Human Rights and Social Accountability

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Abstract

There is an emerging movement within the international development community to subscribe to a human rights based approach to development. Most countries have signed the principle international human rights covenants and have begun to modify their national legislative frameworks accordingly. The World Bank has thus far not directly endorsed a human rights based approach to development, but has argued that it contributes to their realization through tangible development outcomes as well as through support for governance and public sector reforms. In addition, in recent years the World Bank has supported "social accountability" initiatives which share many features with rights based approaches to development.

The purpose of this paper is to explore the common features and linkages between rights based approaches to development and social accountability initiatives as well as suggest how social accountability initiatives can be strengthened by taking into account the principles of a rights based approach more explicitly.

The first section of the paper presents an overview of both rights based approaches to development and social accountability. The section also outlines five principles of rights based approaches to development, namely:
- The poor should be placed at the center of the design, control, oversight and evaluation of the development projects that affect them.
- The institutions responsible for implementing development programs should be fully accountable for their actions.
- Non-discrimination, equality and inclusiveness should underlie the practice of development.
- Citizen participation and voices should be "scaled up" and linked with national and international policy processes and international rights frameworks.
- An active linkage should be made between development and the legal institutionalization of human rights.

The second section analyses four specific cases of social accountability initiatives which have served as models for or are directly supported by the World Bank: the Bangalore Citizen Report Cards implemented by the Public Affairs Centre in India, the Malawi Community Scorecard implemented by CARE, the Justice for the Poor program initiated by the Government of Indonesia with support of the World Bank, and the construction of a "System of Social Accountability" for public expenditure management developed by the Government of Peru and supported by the World Bank and other development partners.

Using these cases, the paper finds a high degree of mutual reinforcement between rights based approaches to development and social accountability initiatives. In addition, in the final section, the paper points to three problems that social accountability initiatives need to address in order to strengthen their impact: (a) a tendency to take up an exclusively local level perspective on issues, (b) top-down design of initiatives, and (c) failure to link up with the legal structure. Social accountability entrepreneurs intent on taking up rights based approaches to development would do well to explicitly address and work to overcome these issues in their work.

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Acknowledgements

I. Introduction

There is an emerging consensus within the international development and academic communities that development means much more than just the growth of the Gross National Product. Amartya Sen has called for an understanding of development as "a process of expanding the real freedoms that people enjoy" (Sen, 1999) in which both "substantive" freedoms like food, life and health and "instrumental" freedoms like free speech, transparency and protective security are equally important. The United Nations Development Program has articulated a vision of "sustainable human development" defined as "expanding the choices for all people in society" and including the principles of Empowerment, Co-operation, Equity, Sustainability and Security. The World Bank's mission of "fighting poverty and improving the living standards of people in the developing world" demonstrates its commitment to understanding development as a multi-faceted and complex process. The United Kingdom Department for International Development (DFID) also explicitly claims that it is an "investor in the people" whose mission is to "promote sustainable development and eliminate world poverty."

A "rights based approach to development" promises to offer solid ground on which to base these efforts at restructuring the theory and practice of development. DFID defines this approach as "empowering people to take their own decisions, rather than being the passive objects of choices made on their behalf" (DFID, 2000: 7). The Office of the High Commissioner for Human Rights (OHCHR) understands it as an approach that "links poverty reduction to questions of obligation, rather than welfare or charity" (OHCHR, 2004: iii). The World Bank has not explicitly endorsed a human rights approach to development. Nevertheless, in documents such as *Development and Human Rights: The Role of the World Bank*, published in celebration of the 50th anniversary of the Universal Declaration of Human Rights, it has made statements that reveal its general support for the approach. "Creating the conditions for the attainment of human rights is a central and irreducible goal of development. By placing the dignity of every human being—especially the poorest—at the very foundation of its approach to development, the Bank helps people in every part of the world build lives of purpose and hope" (World Bank, 1998: 2).

In recent years, the World Bank has begun to support a diversity of "social accountability" initiatives (World Bank, 2004a; Ackerman, 2005). Such initiatives range from citizen report cards in the Philippines, Albania and Uganda and community scorecards in the Gambia and Malawi, to access to justice programs in Indonesia and the development of a "system of social accountability" in Peru. One may well look at such projects as building the basic lessons of a rights based approach into the World Bank's lending practices. As a recent World Bank document claims, "social accountability is a right" which is grounded in "a new manifestation of citizenship based on the right to hold governments accountable by expanding people's responsibility" (World Bank, 2004a: 1).

How exactly are social accountability initiatives linked to human rights? In what ways are social accountability and a rights based approach complementary and when and where might they come into conflict? How is social accountability linked to the broader international human rights agenda? These are the questions that motivate and guide the discussion in the paper below.

The second section of the paper presents an overview of both rights based approaches to development and social accountability and explores the possibilities for articulating the two approaches. The third section then presents four specific cases of social accountability initiatives which have served as models for or are directly supported by the World Bank: the Bangalore Citizen Report Cards implemented by the Public Affairs Centre in India, the Malawi Community

Scorecard implemented by CARE, the Justice for the Poor program supported by the World Bank in Indonesia, and the construction of a "System of Social Accountability" in Peru also supported by the World Bank and other development partners. In this third section the central issue is to explore how these projects are grounded in and constitute a step towards fulfilling a rights based approach to development. Finally, the paper ends with some concluding remarks on how social accountability initiatives can be more closely linked to a human rights approach in the future.

II. Rights Based Approaches and Social Accountability

This section provides a general introduction both to rights based approaches to development and to social accountability. In addition, it proposes a general framework for exploring the interrelation between these two approaches.

A. Rights Based Approaches to Development

The promotion and defense of human rights have become increasingly important values in the world today. The vast majority of countries have signed the International Covenants on Civil & Political Rights and Economic, Social & Cultural Rights. In addition, the Universal Declaration of Human Rights holds sway over national practices and international relations. Indeed, human rights talk is perhaps even more mainstreamed today than talk about democracy. It is difficult for a country to explicitly defend non-democratic politics, but it is almost impossible for it to affirmatively promote violations of human rights.

People typically think of human rights as involving the defense of what are called civil and political rights, the so-called "first generation" of human rights. This involves rights such as those to life, liberty and security, protection against torture, and freedom of speech and assembly. Nevertheless, according to the principal of the "indivisibility" of human rights, "whether of a civil, cultural, economic, political or social nature, they are all inherent to the dignity of every human person. Consequently, they all have equal status as rights, and cannot be ranked, a priori, in hierarchical order" (UN 2003:1). Therefore, "economic" and "social" rights (often referred to as "second generation rights") like the right to work, social security, education and health are just as fundamental as civil and political rights.

Upon signing the principle international covenants, states are thereby obliged to defend and promote all of the fundamental human rights of their citizens. There are always issues of resource scarcity and "justiceability"[1] which complicate this task. This is especially the case in the area of "second generation" rights. Nevertheless, governments who sign these agreements have placed upon themselves the duty to do all that they can to guarantee a minimum floor of livelihood for the population. The "progressive realization" of rights is sometimes the only possibility. It is not always possible to fulfill all rights all of the time. Sometimes tough choices need to be made in order to guarantee overall forward progress. Nevertheless, there is a self-obligation to move toward the fulfillment of all rights in the medium to long term.

In addition to self-obligation, the international human rights agenda usually implies international pressure and sanction through conditionality or other means. If a country or an international organization has a "human rights policy" this is normally interpreted to mean that it is willing to consider this also as the basis of its foreign policy or development assistance. This agenda is essentially judgmental. If a country is evaluated as having failed to defend the basic human rights of its inhabitants it is marginalized from the international scene.

The World Bank has been hesitant to adopt such a stance since it appears to violate Article IV, Section 10 of its Articles of Agreement which state that "the Bank and its officers shall not interfere in the political affairs of any member; nor shall they be influenced in their decisions by the political

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[1] Understood as the ability to legally require the state to guarantee these rights.

character of the member or members concerned." Conditionality based on the human rights record of a country has therefore been interpreted to be equivalent to meddling in "political" affairs.

Nevertheless, the World Bank has found other ways to talk about human rights. As already cited above, on occasion of the fiftieth anniversary of the Universal Declaration of Human Rights the World Bank clearly stated its commitment to promoting human rights. In this document, the World Bank enumerates how it "contributes directly to the fulfillment of many rights articulated in the Universal Declaration. Through its support of primary education, health care and nutrition, sanitation, housing, and the environment, the World Bank has helped hundreds of millions of people attain crucial economic and social rights" (World Bank 1998: 3). The document also mentions how the World Bank contributes in a "less direct, but perhaps equally significant" manner to the strengthening of human rights. "By helping to fight corruption, improve transparency and accountability in governance, strengthen judicial systems, and modernize financial sectors, the World Bank contributes to building environments in which people are better able to pursue a broad range of human rights" (World Bank 1998: 3).

The World Bank's effort to engage with the practice and discourse of human rights in this document and others is clearly a move in the right direction. This is a much more fruitful strategy than simply writing off human rights as a purely "political matter". The World Bank here implicitly takes the contrasting position that the defense of human rights is a moral or ethical issue intimately linked to the process of economic development.

Nevertheless, the perspective offered in this document is a long way from what has come to be considered a "rights based approach to development" (RBA). This is because the World Bank here envisions human rights as purely an *outcome*, not a *method* of intervention. According to the World Bank, any action that leads to the fulfillment of basic necessities automatically also helps the realization of human rights precisely because it resolves basic necessities. This argument is circular and it folds economic development and human rights promotion into one. From this perspective, there is no value-added to incorporating human rights into economic development.

RBA should therefore be distinguished both from the application of international pressure and conditionality and from perspectives like those of the World Bank's 1998 text on *Development and Human Rights*. The central question for RBA is not so much *whether* a particular regime does or does not respect the rights of its citizens or what the *final result* of a development project is with regard to the rights of the population, but *how* we approach the task of development.

Specifically, the core objective of RBA is to invert the power relationships between policy makers, service providers and the poor. Instead of envisioning development as a process by which governments, foundations or international agencies channel resources to "help" excluded groups overcome poverty and suffering, the human rights approach starts by acknowledging the *entitlements* of the poor. As a result, according to this perspective "service providers" and "policy makers" are better conceptualized as "duty-bearers". It is their obligation, not their choice, to guarantee the human rights of the poor, the "rights-holders".

The legal structures which make the claims of the "rights-holders" judicially defensible are not always in place. Although some countries have constitutional provisions which guarantee citizens right to employment, health care and education, many others simply do not. In addition, even in those countries which do have such legal guarantees, there are few examples in which normal citizens have actually successfully brought legal suits against the government for the failure to fulfill basic economic, social and cultural rights.

Regardless, from the perspective of RBA, development programs should be designed as if these structures were in place. This does not mean that development planners should always be watching their backs, wary of the next potential law suit. But it does mean that development should be conceptualized as something which originally *belongs* to the people, not to the government or to international agencies. In practice, this means that development projects should live up to the following five basic principles common to most understandings of RBA:

- First, the poor should be placed at the center of the design, control, oversight and evaluation of the development projects, programs or policies that affect them. Empowerment and active participation of the poor is one of the backbones of RBA. Indeed, according to authors such as Clare Ferguson (1999) and J. Hausermann (1998) the right to participation should be seen as the foundational base of the rights approach since it is the prerequisite to claiming all of the rest of the human rights. The very act of demanding the fulfillment of one's rights requires an active subject who is in control of his or her life, a participant in his or her own process of development.

- Second, the institutions responsible for implementing development programs or policies should be fully accountable for their actions. As "duty bearers" they are obliged to behave responsibly, look out for the larger public interest and be open to public scrutiny. From this perspective, corruption, inefficiency and secrecy are more than just unfortunate practices. They are morally wrong and constitute an aggression against humanity.

- Third, non-discrimination, equality and inclusiveness should underlie the practice of development. Development should be understood as a "public good", similar to public parks or national defense, from which no one can be excluded and the benefits are shared among all. If development is seen to be the privilege of a few or projects are managed in an exclusive fashion favoring only those with "good connections" or from the "right" ethnic group we have departed from the RBA approach. This also means that participation should not be limited to "professional", "well behaved" NGOs. Grassroots and political organizations should also be included.

- Fourth, citizen participation and voices should be "scaled up" and linked with national and international policy processes and international rights frameworks. All too often participation occurs at the local community or neighborhood level with regard to program implementation, but citizens are not involved in the broader decisions that have an impact on the structure of national public policy. A human rights approach obliges development programs to constantly be on the look out for the links between the local, the national and the global, between service delivery, public policy and international relations[2].

- Fifth, RBA encourages the active linkage between development and law. This means at least two different but related things. On the one hand, the citizen participation, accountability and inclusiveness which ground the RBA approach should be institutionalized in law, not left to the good will of public servants or the presence of specific civil society leaders. On the other hand, development projects should use the

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[2] This of course does not mean that all levels need to be addressed simultaneously. The local level is often a strategic entry point in contexts where the national political situation is highly resistant to citizen participation. Nevertheless, the nature of the power structures that RBA looks to oblige development efforts to always look for opportunities for scaling up and articulating the different political levels.

language of rights explicitly and encourage citizens to pursue the legal defense of their rights at the national and international levels[3].

RBA therefore gives a very different taste to development. As Andrea Cornwall has argued, instead of talking about "beneficiaries with needs" or "consumers with choices" the human rights approach speaks of "citizens with rights" (Cornwall, 2000, 2002). Citizens are active subjects in the political sphere, not objects of intervention by government programs or passive choosers in the marketplace. This of course does not mean that RBA cannot be applied when working with "consumers" or "beneficiaries". To the contrary, these areas offer some of the most productive opportunities for applying this approach. For instance, the organization of consumers to evaluate the quality of the goods provided at a local store or the intervention of beneficiaries in the design of government social development programs are both good examples of the RBA approach. RBA draws on the "logic" of political citizenship but it can and should be applied to all areas of human life, including the market, society, and service delivery.

In the end, RBA can be envisioned as the application of the basic principles of the Universal Declaration of Human Rights in the area of development. For instance, the Norwegian government has defined RBA as "a concept that integrates all human rights norms, standards and principles of international human rights systems, including the right to development, into the plans, policies and processes of development" (NAID 2002, as cited in Interaction 2004).

B. Social Accountability

An accountable government is one that pro-actively informs about and justifies its plans of action, behavior and results and is sanctioned (positively and negatively) accordingly (see Ackerman, 2005 for a complete discussion of the concept of accountability and the role of civil society in its enforcement). The core elements of accountability are therefore information, justification and sanction. A fully accountable government would approach these tasks in a pro-active manner and do so along all three temporal dimensions (past, present and future). Accountability is one of the most effective ways to combat corruption, clientelism and capture and thereby assure "good governance", but it is not the only strategy. For instance, democracy, economic development and international pressure are other strategies that may be equally effective depending on the circumstances. Nevertheless, pro-accountability reform is an essential element of any good governance strategy.

Accountability reform has traditionally been thought of as an essentially internal governmental affair. For instance, "Weberian reforms" like civil service reform and the improvement of internal auditing, evaluation and surveillance usually have little to do with civil society. Indeed, the central idea behind such "old" public management reforms is to rationalize and isolate the bureaucracy. Alternative strategies like the creation of independent pro-accountability agencies also usually fail to incorporate society. Most independent agencies are isolated bastions of technocrats. Marketization strategies such as privatization or the implementation of private sector management

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[3] This emphasis on legal recourse is not inconsistent with the principle of "progressive realization" of human rights discussed above. The fact that we should have laws on the books that ensure the social and economic rights of citizens and that people should be encouraged to use these laws to defend themselves does not mean that governments can miraculously escape from the problem of resource constraints. Even the most well meaning and honest governments cannot fulfill all rights at once. They need to make hard choices which are directed towards fulfilling rights in the medium to long run.

techniques involve society in an indirect fashion as consumers but are also a far cry from stimulating civic engagement.

"Social accountability" is therefore a relatively new strategy which is distinct from Weberian reform, independent agencies and marketization (Ackerman, 2005). It can be defined as "an approach towards building accountability that relies on civic engagement, i.e. in which it is ordinary citizens and/or civil society organizations who participate directly or indirectly in exacting accountability" (Malena, Forster & Singh, 2004: 1). There are a great variety of initiatives that fall under this category. Initiatives as different as participatory budgeting, administrative procedures acts, social audits and citizen report cards all involve citizens in the oversight and control of government and can therefore can be considered social accountability initiatives. Specifically, there are six different distinctions which can be used to capture the variety of social accountability mechanisms: punishment vs. reward based mechanisms, rule following vs. performance based mechanisms, level of institutionalization, depth of involvement, inclusiveness of participation, and branches of government (see Ackerman 2005 for a full discussion of each one of these distinctions). In short, social accountability initiatives can be as diverse and multifaceted as society itself.

C. Elective Affinities

As we will see below, RBA and social accountability initiatives are natural partners. RBA requires citizen participation and government accountability, precisely the central concerns of social accountability. Equality, non-discrimination and inclusion also should find a comfortable home in social accountability initiatives since these initiatives stimulate the participation of common people in the supervision and control of government.

Social accountability also scales up participation. Instead of seeing citizens as simple "users" whose participation should be limited to deciding when and where X or Y service should be implemented, social accountability envisions them as "citizens" who can engage in and evaluate the entire planning and evaluation process from beginning to end. As Anne Marie Goetz and Rob Jenkins have argued,

> There is almost nowhere on earth that citizens or their associations have either been given access and information on, let alone a more substantive role in, formal auditing processes. Indeed, even in the far less sensitive area of expenditure *planning*, there is just a handful of experimental cases world-wide encouraging citizen involvement. Citizen *auditing* strikes at the heart of practices that preserve the powers of bureaucrats and politicians: the secrecy in public accounts that can mask the use of public funds for personal advantage (Goetz & Jenkins, 2001: 375).

Citizen participation in holding government to account breaks with the superficiality of much of "civic participation" discourse and practice. It is one thing to take into account the opinions of the poor or the citizenry in general when planning public policy. It is quite another to allow the people to watch and evaluate the actions of government as they unfold. The latter is far more effective in stimulating good government and much more empowering for the citizens who participate.

Social accountability also easily supports the legal defense of human rights. Once citizens are mobilized in supervising the government it is a small step for them to start demanding and designing new laws as well as using the existing laws to back up their claims against the state. There is great potential for setting up positive feed-back loops between social accountability and the law. In addition, the respect for human rights, in particular basic civil liberties, are a pre-condition for effective social accountability initiatives.

There is, therefore, an "elective affinity" (Weber, 1958) between RBA and social accountability initiatives. Each one has its own distinct identity, neither one is a subset of the other, and there is not a direct link of "causality" between the two. Social accountability does not automatically and mechanically lead to the adoption of RBA or vice versa. Nevertheless, there is a magnetic attraction between the two concepts/practices. Each one needs and significantly strengthens the other in both theory and practice.

There are different forms and degrees by which social accountability initiatives can fulfill the promise of rights based approaches to development. For instance, as we will see below, there is a tendency for social accountability initiatives to come up short on the last two elements of RBA, "scaling-up" and "legal recourse". In addition, there are sometimes problems with the issue of inclusiveness, as when social accountability initiatives are designed in a "top-down" fashion and only involve elite NGOs. In general, when social accountability initiatives break with exclusive localism and elitism, are designed in a bottom-up fashion and are legally institutionalized, or otherwise give rise to legal recourse, they can be said to be more fully grounded in a human rights approach.

II. Case Studies

This section explores four case studies of social accountability initiatives which have served as models for or are directly supported by the international development community: the Bangalore Citizen Report Card implemented by the Public Affairs Centre in India, the Malawi Community Scorecard implemented by CARE, the Justice for the Poor program run by the World Bank in Indonesia, and the construction of a "System of Social Accountability" in Peru also supported by the World Bank. For each case we give a brief summary of the initiative and then explore how it can be considered to be an example of RBA.[4]

A. The Bangalore Citizen Report Card

The use of citizen "report cards" is on the rise throughout the world. In recent years, report cards have been supported by the World Bank in Uganda, the Philippines and Peru. Beyond the World Bank, the methodology has been taken up by municipal residents in the Ukraine and numerous cities in India. The experience that began this flurry of innovation is the report card originally organized by Samuel Paul in Bangalore, India in 1994, and then repeated in 1999 and 2003 by the Public Affairs Centre (PAC).[5]

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

The report card methodology was therefore developed in order to expose government agencies to the "consumer feedback" they are lacking. As one report on the application of the methodology in the Philippines states, "The Filipino Report Card (FRC) reflects a shift in thinking about Filipinos as clients rather than beneficiaries" (World Bank, 2003b: 12). Samuel Paul puts the same point in a different manner:

> The 'take it or leave it' attitude one comes across—especially at the lower levels of the bureaucracy—is no doubt due to the fact that the government is the sole supplier of most services. This is in sharp contrast to the practice of seeking 'customer feedback' that is common in the business world, or at least among those who produce and sell goods in the competitive market place (Paul, 2002: 31).

The guiding idea behind the methodology is to introduce market-type incentives to the functioning of government. Through the report card methodology, agencies can see how their performance changes from year to year as well as compare themselves to other agencies in a comparative, competitive dynamic similar to that imposed by the market. This occurs through the independent action of a civil society organization and the power of information. As one PAC staff member has written, "the long term significance of [the report card] process is its message to the staff of

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[4] It should be noted that with the exception of the Malawi case, none of these initiatives were originally designed explicitly from a RBA perspective.

[5] Although we will not analyze these experiences here, PAC has also recently conducted Report Cards in several other cities in India as well.

government agencies that citizens matter, their voice has to be heard and responded to, and that the process is neither temporary nor reversible" (Balakrishnan, 2004).

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

In Bangalore the report card has played a crucial role in reenergizing public services (Ravindra, 2004: 17-18). Specifically, nudged forward by the results of the report card, various agencies like the Bangalore Water Supply and Sewerage Board (BWSSB) and the Bangalore Development Authority (BDA) have initiated training programs to improve customer service skills of their staff. The Bangalore Municipal Corporation (BMC) has established a new, more transparent and less corrupt property tax system. The Karnataka Electricity Board has installed a system that facilitates bill collection through the use of mobile counters.

In addition, in the year 2000, shortly after the release of the second report card, the Chief Minister of the state government where Bangalore is the capital created the Bangalore Agenda Task Force (BATF). This was an innovative effort to improve public services through the participation of civil society. The BATF institutionalized citizen voice by inviting civil society leaders to sit on its board of directors and implementing its own report cards evaluating the quality of public services. This initiative can be credited with much of the improvement in services in Bangalore that has taken place over the past decade.

When the PAC repeated the report card in 2003 it discovered that there had been a radical transformation in the evaluations of public services. While overall satisfaction levels had ranged between 5% and 25% in 1994, and between 16% and 67% in 1999, by 2003 they had skyrocketed to between 64% and 96% (Paul, 2004). Even the lowest ranking of 64%, given by the poorest households to the police department, is extremely high given the sensitive area it deals with. In addition, scores of 94% for the Bangalore Electric Company and 96% to the Transit Corporation amid middle class households are absolutely phenomenal.

It is difficult to attribute these changes and new programs exclusively to the report card. For instance, the radical change in public services experienced since 1999 occurred when the new minister had a strong majority in the legislature. Nevertheless, it is clear that the implementation of the report card methodology has had a great deal to do with the improvement of the satisfaction scores registered between the three report cards.

Samuel Paul (2004: 4) has explained that there are three different ways in which the report card served as an important stimulant to change. First, it compensates for weak government self-monitoring by providing information to agency heads about consumer satisfaction. This information is invaluable to reform minded public servants in so far as it allows them to best orient their efforts at agency reengineering. Second, it creates a "glare effect" which pressures badly performing agencies to improve their performance and introduces competitive pressures into the management of all government agencies as heads constantly compare their performance to others. Third, report cards stimulate the organization and mobilization of society. The information gives

civil society a solid basis on which to pressure for improved services and obliges government agencies to open themselves up more to the voice of clients.

Viewed from a human rights perspective, the report card methodology clearly moves pro-accountability reform in the right direction. By forcing public servants to take into account the opinions of citizens the power relationship between bureaucrats and the people begins to shift. As we saw in the above quote by Samuel Paul, report cards put the typical "take it or leave it" attitude of bureaucrats into question by demonstrating that they are not the only ones whose opinions or comfort matters. As citizens, the people have a right to express their opinions on the quality of the services the government provides and a right to know the general opinion of these services. The Bangalore Report card therefore strengthens the peoples' right to information and to freedom of expression. As Paul has written elsewhere,

> The relevance of this tool for the poor cannot be overemphasized. It is difficult and costly for poor people to make their voice heard in powerful and large public agencies. Often their voice may not be correctly represented by their leaders or even mediating organizations. The survey methods used by report cards permit the poor to make their voice heard directly an with minimal bias. Report card findings can empower the poor by giving them information that they can use in their interactions with service providers (2004: 22).

It is important to point out that report cards also have some important weaknesses when viewed from a human rights perspective. They do not put citizens *directly* in charge of their own development; they are designed by NGOs, often applied by market research firms and do not automatically give citizens access to any new *government* information about how public services are run. In and of themselves, the use of report cards does not necessarily link up to a human rights approach to development.

Nevertheless, the use of citizen report cards can play a crucial role in the implementation of a human rights approach. When report cards are linked up to capacity building initiatives in civil society, widespread dissemination of information and hard nosed advocacy work, the human rights potential of report cards is multiplied a manifold. When grassroots groups are involved from the very beginning of the process we are even closer to fulfilling the promise of the human rights approach to development. As Paul has written, "though a report card on public services can be conducted as a technical exercise, the dissemination and advocacy work to follow will benefit a great deal if concerned civil society institutions are involved in the process from the start" (Paul, 2004: 22).

The original 1994 Report Card was much more of a "technical exercise" than the following ones. In 1994 PAC held a press conference and spread the results widely through the media. But in 1999 and 2003, in addition to organizing a large press conference the Centre also presented the results directly to top public officials and organized a series of public meetings at which citizens and bureaucrats could discuss and analyze the results as well as start to design strategies for change. In addition, in a follow-up report card applied specifically to users of Maternity Homes run by the Bangalore Municipal Corporation, PAC became directly involved in designing possible solutions to the problems uncovered by the survey. As A. Ravindra writes, "a progression in the influence of the report card can be seen to move from limited impact (with dissemination of feedback) to more impact (with dialogue and public pressure for change) to greater impact (with advice on reform) corresponding to the reactive, proactive and reformist roles of the PAC over a period of time" (Ravindra, 2004: 22).

B. Community Scorecards in Malawi

The community scorecard methodology is inspired by the experience of the citizen report cards applied in Bangalore and elsewhere, but includes various new innovations. First, while citizen report cards are run by professional NGOs and consulting firms, community scorecards are developed and applied by the service users and service providers. Second, while citizen report cards are oriented principally towards providing and disseminating information on public opinion, the central objective of community score cards is to make decisions and develop action plans. Table 1 below summarizes the key differences between citizen report cards and community scorecards.

Table 1: Key Differences between Citizen Report Cards & Community Scorecards

The Citizen Report Card	The Community Scorecard
- Unit of analysis is the household/individual - Information collected via a survey questionnaire - Relies on formal stratified random sampling to ensure that the data is representative of the underlying population - The major output is the actual perceptions assessment of services in the form of the report card - The media plays the major role in generating awareness and disseminating information - Conducted at a more macro level (city, state or even national) - More useful in urban settings - Time horizon for implementation is long (about 3-6 months) - Intermediary plays a large role in conducting the survey and data analysis - Feedback to providers and the government is at a later stage after media advocacy	- Unit of analysis is the community - Information collected via focus group interactions - Involves no explicit sampling. Instead the aim is to ensure maximum participation of the local community in the gathering of information. - Emphasis here is less on the actual scorecard and more on achieving immediate response and joint decision-making - Relies more heavily on grass-roots mobilization to create awareness and invoke participation - Conducted at a micro/local level (village cluster, and set of facilities) - More useful in rural settings - Time horizon for implementation is short (about 3-6 weeks) - Role of intermediary is mostly as facilitator of the exercise - Feedback to providers is almost immediate and changes are arrived at through mutual dialogue during the interface meeting

(Source, World Bank 2004c: i)

The community scorecard methodology was first developed in communities surrounding the Chileka and Nthondo Health Centers in Malawi by CARE through its Local Initiatives for Health (LIFH) project in 2002. In Malawi there is a long history of deficient provision of health care services to the poor. The central objective of the project is to improve the provision of health services to the rural poor through the empowerment of the user community. Since 2002 the methodology has been expanded to many more health centers as well as "scaled up" to the district level.

The model applied in Malawi includes four basic elements. First, facilitators organize community meetings with villages surrounding the specific health center to be evaluated. These meetings are organized and run in close coordination with village leaders and particularly with the members of the Local Health Committees (LHC) which are made up of citizens concerned about the state of health care in the area. The meetings in the first villages were facilitated by CARE staff with the idea of training community leaders to run them themselves. Later meetings were run by the trained community leaders with only occasional support from CARE staff.

At these meetings the participants are asked to talk about their health problems, their access and use of health services and their opinions of the health center under evaluation. The facilitator then works to help the participants design a list of indicators that can be used to evaluate the health center. In the case of the Chikuzamutu and Ndevu clusters surrounding the Chileka health center the communities together generated a total of 22 indicators. Finally, the participants are asked to rank the performance of the health center along each one of the indicators. In this case the communities used a 1-100 scale. Representatives from each village then get together at the "cluster" level of various villages and prepare a collective scorecard which takes into account the concerns of the community as a whole.

Second, the staff at the health clinic goes through a similar process. They are asked to discuss the present situation at the clinic, develop a series of indicators and rank their performance along these indicators. In the Malawi case the indicators and the evaluations of the clinic workers were very similar to the indicators and evaluations developed by the community members.

Third, an "interface meeting" is organized where community members and clinic staff present their respective scorecards, compare the outcomes and try to work together to design solutions to the common problems identified. In the Malawi case the action plans that arose from the interface meetings emphasized various ways in which service could be improved by changing the behavior of the health center staff, providing information to service users, administrating resources better and increasing the amount of resources available to the health center. Table 2 summarizes the central elements of the two action plans developed at one health center in Malawi.

Table 2: Community Scorecard Action Plans in Malawi

First Action Plan, August 2002	Second Action Plan, April 2003
Introduce a notice board at the health centre, providing details of drug availability **	Have separate lines for women waiting to attend anti-natal and family planning clinics
DHO team to carry out surprise supervision visits to the health centre, and to talk with patients	The behavior of one health centre staff should change (the cleaner) ++
HSAs to visit communities regularly	CARE to respond to the proposals it has received from the communities
The number of HSAs to be increased	HSA should visit communities regularly and have discussions with them ++
Health centre staff will not show any bias in service provision **	Adequate drugs to be made available at the health centre
Health centre staff to show a positive change in their behavior and attitude (show respect to patients, not to be rude, etc) **	Collaboration among the health centers regarding the use of the ambulance
Health Centre staff to be punctual and to observe working hours **	HCC should be trained in the use (and updating) of the notice board
Health workers should be transferred after three years of service at any health centre	Ensure notice boards are regularly updated
Health centre services to be provided on a first-come-first-serve basis **	
Health centre attendants show more politeness to patients**	
HCC members to visit VHCs regularly	
Health centre staff should not be biased when distributing drugs and food (for supplementary feeding programmes) **	

** implies activities that have already been initiated or accomplished *(Source, Shah, 2003: 20)*
++ are the action items repeated in the second action plan

Fourth, the action plans need to be implemented and followed-up. In Malawi a second scorecard was implemented six months after the first one in order to see how much of the action plan had been fulfilled and to develop a new plan for the following six months. Table 2 comprises the central issues included in the second action plan and also indicates which of the elements of the first action plan had already been initiated or accomplished by the time of the second interface meeting.

There is evidence that there was significant improvement in the service of the health center between the two scorecard processes and that most of this improvement can be attributed to the implementation of the community scorecard. Almost all of the indicators received higher scores in the second scorecard and there was quite significant improvement particularly in the areas of "respect for patients", "listening to patients' problems", "honest and transparent staff", "giving priority to serious cases", "no discrimination in providing supplementary nutrition", and "no preferential treatment". Table 3 below summarizes the change in scores between two scorecards for two different health facilities.

Table 3: Increase of scores between the two scorecards (6 month period)

	Indicator	Increase in scores in March 03 as compared to August 02	
		Chakuzamutu cluster	*Ndevu cluster*
1	*Positive attitude of staff*	*5*	
1.1	Punctuality of staff	10	25
1.2	Polite behavior	10	35
1.3	Listening to patients' problems	35	50
1.4	Respect for patients	70	10
1.5	Respect for patients' privacy	5	20
1.6	Honest and transparent staff	43	20
2	*Management of the health center*	*25*	
2.1	Cleanliness	15	20
2.2	Observing working hours	20	10
2.3	Giving priority to serious cases	40	20
2.4	Short waiting time for consultation	0	15
3	*Quality of services provided*	*15*	
3.1	Adequate supply of drugs	15	20
3.2	Adequate equipment	10	10
3.3	Adequate and qualified staff	25	5
3.4	Emergency services available 24 hours	5	25
3.5	Providing multiple services every day	10	15
3.6	Emergency transport services	0	0
3.7	Communication facilities (telephone, radio message)	0	10
4	*Equal access to the health services for all members of the community*	*25*	
4.1	No discrimination in providing drugs to the patients	5	20
4.2	No discrimination in providing supplementary nutrition	20	30
4.3	No preferential treatment	10	40
4.4	Maintaining a first come-first serve policy	50	0

(Source, Shah, 2003: 19)

From a human rights perspective the Community Scorecard methodology represents a significant improvement over the Citizen Report Card strategy. Unlike the experience in Bangalore, the Malawi process was truly citizen run and "bottom-up". The community is involved from the beginning to the end of the process and is encouraged to directly participate in the design of

solutions and the oversight of compliance. In addition, since the scorecards are designed and implemented by the service users themselves in an open community meeting there is much greater room for them to discuss issues beyond simply their "satisfaction" with a particular service. There is an opportunity for them to discuss the fundamental right itself, their health, and the reasons for why it is as it is and they are not limited exclusively to evaluating the performance of service providers. Indeed, CARE explicitly claims that the implementation of the community scorecard falls within a "rights based framework" which, for them, implies the principles of "access to information", "participation in decision making process", "accountability", "transparency", "equity", and "shared responsibility".

The strength of the community scorecards in terms of human rights is therefore the area of "bottom-up participation". The scorecard methodology builds on previously existing community organizations by working with village leaders and with the members of the Local Health Committees. It also encourages the expansion of participation, as evidenced by the differences between the proposals in the first and the second action plans. As Shah writes, "while the first scorecard, and the action plan, stressed the behavior and attitude of the health centre staff…the second action plan seems to focus more on the quality of services provided by the health centre" (Shah, 2003: 20). She then continues on to argue that the participants "may be testing the process for what it can deliver…Once they gain some confidence in the process, and see some positive outcomes, they may attempt the more difficult and complex issues" (Shah, 2003: 20). This is an extremely positive outcome indeed and is a clear indicator of community empowerment.

In addition, over the past two years the LIFH project has developed a district level model and has even begun to explore possibilities for scaling up the methodology to the national level. At the district level, authorities have now started to involve the local health facilities in the annual planning and budget formulation process. In this way citizen participation and empowerment has begun to filter up to the broader level of policy making. At present, "local level action plans now feed into the district level planning and monitoring process. Results from the local level scorecards have not only been discussed and used at the health facility level, but there have been opportunities for the different communities and service providers to meet and share experiences at various fora" (Shah, 2004). This incremental expansion of the project is crucial in so far as it helps overcome the "localism" often present in participatory initiatives.

The community scorecard initiative is an excellent example of a rights based approach to development in action. It breaks with many of the problems identified above with citizen report cards and promises to lead to the very real empowerment of the users of public services. Indeed, there is no reason why such a strategy should be limited to small rural areas. Similar mechanisms can be used just as effectively in highly urbanized settings and at the district or national level. This scaling-up as well as the institutionalization that would necessarily go along with it represent the two principal challenges to the future consolidation of the community scorecards as an example to follow.

C. Justice for the Poor Program in Indonesia

The Justice for the Poor program represents a highly innovative effort to make justice work in the developing world. The Indonesian justice system has recently emerged from almost forty years of an "integralist State" under Sukarno's New Order government, where the lack of a true separation of powers severely undermined the autonomy and the strength of the judicial branch. "The New Order government homogenized, co-opted and corroded many of the informal institutions through

which people resolved disputes and defended their interests, putting in their place a powerful, centralized bureaucracy backed by a strong military" (World Bank, 2004d: 4).

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

The Indonesian government has recently showed some signs of interest in implementing national level reforms that look to professionalize and strengthen the judicial branch, captured in the Supreme Court's recently released "Blueprints for Legal Reform". Such reforms include changing the recruitment, selection, promotion and transfer policies for personnel who work in the justice system, including the police force, the prosecutor's offices and the courts. In addition, the government has talked about increasing salaries, expanding operational funds and improving decaying infrastructure. Such technical solutions are crucial to strengthening the judicial system and making it more autonomous and effective.

Nevertheless, the World Bank's Justice for the Poor initiative is based in the conviction that such reforms are not enough. The "demand side" for justice also needs to be strengthened. Individuals, communities and civil society at large need to be empowered both to use the judicial system to resolve their disputes and to oversee the judicial system to assure that it functions well.

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

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

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

Power and empowerment are at the center of this study. Cases are only resolved successfully when power imbalances are explicitly challenged through the use of extra-institutional mobilization. For instance, it is not enough to simply provide technical legal aid for communities or individuals

looking to use the legal system. The most effective legal aid is that which is conceptualized as part of a "broader community advocacy effort". "Legal empowerment efforts should target concrete cases and use them as opportunities for integrated activities: providing legal assistance, mobilizing socially and fostering links to civil society institutions to monitor the legal system" (World Bank, 2004d: 68).

In addition, the study points out that informal mechanisms are most effective when they are backed up by a strong legal system. We should not romanticize the effectiveness of informal, community-based forms of dispute resolution. "Community leaders in all the cases that were resolved informally employed some threat of legal sanction, whether direct or indirect: the threat of legal sanction was used as a means to improve informal bargaining power" (World Bank, 2004d: 32). In other words, "informal negotiations take place in the 'shadow of the law'. In cases where the courts are strong, informal negotiation should be strong. Where the courts are weak, informal negotiation will often be weak" (World Bank, 2004d: 33).

In sum, this study successfully deconstructs the typical dichotomy between strong states and strong societies. Here we have a clear example of "state-society synergy" in action. State institutions like the justice system are most effective when civil society is mobilized and social institutions such as informal dispute mechanisms are most effective when the state can back them up with credible threats of justice.

The study therefore concludes that one of the most effective strategies for reforming the justice system in Indonesia is through bottom up community empowerment. "Formal legal improvements should focus not just on systemic improvements to the legal system, but on providing the information and facilitation that villagers need to access it, linking them with civil society groups and media, and helping them to monitor it. They should also be conceived as part of a broader effort at community empowerment" (World Bank, 2004d: 66).

This of course does not mean that the national political debate is unimportant. As the World Bank itself points out, "the problems to be tackled through the Justice for the Poor program are national institutions that operate at the local level, not local problems"(World Bank, 2004e: 14). Nevertheless, "building up pressure from the bottom and a track record of using the legal system successfully is expected to move the overall national governance agenda forward" (World Bank, 2004e: 14).

To advocate for justice reform does not necessarily imply taking up a rights based perspective. Indeed, most justice reform programs are designed in an entirely technical, top-down fashion. Although the *results* of such programs, if successful, almost inevitably imply an improvement in the defense of the rights of the population, this does not mean that the programs themselves are designed from a rights based perspective.

Fortunately, the Justice for the Poor program takes a rights based approach. First, "service providers" are clearly conceptualized as duty-bearers. This applies both to those who are responsible for running development projects and for those who work in the justice system. On the one hand, the initial study focuses on cases of corruption in World Bank funded programs. Fourteen out of the seventeen cases explored are of this nature. This emphasis on corruption clearly arises out of a rights based approach which emphasizes that development funds are not the property of those who administer them, but of the public at large. The community is therefore within its rights to protest against malfeasance. Legal recourse is eagerly encouraged.

On the other hand, the emphasis is on the duty of the justice system to respond to the public interest. The police, the prosecutors and the judges are not kindly asked to behave in an institutional and objective manner, but are required to do so through the pressure of civil society. Justice is clearly conceptualized as a right, not as a gift that comes down from high.

Second, "bottom up" participation is given a high value. The emphasis on taking "informal" village institutions for dispute resolution seriously demonstrates a careful sensitivity to previously existing practices. "Villagers whose lives are so strongly bond by relationships of trust and reciprocity are thus reluctant to solve many kinds of disputes through litigation or criminal prosecution, which are by nature adversarial and deliver win/lose outcomes that are seen to be at odds with the demands of village life"(World Bank, 2004d: 37). In addition, proposals like the establishment of village tribunals or "conciliation councils" that would give formal recognition to local organic dispute resolution mechanisms also show a committed interest in building from the ground up. Finally, the recommendation that "one of the most effective ways for donors to ensure that their interventions are made relevant to villagers' interests is to use pre-existing projects at the local level as avenues for legal empowerment interventions" (World Bank, 2004d: 68) also shows a clear commitment to a bottom-up understanding of participation.

The participation envisioned by the program is also clearly expansive in nature. The idea is not simply to get some cases resolved, but to mobilize society so that it is able to better resolve its own cases and pressure the judicial system to function better in the long run. For instance, the report argues that "the most successful case leaders were those who were able to build coalitions with civil society organizations to place scrutiny on the legal system while mobilizing a range of institutions—each with its own stake in seeing the cases resolved, such as the World Bank or local government—around the cases at hand" (World Bank, 2004d: 54).

In general, power is at the center of the Justice for the Poor initiative. The program looks to compensate for power imbalances both within the formal justice system and within the communities. "Shame" and social pressure are often not enough. Legal action and social mobilization are key elements in any pro-accountability initiative grounded in a human rights perspective since they are some of the few instruments that actually check the influence of powerful elites. The program is presently only at the preparatory stage. Nevertheless, the approach being taken in the preparatory studies holds great promise for the future implementation of a full human rights approach to development.

D. Peru's Social Accountability System

After the fall of the Fujimori government in September 2000 Peruvian society was thirsty for both greater accountability and expanded democracy. The corruption scandals that brought down the president left the population with a profound distrust of government and Fujimori's heavy handed style of rule had limited the democratization of the Peruvian state. It was therefore natural for Paniagua's transition government, and Toledo's government afterwards, to emphasize accountability and citizen participation in their attempt to reconstruct government legitimacy. As the World Bank argues, "governance in Peru was long characterized by its lack of popular participation and transparency, either in the design or in the implementation of public programs. By the end of the 1990s, however, transparency, participation and social control had become strongly asserted priorities of the country's citizens" (World Bank, 2003a: 15).

One of the most important initiatives taken during the transition period in 2001 was the creation of *Mesas de Concertación para la Lucha Contra la Pobreza (MCLCP)*. These "Round Tables for Attacking Poverty" brought together government officials with representatives of civil society to design social policies to combat poverty. The objective of the *Mesas* was to "institutionalize the participation of civil society in the design, decision-making and control of poverty-related programs" (World Bank, 2001: 17). Half of the Executive Committee of the MCLCP consisted of civil society representatives and a central element of the *Carta Social* that emerged from the discussions was the active participation of civil society organizations in the planning and monitoring of local development programs (Felicio & John-Abraham, 2004: 1). These *Mesas* built on the experience of the national Poverty Forum which had been held each year between 1998 and 2000 in which over 250 representatives from governments, donors, NGOs and the academia participated.

Shortly afterwards, in 2002, building on the experience with the *Mesas*, national development goals were put together and then formalized in a National Agreement (*Acuerdo Nacional)*. This agreement involved seven national parties, the church, industry, business sector and labor unions committed to the agreement. The National agreement includes four strategic areas: 1) Institutionalization of democracy, 2) Social equity and the fight against poverty, 3) Competitiveness, and 4) Anti-corruption.

Beginning in 2001, the government also launched an ambitious decentralization program. It created regional administrations as a new level of government and began to transfer a significant amount of resources to these sub-national units. Simultaneously, it involved the regions in a participatory budget experiment which led to wide ranging public discussions about the priorities for public investment. As a result, 22 out of the 24 regions formulated "concerted plans" and participatory budgets for 2003. Indeed, "40 percent of the regions completed participatory budgets with support from all of the public regional administrations, all mayors, and the principal civil society organizations" (Felicio & John-Abraham, 2004: 2). Felicio & John-Abraham point out that future plans include: 1) training local and regional authorities to formulate concerted plans and participatory budgets, 2) constructing a legal framework to establish a stable institutional environment, and 3) updating plans and participatory budgets for the upcoming national budgets.

Other initiatives include the strengthening of community participation in the management of local health clinics through the expansion of the *Comunidades Locales de Administración de Servicios de Salud* (CLAS). One of the benchmarks for the first stage of the Programmatic Social Reform Loan that the World Bank extended to Peru beginning in 2001 was the expansion of the proportion of the public primary clinics under the CLAS arrangement from 15 to 20 % (World Bank, 2001: 14). In addition, under this loan a "Task Force" was created between the Ministry of Finance and the

national Ombudsman to "recommend measures for building the capacity of beneficiaries/grass roots organizations to utilize proactively budget information that will be increasingly available to the general public" (World Bank, 2001: 18). Finally, the Ministry of Education has begun to open itself up more to public participation. On January 13, 2001 the ministry launched a new *Comisión para un Acuerdo Nacional por la Educación* ("Commission for a National Consensus on Education") which includes representatives from civil society, academia, the teachers' union and industry.

These "bottom-up" initiatives have been joined with other equally important "top-down" initiatives to form an emerging "system of social accountability" in Peru. For instance, the ministry of finance has updated its "Integrated Financial Management System" to include budget information on all three levels of government and made its internet site much more user-friendly and easily accessible by civil society organizations.   Indeed, facilitating public access to this information was an important benchmark for the first stage of the World Bank loan and a "trigger" for the second stage of the loan. As the World Bank states, this "information and data will help beneficiaries, NGOs, civil society and others to exercise social control over social programs by allowing them to verify whether programs are actually spending resources in those areas where they claim to be, whether geographic targeting is appropriate, and whether there appears to be any politically-motivated use of social expenditures" (World Bank, 2001:17).   Finally, the National Statistics and Information Institute (INEI) was granted greater autonomy and strength and questions regarding public perceptions about government transparency have been included in the National Household Survey applied throughout the country.   Table 4 summarizes the principal elements of Peru's pro-accountability system.

Table 4: Peru's Emerging System of Social Accountability

	Initiative	Objective	Actions
1.	**Participatory Development Planning**	Identify needs and priorities through participatory process that serves as the basis for budgetary decision-making.	• The *Mesas de Concertación* produced Concerted Development Plans.
2.	**Participatory Budget Formulation (PBF)**	Determine budget allocations as efficiently and transparently as possible by ensuring that budget decisions reflect consensus-determined priorities and removing information barriers between state and society.	• Budget allocations based on Concerted Development Plans.
3.	**Open Budget Information**	Ease access and use of public information to enhance budget analysis by citizens and public officials alike, to enhance public knowledge and accountability.	• The Financial Integrated Monitoring System was modified to supply budget information for national, regional, and local levels. This "friendly window" was made internet accessible to CSOs and local governments. • Independent budget analysis initiated by a CSO/think tank.
4.	**Ensure Reliable Information**	Improve quality and credibility of information systems by using autonomous and credible sources of information with external oversight.	• National Statistics and Information Institute (INEI), was regulated to ensure its independence and information reliability. • A presidential decree was approved and enacted to standardize and centralize information produced and used by government ministries through the Geographic Information System (GIS).
5.	**User-Feedback on Services**	Solicit opinions and feedback on efficiency and effectiveness of services and monitor transfers from central to local governments.	• Report cards were used to supervise protected programs for a set time. (See text box—*Participatory Management Monitoring Tool*) • SIVISO, a pilot monitoring and accountability program, supervised by the Ombudsman – government of Peru – CSOs, was constructed.
6.	**Measure Improvements in Transparency and Openness**	Evaluate progress in levels of transparency and openness in policy processes.	• A transparency module was included in the IV National Household Survey (ENAHO) to establish a baseline.

(From Felicio & John-Abraham, 2004: 2)

Jointly with other donors the World Bank has supported the emergence of this system mainly through a Programmatic Social Reform Loan (PSRL) divided into three parts, initiated in 2001 and continuing through today, for which strengthening social accountability mechanisms has been a central element. The objective of the accountability aspect of the loan is the depoliticization of social spending, the elimination of corruption and the improvement of targeting of social programs. "Transparency regarding allocations, expenditures, and the on-the-ground operation of poverty alleviation programs is important to facilitate appropriate targeting, prevent any politically-motivated use of expenditures, and eliminate corruption" (World Bank, 2001: 16).

The other areas of the loan have focused on safeguarding critical social expenditures during a period of economic transition and crisis, improving the articulation and coordination of social policy, facilitating the access of the poor to social programs, and rationalizing of social expenditures. During the second period of the loan (PSRL II) these diverse areas were reorganized into three "pillars" of social reform: the "dignity" pillar which shifts government spending towards the basic needs of the poor, the "equity" pillar which expands coverage of health and education programs, and the "institutionality" pillar whose central objective is to improve transparency and social control over resources.

In sum, with this loan the World Bank seeks to apply a "partnership approach to policy formulation". The World Bank explains that this is so important because "at this critical time in Peruvian history, the role of civil society organization in promoting constructive open debate and exercising social control over the use of scarce public resources becomes even more relevant. New voices and groups are beginning to emerge during this transition period in the country, such as groups led by young professionals, youth organizations, and local committees" (Annex 5, World Bank, 2001: 58).

People often mistakenly think that social accountability mechanisms are only practical or effective at the local level of communities or neighborhoods. When we think of such mechanisms the first images that tend to come to mind are small, face to face community meetings in rural areas or, at the very largest, participatory budgeting at the level of city governments. The Peru case is so important because it shows how social accountability can also be an effective strategy at the national level.

The broad based nature of the initiative immediately moves it closer to a human rights perspective. For instance, one test for whether a project sees the people as citizens, beneficiaries or consumers, is to evaluate whether the participants are encouraged to look beyond localistic and immediate concerns. The *Mesas de Concertación* and the participatory process for the formulation of the 2003 national budget are national efforts which involved society at large in discussing the future of the country as a whole. As a result, they necessarily tapped into the full capacities of the population as citizens, not only as beneficiaries or consumers.

The fact that the concept of citizenship and rights as the basis of social policy is explicitly drawn into the Peruvian government's policy framework is also a positive sign. "The main objective of social policy is to generate conditions of equity where the population will have access to more opportunities that will allow them to reach an acceptable standard of living. This implies access to basic goods to satisfy their essential needs, with effectiveness, efficiency and adequate quality, and with the ultimate purpose of raising their productive capacities and assets (human, social, institutional, financial capital). This will allow a sustained promotion of economic growth and fostering of human and citizenship rights" (Social Policy Letter, World Bank, 2001: 38).

The participatory mechanisms also have a healthy dose of "expansiveness". Participation is not limited only to information provision and protest. The involvement in participatory budgetary processes and the design of a new community based mechanism for social control, the SIVISO, show that there has been a clear commitment to expanding citizen participation beyond just its "watch-dog" function of oversight and towards a more full involvement with decision making as well. For instance, the Peruvian government clearly states that "a fundamental component of the [social development] strategy will be promotion of the population's active participation, not only to exercise control over the direction of social expenditure, but also to involve them gradually in the process of local management (planning, management, supervision, etc.) of the resources related to

the development of social policies and the decentralized provision of basic social services" (Social Policy Letter, World Bank, 2001: 40).

Overall, the Peru case is extremely important in so far as it challenges pro-accountability reformers to think about innovative ways to tap into the dynamism of civic engagement at the national level. It obliges us to think about truly expansive participation in which the population is understood as a "partner" to development, as full citizens with a say equal to that of government bureaucrats and politicians.

III. Strengthening Social Accountability

The implementation of social accountability initiatives is an excellent way to implement the central principles of rights based approaches to development. All four cases examined represent serious efforts towards making citizens participants in their own development. The Bangalore Citizen Report Card significantly breaks with the inward looking nature of government bureaucracies, the Malawi Community Scorecard involves communities directly in improving public services, the Indonesian Justice for the Poor program encourages community empowerment and mobilization in making the justice system work, and the emerging System of Social Accountability in Peru brings citizens to the table when deciding national policy.

Nevertheless, it is still possible to strengthen the human rights content of these and other social accountability initiatives. Three challenges appear to be the most important. First, exclusive localism continues to be a problem. With the exception of Peru, all of the cases are local level initiatives that don't clearly or directly engage with the national or international political spheres. For instance, in the Indonesia case although links are made to the national level debate on judicial reform and some mention is made of the forces that oppose reform, these seem to be more of an afterthought than a central motivating force for the initiative. In the "Idea Note" on the program the authors claim that at the national level there are "entrenched interests opposing reform both outside and within the sector, and there is reluctance of the government to challenge such powerful stakeholders during the current phase of the transition" (World Bank, 2004e: 2), but there is no analysis of exactly what these interests are or of how they have tried to resist reform. Instead of engaging with the complexities of national reform, the program seems to turn its back on this issue with the statement that "the same national-level stakeholders who oppose national reform in some sense have a strong interest in local reforms since they wish to retain popular acquiescence or support for the current regime" (World Bank, 2004e: 2). The "stakeholders" are not mentioned by name and the problem of their resistance is entirely skirted by shifting to the local level.

There are no doubt advantages with having the opposing forces on your side. But there are also disadvantages. Won't their (whoever "they" are) involvement at the local level militate against the possibility of the local reforms "moving the overall national governance agenda forward" as is apparently the intention of the initiative? The absence of a full discussion of who the opposing forces are and of the complexities of the scaling up process puts into doubt the extent to which the Justice for the Poor initiative will truly be able to confront and transform the power structure that maintains so many people without their most basic human rights in Indonesia.

Second, "top down" design remains an important challenge. With the exception of Malawi, all of the cases have had difficulties with involving full grassroots participation. For instance, in the case of Peru while there has been a great deal of success in the consolidation and expansion of the government run Integrated Financial Management System (SIAF) which provides information to the public about government budgets and spending, the citizen side of the equation has lagged behind. One example of this is that the World Bank's Implementation Completion Report for PSRL II reveals that the much touted System of Social Vigilance (SIVISO) "has not progressed as intended" (World Bank 2003a: 16). The blame for this is placed on the fact that the *Defensoría del Pueblo*, which was supposed to coordinate the initiative, "has been without a designated chief executive for almost 3 years and appears to have lost the dynamism needed to play its expected role as promoter of transparency and social control" (World Bank 2003a: 16). However, the *Defensoría* was not the only actor supposedly responsible for designing the SIVISO. The "Task Force" put together for the project was made up of the *Defensoría* along with the Ministry of Finance, the World Bank and civil society groups (World Bank, 2001: 18). In addition, the *Defensoría* does not

consist only of its chief executive, but employs thousands of Peruvians committed to defending human rights. If the problem is three years old, why wasn't it dealt with earlier? Why weren't alternative partners identified who could push forward this community organization agenda? Overall, it appears that there has been a stronger commitment on the part of the government and the World Bank to strengthening the top-down and technical aspects of the accountability system than to engaging with the messier bottom-up elements of the system.

Third, the existing social accountability initiatives still generally fail to link themselves up to the legal structure. With the exception of Indonesia, all of the cases ignore legal recourse as a central strategy and thereby fail to fully conceive of service providers as duty holders. For instance, the Bangalore Report Card conceptualizes the problem with public services as one of incentives looks to convince or "nudge" public servants to change their ways. The obligation that service providers have to perform well is not emphasized either in the survey or in the dissemination of the information.

In Malawi there is a similar problem. The LIFH program does not explicitly understand service providers as duty-holders.   Shah admits as much when she claims that "interestingly, the pilot process has led the partners towards a rights-based approach without actually discussing any 'rights' per se" (Shah, 2003: 23). This is especially worrisome given the fact that there already exists a charter of citizens´ health rights in Malawi. Shah has argued that "maybe in the next 6-12 months these will be shared with the service users and providers in this project. This will be done only when the process has matured enough to handle new ideas from outside" (Shah, 2004). Such a perspective seems to hold onto an artificial separation between what is "internal" and what is "external". If the right of citizens to adequate health care is not explicitly mentioned in the process it is difficult to imagine how one can speak of service-providers as duty-holders. The first step towards such a strategy is to inform the citizens of their rights and explicitly help them see public services as obligations which the government has towards them.

Overall, the Citizen Report Card methodology appears to be the social accountability initiative which is the farthest away from the fulfillment of the promise of the human rights perspective. The top-down nature of its organization and its firm commitment to conceptualizing the people as consumers greatly limits its ability to put human rights in action. This does not mean that report cards are ineffective or that they actively violate human rights. To the contrary, experience has shown that citizen scorecards are highly effective at improving government accountability and performance and that they can play an important role in complementing other initiatives which have strong human rights content. The application of a full human rights perspective should not lead us to abandoning scorecards, or any of the other initiatives discussed above, but should encourage us to rethink their design and to go beyond them to implement other initiatives which more fully empower the people as citizens.

The most positive case from a human rights perspective is the Justice for the Poor Program in Indonesia. The program's solid commitment to engaging citizens in a long term fight for justice and in synthesizing preexisting practices with legal recourse demonstrates that it has its feet solidly planted in the human rights perspective. The Peruvian case is particularly interesting because of the national reach of the program. The Malawi case is the only one that involves outside agencies directly in the messy process of community organizing and mobilization.

The World Bank has thus far not explicitly endorsed a rights based approach to development. Nevertheless, the recent initiative to support a "Community of Practice on Social Accountability" within the World Bank is a crucial step in the right direction and pushes the institution towards many of the central themes of the human rights approach. Any agency that is interested in allowing

such social accountability initiatives to flourish should more wholeheartedly endorse a human rights perspective. In this way social accountability entrepreneurs would be able to tap into a great diversity of new practices and discourses which would greatly strengthen their initiatives.

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