. Scholars studying government-NGO interactions have concentrated their efforts at the central government level (e.g., Brinkerhoff 2002; Gidron et al. 1992; Najam 2000; Young 2000). Less attention has been given to relations between local governments, which often lack resources but perform vital functions, and the growing number of NGOs that operate in their midst. Where local government-nonprofit relations have been studied, the setting has been developed countries (e.g., De Corte and Verschuere 2014; Gazley and Brudney 2007; Gazley 2010; Kuhnle and Per Selle 1990). As a result, interactions between NGOs and local governments in developing countries are still not fully understood. Before presenting our propositions for understanding intersectoral relations in developing counties, we review relevant themes from the literature.

**Goal Congruence**

Effective NGO-government relationships are often said to require the sharing of mutual goals (Brinkerhoff 2002; De Corte and Verschuere 2014; Najam 2000; Shaw 2003). These relationships are sought to maximize benefits for each party and are “subject to limits posed by the expediency of meeting objectives” (Brinkerhoff 2002, 22); therefore, requiring a strong commitment to partnership goals and objectives. Each actor (government or NGO) must remain true to their goals in order to maintain value balance (Austin 2000; Brinkerhoff, 2002). Similarly, the relationship is contingent on similarities in the ends determined by government and NGOs, as well as the means they use to meet policy demands (Najam 2000).

**Availability of Resources**

In addition to the importance of goal setting, resources (or lack thereof) have a significant impact on government-NGO relationships. Partnerships between governments and NGOs are pursued because each may have unique resources or skills to offer. Nonprofit organizations emerge and develop due to the limitations of governments in providing public goods. When
constraints keep government from providing what the society needs, NGOs try to fill this gap in services or supplement existing service delivery (Furneaux and Ryan 2014; Young 2000). This arrangement depends, to a large extent, on market practices, available government resources, and the nature of government’s relationship with the NGO sector. The fiscal and regulatory relationships central government agencies have with the third sector are another influence (Gidron, Kramer, and Salamon 1992). However, the positive benefits of NGO-local government collaboration, including greater effectiveness in service delivery, organizational learning, cost savings, and increased quality may be outweighed by other factors such as bureaucratic red tape, funding, mission divergence, each sector’s inherent goals, and accountability issues (Gazley and Brudney 2007).

**Degree of Formality**

The nature of a relationship between governments and NGOs can be significantly influenced by the degree of formality between the two parties. Coston (1998) describes how contracting and degrees of formality with the government affects programs and projects in which NGOs are involved. In the practical terms of public service provision and management, collaboration involves active, formal or informal relations, in addition to an exchange of resources to implement a policy and deliver services (Coston 1998; Gazley and Brudney 2007). Disagreement exists as to the degree of formality these partnerships require. Gazley (2008) argues that both formal and informal relationships appear to be equally present in the various policy arenas with few implications for outcomes. However, Shaw (2003) contends that commitment to the relationship by top management is a key component of any partnership and can accomplish more with less formal and loosely structured relationships.

**Experiences and Linkages**

The nature of government-NGO relationships can be explained through a complex lens of strategic institutional interests of both government and NGOs, rather than determined solely by isolated factors (Najam 2000). Relationship patterns involving governments and NGOs
may be multi-dimensional, and may be influenced by government’s acceptance or rejection of institutional pluralism. When government resists institutional pluralism, it does not allow for a political and policy space where NGOs could function thereby hindering the level of government linkages (Coston 1998). Also important are the prior collaborative experiences organizations accumulate and the professional experiences managers of these organizations share (Gazley 2010). In developing countries, the devotion to traditional principles and core values and past experiences of leaders have delayed NGOs’ adoption of service delivery roles (Ramanath 2005).

**Initiation**

The political environment has leaned in favor of contracting out public goods and welfare to promote efficiency among other reasons (e.g. Romzek and Johnston 2005). In less competitive markets, governments tend to contract with nonprofits for the delivery of many social services (Girth et al. 2012; Van Slyke 2007). That said, NGOs’ level of involvement in the relationship and initiation may fall between two extremes. Governments may initiate relationships with an NGO and serve as a primary provider of the service and funding. Alternatively, NGOs may initiate and serve as the dominant service and financing provider, especially in the case of significant opposition to government involvement for ideological or other reasons.

In other instances, NGOs may initiate negotiations and discussions pertaining to the specific nuances of the relationship (e.g. performance measures, incentives, etc.). Their feedback and preferences may be incorporated fully or partially but still must go through negotiations with the government to ensure the highest level of efficiency (Amirkhanyan 2009; Feiock and Jang 2009). Whoever initiates the relationship—NGOs or governments—has significance in the eventual distribution of power and influence and in shaping the direction taken.

**Organizational Capacity**

As noted, partnerships between governments and NGOs often develop because each has unique resources or skills to offer. Among the reasons NGOs partner with governments on
governance-related matters is to supplement limited capacities. Under the right conditions, NGOs and local governments can develop symbiotic relationships. Assuming a positive benefit is perceived by both sets of actors, government managers often use the relationship to generate efficiency while nonprofit managers use the relationship to gain credibility and further develop resources (Gazley and Brudney 2007). In principle, these modes of interaction have greater potential for NGOs’ impact on local governmental capacities, since “appropriately structured partnerships between community associations and local governments can provide a basis for institutional strengthening” (Krishna 2003, 361).

**Authority and Power**

Systems of government operate on multiple levels replete with interacting and interdependent units; as such intergovernmental relations have to be carefully planned and managed. Adding NGOs to the mix can affect the power dynamics that are in place. Many public services once considered to be strictly government responsibilities are now open to involvement from the nonprofit sector. The pattern and intensity of intersectoral interactions reflect the importance and challenge of authority.

However, concerns about the “preservation of the distinctive characteristics of each sector emerges with the increase in collaborations…Unless care is taken on both sides, this can lead to the diminution of the important advocacy and representational functions of these organizations and of their potential for innovativeness” (Gidron et al. 1992, 28). One consideration in the power dynamics of the two sectors is whether NGOs and government possess similar amounts of authority. If asymmetrical, the likelihood of collaboration relationships is lessened (Coston 1998; but see Najam 2000).

This review of major themes in intersectoral relationships provides a starting point for the development of a framework explicitly focused at the local level. As noted, the studies referenced here do not fully capture aspects of the NGO-local government relationships, particularly in the case of developing countries. Consequently, the factors attributed to successful relationships have yet to be clearly established. The relationships among the national and sub-national levels of government and NGOs are not static. They evolve with changes in
power positions, resource-base, political orientation of ruling elite and parties, and sheer necessity. We do not know the extent to which governments (both central and local) are open to multiple actors operating within a policy arena (Brinkerhoff 2002; Coston 1998; De Corte and Verschuere 2013; Furneaux and Ryan 2014; Kuhnle and Per Selle 1990; Najam 2000; Shaw 2003). The impact of decentralization has not been fully explored. Shifting the focus from “national to local control may therefore also involve shifting the function of the third sector from advocacy to service provision” (Gidron et al. 1992, 10). A framework is needed to help structure subsequent empirical research.

An Additional Consideration: The Stigma

Many discussions of NGO-government relationships, specifically with governments in the developing world, are painted with a negative and complicated brush due to the presence of corruption. NGOs often do things “that the government refuses to do, does not do enough of, is incapable of doing, or is unable to do” (Najam 2000, 380). Associated with the rise of NGOs in recent decades is an increase in development aid mainly channeled through NGOs, amidst pressure on national governments to become more transparent. NGOs have the ability to detach from a particular “corrupt culture” and do “good,” “unencumbered and untainted by politics of government” (Smith 2010, 244). However, in some cases, even NGOs carry this stigma, particularly in countries such as Nigeria and China where the governments have utilized their authoritative systems to create so-called “faux-NGOs” (Smith 2010); this negative and corrupt stigma disrupts the effectiveness of development objectives. In a nutshell, the stigma here is that they (government) are the ‘bad guys’.

On the other hand, the continued rise of NGOs and the expansion of their role in development do not reflect an enhanced and beneficial relationships with local governments. On the contrary, the pressure on NGOs to pursue the interests and agendas of international donors have arguably distanced them from the local communities (AbouAssi 2013; AbouAssi and Trent 2013), creating a sense of monopolization and exclusion, where it is easier to blame most inefficiency and ineptitude on local governments.
This stigma allows NGOs to continue to play supplementary or alternative roles to national/local governments without ever questioning solutions to aspects of corruption such as nepotism, cronyism, or patronage. Alternatively, given the context and certain indicators, NGOs can work with national/local governments as partners for policy and structural change against these negative stigmas.

**Distinguishing Features of NGO-Local Government Relationships in Developing Countries**

We propose five broad features to help provide a more comprehensive picture of the nature of NGOs’ interactions with local government in developing countries. These features are derived from both the literature and our preliminary conversations with officials from NGOs and municipalities in Lebanon. Table 1 summarizes them.

**Table 1: Critical Features of NGO-LG relationships in developing countries and potential significance**

<table>
<thead>
<tr>
<th>Features</th>
<th>Potential Significance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Origin of the relationship</strong></td>
<td>Origins affect the distribution of authority and power in a relationship.</td>
</tr>
<tr>
<td>Who initiates? LG or NGO</td>
<td>Initiator has first-mover advantage.</td>
</tr>
<tr>
<td>What is the direction? top-down</td>
<td>The directional flow of resources and power is not uniform.</td>
</tr>
<tr>
<td>or bottom-up</td>
<td></td>
</tr>
<tr>
<td><strong>Boundaries of the relationships</strong></td>
<td>Boundaries are blurred.</td>
</tr>
<tr>
<td>What is public/private?</td>
<td>The roles and responsibilities of various sectoral actors are not fixed, producing uncertainty and instability.</td>
</tr>
<tr>
<td>What is central/local?</td>
<td>Decentralization may be more limited in practice than in theory, as a result innovation is blunted.</td>
</tr>
<tr>
<td><strong>Policy formation</strong></td>
<td>The monopoly of policymaking</td>
</tr>
<tr>
<td>Domination by the central government constrains LG-NGO relations</td>
<td>The inability to make policy weakens local government vis-à-vis NGOs.</td>
</tr>
<tr>
<td><strong>Relationship dynamism</strong></td>
<td>Local government-NGO relationships are fluid but less complex.</td>
</tr>
<tr>
<td>Fewer and less varying relationships at local level</td>
<td>There may be more opportunity for positive lock-in at the local level.</td>
</tr>
<tr>
<td>Relationships consume scarce resources</td>
<td>There is less slack, therefore less opportunity for trial and error.</td>
</tr>
<tr>
<td>Relationships evolve and transform</td>
<td>Progress may occur in fits and starts.</td>
</tr>
</tbody>
</table>
The first feature is that the origin of the relationship can influence the nature of the interactions. Generally, when governments initiate relations with NGOs, the interaction patterns tend to be top-down and focus on the role of NGOs as service providers or contractors (Girth et al. 2012; Van Slyke 2007). These relationships give governments a distinct advantage and place NGOs at risk of displacing their goals and possibly losing legitimacy (Coston 1998; Gidron et al. 1992). When NGOs are the initiators, interactions tend to be bottom-up with an emphasis on advocacy, activism, and dialogue.

A top-down approach is common especially in developing countries like Lebanon in which decentralization has yet to take hold. A leader in one municipality put it this way: “It is vital for the central government to put a national development plan in place and share it with the local authorities and communities and NGOs, and donors.” The central government is calling the shots as the center of authority still resides in the capital. In effect, the central government acts as a third wheel in the relationship between NGOs and local government; local governments’ limited authorities and financial capacity and resources do not allow them to contract out services to NGOs as might be the case in developed countries (Feiock and Jang, 2009). Therefore it is not simply either NGOs or local government initiating or driving the relationship; it can be the central government. Moreover, there are also forces working at local level and with them, a different pattern emerges. It is not uncommon for donors to push either side to engage in a relationship.151

An additional point to raise here is that working across sectors requires building and sustaining relations based on trust and greater clarification of roles and responsibilities (Gazley 2010; Thompson and Perry 2006). When asked about the origin and initiation of a project, one Lebanese NGO staff member commented, “We work with the local communities and then

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151 Donors’ impacts on these relationships are addressed in more detail in the discussion of funding schemes, but it is important to acknowledge the behavior here as well.
submit their demands and priorities to municipalities, which in turn will follow up on them with the members of parliaments and the central government.” To a certain extent, this reflects a process of evolving responsibilities from one level to another, or from one sector to another; in contrast to situations of “cooperative contracts”, where organizations across sectors tend to work jointly on overcoming societal problems, using common rhetoric, and sustaining relationships (Gidron et al. 1992; Amirkhanyan, 2009). Therefore, different configurations of interaction result from these different origins.

The second feature in our framework relates to two questions that involve boundaries: What is public, what is private? What is central, what is local? NGO-government relations both address and further complicate what is already a disputed territory of public versus private (Kettl 2000). Due to mounting public demands for increasingly complicated and diversified services, “the dominant, controlling state [gave] way to the facilitator, partner state” (Brinkerhoff and Brinkerhoff 2002, 5). Governments partner with both the private and nonprofit sectors and boundaries among the three have become blurred, making responsibility difficult to determine (Romzek and Johnston 2005; Kettl 2002). These imperatives shaped the role of other actors in development and service delivery and significantly enhanced cross-sectoral interactions (Brinkerhoff and Brinkerhoff 2002). The literature on these relationships and the appropriate roles of various sectors converges around a call for cooperation and complementarity as a means of ensuring economic efficiency and maximizing results for society (Najam 2000). This is important since the NGO sector includes a wide range of entities, some of which serve a public good while others serve private interests. In the words of a frustrated NGO leader, “NGOs are expected to substitute (for) the government while at the same time they don’t get the financial support from the government and the moral support for the politicians.”

The emphasis on decentralization has muddied what had been a fairly bright line in many developing countries: the set of responsibilities in the purview of the central government and those few belonging to local jurisdictions. Now however, as central governments deconcentrate and delegate, the distinction is less clear-cut (Kettl 2002). Local governments have been given new functions and the boundary showing where the central government’s responsibility ends and that of local government begins has become more difficult to discern. This can create confusion that affects the interactions between NGOs and local jurisdictions.
A local elected official in Lebanon made a similar point when he stated, “I do not want to sound like we are in a competition, but would like to emphasize the importance of the role of each entity group—and not one group—be it the NGO, the public or the private sector, or the donor agencies.”

The third feature relates to policy formation. Some NGOs are interested in and keep a keen watch on government’s policy formation (Najam 2000). Government enacts policies and laws that affect the operations and management of NGOs just as they affect the regulation of public life or the environment in which NGOs operate. Herein lies a possible cause of confrontational and adversarial relations between NGOs and governments that both Najam (2000) and Young (2000) address in their work.

In a developing country, advocating for policy change takes place at the central rather than at the local level. An NGO leader noted, “We work on drafting and amending laws, collaborating with government officials, ministers and MPs. With municipalities, we partner to issue some standards and ordinances.” Although working with local governments can be productive in that sense, there is an “impression that the center of power is not at the local level but elsewhere,” according to another NGO leader who referred to the organization’s attempt “to lobby the local government and work with them on a solution but realized that they could not do anything. So we shifted our efforts to focus on the ministries and members of parliament and succeeded.” Hence, this further constrains the prospects for productive relations between NGOs and local government. Although decentralization could eventually open additional venues for NGOs to engage government, the reality is that local jurisdictions in most developing counties lack policy authority. Therefore, policy formation occurs at higher levels in the governmental system.

The fourth feature in the framework is the relationship dynamism. Relationships with central governments are larger in number and variety than with local governments; moreover, they often possess greater complexity (Coston 1998; Furneaux and Ryan 2014). Despite outward appearances, the central government is not a single unified entity but rather a collective of different institutions with multiple, and sometimes competing, policies, jurisdictions, and interests; thus, the center of authority is often diffused. While a local government carries out
different functions, its structure is not as fragmented and the authority is more concentrated. Does this distinction matter, especially in assessing relations with NGOs?

Moreover, these relationships require and consume resources. Organizational readiness is an antecedent for engaging in any kind of relationship; readiness is reflected in both culture and resources (Coston 1998). This applies to relations with both the central and local government. Because NGOs usually have limited organizational capacity and resources, the risk is that cooperating with the central government might actually consume the capacity of the NGO, at the expense of collaboration with local government (Coston 1998; Gidron et al. 1992).

Relationship dynamism occurs in developing countries, but it manifests differently. NGOs and local jurisdictions engage in more than one type of relationship depending on the time, issue, and need. Even when a predominant type of relationship emerges, it can change, possibly through a circular process of engagement, feedback, adjustment and re-engagement. We have observed this relationship dynamism in the NGO-local government environment in Lebanon. The comment of an NGO staff member is apropos: “We tried before to train local communities and groups on how to manage projects and to get funding; after we left, they fell apart because the municipality was not involved. You need this institutional apparatus.” Another cited the variation in NGO scope and emphasis. “Big national NGOs enter a certain region and execute projects without involving or caring for the local people. They leave without turning the ownership to the local people or municipalities… Local NGOs have a moral accountability to the local people based on the close personal connections.” Local officials also report dynamic relationships, reflected in this comment, “Local ownership requires networking and coordination as much as building capacity and involving local authorities. Those calling for local ownership (donors and NGOs) are far from practicing it on the ground.” The question, however, is whether an NGO engages in multiple relationships with the local government at a specific point in time, as is the situation with the central government agencies.

The framework’s fifth feature—the context of the relationship—is multifaceted. Three interacting facets produce the context for local government-NGO relationships. Gazley (2010) stresses that “expressed reasons behind managerial attitudes about collaboration are not
monolithic: They reflect underlying political and social dynamics that should be understood as distinct constructs” (72). As such, context matters—quite a lot.

The developing context is different from the developed world in that the operating environment is constantly experiencing social, political, and economic upheaval (Ramanath 2005; Nguyen 2011). Furthermore, in looking at NGOs and local government collaboration in a developing context, a standard of comparison is difficult to formulate as each country fosters its own approach to economic development and the conduct of international and local NGO operations. In the paragraphs that follow, we explore the issue of context.

The three facets that comprise context are: (1) pre-existing funding schemes, (2) relational deficits and legitimacy, and (3) local and professional knowledge. The first aspect of context involves the NGOs self-financing and the funding flows within a country. NGOs, in general, rely on donor funding; they are not self-financed (Aldaba et al. 2000). In most cases, the trend is toward ‘designation’ of the funding, by which a funder specifies where the contribution is to be spent and which beneficiaries are to be targeted, instead of allocating an unrestricted grant (Barman 2008; Grønbjerg et al. 2000). Such a practice is at the heart of international development assistance, evidenced through the conditionality and requirements of grants (Basombrío 2000; Wallace et al. 2006).

To NGOs, survival and financial security are a main goal (AbouAssi 2013). Accordingly, this drives the organizations to build relations with sources of funding in a supplementary or complementary fashion (Young 2000). When an international donor is not the main or sole source of funding, more often than not, the source is the central government and not local governments. To elaborate, a Lebanese local government official expressed frustration, “When all the work depends on donor funding, NGOs work on their own with donor funding; they do not involve other partners especially municipalities. When the donors ask the NGOs to work with us, we become their partners. This relationship is based more on funding criteria than on the needs of the NGOs.” In addition, donors are shaping the national policies of recipient countries directly and indirectly by negotiating priorities, establishing partnerships and networks with local actors, and advocating for certain policies (Banks et al. 2015; Stiles 2000; Edwards 2008; AbouAssi 2013).
The funding scheme is then coupled with a push towards decentralization as a policy agenda of international donors in developing countries. Government decentralization provides “more space and resources for local government and local action” (Aldaba et al. 2000, 680). Such a push could increase either collaboration or competition between NGOs and local governments. Collaboration requires that local governments have financial resources at their disposal and that they have the discretion to spend these resources on local needs. The financial resources of local governments come through inter-governmental transfers and not from locally-levied taxes and fees. Inter-governmental transfers are under the discretion of the central government; local governments do not determine their release and accounts. The first obstacle here is that decentralization in developing countries is not often coupled with fiscal decentralization; the central government devolves some authority to local governments but might retain the authority over collecting taxes and fees. This not only undermines decentralization and the autonomy of local governments but also weakens these governments’ capacity to work with NGOs at the local level.

A related obstacle is that the negative stigma associated with local governments may be reversed and placed on the NGOs themselves. In this particular context, the stigma works against the NGOs as “being a not-for-profit organization practically implies ‘pursuing losses’…NGOs by nature are not-for-profit and, therefore, do not need a larger cut [of assistance]” (Aldaba et al. 2000, 681). As such, (1) the context of how NGO’s acknowledge and participate in alternative funding schemes in the face of funding constraints and (2) the context of government decentralization and attitude towards businesses, will determine the strategies and goals with which NGO-government relationships unfold. Many NGOs choose not to engage with local governments because of the negative stigma earlier discussed or of the overemphasis on being values-based organizations (Edwards 2008; AbouAssi 2013).

Second, NGO-government relationships can be contingent on existing relational deficits at the local level. The history and past necessity for NGO-government interactions will determine their respective strategies and goals (Gazley 2010). Because of the possibility of limitations, relational experiences and precedence matters significantly in the context of NGO-government relationships. Two considerations are important here. First, if NGOs have never been incentivized to need to work with governments, engagement with government actors will be limited. In the context of funding constraints, NGOs interact with domestic actors can be
limited, due to their dependence on donor funding, risking distrust and disconnect with constituents and local needs (AbouAssi 2013; Aldaba et al. 2000; Edwards 2008). However, the ability of NGOs to independently operate at the local level is only temporary without these domestic support systems. As aid frameworks and dynamics evolve (Banks et al. 2015), NGOs are no longer able to depend on the traditional external funding channels and will need to “break] out of the narrow confines and relative comfort of the aid system and its relationships... [NGOs] need to demonstrate their worth” (Aldaba et al. 2000, 682). The demonstration of worth relates to the legitimacy of the organization, which should be garnered in the society and from constituents at the very local level (Garilao 1987; Edwards 2008). As an official in a Lebanese city succinctly stated, “these relationships do not always depend on resources. We cannot offer the material support to NGOs in our city but we can definitely offer the moral support— even the legitimacy. Both of us want to serve the community; they bring the money and capacity and we bring the legitimacy and support.” After all, these local governments are elected bodies and thus representative of local communities. An NGO executive agreed on this observation, “we understand the reality that municipalities are weak in terms of their authorities, resources and capacities. However, their status and existence by themselves are quite important; they are elected bodies and have the right contacts and channels with different ministries and agencies. We should tap into these.”

In the context of developing countries, the power structure in local communities can exist outside the formal structure. The less democratic the institutions of government and civil society and the market, the more difficult it is for rearrangement or sharing of power between elites in and out of government and the local citizenry (Brett 2004). Local government officials can be elected to represent the people and are entrusted with the legal authority to govern local affairs. However, local traditions and culture also prevail; local elites—who might not be elected—can continue to hold the power in their communities, expressing either some resistance to power rearrangement that favors local government or reaching informal arrangements with local governments to practice that power. Ignoring local traditions and cultures increases the chances of failure in the work of NGOs more than it is the case of bypassing the bearer of the legal authority (the local government). Scholars who study participatory approaches in development management (Brett 2004; Chopra and Hohe 2004, Mansuri and Rao 2004) have urged NGOs to avoid disturbing the local power structure in
their work by involving the local elites throughout the process. An NGO executive captured the essence of the argument here; “If you want to get things done, you do not go to the municipality. You will be wasting time and resources in meetings and paperwork. Instead you go to the local leaders and sell your idea or project to them. They have the power not only over the people but also over the elected local officials. Their buy-in is much more effective and important. You do not want to upset the head of a tribe or a large family; you can upset the mayor.”

Finally, the third aspect of the contextual relationship between NGOs and governments is local and professional knowledge, which reflects organizational capacity. One of the greatest determinants of NGO-government relationships is the personnel who work within these two sectors; their perceptions and values, local knowledge, and relations are critical. In many countries the NGO and public sectors might overlap and critical personnel issues may emerge; these issues “may include kinship relations within elite families, age sets or alumni groups which connect NGO staff with colleagues in other spheres, the social embeddedness of employees within wider communities…allegiances and identities among ‘non-governmental actors’” (Lewis 2008, 126). At the local level, people know each other; this might open or close doors for relationships. One NGO executive commented, “If you do not have connections in the municipality, then it is hard to get any kind of assistance or response. Few NGOs have relations with the municipality. That is not necessarily due to the political context but more due to the personal relations; you know, this NGO is run by the mayor’s wife or that is the municipal staff’s sister.”

While personal relations matter, Gazley (2010) noted the importance of shared professional values and experiences for the success of cross-sectoral partnerships. Given the context of either a “consecutive” employee, one who leaves one sector for complete independence in another sector, or an “extensive” employee, one who simultaneously works in both sectors, the personnel culture greatly determines NGO-government relations. This is particularly true in many developing countries where local government serves as an entry point to run for public office—and might be the only opportunity due to sociopolitical constraints. Local government officials and NGOs’ staff might find themselves in the same circle. Another dimension here relates back to the donor’s effects. Stiles (2000) talks about the emerging closed circles of a donor with local governments and NGOs. Certain values, practices, and culture are
accumulated in these circles, strengthen relations within these circles and shaping the behaviors of the actors involved vis-à-vis each other and vis-à-vis other organizations.

Conclusion

In this paper, we have expanded on existing frameworks to provide a more complete understanding of NGO-local government relations in developing countries. For NGOs specifically, this paper recommends that they seriously consider the context and perceptions of local governments in the developing world. The limited number of specific analyses of local governments in the developing world indicates that local governments have been both under-emphasized and sidelined as inadequate actors or partners.

However, given several major trends in the third sector such as moving away from the traditional aid networks, NGOs are now playing more advocacy roles in their own countries. Due to decentralization efforts in numerous countries, local governments constitute the widest gap in this NGO-government relational deficit. Depending on the extent and type of decentralization, local governments may offer untapped resources for financing, policy change, and access to beneficiaries. Further grassroots research needs to be conducted to test the perceptions and knowledge of the various capabilities of local government by NGOs and beneficiaries.

Where the relationship originates – bottom-up or top-down – has significance in the eventual distribution of power and influence and in shaping the direction taken. This can also affect the extent and direction in the flow of needed resources. The lines that demarcate the distribution of authority and responsibility between the central and local governments, particularly in smaller and developing countries are often porous and blurry. They may be subjected to different perceptions and conflicting interpretations of constitutional provisions. This reality, sometimes, results in greater central government intervention in local affairs. In addition, governments maintain a monopoly over policy-making decisions resulting in lessening the flexibility of local governments. In spite of these conditions, relationships between local governments and NGOs can grow and flourish. Serious efforts to complete
early projects and resolve financial flow issues early in the relationship can, particularly, help in building future trust and a common value system.

Embedded in various contexts, every NGO-government relationship is dependent upon the strategic and institutional interests and goals of both the NGOs and governments. In addition, with the major trends in development today, we anticipate that the next large catalyst for social change and structural transformation in poorer nations will occur at the intersection of NGOs and local governments.

References


62. Examining the cooperation between ministries and civil society organizations in the Republic of Kosovo

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Abstract

Development of a professional and accountable public administration which functions based on principles of ethics and integrity constitutes an aspiration of modern societies. Hence, transparency is an essential requisite for the state to exercise democratic governance. Accomplishing this ambition has proven to be a challenging undertaking - in particular in countries of Western Balkans, which are seeking membership in the European Union as the Republic of Kosovo. In addition to concerning legal aspects which provide for the institutional reform, the cooperation with civil society organizations is a great necessity for ensuring good governance and representation of diverse voices in policy-making and implementation. Although rapid development of technology enables mechanisms that guarantee the flow of information among various actors, the Republic of Kosovo yet, after eight years of declaration of independence, has not witnessed a satisfactory effective cooperation between the executive branch of governance in one hand, and the civil society organizations on the other side. Very often civil society organizations were attacked and labeled publicly by policy-makers as working against domestic interests and promoting foreign agendas.

This research paper provides an analytical evidence of examination of the institutional cooperation between civil society and government agencies in Kosovo, by analyzing patterns, dynamics, and challenges of this relationship that is critical to ensuring democratic
development in Kosovo. Findings lead to conclusions that political will is required for improving the openness of public consultations and capacities of public servants in Kosovo need to be further strengthened for being able to absorb the expertise offered by civil society.

**Keywords:** cooperation, civil society, ministries, Republic of Kosovo

**Introduction**

Emerging as an independent country in 2008 with the support of the international community of western democracies, Republic of Kosovo presents a plethora of reasons to be considered as a very complex yet controversial case of study for democratization and public administration development. After the 1999 war, Kosovo has been the largest beneficiary of international development assistance *per capita*. Despite the tremendous support, 16 years forward, Kosovo remains the country with the lowest socio-economic development in the region of Western Balkans. The democratization process remains an unprecedented one: the presence of international missions and organizations in Kosovo, i.e. EULEX (the biggest European mission ever launched abroad) has proved to be utterly helpless in promoting the rule of law in the country. Furthermore, its highest officials were allegedly accused of being involved in corruption affairs. Undoubtedly, civil society has constituted an inherent part of this transition process. For the accuracy purposes, any analyses of the impact of civil society in the democratic transition in Kosovo must be carefully observed under two distinct historic phases: 1) The early ‘80s to the pre -1999 war in Kosovo; and 2) the post (1999) war period in Kosovo. We refer to this historic distinctions for various significant reasons as they present two different socio-economic realities in Kosovar society. In the first phase, we encounter an internationally isolated Kosovo, part of the former Republic of Yugoslavia, while the post-war period finds Kosovo under the international protectorate with governance powers exercised jointly by the United Nations Mission in Kosovo and the provisional Kosovo authorities. Under the pre-war above mentioned context, many academic voices regard civil society in Kosovo as very authentic and highly organized: at this point of time, we witness an active citizenry structured around joint collective activities to ensure collective survival under the
former Yugoslavia disintegration circumstances. In the post-war period in Kosovo, presence of the international community has shaped a civil society more inclined towards international funding resulting in absence of a regulatory public funding system.

Years after, in 2008, Republic of Kosovo declares its independence as a sovereign country and this moment presents a formal confirmation of the continuation of state-building processes. As Kosovars assumed more self-governance powers from foreign missions in Kosovo, expectations for institutional accountability increased from civil society organizations (referred further as CSOs).

**Civil society typology in Kosovo**

Republic of Kosovo has drawn on best European practices for regulating the civil society sector. According to the legislative act the Law on the Freedom of Association, civil society organizations in Kosovo may register as either association or foundation. This law defines association as organization with membership and on the other hand the establishment of a foundation does not require membership but it is created to manage properties or funds. According to the Ministry of Public Administration statistics, the number of the registered local civil society organizations is 8995. The number of foreign non-government organizations operating in Kosovo accounts 8927. The most common areas of activities of local civil society organizations include development, human rights, humanitarian and gender equality, preservation of environment, sports, educational activities, economic expertise, and public policy analyses. Vast majority of the most active civil society organizations in Kosovo constitute the platform CiviKos established in 2007 - consisting of 180 CSO members.

When describing the civil society as a very vague concept, Michael Edwards argues that the civil society debate will never be closed, because the essence of civil society is collective action, negotiation and struggle (Edwards, 2009). In Kosovo’s case, the public debate on political discourse features a civil society more disposed to acting as a watchdog of public interest.
A chronology of the challenges of cooperation between civil society organizations and ministries in Kosovo

The significance of the cooperation between ministries and civil society organizations consists in executive powers of the ministries rooted in the Constitution of the Republic of Kosovo, including the right to initiate and propose legislation to the Kosovo Assembly. Although the political system in the Republic of Kosovo is built upon the principles of representative democracy, the Government of Kosovo has consistently been recommended on the annual basis by the European Commission to improve public consultations in policy-making processes.

The cooperation between civil society and public institutions in Kosovo was as uniquely challenging as the process of establishment and consolidation of the public administration in Kosovo. This cooperation reckoned as a requirement for good governance promoted by the international community in Kosovo. Development of this cooperation has constituted part of political criteria for Kosovo’s European integration since 2003. The 2015 Progress Report on Kosovo estimates that ”Some progress was made in improving cooperation between the government and civil society. However, input from civil society needs to be systematically sought and followed up” (European Commission, 2015, p. 9). This situation was encountered one year after the assessment of the European Commission that Kosovo’s government capacity to implement the Strategy for Cooperation with Civil Society (2013 – 2017) is still weak (European Commission, 2014). On 2013, the cooperation between CSOs and government and public institutions in Kosovo was described as of ad hoc character (European Commission, 2013). The formal cooperation between the civil society sector and the government has commenced on 2007 with the signature of the first Memorandum of the Cooperation between the CiviKos platform and Office of the Prime Minister of Kosovo.

International community’s support has been of vital importance for civil society development in Kosovo, in particular in early years of the post-war period. Support has included funding of projects, mainly, in the areas of democratization, human rights, gender equality. The European Union remains one of the main donors providing assistance through programs that enhance CSO capacities and encourage the regional cooperation among civil societies in countries of the region of Western Balkans.
State of play of institutional mechanisms

On 2012, the CiviKos platform and the Office for Good Governance of the Office of Prime Minister of Kosovo commenced drafting of the Strategy of Government of Kosovo for Cooperation with Civil Society 2013 – 2017 (referred further as the Strategy), approved in July 2013. While this strategy presented the cornerstone for the formalization of the cooperation, institutional mechanisms were created to oversee its implementation consisting of the government and civil society representatives such as the Council of the Government Strategy. The Strategy contains 4 objectives: 1) Ensuring strong participation of civil society in drafting and implementation of policies and legislation; 2) System of contracting public services to civil society organizations; 3) Building system and defined criteria to support financially the CSOs; 4) Promoting an integrated approach to volunteering development (Office of Prime Minister of Republic of Kosovo, 2013).

This strategy was built upon principles of good governance, transparency, participation and accountability to citizens (Office of Prime Minister of Republic of Kosovo, 2013, p. 5) and it is the first strategic document to formalize the cooperation between the government and civil society in Kosovo. To this date, substantial progress was accomplished in the implementation of this strategy: the Government has approved the Regulation for Minimum Standards for Public Consultation, the mixed model of funding for civil society organizations was approved as well, while a platform for online communication is currently under development within the Office of Prime Minister of Kosovo. The Office for Good Governance within the Office of Prime Minister and the CIVIKOS platform constitute the Council for monitoring the implementation of the Strategy.

Kosovo Government Rules of Procedure specifically puts emphasis on the actors that must be consulted in policy-making by the legislation sponsoring bodies (Kosovo Government, 2011). The Regulation on the Minimum Standards for Public Consultation Process (referred further as Regulation) draws on the Kosovo Constitution and the Law on Legislative Initiatives to ensure and guarantee wide public consultations for inclusive participation in policy-making and decision-making based on the principle of transparency. The regulation stipulates equal opportunities in consultations, promotes for a well-informed public in the three official languages in Kosovo, recognizes the need for sufficient time to allow for public inputs and
defines public policy documents that require public consultations. Regulation encourages the use of information technology and selection of the right means of information technology for disseminating the information.

On the other hand, from the perspective of ministries, according to Regulation, secretaries of each ministry and counterpart positions of other public bodies, are in charge of selecting officials for coordinating public consultations. This has caused confusion among administrations in ministries as it is not specifically defined what positions should have these officials, and consequently the responsible officials have not yet been appointed.

As a platform for electronic communication for public consultations is currently under development within the Office of Good Governance, the actual public consultations intermissions include: lack of an institutional address where inputs should be addressed, in cases when documents are published in websites, public is not notified upon these acts, and in all cases, there is not compiled any introduction to provide for clear orientation.

Methodology

This paper draws on mixed research methodology for analyzing the underlined problem. We build on theoretical approaches and best international practices of public administration to analyze the concerning cooperation. Quantitative methods are applied to analyze the collected data from semi-structured questionnaires from representatives of civil society organizations. Interviews were held with representatives of Kosovo Government and representatives of ministries.

Theoretical approaches and international standards to cooperation between civil society and public administration

As public administration evolves rapidly around the quest of solving problems through policy-making, the classical theoretical scope is limited to addressing all questions related to the
variety of political systems in various countries. With regard to classical theory, the most important concern is the formulation of certain universal principles of organization (Basu, 2004, p. 134). Among contemporary theories such as new public management hold for debatable attributes democratization and citizen participation, rationalization of jurisdictions, and streamlining of administrative structures, among others (Gruening, 2001). According to Brenton Holmes, “the theory and practice of public administration are increasingly concerned with placing the citizen at the center of policy-makers’ considerations, not just as the target but also as agent” (Holmes, 2011).

Elaborating on the importance of the administration to the service of the community, Rusch describes the following standards: “Good administration responds to the expectations and requirements of a balanced approach to safeguarding the public interests while respecting the rights and interests of the individual citizen. In this way, it promotes social trust in the executive power and fosters economic development and social wealth. In contrast, the malfunctioning administration is an obstacle to productive investments and can lead to citizen’s distrust of the state” (Rusch, 2014).

In addition to theoretical corpus on public administration, many international development organizations provide with pragmatic standards on open and inclusive policy-making for improving delivery of public services. According to OECD Guiding Principles for Open and Inclusive Policy Making, “open and inclusive policy making is most often promoted as a means of improving democratic performance. For good reason too, as it enhances transparency and accountability, public participation and builds civic capacity” (Organization for Economic Cooperation and Development).

Transparency and accountability in public administration in Kosovo

Government of Kosovo has recently approved the Open Data Charter which paves the way for increased transparency and e-governance. Yet, an entire legislation framework has to follow on making the all data available to public. The Law on Access to Public Documents regulates public access to information on the work of public institutions and sets the deadlines on responsiveness of the institutions.
According to a CiviKos report, “out of 80 draft laws approved in Government, only 21 draft laws of the legislative agenda were sent for public consultation on the address of CiviKos” (Platform, 2016, p. 5).

The cooperation between civil society organizations and ministries in Kosovo

Findings from the survey with representatives of civil society organizations in Kosovo portray an institutional cooperation of civil society organizations with ministries that mainly falls in the following categorization of activities of the CSOs:

1) Cooperation for drafting and development of policies and legislation;

2) Monitoring of implementation of government policies and legislation;

3) Provision of social services;

4) Partnerships for the development of institutional capacities.

As Figure 1 shows, more than half of the representatives of civil society organizations consider the institutional cooperation with ministries as effective to some extent. Almost one-third of the civil society organizations considers the cooperation with ministries as limited. The proportion of 14% of the members of civil society that perceive this cooperation as effective,
provides room for questioning the effectiveness of collaboration. Findings from survey reveal a number of challenges that hinder the concerning cooperation:

- Lack of will and readiness from the representatives of public institutions for inter-institutional cooperation;
- Lack of access to relevant and most current information;
- Delay or nonresponsiveness to inter-institutional correspondence and communication;
- Lack of capacities of public servants to understanding the significance of the cooperation;
- Input from civil society in many instances is not reviewed;
- Selection of CSOs for participation in proceedings of public working groups on legislation very often is not adequately carried out, or based on profiles of activities.
- The impact of cooperation on policy-making

Taking into consideration the above mentioned challenges, civil society constitutes a significant actor in policy-making in Kosovo: a considerable number of think-tanks have developed capacities to offer technical expertise in areas where policy-making is not well informed by the state agency of statistics and evidence-based. Yet, on the other hand, it takes public institutions with well-consolidated and developed capacities to be able to absorb the offered expertise. In particular, the role of civil society organizations has complemented the role of state administrations – civil society has done a remarkable contribution in public affairs by presenting various studies on implementation and evaluation of public policies and documents, a work which has not been done by the relevant state officials.
The impact of information technology to promoting transparency and accountability

Before commencement of formalization of relations between Government and civil society sector, the impact of civil society has been challenged by the lack of sufficient transparency. So far, although Kosovo has secured internet infrastructure with over 90% of citizens with access to the internet, public authorities have not embraced the global trends of tools for e-governance. Currently, as the platform for online communication is being developed and with the approval of the Open Data Charter, still political will is required for increased transparency for the enhanced role of civil society in policy-making.

When asked about anticipating future trends of cooperation, building on previous experiences of cooperation with civil service, representatives of civil society remain divided on the future trends. As Figure 2 shows, 57.1% of CSOs have expressed the opinion that as the process of formalization of cooperation with Government has commenced, the trends of cooperation are improving. Among skeptical civil society activists prevail the opinions that although Kosovo has adopted fantastic documents, implementation of various public documents is not complete and strategies often remain on paper.

![Figure 2. Future trends of cooperation](image-url)
Critical challenges to cooperation

Critical challenges to effective cooperation remain the communication between civil society and a considerable number of policy-makers. On 2015, a member of the Presidency of Kosovo Assembly was quoted to have attacked civil society in Kosovo by labeling them as pushing agendas to promote foreign interests in Kosovo and working against domestic politics. As similar phenomena have occurred quite often, this shows that the inputs from civil society in the political public sphere in Kosovo is questioned as political in most of the cases.

Conclusions and future studies

Approval of the Strategy for Cooperation between Civil Society and Government of Kosovo presents a significant accomplishment for ensuring an inclusive policy-making, yet its implementation remains to be evaluated in the coming years.

Kosovo has embraced tools for e-governance only to a limited extent and with a not very fast pace when considered a sufficient access of citizens to internet infrastructure. The platform for online communication between the civil society sector and government that is currently being developed raises hope, yet political will is required for an improved transparency and increased the openness of public consultations.

The effectiveness of the cooperation between the civil society sector and ministries is perceived by representatives of civil society as effective to a limited extent, and strengthening of capacities of civil service is required in order for ministries to absorb the technical expertise provided by civil society organizations and conceptualization of initiatives for collaboration. Civic capacities also are required to be developed in additional policy areas – despite the fact that a limited number of thinks tanks provide a valuable contribution in policy-making and monitoring of government policies.
References


Abstract

Sri Lanka is a country coming out of three decades of a civil war that has eroded the democratic and public accountability of the country’s governmental institutions. In the war torn Northern Province of Sri Lanka reconstruction of sound good governance structures are unfolding, with efforts to strengthen the role of regional and local governments and restore some measure of meaningful decentralization among the country’s Tamil minority. A key consideration of the reconstruction of good governance concerns the establishment of sound accountability measures common among mature democracies. Reducing corruption, ensuring that sound checks and balances are in place to monitor law and regulation enforcement, sound financial management practices, and building up trust between government officials and the public will be important reforms to be pursued in the years to come. Establishing some baseline measures of democratic, public accountability in Sri Lanka’s Northern Province would appear to be an important contribution to reform efforts.

Drawing on data collected through surveys of 467 government administrators operating within central and provincial government offices operating in Northern Sri Lanka, a baseline assessment of the region’s democratic and public accountability standards is established. The objectives of this study include the assessment of democratic and administrative accountability capacity in the region, and identifying where enhanced accountability measures
are needed. This paper provides an overview of the major findings from the study and anchors the analysis in existing frameworks of accountability common to public administration. The study finds widespread support for diverse accountability measures across governments and between governments and the public. A general antipathy toward elected officials is evident, with strong consensus around the need to improve financial auditing functions, strengthen civil society organizations, and develop greater levels of trust between government and the public. Implications for good governance reforms for Sri Lanka are provided.

**Key words:** accountability, democratic ideals, good governance

**Introduction**

Public Accountability is the hallmark of modern democratic governance (Cook, 1998). Democracy remains merely a “paper procedure” if those in power cannot be held accountable in the public for their acts and omissions, for their decisions, policies, and their expenditures. Accountability in the public sector throughout the world is being given serious attention. Those in authority assume fiduciary status of public funds, with the attendant responsibilities requiring them to render their stewardship accounts to those for whom the authority is held in trust. The general public is increasingly requiring public officers to be accountable by demonstrating effective use of public assets and funds in the delivery of services and pursuit of government objectives (Obazee, 2006).

Sri Lanka is a country emerging from a three decade’s long civil war. Recent presidential and parliamentary elections have signaled a serious effort to reform the country’s governing institutions. Although the country is still a long way off from being a beacon of public accountability, a policy window for reform is now open. This study is designed to inform these developments and establish a benchmark from which to track public accountability reforms.
Public accountability in Sri Lanka

Public accountability and its integral relationship to good governance came to be recognized by the World Bank as a vital requirement in the management of a country’s economic and social resources for development. Good governance has been described as transparent, open and enlightened policy making and the World Bank’s interest in governance resulted in the introduction of a number of programmes to improve public accountability in certain select countries. The call of the World Bank for good governance and its concern with accountability, transparency and the rule of law are intertwined with its strategies on social and economic development. The importance of good governance, therefore, has entered the area of public sector management of developing countries with a view to bringing about good governance through a commitment to public accountability. Therefore, good governance, public accountability initiatives in this direction are needed, and should be examined in order to see how relevant and useful these innovations in good governance have been.

Governance has been defined as the manner in which power is exercised in the management of a country’s economic and social resources for development.

Table 1.1: Governance indicators 2014 world bank: Selected countries (percentile rank)

<table>
<thead>
<tr>
<th>Countries</th>
<th>Voice and accountability</th>
<th>Political stability</th>
<th>Government effectiveness</th>
<th>Regulatory quality</th>
<th>Rule of law</th>
<th>Control of corruption</th>
</tr>
</thead>
<tbody>
<tr>
<td>Singapore</td>
<td>65.7</td>
<td>91.9</td>
<td>100.0</td>
<td>99.5</td>
<td>93.3</td>
<td>99.5</td>
</tr>
<tr>
<td>Malaysia</td>
<td>42.4</td>
<td>61.6</td>
<td>80.9</td>
<td>68.6</td>
<td>69.6</td>
<td>68.0</td>
</tr>
<tr>
<td>Sri Lanka</td>
<td>48.0</td>
<td>20.5</td>
<td>59.8</td>
<td>58.8</td>
<td>60.8</td>
<td>54.6</td>
</tr>
<tr>
<td>Bangladesh</td>
<td>29.3</td>
<td>26.5</td>
<td>35.1</td>
<td>13.9</td>
<td>26.3</td>
<td>7.7</td>
</tr>
<tr>
<td>Australia</td>
<td>94.4</td>
<td>89.7</td>
<td>92.8</td>
<td>94.8</td>
<td>95.4</td>
<td>93.8</td>
</tr>
<tr>
<td>New Zealand</td>
<td>97.0</td>
<td>95.1</td>
<td>95.9</td>
<td>96.4</td>
<td>96.4</td>
<td>99.0</td>
</tr>
</tbody>
</table>
From the above table 1.1 it seems Sri Lanka has to travel a long way to reach higher levels of public accountability and be considered among the leading democratic societies in South and Southeastern Asia.

Sri Lanka is the country that has a comparatively larger public sector as a percentage of the total population than most Asian countries (Iqbal, 2002). The public sector in Sri Lanka spreads over a wide range of sectors of the economy (Kumara & Handapangoda, 2008). Capital and recurrent expenses of public sector entities in Sri Lanka are funded through the government treasury, whose funds are gathered from the general public through taxes. Therefore, taxpayers should have the controlling power over those entities. However, as all such public participation to the management process is not practical, members of the Parliament who are elected by the public are empowered by the Sri Lankan Constitution to control these entities on behalf of the public. As the government leadership is elected by general public, it has the responsibility to discharge its activities in order to fulfill the public needs and the public have the right to know how government spends public funds for the development of the country (Hussaina and Rajapakse, 2011).

The accountability cycle in Sri Lanka begins with the allocation of the Annual Estimates of Revenue and Expenditure in Parliament. The estimates detail the expected revenue and expenditure for all governmental activities. Following this, the Minister of Finance presents the “Budget Speech” outlining the Government’s general financial plans for the following fiscal year recurrent expenditure, development programs, etc. this is followed by the Budget Debate and the passing of the Appropriation Act. The Minister of Finance releases funds to Accounting Officers. These funds are to be spent, as voted by the Financial Regulations and periodic directives issued by the General Treasury.
The Financial Regulations and the Treasury Directives require a number of accounts and statements to be submitted within four months after the end of each financial year. The Treasury must submit treasury statements, each revenue accounting officer must submit a revenue account, and each accounting officer must also submit public officers' advance accounts on advances made to public officers. The Auditor General is then required to examine these accounts statements and report to Parliament on the examination within ten months of the financial year.

After being laid in Parliament, the Report of the Auditor General is referred to the public accounts committee for scrutiny and the examination of the stewardship of the Treasury, accounting officers and revenue accounting officers. The Public Accounts Committee reports to Parliament on its examination and recommendations. The resulting Treasury Minutes directs Accounting Officers to take corrective action.

The role of the Auditor General is an important one. The Sri Lankan Parliament relies on the Auditor General to provide an independent assurance that governmental activities are carried out and accounted for, consistent with Parliament’s intentions. The following are the main stages of the Public Accountability chain. The Auditor General plays a key role in this accountability chain. These roles include:

- Authorization of Government expenditure by the Parliament through the Appropriation Act;
- Preparation of annual accounts by Ministries, Departments and other Public Entities;
- The audit of those accounts and affairs of the public entities by the Auditor General;
- The submission of audit reports to Parliament for review by the two Parliamentary oversight Committees called the Committee on Public Accounts (COPA) and Committee on Public Enterprises (COPE);
- Issue of reports and recommendations by the COPA and COPE; and
- Government response to above mentioned reports.
The three central agencies within the institutional and organizational framework of accountability are the Parliament, General Treasury and the Auditor General Department (AGDSL) as the country’s Supreme Audit Institution. The Auditor General’s Department is the main actor in the public audit dimension of the public financial accountability system, and is responsible for making a judgment, typically expressed through an opinion by the Auditor General about the probity, efficiency and effectiveness of the use of public funds by Government institutions.

The Auditor General’s Department possesses the expertise and resources enabling it to scrutinize and assess government expenditure, with access to official sources of information. It produces reports that form the basis for COPA and COPE work, although the Auditor General enjoys an independent mandate that allows him to determine the focus of its work in line with any relevant legislative requirements. The mandate of the Auditor General affords it a central role in the process of public sector accountability. It is however, reliant on a Parliamentary audience for its reports so that findings and recommendations may translate into effective pressure upon the Government to improve financial control and efficiency, and ultimately public sector performance. This process unfolds, aside from criminal issues which are taken up by the Commission to investigate Allegations of Bribery or Corruption and Criminal Investigation Department (CID). Drawing primarily on information and findings in SAI reports the two oversight committees conduct inquiries into the government’s use of funds.

As in other Commonwealth countries committees like the COPA and COPE of Sri Lanka have a wide remit that permits reference to any current and historical government financial activity across the whole of the core public sector. They are expected to address department-specific financial management issues or wider cross-cutting public-sector efficiency concerns. However, these two oversight committees typically lack an extensive staff capable of carrying out the background research, analysis and preparation for hearings and therefore by convention the role of the AGDSL is to provide that support. The AGDSL and the two oversight committees have a necessarily close and perhaps even ‘symbiotic’ relationship. The AGDSL provides the two committees with the reports that form the basis for its work, and
vital technical support and expertise. Ultimately the two oversight committees of the Parliament add value to the work of the AGDSL, drawing on its democratic legitimacy.

Article 154 of the Constitution of the Democratic Socialist Republic of Sri Lanka provides the mandate for the Auditor General to audit public sector institutions, which can be reproduced as follows:

The Auditor General shall audit the accounts of all departments of government, the officers of the cabinet of ministers, the judicial service commission, the public service commission, the parliamentary commissioner for administration, the secretary general of parliament and the commissioner of elections, local authorities, public corporations and business or other undertakings vested in the government under any written law.

The Auditor General has also been vested with the authority by the Constitution to engage the services of qualified auditors to assist him in his work. This office also has the power to obtain the assistance of specialists in the examination of any technical, professional of scientific problem relevant to the audit, According to Article 154(5) of the Constitution, the Auditor General is,

Entitled to have access to all books, records, returns and other documents, stores and other property and to be furnished with such information and explanation as may be necessary for the performance and discharge of his duties and functions.

Constraints on Public Accountability Reform in Sri Lanka

With regard to public accountability reform, many Asian countries are introducing new initiatives in government to enhance the responsibility of public officials through public sector reform, because this is one of the most basic values of democratic governance. Numerous rules and regulations have been framed and extensive training programs have been undertaken in many Asian countries. Although the performance of such reform measures has fallen short of expectations, they have been positive in general (Siddiquee, 2005).

The public sector is responsible for promoting public accountability, but faces many challenges and constraints in doing so. One of the most serious challenges is the lack of transformational
leadership and political will in many Asian developing countries. Asia has suffered a lack of exemplary leadership in modern history. Although Asian countries have had national leaders, they have, nevertheless, often ended up with dictatorships or authoritarian regimes in the past. Also, leaders have had low commitment to promoting features of democratic governance, such as transparency and accountability (Kim 2009). Since many international development partners have been promoting public sector reform, wide ranges of reforms have been taking place in many developing countries. But generally speaking, such reform does not succeed easily. To make it successful, public officials need to have a high degree of responsibility and take every action to minimize the possibility of making a mistake. However, because the reality is much hazier than its outlook, a more serious commitment and more concerted efforts need to be injected; otherwise, reform is likely to end up failing, even though people are hoping no mistakes will occur. In an era of globalization and the information revolution, public sector reform has been taking place around the world for many years, though successful cases are few. Among the many reasons for such failure, this article selectively reviews the following issues as main factors in the failure of reform related to public accountability (Kim, 2009).

Samaratunge et al. (2008) point out in their examination of the public management systems of four South and Southeast Asian countries that there are two distinctive paths to reform and accountability. These differences are mainly determined by contextual factors (political history, pattern of economic development, nature of reform, the role of civil society). Of these, political commitment and leadership seem to be the most influential factors in determining the level of accountability. During the decades of civil war, Sri Lanka witnessed deterioration of accountability in the public sector and was unable to improve government effectiveness in a significant manner. These challenges were compounded by a highly centralized, authoritative government structure and the limited development of the institutions of civil society, especially a free press, independent trade unions and an independent judiciary.

In Sri Lanka, the few reform initiatives undertaken were influenced by short-term political motives, and the attempted changes were not resourced. As a result, the country’s political system is partially dysfunctional and the public management system is politicized. The
Sri Lankan government has failed to create adequate institutional capacity and implement accountability measures.

The accountability of public managers has to consider the various dimensions of a functioning democracy in which other constitutional bodies can safeguard the system to ensure accountability and transparency of the system. Without changing their political culture and creating legal and regulatory institutions, Sri Lanka has attempted to foster a managerial state, based largely on neo-liberal assumptions. Business-like practices could not be introduced because of the symbiotic relationships between the political elites, the bureaucracy and the emerging entrepreneurial class. Because of a lack of commitment to good governance and transparency, the problems of accountability in this country are embedded in the complexities of the social matrix and evolving client-patron relationships between the state and the market where the citizenry have been conspicuously marginalized. The dysfunctions of political democracy, the politicization of the civil and military bureaucracy and patronization of professional groups have created institutional weaknesses that have distorted the mechanics of all forms of accountability. Under the evolving governance network structure, state functions are contracted out, privatized or delivered by a combination of state and non-state actors. However, there have not been any serious attempts to strengthen the ability of the institutions in charge of enforcing accountability in recent years.

It has been widely believed that the Sri Lankan government is not responsive and accountable for a wide range of actions, as their political masters often lack experience and knowledge and are, in most cases, dependent on public managers to build their economic fortunes. Accountability measures could not be used as a process to make public managers accountable for designated tasks and responsibilities assigned to them (Liddle 2005). Drawing on some of the prevailing literature pertaining to public accountability in South and Southeast Asia, we will lay out the major factors hindering reform.
Lack of Political Official’s Responsibility. Although South and Southeast Asian people had been demanding democracy for many years, substantial improvement were not made until the 1970s. In the 1980s, political fortunes began to change in this part of the world. For example, in 1986 Ferdinand Marcos was removed from power during the People Power Revolution in the Philippines. In Korea, the June democracy movement (starting on 10 June 1987) prevailed in South Korea and eventually led to the government officially announcing a direct presidential election in 1987. South Korea and the Philippines struggled a long time to create a democratic politico administrative system and were not successful until the late 1980s. In the past, public officials and politicians had much greater privileges in reality, while the citizens’ voice was relatively weak. With regard to public accountability, public official responsibility was weak. It has been positive to see over the years the improvement of democracy and economic well-being in many Asian countries, although some underdeveloped countries are still suffering from sociopolitical problems. Several strong leaders have retired from politics: Lee Kuan Yew stepped down as prime minister in Singapore in 1990; Suharto resigned in 1998 in Indonesia; and Mahathir bin Mohamad retired in 2003 in Malaysia.

Since this time, much growth has resulted from progress in nation-building, economic development, enforcement of mandatory education, the rapid development of transportation and communication, and the like. Nonetheless, democracy in Asian developing countries still fall below those of advanced Western countries. The issue of democracy is one of the most fundamental principles in the discourse of public sector reform because public official responsibility is often highly affected by the degree of democracy. It is known that, as democracy moves forward, the degree of responsibility for a public official’s actions grows. In developing countries, those who have power, wealth, or knowledge exercise a substantial degree of influence in society. They enjoy great privileges in various dimensions. As elites in their society, they should contribute to its interests with greater responsibility. Unfortunately, the reality in many Asian countries is disappointing, as elites often use their influence for their own interests. This tradition needs to be changed. Thus, a culture of noblesse oblige should be broadly enhanced. (Kim, 2009).
Authoritarianism. Historically, South and Southeast Asian countries have long had an authoritarian culture in which governmental decision-making has often taken place without viable discussion in closed and non participatory settings. During eras of authoritarian regimes, governmental projects with large budgets to be invested (e.g., military expenses, major infrastructure, various large scale projects, etc.) were decided by a small group of power elites. Sometimes, such projects turned out to be serious failures that created huge financial burdens. Though there are a number of reasons for such failures, one of the most important might be that the decision-makers did not fully realize that such rapid decision making could lead to failure. Another might be that some public officials had an irresponsible mindset and made private use of their public authority and resources. Even if a small number of experts and key officials participate in the review process of a large-scale project, the tendency is for a great deal of discretionary power to be given to higher-level officials, the ministers, and the head of state owing to the government’s authoritarian culture. In a country with a presidential system, for example, the president has a fixed term of office. In such a situation, it is almost impossible to make the president leave unless he/she is impeached. What the president usually does is simply express short remarks of regret when things go wrong. Furthermore, the president, or the chief executive officer of an agency, has a tendency to hear honeyed words more than criticism. If such a situation continues, the president rarely hears the real voice of the citizens and eventually is likely to make bigger mistakes. In sum, it can be said that authoritarianism can lead to serious reform failure and irresponsibility (Kim, 2009).

Lack of Evaluation. Evaluation and monitoring is very important for enhancing accountability. This fact should be valued by every level of government, particularly by the head of state. In modern Korean history, for example, former President Park Chung-hee was supportive of the evaluation function. Although President Park was not an exemplary democratic leader, he is currently considered by many Koreans as one of the best political leaders in modern Korean history. During his term, he openly asked for relatively honest evaluation from various stakeholders, including professors, on non-political matters (i.e., the national economy, public administration, etc.). In many developing countries, the president or the prime minister, depending upon the polity, usually initiates a broad range of
public sector reform, but he/she should be advised by independent evaluation or monitoring functions. A more serious issue is the question of who will make the evaluation and present its results to the head of state. In general, public officials are highly affected by the top leadership and are therefore hesitant to provide the president (prime minister) with criticism, whereas they are eager to present a successful case to the head of state. Therefore, the evaluation or monitoring function should be diverse (e.g., in-house auditors, independent auditing agency, external experts, the media, civil society, etc.). If the president (prime minister) depends simply upon input from his/her subordinates, the results are likely to be distorted because public officials in developing countries may be more concerned about their personal advantage (delivering the bright side of the story and expecting compliments or promotions, while neglecting the dark side) than the success of the reform itself. Therefore, external evaluation or monitoring functions are critical in the process of reform as well as the implementation of public affairs. (Kim, 2009).

**Lack of Public Participation.** The limitation of participation is also a major problem. Reformers often rapidly carry out a great number of complex reforms and expect to have successful results in the short term through such grand efforts. In fact, public policies are often inter-ministerial issues and major public affairs that each agency deals with and that require a high level of expertise and specialty as well as legal compliance. Moreover, career public officials often blindly take the path intended by top officials. In principal, these officials should advise on the possible problems stemming from radical reforms and propose more reasonable alternatives to top officials, but they often do not. Why? Although they might know what the problems are, they usually hesitate to advise their bosses in an Asian culture because they are afraid of committing *kne majesty*, or insulting their superiors, which could lead to personal disadvantage. In such circumstances, external experts, such as civic leaders and professionals, could become reasonable alternative personnel because they are relatively free to offer different opinions or new alternatives to top officials. Non-governmental stakeholders and experts could have different views from public officials regarding reform measures and feel free to express their opinions without challenging the authority of the top officials (Kim, 2009).
**Lack of Indigenization.** A reasonable way to decide what and how to reform is to first analyze various public affairs independently, and then carefully select reform goals and methods based on sound theory established in home-grown public administration research. But a common problem in developing countries is – without a full, independent assessment of the reality – there is a tendency to mechanically imitate foreign experiences that differ in many ways from those of developing countries. If a country simply follows the experiences of advanced countries and mechanically imitates their systems without indigenizing their efforts, it is likely to make mistakes or even fail. Some primary reasons for such problems might be (1) a lack of understanding of the sociopolitical dynamics between developing countries and advanced countries; and (2) the fact that every country has a different background (tradition, history, culture, religion, etc.) and a different path (nation building, industrialization, democratization, modernization, institutionalization). Best practices might be transferable to another society, but not always. Those who lead public sector reform should not neglect differences between the developing and developed worlds, and they should not ignore the unique characteristics of the home country. Historically, the role of those who engage in flunkeyism or toadyism in many developing countries has been long debated. Whenever a reform measure is selected, it is necessary to review or analyze realistically the nature of the issue and best possible solutions in the home country. In other words, it would be better to consider differences in environmental factors and carry out pragmatic reforms based on an indigenized study of the reality on the ground (Kim, 2009).

This study examines how Sri Lankan government officials in the country’s northern provinces perceive these constraints. To deepen the value of this study, we ground our analysis in contemporary public accountability theories commonly found in the public administration literature. This theoretical framework serves as the basis of the empirical analysis to follow.

**Public Accountability in Public Administration**

A definition of accountability we use here concerns the processes by which ‘... those who exercise power, whether as governments, as elected representatives or as appointed officials must be able to show that they have exercised their powers and discharged their duties properly’ (Robertson 1993: 3). Accountability is not just another political catchword; it is an
institutionalized practice of accounts-giving. Accountability refers to a specific set of social relations that can be studied empirically (Koliba et al., 2011; Mills and Koliba, 2014). Accountability has been defined from this perspective as a social relationship in which an actor feels an obligation to explain and to justify his or her conduct to some significant other (Day and Klein, 1987:5; Romzek and Dubnick, 1998:6; Adebayo, 1981; Olowokere, 1996; Onochie, 2001; Kalu, 2002; Romzek and Dubnick, 1987; Romzek, 1996; Sinclair, 1996; Behn, 2001). Adebayo (1981) defines accountability as, “A requirement which subjects public officers to detailed scrutiny by the legislature over objectives, use of resources and manner of performance.” Also, it is a process whereby “one renders an account of his activities to someone who has the power to ask for it and also evaluate and reward ones performance” (Olowo-okere, 1986). While for Onochie (2001) it is seen as, “the duty to truth fully and transparently do ones duty and the obligation to allow access to information by which the quality of such service scan be evaluated and being responsible and answer able to someone for some action.”

Behn (2001, 2–6) defines accountability as a relationship between an accountability holdee and an accountability holder that grants the latter the information and sanctioning powers needed to evaluate and subsequently punish or reward the former on the basis of a mutually accepted set of standards. Such relationships can be informal or they can be formalized. In modern political systems public authorities are as a rule held to account by highly formalized accountability standards. This is true in Sri Lanka, in that the Constitution of Sri Lanka has established a strong accountability mechanism by empowering the Auditor General (AG) to conduct comprehensive audit over the public enterprises and empowering Committee on Public Enterprises (COPE) to review performance of such entities (Hussain and Rajapakse, 2011). A codification of such standards can undoubtedly help to specify and stabilize the rules and norms that regulate the interaction between public authorities and those who hold them to account. Governance researchers (Esmark, 2007; Torfing et al., 2012) and organization sociologists (Powell and DiMaggio, 1991; Scott, 1987) pointed out that informal accountability standards continue to play an important role in holding public authorities to account.
The concept of accountability has two key elements: answerability and enforceability. Answerability refers to the obligation of the government, its agencies and public officials to provide information about their decisions and actions, and to justify them to the public and those institutions of accountability tasked with providing oversight. Enforcement, on the other hand, suggests that the public or the institution responsible for accountability can sanction the offending party or remedy the contravening behavior. As such, different institutions of accountability might be responsible for either or both of these stages. The act of rendering accounts in complex governance situations takes on several different forms. These forms include public administrative, politically elected officials, legal, professional, and social accountability.

(*Public*) Administrative Accountability. Auditors, inspectors, and controllers all exercise independent, administrative and financial supervision and control, a fact that has been established in the past decades. These situations have even led some even to speak of an ‘audit explosion’ (Power 1994). These new administrative forums vary from European, national or local ombudsmen and audit offices, to independent supervisory authorities, inspectors general, anti-fraud offices, and chartered accountants. Also, the mandates of several national auditing offices have been broadened to secure not only the probity and legality of public spending, but also its efficiency and effectiveness (Pollitt and Summa, 1997). These administrative forums exercise regular financial and administrative scrutiny, often on the basis of specific statutes and prescribed norms. This type of accountability arrangement can be very important for executive public agencies. This is a situation where superior officers ask the subordinate to account for their assignments or activities.

Professional Accountability. Many public managers are, apart from being general managers, professionals in a more technical sense. They have been trained as engineers, doctors, veterinarians, teachers, police officers, etc. and have a strong sense of professional affiliation and association (Abbot, 1988; Freidson, 2001). This may imply accountability relationships with professional associations and disciplinary tribunals. Professional bodies lay down codes with standards for acceptable practice that are binding for all members. These standards are monitored and enforced by professional supervisory bodies on the basis of peer review. This
type of accountability relation will be particularly relevant for public managers who work in professional public organizations, such as hospitals, schools, psychiatric clinics, research institutes, police departments, or fire brigades. Professionals also take appointment as public servants; such professionals include: Chartered Accountants, Doctors and Engineers. These professionals belong to one association or the other and they are to act in compliance with their ethics and code of conduct. They are also accountable to both the public and their professional body.

**Political (Official) Accountability.** Political accountability is an extremely important type of public accountability within democracies. Here, accountability is exercised along the chain of principal-agent relationships (Moe, 1984; Wood and Waterman, 1991; Strom, 2000). Voters delegate their sovereignty to popular representatives, who in turn, at least in parliamentary democracies, delegate the majority of their authorities to a cabinet of ministers. The ministers subsequently delegate many of their authorities to their civil servants or to various, more or less independent, administrative bodies. The mechanism of political accountability operates precisely in the opposite direction to that of delegation. In parliamentary systems with ministerial accountability, such as the United Kingdom, the Netherlands and Germany, public servants and their organizations are accountable to their minister, who must render political account to parliament (Flinders, 2001; Strom, Müller & Bergman, 2003). In some sense, the people’s representatives render account to the voters at election time. Thus viewed, each of the links in the chain is, in turn, not only principal and agent, but also forum and actor. It is only the two ends of the chain – the voters and the executive public servants – who do not exchange roles. In nations characterized by political cabinets and political appointments, such as the United States, France and Belgium, political parties and party barons often also function as important, informal political forums. In many countries, the media are fast gaining power as informal forums for political accountability (Elchardus 2002; RMO 2003).

This type of accountability is concerned with the elected representative, political parties and public office holders. This is the situation where elected representatives or appointed ministers are required to give account of their activities during their tenure in office. Political
accountability usually manifests itself in the concept of individual ministerial responsibility, which is the cornerstone of the notion of responsible government. In parliamentary systems with ministerial responsibility and a general civil service, for instance, as in Britain and the Netherlands, Political Accountability is usually exercised indirectly through the minister. Public office holders and heads of agencies also appear before parliamentary committees to account for some of their activities. In the Presidential settings such as in the United State of America or Nigeria, Public officers and head of agencies are responsible to the public and the National Assembly (Sylvester. F.A, 2013).

**Legal Accountability.** Under this for of accountability, the public officers can be summoned by courts to account for their acts, or on behalf of the agency as a whole. In most western countries, legal accountability is of increasing importance to public institutions as a result of the growing formalization of social relations (Friedman, 1985; Behn, 2001: 56-58), or because of the greater trust which is placed in courts than in parliaments (Harlow, 2002:18). These can be the ‘ordinary’ civil courts, as in Britain, or also specialized administrative courts, as in France, Belgium, and The Netherlands (Harlow 2002:16-18). In some spectacular cases of administrative deviance, such as the affaire du sang (the HIV contaminated blood products) in France or the Tangentopoli prosecutions in Italy, public officials have even been summoned before penal courts. For European public institutions and EU member states, the Court of First Instance and the European Court of Justice are additional and increasingly important legal forums (Harlow 2002:147-159). Legal accountability will usually be based on specific responsibilities, formally or legally conferred upon authorities. Therefore, legal accountability is the most unambiguous type of accountability, as the legal scrutiny will be based on detailed legal standards, prescribed by civil, penal, or administrative statutes, or precedent.

**Social Accountability.** Social (non-state) actors, including citizens, interest groups, charities and other stakeholders are a part of social accountability. In reaction to a perceived lack of trust in government, there is an urge in many western democracies for more direct and explicit
accountability relations between public agencies on the one hand and clients, citizens and civil society on the other hand (McCandless, 2001). Influenced by the debate on corporate social responsibility and corporate governance in business, more attention has been being paid to the role of NGOs, interest groups and customers or clients as relevant ‘stakeholders’ not only in determining policy, but also in rendering account (European Commission, 2001; Algemene Rekenkamer, 2004). Agencies or individual public managers should feel obliged to account for their performance to the public at large or, at least, to civil interest groups, charities, and associations of clients. A first step in this direction has been the institution of public reporting and the establishment of public panels. The rise of the internet has given a new dimension to this form of public accountability. Increasingly, the results of inspections, assessments and benchmarks are put on the internet.

For example, in The Netherlands, as in the UK (Pollitt, 2003: 41-45), the National Board of School Inspectors makes its inspection reports on individual schools widely available on the internet. Parents, journalists, and local councils easily can compare the results of a particular school with similar schools in the region, because quantitative and comparative benchmarks are provided for, but they also have access to the quite extensive qualitative reports. Even though there is little evidence, so far, that many parents exercise exit or voice on the basis of these qualitative reports, local principals increasingly do feel obliged to publicly account for themselves (Meijer 2004).

It remains an empirical question to what extent these groups and panels already are full accountability mechanisms, because, as we saw, the possibility of judgment and sanctioning often are lacking. Also, not all of these accountability relations involve clearly demarcated, coherent and authoritative forums that the actor reports to and could debate with. We apply this accountability framework to ascertain the key stakeholder perceptions of accountability within the Northern Province of Sri Lanka.
Given what we have explored thus far relating to public accountability in South and Southeast Asia more broadly and in Sir Lanka in particular, and the literature pertaining to public accountability, we define the main objectives of this study to include:

- The assessment of the administrative accountability, political accountability, social accountability, professional accountability and legal accountability of Northern Sri Lanka.
- The examination of the extent to which these officers render their stewardship towards public accountability.
- The assessment of the perception of whether public sector accountability needs to be improved in public sector.
- The assessment of the perception of whether effective public sector accountability will enhance the good governance.

From these objectives, the following research questions are derived:

- To what extent do stakeholders perceive that Public Accountability is effectively practiced in Northern Sri Lanka?
- To what extent do stakeholders perceive that elected political leader interventions are enough to ensure Public Accountability in Northern Sri Lanka?
- To what extent do public administrators act on ensuring public sector accountability in Northern Sri Lanka?
Research Methodology

**Research Design.** In this study a questionnaire based on the accountability framework presented above was administered in Northern Sri Lanka including senior executives, government and non-government staff at various levels, civil society representatives, community based organizations, professionals, political representatives and all the stakeholders related with public sector accountability.

The geographic scope of respondents centered on the Northern Province of Sri Lanka, that region of Sri Lanka hardest hit by the civil war conflicts. Respondents were drawn from all five districts represented here.

Figure 1.1 Map of Northern Province, Sri Lanka by Government Jurisdiction
The questionnaire focused on assessing the existing nature of public sector accountability and to get the view on improvement to enhance good governance. Both qualitative and quantitative methods have been used to provide answers to research questions. These multiple data collection methods included the use of a self-administered questionnaire and the interview of relevant literature.

**Sample Selection.** It is impossible to collect data from all of public sector officials in the Northern Province due to time and other limitations. The simple random sampling was the basic sampling method with cross-sectional study design was provided to public officers from state sector provincial public sector, semi-government organization elected representatives and general public. Six hundred questionnaires were distributed, 480 questionnaires were received and 13 were incomplete. A total of 467 questionnaires were analyzed using percentages and chi-square statistical method to find the results.

Figure 1.2 Sampling breakdowns for questionnaire

**Data Collection.** Primary data was gathered through a well-defined, self-administered questionnaire that consisted of a variety of measures to cover all dimensions of public accountability. In addition, the lead researcher directly interviewed the public sector staff, elected representatives, civil society and general public to collect maximum response from respondents, background information on assessment of public sector accountability. In addition to the questionnaire and interviews, the lead researcher directly visited to public sector organizations in north randomly to see how these organizations are working to ensure public sector accountability.
The questionnaire was divided into two parts. The first part was designed to analyze and assess public sector accountability in five categories such as Administrative Accountability, Professional Accountability, Political Accountability, Social Accountability and Legal Accountability. Further, two questions were included to get the view on whether public accountability more generally needs to be improved. Answers were collected on a five point Likert scale: strongly agree, agree, undecided, disagree and strongly disagree. These responses were assigned points from five to one respectively. The second part of the questionnaire included the demographic information and participant's profile.

**Data Analysis Techniques.** The analysis of the questionnaire was done by using SPSS and consists of two major components. The first part of the analysis presents the background information of the research sample and the analyses the responses for all five accountability types, more specifically, we use descriptive statistics, and a correlation analysis was done. Descriptive statistics (means, standard deviations, and kurtosis and frequencies) used to describe characteristics of the sample. Reliability analysis (Cornbrash"s Alpha) done to test the reliability of the data. Pearson Chi-test was done to explain the difference among groups in relation to the accountability.

Although there is a large public sector and other stakeholders in Northern Sri Lanka, it is difficult to collect data from every person. Six hundred participants from various stakeholders were selected as the sample including from public organizations at the district and divisional levels, civil representatives, community based organizations, professionals, political representatives and others. There are possibilities that sometimes answers were based on their working environment, however this may not be applicable to others. Sometimes people are reluctant to provide true responses. Even if they strongly agree with a particular answer, they may say “I agree” or “undecided”. Such situation effect on data analyzing. The existing political situation may also lead public officers to censor their responses.
RESULTS

In this section we discuss the key findings to emerge from the study. The answers to the questions posed are presented by the different accountability frames described above.

Public Administrative Accountability. Table 2.1 below provides an overview of the Likert scale responses to the survey questions pertaining to administrative accountability.

Table 2.1: Public Administrative Accountability

<table>
<thead>
<tr>
<th>Question No</th>
<th>Question</th>
<th>Strongly Disagree</th>
<th>Disagree</th>
<th>Undecided</th>
<th>Agree</th>
<th>Strongly Agree</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Public Sector Accountability is all about protecting and being responsible for Public funds and resources.</td>
<td>15</td>
<td>3.2</td>
<td>29</td>
<td>6.2</td>
<td>33</td>
</tr>
<tr>
<td>2</td>
<td>Resources and development are currently equitably distributed as a result of effective public accountability in Northern Sri Lanka</td>
<td>24</td>
<td>5.1</td>
<td>134</td>
<td>28.7</td>
<td>135</td>
</tr>
<tr>
<td>3</td>
<td>Generally Government budget are properly implemented by public officers</td>
<td>9</td>
<td>1.9</td>
<td>81</td>
<td>17.3</td>
<td>109</td>
</tr>
<tr>
<td>4</td>
<td>The public officers in public sector organizations do publish their budget performance at the end of each financial year for public assessment and comment</td>
<td>39</td>
<td>8.4</td>
<td>155</td>
<td>33.2</td>
<td>120</td>
</tr>
<tr>
<td></td>
<td>Financial statements are prepared and audited.</td>
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<tr>
<td>5</td>
<td></td>
<td>3</td>
<td>0.6</td>
<td>8</td>
<td>1.7</td>
<td>46</td>
</tr>
<tr>
<td></td>
<td>The administrative bodies entrusted with responsibility to ensure effective public accountability are very efficient and effective.</td>
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<td></td>
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<tr>
<td>6</td>
<td></td>
<td>5</td>
<td>1.1</td>
<td>41</td>
<td>8.8</td>
<td>90</td>
</tr>
<tr>
<td></td>
<td>Public administrators currently take strict actions to ensure public accountability</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9</td>
<td></td>
<td>16</td>
<td>3.4</td>
<td>73</td>
<td>15.6</td>
<td>121</td>
</tr>
<tr>
<td></td>
<td>Necessary disciplinary actions are taken against violations of public accountability in public sector when laws and regulations are being violated.</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>10</td>
<td></td>
<td>16</td>
<td>3.4</td>
<td>107</td>
<td>22.9</td>
<td>119</td>
</tr>
<tr>
<td></td>
<td>Necessary Training and Development Programme are conducted to public officers to ensure public accountability</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>14</td>
<td></td>
<td>6</td>
<td>1.3</td>
<td>88</td>
<td>18.8</td>
<td>73</td>
</tr>
<tr>
<td></td>
<td>Proper implementation of public accountability will lead to democratic good governance in Sri Lanka</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>20</td>
<td></td>
<td>6</td>
<td>1.3</td>
<td>12</td>
<td>2.6</td>
<td>27</td>
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<tr>
<td></td>
<td>Statement</td>
<td>Value1</td>
<td>Value2</td>
<td>Value3</td>
<td>Value4</td>
<td>Value5</td>
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</tr>
<tr>
<td>24</td>
<td>Generally strong mechanism are adopted to enhance public sector accountability</td>
<td>14</td>
<td>3</td>
<td>103</td>
<td>22.1</td>
<td>115</td>
</tr>
<tr>
<td>27</td>
<td>Public accountability can be enhanced through new strategies like Citizen Charters and e–governance Implementation</td>
<td>3</td>
<td>0.6</td>
<td>21</td>
<td>4.5</td>
<td>56</td>
</tr>
<tr>
<td>32</td>
<td>Statutorily available information for all public policy decisions are made in an open and transparent manner</td>
<td>19</td>
<td>4.1</td>
<td>115</td>
<td>24.6</td>
<td>157</td>
</tr>
<tr>
<td>37</td>
<td>Auditor General’s Reports help to ensure the financial controls over the allocation made by the Government</td>
<td>2</td>
<td>0.4</td>
<td>16</td>
<td>3.4</td>
<td>53</td>
</tr>
<tr>
<td>39</td>
<td>The Auditor General is responsible to detect and prevent all fraud and errors in public sector institutions irrespective of their amounts</td>
<td>9</td>
<td>1.9</td>
<td>50</td>
<td>10.7</td>
<td>85</td>
</tr>
<tr>
<td></td>
<td>The Auditor General is responsible to disclose in the audit reports all the frauds, inefficiencies and irregularities</td>
<td></td>
<td></td>
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<td></td>
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</tr>
<tr>
<td>40</td>
<td>9 1.9 41 8.8 78 16.7 243 52 89 19.1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>The Auditor General takes too long to develop his audit reports and as a result, audit reports are not submitted timely.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>42</td>
<td>13 2.8 75 16.1 133 28.5 205 43.9 41 8.8</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>The Auditor General has no powers directly or indirectly to influence the public sector institutions to rectify the deficiencies observed in audit of the public sector organization.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>43</td>
<td>24 5.1 124 26.6 132 28.3 155 33.2 32 6.9</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>All business entities in public sector including government owned companies must be audited by the Auditor General</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>44</td>
<td>4 0.9 20 4.3 45 9 221 47.3 177 37.9</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Almost thirty percent (29.6%) of respondents are strongly agreed that it is the responsibility of public officers to give accounts of their stewardship to the public, and the resultant use of public funds and resources. It is also apparent that 83.6% of respondents are agreed that the public sector should be held responsibility to public funds and resources.

About thirty-four percent (33.8%) of respondents disagreed that resources and development are currently equality distributed in Northern Sri Lanka. But 37.1% agreed that equal distribution of resources would result in effective public accountability. Almost fifty-seven percent (56.6%) of respondents are agreed that government budgets are generally fully implemented, while others believe that budgets are not fully implemented by public officers.

About eighty-eight percent (87.8%) of respondents are agreed that financial statement in public sector organization are successfully prepared and audited. 32.8% of respondents agreed that public sector organization are publishing their budget performance at the end of each financial year for public assessment, however 61.2% of respondents disagreed with this.

In addition, 70.9% of respondents stated that administrative bodies entrusted to ensure public sector accountability are effective, while 29.1% disagreed. While, 55% of respondents agreed that public administrators take strict action to ensure public accountability, whereas 20% disagreed that they are not taking strict action.

Forty-eight percent (48.2%) of respondents agreed that necessary disciplinary action against violation of public sector accountability are taken. It means there is perceived to be a
delay in sanctioning, with favoritism likely existing. Sixty-four percent (64.2%) respondents revealed that necessary training and development are conducted for public officers on public sector accountability. While 90.4% respondents agreed that proper implementation of public accountability will enhance good governance in Sri Lanka. A little over fifty percent (50.5%) of respondents agree that, there is a strong mechanism to be adopted to improve public accountability in Sri Lanka while 49.7% are disagreed. This situation explains that there is a urgent need for the establishment of strong mechanism to improve the public sector accountability in Sri Lanka.

About eighty-three percent (82.9%) of respondents are agreed that e -government implementation, citizen charter practices, E-tender procedure will definitely improve the public sector accountability in Sri Lanka. It believes that existing most of the manual practices are not fully accountable to public.

Almost eighty-five percent (84.8%) of respondents agreed that auditor general reports help to ensure the financial controls in public sector, while 69.2% of respondents agree that Auditor General is responsible to detect and present all fraud and errors in public sector institutions. A little over seventy-one percent (71.1%) of respondents agreed that it is the responsibility of the Auditor General to disclose in the audit reports all the frauds, ineffective and irregularities. However, 51.7% stated that Auditor General takes too long to develop his audit reports and reports are not submitted on time. A full 40.1% agreed that Auditor General has no power to influence in public sector organization, whereas 28.3% of respondents stated that undecided. It means that respondents believed that the Auditor General is not in the position to decide the powers of auditor general to influence in state institutions. Finally, 85.2% respondents agreed that Government owned companies must be audited by Auditor General.
**Professional Accountability.** Table 2.2 displays the two professional accountability questions found in the survey.

Table 2.2: Professional Accountability

<table>
<thead>
<tr>
<th>t</th>
<th>Question</th>
<th>SD Frequency</th>
<th>SD Percentage</th>
<th>D Frequency</th>
<th>D Percentage</th>
<th>UD Frequency</th>
<th>UD Percentage</th>
<th>A Frequency</th>
<th>A Percentage</th>
<th>SA Frequency</th>
<th>SA Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>11</td>
<td>Professional associations (organizations established for professionals. Ex: Institute of Engineers in Sri Lanka, Sri Lanka Medical Association, University Teachers Association, Sri Lanka Administrative Service Association, Teachers union) significantly contribute to ensure public accountability.</td>
<td>18</td>
<td>3.9</td>
<td>91</td>
<td>19.5</td>
<td>137</td>
<td>29.3</td>
<td>193</td>
<td>41.3</td>
<td>28</td>
<td>6</td>
</tr>
<tr>
<td>12</td>
<td>Professional associations take disciplinary actions against mal practices in public sector accountability</td>
<td>20</td>
<td>4.3</td>
<td>128</td>
<td>27.4</td>
<td>152</td>
<td>32.5</td>
<td>156</td>
<td>33.4</td>
<td>11</td>
<td>2.4</td>
</tr>
</tbody>
</table>

*Source: Survey Data*
The result shown in Table 2.2 exhibits the respondents’ perceptions of the involvement of professional organizations to ensure and to improve the public sector accountability in Sri Lanka. About forty-seven percent (47.3%) of respondents are agreed that professional associations significantly contribute to ensure public sector accountability; while 29.3% of respondents are undecided. While, 35.8% of respondents agreed that professional associations are taking disciplinary actions against malpractices whereas 31.7% respondents are disagreed and 32.5% not decided.

**Political (Official) Accountability.** Table 2.3 (below) provides an overview of the responses to questions pertaining to the role of elected and appointed political officials in maintaining public accountability.

Table 2.3: Political (Official) Accountability

<table>
<thead>
<tr>
<th>Question</th>
<th>SD</th>
<th></th>
<th>D</th>
<th></th>
<th>Un D</th>
<th></th>
<th>A</th>
<th></th>
<th>SA</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>16</td>
<td>Elected representatives do publish their financial statements on account of the allocations received by them from public funds (Parliamentary funds, Decentralized budget allocations)</td>
<td>34</td>
<td>7.3</td>
<td>124</td>
<td>26.6</td>
<td>132</td>
<td>28.3</td>
<td>136</td>
<td>29.1</td>
<td>41</td>
</tr>
<tr>
<td>17</td>
<td>Elected representatives propose development proposals based on citizens needs and demands.</td>
<td>29</td>
<td>6.2</td>
<td>118</td>
<td>25.3</td>
<td>111</td>
<td>23.8</td>
<td>178</td>
<td>38.1</td>
<td>31</td>
</tr>
<tr>
<td>18</td>
<td>Elected representatives implement development proposal based on citizens needs and demands.</td>
<td>25</td>
<td>5.4</td>
<td>123</td>
<td>26.3</td>
<td>143</td>
<td>30.6</td>
<td>156</td>
<td>33.4</td>
<td>20</td>
</tr>
</tbody>
</table>

662
<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>19</td>
<td>Elected representatives are fully aware of the importance of public accountability</td>
</tr>
<tr>
<td></td>
<td>41</td>
</tr>
<tr>
<td>21</td>
<td>Political Accountability <em>(the type of accountability that is concerned with Elected representatives and political parties. This is the situation where elected representatives or appointed ministers are required to give accountant of their activities)</em> is an extremely important for democratic governance</td>
</tr>
<tr>
<td></td>
<td>6</td>
</tr>
<tr>
<td>28</td>
<td>Politicians currently do play a significant role in promoting public accountability</td>
</tr>
<tr>
<td></td>
<td>36</td>
</tr>
<tr>
<td>33</td>
<td>Generally resources allocations based on political patronage of national, provincial, district, divisional and local level instead of priority needs and demands from citizens.</td>
</tr>
<tr>
<td></td>
<td>8</td>
</tr>
<tr>
<td>35</td>
<td>Political intervention on both public officers and the general public will affect Public sector accountability</td>
</tr>
<tr>
<td></td>
<td>6</td>
</tr>
</tbody>
</table>

*Source: Survey Data*
About thirty-eight (37.9%) of respondents agreed that elected representative do publish their financial statements for the budgetary allocations received from public funds. This situation arises where Members of Parliament do not generally publish their public fund expenditures for public assessment. They only publish in district development council meetings about their allocation for every sector. Detailed information is not available for public and it is the responsibility of public officers who handled their budgetary allocations should publish detail financial statements to general public.

Almost forty-five percent (44.7%) of respondents agreed that elected representatives propose development proposals based on citizen’s needs, as has happened through DDC, DCC arrangements. However, a majority of major development proposals are prepared based on political patronage and short term political motives.

Almost forty-two percent (41.6%) of respondents are disagreed that elected representative are fully aware of important of public sector accountability. While 26.4% agreed and 32.1% are undecided, suggesting a lack of awareness of elected representatives knowledge of their public sector accountability obligations.

About eighty-six (86.5%) of respondents agreed that political accountability is an extremely important higher level of political accountability. It is apparent that the 18th amendment largely affected the trust in political accountability and introduction of the 19th amendment largely help to improve the public accountability.

Importantly, 36.2% of respondent disagreed that politicians play a significant role to promote public accountability, while 35.3% are undecided and 28.5% agreed that there is a lack of awareness in the role played by politician to promote public accountability. This creates the situation that 35.3% were undecided about this. It can be assumed that generally most of the politicians play less of a role to improve public accountability.

Sixty-three percent (63%) of respondents agreed that generally resource allocations are based on political patronage of national provincial, district, divisional are local level. This is the situation that creates disparity in development, failures of development projects due to the project identification and funding for short term political motives, lack of capacity of
public officers to ensure the resource and allocation for demand based created this situation. It is obvious that there are a number of failed projects in the country and these may be informing respondent perception. A large majority of respondents (82.2%) clearly perceived that political intervention in both public officers and the general public affects the public sector accountability significantly. Political interventions to a great extend significantly reduce the efficiency and effectiveness of public sector and creates unnecessary loss to the economy.

**Legal Accountability.** Table 2.4 below provides an overview of the survey responses relating to legal accountability.

Table 2.4. Legal Accountability

<table>
<thead>
<tr>
<th>Question No</th>
<th>Question</th>
<th>SD</th>
<th>D</th>
<th>UD</th>
<th>A</th>
<th>SA</th>
</tr>
</thead>
<tbody>
<tr>
<td>34</td>
<td>Legislative provisions are available for annual publication as public sector performance measures to enable citizens to make effective comparisons</td>
<td>13</td>
<td>2.8</td>
<td>91</td>
<td>19.5</td>
<td>133</td>
</tr>
<tr>
<td>38</td>
<td>The Parliamentary / Provincial Steering Committees are required to investigate the performance audit reports submitted by the Auditor General, separately</td>
<td>2</td>
<td>0.4</td>
<td>17</td>
<td>3.6</td>
<td>127</td>
</tr>
</tbody>
</table>

665
A little over forty-nine percent (49.3%) of respondents agreed that legislative provisions are available for annual publication as public sector performance measure to citizens. This is likely due to the e-government developments in Sri Lanka in which publications are now available in official websites and others. While 28.5% of respondents are not decided due to less awareness of the availability of legal provisions.

Almost sixty-nine percent (68.8%) of respondents agreed that Parliamentary provincial steering committees are required to investigate the performance audit submitted by AGDSL separately in order to take prompt legal actions to avoid identified mal practices. While 42.8% of respondents were not aware on the actions taken by parliamentary and provincial treasuries based on the steering committee directions.

---

| The General Treasury/Provincial Treasury do not take action promptly to implement the directions of the Parliament / Provincial Steering committees. | 17 | 3.6 | 138 | 29.6 | 200 | 42.8 | 92 | 19.7 | 20 | 4.3 |

Source: Survey Data
Social Accountability. Table 2.5 (below) provides an overview of the responses to our set of social accountability questions.

Table 2.5: Social Accountability

<table>
<thead>
<tr>
<th>Question No</th>
<th>Question</th>
<th>SD Frequency</th>
<th>SD Percentage</th>
<th>D Frequency</th>
<th>D Percentage</th>
<th>UD Frequency</th>
<th>UD Percentage</th>
<th>A Frequency</th>
<th>A Percentage</th>
<th>SA Frequency</th>
<th>SA Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>13</td>
<td>NGO’s play a central role in ensuring public accountability</td>
<td>15</td>
<td>3.2</td>
<td>77</td>
<td>17</td>
<td>131</td>
<td>28</td>
<td>213</td>
<td>46</td>
<td>31</td>
<td>6.6</td>
</tr>
<tr>
<td>15</td>
<td>Greater citizen participation will enhance public Accountability</td>
<td>8</td>
<td>1.7</td>
<td>22</td>
<td>4.7</td>
<td>57</td>
<td>12</td>
<td>226</td>
<td>48</td>
<td>154</td>
<td>33</td>
</tr>
<tr>
<td>22</td>
<td>Social accountability (the type of accountability in which agencies or individual public managers should feel obliged to account for their performance to the public at large, at least, to civil interest groups, charities and association of clients) in respect of interest groups, charities and other stakeholders operate to ensure overall public accountability</td>
<td>2</td>
<td>0.4</td>
<td>57</td>
<td>12</td>
<td>127</td>
<td>27</td>
<td>239</td>
<td>51</td>
<td>42</td>
<td>9</td>
</tr>
<tr>
<td></td>
<td>23</td>
<td>Generally, a lack of judgment and sanctions can be seen in the public accountability system in Sri Lanka.</td>
<td>4</td>
<td>0.9</td>
<td>58</td>
<td>12</td>
<td>97</td>
<td>21</td>
<td>234</td>
<td>50</td>
<td>74</td>
</tr>
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<td>----</td>
<td>----</td>
</tr>
<tr>
<td>25</td>
<td>Citizens have access to information and decision making forums</td>
<td>27</td>
<td>5.8</td>
<td>120</td>
<td>26</td>
<td>115</td>
<td>25</td>
<td>168</td>
<td>36</td>
<td>37</td>
<td>7.9</td>
</tr>
<tr>
<td>26</td>
<td>Citizens should hold their government accountable to them</td>
<td>5</td>
<td>1.1</td>
<td>27</td>
<td>5.8</td>
<td>48</td>
<td>10</td>
<td>180</td>
<td>39</td>
<td>207</td>
<td>44</td>
</tr>
<tr>
<td>29</td>
<td>Numerous splits and weaknesses in Sri Lankan civil society leads to a failure in the promotion of public accountability</td>
<td>10</td>
<td>2</td>
<td>46</td>
<td>9</td>
<td>77</td>
<td>17</td>
<td>237</td>
<td>51</td>
<td>97</td>
<td>21</td>
</tr>
<tr>
<td>30</td>
<td>The public perceives that there is an obvious distrust in relation to public accountability in public sector delivery</td>
<td>16</td>
<td>3</td>
<td>76</td>
<td>16</td>
<td>121</td>
<td>26</td>
<td>200</td>
<td>43</td>
<td>54</td>
<td>12</td>
</tr>
<tr>
<td>31</td>
<td>Citizens need more instruments to enforce accountability</td>
<td>6</td>
<td>1</td>
<td>20</td>
<td>4</td>
<td>41</td>
<td>8.8</td>
<td>261</td>
<td>56</td>
<td>139</td>
<td>22</td>
</tr>
<tr>
<td>36</td>
<td>Women’s involvement in public sector, political, social groups will significantly improve public accountability</td>
<td>7</td>
<td>1</td>
<td>47</td>
<td>10</td>
<td>87</td>
<td>19</td>
<td>248</td>
<td>53</td>
<td>78</td>
<td>17</td>
</tr>
</tbody>
</table>

*Source: Survey Data*
Eighty-one percent (81%) of respondents perceived that greater citizen participation will enhance public accountability. Judging from personal interviews and experiences of the lead author, the present situation reveals that citizens, pressure groups, or other groups of people with authoritative capacity in villages are participating forums. In the Northern Provence, the majority of citizens tend to avoid not showing interest to participate development in process. However, sixty percent (60%) of respondents agreed that interest groups, charities and other stake holders are working to ensure public accountability, whereas 27% undecided because considerable number of societies and civil societies are represented by same groups continuously.

Sixty-six percent (66%) of respondent are agreed that sanctions and judgments are made for violation of public accountability is low whereas, while 21% of respondents stated that they were undecided. This situation is likely due to the lack of transparency in sanctions, lack of information in public understanding, less publicity of the action taken to punish those who violate public sector accountability. This situation leads to the creation of distrust among citizens. However, implementation of right information act will significantly improve the situation.

Almost forty-four percent (43.9%) of respondents agreed that citizens have access to information and decision making forum. Bottom up approaches to community driven development model for village developments programmes, participatory approaches, Divisional, District co-coordinating committee meetings, available information on official websites leads to this end. However, more stronger mechanisms need to be introduced to ensure more citizen participation all to access information right to information act significantly enhance this situation.
Eighty-three percent (83%) of respondents agree that citizens should hold their government accountable for them. It means citizens have the right to ask the activities of the elected representatives and public officers for their activities. This is the situation that create social unrest distrust among societies, lack of reconciliation among communities, authoritative control among societies have significant drawback in public sector accountability.

Fifty-five percent (55%) of respondents revealed that there was a distrust about public sector delivery. It is likely that public officers need to develop better mechanisms to build up trust among the public with regard to public service delivery, existing bribery, corruption, nepotism, delays in outputs, larger staff, less team work, lack of risk taking, lack of responsibility of officers, and existing bureaucratic barriers.

Seventy-eight percent (78%) of respondents agreed that more instruments to enforce accountability in public sector are needed. While, 70% of respondent agreed that women enforcement will significantly improve accountability. At present context women societies are performing better than men’s organizations. Socially culturally women are more sensitive to accountable for their actions.

**Additional Focus Areas.** In addition to the assessment of the above forms of public sector accountability, questions were asked of respondents to get the perception and feedback on the improvement of public sector accountability.

Table 2.6 Additional Areas of Needs to be improved

<table>
<thead>
<tr>
<th>Question No</th>
<th>Question</th>
<th>SD Frequency</th>
<th>SD Percentage</th>
<th>D Frequency</th>
<th>D Percentage</th>
<th>UD Frequency</th>
<th>UD Percentage</th>
<th>A Frequency</th>
<th>A Percentage</th>
<th>S A Frequency</th>
<th>S A Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>7</td>
<td>Public sector accountability functions needs to be improved.</td>
<td>4</td>
<td>0.9</td>
<td>8</td>
<td>1.7</td>
<td>27</td>
<td>5.8</td>
<td>199</td>
<td>42.6</td>
<td>229</td>
<td>49</td>
</tr>
</tbody>
</table>

*Source: Survey Data*
Table 2.7 Enhance good governance Source: Survey Data

Table 2.6 shows that 91.6% of respondents perceive that existing public sector accountability functions needs to improved. Public sector accountability as construed here as administrative accountability, political accountability, social accountability, legal accountability and professional accountability needs to be improved. A question was asked of respondents to get the perception and feedback on whether effective public accountability will enhance the good governance.

Table 2.7 illustrates that respondents overwhelmingly agreed (93%) that public accountability will enhance good governance in public sector.

A comparison of the mean scores across the five accountability frameworks (table 2.8) demonstrates the strongest optimism for the role of citizen groups and public administrators (at 3.7 and 3.58 respectively). There is a clear perception that professional associations need to play a larger role in ensuring public accountability for the region.

Table 2.8 Mean value for all five accountability frameworks

<table>
<thead>
<tr>
<th></th>
<th>N</th>
<th>Minimum</th>
<th>Maximum</th>
<th>Mean</th>
<th>Std. Deviation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administrative accountability</td>
<td>467</td>
<td>1.30</td>
<td>4.95</td>
<td>3.5797</td>
<td>.39615</td>
</tr>
<tr>
<td>Professional accountability</td>
<td>467</td>
<td>1.00</td>
<td>5.00</td>
<td>3.1413</td>
<td>.82174</td>
</tr>
<tr>
<td>Social accountability</td>
<td>467</td>
<td>1.30</td>
<td>5.00</td>
<td>3.7028</td>
<td>.40788</td>
</tr>
<tr>
<td>Political accountability</td>
<td>467</td>
<td>1.50</td>
<td>5.00</td>
<td>3.3659</td>
<td>.52357</td>
</tr>
<tr>
<td>Legal accountability</td>
<td>467</td>
<td>1.67</td>
<td>5.00</td>
<td>3.3405</td>
<td>.53352</td>
</tr>
<tr>
<td>Valid N (list wise)</td>
<td>467</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Source: Survey Data*
DISCUSSION

Given the results of this study, we are prepared to draw the following conclusions and recommendations. Perhaps most importantly, there appears to be a strong sentiment among those surveyed that public accountability is a pillar of good governance for Sri Lanka and within the Northern Province in particular. There is a common belief in the value of instilling democratic principles into the governing institutions of the region. Nine-three percent (93%) of respondents agreed that, “Effective public accountability will enhance good governance in public sector,” while 90.4% agreed that, “Proper implementation of public accountability will lead to democratic good governance in Sri Lanka.” This being recognized, it is also apparent that, as expected, much more needs to be done to improve the public accountability of the system. This is evidenced in the 91.6% of respondents agreeing that, “Public sector accountability functions need to be improved.”

As we look at the segments of the questionnaire that focus on administrative accountability there appears to be a general sense there are challenges with the equitable distribution of resources, with 33.8% disagree and 37.5% agreeing that, “Resources and development are currently equitably distributed as a result of effective public accountability in Northern Sri Lanka.” While a full 41.6% disagreed with the statement that, “The public officers in public sector organizations do publish their budget performance at the end of each financial year for public assessment and comment.”

There is strong sentiment among respondents that the role of the Auditor General is critically important for public accountability in Sri Lanka. Almost seventy percent (69.2%) agreed with the statement that, “The Auditor General is responsible to detect and prevent all fraud and errors in public sector institutions irrespective of their amounts; 71.1% agreed that, “The Auditor General is responsible to disclose in the audit reports all the frauds, inefficiencies and irregularities and 85.2% agreed that, “All business entities in public sector including government owned companies must be audited by the Auditor General.”

There is some concern about the quality of the AG’s reporting, with 38.7% disagree that, “the Auditor General’s reports include issues pertaining to the achievement of the overall objectives of the public sector institutions adequately.”
There is an assumed accountability tie between parliamentary/provincial steering committees and AG reporting. Almost seventy percent (68.8%) of respondents agreed that, “The Parliamentary / Provincial Steering Committees are required to investigate the performance audit reports submitted by the Auditor General, separately.” The ability of the parliamentary/provincial steering committees to hold the treasury agencies at the national and provincial levels is questioned. Thirty-three percent (33.2%) of respondents agreed that, “The General Treasury/ Provincial Treasury do not take action promptly to implement the directions of the Parliament / Provincial Steering committees.”

Relative to professional accountability, respondents have mixed perceptions of the role that professional associations play being less effective in keeping corruption in check. Thirty-seven percent disagree and thirty-six percent agreeing that, “Professional associations take disciplinary actions against mal practices in public sector accountability.”

The survey respondents were quite clear in the value they placed on the role of elected officials in ensuring public accountability. A large majority of respondents agreed with the statement that, “Political Accountability (the type of accountability that is concerned with Elected representatives and political parties. This is the situation where elected representatives or appointed ministers are required to give account of their activities) is an extremely important for democratic governance.” While another 82% agreed with the statement that, “Political intervention on both public officers and the general public will affect Public sector accountability significantly.”

The extent to which it was felt that elected officials recognize their accountability functions was called into question by respondents. Forty-one percent disagreed with the statement, “Elected representatives are fully aware of the importance of public accountability.” As expected, there are mixed results pertaining to the effectiveness of elected officials to successfully carry out their accountability duties. Thirty-six percent disagreed with the statement that, “Politicians currently do play a significant role in promoting public accountability. While respondents had mixed perceptions (33.9% disagreed and 37.9% agreed) about, “Elected representatives do publish their financial statements on account of the allocations received by them from public funds (Parliamentary funds, Decentralized budget allocations).”
Lastly, the extent to which elected officials are, themselves, accountable to the people they serve was viewed differently. About 45% agreed and 31.5% disagreed with the statement that, “Elected representatives propose development proposals based on citizens needs and demands.” These implications lead to perceptions of corruption in the form of political patronage. Sixty-three percent agreed that, “Generally resources allocations based on political patronage of national, provincial, district, divisional and local level instead of priority needs and demands from citizens.”

Increasing the role of citizens and civil society groups was seen as a critically important part of public accountability. There was broad support (81% agreed) for the statement, “Greater citizen participation will enhance public accountability.” However, there was some doubt regarding citizens’ access to real decision making. About 32% disagreed with the statement, “Citizens have access to information and decision making forums.”

While the nature of Sri Lankan civil society, and the rifts between civil society groups within the Northern Provence were cited as a problem. Seventy-three percent agreed with the statement that, “Numerous splits and weaknesses in Sri Lankan civil society leads to a failure in the promotion of public accountability.”

Lastly, the role of women as community leaders of public accountability was additionally seen of great value. A full 70% agreed with the statement, “Women’s involvement in public sector, political, social groups will significantly improve public accountability.”

**Conclusion**

As we noted earlier, this study has its limitations. Unintentional sampling biases could be present. Self-censorship is very possible, suggesting that responses more critical of elected officials, legal institutions, government bureaucracies and civil society organizations may have been dampened. Indeed, interviews with some respondents surfaced a profoundly more critical tone than the survey data would suggest.
**Authoritarianism**, as noted in the earlier sections of the paper, is still a very persistent reality for this region. The consequences of self-censorship that may have shaped responses should not overshadow the relevance of these findings. The good news for the region is that a good number of informed stakeholders in the Northern Province of Sri Lanka appreciate the value of public accountability, and possess a nuanced and perceptive understanding of the challenges the region currently faces.

Coming out of three decade of civil war in the region’s government institutions were in flux and served as seats of conflict between the LTTE and the federal government. The legacies of the war are still strong. Divisions persist.

These findings suggest that despite presumed concern about the stigma of authoritarian rule, the data clearly illustrates a clear concern for the **Lack of Political Official Responsibility**. That 41% of respondents felt that political officials lacked awareness about their accountability role speaks to this point. These results and recommendations to stem from them have been suggested to improve political official responsiveness and accountability.

There is a great need for Sri Lanka for develop a comprehensive approach to monitoring and evaluating its public accountability culture. As noted earlier, the **Lack of Evaluation** found within Sri Lanka society needs to change. We believe there are some strong foundations to build on, including the value placed on the role of the Auditor General. Sri Lanka has its chief accountability officer. Drawing on state of the art evaluation tools, this office can improve serve as a leading check against corruption.

This data also points to an apparent **Lack of Participation** by some elected officials who appear to be ignorant or shirk their accountability obligation, by conflicting civil society organizations, and by the general public. That being recognized, there is also tremendous value that respondents placed on the value of women’s empowerment.

This leads us to the final major accountability challenge facing Sri Lanka and that is an apparent **Lack of Indigenization** of power and decision making. This matter is particularly important for the Northern Provence and its Tamil majorities. We chose not to wade into the role of ethnic conflict and divisions that still persist in the region, even after five years of peace and a recent democratic reform movement unfolding at the national level.
The importance of research like this for the region cannot be understated. By providing a baseline from which to measure progress, we believe that more studies of public accountability in Sri Lanka are needed.

REFERENCES


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APPENDIX

Administrative Accountability and level of Management

Table 3.1 Administrative Accountability and level of Management

<table>
<thead>
<tr>
<th>Question No</th>
<th>Question</th>
<th>Pearson Chi-Square</th>
<th>Asymp. Sig. (2-sided)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Public Sector Accountability is all about protecting and being responsible for Public funds and resources.</td>
<td>15.585</td>
<td>0.212</td>
</tr>
<tr>
<td>2</td>
<td>Resources and development are currently equitably distributed as a result of effective public accountability in Northern Sri Lanka</td>
<td>30.699</td>
<td>0.002</td>
</tr>
<tr>
<td>3</td>
<td>Generally Government budget are properly implemented by public officers</td>
<td>10.945</td>
<td>0.534</td>
</tr>
<tr>
<td>4</td>
<td>The public officers in public sector organizations do publish their budget performance at the end of each financial year for public assessment and comment</td>
<td>12.067</td>
<td>0.44</td>
</tr>
<tr>
<td>5</td>
<td>Financial statements are prepared and audited.</td>
<td>21.675</td>
<td>0.041</td>
</tr>
<tr>
<td>6</td>
<td>The administrative bodies entrusted with responsibility to ensure effective public accountability are very efficient and effective.</td>
<td>19.358</td>
<td>0.08</td>
</tr>
<tr>
<td>9</td>
<td>Public administrators currently take strict actions to ensure public accountability</td>
<td>20.769</td>
<td>0.054</td>
</tr>
<tr>
<td>10</td>
<td>Necessary disciplinary actions are taken against violations of public accountability in public sector when laws and regulations are being violated.</td>
<td>20.34</td>
<td>0.061</td>
</tr>
<tr>
<td>14</td>
<td>Necessary Training and Development Programme are conducted to public officers to ensure public accountability</td>
<td>19.238</td>
<td>0.083</td>
</tr>
<tr>
<td>20</td>
<td>Proper implementation of public accountability will lead to democratic good governance in Sri Lanka</td>
<td>8.946</td>
<td>0.707</td>
</tr>
<tr>
<td>24</td>
<td>Generally strong mechanism are adopted to enhance public sector accountability</td>
<td>8.427</td>
<td>0.751</td>
</tr>
<tr>
<td>27</td>
<td>Public accountability can be enhanced through new strategies like Citizen Charters and e – governance Implementation</td>
<td>31.804</td>
<td>0.001</td>
</tr>
</tbody>
</table>
Statutorily available information for all public policy decisions are made in an open and transparent manner 

Auditor General’s Reports help to ensure the financial controls over the allocation made by the Government 

The Auditor General is responsible to detect and prevent all fraud and errors in public sector institutions irrespective of their amounts 

The Auditor General is responsible to disclose in the audit reports all the frauds, inefficiencies and irregularities 

The Auditor General takes too long to develop his audit reports and as a result, audit reports are not submitted timely. 

The Auditor General has no powers directly or indirectly to influence the public sector institutions to rectify the deficiencies observed in audit of the public sector organization. 

All business entities in public sector including government owned companies must be audited by the Auditor General 

Auditor General’s reports include issues pertaining to the achievement of the overall objectives of the public sector institutions adequately. 

Source: Survey Data

Table 3.2 Professional Accountability and level of Management

<table>
<thead>
<tr>
<th>No</th>
<th>Question</th>
<th>Pearson Chi-Square</th>
<th>Asymp. Sig. (2-sided)</th>
</tr>
</thead>
<tbody>
<tr>
<td>11</td>
<td>Professional associations (organizations established for professionals. Ex: Institute of Engineers in Sri Lanka, Sri Lanka Medical Association, University Teachers Association, Sri Lanka Administrative Service Association, Teachers union) significantly contribute to ensure public accountability.</td>
<td>25.231</td>
<td>0.014</td>
</tr>
<tr>
<td>12</td>
<td>Professional associations take disciplinary actions against mal practices in public sector accountability</td>
<td>21.563</td>
<td>0.043</td>
</tr>
</tbody>
</table>

Source: Survey Data.
### Table 3.3 Social Accountability and level of Management

<table>
<thead>
<tr>
<th>Question No</th>
<th>Question</th>
<th>Pearson Chi-Square</th>
<th>Asymp. Sig. (2-sided)</th>
</tr>
</thead>
<tbody>
<tr>
<td>13</td>
<td>NGO’s play a central role in ensuring public accountability</td>
<td>21.843</td>
<td>0.039</td>
</tr>
<tr>
<td>15</td>
<td>Greater citizen participation will enhance public Accountability</td>
<td>29.374</td>
<td>0.003</td>
</tr>
<tr>
<td>22</td>
<td>Social accountability (the type of accountability in which agencies or individual public managers should feel obliged to account for their performance to the public at large, at least, to civil interest groups, charities and association of clients) in respect of interest groups, charities and other stakeholders operate to ensure overall public accountability</td>
<td>13.465</td>
<td>0.336</td>
</tr>
<tr>
<td>23</td>
<td>Generally, a lack of judgment and sanctions can be seen in the public accountability system in Sri Lanka.</td>
<td>18.076</td>
<td>0.113</td>
</tr>
<tr>
<td>25</td>
<td>Citizens have access to information and decision making forums</td>
<td>14.905</td>
<td>0.247</td>
</tr>
<tr>
<td>26</td>
<td>Citizens should hold their government accountable to them</td>
<td>12.026</td>
<td>0.444</td>
</tr>
<tr>
<td>29</td>
<td>Numerous splits and weaknesses in Sri Lankan civil society leads to a failure in the promotion of public accountability</td>
<td>13.881</td>
<td>0.308</td>
</tr>
<tr>
<td>30</td>
<td>The public perceives that there is an obvious distrust in relation to public accountability in public sector delivery</td>
<td>12.635</td>
<td>0.396</td>
</tr>
<tr>
<td>31</td>
<td>Citizens need more instruments to enforce accountability</td>
<td>16.998</td>
<td>0.15</td>
</tr>
<tr>
<td>36</td>
<td>Women’s involvement in public sector, political, social groups will significantly improve public accountability</td>
<td>16.256</td>
<td>0.18</td>
</tr>
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</table>

Source: Survey Data
Table 3.4 Political Accountability and level of Management

<table>
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<tr>
<th>Question No</th>
<th>Question</th>
<th>Pearson Chi-Square</th>
<th>Asymp. Sig. (2-sided)</th>
</tr>
</thead>
<tbody>
<tr>
<td>16</td>
<td>Elected representatives do publish their financial statements on account of the allocations received by them from public funds (Parliamentary funds, Decentralized budget allocations)</td>
<td>24.648</td>
<td>0.017</td>
</tr>
<tr>
<td>17</td>
<td>Elected representatives propose development proposals based on citizens needs and demands.</td>
<td>16.715</td>
<td>0.161</td>
</tr>
<tr>
<td>18</td>
<td>Elected representatives implement development proposal based on citizens needs and demands.</td>
<td>17.039</td>
<td>0.148</td>
</tr>
<tr>
<td>19</td>
<td>Elected representatives are fully aware of the importance of public accountability</td>
<td>10.454</td>
<td>0.576</td>
</tr>
<tr>
<td>21</td>
<td>Political Accountability (the type of accountability that is concerned with Elected representatives and political parties. This is the situation where elected representatives or appointed ministers are required to give account of their activities) is an extremely important for democratic governance</td>
<td>19.869</td>
<td>0.07</td>
</tr>
<tr>
<td>28</td>
<td>Politicians currently do play a significant role in promoting public accountability</td>
<td>11.473</td>
<td>0.489</td>
</tr>
<tr>
<td>33</td>
<td>Generally resources allocations based on political patronage of national, provincial, district, divisional and local level instead of priority needs and demands from citizens.</td>
<td>14.764</td>
<td>0.255</td>
</tr>
<tr>
<td>35</td>
<td>Political intervention on both public officers and the general public will affect Public sector accountability significantly</td>
<td>12.207</td>
<td>0.429</td>
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</table>

Source: Survey Data
<table>
<thead>
<tr>
<th>Question No</th>
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<th>Pearson Chi-Square</th>
<th>Asymp. Sig. (2-sided)</th>
</tr>
</thead>
<tbody>
<tr>
<td>34</td>
<td>Legislative provisions are available for annual publication as public sector performance measures to enable citizens to make effective comparisons</td>
<td>17.925</td>
<td>0.118</td>
</tr>
<tr>
<td>38</td>
<td>The Parliamentary / Provincial Steering Committees are required to investigate the performance audit reports submitted by the Auditor General, separately</td>
<td>6.374</td>
<td>0.896</td>
</tr>
<tr>
<td>41</td>
<td>The General Treasury/ Provincial Treasury do not take action promptly to implement the directions of the Parliament / Provincial Steering committees.</td>
<td>14.197</td>
<td>0.288</td>
</tr>
</tbody>
</table>

Source: Survey Data
67. Avoiding the Pitfalls of Union Corruption

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The Australian National University

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Abstract

Corruption and other governance failures in the union movement undermine the positive contribution unions make to any society. Unions represent an important element of democratic governance, providing a political training ground for prospective candidates, campaign funding, electoral support, voter mobilisation and a voice for workers in the political arena. Failure of democratic governance within the union movement has deeper and broader implications for the body politic at large.

This paper explores how union corruption in Australia and the United States undermines public faith in the institution of unionism. In the developing world, unions have an equally important role today as their developed world counterparts had in past decades. Unions are the civil society institution best placed to provide protection from worker exploitation, human trafficking, ensure safe working conditions and a living wage. These goals are important elements of a fair society and align with the United Nations Sustainable Development Goal of decent work and economic growth (SDG #8).

This research identifies and unpacks some of the governance lessons from this sector of society. The taint of union corruption contributed to political turmoil in Australia that rendered the country ungovernable for an entire term of government. In the United States, a major international union remains under court ordered administration for decades due to
infiltration by organised crime. These hard won lessons of unionism provide a framework for developing countries to avoid some of our mistakes.

Key words: unions, corruption, governance

Avoiding the Pitfalls of Union Corruption

Corruption and other governance failures in the union movement undermine the positive contribution unions otherwise make to any society. Unions are an important element of democratic governance, providing a political training ground for prospective candidates, campaign funding, electoral support, voter mobilisation and a voice for workers in the political arena. Failure of democratic governance within the union movement has deeper and broader implications for the body politic at large.

This paper explores how union corruption in two developed countries, Australia and the United States, has undermined public faith in the institution of unionism. In the developing world, unions have an equally important role today as their developed world counterparts had in past decades. Unions embody the civil society institution best placed to provide protection from worker exploitation, human trafficking, ensure safe working conditions and a living wage. These goals are important elements of a fair society and align with the United Nations Sustainable Development Goal of decent work and economic growth (SDG #8).

This research asks what are some of the governance lessons from this sector of society? The Australia case shows how the taint of union corruption contributed to political turmoil in Australia that rendered the country ungovernable for an entire term of government. In the United States, a major international union has remained under court ordered administration for decades due to infiltration by organised crime. This is the first paper in a longer term research project which questions why union corruption has become an intractable problem in Australia. The hard won lessons of unionism – both positive and negative – provide a framework for developing countries to avoid some of our mistakes.

The paper proceeds in five main sections. The first builds a definition of union corruption, developing a harms based model rather than the traditional model founded in economic gains.
The next two sections discuss union corruption in the United States and Australia respectively. The selected cases represent jurisdictions where public inquiries into union corruption regularly occur, although academic attention to the issue in both countries and elsewhere appears lacking. The fourth section presents some discussion on the impacts of union corruption, issues for developing countries and other matters the national case studies have raised. In conclusion, some of the pitfalls of union corruption are framed.

Defining union corruption

*Union corruption* is used as an umbrella term to cover all manner of misconduct and criminality. According to the recent Australian *Royal Commission on Trade Union Governance and Corruption* (Heydon), there are strong cases to be made for financial misconduct, breach of legal duties, unauthorised purchases, unauthorised payouts, misuse and misappropriation of union funds, false pretences, blackmail, fraud, breaches of privacy, abuse of process, death threats, verbal abuse, physical assault, perjury, payment and receipt of bribes (Heydon, 2015a, paras 4–7). This deviant behaviour has been carried out by union officials and members of all levels in a wide range of unions, in many industries and has gone on for a long time (Heydon, 2015a, para. 7). This legalistic approach requires some disentangling.

The International Labor Organization (ILO) defines a trade union as “a workers' organization constituted for the purpose of furthering and defending the interests of workers” (ILO, 2016). Corruption, however, defies such a straightforward definition. Rather, it is a complex combination of context specific behaviours which undermine good governance. It is best to qualify corruption with some form of descriptor to leverage a better understanding. For this project, the qualifying descriptor is ‘union’. While there are similarities with other forms of corruption – bribery and abuse of authority exists in union corruption as well as *police* corruption, *sport* corruption, *political* corruption etcetera – there are also unique elements to union corruption. For example, the tension between capital and labour generates different perspectives on what is, or is not, corrupt.

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152 Royal Commissioner John Dyson Heydon, AC, QC, former Justice of the High Court of Australia.
153 For consistency, the English spelling of labour is used herein to distinguish later reference to the Australian Labor Party, which favours the American spelling.
Table 1: A simple differentiation of union behaviour

<table>
<thead>
<tr>
<th>Corruption</th>
<th>Militancy</th>
<th>Criminality</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bribery of and by union officials and members</td>
<td>Strikes</td>
<td>Fraud</td>
</tr>
<tr>
<td>Collusion between union officials and employers</td>
<td>Boycotts</td>
<td>Theft of union funds or property</td>
</tr>
<tr>
<td>Misuse of union power for private gain</td>
<td>Secondary boycotts</td>
<td>Violence</td>
</tr>
<tr>
<td>Conflicts of interest</td>
<td>Work to rule</td>
<td></td>
</tr>
<tr>
<td>Member poaching</td>
<td>Pickets</td>
<td></td>
</tr>
</tbody>
</table>

Table 1 presents a simple trichotomy of some of the union behaviour labelled as corrupt. The problem for any type of analysis is that the world is not so simple. A single event may conflate behaviours from all three columns – A union official colludes with an employer to damage a commercial competitor, the members are convinced by the official to boycott and take strike action against the competitor and violence ensues. Even this simple scenario involves collusion, misuse of union power, conflict of interest, strikes, boycotts and violence. Such scenarios are often labelled examples of union corruption by capital interests, militancy by strikers who are unaware of the corrupt transaction, and criminal by regulators and government.

Corruption is recognised broadly as an abuse of power for private gain. However, this definition falls short in the eyes of employers and some regulators when an abuse of power occurs for broader gain as in “furthering and defending the interests of workers”. But such abuses that further or defend the interests of the workers are not corrupt when perceived by officials and members. Therefore, the working definition of union corruption hereafter is the abuse of power by union officials to the detriment of the unions or the union movement.
This definition captures the accepted element ‘abuse of power’ and directs it at unions’ leadership. Collectively, union members have great power as demonstrated by picket action, strikes, boycotts and the like. However, exercise of power by the membership is at the behest of union leaders. Put simply, the buck of responsibility stops with officials, not members. The definition dismisses the notion of private gain and replaces it with the harm done to the union or the union movement. This then encapsulates certain types of criminality, self-enriching fraud and the like, but excludes the violence associated with militancy, which remains squarely within the criminal realm.¹⁵⁴ Thus fraud against a union clearly damages the finances of the union, negatively affects the willingness of workers to join and reflects poorly on the movement as a whole irrespective of whatever personal gain the official may have attained. Similarly from the brief scenario above, the illegitimate strike action by the members is not corrupt, whereas organising it is. By focussing a definition of union corruption at officials, the problem is framed as one of poor governance.

The complexities of unions

Union corruption in Australian and the United States remains complex and multifaceted. This is because unions are themselves complex organisations in both the social and legal sense (Heydon, 2015c, paras 75–85; Levi, 2003). They have the features of a bank - collecting membership fees like regular deposits and providing members with statements for tax purposes. These funds are often leveraged through complicated investments and to underwrite business-like ventures. These commercial ventures in turn generate income that enables unions to support members when required. This support can take the form of legal advice in the industrial arena. Thus unions have features of law firms. Alternately, funds can provide financial support to members when times are tough (unemployment, or, more rarely these days, strike action). This gives the union the features of a welfare or not-for-profit organisation. Fundamental to union management are the democratic processes to select

¹⁵⁴ Of course, unintentional harm can befall the union movement through incompetent, but well-meaning officials. Furthermore in a legal sense, fraud could include trying to preserve union funds from confiscation so they can be used for strike pay. That would not count as being against the interests of members. (I thank Will Bosworth and Rick Kuhn for this insight and comments on the definition of union corruption.)
leaders. These processes reflect practices found in political parties, with lobbying, campaigning, fund-raising, factionalism etc. all part of the norms for a union. However, as a number of royal commissions (Cole, 2003; Costigan, 1984b; Heydon, 2015a; Winneke, 1982) and congressional committees (e.g. McLellan, 1957–1959) have shown, most of these features can, and have been, corrupted by officials, members and external entities including organised crime at all levels.

The organisational complexity of unions makes corporate law-like remedies for corrupt behaviour questionable. Historically, corporations have proven just as liable to corruption as any other social organisation (e.g. the corruption scandals involving the Monaco based infrastructure intermediary Unaoil, the German manufacturer Siemens and the US energy brokers Enron). While some features of corporate governance are applicable, so are features of political governance, not-for-profit governance and financial governance. In essence, union governance ideally should be an amalgam of best practice from a range of fields.

Union Corruption in the United States

Since the 1960s, little academic literature focussed on union corruption in the US has emerged. While labour scholars acknowledge corruption in unions (e.g. Levi, 2003; Levi, Olson, Agnone, & Kelly, 2009), it is rarely the central topic of investigation. Jacobs (2006, 2013) along with his colleagues (Jacobs & Cooperman, 2011; Jacobs & Peters, 2003) and Witwer (2008a, 2008b, 2009, 2011) attribute this to a form of wilful blindness, whereby academics do not wish to be seen as attacking unions, which by and large produce valuable social outcomes for the workers they represent. Some scholars do acknowledge the damage corruption causes to the democratic ideals and processes of unions (Levi, 2003), although they do little to further explore the problem. The scope and history of all union corruption in the US is impossible to catalogue in such a brief paper. Therefore, what follows is an overview of the Teamsters and some of the inquiries in the US which have focussed upon them.
The International Brotherhood of Teamsters

The International Brotherhood of Teamsters (IBT) has existed as a labour union in the United States and Canada for more than a century. ‘Teamster’ refers to the job of controlling teams of horse, mules, oxen or other animals used for transport. The term evolved in the twentieth century to describe the labour oriented roles associated with land transport – truck drivers, storemen, packers and the like. The international aspect of the IBT refers to their presence in Canada as well as the United States. 500 local unions (referred to as locals) affiliate with the IBT. Locals range in size from less than a thousand members to well over 15,000 and cover 1.3 million teamsters in 21 industries (Jacobs & Cooperman, 2011, pp.9-12, 211). These impressive figures and history has been plagued by union corruption throughout the IBT’s history.

Documenting all the corruption in the IBT remains impractical. Therefore this part focuses on a snapshot of the IBT’s leaders over the past century, the influence of organised crime in the locals, and highlights the government response in the second half of the 20th century.

Corruption at the top of the teamsters.

The poor record of IBT leaders highlights the durability of this union’s corruption problems. Cornelius Shea (IBT General President 1903–1907) was charged and acquitted in 1905 of conspiracy to restrain trade, commit violence and prevent citizens from obtaining work. After his presidency, Shea was also charged and acquitted in 1918 for soliciting bribes in exchange for labour peace and arrested, though not prosecuted for the 1922 murder of a Chicago police officer. Daniel L. Tobin (1907–1952) succeeded Shea and oversaw a corrupt administration, but was not criminally charged (Witwer, 2008a). David Beck (1952–1957) was convicted for tax evasion and embezzlement in 1959. In 1964, the infamous teamster president James R. “Jimmy” Hoffa (1957–1971) was convicted for jury tampering, attempted bribery and fraud. Hoffa went on to endorse the Republican candidacy of Richard Nixon, the only union to do so, and disappeared shortly after he received a Presidential pardon from Nixon. Hoffa’s successor, Frank Fitzsimmons (1971–1981) had been indicted in 1953 for extorting money from construction companies. Fitzsimmons was forced to resign in 1976 as trustee for the pension fund after authorising loans to businesses controlled by La Cosa Nostra (LCN) – the

The McLellan Committee and labour management relations.

Since the late 1920s, the LCN infiltrated and influenced the governance of the IBT at the local level. Control of the IBT, partially or in whole, enabled the organised crime families of the LCN to carry out multiple criminal enterprises including murder, interstate trafficking, fraud, money-laundering, bribery and extortion – just to name a few (Jacobs & Cooperman, 2011, pp.13-19). The involvement of organised crime brought the teamsters to the attention of Congress.

In 1957, the US Congress responded to allegations of union corruption by establishing the Congressional Select Committee on Improper Activities in the Labor or Management Field – better known as the McLellan Committee, after its chair Senator John McLellan (R-Ark.). The Committee held hearings between 1957 and 1959, which produced 58 volumes of testimony and a final report. Key figures on the McLellan Committee included then future President, Senator John F. Kennedy (D-Mas.), and his brother Robert F. Kennedy was Chief Counsel. Congress directed the committee to:

Conduct an investigation and study of the extent to which criminal or other improper practices or activities are, or have been, engaged in the field of labor-management relations or in groups or organizations of employees or employers to the detriment of the interests of the public, employers or employees, and to the determine whether any changes are required in the laws
in order to protect such interests against the occurrence of such practices or activities. (McLellan, 1957–1959, vol. 1, p. 1)

Within the general direction, the McLellan Committee chose to focus on corrupt behaviour including “labor-management collusion, underworld infiltration of the labor movement, misuse of union and welfare funds, suppression of civil rights and liberties of union members by their leaders, conflict of interest and the use of violence, shakedowns and extortions” (McLellan, 1957–1959, vol.1, p. 2). While the IBT, their president Jimmy Hoffa and the union’s links to organised crime dominated the hearings (29 of the 59 volumes), the Committee also examined the conduct of the autoworkers union (six volumes), meatworkers, restaurant workers, carpenters and metalworkers (McLellan, 1957–1959). The focus on the Teamsters is hardly surprising as it had long been referred to as one of the most racket-ridden unions in the country (Witwer, 2008a, p. 78).

The infiltration of organised labour by the mafia presented a serious concern for the Commission. Following the uncovering of a mafia summit in Apalachin, New York in November of 1957, the commission dedicated an entire volume to the role of organised crime in America more generally (McLellan, 1957–1959, Vol. 32). Sixty members of the mafia were arrested at the Apalachin meeting, three of them were officials in unions (Reavill, 2013). Although this number is relatively low, the Apalachin meeting represented senior members of the various crime families in the US, the McLellan Committee uncovered many more crime-union links as the hearings progressed.

Following the investigations of the McLellan Committee, Congress passed the Labor Management Reporting and Disclosure Act 1959 (LMRDA). This act required changes to the governance of unions to strengthen democratic processes through secret ballots, protect members’ rights to freedom of speech and against discriminatory treatment, increase financial transparency and accountability and to drive out organised crime. Despite this legislative action, little changed in the way the teamsters ran.
Court supervision of the teamsters.

Moving forward two decades, the reforms recommended by the McLellan Committee appeared to have had little impact. In 1983, the Reagan Administration created the Presidential Commission on Organized Crime (1983-1986), which found “strong evidence of LCN influence in thirty-eight IBT local unions and joint councils” (Jacobs & Cooperman, 2011, pp. 2-3). In 1988, Rudolph Giuliani, then US Attorney for the Southern District of New York, filed a civil suit against the IBT under the RICO Act 1970. As a result of this suit a consent decree was issued. The consent decree established an Independent Review Board (IRB) and appointed an Investigations Officer in 1989. Over the next two decades, the IRB and Investigations Officer brought or recommended disciplinary charges against more than 700 teamsters in 138 locals in 21 states and three countries (IRB, 2016). As of 2011, rank and file members represented less than a third of cases, the majority were office holders in IBT locals (Jacobs & Cooperman, 2011, p.216). Other action included placing locals under International trusteeship as a method to reduce or eliminate corruption and organised crime.

Within the US context, the Teamsters illustrate how organised crime, once embedded proves difficult to dislodge. By comparison, the Australian case illustrated in the following sections presents a more deeply politicised perspective of union corruption.

Australian Union Corruption

At least once a decade since the 1960s, one Australian jurisdiction or another has appointed a royal commission to investigate the problem of union corruption in one or more sectors of society. The inquiries tend to generate recommendations for reform (principally legislative) and the problem may or may not abate during and after the inquiry. Royal commissions routinely uncover union corruption in various sectors. However, reform generated by these inquiries fails to sufficiently embed itself to control union corruption.

Australian social sciences literature on union corruption remains inadequate. Cameron’s (1982) Unions in Crisis dedicated a chapter to the theft and misappropriation of union funds. However, Cameron makes no mention at all of the Federated Ship Painters and Dockers Union (SPDU)
and only a couple of mentions of the Builders’ Labourers’ Federation (BLF) – both subject to separate royal commissions of inquiry at the time (for an overview of Australia in the 1980s, see Bongiorno, 2015). Cameron, himself a former union official, Member of Parliament and Minister for Labour, only referred to the relationship between members and the executive of the BLF, not the criminal and corrupt conduct then played out in the media and the royal commissions. The royal commissions into union corruption in the eighties mark the historical starting point for discussion of the Australia case.

Australian Waterfront Corruption

Since the end of the Second World War, the Ship Painters and Dockers Union (SPDU) had been involved in criminal and corrupt activities. These activities were documented in two major inquiries – the 1974-76 Royal Commission into Alleged Payments to Maritime Unions (Sweeney) and the 1981-84 Royal Commission Royal Commission on the Activities of the Federated Ship Painters and Dockers Union (Costigan). The Costigan royal commission found that nearly half the SPDU members and the entire union executive in Victoria had serious criminal records (Costigan, 1984a, p.23). Further, Costigan found SPDU members linked to over 20 murders in the 1970s, drug trafficking, assault, armed robbery, bombings, theft, extortion, illegal gambling and other criminal activities (Costigan, 1984a, pp.3-27). The Commission documented how two factions violently vied for control of the Union throughout the 1970s and early 1980s. Critically, union officials’ wages paid less than actually working as a painter or docker - leading Costigan to ponder why anyone would viciously fight for a job that paid less income? He concluded that SPDU officials earned greater income through the aforementioned criminality. Organised crime only represented half the SPDU story, corruption played a significant role in the control of the SPDU and its activities.

The royal commission documented many cases, two brief examples will suffice for this paper. Firstly, in South Australia, SPDU officials extorted unnecessary payments from shipping companies and owners. These payments to clean vessels, which often had already been cleaned elsewhere, benefitted both the officials and members. The officials misused union power,
strengthened by the necessity for ships to be union certified as appropriately clean before they could upload cargo. The shipping companies complied as delays were far more costly. The second example saw government officials forced to abide by decisions of the SPDU State Secretary to fill employment vacancies at the Williamstown Naval Dockyard in Victoria. Only union members in good standing with the State Secretary could get work. Although financially beneficial to members, these activities led to the organisational demise of the SPDU, and thus fall within the aforementioned definition of union corruption.

 Corruption in the Australian Building and Construction Sector

Winneke and the Builders Labourers Federation.

The Builders Labourers Federation (BLF) is often described in the literature as a ‘militant’ union (Bramble, 1996, p.53). Social historians credit the BLF for their support of socially progressive activities in the 1970s such as the green bans which prevented Sydney’s Rocks district from being redeveloped (Hickie, 1985, p.478), supporting the Aboriginal Tent Embassy in Canberra (Armstrong, 1996, p.70) and migrant workers (Tierney, 1996, p.107). Yet beyond the militancy, BLF leaders corruptly colluded with, or extorted from property developers cash, goods and services for their personal benefit. The 1982 Royal Commission into the Activities of the Australian Building and Construction Employees and Builders Labourers Federation (Winneke)\(^{157}\) found that BLF official’s used these goods to build and improve their homes and beach houses (Winneke, 1982, pp.21-22). The BLF also picketed (often violently) any building site employing non-BLF members – even registered and paid members of other unions. Cleaners, fast-food staff, retail workers and others were described by BLF organisers as being engaged in builders labouring. BLF membership fees were often paid by developers or contractors to avoid the BLF black-banning the worksite. Other unions described the BLF practices as empire building (Winneke, 1982, pp.295-301). At the end of the royal commission, the BLF was permanently disbanded (except in Queensland) and the Federal Secretary jailed for corruption.

Cole and the Australian Building and Construction Commission.

\(^{157}\) Royal Commissioner John Spence Winneke, AC, QC. Former Judge of the Supreme Court of Victoria.
Disbanding the BLF failed to eliminate corruption in the Australian building and construction sector. In 2001, the Liberal/National coalition government under Prime Minister John Howard appointed the Royal Commission into the Building and Construction Industry (Cole). Like its predecessor, the Cole royal commission found many things wrong in the building industry, but little evidence of self-enrichment of union officials Winneke had found earlier. However, Cole found unions exercised their power to raise funds for the unions in a variety of ways which breached industrial, civil and criminal law. Contractors, sub-contractors and clients often colluded with unions in these activities as “quick-fix solutions driven by commercial expediency supplant insistence on legal rights, adherence to ethical and legal norms and the pursuit of legal remedies” (Cole, 2003, p. 11). A key recommendation of the Cole royal commission was for the government to establish “an independent body, free of the pressures of the participants in the industry which will ensure that participants comply with industrial, civil and criminal laws” (Cole, 2003, p. 4).

In 2005, the Howard government created the Australian Building and Construction Commission (ABCC) as the independent body recommended by Cole. Two years later, the Australian Labor Party took office, and despite pressure from its union base, maintained the ABCC, eventually replacing it with the Fair Work Commission (FWC) in 2010 (Gillard, 2014, pp. 310-313). The existence of the FWC did not prevent the creation of another royal commission as allegations of union corruption persisted. However, the next iteration involved many more political intrigues than its predecessors.

Politics and the Royal Commission into Trade Union Governance and Corruption.

The establishment in 2014 of the Royal Commission into Trade Union Governance and Corruption (Heydon) satisfied and expanded on a 2013 election promise made by Tony Abbott, the incoming Liberal/National Coalition Prime Minister. As opposition leader, Abbott had made political ground by maintaining public outrage associated with allegations against then Prime

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158 In the Australian political system, the Liberal Party occupies the conservative side of the political spectrum. The Liberal party is in a formal coalition with the National Party. The US equivalent would be the Republican Party, in Europe they would be a centre-right coalition.

159 Royal Commissioner Terence R.H. Cole, AO, QC. Former judge of the Court of Appeal of New South Wales.
Minister Julia Gillard that she had corruptly established shell companies for the Australian Workers Union (AWU). Furthermore, the Gillard government had maintained a slim majority by supporting an MP accused (and later found guilty) of defrauding the Health Services Union (HSU) in which he had previously held office. What started as the promise of an inquiry became a royal commission.

In the early 1990s, Julia Gillard worked as a solicitor in a law firm specialising in representing unions. Her boyfriend at the time was an official of the AWU. As a favour to him, she assisted with the paperwork for the aforementioned shell companies, which he then used to access corruptly obtained payments from a major corporation. Furthermore, Gillard’s boyfriend used some of the funds to pay for renovations to her home. A detailed forensic examination by Heydon found Gillard had acted neither criminally nor corruptly (for the detailed account see Heydon, 2014, pp. 73–327). However, by this stage, Gillard had left office having had to spend much political capital and energy as prime minister defending herself against persistent allegations she had been involved in union corruption.

Corruption at the HSU further complicated Gillard’s prime-ministership. The HSU endured a long running and much publicised saga involving a trio of the union’s executive. Kathy Jackson, former National Secretary of the HSU, was civilly convicted and ordered to repay $1.4 million to the union (Meldrum-Hanna, 2015). Her predecessor, Craig Thomson and New South Wales General Secretary Michael Williamson were convicted for theft and fraud respectively. Between them, this trio and their families had misappropriated $2.7 million (Heydon, 2015b, chap. 5, para. 6), as a result the Australian Council of Trade Unions (ACTU) suspended the HSU’s affiliation (Madgwick, Samson, Bornstein, & Russell, 2013). Thomson’s corruption had far-reaching political consequences. Between 2010 and 2013, Thomson was an ALP member of parliament during Gillard’s minority ALP government. This created pressure on her and the government to defend Thomson pending court proceedings as they could not afford a by-election that could overturn the government (Gillard, 2014, p. 77). Gillard’s association with both the AWU and HSU scandals contributed to the decline in her popularity to the point she was ousted as party leader before her government had run full term.

In December 2015, Heydon reported on the corrupt practices his Commission had found and made recommendations for law reform and policy. Heydon’s recommendations mirrored
those of Cole, including the re-establishment of the ABCC with increased powers. Among his findings, Heydon reported how union leaders charged with protecting the most vulnerable employees have felt entitled to treat union funds as their own. This corrupt behaviour undermines public trust in unions.

Importantly, Heydon’s report (2015c) offered five reasons to explain the intractability of union corruption. To summarise the report, the reasons the existing legal framework is not especially effective at deterring corruption are: (1) the significant differences between laws in Australian jurisdictions in terms of elements of the offence and penalties (paras 33–36); (2) “the investigation of blackmail, extortion and secret commission offences is inherently difficult” (paras 37–38); (3) “employers and unions are adept at disguising [corruption]” (para. 39); (4) police are traditionally reluctant to involve themselves with industrial relations matters (para. 40); and (5) particularly in the construction sector, it is economically rational to comply with corrupt union official demands rather than suffer from costly stoppages or engage in lengthy legal processes under the existing industrial relations system (para. 41). These reasons are valid in the context of legislative reform.

The significant effort of Heydon and his staff was overshadowed by political environment outlined above. Both former Prime Minister Gillard and the current ALP Opposition leader Bill Shorten, himself a former AWU official, were summoned to present evidence to the Commission. This represented an unprecedented move in Australian political history.160 To many in the ALP and union movement this represented the final chapter in the attacks on former Labor Prime Minister Gillard instituted by the Liberal/National coalition while they were in opposition (2007-2013) (Cooney, 2015; Gillard, 2014).

160 Furthermore, Gillard’s prime ministerial predecessor, Kevin Rudd, was summoned to give evidence at another Abbott government instigated royal commission.
Discussion

The Impact of Corruption on Unions.

Trade union density rates convey the number of union members who are employees as a percentage of the total number of employees (International Labour Organization, 2016). Density rates in the United States peaked shortly before the McLellan Committee commenced its hearings with nearly a third of workers in a union. They have been in decline ever since (Witwer, 2008a, pp. 210-211). Figure 1 demonstrates the lower rate of union density in the United States and Australia compared to the average for high-income countries. Union density in the US and Australia have been on the decline in recent years. In 2000, the United States had a rate of 12.8% of the workforce, which fell to 10.8% in 2013. Australia saw a steeper decline falling from 24.7% to 17% over the same period (International Labour Organization, 2016). As at 2014, 1.6 million Australians were trade union members in connection with their main job, representing a further decline to only 13.8% of all employed persons Australian Bureau of Statistics (2015).

Figure 2: The decline in trade union density

Source: prepared by author with date from the United Nations (2016) and International Labour Organization (2016).
Corruption damages the unions by undermining the faith of members and has been cited as a reason for membership declines (Levi, 2003). Other evidence indicates Australians perceived unions as the second most corrupt institution after the media in the country (McAllister, Pietsch, & Graycar, 2012). A more recent Roy Morgan Poll found only 14% of Australians ranked union leaders as being ‘high’ or ‘very high’ for ethics and honesty (Roy Morgan Research, 2015), while not the lowest, union officials only ranked above car salesmen (lowest), advertising people, real estate agents, insurance brokers, stock brokers and federal members of parliaments.

Issues for Developing Countries

A number of issues underline the challenges for unions in the developing world. Like industrialised nations, those that are industrialising are now seeing a shift from standard to irregular employment (Dasgupta, 2002). Multi-national corporations which have learnt hard lessons in industrialised countries when dealing with unions are applying these lessons ruthlessly in the developing world (Eweje, 2009). This stretches to the services sector, with firms such as the retailer Walmart pursuing an anti-union policy at home in the US and in the countries it has expanded to like Mexico, China and India (Klein & Lang, 2015). In the public sector, there is an ongoing re-evaluation of the union role, particularly as nations follow the lead of the West into managerialist approaches (Dibben, 2010). Further challenges related to globalisation of practice and ideas includes the rise of transitional and foreign labour, a status preferred by corporations but antithetical to unionisation (Trimikliniotis, Gordon, & Zondo, 2008). These factors have compounded to stunt union growth in the developing world. ILO data indicate low levels of union density in low income and lower-middle income countries (International Labour Organization, 2016). A closer look at the low-income countries indicates a rate of union density from 1.1% for Uganda in 2005 to a rate of 46.8% for Sierra Leone in 2008. The first is possibly reliable, whereas the second is clearly a nonsense.
Labour and capital

Union corruption in both Australia and the US is fuelled by the ongoing conflict between labour and capital, with both trying to maximise the economic return for workers and investors respectively. In recent decades, the focus of unions on improving wages in Australia has taken a backseat to more pressing issues of workplace health and safety and securing other conditions of employment. Contextually, this focus is markedly different from the United States as Australians secured a living wage nationally through a decision of the High Court (equivalent to the US Supreme Court) at the turn of the 21st century. In the United States, the fight for increases in the minimum wage are ongoing and cannot be easily fought on a national platform due to the fractured nature of US labour relations in their federal system (Levi, Olson, & Steinman, 2003). Lack of a living wage could contribute to the need of underpaid union members to engage in criminal enterprises. Although this may not actually be the case as unionised workforces tend to be better paid than their non-unionised counterparts (Klein & Lang, 2015).

Political considerations

Unions have political power. However, in the two cases, this power varies widely. In the United States, union endorsement of a candidate has the potential to both mobilise members to cast their votes in a particular manner and signal to affiliates, in other unions and those in the broader community, the qualities of the endorsee. However, US unions are not a ‘lock’ for either side of politics. The Teamsters famously endorsed the Republican presidential candidate Richard Nixon, thus demonstrating a high degree of political independence (Jacobs, 2006). Like the US, Australian politics has evolved into essentially a two-party system. However, the Australian Labor Party (ALP) has its historical roots in the union movement. To this day, unions represent 50% of delegates to ALP conferences at state and federal level. Furthermore, party membership is contingent on the applicant being a financial (i.e. paid-up) member of an affiliated union. This contextual difference problematises political and legislative attempts to control union corruption. In the most recent royal commission report, introduction of RICO style legislation in Australia was considered and rejected because of these contextual differences. Legislative powers similar to RICO already exist in the form of the Australian Crime
Commission Act 2002 (Cth) (ACC Act). However, the ACC Act’s definition of serious and organised crime (s.4) specifically excludes much of what occurs in employer/employee relations, giving law enforcement agencies an excuse to give union corruption a wide berth and focus on more traditional types of organised crime.

In the United States, political advantage is to be gained by Federal and State Attorneys for successfully prosecuting racketeering in unions. Rudolph Giuliani and Robert F. Kennedy are two examples of political leaders who made their names prosecuting mafia/union cases. A similar political structure does not exist in Australia, thereby robbing a certain amount of political will and incentive from pursuing organised crime cases. Such political will is further undermined when considering one of the two major political parties in Australia has close union ties. Giuliani and Kennedy further illustrate the differences in that one became the Republican mayor of New York, the other a Democratic Attorney-General and both campaigned (unsuccessfully) to become their respective parties’ Presidential candidates.

Anti-corruption scholars like Jon Quah (2010) warn against anti-corruption agencies becoming tools for political attacks / partisan purposes. The recent Australian royal commissions have scrutinised political leaders on the basis of terms of reference drawn up by their opponents. This is not to say politicians should be immune from scrutiny, but the allegations had been tested and answered already, with the Heydon Commission finding former Prime Minister Gillard had no case to answer.

Organised Crime

Organised crime in the twenty-first century exists in every nation on earth. Criminologists have established certain patterns exist with mafia-like organisations. A common theme relates to organised crime establishing themselves in a quasi-state role when governments prove unwilling or unable to fulfil their obligations to citizens (Dickie, 2005; Gambetta, 1993). Once organised crime fills the void, they prove difficult to remove. The example of the decades’ long struggle to remove organised crime’s influence from the Teamsters exemplifies this issue. Similarly, it took over a decade to dismantle the criminal structures within the Australian Federated Ship Painters and Dockers Union (FSPDU) (Costigan, 1984b). The role of unions in
any nation make them a target for the corrupting influence of organised crime. An ‘NDrangheta pentiti – an informant on the secretive Calabrian based mafia – revealed how his organisation would curry favours with junior union officials throughout Italy with the longer term view of having influence on them as they progressed through the ranks or stepped-off into the political arena (Nuzzi & Antonelli, 2010/2012). Organised crime use corruption to sway those who can get things done for them (Sergi, 2015), unions are no exception.

Union governance – is it democratic?

Union democracy is contestable. Lipset et al. (1956) concluded that democratic governance does not and probably cannot flourish in labor unions. To the contrary, labor unions are generally dominated by a single clique that maintains power by means of carrots and sticks, and even 'reformers' who win union elections tend to resort to their predecessors' corrupt tactics in order to stay in power. (quoted in Jacobs, 2013)

These cliques can also appear as familial dynasties. James P. Hoffa, son of the infamous Jimmy Hoffa, is the current (1999- ) President of the International Brotherhood of Teamsters, a role his father held when the union was scrutinised for its links to organised crime. In Australia, the New South Wales Branch of the National Union of Workers (NUW) was run by Frank Belan (1983-2001) until his son took over. The governance of the NSW branch of the NUW was described in the royal commission as a case illustrating “the iron law of oligarchy” (Heydon, 2015b, para. 11). Yet unions share these democratic deficiencies.

Research by Michael Johnston (Johnston, 2013) demonstrated how citizens often knowingly re-elected corrupt politicians because there is ownership; it is better the devil you know; and the electorate quite often benefits (not as much) as the corrupted public official. Historic examples of the democratic survival of corrupt union officials in Australia under parallel circumstances are exemplified by Norm Gallagher of the BLF, who received many corrupt benefits but was regularly re-elected by BLF members (Winneke, 1982). However, such cases represent exceptional circumstances. Lipset’s admonition on union democracy requires further testing before democratic norms can be ruled out of the equation for analysis of unions.
Conclusion – The Pitfalls

This paper asked what are some of the governance lessons to be learnt from Australia and the United States experiences of union corruption? The key lesson for all is to find the balance between controlling union corruption without damaging or destroying the union movement. Governance becomes the key factor here, in pursuing a path which incorporates transparency in union activity, rule of law in that both parties to any collusive activity are equally treated and democracy to ensure a mechanism to replace corrupted or compromised leadership. These may seem like lofty ideals, but the alternative has been experienced in both the United States and Australia. No easy path exists. Corruption when found, has undermined the ability of unions to carry out their key function in protecting the rights of both their members and workers more broadly. Beyond the balancing act, there are common pitfalls from which lessons can be drawn.

Politics cannot be disentangled from unions - US unions wield political power through the network of their members, whereas Australian unions form the foundations and lend their power directly to one of the two major political parties. Attempts to rein in union political power in Australia oscillate back and forth dependent on which party holds power. The example of the ABCC, established by the LNP in the wake of the Cole inquiry, dis-established by the following ALP government and re-presented following the Heydon royal commission illustrates this political reality.

Politics inflates the perceived dangers of union corruption - although the appropriation of millions by union officials from the membership is a recurrent problem, thousands of officials do not abuse the trust placed in them by members. At the time of the McLellan Committee hearings, there were more than 6000 union office holders in the United States, less than 2.5% were found to be corrupt or criminally involved. Although an estimated rate of corruption at 2.5% is not a number for the union movement to be proud of, it hardly represents a massive criminal enterprise or an endemiclly corrupted movement. In Australia, the Australian Council of Trade Unions (ACTU) has 37 affiliated unions, yet only six were subject to the terms of reference for the recent royal commission.
**Collusion involves two parties** - although often in cases of union corruption, only one is the focus of attention and action. Failure to hold both parties of a corrupt act to account undermines the ability to implement effective governance arrangements.

**Union pension funds present an attractive target to organised crime** - both sophisticated and unsophisticated governance systems can be exploited by criminal enterprises. The lax governance structure of the IBT’s various pension funds in the fifties enabled them to be exploited as virtual banks for organised crime groups. Half a century later, the more robustly governed industry superannuation funds in Australia have benefitted from the harsh lessons from America. The most serious problem discovered by Heydon was a breach of fund-member privacy by a union seeking information for a targeted industrial campaign. The Australian Industry superannuation funds established by unions and employers now have more than a trillion dollars, which remain a target for theft. However, a strong regulatory framework has reduced the potential for their corruption by organised crime as a money-laundering vehicle.

**Union power presents an attractive target for organised crime** - When unions in the US gained control of labour markets in large cities, criminal groups exploited this power to run protection and extortion rackets. In Australia, the FSPDU used the power to influence hiring and firing to create aliases for criminals, a relocation service for fugitives and facilitated violent organised crime. Murder, intimidation, assault and bombings became part of the electoral process for the FSPDU as control of the union equated to control of the criminal organisation it had become.

**Unions resist external control** - In the case of the Teamsters, the court imposed control order has existed for more than two decades, yet the presence of organised crime persists. The union perceives the RICO control order, which has influence on hundreds of thousands of members, represents a sledgehammer to crack a walnut. Only the IBT and the locals have the power within the democratic structure of the union to 'throw the scoundrels out'. Organised crime manipulates that power to gain control of locals and the IBT executive whenever possible. The RICO order represents a regulator attempting governance from the outside. Similarly, the AFL-CIO Code of Conduct required US union officials to not 'take the fifth', IBT and teamster local officials ignored this external governance requirement when appearing
before the McLellan Commission (Witwer). In the case of the CFMEU, regulators, conservative politicians employers and royal commissions conflate their industrial action and militancy with union corruption. The notion of union corruption expanded to include all forms of militancy and criminality retains potency to those wishing to impose external controls while there remains little tangible evidence of internal controls.

**Internal controls are obscure** - Since a series of union corruption scandals gained public prominence in Australia over recent years, the ACTU and unions involved have been relatively slow in developing and implementing internal control measures. The ACTU Secretary denounced union corruption and announced a code of conduct (Madgwick, et al., 2013). However, an agreed position on such a code has not materialised in the public arena.

**Context matters** - The problems outlined in this paper arose and were addressed by US and Australian authorities and unions within their own historic, political and socio-economic framework. The contextual differences between these two developed nations illustrate how corruption, and in this case union corruption, carries environmental nuances.

This paper does not offer recipe for governance solutions, but the pitfalls outlined above are quite possibly universal. These pitfalls are simply the ingredients identified so far for any nation with a union corruption problem to mix, test, implement and re-develop to suit their own appetite for governance reform. This should result in a governance framework to fit specific national, sub-national or local circumstances.
References


71. A Democratic Assessment of Iraqi Public and Private Sector Professionals’ Public Service Attitudes

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**Abstract**

Iraq has experienced significant governmental changes, from a dictatorial regime to a democratic system in a rapid timeframe in addition to facing challenges of persecution, terrorism, and sectarian conflicts. Using survey results, we evaluate the public service attitudes of Iraqi professionals within the public and private sectors using a democratic assessment framework developed by Agger and Löfgren (2008). Their criteria consist of democratic norms of access, public deliberation, adaptability, accountability, and development of democratic identities. The accountability criterion is further divided into four categories (bureaucratic, legal, professional, and political) based on Romzek and Dubnick’s model (1987). Findings indicate that Access and good public service for all is a priority along with Public Deliberation and Democratic Identities emphasizing solidarity and tolerance. In terms of Adaptation, it is the duty of both public servants and civilians to look out for society and the public interest. Professional Accountability is key emphasizing that public servants should not be influenced by political affiliations. Public servants should also abide by clear rules, but following superiors or elected officials is not emphasized. Even more important than professional expertise is using one’s knowledge of history and the community to decide what is in the public interest. There is little faith in Legal Accountability in terms of oversight by elected officials. There are only minor differences between the attitudes of those in the public and private sectors. The differences are in levels of service and the private sector ranking the political neutrality of public servants even higher than those in the public sector do. These democratic norms run counter to the democratic structure put in place after 2003 emphasizing federalism, representation and appointments along ethnic and sectarian lines, and empowering ex-patriots with little local knowledge.

**Keywords:** democratic assessment, accountability, public interest, Iraq
Introduction

Which democratic norms make sense to public and private sector professionals inside Iraq? Iraq has experienced significant governmental changes, from a strictly top-down dictatorial regime to a democratic system in a short time period. Moreover, it has had to make these seismic changes while facing challenges of persecution, terrorism, and sectarian conflicts. Through survey results we evaluate the public service attitudes of public and private sector Iraqi professionals via a democratic assessment framework developed for collaborative processes (Agger & Löfgren, 2008). This assessment tool consists of democratic norms of access, public deliberation, adaptability, accountability, and development of democratic identities. To further understand the nuances of accountability preferences, the accountability criterion is divided into four categories: bureaucratic, legal, professional, and political (Romzek & Dubnick, 1987).

Data for this study was collected using a unique method of contacting a group of managers and employees who work in human resources departments in both private and public sector agencies in Iraq. Through these contacts, and using a snowball technique via social media, others within professional networks were reached. An online link to the questionnaire was distributed via emails, and electronic social and professional networks, like LinkedIn, to maximize the response rate. The questionnaire was launched in late March of 2014 and remained open until July of 2015 resulting in 428 responses.

Our findings indicate that Access and good public service for all is important including addressing poverty. Public Deliberation and Democratic Identities emphasize solidarity, tolerance, and respecting the opinions of others. Showing Adaptability, it is the duty of both public servants and civilians to look out for society and the public interest. Professional
Accountability, particularly using one’s own knowledge of history and the community, is most important with some Bureaucratic Accountability in the form of following rules. There is little faith in politics or politicians producing no confidence in Legal Accountability. There are only minor differences in the attitudes of those in the public and private sectors. The differences are in limits to discretion, levels of service, and the private sector ranking the political neutrality of public servants even higher than public servants do.

To explore the democratic values of Iraqi professionals, we start with an overview of the democratic assessment model by Agger and Löfgren (2008) and then provide a brief history of Iraq’s experiences with democracy. After the historical overview, we cover data collection, methods, and the results of the democratic assessment. Lastly, we discuss limitations of the study and implications of the findings.

**Democratic Assessment Model**

For this democratic assessment of Iraqi public service attitudes we use a framework outlined by Agger and Löfgren (2008). They developed their framework in order to measure how well collaborative planning projects meet democratic ideals. They did not want to assume that collaborative processes were automatically democratic. “The purpose of a democratic assessment is to identify the extent to which certain democratic values are either enhanced, or undermined, by certain institutions or practices” (Agger & Löfgren, 2008, p. 148). Instead of looking at a specific process, institution, or practice, we are using the model to look at public service attitudes to see which democratic values seem to reflect what Iraqi professionals think “ought” to be. Agger and Löfgren (2008) developed their criteria based on modern democratic theory, universal democratic principles, and democratic norms espoused in collaborative planning theories. We feel this framework is useful for an Iraqi assessment because much of the debate over whether democracy can work in Iraq or not hinges on the question of how
much or how well different groups can collaborate (Fitzsimmons, 2008). After the United States and United Kingdom coalition forces defeated the Iraqi regime of Saddam Hussein, the occupiers configured the democratic processes in Iraq with an assumption of having to divide and empower groups who would then have to work together within federalist structures. However, critics of this design have pointed to a long history of diverse groups working together in Iraq within a centralized system, thus dismissing the need for dividing power and exacerbating competition among groups within federalist structures (Al-Ali, 2014; Basham, 2004; Fitzsimmons, 2008).

The Agger and Löfgren evaluation framework looks at six categories of democratic norms within a collaborative framework: access, inclusion and participation; public deliberation; democratic adaptiveness; accountability; and development of democratic identities. “Access” to democratic processes indicates that a wide range of stakeholders are included and that the process is transparent so people can choose whether to participate or not (Agger & Löfgren, 2008, pp. 151-153). The “Public Deliberation” criteria looks at how easy it is for stakeholders to get issues on the political agenda and how easy it is to openly discuss the issues in a tolerant manner (Agger & Löfgren, 2008, pp. 154-155.) “Democratic Adaptiveness” is an indication that, no matter how institutions or the political context changes, there is a commitment to democratic values. In other words, when systems are tested, do they tend to remain true to democratic values? (Agger & Löfgren, 2008, pp. 155-157) Agger and Löfgren (2008, pp. 157-158) describe “Accountability” as a “basic premise of modern democracy” that “citizens should have the capacity to hold policy-makers, in general, accountable for their actions.” Lastly, “Development of Democratic Identities” includes development of institutional capital, social capital, and trust. These criteria seek to capture how well people identify with democratic norms and feel part of those norms (Agger & Löfgren, 2008, p. 158).
It includes what sort of community to which people want to belong. Each category with a brief definition is shown in Table 1.

The “Accountability” category is further divided into four types of accountability (bureaucratic, legal, professional, and political) based on Romzek and Dubnick’s model (1987). Bureaucratic accountability involves enforcement through hierarchical, supervisory systems and rules. Legal accountability includes an outside party, usually elected officials or watchdog agencies, monitoring how laws and regulations are carried out. Professional accountability is where professional standards, expertise, and special skills control the behavior of public servants. Political accountability is based on a responsiveness to constituents and sees citizens as clients or customers to satisfy (Romzek & Dubnick, 1987, pp. 228-230).

**Table 1: Democratic Assessment Criteria and Definitions**

<table>
<thead>
<tr>
<th>Democratic Criteria</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Access and inclusion</td>
<td>Citizen stakeholders have equal access to channels of influence. The channels are transparent so that those who are not active can still be informed.</td>
</tr>
<tr>
<td>Public deliberation</td>
<td>Before decisive decisions are made, citizens can place items on the political agenda, which are then openly discussed in a tolerant environment.</td>
</tr>
<tr>
<td>Adaptiveness</td>
<td>As political institutions and environments change, they continue to embrace democratic norms.</td>
</tr>
<tr>
<td>Democratic identities</td>
<td>The existence of institutional capital in the form of knowledge of democratic processes, resources to mobilize stakeholders when needed, and relational resources that build trust and strengthen the capacity to work collectively.</td>
</tr>
<tr>
<td>Accountability</td>
<td>As politicians, civil servants, policy-makers, and citizens work together, there are norms of behavior, as a group, and as individuals, they hold themselves accountable through sanctions.</td>
</tr>
<tr>
<td>Types of Accountability</td>
<td></td>
</tr>
<tr>
<td>Bureaucratic</td>
<td>Accountability through hierarchical, supervisory systems, and rules.</td>
</tr>
<tr>
<td>Legal</td>
<td>Accountability through an outside party, often lawmakers, monitoring how laws and regulations are carried out.</td>
</tr>
<tr>
<td>Professional</td>
<td>Accountability through expertise and special skills.</td>
</tr>
<tr>
<td>Political</td>
<td>Accountability through responsiveness to constituents.</td>
</tr>
<tr>
<td>Sources</td>
<td>(Agger &amp; Löfgren, 2008; Romzek &amp; Dubnick, 1987)</td>
</tr>
</tbody>
</table>
Historical Overview of Democracy in Iraq

The democratic ideals and practices of Iraqi societies over time have been influenced by governmental structures, which historically have been centralized, top-down systems. Although these governmental structures have taken different forms from monarchies, colonial rule, republics, dictatorships to democracy today, a constant has been a lack of transparency and full engagement of citizens in civic life (Al-Ali, 2014; Rihani, 2015). Nevertheless, within these centralized systems, there have been glimmers of democratic norms.

Pre-Islamic period (5000-333 BC)

The pre-Islamic period witnessed several phases of kingship rule where kings had supreme power conferred by divine right. However, one king, Hammurabi, famously developed a set of rules to ensure Bureaucratic Accountability. Hammurabi enforced and extended his authority throughout his kingdom through his Code of Law. He specifically addressed what civil servants should and should not do. He reinforced accountability by making the rules easy to understand and posting them in public spaces for citizens to read so that citizens could be watchdogs as well (Alkadry, 2002). However, all were subject to the king as the ultimate judge, rule maker, and authority. The king enforced legal Accountability.

Islamic Conquest in the 630s and the Caliphate

From 300 to 600, Iraq was characterized by a great deal of religious, creative, and cultural diversity (Morony, 1984). Iraq is located at a cultural and economic crossroads. Muslim Arabs conquered the area in the 630s. Islamic governors continued many of the hierarchical, centralizing administrative techniques of their predecessors with power based on divine authority. Most of the ideals and practices that organized society politically, economically, and administratively relied on the decisions and norms of al-Caliph, ruling the order of God in the
land. More specially, these decisions and norms were derived and developed from al-Sharia of Islam (i.e., a set of rules, regulations, and practices mostly generated from the Quranic texts). Although citizens were to follow the rules of Islam, there was a sort of public participation through a set of tribal leaders, who represented a Council of Elders, which helped the Caliph to make some decisions. However, many of these rules and principles were dramatically developed by Caliphs and modified to serve their interests, particularly in the late periods of the Islamic era.

During this time period, in terms of Access and Inclusion, citizens did not have equal access to the channels of influence. There was a social hierarchy for decision-making, starting with a tribal/religious leader, to his assistants, to the elites, down to the public. In terms of Public Deliberation, citizens were not allowed to be involved in defining the public interest. However, they were committed to following the rules.

Kingship Period (1920-1958)

The Ottoman Empire was defeated in World War I and many Middle Eastern states were created when the French and British colonial powers took over. The British took over Iraq and appointed a king to administer the state on their behalf in the 1920s. Unlike the Ottomans, the British did seek to legitimize their rule through citizen empowerment. They created an Iraqi Senate (that was known as Majlis al-A’yan), which included some of the famous clergy, intellectuals, and tribal chiefs.

Despite the prevalence of the feudal system in this period, there were some democratic influences derived from the British. In terms of Access and Inclusion, citizens were given limited access to channels of influence including the king, ministers, and other important groups in the governmental structures. Also, citizens could remain informed through journals, newspapers, and radio. In terms of Public Deliberation, similar to the Islamic period, either
government staff or elites, such as, the Majlis al-A’yan could be involved in decision-making. In this period, all forms of Accountability: Bureaucratic, Legal, Professional, and Political flourished, and Iraq witnessed one of its most civic periods in history. Both government staff and citizens knew their rights and duties. Corruption was rejected socially and governmentally. However, British policies favored some groups, namely Iraq’s Sunni society over others, the Shi’a and the Kurds, which meant access to civic structures were uneven across the country (Farouk-Sluglett & Sluglett, 1991).


A military coup in 1958 overthrew the king and the Iraqi republic (1958-1968) was born. The republic appealed to statehood, civicness, and the public interest to legitimize their rule. However, the republic would not last long as it gave way to the Ba’ath party (1968-2003) which would practice control over all political, social, and economic structures (Fuccaro, 1997; Tripp, 2002). Ba’athism, removed any social structures that held different perspectives on what might be in the public interest (Makiya, 1998). Gradually, administrative-governmental and social networks through which civicsness is normally produced and refined were destroyed. Any type of democratic norms during this period were simply for show and not authentic.

Democracy Period (2003-the present)

After the fall of Ba’athist rule in 2003, with a highly strong centralized regime, Iraq turned into a decentralized democratic system. Although there has been increased acceptance of decentralization from all Iraqi communities, this model of administration has faced many difficulties. Basham (2004) has explained the complexity of political cultures of Iraqi regions, which vary ethno-religiously, and their varied responses to the democratic system. The new democracy was established, organized, and developed by the influences of the U.S., which totally relied on Iraqi political opponents who lived in exile, for a better Iraq. The U.S. adopted
the consultations and perspectives of those without any background in the functioning of modern day Iraq and from those representing ethno-religious components (Al-Ali, 2014). U.S. representatives assumed deeply held uncooperative divisions where inevitable.

In Iraq, the persistence of pre-democracy value systems and ethno-religious norms persisting into current times makes it particularly difficult to define how far individuals can really practice their democratic roles in a federal-decentralized system, in particular, when ethno-religious parties reframe the track of democracy-building into sectarian divides (Wimmer, 2003). Iraq’s experience with a variety of institutions over time and being in the middle of rebuilding its civil society shows the importance and limitations of adopting Western models and practices of democracy.

For example, in terms of Access and Inclusion, no one can equally get access to channels of influences although the Iraq constitution allowed citizens to do that (Al-Ali, 2014). There is a clear lack of transparency. In terms of Public Deliberation, the political agenda serves political ethno-religious parties, their relatives and elites, increasing their power and privileges. These processes were made without any attention to the interests and needs of citizens. In terms of Adaptiveness, although many of democratic norms exist in the Iraqi constitution for the benefits of citizens, ethno-religious parties have disrupted these norms through their appointees to governmental and nongovernmental structures. In terms of Accountability, ethno-religious parties short-circuit systems whereby public servants might be chosen based on expertise or civic motivations. This dynamic led to poor performance and corruption.

Methods
For this democratic assessment, we used answers to survey questions written for a study of public service motivation we conducted in 2014-15. Public service motivation is “an individual’s predisposition to respond to motives grounded primarily or uniquely in public institutions and organizations” (Perry & Wise, 1990, p. 368). Measuring public service motivation, or why certain workers seem more dedicated to serving the public interest than others, has grown over the years spawning numerous studies on what aspects of public service motivation are universal across cultures and countries (Perry, 2014; Perry & Hondeghem, 2008; Ritz, Brewer, & Neuman, 2016; Vandenabeele, 2008). Vandenabeele (2008) presented a version of a universal public service motivation measure consisting of 47 survey items divided into the following categories: Politics and policies, Public interest, Compassion, Self-sacrifice, and Democratic governance. We used these 47 items in a questionnaire distributed in Iraq. The questionnaire also included personal/demographic/work information and additional items related to how one determines what is in the public’s interest (Johnson, 2012). For the 47 public service motivation items, respondents were asked to rate their level of agreement on a Likert scale from “1” meaning “Strongly disagree” to “5” meaning “Strongly agree.” The Appendix shows descriptive statistics for the survey items.

To distribute the survey, the authors contacted a group of managers and employees, who worked in human resources departments in both private and public agencies in Iraq. The questionnaire was formed as an electronic link and distributed via emails, and electronic social and professional networks, like LinkedIn, to maximize the response rate. One of the main objectives of using this technique was to protect the identity of participants and give the participants a choice whether to participate in the survey or not. The questionnaire was launched in late March of 2014 and remained open until July of 2015 resulting in 428 responses. The questionnaire was written in the Arabic language. The original English version
was translated into Arabic, and then translated back into English by two different translators to ensure the integrity and meaning of the translation.

The survey is not representative. Respondents consist of predominantly men, but also women and workers from different parts of Iraq with Baghdad having the most. The mean age of all respondents is 35 with 67 being the oldest and 22 the youngest. We do not know all of the professions represented in the survey but the most are from transportation (51), lawyer-judges (33), lab workers (25), planner-urban designers (23), commerce (11), security officials (11), pharmacists (10), and then a mix from geologists, dentists, doctors, teachers, professors, engineers, technicians, finance, and others. Table 2 shows the breakdown by sector and indicates that 50% of the respondents deal directly with the general public in their work.

Table 2: Survey Respondents by Public and Private Sectors

<table>
<thead>
<tr>
<th>Sector</th>
<th>Public Sector</th>
<th>Private Sector</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>325</td>
<td>83</td>
<td>408</td>
</tr>
<tr>
<td>Age</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mean</td>
<td>36</td>
<td>33</td>
<td>384</td>
</tr>
<tr>
<td>Sex</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Female</td>
<td>74</td>
<td>17</td>
<td>91</td>
</tr>
<tr>
<td>Male</td>
<td>247</td>
<td>66</td>
<td>313</td>
</tr>
<tr>
<td>Total</td>
<td>321</td>
<td>83</td>
<td>404</td>
</tr>
<tr>
<td>Are you a manager in your current job?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Yes</td>
<td>53</td>
<td>32</td>
<td>85</td>
</tr>
<tr>
<td>No</td>
<td>270</td>
<td>51</td>
<td>321</td>
</tr>
<tr>
<td>Total</td>
<td>323</td>
<td>83</td>
<td>406</td>
</tr>
<tr>
<td>Do you deal directly with the general public in your current job?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Yes</td>
<td>169</td>
<td>38</td>
<td>207</td>
</tr>
<tr>
<td>No</td>
<td>154</td>
<td>44</td>
<td>198</td>
</tr>
<tr>
<td>Total</td>
<td>323</td>
<td>82</td>
<td>405</td>
</tr>
<tr>
<td>Region</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>North region (Mosul and Kurkuk)</td>
<td>25</td>
<td>6</td>
<td></td>
</tr>
<tr>
<td>Kurdistan-Iraq region (Arbil, Dahuk, and Sulaymania)</td>
<td>15</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>Middle region (Dyala, Salah Al Dien, Wasit, and Anbar)</td>
<td>33</td>
<td>7</td>
<td></td>
</tr>
</tbody>
</table>

Table 2 shows the breakdown by sector and indicates that 50% of the respondents deal directly with the general public in their work.
For the democratic assessment, we selected 39 items from the 47 public service motivation items that seemed to fit best into the Agger and Löfgren (2008) categories (see Table 3). To analyze the data, we looked at mean scores on the survey items and then compared public and private sector scores by ranking them in order by level of agreement and by using independent-sample t tests. We also combined scores into High (H), Middle (M), and Low (L) agreement categories. “H” equals high levels of agreement with scores rounding to 3.5 or above. “M” equals middle level scores showing neither agreement nor disagreement with scores between 3.5 and 2.5. “L” represents a low-level score showing disagreement, below 2.5.

The survey items are measured on a 1 to 5 Likert scale.

Table 3: Survey Items in Democratic Assessment Framework

<table>
<thead>
<tr>
<th>Democratic Criteria</th>
<th>Survey Items</th>
</tr>
</thead>
<tbody>
<tr>
<td>Access and inclusion</td>
<td>- People who think they are treated unfairly should take care of it themselves.</td>
</tr>
<tr>
<td></td>
<td>- It is self-evident that you benefit your friends. (I)</td>
</tr>
<tr>
<td></td>
<td>- I do not think people should always be treated equally (there are various good reasons not to do so: time, money...). (I)</td>
</tr>
<tr>
<td></td>
<td>- Everybody is entitled to a good service, even if it costs a lot of money.</td>
</tr>
<tr>
<td></td>
<td>- Fighting poverty is an important duty of government.</td>
</tr>
<tr>
<td>Public deliberation</td>
<td>- Tolerance towards other cultures is crucial.</td>
</tr>
<tr>
<td></td>
<td>- One should always respect the opinion of others, even if it is not in their best interest.</td>
</tr>
<tr>
<td>Adaptiveness</td>
<td>- To me, helping people who are in trouble is very important.</td>
</tr>
<tr>
<td></td>
<td>- Government should curb individual liberties in order to protect...</td>
</tr>
</tbody>
</table>
To me, before anything, good civilians should think of society.
- Even in the case of major disasters, public service should be maintained.
- In case of an emergency, a public servant can ignore the law.

### Democratic identities
- I feel government should target those who experience financial or social problems.
- Serving the public interest is an important drive in my daily life (at work or outside of work).
- To me, patriotism includes seeing to the welfare of others.
- Without solidarity, our society is doomed to fall apart.
- I feel people should give back to society more than they get from it.
- No government should pursue financial profit.

### Accountability
- I think that public servants should implement every political decision, regardless of their own conviction.
- To me, public servants should be at the disposal of ministers.
- When something goes wrong at work, the superior is held accountable.
- If there are clear rules, one should not deviate from these.
- It is important that public servants account for all the costs they make.

### Bureaucratic
- I do not care much about politicians. (I)
- I have great confidence in the politicians who control government.
- “Politics” is a dirty word. (I)

### Legal
- Enough money can make me do a lot of things. (I)
- It doesn’t matter if you tried your best; if the result is not good you did a bad job.
- To me, a civil servant cannot be politically affiliated.
- To me, serving the public interest is more important than helping individual persons.
- To me, good governance depends heavily on the quality of public servants.
- To me, public servants should not be led by their political stances.

### Professional
- Unsatisfied customers often made mistakes themselves. (I)
- Have good administrative processes is far more important than being customer-friendly. (I)
- If the service is bad, even a good product is worthless.
- If the customer is satisfied, the job is done.

### Political

### Results
Which democratic norms seem to resonate with Iraqi professionals? Table 4 shows the survey items in each democratic category with their means by public and private sectors. Also included is whether the level of agreement is high, middle, or low. High indicates the most agreement while middle scores show neither agreement not disagreement. The low scores indicate disagreement with the item. In the final column are the results of the difference of means $t$ tests.

**Table 4: Democratic Assessment Public and Private Sector Attitudes**

<table>
<thead>
<tr>
<th>Democratic Criteria</th>
<th>Survey Item</th>
<th>Public Sector Mean</th>
<th>Private Sector Mean</th>
<th>Agreement</th>
<th>Difference of Means</th>
<th>Test</th>
<th>df</th>
<th>p</th>
</tr>
</thead>
<tbody>
<tr>
<td>Access</td>
<td>Fighting poverty is an important duty of government</td>
<td>4.67</td>
<td>4.63</td>
<td>H</td>
<td>.55</td>
<td>.59</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Everybody is entitled to a good service, even if it costs a lot of money</td>
<td>3.88</td>
<td>3.49</td>
<td>H</td>
<td>3.05</td>
<td>.002**</td>
<td>351</td>
<td>.11</td>
</tr>
<tr>
<td></td>
<td>It is self-evident that you benefit your friends (I)</td>
<td>3.65</td>
<td>3.82</td>
<td>H</td>
<td>-1.60</td>
<td>.11</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>People who think they are treated unfairly should take care of it themselves</td>
<td>3.39</td>
<td>3.45</td>
<td>M</td>
<td>-0.47</td>
<td>.64</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>I do not think people should always be treated equally (there are various good reasons not to do so: time, money… (I))</td>
<td>2.92</td>
<td>3.16</td>
<td>M</td>
<td>-1.61</td>
<td>.11</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public Deliberation</td>
<td>Tolerance towards other cultures is crucial</td>
<td>4.45</td>
<td>4.42</td>
<td>H</td>
<td>.31</td>
<td>.75</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>One should always respect the opinion of others, even if it is not in their best interest</td>
<td>3.95</td>
<td>4.15</td>
<td>H</td>
<td>-1.56</td>
<td>.12</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adaptive</td>
<td>To me, helping people who are in trouble is very important</td>
<td>4.45</td>
<td>4.40</td>
<td>H</td>
<td>.54</td>
<td>.59</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Even in the case of</td>
<td>4.36</td>
<td>4.36</td>
<td>H</td>
<td>.06</td>
<td>.95</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Democratic Criteria</td>
<td>Survey Item</td>
<td>Public Sector</td>
<td>Private Sector</td>
<td>Agreement</td>
<td>Difference of Means Test</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>---------------------</td>
<td>------------------------------------------------------------------------------</td>
<td>---------------</td>
<td>----------------</td>
<td>-----------</td>
<td>-------------------------</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>major disasters, public service should be maintained</td>
<td>4.19</td>
<td>4.24</td>
<td>H</td>
<td>-0.48</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>To me, before anything, good civilians should think of society</td>
<td>4.19</td>
<td>4.24</td>
<td>H</td>
<td>-0.48</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>In case of an emergency, a public servant can ignore the law</td>
<td>2.86</td>
<td>3.10</td>
<td>M</td>
<td>-1.76</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Government should curb individual liberties in order to protect society</td>
<td>2.85</td>
<td>3.09</td>
<td>M</td>
<td>-1.70</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Democratic Identities</td>
<td>Without solidarity, our society is doomed to fall apart</td>
<td>4.54</td>
<td>4.41</td>
<td>H</td>
<td>1.33</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>I feel government should target those who experience financial or social problems</td>
<td>4.35</td>
<td>4.29</td>
<td>H</td>
<td>0.60</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Serving the public interest is an important drive in my daily life (at work or outside work)</td>
<td>4.33</td>
<td>4.21</td>
<td>H</td>
<td>1.24</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>To me, patriotism includes seeing to the welfare of the others</td>
<td>3.94</td>
<td>3.88</td>
<td>H</td>
<td>0.54</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>I feel people should give back to society more than they get from it</td>
<td>3.78</td>
<td>3.68</td>
<td>H</td>
<td>0.78</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>No government should pursue financial profit</td>
<td>2.90</td>
<td>2.90</td>
<td>M</td>
<td>0.01</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accountability</td>
<td>Bureaucratic</td>
<td>4.27</td>
<td>4.20</td>
<td>H</td>
<td>0.81</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>If there are clear rules, one should not deviate from these</td>
<td>4.27</td>
<td>4.20</td>
<td>H</td>
<td>0.81</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>It is important that public servants account for all the costs they make</td>
<td>3.92</td>
<td>4.10</td>
<td>H</td>
<td>-1.49</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>When something goes wrong at work, the superior is accountable</td>
<td>3.42</td>
<td>3.58</td>
<td>M</td>
<td>-1.17</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Democratic Criteria</td>
<td>Survey Item</td>
<td>Public Sector Mean</td>
<td>Private Sector Mean</td>
<td>Agreement H,M,L</td>
<td>t</td>
<td>df</td>
<td>p</td>
<td></td>
</tr>
<tr>
<td>---------------------</td>
<td>------------------------------------------------------------------------------</td>
<td>--------------------</td>
<td>---------------------</td>
<td>----------------</td>
<td>------</td>
<td>-----</td>
<td>-----</td>
<td></td>
</tr>
<tr>
<td></td>
<td>I think that public servants should implement every political decision,</td>
<td>3.29</td>
<td>3.48</td>
<td>M</td>
<td>-1.31</td>
<td>375</td>
<td>.19</td>
<td></td>
</tr>
<tr>
<td></td>
<td>regardless of their own conviction</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>To me, public servants should be at the disposal of ministers</td>
<td>2.89</td>
<td>2.89</td>
<td>M</td>
<td>-.02</td>
<td>355</td>
<td>.98</td>
<td></td>
</tr>
<tr>
<td>Legal</td>
<td>I do not care much about politicians (I)</td>
<td>3.47</td>
<td>3.51</td>
<td>H</td>
<td>-.29</td>
<td>371</td>
<td>.77</td>
<td></td>
</tr>
<tr>
<td></td>
<td>&quot;Politics&quot; is a dirty word (I)</td>
<td>3.26</td>
<td>3.41</td>
<td>M</td>
<td>-.87</td>
<td>358</td>
<td>.39</td>
<td></td>
</tr>
<tr>
<td></td>
<td>I have great confidence in the politicians who control government</td>
<td>1.60</td>
<td>1.77</td>
<td>L</td>
<td>-1.33</td>
<td>359</td>
<td>.18</td>
<td></td>
</tr>
<tr>
<td>Professional</td>
<td>To me, public servants should not be led by their political stances</td>
<td>4.33</td>
<td>4.45</td>
<td>H</td>
<td>-1.09</td>
<td>355</td>
<td>.28</td>
<td></td>
</tr>
<tr>
<td></td>
<td>To me, good governance depends heavily on the quality of public servants</td>
<td>4.26</td>
<td>4.28</td>
<td>H</td>
<td>-.19</td>
<td>365</td>
<td>.85</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Enough money can make me do a lot of things (I)</td>
<td>4.19</td>
<td>4.11</td>
<td>H</td>
<td>.82</td>
<td>375</td>
<td>.41</td>
<td></td>
</tr>
<tr>
<td></td>
<td>To me, a civil servant cannot be politically affiliated</td>
<td>4.04</td>
<td>4.08</td>
<td>H</td>
<td>-.27</td>
<td>371</td>
<td>.79</td>
<td></td>
</tr>
<tr>
<td></td>
<td>To me, serving the public interest is more important than helping individual persons</td>
<td>3.60</td>
<td>3.68</td>
<td>H</td>
<td>-.67</td>
<td>370</td>
<td>.50</td>
<td></td>
</tr>
<tr>
<td></td>
<td>It doesn't matter if you tried your best; if the result is not good you</td>
<td>2.99</td>
<td>2.76</td>
<td>M</td>
<td>1.55</td>
<td>369</td>
<td>.12</td>
<td></td>
</tr>
<tr>
<td></td>
<td>did a bad job</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Political</td>
<td>If the service is bad, even a good product is worth-less</td>
<td>3.84</td>
<td>3.88</td>
<td>H</td>
<td>-.35</td>
<td>355</td>
<td>.73</td>
<td></td>
</tr>
<tr>
<td></td>
<td>If the customer is satisfied, the job is done</td>
<td>3.70</td>
<td>3.72</td>
<td>H</td>
<td>-.14</td>
<td>355</td>
<td>.89</td>
<td></td>
</tr>
</tbody>
</table>
The following table presents the survey items placed in order from highest to lowest mean scores. It also indicates any difference between the subsequent rank orders.

**Table 5: Ranking Survey Items by Level of Agreement – Public and Private Sectors**

<table>
<thead>
<tr>
<th>Survey Item</th>
<th>Category</th>
<th>Public Sector</th>
<th>Private Sector</th>
<th>Agreement</th>
<th>Difference of Means Test</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fighting poverty is an important duty of government</td>
<td>Access</td>
<td>4.67</td>
<td>1</td>
<td>4.63</td>
<td>0</td>
</tr>
<tr>
<td>Without solidarity, our society is doomed to fall apart</td>
<td>Dem</td>
<td>4.54</td>
<td>2</td>
<td>4.41</td>
<td>2</td>
</tr>
<tr>
<td>To me, helping people who are in trouble is very important</td>
<td>Adaptive</td>
<td>4.45</td>
<td>3</td>
<td>4.40</td>
<td>2</td>
</tr>
<tr>
<td>Tolerance towards other cultures is crucial</td>
<td>Pub</td>
<td>4.45</td>
<td>4</td>
<td>4.42</td>
<td>1</td>
</tr>
<tr>
<td>Even in the case of major disasters, public service should be maintained</td>
<td>Adaptive</td>
<td>4.36</td>
<td>5</td>
<td>4.36</td>
<td>1</td>
</tr>
<tr>
<td>Survey Item</td>
<td>Category</td>
<td>Public Sector</td>
<td>Private Sector</td>
<td>Difference in Rank Order</td>
<td>H,M,L</td>
</tr>
<tr>
<td>-----------------------------------------------------------------------------</td>
<td>----------</td>
<td>---------------</td>
<td>----------------</td>
<td>--------------------------</td>
<td>-------</td>
</tr>
<tr>
<td>I feel government should target those who experience financial or social problems</td>
<td>Dem Ident</td>
<td>4.35</td>
<td>6</td>
<td>4.29</td>
<td>1</td>
</tr>
<tr>
<td>To me, public servants should not be led by their political stances</td>
<td>Prof Acct</td>
<td>4.33</td>
<td>7</td>
<td>4.45</td>
<td>5</td>
</tr>
<tr>
<td>Serving the public interest is an important drive in my daily life (at work or outside work)</td>
<td>Dem Ident</td>
<td>4.33</td>
<td>8</td>
<td>4.21</td>
<td>2</td>
</tr>
<tr>
<td>If there are clear rules, one should not deviate from these</td>
<td>Bur Acct</td>
<td>4.27</td>
<td>9</td>
<td>4.20</td>
<td>2</td>
</tr>
<tr>
<td>To me, good governance depends heavily on the quality of public servants</td>
<td>Prof Acct</td>
<td>4.26</td>
<td>10</td>
<td>4.28</td>
<td>2</td>
</tr>
<tr>
<td>To me, before anything, good civilians should think of society</td>
<td>Adaptive</td>
<td>4.19</td>
<td>11</td>
<td>4.24</td>
<td>2</td>
</tr>
<tr>
<td>Enough money can make me do a lot of things (I)</td>
<td>Prof Acct</td>
<td>4.19</td>
<td>12</td>
<td>4.11</td>
<td>1</td>
</tr>
<tr>
<td>To me, a civil servant cannot be politically affiliated</td>
<td>Prof Acct</td>
<td>4.04</td>
<td>13</td>
<td>4.08</td>
<td>2</td>
</tr>
<tr>
<td>One should always respect the opinion of others, even if it is not in their best interest</td>
<td>Pub Delib</td>
<td>3.95</td>
<td>14</td>
<td>4.15</td>
<td>2</td>
</tr>
<tr>
<td>To me, patriotism includes seeing to the welfare of the others</td>
<td>Dem Ident</td>
<td>3.94</td>
<td>15</td>
<td>3.88</td>
<td>1</td>
</tr>
<tr>
<td>It is important that public servants account for all the costs they make</td>
<td>Bur Acct</td>
<td>3.92</td>
<td>16</td>
<td>4.10</td>
<td>2</td>
</tr>
<tr>
<td>Everybody is entitled to a good service, even if it costs a lot of money</td>
<td>Access</td>
<td>3.88</td>
<td>17</td>
<td>3.49</td>
<td>7</td>
</tr>
<tr>
<td>If the service is bad</td>
<td>Pol Acct</td>
<td>3.84</td>
<td>18</td>
<td>3.88</td>
<td>1</td>
</tr>
<tr>
<td>Survey Item</td>
<td>Category</td>
<td>Public Sector</td>
<td>Private Sector</td>
<td>Difference in Rank Order</td>
<td>H,M,L</td>
</tr>
<tr>
<td>----------------------------------------------------------------------------</td>
<td>----------</td>
<td>---------------</td>
<td>----------------</td>
<td>--------------------------</td>
<td>-------</td>
</tr>
<tr>
<td>even a good product is worth-less</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>I feel people should give back to society more than they get from it</td>
<td>Dem</td>
<td>3.78</td>
<td>19</td>
<td>20</td>
<td>3.68</td>
</tr>
<tr>
<td>If the customer is satisfied, the job is done</td>
<td>Pol Acct</td>
<td>3.71</td>
<td>20</td>
<td>19</td>
<td>3.72</td>
</tr>
<tr>
<td>It is self-evident that you benefit your friends (I)</td>
<td>Access</td>
<td>3.65</td>
<td>21</td>
<td>18</td>
<td>3.82</td>
</tr>
<tr>
<td>To me, serving the public interest is more important than helping individual persons</td>
<td>Prof Acct</td>
<td>3.61</td>
<td>22</td>
<td>21</td>
<td>3.68</td>
</tr>
<tr>
<td>I do not care much about politicians (I)</td>
<td>Legal Acct</td>
<td>3.47</td>
<td>23</td>
<td>23</td>
<td>3.51</td>
</tr>
<tr>
<td>When something goes wrong at work, the superior is accountable</td>
<td>Bur Acct</td>
<td>3.42</td>
<td>24</td>
<td>22</td>
<td>3.58</td>
</tr>
<tr>
<td>People who think they are treated unfairly should take care of it themselves</td>
<td>Access</td>
<td>3.39</td>
<td>25</td>
<td>26</td>
<td>3.45</td>
</tr>
<tr>
<td>I think that public servants should implement every political decision, regardless of their own conviction</td>
<td>Bur Acct</td>
<td>3.29</td>
<td>26</td>
<td>25</td>
<td>3.48</td>
</tr>
<tr>
<td>&quot;Politics” is a dirty word (I)</td>
<td>Legal Acct</td>
<td>3.26</td>
<td>27</td>
<td>27</td>
<td>3.41</td>
</tr>
<tr>
<td>Having good administrative processes is far more important than being customer-friendly (I)</td>
<td>Pol Acct</td>
<td>3.08</td>
<td>28</td>
<td>28</td>
<td>3.36</td>
</tr>
<tr>
<td>Unsatisfied customers often made mistakes them-selves (I)</td>
<td>Pol Acct</td>
<td>3.02</td>
<td>29</td>
<td>34</td>
<td>2.83</td>
</tr>
<tr>
<td>It doesn't matter if you tried your best; if the</td>
<td>Prof Acct</td>
<td>2.99</td>
<td>30</td>
<td>35</td>
<td>2.76</td>
</tr>
<tr>
<td>Survey Item</td>
<td>Category</td>
<td>Public Sector</td>
<td>Private Sector</td>
<td>Difference in Rank Order</td>
<td>H,M,L</td>
</tr>
<tr>
<td>---------------------------------------------------------------------------</td>
<td>------------</td>
<td>---------------</td>
<td>----------------</td>
<td>--------------------------</td>
<td>-------</td>
</tr>
<tr>
<td>result is not good you did a bad job</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>I do not think people should always be treated equally (there are various good reasons not to do so: time, money...) (I)</td>
<td>Access</td>
<td>2.92</td>
<td>31</td>
<td>29</td>
<td>3.16</td>
</tr>
<tr>
<td>No government should pursue financial profit</td>
<td>Dem Ident</td>
<td>2.90</td>
<td>32</td>
<td>32</td>
<td>2.90</td>
</tr>
<tr>
<td>To me, public servants should be at the disposal of ministers</td>
<td>Bur Acct</td>
<td>2.89</td>
<td>33</td>
<td>33</td>
<td>2.89</td>
</tr>
<tr>
<td>In case of an emergency, a public servant can ignore the law</td>
<td>Adaptive</td>
<td>2.86</td>
<td>34</td>
<td>30</td>
<td>3.10</td>
</tr>
<tr>
<td>Government should curb individual liberties in order to protect society</td>
<td>Adaptive</td>
<td>2.85</td>
<td>35</td>
<td>31</td>
<td>3.09</td>
</tr>
<tr>
<td>I have great confidence in the politicians who control government</td>
<td>Legal Acct</td>
<td>1.60</td>
<td>36</td>
<td>36</td>
<td>1.77</td>
</tr>
</tbody>
</table>

Note:  
The (I) indicates the survey item was inverted or reversed to be in the same direction as other items.  
H = High levels of agreement, scores rounding to 3.5 or above  
M = Middle level scores showing neither agreement nor disagreement, scores between 3.5 and 2.5  
L = Low level score showing disagreement, below 2.5

In addition to the public service motivation items, the survey included five additional items. Respondents were asked, “How important is each of the following to helping you decide what is in the public’s interest?” They were asked the importance of the following to their decision making: elected officials; appointed officials; citizens; adopted plans; my own professional opinion/expertise; and my knowledge of the community’s history, culture, and
current events. The scale was “1” meaning “Not important at all” to “5” meaning “Very important.”

Table 6: Closer Look at Accountability by Sector

<table>
<thead>
<tr>
<th>Accountability Type</th>
<th>Survey Item</th>
<th>Public Sector</th>
<th>Private Sector</th>
<th>Public Sector</th>
<th>Private Sector</th>
<th>Difference of Means Test</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>How important is each of the following to helping you decide what is in the public’s interest?</td>
<td>Mean</td>
<td>Mean</td>
<td>Std. Dev.</td>
<td>Std. Dev.</td>
<td>H,M,L</td>
</tr>
<tr>
<td>Bureaucratic</td>
<td>Adopted plans</td>
<td>4.36</td>
<td>4.37</td>
<td>.70</td>
<td>.083</td>
<td>H</td>
</tr>
<tr>
<td></td>
<td>Political (customer service to constituents)</td>
<td>4.09</td>
<td>4.14</td>
<td>.81</td>
<td>.85</td>
<td>H</td>
</tr>
<tr>
<td></td>
<td>Professional My knowledge of the community’s history, culture, and current events.</td>
<td>3.95</td>
<td>3.92</td>
<td>.79</td>
<td>.81</td>
<td>H</td>
</tr>
<tr>
<td></td>
<td>Professional My own professional opinion/expertise</td>
<td>3.78</td>
<td>3.84</td>
<td>.79</td>
<td>.76</td>
<td>H</td>
</tr>
<tr>
<td>Legal (oversight by elected officials)</td>
<td>Elected officials</td>
<td>3.13</td>
<td>3.40</td>
<td>1.35</td>
<td>1.53</td>
<td>M</td>
</tr>
</tbody>
</table>

Note: The number of public sector responses ranged from 286 to 282 and the private sector responses ranged from 73 – 74.

Note:
H = High levels of agreement, scores rounding to 3.5 or above
M = Middle level scores showing neither agreement nor disagreement, scores between 3.5 and 2.5
L = Low level score showing disagreement, below 2.5

Discussion

Access and Inclusion
The highest-ranking item for both sectors was “Fighting poverty is an important duty of government.” This shows the importance of opening up opportunities to those who are disadvantaged. The other two high scoring Access items refer to providing good service to everyone, even if it is expensive and not automatically benefiting your friends. The two mid-range scoring items show uncertainty about whether people who have been treated unfairly can address their situations and whether there are circumstances where it is okay for people not to be treated equally.

Public Deliberation

Ranking high for both public and private sector workers is “tolerance” ranking fourth (out of 36) and third respectively. The other Public Deliberation item involved respecting the opinion of others, even if it is not in their best interest and it scored high as well with ranks of fourteenth for public sector workers and twelfth for private sector workers.

Adaptive

There were five survey items in the Adaptive category, three scored high, and two scored in the middle. The high scoring items indicate that helping people in trouble and maintaining good public service in the case of major disasters is important. The two middle scoring items show uncertainty over the limits of government power and public servant discretion. These two items show statistically different scores between public and private sector workers with private sector workers being a bit more comfortable with allowing public servants to ignore the law or government to curb liberties in emergencies.

Democratic Identities

The second highest-ranking item for public sector workers and fourth highest ranking for those in the private sector was “Without solidarity, our society is doomed to fall apart.” The high ranking of this item illustrates the importance of collaboration in democracy and a
desire to come together. The other Democratic Identity items show that both public servants and civilians should look out for the public interest and the welfare of others. The middle scoring item shows the need to determine the role of government in whether it can make a profit or not. This dynamic is different from what is typical in Western democracies because Iraq has a nationalized oil industry, for example.

Accountability – Bureaucratic

Bureaucratic Accountability includes following rules and orders from superiors. The results indicate high scores when it comes to following rules, such as, accounting for costs. However, following orders from superiors scores in the middle showing hesitations or uncertainty. Table 6 illustrates that following adopted plans scores the highest when asked what helps determine the public’s interest.

Accountability – Legal

Legal Accountability hinges on elected officials being able to sanction corruption or poor performance. The only item receiving a low score was on having confidence in elected officials. Any sort of attraction to politics or caring about politicians gets a middle score or barely surpassing the 3.5 cutoff for a high score. These scores and not valuing elected officials when it comes to determining what is in the public interest shows little confidence in Legal Accountability.

Accountability – Professional

There are six items measuring Professional Accountability. All score highly except for one. The high scoring items cover being politically neutral, skilled, looking out for the public interest, and not being influenced by money. The middle scoring item shows neither agreement nor disagreement with the statement saying if the result is not good, you did a bad job regardless of how hard you tried. This is one of the more sophisticated Professional
Accountability items measuring perhaps a commitment to continuing education and continual improvement. From Table 6 there is an important nuance when it comes to Professional Accountability with local knowledge being more important than expertise.

**Accountability – Political**

Political Accountability comes from seeing citizens as clients or customers and seeking customer satisfaction. There are four Political Accountability items. Two score highly showing a desire for providing high levels of customer satisfaction. The other two middle scores show neither agreement nor disagreement that administrative processes are more important than being customer-friendly and whether it is appropriate or not to blame customers when they are unsatisfied. From Table 6, the second highest scoring item for what influences decision-making in the public interest is “citizens”. This is an indication of the importance of Political Accountability and a strong association with democratic norms of Access and Democratic Identities.

**Implications and Limitations**

The limitations of this study are in the lack of a representative sample for the survey and repurposing survey items intended for another purpose. Because the survey items were crafted with public service attitudes in mind, those public service democratic norms were emphasized over measuring attitudes toward institutional or structural norms. The public service motivation items and the use of a collaborative democratic framework might have skewed results in the direction of high scores for items associated with working together. However, the survey provides a window into the thinking of professionals who are on the front lines of trying to make democracy work.

Highlighting the importance of professional public servants, the private sector ranked second the item indicating that public servants should not be led by their political stances. The
item was seventh on the list of public sector workers. The difference of means tests indicate that public sector workers are slightly more interested in the quantity of services to everyone with private sector workers being slightly more focused on the quality of customer service. The other differences are public sector workers being more uncomfortable with ignoring the law during an emergency or curbing individual liberties.

A closer look at accountability attitudes show both public and private sector workers relying heavily on rules, citizens, and their own professional expertise in the form of community knowledge. They do not see a clear role for elected officials in guiding what is in the public’s interest.

The top eleven high scoring items paint a democratic picture of people wanting to look out for one another and wanting a government that can facilitate that. There is more confidence in professional public servants and even citizens carrying out those duties than in politicians. Solidarity and tolerance are highly valued. In terms of accountability, professionalism is key along with following rules. It is the duty of both public servants and civilians to look out for the public interest. Being able to help and adapt is also important. The items ranking in the middle show ambivalence or uncertainty about hierarchical accountability and following orders. Where to draw the line in terms of the discretion of public servants or elected officials is shown in the middle level scores on items referring to public servants ignoring the law in case of an emergency or government curbing individual liberties in order to protect society. There is perhaps a lack of trust or uncertainty when it comes to relying on elected or appointed officials. The lowest scoring item was about confidence in politicians showing there is none. The attitudes show a democracy trying to function from the ground up relying on people (citizens and expert public servants) who, as of now, have very little power within existing structures and institutions.
The democratic norms shown in this assessment show more hope for solidarity and tolerance than is displayed in a democratic system that reinforces sectarian divisions through appointment and federalist structures. The results run counter to the democratic structure put in place after 2003 emphasizing federalism, representation and appointments along ethnic and sectarian lines, and empowering ex-patriots with little local knowledge.
References


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doi:10.1111/puar.12505


## Appendix – Descriptive Statistics

### Survey Items with Public Sector Responses - Descriptive Statistics

<table>
<thead>
<tr>
<th>Democratic Criteria</th>
<th>Survey Item</th>
<th>Mean</th>
<th>Std. Dev.</th>
<th>Min</th>
<th>Max</th>
<th>N</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Access</strong></td>
<td>Fighting poverty is an important duty of government</td>
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### Survey Items with Private Sector Responses - Descriptive Statistics

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<td>Government should curb individual liberties in order to protect society</td>
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<td>Without solidarity, our society is doomed to fall apart</td>
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<td>I feel government should target those who experience financial or social problems</td>
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### Survey Items with Private Sector Responses - Descriptive Statistics

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<td>If there are clear rules, one should not deviate from these</td>
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