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## CIVIL SOCIETY PARTICIPATION AND ACCOUNTABILITY IN LOCAL GOVERNANCE PROCESSES

### PART I - RAISING VOICES AND KEEPING PROMISES. An analysis of selected SDC case studies

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Public hearing on Ward level plan in Bangladesh (photo: Celestine Krösschell)

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## List of Abbreviations

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CBO	Community Based Organisation
CSA	Centre for Social Accountability
CSO	Civil Society Organisation
HRBA	Human Rights Based Approach
LP	Learning Project
NGO	Non-governmental organisation
PAP	Public Audit Practice
PEA	Political Economy Analysis
PETS	Public Service Expenditure Tracking
PSAM	Public Service Accountability Monitor
SAM	Social Accountability Monitoring
SDC	Swiss Agency for Development and Cooperation

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## PART 1: ANALYTICAL PAPER

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This section analyses twelve case studies on civil society participation and accountability in local governance processes. It looks at power issues and the analysis of power, the role of civil society and participation of civil society in local governance, accountability mechanisms and experiences, alignment with national policies and systems, and specific issues in fragile contexts. Each section concludes with lessons learned. Recommendations are presented in the concluding chapter, which also poses two unanswered questions.

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## 1. Introduction

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SDC is promoting and strengthening democratic processes in several regions, where civil society participation and accountability in local governance processes is a key aspect. Democracy requires active informed citizens and responsive and accountable states. Such a relationship between state and citizens (sometimes referred to as *social contract*) is fostered through participation and accountability mechanisms, which in turn, render public services more effective and foster democratic ownership of public resources. Power plays an important role in how these relationships are shaped. Power analysis would potentially increase our understanding of decision-making processes and the actors involved. Increasingly, SDC is also being confronted with fragile contexts, where it is particularly challenging to work on these issues. Therefore, it is opportune to increase the understanding of special needs and strategies required to induce change towards democracy in these situations. Governments are only credible and legitimate if they are able to hold conversations with societies. However, in fragile situations these conversations are more difficult and challenging as governments are weak or absent, armed actors may play a role, (civil) society is fragmented, trust is lacking and safe public space for deliberation is missing. The specific challenges of accountability in a fragile or conflict affected situation and its transformation towards increased stability and democracy shall therefore be specifically addressed in the framework of this learning project.

### Main objective of the learning project

Joint learning from experience of SDC and selected other local governance programmes (or programmes with important governance components) and formulation of operational and strategic recommendations ***related to mechanisms of accountability and participation in local governance processes and decision making***, leading to recommendations according to different types of situations, including fragile situations. A special focus shall be laid on the ***role of civil society in its relation to the state as well as on specific aspects of power relations and how they influence local governance and decision-making***.

### Core issues

- 1) Accountability processes of decentralized/local governments towards citizens in view to strengthen democratic processes (formal and informal mechanisms, instruments, role of civil society and role of the media);
- 2) Inclusive civil society participation to ensure equitable decision making and democratic culture (mechanisms, tools, spaces, role of external actors, representation, formal and informal mechanisms, power relations) with a special focus on direct democratic tools;
- 3) Influence of inclusive participation and accountability at local level on the national framework/system

### Power cube framework<sup>1</sup>

As power is an important factor in Civil society participation and accountability in local governance processes, ***the 'power-cube'*** was used as ***analytical frame for the case studies***. The power cube consists of three dimensions of power:

- a) different types of power;
- b) different spaces where power is articulated; and
- c) different forms of how power is expressed

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<sup>1</sup> For a comprehensive description of the power cube please see Gaventa, J. (2006). Finding the Spaces for Change: A Power Analysis. IDS Bulletin Volume 37. Understanding power is also recommended by the WP-EFF (2011). Strengthening ownership and accountability. A Synthesis of Key Findings and Messages produced for the Busan HLF-4. For a short concise description see the Concept Note for this learning project in the annex.

Although this is certainly not the only analytical tool on power, it was felt that this particular tool could be useful to analyze some of the main power issues in the cases.

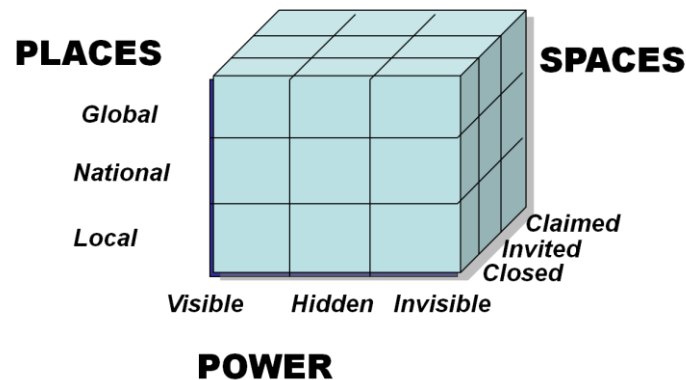


Figure 1: The 'Power Cube' – the levels, spaces and forms of power (IDS, 2010)

### Methodology

Members of DLGN were requested to come with proposals for case-studies based on a short concept note explaining the topic. Because of the high interest in the topic, a number of case study ideas were selected according to region, relevance, and clarity of the proposal. Members (informants) were then asked to elaborate their cases according to a set of guiding questions, in part based on the power cube. These questions were then used by informants to write their cases. The cases were further complemented with additional information through a set of interviews, questions, and clarification round. In a second stage, the case studies were “mirrored” by similar cases to allow for further reflection of additional experiences. Finally, all of the cases were analyzed, lessons learned extracted, and recommendations elaborated.

Country, project	Title	Mirror case
<b>Decentralisation and promotion of citizen engagement</b>		
<b>Bosnia and Herzegovina</b> , Municipal Development Project (MDP)	<i>Rebuilding Local Democracy</i>	
<b>Peru</b> , Support of Decentralisation in Rural Areas (APODER)	<i>Decentralisation in rural areas</i>	
<b>Macedonia</b> , Community Forum	<i>The role of Community Forums in the participation of citizens in local level decision-making processes</i>	<b>Kosovo</b> , LOGOS
<b>Supporting civil society</b>		
<b>Laos</b> , Learning House for Development (LHD) / Support to Civil Society (SCS)	<i>Learning to seek and access space – civil society in the making</i>	
<b>Social accountability experiences</b>		
<b>Tanzania</b> , Social Accountability Monitoring (SAM)	<i>Social Accountability Monitoring</i>	<b>Macedonia</b> , Civica Mobilitas
<b>Afghanistan</b> , Improved Livelihood of Rural Communities (ILRC)	<i>Social accountability in a fragile and conflict affected situation</i>	<b>Nepal</b> , Public Audit Practice <b>Bolivia</b> , Lupita

Sectoral or thematic focussed case studies		
<b>Bhutan</b> , Participatory Forest Management Project (PFMP)	<i>Governance at grassroots level: Community Forest Management Groups</i>	
<b>Bolivia</b> , Towards a Culture of Nonviolence	<i>Supporting a culture on non-violence</i>	

### Structure of this paper

The paper starts with how the cases dealt with power and power analysis as an important underlying concept, followed by a reflection on how the cases dealt with civil society participation and accountability. The alignment with and impact on systems is then discussed, followed by a reflection on participation and accountability in fragile situations. The paper concludes with final remarks, open questions and recommendations.

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## 2. Power analysis

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### Understanding power and power relations

Power and power relations at all levels immensely effect the implantation and impact of development programmes and projects. Yet, it is a topic that research and practitioners are only discussing since a comparatively short time. This Learning Project (LP) has placed a specific focus on how projects and programmes are analyzing and addressing power issues. The aim was to understand the success factors and limitations of dealing with power.

Most of the case studies deal with power but in a rather implicit way. From the questions and interviews, there appeared to be an awareness of power issues but not all informants felt comfortable discussing them. Although the power cube was helpful in analysing the case-studies, the informants seemed unsure, unclear or unwilling to use it. This may have to do with the fact that the Power Cube was new and a short description may not have been enough for informants to be able to use it as an analytical tool. Therefore, it appears that projects and programmes do not conduct a systematic analysis of power issues, but rather deal with power on a day to day basis.

Understanding power and how it shapes the lives and struggles of both powerful and powerless people is essential in the effort to build the combination of active citizenship and effective states that lies at the heart of development.<sup>2</sup> When engaging sustainably in changing power relations, one first must understand how power works in a specific context in order to decide where and how to engage<sup>3</sup>. Therefore, a context analysis is vital. The power cube is a tool to analyse the context in terms of power. None of the projects have used this tool. Even more, the respondents faced certain difficulties in directly expressing and describing power-related issues. It seems that the power cube or a similar instrument is highly sensitive and therefore is – if at all – only used in a very trusted environment. However when delving deeper into the cases, one realises that power issues are addressed nevertheless, and that an analysis has most probably preceded the interventions. Power relations and issues can also be extracted from a comprehensive stakeholder analysis, which includes roles and responsibilities of the respective stakeholders. Further, a sound political economy analysis (PEA) would also reveal power relations and their roots. Sustainable change can only be reached when power relations are transformed. Therefore, the project's aim or the theory of change, implicitly or explicitly includes a change in power relations. In order to measure if and

<sup>2</sup> Green, D. (2012). From Poverty to Power. How active citizens and effective states can change the world. Oxford: Practical Action Publishing.

<sup>3</sup> Gaventa, J. (2006). Finding the Spaces for Change: A Power Analysis. IDS Bulletin Volume 37. Understanding power is also recommended by the WP-EFF (2011). Strengthening ownership and accountability. A Synthesis of Key Findings and Messages produced for the Busan HLF-4.

how power has changed, it is essential to include outcome indicators related to power issues, which measure change implicitly.

### **Changing power relations using invited spaces**

When comparing the case studies, it becomes evident that most of the projects use approaches that aim at changing power relations – but do not make this goal explicit. Visible (laws, rules and regulations, decision-making procedures), hidden (e.g. local elite, strong executive branches, parties' interests) and invisible (cultural norms of not questioning authorities) power is challenging pro-poor and inclusive project approaches. Therefore, the case study writers undertook an attempt to classify the projects and programmes according to the spaces they are working in.

In the APODER project in Peru for example, economically and politically powerful groups were identified as the hidden decision-makers, even though the law foresees participatory planning, budgeting and auditing budget execution. Even if the hidden powers showed some resistance to those spaces for fear of losing influence, they were not able to impede the meetings from happening. Nonetheless, they remain powerful behind the curtains and still have substantial influence – but have to share it to a certain extent with the citizens. The strength of the project is, that it has based the participation and accountability strategy on legal requirements of the Peruvian law. Similarly, the forum approach in Macedonia, and the project with the Mjesna Zajednica councils in Bosnia and Herzegovina support local governments in implementing legal requirements on participatory community development. These three projects are using invited spaces, which are provided by law, and aim at making them more democratic and inclusive.

### **Claiming spaces for marginalised voices**

Further, a number of projects have been engaged in claiming spaces for either marginalised or so far excluded voices. In Tanzania for example, the legal system foresees budget and policy implementation oversight through PETS (Public Expenditure Tracking Surveys), however with only limited coverage and inclusion. The Tanzanian Policy Forum supported various excluded Community Based Organisations (CBOs) in implementing Social Accountability Monitoring (SAM) tools and thereby request information, demand accountability and claim their rights. In Bolivia, under the project “Towards a Culture of Non-Violence”, an initiative called “The Best for Me to You” promotes the prevention and reduction of violence against women through a network of civil society and local governments. It claimed a space for victims of violence where curative and preventive interventions are offered and fostered opportunities for dialogue on the topic. Both project examples experienced that high quality interventions (such as evidence based advocacy or well informed demands for accountability) can overcome traditional power structures and oblige power holders to listen. In addition, the sound quality and the development into a dialogue partner, have contributed to transform the initially claimed spaces into invited ones. In both projects, the respective civil society organisations have become recognised discussion partners.

### **Opening up closed spaces**

A number of case study projects have also been working in opening up so far closed spaces for civil society and marginalised groups. In Laos for example, SDC and HELVETAS Swiss Intercooperation advocated effectively for a more enabling environment for civil society and supported various local CSOs in the Learning House for Development, in order to use the emerging space and empower them to claim further space. It is crucial for success that civil society has the capacity and therefore is able to access and use the spaces meaningfully. A similar lesson is shared from the Bhutanese case: Although Community Forestry has developed rapidly because national level actors have advocated successfully for its expansion, the Community Forestry Management Groups at grassroots level still have limited capacities to demand participation and accountability. Opening up closed spaces is a first and important step. Yet, only building capacities and empowering CSOs leads to a meaningful use of the spaces, including their own accountability towards their constituency, in order for them to be perceived as credible and legitimate by citizens. This should then be coupled with increased awareness of government officials to respond to the

claims of citizens so that it doesn't lead to frustration on the part of citizens rather than increased trust.

### 3. Civil society participation

#### How does this Learning Project understand Civil Society?

**Civil society** denotes the space between the state and individual citizens where the latter can develop autonomous, organised and collective activities of the most varied nature, including social movements. Civil society comprises all formal and informal private non-governmental non-profit organisations/groups which are self-initiated and -regulated and have a voluntary membership (interest groups, associations and service agencies with aims of public benefit, coalitions, unions, cooperatives, political parties, etc.). A distinction can be made between: (a) people's organisations, that is, membership organisations, from the grassroots level to apex entities, which pursue the goal of improved living conditions for their own members (these are also known as "self-interest", "self-help" or community-based organisations – CBOs); and (b) associations pursuing broader objectives for the "common good" such as environmental and human rights groups ("civic/advocacy" associations or service-delivering organisations).

In a number of case-studies, projects explicitly worked with Civil Society Organisations (CSOs) though in different forms and through different aid modalities. In Bolivia, funds were provided for initiatives from civil society on a specific topic, i.e. violence against women. In Peru, Macedonia and Bosnia, civil society was included in a decentralisation project, as an important stakeholder, whereas the Learning House in Laos, focused more on institutional strengthening of CSOs. In Tanzania, civil society played an important role in social accountability.

#### Role of Civil society in decentralisation processes and local governance

In decentralisation processes, civil society organisations can play an important role in mobilising communities, in ensuring that marginalised groups (women, ethnic minorities) are invited and heard, and in building capacities of citizens in raising issues. This is both evident in the Peru case study, as well as the Macedonia and Bosnia case study. In both Bosnia and Macedonia, the project facilitated and encouraged local government officials to meet close to the communities, in order to allow for meaningful consultation and participation. Special efforts were made to include marginalised groups, who are normally excluded from participating in public life. It was also evident, especially in the Bosnia case, that citizens who are not organised, are easily sidelined and excluded from decision-making, overtaken by political powers. All three projects facilitated community meetings for discussion of municipal projects, where civil society organisations played a role in mobilising citizens and building capacities.

#### Enabling inclusive participation

Only inviting formal civil society can be a limitation, as the Peru case study shows. Here, at first only registered organisations were invited but this did not prove to be very successful and a wider platform was opened to all citizens. In addition, traditional leaders were invited, who had the skills to discuss and raise concerns and were able to bring in the interests of the farmers and counter the powerful lobby of wealthy elites. The project also decided to conduct meetings in the communities, rather than only in the municipalities, to enable more citizens to attend. To ensure that women participated, particular attention was paid to gender and women civil society organization were supported with capacity building, while the participation of at least 40% of women in all training sessions was defined as a standard.

In Bosnia, the project decided to make use of and „revitalise“ a traditional structure, the Mjesna Zajednica (MZ) as the most ideal structures for direct participation of citizens in local governance processes. Although traditionally this structure was dominated by elderly, the project promoted participation of women and youth with some success. Civil society was perceived to be weak, so



the MZ rather took the role of linking citizens to the local government. MDPi, one of the few civil society organisations in the area, implemented the project.

In Macedonia a structured instrument for citizen participation was introduced called the Forum Approach. The Forum Approach is a development platform for the citizens (at the local level) and the municipality to discuss needs, concerns and priorities in a systematic manner. The agenda is set by the forum moderator and the citizens. Participation of women and ethnic groups was emphasised and specific criteria established requiring minimum 40% women participation at the forum sessions as well as proportional representation of ethnic communities reflecting the diverse structure of the municipality.

The question of sustainability and costs is explicitly mentioned in the case studies of Peru and Macedonia. The Peru case study clearly observes that inclusive participation has a cost and it is unclear if the Peruvian government will decide to allocate the necessary resources for participation. In Macedonia, the organisation of the Forums was supported by the project only with minimal funds, and they have been institutionalized by about 46 municipalities. In addition, the moderators are currently being certified and it is expected that municipalities will continue the practice with these certified moderators. Three aspects are likely to be helpful, 1. Collaboration between CSOs and government 2. Citizens learn by doing and will demand the continuation of the practice 3. Inclusion in the legal framework or mandate of local governments.

### **Collaboration between CSOs and Government**

In Bosnia, though officially and legally not yet fully integrated in all municipal systems and regulations, there are instances where civil society managed to creating spaces and to influencing planning, budgeting and policy making processes. Also in Macedonia, civil society organisations had a crucial role in management of the forum. They were also responsible for coaching and training, monitoring and controlling and reporting.

In Bolivia, CSOs collaborated directly with local government institutions from the different sectors, as well as the municipality. By including all stakeholders, the network was able to move beyond politics and discuss, in democratic manner, the issue at hand. In this way, CSOs collaborated with local government institutions (among others, the health, education, justice sector) to achieve results on violence against women.

In these cases collaboration between CSOs and government was both necessary and successful in achieving results. In all three cases, the legal framework was an important factor, in the case of Bosnia it appears to be rather a hindrance to citizen participation. However, in Macedonia, Peru, Tanzania, Laos and Bolivia it formed the basis to get the issue on the agenda, work on it and have it accepted.

### **Multi-stakeholder dialogue**

In Bolivia, civil society collaborated with other important stakeholders in a network that was governed through democratic principles. Thus, responsibility for actions against gender-based violence, were shared and local (male) leaders were taken on board. This case shows the importance of inviting a wide range of representatives of different institutions, levels and individuals to be successful in advocacy and implementation of concrete actions at municipal level. The network was able to access small funds through a competitive call for proposals, but, perhaps more importantly, the various stakeholders received capacity building, both thematically on issues of violence against women, as well as in organising multi-stakeholder meetings and convincing male leaders to participate.

### **Learning by doing**

What comes out clearly from Macedonia, is the importance that citizens had to learn about the process, which requires time and effort. The project offered space and capacities to learn these skills. CSOs had an important role in building capacities. Having understood the process and learned through practice, citizens took stronger initiatives to get engaged in local governance



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processes.. Also in Tanzania, CSOs had an important role in developing skills on democratic practice.

### **Capacity development of Civil society**

In Laos, civil society is nascent and newly emerging, and therefore building up of civil society organisations seen as a priority. Here the project focused on facilitating spaces, literally in the form of a building, where organisations can conveniently meet, with a library for easy sharing of documentation. In such an environment, CSOs are learning the basics, such as how to launch local initiatives and proposals, have joint meetings, share experiences, obtain connections to government, get access to forums. In contrast to the other case studies, this project focuses mostly on national level, though the CSOs work directly with the communities.

In Peru, civil society was supported and strengthened at local level, with a focus on values, legal recognition, managing an association and mechanisms to promote greater participation of women and youth. It is interesting to note that the project found there were very few CSOs operating at national level for policy influencing, but that grassroots organizations did show great interest in improving their capacities and participate in advocacy activities, which should perhaps be the next step in strengthening CSOs.

In the absence of a strong organized civil society, whether at national level or local level, such as in Laos and Bosnia, party politics tend to determine public affairs, sidelining citizens, especially the poor and marginalised women and men. Under such circumstances, decision-makers may not be particularly interested in organised citizens and sharing their power in a democratic manner. Yet the cases also show that some of these challenges can be overcome, through strengthening skills of citizens and CSOs to understand plans and budgets, to ask questions, and raise concerns. The projects were also able to convince local governments to consult citizens and improve transparency. In Tanzania, CSOs gained influence because they were respected as an equal partner through their knowledge of the subject. In Bolivia, CSOs were also able to work as partners to local government institutions through the network.

## Lessons learned

### Approaches to promote civil society participation

- The assessed case studies used different approaches and entry points to promote civil society participation in local governance processes. Each of them has advantages and disadvantages. It is important to carefully assess first the specific situation in the country, including aspects of political economy and power relations, before the final approach is selected.
- A call for proposals on specific thematic topic, such as in Bolivia, is an interesting modality that allows relevant civil society to elaborate proposals for an issue of their concern
- Strengthening civil society organisations within a local governance project, such as in Peru and Macedonia, can contribute to increased participation and inclusion of women and men's concerns and proposals in local plans and thus strengthen local democratic governance.
- A focus on building capacities of local CSOs including providing a space for alliance building, such as in Laos, can be very effective for strengthening their learning and preparing them for policy dialogue.
- Focusing on a theme, such as the forestry user groups in Bhutan, can help to build up capacities on a particular topic from bottom to top, including influencing policies.

### Role of projects as facilitator

- In all cases, the projects can have an important facilitator role, by providing training, coaching, and linking up civil society organisations, citizens and government institutions. The facilitator role includes trust and relationship building.

### Practising democracy and building skills

- When civic participation and open discussions are new, specific skills are needed to enable both local government and citizens to engage in meaningful exchange. Citizens need to learn about the process, how they can participate, and what they can gain through it. "Democracy requires practice". This can be seen in all cases, especially Macedonia, Peru, and Afghanistan.
- Where civil society is weak, building capacities of CSOs and citizens in understanding local governance processes such as planning and budgeting, and thereby able to ask relevant questions, is important. This is especially evident in the Peru and Tanzania case.
- It may also require building capacities of CSOs in organisational development and knowledge sharing, fostering alliances and collaboration for greater impact and more effective policy influencing such as in Laos.
- Organising events at locations close to citizens also enable marginalised groups to attend, though special efforts still need to be made to include them
- It is necessary to make sure that the people are motivated for discussions and free to speak, even in presence of local government leaders.
- Working with civil society may also require encouragement of local governments to participate and collaborate.

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## 4. Accountability

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### How does this Learning Project understand accountability?

Accountability is defined as the obligation of power holders to take responsibility, to be answerable and liable in their actions and choices. Accountability promotes the interaction between citizens/citizen's groups and the States, challenges power relations, and contributes to trust building in democratic systems. This learning project focuses on public accountability (in particular downward accountability towards citizens), referring to the spending of public resources and the execution of public duties and responsibilities that serve the people. It is thus the duty of the different tiers of the government to be accountable to citizens, including all groups of citizens, especially marginalised.

However, institutions responsible for representing citizens and holding government accountable, such as parliaments, councils, assemblies, are often part of the system or upward accountable instead of downward towards their constituencies. This occurs in contexts, for instance, where decisions are taken in centralised manner, where there is no clear separation between executive, legislative and judicial powers and therefore there is a lack of checks and balances, or where incentives for political promotion are based on connections rather than merit. Since formal mechanisms of political accountability have in many cases not led to more effective service delivery, social accountability mechanisms emerged; defined as citizen-led action for demanding accountability from those having the obligation to provide effective and inclusive services. The following elements define meaningful social accountability<sup>4</sup> actions. Firstly, civil society organizations (CSOs) must be able to request information about the quantity and quality of delivered services (right to information). Secondly, social actors regularly monitor the performance of the service providers and the quality of actual services being delivered with measurable indicators. The third action relates to demanding justification. CSOs are able to make demands to enforce legal standards that are currently not being met. On the other hand, governments should have the opportunities to take corrective action or provide credible explanations why the standards cannot be met. Fourthly, formal grievance mechanisms should be existent that can be invoked by collective civil society actors. Dissatisfaction with service delivery and complaint handling can be expressed in public, by holding demonstrations or engaging the attention of the media or other means. An ultimate possibility for sanctions is elections – if held in a free and fair way.

The Public Service Accountability Monitor of South Africa and the Policy Forum in Tanzania define social accountability as a human right.<sup>5</sup> However, the authors would advise to stick to the definitions of the Human Rights Based Approach (HRBA) and see accountability as an underlying principle to realize human rights by empowering right holders to claim their rights and duty bearers to fulfill their obligations. Declaring social accountability as a human right is legally incorrect and, from our point of view, weakens the arguments and discussion.

### Accountability instruments supported by the projects

Two case studies particularly aim at fostering accountability mechanisms, namely the Social Accountability Monitoring in Tanzania, mirrored<sup>6</sup> by Civica Mobilias, Macedonia, and the social audits in Afghanistan, mirrored by the Public Audit Practice of Nepal and Lupita in Bolivia. To some extent, the Concertar project implemented in Peru considered certain elements of public accountability. The different approaches used will be shortly described here.

In Tanzania, CSOs were trained in using the Social Accountability Monitoring (SAM), which was developed by the South African CSA/ PSAM (Centre for Social Accountability/ Public Service Accountability Monitoring). The tool enables local organisations to monitor the 5 processes of the

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<sup>4</sup> Houtzager, P.P. and Joshi, A. (2012). Widgets or Watchdogs? Conceptual Explorations in Social Accountability, *Public Management Review* 14.2:145-162

<sup>5</sup> For further information on this, see the case study on Tanzania

<sup>6</sup> The learning project sparked a lot of interest and therefore, similar approaches were coupled. One lead case study was subsequently mirrored by other projects which implement similar approaches. The mirror case studies were asked to share their main lessons learned and reflect on the experiences of the lead case study.

public resources management and “ask the right questions, to the right people, at the right moment”. The Macedonian Civica Mobilitas works both with watchdog organizations and with CSOs supporting municipalities to better address their obligations for service provision. The social audits in Afghanistan are a mix of public and downward accountability and disseminate information on the overall budget, physical progress and expenditure of SDC/ HELVETAS Swiss Intercooperation-financed project activities to the male community. The social audits are organised by the Community Development Committee, which is elected, but not part of the formal state structures. A similar approach (Public Audit Practice, PAP) is implemented in infrastructure projects in Nepal in order to foster participation of the community, and ensure transparent and accountable construction of the infrastructure schemes. The Lupita project in Bolivia works directly with the government institution, which is legally responsible for ensuring public accountability and strengthens its capacity to do so.

### **Access to information and information analysis**

In order to hold duty-bearers to account, access to information is crucial, as also stated in the definition chapter. Access to information, however, is already a first obstacle to take. For example in Tanzania, CSOs faced great difficulties in receiving the relevant documents. Government agencies and officials are often reluctant to provide information. Even though many countries have a Right to Information Act in place, it remains difficult to request it, especially at local level. Eloquence in dealing with duty bearers and an in-depth understanding of their system and its processes is often a prerequisite to access the necessary documents. In the case studies on downward accountability (public and social audits), these issues were less relevant, since the INGO implementing the project has influence on the information shared. Nonetheless in all cases, merely having the information at hand is not sufficient. A comprehensive analysis of relevant information is necessary to hold duty bearers accountable. An ordinary citizen or even a CSO is often not in a position to do so. In Afghanistan and Nepal where smaller scale projects are socially audited, efforts are made to build the capacity of the people to understand and critically reflect the information provided. In Tanzania, where the CSOs investigate the complete public resources management cycle, the training is more intensive and the organisations are accompanied with long-term coaching. Certain intellectual prerequisites were even defined in order to ensure that the beneficiaries were able to absorb the training contents. Conclusively, capacity building of organisations and citizens is key to ensure that information is understood, adequately analysed and processed for holding duty bearers to account.

### **Inclusion of marginalised women and men**

These considerations on capacity also affect the issue of inclusion. Marginalised groups are usually even less educated and need additional support. In Nepal, inclusion of so called disadvantaged groups (women, Dalits, ethnic minorities) is a key element of project implementation and is ensured through quotas. However, their special needs in terms of empowerment are only addressed in a limited way and participation therefore often lacks meaningfulness. An important lesson learned from the Peruvian case study is that in order to ensure inclusion, the project activities have to be carried out in a space, where marginalised people feel at ease, i.e. close to their homes. On the other hand experience shows that government officials are often reluctant to go to the villages. Hence, it is a thin line to walk between inclusion of all major stakeholders and comprehensive inclusion of marginalised groups.

In Afghanistan, the situation is even more restricted and women are not allowed to participate in the social audits. In such a traditional and religious environment, this issue can probably only be addressed by organising separate social audits for the female citizens. The challenge will then be to establish a mechanism for information sharing between the outputs of the male and female social audits.

### **Role of the media**

A particular challenge in accountability initiatives is to establish enforcing mechanisms. If public service delivery is monitored by civil society, how can it be ensured that recommendations are

taken up by the public authorities? The example from Tanzania shares the important role of the media. When local authorities ignored recommendations from civil society, a broad dissemination in the media increased the voice of civil society and put a certain pressure on the government. In the Tanzanian case, the power of media was used positively. However, there is also sometimes a risk that their power is abused. In general however, evidence from both developed and less developed countries shows that when the quality and freedom of the press is high, citizens are better informed, more civically engaged and likely to vote. Further, elected officials are encouraged to act in the interest of their constituents and attend hearings more often.<sup>7</sup>

### **Strategies for conflict mitigation**

Accountability initiatives often empower citizens and civil society to challenge the duty bearers and hold them to account. Challenging power holders usually bears a potential for creating conflicts, as they are often not used to be critically questioned. Initially, the SAM project in Tanzania only worked with civil society and broadly disseminated the findings of the information analysis. This process made it all the more difficult for the public authorities to accept critical remarks and inquiries. Therefore, the process was adapted in collaboration with the authorities and an additional step of consultation was included. Before broad dissemination, the authorities were given the opportunity to react and present their point of view. With this, the conflict could be mitigated to a great extent. Further, it was realised that the officials also lack capacity in terms of accountability and were trained on it. A similar experience is also shared by the Lupita project in Bolivia, which works strongly with the local government level. The officials often do not have a culture of sharing and accountability and thus find it challenging to cope with an educated civil society. Also the Concertar Project in Peru states that it is crucial to work on both sides of the equation – by empowering both civil society (demand side) and the duty bearers (supply side).

### **Spaces for dialogue**

The social/ public audits both in Afghanistan and Nepal significantly enhanced the relationship and communication among the community, and between citizens and authorities. Conflictive issues are discussed and solutions are found jointly. Dialogue is more effective and sustainable than finger pointing! In both countries, the issue of local corruption has been discussed and through the oversight mechanisms could be reduced to a great extent. Such spaces for constructive dialogue and conflict resolution considerably enhance trust among the community and between all stakeholders. Therefore, it is important to include as many stakeholders as possible and empower them for constructive and democratic discussions. Influencing the “rules of the game”, and democratising the dialogue becomes an important goal when facilitating such platforms.

### **Particular relevance in fragile situations**

The public audits have shown a particular relevance during the conflict in Nepal. The instrument was introduced in order to ensure transparency and accountability towards all actors (including the Maoists). It was appreciated by the stakeholders and has enabled the project implementation even during the peak of the conflict. A similar experience is shared by Afghanistan and the social audits contribute to overcome the lack of trust between the different actors. The fact that people feel included and have pertinent information through accountability mechanism is therefore a key ingredient to be accepted and be able to work in a tense and conflict prone environment.

### **Limitations**

A major limitation for ordinary people and grassroots CSOs to demand accountability and consequently exert specific instruments is the complexity of the policy and budgeting cycle. The Tanzanian case displays that the difficulties local organisations have in gathering the relevant information, understand and analyse it, and prepare a high quality complaint/ feedback to the government. The social/ public audits in Afghanistan and Nepal focus on monitoring and auditing small scale project interventions where information is less complex. Nonetheless, people face

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<sup>7</sup> WP-EFF (2011). Strengthening ownership and accountability. A synthesis of key findings and messages produced for the Busan High Level Forum on Aid Effectiveness.

difficulties in understanding budgets and asking the right questions. Both cases demonstrate that long-term capacity building and coaching is crucial in order to reduce the limitation of complexity.

Demanding information and accountability is only a first step in the process. However, the consequences and the corrective measures taken, i.e. the enforcement, are yet another question. The power of civil society is limited to force the government into taking corrective measures. Some examples of the Tanzanian case used media in order to pressurise authorities to take steps, but in other examples, corrective measures were not taken. None of the case studies included in this learning project has supported accountability mechanisms such as legal actions against the administration, supporting the judiciary or specifically strengthening the capacity of the media.

The invisible power which includes social and cultural norms often poses another limitation to accountability initiatives. Asking questions and challenging local authorities should lie at the heart of every accountability instrument. However, in many contexts, questioning power holders is not a social and cultural norm and therefore people do not feel at ease doing so. Often duty bearers also do not know how to respond. Project interventions must address this, for instance by strengthening skills of both duty bearers and right-holders in deliberation, asking questions, responding to questions, and finding culturally acceptable means to do so. In Nepal for example, some efforts are undertaken to educate people on their civic rights and duties in a democracy. Promoting mutual accountability may also be helpful, emphasising that both government and citizens have responsibilities.

## Lessons learned

### Working on both sides for accountability

- Often working with both sides, that is Civil Society and Government, helps to get support, increases collaboration, and contributes to sustainability, as the Bolivia and Peru case show well.
- In order to hold power holders to account, civil society needs to understand the system and processes in order to ask the right questions to the right people at the right time, as in Afghanistan, Nepal and Tanzania.
- Only sound evidence and well-argued positions are credible and will convince government officials to listen, react and eventually change the public resource management system for the better, as in Tanzania.
- Well argued positions also lead to a change in terms of attitudes of the local authorities towards their citizens, i.e. the latter are perceived as knowledgeable counterpart.
- On the other hand, if citizens witness that active citizenship actually leads to changes in their everyday life, they are encouraged to further increase their engagement, as is illustrated in Peru, Nepal, and Tanzania.

### Public audits as tool

- The quality of the moderation of the public audit events is key in order to ensure an inclusive and democratic process. Further, structured and transparent processes ease access and understanding of information for the people. Often only external moderators are able to ensure certain independence, as the Afghanistan and Nepal case demonstrate.
- A culture of accountability and participation cannot be enforced from outside, but is slowly built through using “learning grounds” such as public audit events.

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## 5. Alignment with and impact on national systems

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### How does this Learning project understand alignment?

The definition of the Paris Declaration is followed, where the principle of alignment is stated as: *Donors base their overall support on partner countries' national development strategies, institutions and procedures.*<sup>8</sup>

Many interventions within this learning project are – in line with the Paris Principles and the DeLog recommendations 2011<sup>9</sup> – aligned to national systems by making use of invited spaces provided by national legislation. Thereby, they use existing national legal systems to legitimate their interventions and these spaces are made more democratic and inclusive. Examples for using this strategy –which follows the principles of a rights based approach - are the APODER project in Peru or the forum approach in Macedonia. Similarly, the public audits carried out in Afghanistan are in line with the National Solidarity Programme, which created the conditions for social accountability in the country. International treaties, such as the human rights framework, are also used for legitimacy, such as in Bolivia on domestic violence or the European Convention on Human Rights and the European Charter of Local Self-Government in Macedonia and Bosnia and Herzegovina. Only in fragile situations where government structures at local level do not exist or are extremely weak, projects are often urged to work with project created/related structures (see chapter 6 for further information), even when the aim is to build up and/or strength long term and sustainable “domestic” local governance structures and systems.

### Alignment with local actors?

Most of the analysed projects started their intervention at local level, aligned to local government institutions, such as in Peru, Macedonia, and Tanzania. They aim at supporting local governments to be responsive to their constituents, and to the latter to become good citizens and hold their locally elected representatives accountable. Local governments are seen to be in a better position than the central government to effectively use resources and contribute to improved local conditions, livelihoods and wellbeing.<sup>10</sup>

However, in terms of accountability, alignment with local actors has been more limited. Parliaments are the people’s elected representative body, who have a specific constitutional mandate to oversee public spending and hold government to account for the delivery of results. Yet, none of the accountability initiatives within this learning project has worked intensely with (local) parliaments. When working with the legislative branch, the question on how to link with parties quickly evolves. Political parties present policy options and offer a vision and political contract for a specific purpose and period of time. However, in many countries, political parties are not playing their part. Representation and accountability roles in-between elections are limited. Political parties have been identified as the weakest link in political and democratic processes. As the WP-EFF notes state, parties and parliaments have to be strengthened in order to play their part in democratic governance.<sup>11</sup> Further thoughts on how to include, support and/or work with those institutions have to have priority for development partners and needs to be thoroughly assessed and tested.

### Linking local to national

Linking local level initiatives to national level is crucial. Specific advocacy interventions or good practices often led to substantial influence also at national level. In Peru for example, through the local level interventions, the national Network of Peruvian Rural Municipalities (REMURPE) was strengthened and therefore is increasingly recognised as a legitimate actor by national authorities

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<sup>8</sup> OEDC. The Paris Declaration on Aid Effectiveness 2005 and Accra Agenda for Action 2008, p.3

<sup>9</sup> DeLog (2001). Busan and Beyond: Localising Paris Principles for More Effective Support to Decentralisation and Local Governance Reforms.

<sup>10</sup> This is in line with the DeLog partners. DeLog *ibid*.

<sup>11</sup> WP-EFF (2011). Strengthening ownership and accountability. A synthesis of key findings and messages produced for the Busan High Level Forum on Aid Effectiveness.



and has entered into a permanent dialogue. In Tanzania, the local level accountability initiatives triggered the interest of various offices at national level, among others the Prime Minister's Office Regional Administration and Local Government. Although Tanzania has the Public Expenditure Tracking System (PETS) in place, the national level authorities understand the added value of SAM and appreciated the experiences shared by the project. Subsequently, a circular was sent to the local governments to recall their obligation with regard to accountability and release information according to existing legislation. Although it is certainly true, as stated by DeLog (2001), that national agencies losing power may be reluctant to support and develop DLG reforms and may not have incentives to cooperate, this assumption is not supported by the cases under this learning project: on the contrary, collaboration with all level actors was mutual and appreciated.

In Bhutan and Laos, the interventions used the national level as an entry point – due to lack of potential partners at local level. In Laos, civil society is very constrained and at local level practically inexistent. Recently, there has been a gradual opening of this space with the Laotian government acknowledging the need for citizen participation and the role of civil actors in its pursuit to achieve the MDGs. Therefore, this window of opportunity was swiftly used for strengthening emerging civil society at national level. A crucial aspect thereby is to balance such interventions, because any overenthusiastic action could lead to the closure of those emerging spaces. Also in Bhutan, the entry point for community forestry was the national level. A number of institutions and organisations advocated for a favourable environment for community forestry. Once the framework was set, Community Forestry User Groups (CFMGs) were established all over the country and a momentum was created. However, the development of CFMGs into vibrant civil society actors who are active at local and national level, is challenging and time consuming. Supporting the spirit of civil society in a “top-down” manner is often somewhat artificial and requires long-term engagement.

## Lessons learned

### Legitimacy

- Alignment with national and/or international legal frameworks helps to legitimize the interventions

### Formal accountability mechanisms, “sensitive” stakeholders

- Formal accountability mechanisms such as parliaments were not addressed in the projects, neither was the functioning of political parties, even though they were analysed as weak or partisan, and part of the problem. Implementing agencies are likely to be reluctant to work with political parties, as this could compromise their “neutrality” and is too sensitive. However, they often constitute a very powerful force, where actual decision-making takes places. The cases do not provide an answer to this dilemma. Further thoughts on how to include, support and/or work with those institutions have to have priority for development partners and needs to be thoroughly assessed and tested

### Different levels

- The collaboration with both local and national actors was mutual and appreciated, advocacy was effective in some of the cases and led to improved results
- Depending on the context, the entry point can be at national level or local level, however, a balance is necessary

## 6. Participation and accountability in fragile situations

### How does this Learning Project understand fragility?

The case studies assessed in this learning project are taking place in different (political) contexts and situations which indicate particular challenges that need to be taken into account in order to tailor programs and projects to the different contexts. There are numerous indexes regarding “fragility” and there are many different types of fragility. To tailor the design, the approach and the results measuring of a project, it is useful to categorize political situations according to the criteria below:

<b>Established democracies</b>	Functioning institutions, fair system of checks and balances, basic principles of good governance and rule of law are followed
<b>Emerging democracies</b>	Recently established structures, ongoing major reform processes, considerable deficiencies related to good governance and rule of law
<b>Fragile contexts</b>	See below (different sub-typologies)

Especially in fragile (and conflict affected) contexts all programs need to have an understanding of the particular features of fragility. Even more so, this is the case for projects in the Governance and Peace working area (democracy promotion in fragile contexts, the role of civil society, the role of media, representation and inclusion in government institutions, participation of citizens, accountability mechanisms, formal and informal structures). The working definition of fragility for this paper is: “States are fragile when state structures lack political will and/or capacity to provide the basic functions needed for poverty reduction, development and to safeguard the security and human rights of their populations. Fragility can also be localized in pockets or regions”<sup>12</sup> is emphasizing legitimacy, efficiency as well as security and Human Rights as well as the monopoly of force.

#### MATRIX OF THE MAIN ASPECTS OF FRAGILITY:

	Political legitimacy tends to be high	Political legitimacy tends to be low	The state has the monopoly of force? 1 = no, 3 = partly, 5 = yes				
Reasonably functional national state institutions							
National state institutions with weak capacity			1	2	3	4	5
Breakdown or virtually non-existent national state institutions (or post-conflict reconstruction of institutions)							

Adapted from Debiel, 2005

**FRAGILE** 

<sup>12</sup> Adapted from OECD, 2007, p.2: “Principles for Good International Engagement in Fragile States” Additional or complementary, situations are classified according to prevalence of violence and conflict (see HELVETAS Swiss Intercooperation Manual. 3-Steps Working in Fragile and Conflict affected Situations. “Stages of Conflict” and “Types of violence”).

See also: Gemäss der Definition der OECD gelten Staaten als fragil, wenn ihnen der politische Wille oder die Kapazität fehlen, der Bevölkerung die notwendigen Grundleistungen im Bereich der Entwicklung, der Armutsminderung, der Sicherheit und der Einhaltung von Menschenrechten zu erbringen” (DEZA; Botschaft über die Internationale Zusammenarbeit 2013-2016).

Experience shows that in situations of acute armed conflict, strict transparency and (downward) accountability is the only way to stay engaged. Through participation and accountability mechanisms, all (conflict) actors are equally informed and included in the project activities, which fosters trust, reduces suspicion of partiality and at the same time promotes understanding about good governance principles.

The case studies of projects in this learning venture, however, are largely aiming at strengthening local democratic governance. So what can we learn from their efforts to enhance participation and accountability in fragile contexts? First of all, the situations in the countries we looked at are quite different in terms of the state of democracy and fragility.

#### Slight warning:



see the Fund for Peace: <http://www.fundforpeace.org/global/?q=fsi2012>

**Bosnia and Macedonia** are emerging democracies. The Fund for Peace, however, classifies them in a “warning” category. Their post-conflict legacy leaves them vulnerable to direct and indirect violence, inequality, inefficient service delivery and lack of legitimacy.

#### Serious warning and alert



see the Fund for Peace: <http://www.fundforpeace.org/global/?q=fsi2012>

**Bolivia, Bhutan, Laos, Kosovo, Peru and Tanzania** on the other hand are classified as vulnerable and more fragile. **Afghanistan** and to a lesser extent also **Nepal** are obviously in the red and dark red category. The above-mentioned challenges for democratisation and stability are also applicable here. Especially in Afghanistan, the monopoly of force by the state is in question.

All countries are facing serious challenges relating to their ability to provide adequate services to their citizens and the political legitimacy of their government and its institutions tends to be rather low. The different projects have taken a variety of approaches to contribute to improved local governance. Improved accountability would foster both effectiveness and legitimacy.

The Bolivia and the Laos case studies provide examples of spaces created by civil society, which then invited the government to participate and in turn are eventually invited back. Afghanistan’s community development committees are a hybrid case as the local committees are non-state entities but nevertheless the only elected local bodies on this level, due to non-existence of an effective local government level (also the case for Nepal). The other countries have taken an approach to supporting and linking local governance processes within the existing state structures, with civil society in a supporting or facilitation role.

#### **Trust building**

Lack of trust between people, between state and citizens as well as civil society in one of the decisive features of fragile and conflict affected situations. Weak legitimacy and effectiveness in service delivery coupled with a lack of security, further accelerates the erosion of trust. Legitimacy<sup>13</sup> is closely related to a subjective perception of fairness and adequacy of state actions and is therefore linked with trust. The case studies, however, were mainly looking at the legitimacy

<sup>13</sup> See also, Legitimacy is: • The ability to provide security for the populace (including protection from internal and external threats), • Selection of leaders at a frequency and in a manner considered just and fair by a substantial majority of the populace, • A high level of popular participation in or support for political processes, • A culturally acceptable level of corruption, • A culturally acceptable level and rate of political, economic, and social development • A high level of regime acceptance by major social institutions. Source: Counterinsurgency, Legitimacy, and the Rule of Law, Thomas B. Nachbar. 2012.

of the project-related/supported/created mechanisms or organisations for accountability and participation. In all cases, their legitimacy results - among other things - from broad stakeholder involvement (state and CS), good internal governance, the skills and credibility of the facilitators and the selection of the right topics for the forums. In some countries (e.g. Bolivia, Macedonia and Laos) a very broad range of stakeholders including University personnel and other non-state actors were invited. Civil society organisations are always involved but their role is not always clearly defined. In some cases Civil Society is a source of facilitators, the primary initiator of the forums, just one participating stakeholder or newly created entities designed to represent the poor and disadvantaged. At the same time, Civil Society has very different forms and the issue of trust and legitimacy (by the population) needs to be raised here as much as in the case of government. Civil Society organisations are often representative of the stakeholders they claim to represent, however, they are also subject to elite capture as wells hijacked by party politics. In fragile situations, this is a serious issue and Civil Society organisations need to be scrutinized as much as government institutions in terms of their actual accountabilities, to understand how much trust people have in them.

Most case studies also emphasize internal governance as a key learning and trust building measure of the created organisations/entities. If projects have a particular focus on strengthening civil-society, there tends to be more space for learning, since the organisation can be supported independently of state structures. On the other hand, sustainability is more at peril here, since external funding is crucial and may create dependency. In Bolivia, Afghanistan and Laos the invitation of difficult (not-likeminded, hard to reach) actors is a critical element of stakeholder engagement. In a tense situation or a conflict context, this is an especially important and controversial topic. Not including those actors would bear the risk of losing their views and priorities as well as missing the chance of stimulating trust. On the other hand, the inclusion of difficult actors, especially if they are close to non-state armed groups, bears risks that they will create fear and hijack forums. Another element for the creation of trust is "communication". All case studies mention the importance of good communication. Numerous tools are mentioned, among them roundtables, forums and regular multi-stakeholder meetings. The creation of trust is also very much linked to transparency, which is mentioned by all case studies, as pivotal for trust. Where state-society relationships are hampered, fear is often to be found on both sides. In the case of Laos for example the government fears troubles and security risks, which asks for non-threatening language and terminology (e.g. Learning House).

But how do the projects promote trust and legitimacy between state and civil society? Most projects work on the premises that an informed and capable civil society will use and claim spaces for accountability and participation. At the same time, the new invited spaces for participation (mostly initiated by the projects) are supposed to open up communication channels and foster accountability. Even though, invited spaces are a very efficient way of fostering good governance, if they are dominated or even captured by elite or factionalized power groups, there is a very serious risk of delegitimizing participatory mechanisms as pure pro forma exercises, which will in turn seriously undermine trust. So, although transparency and accountability is crucial in such contexts, and enable projects to stay engaged as the Afghanistan and Nepal case studies illustrate, it means that careful facilitation is necessary.

### **Violence and Security**

Violence is an issue in all the contexts studied, even though different forms of it are identifiable. In Afghanistan with the civil war going on, direct as well as indirect forms of violence are everyday realities. The other countries are to a lesser extent faced with direct violence but indirect forms of violence, such as negative attitudes based on ethnicity or religion, stereotypes and structural violence such as discriminatory laws and practices, including gender based violence are highly prevalent. Particularly important also for fragile situations is the above-mentioned issue of attitudes. The Bolivia case study mentions the particularly participatory, inclusive and impartial attitude of the network coordinator as an important element of the project, in Macedonia facilitators obtain

certificates to ensure their skills and capabilities and Bosnia also mentions neutral facilitators as a success factor. Claimed spaces may, however, challenge power holders, which can be risky in violent contexts. The case studies, which focused on civil-society, also bring up the necessity of “safe environments” for civil society participation on one hand and on behalf of women on the other hand. The creation of neutral and safe spaces for deliberation in fragile and violence affected contexts is therefore a priority, yet very challenging to achieve.

### **Inclusion and Power**

Exclusion and (perceived) unfairness are often among the root causes of conflict. The studied cases are trying to ensure inclusion in various ways. The Macedonia Forums for example applies ethnic and gender proportional representation, but inclusion and impartiality still seems hard to maintain as it is not clear who is representing and mobilizing poor and excluded sectors of society and civil society may also be affiliated with competing power structures.

Bosnia is challenged by unclear character, division of power and rights of participants in the local community forums. At the same time, power struggles between elite groups prevent people from investing in participation in the forums. The legitimate stakeholders of the different forums reflect mainly visible as well as invisible powers in the selected localities. Hidden forms of power, on the other hand, may play a disruptive role in community accountability processes *”by excluding key issues from the public arena, or by controlling politics ‘backstage’ ”*<sup>14</sup>. However, where hidden and fractionalized elite power coincides with a fragile and conflict affected situations, a very dangerous situation may be the result. In both the Bosnia and Macedonia case, these challenges were addressed through capacity building and explicit efforts to include women and youth. In Peru, women organisations were invited as well as local leaders, who were then able to give a “counterweight” to private sector interests. However, it must be acknowledged that inclusion, power-sharing and transparency is often not welcomed by local elites, as for example described in the case of Afghanistan, where local power holders are afraid of losing influence on community affairs. Invisible powers (gender imbalances) are challenging, as they are relating to cultural norms, which are often not negotiable, even more so in fragile and conflict contexts. Sound organisational processes guaranteeing inclusion and impartiality (organisation, invitation, facilitation, voting, recording, documentation) related to forums for accountability and participation, are also particularly challenging in fragile and conflict affected situations; although at the same are particularly important. Capacities are often predominantly low and impartial and trusted facilitation is difficult to find. For projects, which intend to tackle these issues, this means the necessity to invest in increased capacity and to start slowly with small issues, requiring flexibility and long-time commitment. Equally to stable situations, it is crucial to understand customary and traditional or actual accountabilities as opposed to legal provisions, that often correspond with hidden and invisible power structures, which are often acting as spoilers and dividers. This may mean that, though traditional forms are more accepted, they may not be very democratic and inclusive, so that particular attention then has to be paid to the functioning of these structures, and of ensuring mechanisms for inclusion, e.g. by including women organisations, through capacity building, through the organisational process, and by guaranteeing that facilitators understand these aspects.

### **Does fragility matter for accountability and participation?**

Designing and implementing projects in fragile situations, demands increased attention for analysis of different forms of violence, a detailed actors mapping, tensions’ and positive capacities analysis, the prevalence or absence of trust as well as a focus on questions of inclusion and power. Not only will a qualified analysis of these factors facilitate Do No Harm and conflict sensitive project management, but it will also facilitate informed project decisions to achieve better results.

<sup>14</sup> See: <http://www.powercube.net/analyse-power/forms-of-power/hidden-power/>

Looking at the different forms of fragility (figure 1), very low legitimacy of the government rather calls for a focus on civil society, whereas in situations where the government is rather weak but reasonably legitimate, pursuing a more balanced approach with strong support to duty bearers seems more effective. Situations with ample legitimacy for the government but capacities are low, national level reforms may be a suitable avenue to strengthen participation and accountability. At the same time, a breakdown of state institutions coupled with little legitimacy, calls for high attention to divisions or rifts in the society and support for dialogue between all stakeholders.

The detailed assessment of fragility and conflict together with political economy and power analysis is the backbone of sound programming.

## Lessons learned

### Staying engaged

- Particularly in situations of acute armed conflict, strict transparency and (downward) accountability is the only way to stay engaged.

### Inviting the right stakeholders

- In Bolivia, Afghanistan and Laos the invitation of not-likeminded and hard to reach actors is a critical element of stakeholder engagement.
- It is crucial to understand customary and traditional or actual accountabilities as opposed to legal provisions that often correspond with hidden and invisible power structures, which are often acting as spoilers and dividers. Particular attention may have to be paid to the functioning of these structures, and of ensuring mechanisms for inclusion, e.g. by including women organisations, through capacity building, through the organisational process, and by guaranteeing that facilitators understand these aspects.
- In fragile situations, Civil Society organisations need to be scrutinized as much as government institutions in terms of their actual accountabilities, to understand how much trust people have in them.

### Approaches

- Good communication is important using non-threatening terminology and means such as roundtables, forums and regular multi-stakeholder meetings. This also helps in transparency, which is pivotal for creating trust.
- The creation of neutral and safe spaces for deliberation in fragile and violence affected contexts is a priority, yet very challenging to achieve.
- Sound organisational processes guaranteeing inclusion and impartiality (organisation, invitation, facilitation, voting, recording, documentation) related to forums for accountability and participation, are also particularly challenging in fragile and conflict affected situations; although at the same time are particularly important.

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## 7. Concluding Remarks

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Even though it is widely acknowledged that civil society participation and accountability in local governance is fundamental to democratisation, it is inevitably faced with multiple challenges, even more so in fragile contexts. This is because it challenges existing power structures and aims to be transformative, rather than conforming. It means that understanding power in all its forms is crucial for intelligent design and helps in understanding which stakeholders to include, what approaches to use, what skills and capacities to develop.

From the case studies, it is evident transparency and accountability is even more important in fragile contexts. Good communication builds relations and trust, and successful means have been platforms, networks, and public hearings. The cases also show how specific attention needs to be paid to inclusion questions and the risks of elite capture.

Legal frameworks can be an enabling factor, if it can be used to legitimize the projects interventions and thus strengthen institutions and influence policy changes, if needed. The role of civil society at national level is particularly relevant here, although success has also been gained through linking local with national government institutions, or through association of municipalities. The cases also show that participation and accountability requires skills that neither citizens nor local government officials may have; skills in budgeting, deliberation, and questioning. To acquire and practice these skills requires time, a structured programme, and needs to include the right actors to foster inclusion.

Two actors are conspicuously missing: political parties and parliaments. Even though they form part of the decision-making power and are especially important for accountability, none of the case studies seem to have experience with working with these actors. This may have to do with the fact that projects do not want to risk being seen as affiliated with one party or the other. However, it is increasingly recognised that local parliaments are important for accountability and democracy.

The question remains what role projects can play in promoting and contributing to citizens organising themselves to take collective action on issues of their concern, without creating dependency. Some case studies show interesting examples of working on a particular issue, using very limited funds. In other cases, CSOs are used to help organise citizens to participate in local decision-making, where projects is attempting to establish this process as part of the local governance structures. Where Civil Society is weak an important and relevant question to ask would be: why are citizens not organised? Analysing the factors could help to identify relevant interventions, be it to promote a more favourable legal framework, to stimulate a culture of deliberation, questioning, and discussion e.g. through schools, or mitigate the risks for citizens to speak out by working through networks and alliances.

Based on these findings, the following recommendations are presented:



## Recommendations

### Analysis informs choices and design

*Power analysis* is important within the context analysis, understanding obvious power struggles but also the more hidden and invisible powers is important to make informed choices and design of programmes. Context analysis, gender analysis and PE analysis can all be helpful to formulate a theory of change addressing unequal power relations.

### Types of project and funding matters

#### *Flexible and adapted funding modalities*

In the context of weak civil society, be it local level or national level, donors could consider strengthening civil society through a civil society fund, where own initiatives are promoted, or by providing capacity building, not necessarily focusing on service provision, but rather to enable CSOs to tackle specific issues, lobby for them, and to collaborate with government and other stakeholders to achieve results. This requires a flexible mode of funding and operating, allowing for new ideas and innovations to be developed.

### Important components in the project design

#### *Access to information*

Information on how governance works, on legislation for the issue at hand, on budgets, is important for civil society to be able to participate. Facilitating access to information, e.g. through simple brochures on legislation, through internet or mobile phones, or through radio and television, can be a very important component for civil society participation and accountability in local governance.

#### *Enabling democratic practices to take root*

Participation and accountability requires practice, especially where these processes are unknown, and citizens do not have the skills to be able to participate in decision-making and hold government accountable. Governance programmes promoting such democratic practices would do well taking this into account.

#### *Working with - and influencing policies*

Legal frameworks can be the basis for civil society participation and accountability, although often the implementation of such legislation is a challenge. It would be important to feed into the legislation to correct its shortcomings, improve implementation with procedures, systems and tools, or to facilitate new legislation, policies or by-laws. This would require advocacy, which would likely require working with civil society organisations that are working on the issue at hand and eventually, if so needed, strengthen their skills in lobbying and advocacy.

#### *Including other political actors that are important for participation and accountability*

More attention should go to the functioning of representative bodies such as parliaments and councils. Such bodies are supposed to hold government accountable and represent the interests of citizens, but very often they are weak, driven by party politics, and lack knowledge and skills on their responsibilities

### Fragile contexts

Designing and implementing projects in fragile situations, asks for increased attention for and analysis of different forms of violence, a detailed actors mapping, tensions' and positive capacities analysis, the prevalence or absence of trust as well as a focus on questions of inclusion and power.

It is imperative to be transparent about interventions and include all stakeholders. The discussion on roles and responsibilities, expectations and accountability is an important conflict prevention mechanism.

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