

IFAD Conference

**SOCIAL AUDIT SCHEMES:
ENGAGING THE PUBLIC**

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Chapter 1: Introduction

Marco Soliman

1.1 Background

“It is not only what we do, but also what we do not do, for which we are accountable.” - Molière¹

With a global population of six billion and counting, the traditional role of governments has changed to be more “service-oriented.” This dramatic shift from the classical view of government to the service-oriented has brought more questions of transparency and participation between local governments and people of the community to ensure accountability of government which leads to fostering development.²

For over a decade, international organizations such as World Bank have had growing interest and involvement in social accountability initiatives, which derive from its core goals of promoting poverty reduction and effective and sustainable development.³ The international community has recognized accountability as a crucial element of empowerment of the poor which leads to poverty reduction.

The traditional effort made by the international community to enhance accountability and to tackle the challenges associated with it has been through supporting what is described as “supply side” of governance such as political checks and balances, administrative rules and procedures, auditing requirements, and formal law enforcement agencies like courts and the police. These “top-down” accountability promoting mechanisms approach have met with only limited success in many countries whether

¹ French playwright and actor 1622-1673.

² Budget resources just for investment increased from \$54m in 1992 to \$70m in 1996 (Wagle and Shah 2003).

³ See generally World Development Report 2001, “Attacking Poverty”

developing or developed.⁴ As a consequence, new approaches were been applied such as establishing independent accountability agencies like ombudsmen other approaches including privatizing public institutions or contracting services to a private sector in an attempt to bring market based accountability to the public sector.⁵

With limited success from application of the above approaches, more attention has now been paid to improving the “demand-side” of governance through strengthening and building the capacity of citizens, especially the poor and marginalized, to directly demand greater accountability and responsiveness from public officials. Demand-side efforts involve increasing participation of citizens in direct discussions with public servants in a constructive matter to achieve accountability for the operations and decisions taken by local governments. The increasing demand by the people to be engaged in supervising the activities of public sector led to emergence of “social accountability” and increasing attempts to conceptualize it.

1.2 Aims and Objectives of this Paper

This paper aims to shed light on the emerging concept of social auditing and social accountability by briefly explaining its importance, key features, and applications based on the experiences derived from many countries around the globe. This paper will focus on primarily on social accountability initiatives to public sector rather than private sector.⁶

⁴John Ackerman, *Social Accountability for the Public Sector: A Conceptual Discussion*. A paper prepared for the World Bank cited at Social Development Papers: Participation and Civic Engagement Paper No. 82 March 2005 Carmen Malena *et al.*

⁵ *Ibid*

⁶ A brief overview is provided in section 2.1 below.

This paper will attempt to answer the following set of questions to highlight the concept of social auditing schemes and their crucial role in enhancing accountability and transparency: What are they? Why have they come about? What gaps do they fill? How do they alter the normative matrix? What rights of citizenship do they engage with? Should this accountability system be replicated more broadly? What alternative systems for social audit exist today, particularly in the realms of social media? What form of regulation do social audits and similar initiatives provide? What are the challenges and opportunities of further developing these types of accountability schemes? Is legal enforcement necessary to make social audits effective? How do social audits contribute to the debate around transplants and “imported” rule of law?

1.3 Chapter Outline

Chapter II will provide background information on the emerging concept of social auditing and social accountability schemes in general. This part will discuss briefly social auditing mechanisms and how such mechanisms ensure public engagement and participation in local government activities, enhancing efficiency and transparency, and how they are linked to poverty reduction. Chapter III discusses the challenges involved in implementing social audits, opportunities for replicating or expanding social accountability mechanisms, and the question of enforcement. Chapter IV will be discussing the emerging role of media and more specifically the social media in enhancing citizen powers.

Finally, chapter V will conclude with a discussion of social audits as a form of regulation, the proliferation of social accountability as a tool of development as it relates to the debate around imported rule of law, and the prospects for future development of social accountability to enhance citizen engagement.

Chapter II: Social Auditing and its Importance

Marco Soliman

2.1 Social auditing: a brief history

Social audit dates back to the 1970s, when private corporations in the western hemisphere responded to concerns raised by consumers and environmental movements. Corporations responded to demands by implementing several approaches to actively involve stakeholders and communities in the decision-making process. Corporations concluded that if they reached out to key stakeholders, they could better understand impact and needs, improve products and services, produce healthier and more productive corporate culture and in turn strengthen their productivity and profits, such practices by corporations are generally known as corporate social responsibility (CSR).⁷

In the 1980s, the social audit concept shifted from the private to the public sector in response to new emerging democratic governance trends led by international organizations such World Bank. As more countries transitioned to democratic governance, civil society organizations (CSOs) gained greater space to participate particularly in areas dealing with human rights, gender and environmental issues and international organizations focused on democratic governance issues like accountability and transparency.

As countries continued to consolidate democratic governance in the 1990s and 2000s by regularizing periodic and more transparent electoral processes, social audit gained additional attention as concerns over the quality of democratic governance increased.⁸ Generally

⁷ UNDP-Argentina (2009) *Manual to Implement the Citizen Audit Program for Municipalities*; USAID (2008) *Social Audit Toll Handbook: Using the Social Audit to Assess the Social Performance of Micro-Finance Institutions*. Washington D.C.: Chemonics; IPPF (2007) *Social Audit Manual: A Guide to Support Beneficiaries to become Right Holders*. New Delhi-India: IPPF South Asia Regional Office; *Grupo Fundemos* (2008) *Social Audit Manual*. Managua: USAID/*Grupo Fundemos*; and UNDP-Guatemala (2006) *Moving Step by Step to Social Audit*.

⁸A Practical Guide to Social Audit as a Participatory Tool to Strengthen Democratic Governance, Transparency and Accountability. UNDP Panama 2011.

speaking, citizens around the world have become somewhat suspicious about the impact of democratic institutions and public policies in their daily lives. Although citizen participation has expanded, however, economic prosperity associated with democratic governance is regarded as slow to especially in developing countries, perceptions of corruption have increased. On the other hand, lack of institutional accountability and transparency mechanisms, and growing perceptions that corrupt practices adversely affect investment and economic growth, all undermine confidence and trust in democratic leaders and institutions. As a result, public support for democratic governance can decrease and mistrust may grow.⁹

2.2 What is social auditing?

In order to explain the social auditing concept, it is essential to provide to definition of social auditing.

Social audit can be defined as “a process by which the people, the final beneficiaries of any scheme, program, policy or law, are empowered to audit such schemes, program, policies and laws.”¹⁰ In other words, social audit can be regarded as checking and verification of programs or initiatives implemented by local government and their results, by the community with the active involvement and participation of the primary stakeholders, with the aim of effective implementation of such programs or initiatives and control of irregularities.

Social auditing is comprised of several salient features which constitutes its basic principles. Three specific principles had been drawn from social auditing literature. They are:

⁹ Diamond, Larry (2008) *The Spirit of Democracy: The Struggle to Build Free Societies Throughout the World*. New York: Holt Paperbacks; and Bekkers, Victor, Geske Dijkstra, Arthur Edwards, and Menno Fenger, eds. (2007). *Governance and the Democratic Deficit: Assessing the Democratic Legitimacy of Governance Practices*. England: Ashgate Publishers.

¹⁰ Social audit, Ministry of Rural Development Government of India (undated)

- Transparency: complete transparency is associated to all administration processing and decision making. Such transparency implies a full right to access to all relevant information.
- Participation: A rights-based approach is essential for all concerned persons in the community to participate in the process of decision making and validation.
- Accountability: Immediate and public responsibility of elected representatives and government officials, to all the concerned people, on relevant actions taken by said representatives and government officials.

2.3 Where Social Audit can fit

Social auditing schemes are different from other types of auditing initiated internally by the government. However, they are related and complementary to other forms of auditing, including government or institutional audits conducted in-house or through external auditing institutions and rarely involving the participation of local concerned or affected stakeholders. Social auditing as discussed here can include what can be regarded as “people’s audits,” conducted by the people themselves, including concerned or affected stakeholders, sometimes with the support of organized movements or local nongovernmental organizations (NGOs). However, such support and auditing mechanisms can be unstructured and lacking in sustainability if not equipped with proper training and capacity building for the local stakeholders involved in conducting social audits. Thus, an important dimension of social audit and social accountability more generally is the adoption of regular structures or procedures that place social auditing on a middle ground between official government action and purely popular reaction. As described below, social audits as a tool of accountability and reform of governance

are often conducted jointly between the government and the people, directly or as represented through civil society.

2.4 Importance of social auditing

Accountability of public officials to the public is the cornerstone of good governance and democracy. The effectiveness of sole reliance on conventional supply-side (government) mechanisms of accountability and elections, or traditional demand-side mechanisms of accountability like protest rallies, has proved limited.¹¹ By involving citizens in monitoring government performance, demanding and enhancing transparency and exposing government failures and pitfalls, social accountability mechanisms are a powerful tool to fight public sector corruption. Additionally, social accountability mechanisms like social audits can contribute to improved governance and citizens (Figure 1).



Figure 1: Benefits of social auditing

¹¹Social Accountability: What Does it Mean for the World Bank, World Bank 2007.

The leading example of use of social auditing by a social movement is the case of the Mazdoor Kisan Shakti Sangathan (MKSS) (Worker's and Farmers' Power Organization) in India. The MKSS is grassroots organization based in Rajasthan's centrally located Rajsamand district. It has described itself as a non-party peoples' organization for a just and equal society.¹² The MKSS sought accountability for expenditure of public funds on social welfare programs that were not reaching the intended beneficiaries, and convened public meetings in villages at which public records regarding the program, obtained from sympathetic administrative officials, could be read out loud to the villagers, who could then assess whether the results they observed from the program matched the expenditures documented in the records. This "social audit" exposed malfeasance and empowered the citizens to act collectively to bring the program officials to account for the misuse of funds. In the process of experimenting with methods of compiling, sharing and verifying expenditure data at very local levels in the absence of a statutory framework which grant the people right to access to information, MKSS has developed a radical interpretation of the notion that citizens have a right both to know how they are governed and to participate actively in the process of auditing their representatives.¹³

In the 2004 World Development Report (WDR), the World Bank noted that the key to making services work more efficiently for poor people is to strengthen relationships of accountability between policymakers, service providers and citizens. According to the WDR 2004 framework, successful service delivery requires voice in policymaking with politicians and bureaucrats, so that clients (citizens) can monitor and discipline providers and policymakers can provide incentives for providers to serve clients. The social accountability framework illustrated in the WDR report (Figure 2) suggests how these accountability relationships can be

¹² The Mazdoor Kisan Shakti Sangathan website <http://www.mkssindia.org/> <last visited April 11, 2013>

¹³ Rob Jenkins & Anne Marie Goetz (1999): Accounts and accountability: Theoretical implications of the right-to-information movement in India, *Third World Quarterly*, 20:3, 603-622

operationalized and strengthened. By enhancing citizen information and voice, introducing incentives for bottom-up accountability and creating a mechanism for participatory monitoring and citizen-state dialogue and negotiation, social auditing mechanism can make a vital contribution to a more informed policy design and improved public service delivery.¹⁴

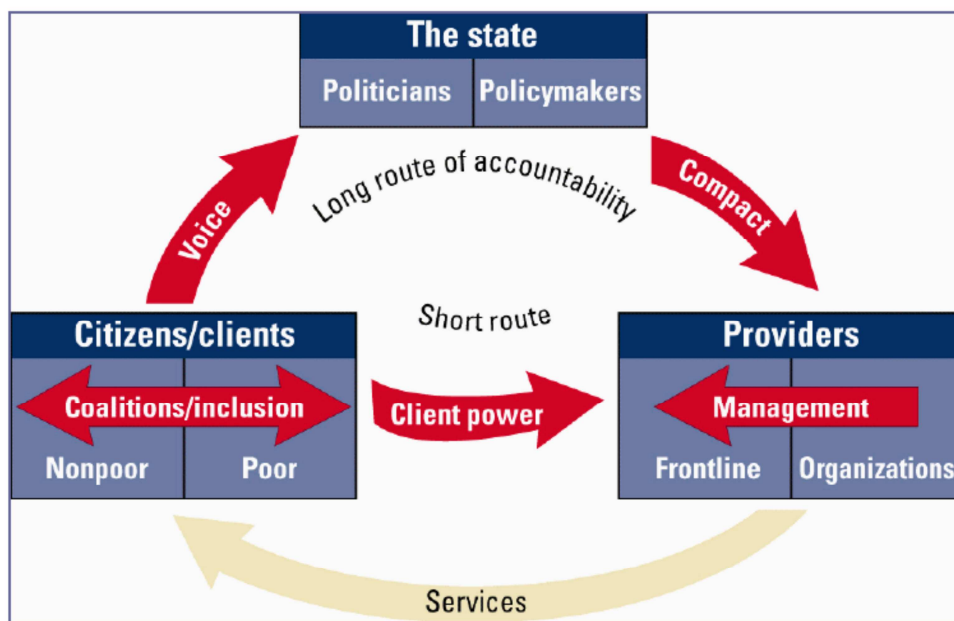


Figure 2: WDR 2004 Accountability Framework

¹⁴ Adikeshavalu Ravindra. 2004. *An Assessment of the Impact of Bangalore Citizen Report Cards on the Performance of Public Agencies*. ECD Working Paper Series No.12. Washington, DC: World Bank Operations Evaluation Department.

Chapter III: Challenges, Opportunities and Enforcement

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3.1 Participation and cooperation

As noted in the previous chapter, social audits and related mechanisms provide a means for well-meaning elites, civil society organizations and NGOs, and ordinary citizens to act jointly with the government to harness bottom-up pressure for improved accountability regarding government's social obligations. Social audit can therefore be seen as a win-win process that does not only ensure the discharge of social responsibility by the government, which benefits the public, but also gives the government a picture of itself for improved integrity, credibility and trust. As we have seen, the main concept of social auditing is engaging citizens to pressure government to be responsible and ensure that programs designed to benefit the public get delivered to them, while ensuring that the public, especially the poor and disadvantaged, have a say over what services are considered fit for them.

However, the ability of the public to question the status quo is often dependent on whether they have a sound legal backing. The right to freedom of information thus has strong connections to social accountability. As illustrated by the classic case of the MKSS, for the public to successfully challenge the government, possession of certain information is critical. Knowledge of entitlements is the foundation on which demand for their enjoyment is based. The democratic nature of social auditing guarantees participation of stakeholders, engenders good governance, transparent practices, accountability, and impact. Social audits seek to harness the power of direct feedback to accelerate social change and therefore require a deliberate effort from both the demand and supply sides.

Social audit clothes the public with the power to monitor and report on the activities of the government. The process of reporting is one of awareness creation. Through evaluation and reporting, the strengths and weaknesses of the actors are revealed. This then furnishes the actors with information on what worked and what did not in the pursuit of policy objectives. Based on that revelation, the stakeholders can re-strategize in order to achieve improved performance. Accordingly, it is clear that promotion of efficiency and elimination of fraud and corruption are central objectives of social audits. Social audits are an in-road for the public into the policy decisions of government institutions. Through participation, the public shifts from being mere observers to being decision makers.

3.2 Should social auditing be replicated more broadly?

This paper argues that social audits should be replicated on the strength of its advantages, some of which are listed below:

- ❖ It is a means of empowerment for the public.
- ❖ It is participatory- it strengthens democracy.
- ❖ It affords the public the opportunity to determine issues affecting them.
- ❖ It is a tool to secure accountability of managers of public funds and corporations regarding their social responsibility.
- ❖ It promotes and triggers behavioral change.
- ❖ It influences policy decisions.
- ❖ It is a tool for fighting corruption.
- ❖ It promotes good governance and transparency.
- ❖ It promotes the rule of law.

- ❖ It promotes human rights- right to the freedom of information
- ❖ It enhances efficiency and improved performance in public programs.
- ❖ Social audit process is transparent, fair and creates a win-win situation.

However, there are clear challenges to establishing social audit schemes that must be reckoned with in considering whether and how to replicate them. To illustrate the challenges, we will examine social accountability mechanisms as a tool for promotion of rule of law and development work and for monitoring government performance.

Social Auditing for Rule of Law and Development

Bearing in mind that rule of law and development work depends upon donors who sponsor projects and demand accountability to ensure value for money disbursed and the interest of the ultimate beneficiaries, monitoring of projects by the locals and beneficiaries is becoming an accepted mechanism by donors. The donors' interest is in the judicious use of project resources. For instance, GlobalGiving raised sponsors for the “Youths Sports Organization in Kenya” and set up a platform where donors and the ultimate beneficiaries were in constant interaction. The beneficiaries, members of the sports organization, were empowered to report on the operations of the organization through text messages and the internet.¹⁵ The procedure proved effective, given that GlobalGiving and sponsors of the organization were fed information on mismanagement of funds and absence of the involvement of stakeholders in decision making. Based on this information the alleged misconduct was investigated and confirmed. Sponsors withdrew funding and another organization was formed. As this example illustrates, social accountability methods allow the ultimate beneficiaries to effectively monitor development

¹⁵ Marc Maxson and Joshua Goldstein, “Technology-Aided “Real- Time” Feedback Loops in International Philanthropy” P. 2-8. (undated)

works targeted at the poor for intended and greater impact. Donors determine the terms of engagement and can incorporate such procedures into the contract.

Social Auditing of the Government

The government is the custodian and manager of a people's commonwealth. There is a responsibility on the government to provide the citizens with basic social amenities, create employment, ensure that citizens get quality services, and above all, to be accountable. In order to achieve government's accountability, public participation is critical. A feedback mechanism enhances better performance. There are four common objectives of feedback to wit:

Social Accountability: Citizen Feedback enhances transparency and reduces information asymmetries, which facilitates citizens holding their governments and international actors accountable for their actions.

Demand for Good Governance: Citizen feedback increases information availability, facilitates comparison between projects or locations and represents citizen interests in project decision-making and disbursement priorities.

Project Effectiveness: Citizen feedback serves a monitoring or grievance function to catch wrong doing as well as increasing understanding of local preferences, opportunities and constraints.

Citizen Empowerment: Citizen Feedback enhances involvement and ownership of beneficiaries in project decision-making and evaluation of success through establishing two-way information flow.¹⁶

Challenges to Public Involvement

Political Will: The will, interest and desire to establish a social audit is the first challenge.

Without a strong conviction on the part of the government it is difficult to facilitate citizen

¹⁶ Samantha Custer, "ICT-Enabled Citizen Feedback Loops" p.5.

participation in governance. The will to do strengthens government's resolve to put mechanisms in place.

Access to Information: The right to freedom of information underpins the ability of citizens to effectively hold their leaders to account. Because public officials are not known for disclosure of public information, a legal regime which confers on citizens the right to access and obtain public information is indispensable. In India, before the state of Rajasthan enacted a Right to Information law, the MKSS was limited in its efforts and achievements in monitoring public development programs. As noted above, the social audits of the MKSS relied on the benevolence of few concerned public officers who made relevant information available.¹⁷

In addition, having a law in existence is not sufficient. A law that is overly restrictive will in effect undermine the right of citizens to information. In Mexico, one of the limitations to social audit is inability of the public to have access to some key financial information such as the "trust fund" used strategically in public works.¹⁸

Cost: The cost implication of social audit is another factor militating against its establishment. To incorporate social auditing into official operations requires a functional institutional mechanism adequately staffed with qualified personnel. For governments and civil society groups alike; it also requires continuous training for individuals recruited to work at the community level. Beyond building personnel technical capacity, availability of facilities, office supplies, communications equipment and means of transportation are all necessary to actually implement social audits. Any aspect of the state's responsibility or performance sought to be

¹⁷ Social audit- Tracking Expenditures with Communities: The Mazdoor Kisan Shakti Sangathan (MKSS) in India <http://unpan1.un.org/intradoc/groups/public/documents/un/unpan024549.pdf> <last visited April, 5 2013>

¹⁸ Felipe Hevia de la Jara, Social Audit Mechanism in Mexico p.4 http://www.fundar.org.mx/mexico/pdf/right_to_know/SEC5%20Felipe%20Hevia.pdf <last visited April, 5 2013>

evaluated will require a certain basic knowledge or expertise. The MKSS in its early stage faced the hurdle of interpreting and analyzing obtained public documents.

Official opposition: Given that public servants are the people whose activities are subjected to scrutiny, social auditing tends to breed fierce opposition from them. Their antagonism manifests in failure to release relevant public information applied for by citizens. This is particularly the case where the law is silent on sanctions against such actions. Opposition to social audit could also take the form of loss of files containing such information.

Apathy: Social audit involves two parties. One is the demand part and the other is the supply side. A docile and uninterested public makes no demand on the state for accountability.

Failure of government to prosecute erring officials: When social audit recommendations are not implemented, the entire engagement of the public becomes merely decorative. This can be caused by corruption and lack of political will to make the law work for the citizens. Sometimes, governments bow to pressure from civil society organizations only to the extent of enacting laws, without more. But when a social accountability regime such as social audit is embraced by the government, the likelihood of its success is greatly increased.

For instance, in the state of Andhra Pradesh, India, where a social audit scheme was initiated and institutionalized by the state government, the government took the following active steps:

- The state Cabinet passed the Social Audit Rules and the Right to Information Law.
- The state set up a dedicated social audit unit, Andhra Pradesh Society for Social Accountability & Transparency (APSSAAT.)
- 44 State-level Resource Persons (Trainers) representing were CSOs recruited.
- 3. 440 District-Level Resource Persons (Trainers) were recruited.

- 4. 44,000 Village Social Auditors working at the grassroots were recruited.¹⁹

Based on findings made at the completion of its pilot social audit, the APSSAT immediately acted upon revealed deficiencies and fired 3 technical assistants and 34 field assistants for involvement in malpractice and corruption. Two First Information Reports (FIR) were booked against erring officials with the police and an amount of Rs. 59,786 was recovered from those involved in corruption.²⁰

3.3 Opportunities to further develop social audit mechanisms

Social accountability is gaining popularity, albeit at a gradual pace. However, the reports of places where it has been and is being practiced illustrate that there is opportunity for its broad replication. India exemplifies that social audit can be developed and implemented. The Indian experience shows that NGOs are major actors in the movement for social auditing. Through advocacy and campaigning, government attention is drawn to the needs of the people. Citizens have a role to play by insisting on their right to a voice in governance. A coalition of NGOs and the general public is a formidable force for achieving results.

Factors that support the development of social auditing in a society include:

- A growing awareness among public of their rights and the duties of the government;
- Globalization: with the ever-increasing transfer and exchange of ideas, practices and convictions via the media and inter-personal interactions, people become aware of trends in other countries and strive to replicate same.

¹⁹ Center for Good Governance, “Social Audit of NREGS (AP) in Andhra Pradesh” (2009.) P.4-5
<http://www.sasanet.org/> <last visited April, 5 2013>

²⁰ *Ibid.*

- Increasing influence of non-state actors in driving change: Notable non-state actors in the social accountability field include initiatives of the World Bank, including the Affiliated Networks for Social Accountability (ANSA) and the World Bank's Demand for Good Governance program. The World Bank has partnered with civil society organizations assembled together under ANSA to empower different regional publics to participate in achieving accountability. The activities of ANSA include:
 - To build a network of practitioners around the world
 - To equip CSOs and ordinary citizens with skills to play a more active role in holding their governments accountable
 - To provide knowledge platform for dissemination of information on good practices
 - To facilitate networking and regional exchanges among practitioners
 - To provide technical assistance and strategic support to practitioners²¹

Demand for Good Governance (DFGG) is a World Bank sponsored initiative that focuses on citizens' involvement to enhance democratic governance, improve service delivery and foster empowerment. It strengthens the capacity of NGOs, media, local communities and the private sector to hold the government accountable for result-oriented development programs.²²

3.4 The question of legal enforcement for effectiveness

When social auditing is considered in the context of donor-sponsored development work, laws may not be required to make social audits effective. Given that donors are in charge and determine the terms of engagement, it is exclusively at their discretion to liaise with the

²¹ <http://wbi.worldbank.org/wbi/content/affiliated-networks-social-accountability-ansa> <last visited April, 5 2013>

²² <http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTSOCIALDEVELOPMENT/EXTPCENG/0,,contentMDK:20509424~menuPK:1278120~pagePK:148956~piPK:216618~theSitePK:410306,00.html> <last visited April, 5 2013>

communities on monitoring of projects. Where a donor elects to involve the local community, a feedback mechanism is put in place to aid communication and information dissemination. In contrast, in the original context of social auditing as an aspect of CSR, laws do come into play. A corporation's relationship with society and the environment manifests in different areas that are regulated by law. This includes laws covering environmental protection, laws about the rights of workers to form unions, and laws setting out the responsibility of corporations to manufacture standard and consumption-worthy products. Without such laws, it is difficult to hold corporations responsible for the negative social and environmental consequences of their business practices based on solely market-based accountability forces.

In the same way, social auditing in the context of government accountability will require laws for its effectiveness. The law gives the public the legal backing to question the operations of public officers and hold them accountable. It allows citizens access to public information. In the absence of an enabling law, the public is stripped of power and corrupt, fraudulent public officers can go undetected.

Chapter IV: Media and Social Media for Enhancing Citizen Power

Zeeshan Ali Tahir

4.1 The rights and powers conferred through social accountability

Citizens are the ultimate beneficiaries of a government. A taxpayer who pays for social projects is invested with all the rights to monitor their performance, demand accountability for government functions, inspect utilization of public funds and social schemes, and demand the elimination of corruption. The cardinal rule governing citizen oversight is based on the principles of promoting public accountability and public policy-making.

Abraham Lincoln described democracy as *a form of government of the people, for the people and by the people*. For the process of democracy to flourish, three elements are indispensable: elimination of corruption, growth of public policy leading to healthy public programs, and empowerment of citizens. These essential elements are inextricably bound to the empowerment and mechanism for citizen participation conferred by social audits. Social audits confer three powers upon citizens that are key to the realization of democratic government: access to information, participation, and oversight.

Access to Information: Citizens have a right of access to any information that details the cost, operations and services offered by government agencies. Information relating to the social welfare programs and schemes should also be available to citizens. Structure of the programs, how they work and benefit people on the ground, is all the information that a citizen can claim as a matter of right.

Participation: The right to participate in the process of public accountability and question the government officials for their negligence or misconduct is integrated into different legal systems in the world. Mexico is one of the models where these rights are bolstered by national laws and regulations. Different state laws in India recognize the social audits carried out

by citizens committees. The findings of “panchayat” (a kind of citizens committee) are recognized under the local laws. Besides, panchayat members have all the rights participate in policy making.

Oversight: Community oversight is also recognized as a right. Establishment of complaint lodging mechanism within different agencies, offices of ombudsmen, the participation of non-profit organizations in government contracting and the oversight of a neutral third party in different contracts that governments enter into. NGOs bringing up cases of public interest litigation is another example that speaks of community oversight of government policies as of right.

The following are examples reflecting exercise of the aforementioned three rights in different ways:

Participation in Budgeting

There have been plenty of social audits undertaken mainly because of pressure in terms of securing effective and efficient delivery of services. Citizens are the right holders and the state is service provider. Questioning the allocation of budget for effective services and appropriate utilization are the rights of citizens.

An example of the citizens conducting social audit is the Children Budget Initiative by the Institute for Democracy in South Africa Budget Information Service in 1997. The service was set up to measure the results of the South African budget on children. The objective was to make an assessment of the quality and impact of budget spent on children in key public service. Those services included education, welfare, health, justice and policing. The assessment envisaged accentuating the importance of a system where children’s participation in development could be effectively secured. Another example is children in Brazil performing a

citizen accountability role to analyze the public budget in Ceara state. They influence budgetary allocations at the policy level that take into account the needs of children²³.

Citizen Monitoring of Service Providers

Poor women in Mumbai, India formed Rationing Kruti Samiti (RKS), or “Action Committee for Rationing.” They created vigilance committees to establish fair-priced distribution shops throughout the country. Based on a policy directive from the government, these shops were established. Women members monitored the quality and quantity of the subsidized commodities delivered in distribution shops from government warehouses. They monitored sales and ledgers with diligence on a daily basis and helped to stop corruption.

Citizen Initiation of Official Audits

In South Korea a system of Citizen Audit Request was introduced in 2001. The citizens can ask for audits where they feel a violation undermining the public interest has been done by any of the service provider organizations. A screening committee decides whether a particular request is maintainable. The approved requests are audited and the results communicated to the requesting party. Similarly, South Korea has set up a civil petition reception process where citizens can lodge petitions against any executive agencies.

4.2 The role of the media

Broadcast, print and electronic and print have played a pivotal role in facilitating and bolstering social audit schemes. Media help bring public attention to issues around government service delivery. Effective media exposure is often critical to supporting successful advocacy by citizen groups using social accountability methods.

²³ <http://unesdoc.unesco.org/images/0015/001570/157021e.pdf> <last visited April 5, 2013>

TV Talk Shows

Different TV channels both in the local and international contexts hold talk shows where politicians, government officials and representatives are invited. Anchors hosting these talk shows question the performance of policy makers. As a matter of practice, people from the opposition, in case of political discourses, are also invited. In cases relating to public welfare, health, education justice and civil rights, people from different segments such as teachers, students, activists of civil society participate and directly question the politicians or holders of public officials. TV talk shows and programs especially in developing countries have been instrumental in making the policy makers accountable against what they owe to people.

Newspapers

Newspaper opinion sections allow a range of people to write and expound their views on the policies and responsibilities of the government. These writers who belong to and reflect the views of civil society are often driving forces behind change towards a better and improved society. Investigative reports and editorials published by newspapers are often key to bringing attention to corruption and demanding accountability.

Documentaries

TV channels nowadays have extensive coverage of social issues and wherein they highlight the social injustices and disparities occurring in society. These documentaries help the voices of marginalized segments get to the high-ups. For example, in Pakistan there have been many cases of dismissal and removal of corrupt government functionaries where the victims spoke about their misconduct on camera.

Pakistan Case Study – Supremacy of Rule of Law and the Role of Media

This case study reflects on the vigorous role that media can play in holding corrupt leaders accountable. Pakistan got independence from British India in 1947. Since the time of its creation the country has traversed through fragile and unstable periods. For more than half of its history since creation, military dictators and power usurpers have ruled the country. Hence, rule of law and democracy have not had space to grow. In 2007, a General Pervez Musharraf, who then was the President of the Islamic Republic of Pakistan, sacked the Chief Justice of the Supreme Court. The reason for the sacking was the Chief Justice's refusal to comply with illegal instructions relating to a case before the Supreme Court. This event initiated an historic movement led by lawyers for restoration of the independence of the judiciary and the rule of law.

The full bench of the Supreme Court decided to restore the Chief Justice and declared the act of sacking him as null and void. The Chief Justice was incarcerated in his house for the first few months after his arbitrary removal. TV channels highlighted this issue as a peril and impediment to the rule of law. The continuous reporting by the media and discussion on TV talk shows, with participation from members of General Musharraf's cabinet, generate activism at the national level but also attracted international notice. The American Bar Association activists from different international human rights organizations joined with Pakistani lawyers to protest the government's actions. Concerted endeavors were made for restoration of judicial independence and to uphold the rule of law, and Chief Justice resumed his office.

A few months later, however, General Musharraf declared a state of emergency in the country, which had no legally justifiable basis. Five members bench of Supreme Court, led by the Chief Justice, declared the emergency as illegal and unconstitutional. Consequently, General Musharraf again sacked judges of the Supreme Court, including the Chief Justice. General

Musharraf promulgated a Provisional Constitutional Order (PCO) in flagrant violation of the Constitution and in excess of his presidential powers. The judges who took oaths under the PCO were allowed to continue in their positions, and the remaining judges who refused were placed under house arrest, under the strict monitoring of the military for months. Consequently, Pakistan's membership with the Commonwealth was suspended. Amnesty International, Human Rights Watch, and the European Union all expressed concerns over the deteriorating rule of law in Pakistan. As a result of pressure exerted by the international community, General Musharraf had to hold elections in the country to constitute a government elected through the democratic process.

Regrettably, the elections gave the presidency to Asif Ali Zardari, once known as Mr. 10% and now known as Mr. 100%, who had strong accusations of money laundering and corruption against him and many others who were officials in his cabinet. Naturally, President Zardari did not want a fair and independent judiciary to function in Pakistan. During the campaign, Zardari's party made promises of restoring members of the Supreme Judiciary. But after their government was formed, they were reluctant to restore judges. The Supreme Court operating in the country consisted of the judges who had taken the oath under General Musharraf's PCO, in flagrant violation of the explicit provisions of the Constitution. The result was an almost three years long struggle and long marches of lawyers joined by international groups of legal experts and human rights activists for restoration of judicial independence.

Questions surrounding the of undermining the rule of law and supremacy of the Constitution were repeatedly accentuated in newspaper articles and editorials, TV talk shows, and news reports both by the national and international media. The government lacked political will to restore the judges but finally had to succumb before the will of the people, and finally

restored the after a long march participated in by hundreds of thousands of people from civil society.

The role of media throughout the life of this movement was pivotal. This was a war for the establishment of rule of law in the country. The movement could not have been a success without media support. Opinions of legal experts published in the newspapers, their appearance on TV talk shows, and public shaming of the government through media reporting were all contributing factors that augmented the lawyers-led movement. And the media, including TV channels, had to face reprisals from the government for highlighting the issue. The offices of Geo TV, one of the most popular media groups, was invaded by police, all of their equipment was destroyed and their staff was mercilessly beaten. Their reporters received death threats, and their broadcast services were suspended at least twice. Similarly, another local TV network, Aaj News, was put through trauma for reporting on the movement and injustice by the government. Armed forces personnel fired on their bureau in Karachi continuously for a day. Despite all the daunting and even life threatening challenges there, risking their lives, reporters, writers and anchors continued to report on the diabolical situation.

Today, an independent judiciary is working in Pakistan. People now have their trust in the rule of law and look forward to a prosperous Pakistan where rule of law would take precedence. But this rule of law could not be established or pronounced in a real sense without the media supporting the public accountability of politicians and decision makers.

4.3 Social accountability through social media

Social media are offering new methods of communication and interaction to support social accountability. Blogs and online forums and discussion groups allow citizens to participate in discussions, and posts, updates, pictures and videos posted serve to effectively

communicate and disseminate information and opinions, allowing people to learn from one another's experience. Increased use of information and communications technology (ICT) is now enabling people around the globe to leverage mechanisms for social accountability in a more succinct and efficient way.

An increased use of social media tools by governments and civil society organizations complements the growth of social accountability mechanisms like social audit by helping to expand citizen awareness, communication, and mobilization around issues of public concern. Videos posted on video sharing services like YouTube and photo essays on photography sharing sites like Flickr can raise awareness of issues around government accountability and encourage wider participation in social audit schemes. Photos and videos can be a powerful medium for communicating a message underlying accountability efforts to wide audience online.

Similarly, Facebook is no longer confined to making friends online but is now used to spread messages and advocate for causes. It is very easy to reach out to a large audience through Facebook, and through interactive features such as polls and commenting that allow members of the audience to respond and express their views. Twitter is another messaging platform that has been used effectively by social activists to communicate with and mobilize supporters. Both Facebook and Twitter have great potential for bringing new engaged citizens into social audit programs.

Besides these well-known online social media platforms, the World Bank has identified ICT tools that are useful for promoting social accountability for governance reform.²⁴ These include:

²⁴ World Bank Report ICT for Urban Governance, Page 51, Section 3.2

Surveys

Governments can use online questionnaires to glean the opinions, expressions and attitudes of people towards an issue, and to ascertain how citizens experience and respond to different plans or services extended by the government. This information then helps identifying gaps in existing projects, services or programs and in devising more effective future mechanisms. Surveys may be representative of a particular group of people or a specific geographic area. From the citizen's point of view, this consists of performance monitoring of public welfare projects.

There are several ways of orchestrating citizen surveys. A wide range of applications are available online to carry out such activities. People can also use mobile messages or voice mail to express their opinions or submit messages. Electronic water use survey by the Texas Water Development Board²⁵ and mobile phone surveys by AidLink Alerts in Palestine²⁶ are examples of citizens surveys used for social accountability. These surveys offer equal opportunity to the citizens to participate and raise their voices in the matters that concern their day to day lives. This feedback mounts pressure on the authorities to discharge their duty of public service and accelerates the resolution of problems that people face.

Outreach

Outreach activity may be done through rendering information by SMS alerts or email notifications. With the increasing use of mobile phones and mobile internet technology, this methodology is frequently used to quickly disseminate information to large numbers of people. The World Health Organization (WHO) has used mobile phone alerts to disseminate important messages relating to health and hygiene while working during different humanitarian

²⁵ <http://www.twdb.state.tx.us/wrpi/wus/form.asp>

²⁶ <http://www.chfinternational.org/node/33830>

emergencies around the world. Use of mobile alerts to spread early warning messages has helped health authorities cope with disease outbreak predicaments in disaster struck communities. Government authorities and non-profit groups working on elections use this kind of technology quite frequently and reach out to huge numbers of citizens conveniently.

Online Publication of Performance Data

Online publication of data and reports evaluating performance of service delivery and budgeting by local governments is a powerful tool of monitoring by citizens. Dissemination of this information by SMS messages is an effective method to mitigate corruption and ensure accountability. Publication of this information offers to public the opportunity to overview the activities and monitor performance of the providers. This tool provides a strong base for accountability and offers a high degree of sustainability once performed. The most effective publications for enabling social accountability are free of technical nomenclature. Plain and easy to understand language makes monitoring data accessible to the public-at-large who would not read reports written in complicated and technical language with a lot of jargon. The Municipal Performance Measurement Plan in the city of Ottawa²⁷ is an example of the success of this tool.

Online Mechanisms for Citizen Participation

Blogs, discussion forums, reports on YouTube and Facebook, and other online comments and posts provide forums to citizens to write feedback, express concerns or grievances, publicize complaints or criticize the relevant authorities who are their service providers. These mechanisms widen the opportunity for citizens to participate in monitoring on how governance is carried out by administrative bodies. Pointing fingers at the malfeasance of corrupt officials, people not only make their voices heard online but also provide data on the performance of service provider agencies. In this way, public officials can devise a responsive course of action

²⁷ http://www.ottawa.ca/city_hall/ottawa_performance/mpmp/index_en.html#P15_2363

based on the feedback rendered by the beneficiaries themselves. These kinds of tools help service providers bring their conduct into compliance with public preferences and expectations, and at the same time offers a window to citizens for understanding how to make productive use of their voice in the future.

Chapter V: Exporting Social Audits as Pro-Development Regulation

David Saldivar

The foregoing chapters have examined social audits as a tool that has been developed to improve government accountability to citizens. As discussed above, social accountability mechanisms have been adopted by local governments and international development institutions alike as part of the toolkit for ensuring that government conduct conforms to citizen preferences. This concluding chapter will consider how social audits can function as a form of regulation and, in view of their incorporation in development projects, how social audits compare to conventional donor approaches to regulation as a means of promoting development and the rule of law. Further, this chapter will consider how social accountability approaches are implicated in the pursuit of development through imported law, and conclude with reflections on emerging South-South networks of collaboration around social audits as an indicator of the future direction of social accountability as a strategy for development.

5.1 Social Audits and Soft Law

Social audits offer a participatory venue for citizens to express their preferences about how public business should be conducted, and whether governments measure up to citizen standards for performance and service delivery. Although this paper has argued that the power of social audits to enforce accountability, to compel actual change in the behavior of government officials, is enhanced when social auditing is sponsored in law, the standard that a social audit employs to measure conduct or performance need not be “legal” in the sense of state-created legislation. There is nothing inherent in the mechanism of social audits that requires the use of law as the basis for accountability. Social audits can be used to implement civil regulations, or “private, non-state or market-based regulatory frameworks,” as a standard to hold service

providers accountable.²⁸ In the absence of effective state regulatory frameworks, as with civil regulation of the private market conduct of multinational businesses, social audits can enforce soft law, non-state standards and norms to hold actors accountable for compliance with public values. Both civil regulation and social accountability seek to strengthen stakeholders' voice and capacity to participate in governing the conduct of powerful actors. Further, in an era when governments increasingly seek private sector partners to facilitate the provision of public goods, the distinction fades between civil regulation as focused on private market conduct and social accountability methods as focused on the acts of governments.²⁹ Thus social auditing, as a method that can focus on public, private or hybrid providers, using public, private or hybrid norms as a standard to hold providers to account, itself represents a kind of hybrid regulatory phenomenon breaking down barriers between the conventional roles of citizens versus the state.

5.2 Enabling Accountability

Looking at social accountability mechanisms as a form of regulation raises the question of how they relate to other approaches to regulation that have been deployed internationally in the cause of promoting development. We have seen how social audits have been taken up by the World Bank as a complement or alternative to earlier methods to spur growth by improving governance. Traditional supply side initiatives have focused on using the building blocks of accountability (transparency, participation, monitoring, improving administrative capacity) to construct an enabling environment for private sector development. This approach to regulation for development takes private market actors as its principal beneficiaries, with the remainder of

²⁸ Vogel, David. (2006). "The Private Regulation of Global Corporate Conduct." Paper for presentation to the American Political Science Association.

²⁹ USAID (2010). "Evaluating Global Development Alliances: An Analysis of USAID's Public-Private Partnerships for Development."; Runde, Daniel (2011). "Seizing the Opportunity in Public-Private Partnerships." Washington, DC: Center for Strategic and International Studies.

society reaping the second-order benefits of increased economic growth driven by the market, and orients regulatory accountability around the principle of liberalization. Under this model, state accountability for supporting development is achieved when transparency, participation and oversight take the form of clear and simple regulatory procedures, informed by industry input into policy making, with political oversight to ensure that regulatory action does not conflict with the pursuit of economic gain. This is the model of regulation for development mobilized most effectively by the World Bank through the *Doing Business* reports.

Social audits offer a different model. Demand side accountability initiatives also seek to create an enabling environment, but one in which the priority is equity in governance rather than private sector economic growth. As shown by the World Bank's embrace of social accountability alongside the *Doing Business* agenda, the social audit model is not a replacement for the traditional economic focus of international development agencies, but a complement that seeks to extend accountability for decision making affecting the public welfare through promoting dialogue and responsiveness between the state and its citizens.³⁰

5.3 Exporting Demand for Good Governance

As noted in Chapter 3, the World Bank has gotten into the business of promoting social accountability as a development solution through an initiative called Demand for Good Governance (DFGG).³¹ Under the banner of improving service delivery, DFGG provides funds for operational work and public sector capacity building as well as analytic and research work and learning initiatives to expand the Bank's knowledge base on social accountability methods. Typically, the Bank integrates DFGG components into larger projects, including transportation,

³⁰ Ahmad, Raza (2008). "Governance, Social Accountability and the Civil Society." *Journal of Administration and Governance* Vol. 3, No. 1, p.18.

³¹ World Bank (2010). "Demand for Good Governance in the World Bank: Conceptual Evolution, Frameworks and Activities." Washington DC: World Bank, Social Development Department.

water supply and sanitation infrastructure, and supporting health and education systems, but there have been some stand-alone DFGG projects, as exemplified by DFGG Cambodia. This four-year project, begun in 2009, works on improving the effectiveness of local public service delivery, improving management of natural resources and public finances, and strengthening the media. The project also features a “Non-State Actor Component” (NSAC) implemented by the Asia Foundation, aimed at strengthening the ability of civil society “to hold the state accountable by developing approaches that will enhance the ability of [non-state actors] to promote access to information, respond to or monitor government action, and mediate engagement between the state and citizens.”³²

The deployment of donor-supported social audit schemes as part of a development strategy raises a question that has been the subject of much research around technical assistance for governance reform, namely under what conditions can imported legal tools be effective to support development? In an influential exploration of this issue, which the authors termed “transplant effect,” Katharina Pistor, Daniel Berkowitz and Jean-Francois Richard concluded that empirical evidence on the effect of law on economic development showed that the process of transplantation and reception is the most important determinant of effectiveness.³³ Imported law is effective where citizens have an incentive to use it and demand institutions that can enforce and develop it, and where those responsible for developing the law have the ability to increase its quality in response to demand. These conditions come about where the imported law has meaning to the citizens of the receiving jurisdiction, whether because of affinity due to a common legal family heritage between exporters and importers, or because the law has been

³² NSAC Cambodia website. <http://www.dfgg-nsac.org/en/the-project> <last visited April 15, 2013>.

³³ Pistor, et al. “The Transplant Effect.” 51 Am. J. Comp. L. 163 (2003).

well-adapted to local conditions.³⁴ The authors conclude that, for purposes of building effective institutions, importation of law to support development should pay attention to local knowledge and emphasize local participation and experimentation. Under this analysis, social audits would seem to be highly promising for successful transplantation because they are fundamentally built on local participation. As elaborated below, there are in fact many examples of social accountability methods currently in practice in developing countries around the world. Perhaps the most notable aspect of the proliferation of social audits and related measures in the pursuit of accountability for development, however, is that the channels of transmission are increasingly expanding from the well-trod North-South paths of development aid and external experts into growing South-South networks of collaboration and exchange.

As noted in Chapter 3, the ANSA networks supported by the World Bank have been platforms for regional information-sharing among a community of practitioners. Recent events hosted by experienced developing country implementers of social audits suggest this sharing process is accelerating. Two conferences held in 2011 serve as examples. The first, appropriately and indicative of the emergence new, non-Northern centers of technical expertise, took place in Andhra Pradesh, hosted by the official state social audit agency, the Society for Social Audits, Accountability and Transparency (SSAAT), and featured participation by the MKSS. Other participants included India's National Campaign on Dalit Human Rights, five grassroots social accountability organizations from Indonesia, the Center for Public Integrity from Mozambique, and the Kenyan group Muslims for Human Rights (MUHURI). The other event took place in Cape Town, hosted by the Center for Economic Governance and AIDS in Africa, with participation from groups from Tanzania, Zambia, Brazil, Pakistan, and the USA. Both meetings provided the opportunity to observe social accountability actions like social audits

³⁴ Id. At 167.

and budget monitoring implemented by the host organizations, discuss experiences, and work on refining approaches and adapting concepts and techniques used by fellow conferees in other countries.³⁵ Although the peer exchanges were facilitated by an NGO, the International Budget Partnership, with origins in the budget and policy analysis circles of Washington D.C., it is significant that IBP joined the exchange as a partner rather than a sponsor (and that IBP from the beginning has operated through a partner network including nodes in Mexico, India and South Africa as well as the United States).³⁶

The fact that two compelling examples of South-South collaboration in the spread of social accountability mechanisms involve participatory budget monitoring is evocative as well. Budgets articulate how governments will raise and distribute the resources needed to put its policies into action. Despite the expansion of the role of transnational and non-state actors in international development, states remain influential economic players, particularly in the lives of the poor and vulnerable who may depend on states to ensure a decent standard of living. Thus, social accountability methods to secure and regularize citizen engagement with the economic decision making of the state collapse the distinction between regulation for economic benefit and regulation for democratic governance and social welfare. As both aspects of regulation must be in harmony for development to be achieved, social accountability mechanisms generated and directed by citizens offer a good prospect for realizing development from the bottom up.

³⁵ International Budget Partnership (2012). “Social Audits as a Budget Monitoring Tool,” and “Grassroots Mobilization for Budget Advocacy.” IBP: Learning from Each Other Series.

³⁶ IBP website. <http://internationalbudget.org/who-we-are/history/> <last visited April 15, 2013>.