

Responsiveness to the concerns of the poor and accountability to the commitment to poverty reduction

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WP 2003: 9

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Chr. Michelsen Institute *Development Studies and Human Rights*

CMI Reports

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Price: NOK 50

ISSN 0805-505X

ISBN 82-8062-055-9

This report is also available at:
www.cmi.no/public/public.htm

Indexing terms

Poverty
Poverty reduction
Development aid
UNDP

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Introduction

The Millennium Development Goals (MDGs) represent an ambitious and explicit commitment by the international community to reduce poverty, pledging *inter alia* to reduce by half the proportion of people living in extreme poverty by 2015. Virtually all bilateral and multilateral donor agencies have adopted poverty reduction as their overriding objective. Similarly, governments in poor countries have placed poverty reduction at the top of their agendas. Yet, despite the grand rhetoric, progress on the ground appears slow; some countries are even regressing. It is becoming increasingly clear that democratic governance is both a right in itself and a means of ensuring basic human rights observance. As pointed out by the Human Development Report 2002, responsiveness and accountability are critical missing elements in our understanding of the relationship between the powerful elites and the disempowered poor who are asserting their rights.¹ In this paper we pose the following question of research: *How do we increase the responsiveness of decision-makers to the concerns of the poor and hold them accountable for their commitment to reduce poverty?* In order to lay a foundation for a constructive discussion, the paper will address three sets of questions:

1. What do we mean by the terms “poverty”, “responsiveness” and “accountability”?
2. Who are the actors – at various levels and in different spheres – expected to be responsive to the concerns of the poor and accountable for their commitment to reducing poverty?
3. What mechanisms, institutions, procedures, and interventions may enhance the responsiveness and accountability of the various agents to poverty reduction?

1. Poverty, Responsiveness and Accountability

The concepts of “poverty”, “responsiveness” and “accountability” form the focal points of the workshop deliberations and their meaning in this context needs to be clarified at the outset.

1.1 Poverty

This paper has adopted the human development approach to poverty espoused by the UNDP. Poverty is viewed as a multidimensional concept including *deprivation* (of income and the basic means of livelihood and well-being) as well as *vulnerability* and *powerlessness* (arising from both lack of knowledge and opportunities for participation).² The international community appears to have reached this consensus on conceptualising poverty, which informs the MDGs.

Poverty violates basic human rights, and gives rise to moral and in some cases legal claims on the part of the poor. It also imposes moral and legal obligations on a range

¹ UNDP, *Human Development Report 2002: Deepening Democracy in a Fragmented World*, Oxford: Oxford University Press, 2002.

² Even in cases of no immediate deprivation, the lack of reasonable security for the future is in itself a serious limitation on a person’s capabilities. According to Amartya Sen, ‘capabilities’ are the ability to achieve functionings, that is to achieve the things a person can be or do in life that he or she has reason to value. Sen’s capability concept underpins UNDP’s ‘human development’ approach and the Human Development Index, which measures poverty in terms of longevity (life expectancy at birth), knowledge (level of education), and income (BNP per capita). See Amartya Sen, *Development as Freedom*, Oxford: Oxford University Press, 1999.

of actors at local, national and international levels. This is most clear-cut in cases of severe poverty. It should be discussed, however, whether there are different levels of accountability corresponding to varying depths of poverty.

1.2 Responsiveness and Voice

Responsiveness refers to the way in which a given decision-maker – public or private – perceives the needs and responds to the demands of particular groups, such as the poor. Responsiveness to poverty concerns are determined by several factors:

- ◆ The political and organisational culture (whether the interests of the poor are acknowledged as legitimate and just);
- ◆ The salience of the pro-poor mandate or the relative prominence of poverty concerns on the agenda of the decision-makers;
- ◆ The weight of the poor relative to other interest groups and the incentive to address their concerns, i.e. the political cost of ignoring the poor as a constituency;
- ◆ The ability of decision-making agencies to comprehend the concerns of the poor, and to plan and implement policy in response to them, i.e. the organisational capacity of decision-makers.

In addition to the above factors characterising the decision-makers, the response to poverty issues depends on the strength of the impetus received: how well are the concerns articulated? Factors bearing on the *voice* of the poor include:

- ◆ The legal basis of poverty reduction, i.e. to what extent are the rights of the poor to be non-poor embedded in legal instruments?
- ◆ The ability of the poor and their advocates to articulate their concerns (information, knowledge and organisational capacity at the grassroots level);
- ◆ The institutional channels and arenas for effectively voicing these concerns (elections, hearings, litigation, participatory policy-making processes, lobbying, media).

1.3 Accountability

Accountability denotes a relationship between a bearer of a right or a legitimate claim and the agents or agencies responsible for fulfilling or respecting that right by acting or desisting from particular actions. The most basic form of an accountability relation is that between a person or agency entrusted with a particular task or certain powers or resources, on the one hand, and the ‘principal’ on whose behalf the task is undertaken, on the other. In this paper we are concerned with accountability relations between the poor and agents with explicit commitments to reduce poverty.

A duty to be accountable can be discharged in different ways, but all accountability mechanisms operate according to one, or a combination of, the following logics:³

- ◆ “Transparency” requires that decisions and actions are taken openly and that sufficient information is available so that other agencies and the general public

³ For a discussion of accountability see Andreas Schedler, Larry Diamond and Marc F. Plattner (eds.), *The Self-Restraining State: Power and Accountability in New Democracies*. Boulder, CO: Lynne Rienner.

can assess whether the relevant procedures are followed, consonant with the given mandate;

- ◆ “Answerability” means an obligation on the part of the decision-makers to justify their decisions publicly so as to substantiate that they are reasonable, rational and within their mandate;
- ◆ “Controllability” refers to mechanisms in place to sanction actions and decisions that run counter to given mandates and procedures – often referred to as a system of checks and balances or enforcement mechanisms. The checks may take many forms, including shaming and praise. Impunity is the antonym of accountability and apportioning blame for harm done is an important component of accountability.

Although *voice*, *responsiveness* and *accountability* are interlinked elements of an effective approach to poverty reduction, it should be noted that they also refer to separate processes, each with their own dynamics. It is useful, therefore, to disaggregate the process into its constituent parts and to focus systematically on each aspect. The *voice-responsiveness-accountability* typology allows us to acknowledge the overall complexity of the problem at hand, while facilitating a systematic focus on the key actors and mechanisms:

- a) *Voice*. Attention needs to be focused on how the concerns of the poor are articulated and expressed, and how their articulation can be made more effective. Questions to address include: What are the central agents and organisations? How to facilitate empowerment and organisational capacity among the poor, through community-based organisations and NGOs? What are the most important arenas for articulating the interests and demands of the poor? How to establish effective institutional channels for the poor to voice their concerns and to create opportunities for broader participation?
- b) *Responsiveness*. We need to identify mechanisms for making agencies at various levels more responsive to the voice of the poor. Key questions include: How can we broaden the space for poverty concerns on the agenda? How can we add to the weight of the poor relative to other interest groups? Are the political culture and professional norms of the decision-makers receptive in this regard and how can they be made more sensitive? How to strengthen the ability of the decision-makers to comprehend poverty concerns and to plan and implement policy in response to them?
- c) *Accountability*. Finally, we need to identify and create mechanisms for holding agents accountable for their decisions, priorities, policies and faults of omission as they bear on poverty. Such mechanisms should be sustainable and capable of being institutionalised. They may relate predominantly to *transparency*, such as systematic reporting on the poverty profile of public spending; to *answerability*, by instituting consultation procedures giving all affected parties a right to be heard; or to *controllability*, by introducing court-like structures of sanctioning.

The complexity of the challenge facing the actors tasked with amplifying the voice of the poor and enhancing responsiveness and accountability with a view to honouring the commitment made to poverty reduction must be acknowledged. The process is likely to be time-consuming. Contemporary power relations are founded on legal and social structures buttressed by formal and informal mechanisms. The position of the nation-state – the conventional focus of accountability relationships – is currently

challenged by global forces and in some instances by the criminalisation of the state. Even where formal democratic structures are in place, many developing nations are grappling with large-scale corruption, organised crime, drug trafficking, and human security issues. In addition to the HIV/AIDS pandemic, these factors hamper any polity's attempts to secure a voice for poor and marginalised groups. In addition, the prevailing political culture and the political will of key actors to redress the plight of the poor are probably as important as the formal institutional mechanisms.

2. Actors to be made responsive to the concerns of the poor and accountable for their commitment to reduce poverty

Who owes accountability for the reduction of poverty? This applies most clearly to those institutions and actors whose mandate includes poverty reduction or are otherwise committed to the same goal. The greater the ability of these institutions to effect positive change, the greater their obligation to be accountable. It should also be discussed whether a moral obligation to be accountable to the poor applies generally to all those who are in a position of power in the sense that their decisions, action and non-action significantly affect the situation of the poor. Table 1 below attempts to map the key actors and institutions involved.

Table 1: Actors accountable for poverty reduction

	Public	Civil Society	Market
International	UN, IMF, World Bank, WTO, bilateral donors	International NGOs, international media	Transnational corporations, foreign investors, international finance
National	Governments (executive branch, legislature, judiciary and other institutions of restraint, civil service), parties	National NGOs, national media, national elites/opinion leaders	Large national corporations, banks, business and labour organisations
Local	Local government and administration, local parties	Community based organisations, NGOs, local media, and elites	Local businesses, financial institutions, business chambers, local organised labour

The obligation to be responsive and accountable for poverty reduction applies, first and foremost, to those mandated to govern on behalf of society. This category comprises all the actors and institutions listed in the 'public' column above: political leaders (with legislative and/or executive functions), 'non-political' public officers (members of the judiciary, ombudsmen, 'independent' commissioners of various types), as well as the civil service at national and local levels. What sets the accountability obligation of these public servants apart from actors in other spheres is that the former (at least in a democratic society) are explicitly *acting on behalf of* the poor. They are entrusted with a *mandate* and the powers to implement it in accordance with specified rules.

While the focus has predominantly been on the accountability of actors at the national level, the accountability and responsiveness obligations apply equally to their

counterparts at the international level. In the developing world *public actors at the international level* may be as influential as national governments in terms of the distribution of goods and services and the shaping of the social structure (which in turn defines the opportunity structure for the poor). The most relevant inter-governmental organisations are the UN, the IMF, the World Bank, and the WTO, as well as regional organisations such as the AU, the ASEAN, and bilateral donors.

In addition, global economic integration and political liberalisation have reshaped the environment in which state institutions operate and bring to the fore international, national and local non-state actors. The most important are *international businesses* (transnational corporations), and *international civil society* (international NGOs and international media). As indicated in Table 1, the responsiveness and accountability of civil society and market agents are relevant, not only at the international level but also nationally and locally. These actors do not have an explicit mandate 'to serve the public interest' and by implication the poor. But particularly in weak states, where the majority of poor people live, many non-governmental agents vastly influence the policies pursued. Their behaviour often bears decisively on the overall responsiveness and accountability of the political system to poverty reduction.

3. Mechanisms of responsiveness and accountability

Which institutional channels are most suitable for voicing the concerns of the poor? What is needed to give the poor a voice vis-à-vis agents at local, national and international levels? Turning to how, in practical terms, various agents can be made more responsive and accountable, we will address this question with reference to each set of actors enumerated above, in an attempt to identify concrete mechanisms of enhancing the *voice* of the poor, and the *responsiveness* and *accountability* of the decision-makers concerned.

A comprehensive treatment of these complex issues is beyond the scope of this paper. We will point to central problems and challenges, raise issues, pose questions, and suggest possible ways forward. The tables provide a crude map of potential mechanisms. In the text we highlight some of the mechanisms and provide empirical examples pointing to potential ways forward.

3.1 Responsiveness and accountability of public agents at national and local levels

The nature of accountability relations varies, depending on the agents and institutions involved. With regard to poverty reduction, the obligation to be accountable extends to a wide range of agents at different levels and in various spheres of society. While our attention should not be limited to the political level of accountability relations within the nation state, this level nevertheless warrants special attention. Not only are important decisions taken at this level, this is, more importantly, the level at which the accountability mechanisms are most sophisticated. Hence, a closer look at accountability relations in political democracy may be a useful starting point for the inquiry.

Democratic accountability is a particular form of accountability, whereby, in the last instance, 'the people' (however defined) hold elected representatives and public decision-makers to account, either directly or indirectly by empowering other

agencies to do so on their behalf. When elected governments fail to live up to the desires and expectations of the people, or act contrary to their mandate, the people can throw them out of office at the next election or have other agencies (courts, anti-corruption bodies, etc) discipline them! This may take the form of a direct *vertical* relationship, whereby the people (including the poor themselves) may hold decision-makers to account through elections, or a *horizontal* relationship whereby accountability is exercised by public agencies acting on their behalf.

Vertical accountability refers to the direct relationship between the people and their representatives. The most important institutions established for the purpose of vertical accountability are:

- The electoral channel (elections and electoral institutions, political parties, legislatures);
- The mass media and civil society organisations.

A main challenge is to give effective voice to the poor in order to make the wielders of power responsive to the needs and preferences of their poor constituencies, and to render this relationship credible: elected representatives who do not respond adequately to their poor constituencies will be removed come the next election.

Scepticism about the effectiveness of these vertical accountability relations – combined with distrust of the rationality and responsibility of the people – has resulted in the development of a host of *horizontal accountability mechanisms* in modern democracies. Certain entities within the state are entrusted with a constitutional mandate to hold other state agencies to account – thus indirectly acting on behalf of the people. Institutions established to ensure horizontal accountability include:

- Constitutions, which in theory can be seen as a pact entered into by the people, specifying the ‘rules of the political game’ – the long-term framework of political and social interaction. It lays down the formal ‘power map’ of society, and provides the legal basis for other accountability institutions.
- The legislative branch. Parliaments – in addition to being part of the electoral channel providing for vertical accountability – have an important role to play as a countervailing force to the power of the executive branch.
- The judicial branch. Courts are responsible for protecting the legal rights of the citizenry, and for making sure that the power-holders at various levels respect the laws and operate within their mandates. In constitutional regimes the judiciary is also the primary guardian of the constitution, with responsibility for ensuring that legislation and executive action complies with the constitutional provisions.
- ‘Accountability agencies’. In modern democracies a range of special state institutions have been established, aimed at preventing the political leadership – the legislators, the executive and the civil service – from misusing their power and exceeding their legal mandates, or to shield particularly important concerns from undue politicisation. The most common ‘accountability agencies’ include human rights commissions (HRCs); ombudsmen/public protectors; auditors-general (AGs); independent electoral commissions (IECs); independent central banks; independent revenue authorities; and anti-corruption agencies.

Table 2 Responsiveness and accountability of public agents at national and local levels

Institutional Focus	Means of strengthening the VOICE of the poor	Mechanisms for strengthening the RESPONSIVENESS of decision-makers	Mechanisms for strengthening the ACCOUNTABILITY of decision-makers
National government (executive branch)	<ul style="list-style-type: none"> - Civil and political rights. - Legal basis of social and economic rights - Free and fair elections - Improved voter registration procedures - Voter education - Participatory process (budgets, policies reporting, etc) - Capacity building - Media focus on poverty 	<ul style="list-style-type: none"> - Legislative/constitutional basis of social and economic rights - Political culture/ethos, political will - Training/awareness (human rights of the poor, equality, etc.) - Affirmative action (recruiting people from diverse social backgrounds into civil service) - Civil society partnerships/ participation (budgeting, policy formulation, reporting, etc) - Human Rights Commission reporting on status regarding social and economic rights 	<ul style="list-style-type: none"> - Free and fair elections - Electorate awareness? - Vote of no confidence - Parliamentary oversight (budget) - Media and civil society/ donor scrutiny of pro-poor performance (gender budget) - Legal obligation to provide information - Legal obligation to provide reasons for decisions on request - HRC reports on socio-economic rights - Social rights litigation
Local government	<ul style="list-style-type: none"> - Decentralisation from central to local levels? - Local government elections - Participatory planning process 	<ul style="list-style-type: none"> - Political culture - Training/awareness/capacity-building - Affirmative action - Participation/partnership - Accessibility 	<ul style="list-style-type: none"> - Free and fair elections - Tracing of public funds - Budget oversight - Obligation to give information - Obligation to give justification - Media, civil society awareness - Appeal procedures
National legislatures	<ul style="list-style-type: none"> - Free and fair elections - Information - Participatory process (hearings on legislation etc.) 	<ul style="list-style-type: none"> - Funding - Information - Training - Capacity building - Committee system 	<ul style="list-style-type: none"> - Elections - Recall - Referendum - Tied mandate
Political parties	<ul style="list-style-type: none"> - Freedom of organisation - Lasting party organisations - Representation at local level - Autonomous funding (not from executive) - Local nomination procedures 	<ul style="list-style-type: none"> - Issues of poverty reflected in party programmes and campaigns - Identifiable political platforms - Nomination processes and criteria (quotas for women, social groups such as unemployed) 	<ul style="list-style-type: none"> - Replacement - Tied mandates - Secure national/international party funding (autonomy from elite/business) - Media awareness - NGO awareness
Judiciary	<ul style="list-style-type: none"> - Legal literacy programmes - Legal aid schemes - Legal aid by NGOs - Training, exchanges of experience - Court procedure, criteria for standing 	<ul style="list-style-type: none"> - Change legal framework - Reform court system - Appointment of judges (social representativeness) - Sensitivity training (social rights, equality legislation) - Juries, lay assessors - Invitation of amicus' briefs 	<ul style="list-style-type: none"> - Appeal procedures - Reporting of judgements - Plain language initiatives - Civil society debates
Special institutions of restraint (ombudsmen, HRC, IEC, AG, etc.)	<ul style="list-style-type: none"> - Outreach - Accessibility - Consultations 	<ul style="list-style-type: none"> - Composition - Training - Funding - Mandate 	<ul style="list-style-type: none"> - Media awareness - Withholding of funding

The ability of vertical and horizontal institutions to ensure accountability with respect to the concerns of the poor depends on a range of factors. Table 2 below suggests mechanisms for strengthening the voice of the poor, and for enhancing the responsiveness and accountability to the poor and poverty reduction by public agents at national and local levels.

Enhancing vertical accountability through the electoral channel

The government – in particular the executive branch, but also the legislature – is the most powerful public decision-maker at the national level. Thus it is crucial to make it more responsive and accountable to the concerns of poor. The question is, however, to what extent the traditional structures established for this purpose – with the electoral system at the core – are capable of delivering in terms of tangible results, especially between periodic elections.

The literature on electoral processes is rather pessimistic with regard to representation of the poor and the underprivileged. Recent reports of electoral processes in the new democracies of sub-Saharan Africa indicate that elections have become ‘democratic façades’ that gloss over executive dominance and public exploitation by a small elite.⁴ In Latin America and Eastern Europe, where electoral processes are more institutionalised, the elected representatives appear far more responsive to the demands of the small, powerful elites and vested interests than to the poor majority.⁵

For elections to function as an effective voice of the poor, they must have access to the formal democratic channels. We first need to ask the fundamental question whether the electoral process is actually open to the poor. Research from sub-Saharan Africa suggests that the voter registration processes effectively disenfranchise large numbers of poor citizens and bar them from participating due to long distances and financial constraints.⁶ The ‘democratic deficit problem’ does not end with formal access to the electoral channel. Across the developing world, the concerns of the poor feature only marginally in electoral campaigns. In order to make the formal democratic channels responsive to the poor and committed to poverty reduction, the role of political parties is critical. In the absence of relatively stable and identifiable party structures, the electoral channel cannot function properly as a vehicle for vertical accountability, capable of voicing the concerns of the poor. Poverty issues must be addressed in party programmes and election manifestos, as well as in the rhetoric and actual behaviour of party politicians, for these concerns to ‘capture’ the political agenda.

⁴ Diamond, Larry et al., ‘Elections without democracy’, *Journal of Democracy*, Vol. 13, No. 2, 2002.

⁵ Diamond, Larry, Jonathan Hartlyn, Juan J. Linz, and Seymour Martin Lipset, (eds.), *Democracy in Developing Countries. Latin America*, Boulder, CO: Lynne Rienner, 1999. See also the paper prepared by Roberto Gargarella for this workshop: “Too far removed from the people”. Access to justice for the poor: the case of Latin America.

⁶ Rakner, Lise and Lars Svåsand, “Multiparty Elections in Africa’s New Democracies”, Bergen: CMI Report R 2002:7, 2002.

- How can voter registration processes be improved and made more open for the majority of the voting population?
- Can the party system be institutionalised to provide for more accountability to the commitment to reduce poverty? This seems to require the ‘survival’ of the main parties from one election to the next?
- Do parties have identifiable political platforms that offer the voters policy alternatives in terms of poverty reduction? If not, how can this be achieved?

To reach a level of institutionalisation, funding of political parties is an essential issue. The party systems in Latin America and Eastern Europe may point to a way forward for their sub-Saharan (and to some extent Asian) counterparts. Due to their relative endurance and ideological platforms, parties in these regions have to a degree been able to solicit funding from international party organisations (such as Western European ‘sister parties’, the European Community and the Socialist International and Christian Democratic party associations). Nevertheless, although more institutionalised the formal electoral channel in both Latin America and Eastern Europe is only to a limited extent accessible for the poor. Recent experiences with processes of participatory budgeting in Brazil do suggest, however, a way forward in terms of enhancing the accountability of the electoral channel regarding poverty reduction (see box p.10).

Gender relations

Promoting gender equality and empowering women is among the eight MDGs. As the gender dimension is a key element in overall human development it is important to address it in the context of poverty reduction. The incidence of poverty is generally greater among women than men and the depth of poverty also seems tilted against women. Lingering legal restrictions and cultural practices tend to discriminate against women to the effect that their access to property ownership is restricted. Similar discriminatory practices operate in the labour market and impede women’s employment prospects.

There are also indications that women’s incomes make a greater beneficial contribution to intra-household cohesion, because women tend to prioritise the children in terms of food, clothing and education. A number of mechanisms have been elaborated for measuring progress towards gender equality, e.g. the gender-related human development index (GDI) and the gender empowerment measure (GEM). The former measures achievements in basic human development adjusted for gender inequality, while the latter measures gender inequality in economic and political opportunities. Similarly, tools have been developed for assessing budgets in terms of gender sensitivity. They involve analyses of public spending from a gender perspective with a view to ensuring consistency between commitment to gender equality and its reflection in actual allocation and practice. These instruments can be used to enhance the responsiveness of public actors to the plight of poor women, and to hold the same public authorities to account when failing to live up to their commitments.

A way forward? Participatory budgeting in Porto Alegre (Brazil)

Participatory budgeting is a process by which the public meets in open assemblies to establish annual investment priorities for local governments. In the Brazilian state of Rio Grande do Sol, participatory budgeting was launched by the Workers Party in Porto Alegre in 1989. It was extended to the state level ten years later. The success of the programme in redirecting public investments to the poor has attracted international attention. The model has been exported to other states of Brazil, Argentina, France, Mexico, Angola, Senegal and South Africa. Politically, participatory budgeting has shifted the balance towards the left of the party system. Socially, participatory budgeting has giving voice to previously ignored segments of society and made the political system more responsive to their concerns.⁷

Horizontal accountability at the national level

In addition to the vertical accountability relationships through the electoral channel there are horizontal accountability relations – between the executive, the legislature, the courts, and special agencies of restraint – through which different state institutions hold each other to account *on behalf of the people*. Are these institutions able to secure the accountability of other government bodies? Are these institutions themselves responsive and accountable to the poor? We will consider these issues with respect to two of them: (a) the court system, which is the paradigmatic manifestation of horizontal accountability; and (b) human rights commissions, which in the past decade have been established in a number of new democracies.

The courts and accountability to the poor

In most countries the courts have not been important arenas for articulating the concerns of the poor. The court system is generally inaccessible, due to lack of knowledge, high cost, corruption and inadequate legal aid.⁸ Those who succeed in filing their cases often face delays for years, only to find that their concerns are eventually dismissed. Most legal traditions are unaccustomed to handling social rights. The recruitment of judges from the elite, leading a life far removed from the plight of the poor, also influences the operation of the legal system, which as a whole tends to protect vested interests. Public policies aimed at reducing poverty may actually be barred through court action, notwithstanding formal constitutional commitments to social and economic rights.

There are examples of poor groups/NGOs successfully using court action to assert their rights, and of courts consciously promoting the interests of the weakest and most vulnerable. The Supreme Court of India has taken a lead in this regard, transforming itself into a “Supreme Court for Indians.” It has done so without strong backing for social and economic rights in the letter of the constitution. The Indian example has also inspired courts in other developing countries, not least in common law Africa, where a growing number of judges strives to be socially relevant and see their role as facilitating social transformation – radical change, but in an orderly fashion, based on principles.⁹ South Africa is an interesting case where the constitution has provided

⁷ B. Goldfrank and A. Schneider, “Budgets and ballots in Brazil: Participatory budgeting from the city to the state”, Brighton: *IDS Working Paper* No. 149, 2002.

⁸ See Roberto Gargarella’s paper on Latin America prepared for this workshop (footnote 5 above).

⁹ Gloppen’s personal communication with senior judges in Tanzania and South Africa. See also Jennifer. A. Widner, *Building the Rule of Law*, New York: W.W. Norton & Company, 2001.

both a constitutional basis for social rights cases and has created a new Constitutional Court with a mandate to protect them.

A way forward? Social rights litigation

The Grootboom case considered the right to housing and the right of children to adequate shelter. The case was brought by a group of families with children who had been evicted from a squatter settlement.

The South African Constitutional Court did not grant individual legal redress from the state based on the plaintiffs' social or economic rights. But it ruled that the constitutional obligation of the state to "take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation" of the right to housing, had not been sufficiently discharged by the housing authorities. In addition to medium- and long-term housing programmes, reasonable schemes for the immediate and short term were needed to provide destitute people with rudimentary shelter. While the Court found that the constitutional right to housing does not constitute a directly enforceable claim on the part of homeless people, its ruling established the right to housing as a justiciable right, placing firm legal obligations on state policy and its implementation. In this case an NGO provided high quality legal assistance to the litigants while another NGO, acting as a 'friend of the court', provided a brief that much of the judgement rested on.¹⁰

Lessons from countries with experience of social interest litigation on behalf of poor groups (India, South Africa), as distinct from countries in which the legal system is more hostile to the poor, suggest certain key factors. Information and legal literacy on the part of the poor and their NGO representatives seem crucial, in particular knowledge of relevant case material and legal reasoning. Lower costs, adequate legal aid schemes, less bureaucratic and less costly court procedures, and more lenient criteria of legal standing are all factors that would be helpful. Similarly, capable courts, adequately equipped, efficient and free from corruption, would greatly enhance the prospects for social rights litigation.

Finally, a very important factor is political will on the part of the government to comply with and implement the rulings of the courts. This is, in turn, closely linked to the legitimacy of the courts generally, and with respect to social rights cases in particular. The problem of creating legitimacy for accountability mechanisms among those agents they are designed to restrain is even more pronounced for the weaker accountability mechanisms discussed here. This problem, sometimes framed as 'how to create a culture of constitutionalism' and secure a commitment to self-binding, lies at the heart of the question of how to strengthen the accountability of decision-makers.¹¹

¹⁰ "Grootboom and others v Government of the Republic of South Africa and others", SACCT 38/2000. Section 26 of the South African constitution provides that (1) everyone has a right to adequate housing; (2) the state must take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of this right; (3) no one may be evicted from their homes, or have their homes demolished, without a court order made after considering all the relevant circumstances; and (4) no legislation may permit arbitrary evictions.

¹¹ The term *self-binding* refers to a particular understanding of how constitutional commitment works. It is well set out by Jon Elster who refers to the myth of Ulysses and the Sirens. Ulysses, who, knowing he will be entranced by the Sirens' song and prone to steer his ship into disaster, binds himself to the mast and orders his crew to keep a steady direction and plug their ears. In this way he may enjoy the wonderful song but still steer clear of the Sirens' dangerous temptation. Similarly, a constitution, as an

Special accountability institutions

The special institutions, established by many modern constitutional democracies to increase the accountability of other government institutions, include national human rights institutions (HRIs). Their names, mandates, powers and functions vary considerably, but generally their central tasks comprise regular reporting on the performance of government from a human rights perspective. Their reports are often presented to parliament and in most cases made public.

The South African Human Rights Commission (HRC) is among the more powerful and resourceful.¹² For our purposes it is of particular interest that part of its mandate is to report on the performance of the government with regard to social and economic rights. The South African HRC does not confine itself to watching government institutions. It conducted, for example, a controversial inquiry into racism in the media and has also investigated racism in the school system.

It is necessary to consider factors within the institutions themselves (an appropriate mandate from a poverty reduction perspective, the availability of resources, the appointment, training, composition and tenure of commissioners), as well as opportunity for the poor and their organisations to access the HRI with their concerns (outreach, knowledge, training). In many cases HRIs are weak institutions, either because they lack resources or competence, or because their independence is not safeguarded, with the result that they become apologists for the government rather than watchdogs. The fact that some of these institutions are new means that their appropriate roles are somewhat indeterminate in the eyes of the commissioners, the public and the politicians alike. In other cases, HRIs operate appropriately and produce solid, critical reports, only to find that parliament and other bodies mandated to take action fail to do so.

- Are courts suitable channels for articulating the interests of the poor and appropriate vehicles for bringing decision-makers to account for their poverty reduction activities? How can action be taken to avoid the courts effectively blocking pro-poor change?
- How can these legal institutions be reformed to become more responsive to the concerns of the poor?
- If the courts themselves are made more responsive and accountable to the poor, could such a development compromise their independence and jeopardise their ability to hold other decision-makers to account?
- Few institutions of horizontal accountability hold decision-makers accountable in practice but which of them hold greater promise in that regard?

overriding, long-term commitment made after thorough reflection, should serve as a mechanism of restraint on actions and decisions (legislation and policies), in order not to allow short-term temptations to jeopardise crucial long-term goals. The relevant question here is: what mechanisms can ensure that the 'constitutional' commitment by the donors to reducing poverty is not overridden by the temptations represented by domestic businesses, agricultural interests and other sirens? See Jon Elster, *Ulysses and the Sirens: Studies in Rationality and Irrationality*, Cambridge: Cambridge University Press, 1979.

¹² Information about the HRC is available on the Commission's website: <http://www.sahrc.org.za/>

3.2 Responsiveness and accountability of public agents at the international level

As argued above, in recent decades the influence of international public actors and institutions has increased dramatically in poor, indebted nations. Today the IMF and the World Bank lend exclusively to developing and emerging economies. The loans and policy prescriptions of multilateral and bilateral donors are linked to conditions that increasingly impinge on the domestic policies of the state. It is essential, therefore, to acknowledge that in poor countries external actors are active stakeholders in the domestic policy arena, through agenda-setting and orchestrating alliances between interested players.¹³

Two central questions must be addressed with regard to international public actors and how they can amplify the voice of poor and increase their responsiveness and accountability to poverty reduction:

- To what extent can the accountability mechanisms at the national/local level described above be enhanced by external support? Political or governance conditionality has been on the agenda of the international donor community for more than a decade. However, we need to assess carefully how and under what circumstances the international community may enhance internal accountability relations.
- To what extent can the international donor community be held accountable to their commitment to poverty reduction? Table 3 below attempts to map the relationship between the international actors and their responsiveness to the poor and their accountability to the commitment to reduce poverty.

¹³ Callaghy, Thomas M., 'Networks and governance in Africa: innovation in the debt regime', in T.M. Callaghy, R. Kassimir and R. Latham (eds.), *Intervention and Transnationalism in Africa: Global-Local Networks of Power*, Cambridge: Cambridge University Press, 2001.

Table 3 Responsiveness and accountability of public agents at international level

Institutional Focus	Means of strengthening the VOICE of the poor	Mechanisms for strengthening RESPONSIVENESS of decision-makers to the poor	Mechanisms for strengthening ACCOUNTABILITY of decision-makers to the poor
Bilateral donors	<ul style="list-style-type: none"> - Participatory processes (policy formulation, project development., implementation and assessment) - Information - Capacity-building for interest articulation 	<ul style="list-style-type: none"> - Mandate (from national parliaments in donor country) - Donor co-ordination? - NGOs/CSOs in donor co-ordination meetings - Staff composition (social background, training, professional culture) - Incentive structure - Policy coherence 	<ul style="list-style-type: none"> - Sanctions (by parliaments in donor country) - Public evaluations of pro-poor performance - Pressure from executive/parliaments in recipient country - National, international media, NGOs, reporting on pro-poor performance - Institutional mechanism to enforce commitment to long-term strategy of poverty reduction
International financial institutions	<ul style="list-style-type: none"> - Participatory processes - Information - Capacity-building for interest articulation 	<ul style="list-style-type: none"> - Mandate - Donor co-ordination? - Staff culture, incentive structure, training - Policy coherence 	<ul style="list-style-type: none"> - Increased vote of poor countries - Answerability for decisions made/not made, (institutional mechanism to enforce commitment to long-term strategy of poverty reduction?) - NGOs /public bodies regularly reporting on pro-poor performance - Media scrutiny
Multilateral organisations with a mandate for poverty reduction (UN)	<ul style="list-style-type: none"> - Increased vote for poor countries - Participatory processes - Information - Capacity-building for interest articulation 	<ul style="list-style-type: none"> - Mandate - Representation and voting rules - Staff (composition, training, incentive structure) 	<ul style="list-style-type: none"> - NGOs /public bodies regularly reporting on pro-poor performance - Media scrutiny - Institutional mechanism to enforce commitment to long-term strategy of poverty reduction?
Multilateral organisations with significant impact on poverty, but no explicit mandate (WTO, OECD)	<ul style="list-style-type: none"> - Increased vote for poor countries - Information - Capacity-building for interest articulation 	<ul style="list-style-type: none"> - Mandate - Representation and voting rules - Staff (composition, training) 	<ul style="list-style-type: none"> - NGOs /public bodies regularly reporting on pro-poor performance - Media scrutiny - Institutional mechanism to enforce commitment to long-term strategy of poverty reduction?
Regional organisations (AU, EU)	<ul style="list-style-type: none"> - Increased vote for poor countries - Participatory processes - Information - Capacity-building for interest articulation 	<ul style="list-style-type: none"> - Mandate - Representation and voting rules - Staff (composition, training) 	<ul style="list-style-type: none"> - NGOs/public bodies regularly reporting on pro-poor performance - Media scrutiny - Institutional mechanism to enforce commitment to long-term strategy of poverty reduction?

External demands for voice, responsiveness and accountability

Since the UN General Assembly in 2000 the Millennium Development Goals have become the benchmark by which the entire international community will judge its degree of success one and a half decades down the line. The eight MDGs are:

- Eradicate extreme poverty and hunger;
- Achieve universal primary education;
- Promote gender equality and empower women;
- Reduce child mortality;
- Improve maternal health;
- Combat HIV/AIDS, malaria and other diseases;
- Ensure environmental sustainability;
- Develop a global partnership for development.

These goals are broad in scope yet inter-related and their achievement will in one way or another contribute to the overarching goal of poverty reduction because they address various aspects of the poverty syndrome.¹⁴ Although the goals are formulated in general terms they are specified by eighteen targets so as to monitor progress along the way and measure their ultimate achievement. However, the operationalisation of the goals and targets into means and strategies to meet them is less straightforward and rather contentious, particularly at the country level. The international community has not yet agreed on the road map to 2015. The current endeavours by heavily indebted countries to chart such strategies – Poverty Reduction Strategy Papers (PRSPs) – represent one attempt towards drawing such a road map. The UN sees the PRSPs as useful instruments for integrating the MDGs fully within the set of priorities, policies and resource allocations.¹⁵

- Can the voice of the poor, responsiveness to their concerns and accountability to poverty reduction by national governments be enhanced by international pressure and assistance?
- Are there circumstances in which external pressure and intervention may ‘crowd out’ internal mechanisms of democratic accountability?
- What mechanisms are needed to ensure that national governments owe greater obligation to their national constituencies than to international external agreements?

PRSPs as mechanisms of accountability

The approach adopted by the World Bank and IMF to designing poverty-reduction strategies in the context of debt relief programmes is perhaps the most tangible attempt by the international donor community to induce national governments to honour their commitment to poverty reduction. All countries requesting debt relief under the highly indebted poor countries (HIPC) initiative must chart a poverty reduction strategy through a broad participatory process and produce a policy document – a Poverty Reduction Strategy Paper (PRSP). This process aims to

¹⁴ This paper puts the accent on poverty aspects and considers the other MDGs to be subsidiary to and supportive of the overriding goal of poverty reduction, even though the MDGs are explicitly considered equally important.

¹⁵ See *The United Nations and the MDGs: A Core Strategy*, 7 June 2002.

incorporate a range of stakeholder views on prioritisation, resource allocation and access to public goods and services. Tied to a set of governance conditionalities, the PRSPs have placed poverty reduction at the top of the official agenda in debtor countries.

- Who has been empowered by the PRSP processes?
- Do the PRSPs contribute to reinforcing existing accountability mechanisms at the national and local level?
- Have the PRSPs strengthened the voice of the poor?

Preliminary findings from sub-Saharan Africa paint a varied picture as to whether these processes enhance existing accountability mechanisms at the national and local level. In some instances, the PRSPs have been successful in promoting greater stakeholder participation and thereby making both vertical and horizontal accountability channels more accessible for the poor. Research on the PRSP process in Tanzania suggests that its participatory nature has strengthened the position of transnational NGOs such as Oxfam, Care and Save the Children, to the detriment of players in the national political arena – parliament in particular.¹⁶ Whether participation – induced by externally imposed conditionalities – will lead to increased responsiveness on the part of national political institutions depends on the extent to which the PRSP process is ‘owned’ by the national governments. The cases of Uganda and Vietnam may be instructive and point to ways forward.

A way forward? Ownership of PRSPs in Vietnam and Uganda

Studies of the Ugandan and Vietnamese PRSP processes indicate that they have been successful in promoting greater stakeholder participation and making vertical and horizontal accountability channels more accessible for the poor. In Uganda, a Poverty Eradication Action Plan (PEAP) was implemented in 1995, thus predating the World Bank/IMF PRSP initiative of 1999. Since the PEAP was formulated in consultation with Ugandan NGOs, the subsequent PRSP could build on the PEAP experiences. Vietnam’s own policy process to eradicate poverty was well underway when the multilateral financial institutions initiated discussions on the PRSP. Government ownership is strong at the policy level and the donor agenda for poverty reduction is built into the already existing national development planning system. Vietnam has also taken significant steps in recent years to make the planning process more inclusive.

Who holds public international actors to account?

Elected leaders and administrators at the international level have a mandate they are authorised to carry out on behalf of us all (including the poor). In principle, they owe accountability and responsiveness similar to those of national governments. In practice, however, the institutional mechanisms for holding them to account are poorly developed. Developing countries are deeply affected by the decisions of institutions such as the WTO, the IMF and the World Bank. Yet, they have little influence on the decision-making of these multilateral institutions. Nearly half the voting power in the World Bank and the IMF is in the hands of the seven largest industrial countries and the Bretton Woods institutions are perceived to be overly

¹⁶ Jeremy Gould, ‘Discipline and Empower: Political Consequences of Tanzania’s Poverty Reduction Strategy’, Helsinki: Institute of Development Studies, mimeo, 2002.

accountable to their largest shareholders. Any attempt to deepen democracy in the international finance institutions confronts the reality of these power relationships. The UN agencies with equal voting rights for developed and developing nations alike are also the least powerful of the multilateral institutions, partly owing to the large industrial nations' disregard or neglect. While only providing a partial answer, changes in vote distribution and enhanced accessibility by non-governmental organisations are essential to increase the responsiveness and accountability of the multilateral institutions.

Whereas governments are held accountable through a series of social, political and legal institutions, there are very few – if any – comparable mechanisms currently in place to hold global actors to account. To what extent and by what mechanisms can the international donor community be held accountable for the policy advice they give and the conditionalities they impose? Attention should not only be paid to the do's but also to the don'ts. A negative obligation (whether moral or legal) to refrain from action that is clearly detrimental to reducing poverty has the clear advantage of applying equally to all agents.

- Donor governments – like national governments – are confronted with multi-faceted accountability relationships. How can their self-binding to poverty reduction as an overriding and long-term goal be secured?
- How can the voice of developing countries be enhanced within public international institutions?

A way forward? Judicial-style accountability in international organisations
Tribunals and ombudspersons permit citizens at the national level to hold governments to account. International counterparts are now emerging to ensure that international organisations act within their powers and keep to their operational rules. The World Bank's Inspections Panel, created in 1993, is a notable step in the right direction. In 1999 an Ombudsman Office was added. The Inspection Panel makes preliminary assessments of the complaints lodged, taking into account Bank management responses to the allegations. The panel can then recommend to the Bank's Executive Board that a full investigation be instituted.

3.3 Responsiveness and accountability of civil society and market agents

In a globalising world the state is no longer the only actor accountable for poverty reduction. Over the past two decades transnational civil society networks have increased tremendously. Similarly, the role and influence of global corporations have been greatly enhanced. Campaigns to reduce the debt of poor countries and to make global trade less skewed in favour of the interests of the industrialised world have in recent years greatly affected decisions within the international organisations as well as within global business corporations. Similarly, local and transnational NGO networks have put pressure on national governments to deepen democracy. But, to whom are the NGOs and the businesses accountable – at local, national and international levels? To what extent do they represent the interest of the poor? How can they be made more responsive and accountable to a long-term strategy of poverty reduction? How can the 'invisible hand of the market' be brought to account for its faults of commission or omission with respect to the poverty-reduction targets?

Table 4 Voice, responsiveness and accountability of civil society and market agents

Institutional Focus	Means of strengthening the VOICE of the poor	Mechanisms for strengthening RESPONSIVENESS of decision-makers to the poor	Mechanisms for strengthening ACCOUNTABILITY of decision-makers to the poor
Transnational business corporations	<ul style="list-style-type: none"> - International media focus - Information/transparency - NGOs - Litigation - Lobbying 	<ul style="list-style-type: none"> - Corporate culture - Codes of conduct - Training, raise awareness, knowledge (business ethics, poverty issues) - Business-NGO partnerships 	<ul style="list-style-type: none"> - Negative publicity - Official/consumer sanctions - National/international courts to rule on human rights violations against poor - Business-NGO partnerships
National/local business	<ul style="list-style-type: none"> - Media focus on poverty and the poor - Information/training - Participation in “tripartite” bodies (government, labour, business (+ civil society)) 	<ul style="list-style-type: none"> - Corporate culture - Codes of conduct - Raise awareness, knowledge (business ethics, poverty issues) - Business-NGO partnerships - “Twinning” arrangements with corporations in other countries 	<ul style="list-style-type: none"> - Horizontal application of rights (non-discrimination, affirmative action, social rights) - Labour legislation - Court cases - Local media - Local NGOs - “Tripartite” bodies
International NGOs	<ul style="list-style-type: none"> - Information/transparency - Capacity development of local NGOs and informal CSOs - Knowledge of local context - Constituency - Fund projects to empower the poor 	<ul style="list-style-type: none"> - Knowledge - Engagement in public policy - Public education programmes in poor countries - Advocacy for policy changes/development - Funding (adequacy, security) 	<ul style="list-style-type: none"> - Clearly articulated mission, aims and objectives - Transparent and robust accounting systems - Systematic, regular feedback to constituency - Member-based sanctions - Donor reporting/sanctions - Media - Court cases
National/local NGOs	<ul style="list-style-type: none"> - Information/transparency - Presence at the local level - Constituency within poor groups - Grassroots focus/work in partnership with the poor on local level projects 	<ul style="list-style-type: none"> - Organisational culture - Composition of staff - Training, awareness and knowledge on poverty issues - Advocacy for policy changes with INGOs and NGOs 	<ul style="list-style-type: none"> - Clearly defines objectives - Independent and legally registered board of trustees - Regulatory framework - Direct representation/ elections - Systematic and regular feedback to constituency - Transparent accounting systems - Media focus - Member sanctions - Sanctioning donors (international and national) - Court cases
International media	<ul style="list-style-type: none"> - How to ‘market’ poverty issues? - Training, information - Capacity - Local branches 	<ul style="list-style-type: none"> - Financial conditions/ ownership structure - Mandate - Codes of conduct - Composition of staff (social background, training, professional norms) - Local presence in poor areas 	<ul style="list-style-type: none"> - Financial conditions/ ownership structure - Regulations - Codes of conduct - NGOs/public bodies reporting on performance from perspective of poor groups (exposure)
National/local media	<ul style="list-style-type: none"> - Establishment/ funding to local, community based radio stations - Training, information - Capacity - Local news desks 	<ul style="list-style-type: none"> - Financial conditions (ownership, resources) - Mandate - Public media boards - Code of conduct - Background of staff - Training, information - Capacity building - Local presence 	<ul style="list-style-type: none"> - Media laws - International donors (funding) - Codes of conduct - NGOs/public bodies (such as Human Rights Commission) reporting on performance from perspective of poor groups

The responsiveness and accountability of civil society and market agents are relevant, not only at the international level but also nationally and locally. With regard to these non-state agents, there is disagreement on the extent to which they owe accountability to society generally and the poor specifically, and on what grounds. These actors do not have an explicit mandate 'to serve the public interest'. It is clear, however, that particularly in weak states where the majority of poor people live, many non-governmental agents (such as transnational corporations) vastly influence the policies pursued. Hence, their behaviour often bears decisively on the overall responsiveness and accountability of the political system with respect to poverty reduction.

Several forms of duty to the poor can be distinguished that may give rise to accountability obligations by non-state agents:

- First, the negative duty to refrain from action that violates human rights. This uncontroversial accountability obligation has a basis in international law and cases can be brought before domestic legal systems.
- Second, the negative duty to refrain from obstructing other agents in their efforts to reduce poverty – by demanding more leniency, for example, in labour policies or tax regimes in exchange for investment or aid, that might affect the poor adversely.
- Third, a positive duty to act, within their ability, to reduce poverty, based on the moral norms embodied in international human rights instruments. This moral obligation applies to everybody but it might be difficult to elevate it to a legal duty.

Below we discuss the complex role of transnational corporations, civil society and the mass media. Table 4 suggests means of amplifying the voice of the poor, and mechanisms for enhancing the responsiveness and accountability to poverty reduction by civil society and market forces.

The role of the international business community

The growth of transnational corporations (TNCs) as major actors is both a cause and a consequence of globalisation, and their operations span the globe. At present the TNCs do not have legal standing in international law. They are subject to national legislation in their countries of domicile and to the laws of those countries in which their subsidiaries operate. Nevertheless, it is increasingly recognised that some form of global regulatory regime is needed. A trend towards a so-called 'new sovereignty' is discernible, whereby states become members of inter-governmental organisations and accede to mounting quantities of legally binding treaties covering increasingly broad areas.¹⁷ This trend is largely driven within the framework of UN organisations. In the field of human rights the various conventions constitute such a regime at the normative level. In the environment field conventions on climate change and biological diversity are more recent examples. Yet, the enforcement and accountability mechanisms are still weak, despite their embryo in the UN system. It is conceivable, however, that the normative frameworks already in place as an expression of multilateralism – and new ones to be elaborated – could design

¹⁷ Abram Chayes and Antonia Handler Chayes, *The New Sovereignty: Compliance with International Regulatory Agreements*, Cambridge, MA: Harvard University Press, 1995.

accountability mechanisms applicable to an array of actors including the business community in general and the TNCs in particular.¹⁸

- A number of non-state actors (TNCs and NGOs) have also committed themselves to poverty reduction. How can their long-term self-binding be secured?
- How can the ‘discretionary’ social responsibility of business corporations be expanded and firmed up into serious commitments?

Pending the establishment of a fully-fledged, global ‘human development regime’ the international business community has embarked on a method that holds promise. Enterprises are, of course, in the profit-making business. But they can justifiably argue that in creating jobs and generating economic growth – which is a prerequisite for poverty reduction – they are making a significant pro-poor contribution. Conversely, when closing down plants or when not adhering to established norms of corporate behaviour they play a negative role. Hence, companies are increasingly realising that making a conscious contribution to poverty reduction can be ‘good for business’ in the long run and sometimes also in the short run. In recent years, TNCs have come under pressure by NGOs and other actors to account for their dealings with autocratic and abusive governments, and for the ill treatment of employees by their sub-contractors in developing countries. Firms previously brushed off such criticism, claiming they had no control over Third World suppliers. This is no longer acceptable.

Some companies have acted on their own to meet the challenges. Shell, for example, chastened by the hammering it received for its extensive operations in Nigeria when the military government in 1995 hanged Ken Saro-Wiwa and eight others, embarked on a round of consultations with human rights groups, church leaders, and its own employees. In 1997 Shell issued a *Statement of General Business Principles*, including human rights and corporate responsibility to the society in which its companies operate.¹⁹ A management primer on the subject requires the chief executives of its some 130 subsidiaries around the world to report annually what has been done to meet human rights standards, environmental and other social goals.

Similar, self-imposed codes of conduct are today commonplace in the business community but generally of a minimalist nature. Most businesses are careful to point out that wider conceptions of corporate social responsibility are ‘discretionary’. Besides, it is acknowledged that it might be difficult to determine how far such a social responsibility ought to extend. There is no obvious answer to that question; it is left to the discretion of the company concerned, based on a careful assessment of the situation at hand.

New notions of corporate social responsibility are emerging worldwide. Wary of being caught off-guard TNCs have sought together in such organisations as Business for Social Responsibility, a San Francisco-based association founded in 1992, which boasts 1,400 members with a combined annual turnover of USD 1.5 trillion. The association keeps its member companies abreast of a range of social issues, including

¹⁸ John Gerard Ruggie (ed.), *Multilateralism Matters: The Theory and Praxis of an International Form*, New York: Columbia University Press, 1993.

¹⁹ Royal Dutch/Shell Group of Companies, *Statement of General Business Principles*, Shell International Limited, 1997.

human rights.²⁰ There is no doubt that this awakening to the challenge of human rights and poverty reduction is part of a growing general, internationalised human rights culture, spurred by consumer displeasure, public criticism and articulate segments of civil society (national and transnational NGOs alike, the trade union movement, etc). The adverse effect on profit margins of operating in hostile environments has been an additional internal driving force. International business organisations working on a global scale have been preoccupied with articulating common standards to be adhered to in an increasingly competitive marketplace. The World Business Council for Sustainable Development, originally formed to influence the World Commission on Environment and Development, has set up a working group to address corporate social responsibility that may point to a way forward.

A way forward? Social Accountability 8000 (SA 8000)

The Council on Economic Priorities (CEP) and its affiliate the Council on Economic Priorities Accreditation Agency (CEPAA) have taken a step further in one specific sub-field of human rights. Based on the ILO conventions and related international human rights instruments, including the Universal Declaration of Human Rights and the UN Convention on the Rights of the Child, CEPAA has elaborated an auditable, common standard for companies seeking to guarantee the basic rights of their workers: Social Accountability 8000 (SA 8000). It covers child labour, forced labour, health and safety, collective bargaining, discrimination, disciplinary action, working hours, compensation and leadership.

The intention is to elevate SA 8000 to a certification standard comparable to those elaborated by the International Standards Organisation, upon which it is modelled. It is hoped that companies would seek SA 8000 certification, much in the way manufacturers seek certification of their performance to international quality standards (ISO 9000) and environmental management systems (ISO 14000). It is noteworthy that the initiative to introduce this standard was taken by the business community itself; it was a voluntary move rather than a requirement imposed by state authorities, perhaps reflecting an enlightened self-interest. However, massive NGO campaigns were mounted to push in the same direction, and NGO pressure will probably be needed to monitor developments and act a watchdog. NGOs are concerned that self-imposed regulation might be misused as public relations stunts.

The role of civil society

Non-governmental organisations at local, national and international levels have diverse roles to play with regard to poverty reduction. Some community-based organisations at the grassroots are directly involved in development work and service delivery for the benefit of poor people. Others have assumed an advocacy role vis-à-vis public authorities at the local and national levels in order to exert influence in a pro-poor direction. Some transnational NGOs work globally towards the same goal. Other still, have positioned themselves as watchdogs, gathering information and publicising findings with a view to bringing various actors to account for not being responsive enough to the needs of the poor or for doing too little for poverty reduction. These functions of pro-poor development, service delivery, advocacy and watchdog monitoring of the performance of institutions with an explicit pro-poor mandate are critical to the issues under discussion.

²⁰ 'The World is Watching: A Survey of Human Rights Law', *Economist*, 5 December 1998.

Having said that, it must be recalled that civil society organisations themselves need to be held accountable for their actions. In the case of membership-based NGOs the accountability relationship is straightforward: elected officers are controlled by the members at annual general meetings. However, many NGOs – perhaps the majority – are not membership-based. To whom, then, are their office-bearers accountable? To what extent are NGOs self-styled ventures controlled by leaders who have just taken upon themselves the mantle of responsibility on behalf of the poor without prior consultation?

A way forward? The South African Women's Budget Initiative

The South African Women's Budget Initiative (WBI) was established in 1995, soon after the first democratic elections in the country, as a collaborative project of national parliamentarians and non-governmental organisations. It researches the link between budgets, gender and poverty, and conducts training, advocacy and capacity-building. In its first three years the WBI examined the budgets of all the national departments and affiliated agencies. An evaluation led to a stronger focus on thematic studies and the WBI no longer produces annual updates on all departments. Reporting to parliament and civil society on spending and the effects on different groups in society is considered the responsibility of government departments as part of their accountability duty. The WBI has lately taken a more experimental and provocative course, exploring the evolving field of gender budget analysis in relation to new issues. Recent efforts have addressed themes such as municipal budgets, donor funding, job creation, revenue generation, taxation, health and the relationship between policy-making and budgeting across all tiers of government.

The WBI is part of a broader Budget Information Service (BIS) initiated by Idasa to make budgets responsive to the poor by building capacity for effective participation; providing decision-makers with research, analyses, information and recommendations about the impact of budgets on the poor; and researching the budget system and advocating changes in a pro-poor and pro-participation direction. Since 1999 this venture has included the Children's Budget project, reporting on child poverty and the budget and conducting workshops for government, NGOs and parliamentarians. BIS co-operates with and supports applied budget organisations in other countries through the International Budget Project and the Africa Budget Project, e.g. in Zambia, Ghana, Kenya, Nigeria and Malawi on budget training courses, on a multi-country scorecard on Transparency and Participation in the Budget Process, and on training of journalists and parliamentarians.²¹

The role of the mass media

In order to alter existing power relations and give voice to the poor the mass media play a key role. They may, in effect, act as a mouthpiece for the poor. On the other hand, the media are also actors in their own right, to be held accountable for their action and inaction. Unlike public institutions the media do not have an explicit mandate 'to serve the public interest' and it is debatable, therefore, whether they can be held accountable for a commitment to poverty reduction.

²¹ The Women's Budget Initiative is a joint project of the Institute for Democracy in South Africa (IDASA), the Community Agency for Social Enquiry and the parliamentary Committee on the Quality of Life and Status of Women. More information about the Women's Budget Initiative, and the Budget Information Programme is available at IDASA's website <http://www.idasa.org.za/>

- Do the media form citizens' perceptions of the poor?
- What are the main impediments to the development of free media responsive to the concerns of the poor?
- To what extent can new technology facilitate the development of a pluralistic press that provides a voice for the poor?

Giving voice to the poor is a means to their empowerment. One of the most positive developments in terms of democratic reform in new democracies is the development of pluralistic and independent media.²² Independent newspapers have emerged and despite setbacks the independent press continues to be the main critical voice against government corruption and other malpractices. It is less certain, however, whether these developments have benefited the poor. There are constraints. First of all, the independent newspapers only reach a fraction of the literate, urban-based population and the electronic media often remain under government control. Thus, the poor have benefited only marginally from the emerging pluralism of the media. Radio, TV and government-owned newspapers often remain the mouthpieces of the executive and the incumbent party. Even in situations where the private media have a broader reach, its dependence on private financing often affects editorial policy in favour of the owners. There is a clear tendency, however, for the media to cover matters related to the local elites.

Independent media boards and broadcasting authorities are institutional mechanisms designed to increase the accountability of the media, albeit without jeopardising their independence. To what extent such bodies can contribute to making national and local media more sensitive to the concerns of the poor and committed to a focus on poverty reduction depends on their mandates and powers, as well as the way in which they have constituted themselves.

In some countries the media themselves have established self-regulatory bodies on a voluntary basis. Rules of sound and fair journalism are established for the industry against which media performance may be judged. Readers, listeners and viewers may lodge complaints if they consider their privacy or personal integrity violated, if they feel unfairly treated or harassed, or if reporting is unduly biased. A body of media professionals would then consider the complaints and adjudicate on the matter. If found guilty of having transgressed the rules, a retraction or correction might then be ordered or whatever the case might be.

²² Randall, Vicky (ed.), 'Democratisation and the Media', *Democratisation* (Special Issue), Vol 5, No. 2, 1998.

A way forward? Independent Media Authorities

The Independent Communications Authority of South Africa (ICASA) was established in 2000 in response to a constitutional requirement for a body “to regulate broadcasting in the public interest, and to ensure fairness and a diversity of views broadly representing South African society.”²³ Empowerment and promotion of public, private and community broadcasting services which are responsive to the needs of the public is part of ICASA’s mandate. It aims to ensure that all citizens have access to relevant and appropriate broadcasting services, and to encourage ownership and control of the electronic media by people from historically disadvantaged groups in order to promote a competitive and socially responsive communications industry.

Acknowledging the impossibility for ISACA alone to ensure diversity and the development of media for all South Africans, a new statutory body is about to be established for this purpose: the Media Development and Diversity Agency. Its central aim is to provide projects to community and small commercial media in order to redress the exclusion and marginalisation of disadvantaged communities from access to the media and media industry.

Pluralism is a key objective, not only in terms of the range of views and interests represented but also in terms of the modes of communicating them. In poor countries, with high levels of illiteracy, national newspapers may not be successful in providing a voice for the poor. Instead, local, community-based radio stations have proven extremely useful. Two examples from recent elections in sub-Saharan Africa point to the complexities facing the media and the opportunities on offer. A recent evaluation revealed the inadequacies and fundamental weaknesses of the Zambian media in their coverage of the 2001 Zambian elections.²⁴ The national media did not report on issues relevant to poor voters and completely ignored the local government candidates. One notable exception was community-based radio stations, which gave free airtime to members of parliament and local government councillors with support from local NGOs. The case of Zambia is not exceptional. In most African states the most common means of communication is radio. The majority of households have access to radio, while only a minority, predominantly based in urban areas, have access to television or the press. Successful elections – those perceived to be free and fair and inclusive of a plurality of views, such as Ghana’s 2000 elections – include an unbiased coverage of parties and candidates.²⁵

²³ See the ISACA web site <http://www.icasa.org.za/> and that of its predecessor, the Independent Broadcasting Authority (IBA): <http://www.iba.org.za/>, established in terms of the South African constitution, section 192. ISACA’s predecessor, the IBA, was established in 1993 as part of the transition to democracy. The main purpose was to provide a more level playing field for the different parties and the IBA was given the power to licence broadcasters, formulate broadcasting policy, receive, hear and adjudicate complaints, and regulate the broadcasting industry as a whole – a task previously performed mainly by the Minister of Home Affairs. The functions of the IBA were taken over by the ISACA.

²⁴ Mwalongo, S., ‘The role of media in ensuring accountability in the 2001 Zambian elections’, *INESOR Working Paper Series*, Lusaka: Institute of Social and Economic Research, University of Zambia, 2002.

²⁵ Gyimah-Boadi, E., ‘A Peaceful Turnover in Ghana’, *Journal of Democracy*, Vol. 12, No. 2, 2001.

A way forward? Accountability by tracing school grants in Uganda

According to official statistics, Uganda spent roughly eight per cent of GNP on primary school education in the mid-1990s. Anecdotal evidence suggested, however, that most public schools received only limited public support. A tracing survey, focusing on a pre-student capitation grant to cover the schools' non-wage expenditures, compared flows allegedly disbursed from the central government with those actually received by 250 primary schools over a five-year period (1991–1995). The survey showed that on average schools received only 13 per cent of what the central government spent on the programme. Most schools did not receive anything at all. The bulk of the money was captured by local officials and politicians. The survey findings impacted directly on policy by providing a spark for public action. As the evidence became public knowledge, the central government made a number of changes. Most importantly, it began publishing the monthly transfers of public funds in the district newspapers, broadcasting the transfers on radio and requiring primary schools to feed back information on the inflow of funds. An assessment of the reforms a few years later showed that the flow of funds had improved dramatically.²⁶

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This paper has provided an analytical framework for deliberating on the responsiveness of various agents and agencies to the concerns and needs of the poor. It has also suggested various schemata for addressing systematically the multitude of mechanisms whereby agents and agencies mandated to reduce poverty can be held to account for their action or non-action.

²⁶ Ritva Reinikka and Jakob Svensson, 'Local Capture and the Political Economy of School Financing', Institute for International Economic Studies, Stockholm University, mimeo, 2002.

Summary

Taking its cue from the poverty-reduction thrust of the Millennium Development Goals, this paper proposes an analytical framework for answering the fundamental question: How can we increase the responsiveness of decision-makers to the concerns of the poor and hold them accountable for their commitment to reducing poverty? The paper develops an approach to poverty reduction based on three interlinked concepts – voice, responsiveness, and accountability. Voice refers to the articulation of the concerns of the poor and their conversion into political demands. Responsiveness addresses the sensitivity of decision-makers to the voice of the poor and its expression in action or inaction. Accountability pertains to the relationship between bearers of rights and legitimate claims and the agents responsible for fulfilling those rights and claims. The authors distinguish between an array of agents with poverty-reducing mandates or obligations. Furthermore they suggest schema for assessing the means whereby the voice of the poor can be heard better, for reviewing the mechanisms for enhancing the responsiveness of decision-makers to the plight of the poor, and for increasing accountability to the commitment to poverty reduction. The paper raises a number of questions for discussion and interspersed in the text are boxes with examples pointing to ways forward. The paper was first developed as the issues paper of the conference: 'Responsiveness and accountability for poverty reduction: Democratic governance and the Millennium Development Goals', jointly organised by UNDP, Oslo Governance Centre and the Chr. Michelsen Institute at Solstrand Fjord Hotel, Os, Norway, 18-19 November 2002.

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