

CHAPTER THREE

ACCOUNTABILITY AS AN INSTRUMENT OF GOOD GOVERNANCE: INTERNATIONAL PERSPECTIVES

3.1 INTRODUCTION

The debate on good or better governance styles and imperatives is undoubtedly a contested one. The notion of governance continues to capture a noble attention across the development and academic discourse, owing to the predicament of several poor nations, especially in Africa, which is attributed to poor governance. If governance relates to the way how power, authority and resources are utilised in the pursuit of developmental objectives (Kiyaga-Nsubuga, 2004), then the level of accountability of any organisation or agency (public, private business or non-governmental) becomes a *litmus test*, to whether that entity nurtures good or poor governance. But the clamour for *good governance* remains a cherished ideal in the effort to overcome the socio-economic and political impediments to development that have characterised, especially, the developing countries for decades.

Attention in this chapter is directed to some fundamental catchphrases associated with the notion of accountability, which at the same time buttress the ideals of good governance. These international catchwords include the notions of *corruption* and *civil society participation*, which are at the epicentre of public sector accountability, but also reinforce the imperatives of good governance. A review is provided to show the significance of *regulatory imperatives* as the essence of enabling a sense of balance to sustain the virtues of accountability and good governance across nations. Some *international perspectives* on promoting accountability and good governance are articulated, in light of the recent development initiatives and partnership between Africa and the developed World, with the aim of making a case that accountability is internationally viewed as an instrument of good governance. Before engaging a detailed analysis, it is important to contextualise governance and good governance, as espoused in the recent development management discourse.

3.2 CONTEXTUALISATION OF GOVERNANCE AND GOOD GOVERNANCE

While *governance* is not a new term that has been used in reference to state and political activities, it has only, recently, emerged as a key concept in public administration and management. Governance is generally used in development circles to refer to the manner in which power and resources are used towards the realisation of developmental objectives (Kiyaga-Nsubuga, 2004). It could therefore be good or poor governance.

Governance has extended from its traditional government action of utilising power to enforce societal compliance, to focus on addressing developmental roles by the different segments of socio-economic and political forces. The private sector, the citizens, and the way social groups organise to make and implement decisions affecting their well-being are core governance activities. This implies that governance in the *contemporary* sense is not a preserve of the wielders of state power, or a mere display of the state's hegemony, but rather, a partnership between the leaders and the led for purposes of promoting the entire society's well-being.

Governments are increasingly under pressure not only to be efficient and productive, but also to secure outcomes in terms of economic and social development. It is this urge that has precipitated most public sector reforms, whose strategies have had a bottom-line intent to change the culture and context within which public managers conduct their duties, in order to increase governments' efficiency, effectiveness and accountability (Romzek, 2000: 21). In order for the African institutions to function effectively, reforms focused on the administrative and civil services sector, the strengthening of parliamentary oversight and judicial system, promotion of participatory decision-making and the adoption of effective measures to combat corruption are critical (ADB, 2005: 185). Thus, accountability has become prevalent and significant in all these facets, and constituted the pivot of good governance.

In Africa and elsewhere in developing nations, the public institutional failure just before and after the 1980s led to the rise of pro-democracy movements across the continent, with a renewed call for sound macroeconomic management to address

the quagmires associated with globalisation, and to deal with the deficiencies of governance.

Good governance can be viewed as aiming to achieve various objectives such as enhancing the welfare of its citizens, promoting economic growth, political stability and security of its citizens, ensuring that democracy prevails, and ensuring overall accountability for its actions as well as the monitoring of government actions by society. The crucial point here is that accountability is critical for efficient and effective public sector management, and thus it has become a prerequisite for good governance and development. While there are several positions on the meaning of good governance, there are common elements/denominators in what it constitutes.

Popularised by the 1989 World Bank Report, “Sub-Saharan Africa: from crisis to sustainable growth”, good governance became an icon to accentuate guarantees to human rights, curb corruption and promote democratisation as well as accountability. The World Bank (2003) identifies six dimensions of good governance indicators such as voice and accountability, political stability and absence of violence, government effectiveness, regulatory quality, the rule of law, and control of corruption. The UNDP identifies seven features of sound (good) governance, namely legitimacy established through rule-based opportunities for changing government in an orderly and predictable manner, freedom of association and participation, fair and effective legal frameworks, accountability of public office and service and transparent processes, availability of valid and reliable information, efficient and effective public sector management and cooperation between government and civil society (Nsibambi, 1998: 4).

The global coalition for Africa considers the following as the generic ingredients of good governance: constitutionalism and human rights, predictability of the law/primacy of legality, responsible government/transparency, coherence of administrative institutions, openness/tolerance of, and favourable climate for the private sector (Nsibambi, 1998). Generally, good governance involves reforms geared towards increase of accountability, transparency and responsiveness, and to make the policy process more effective (more rational and equitable) for optimisation of service delivery.

The above aspects of good governance serve to demonstrate the fact that governance is a much wider concept, than the notion of government, per se, and it cuts across the political and socio-economic aspects of human existence. The good governance agenda requires that a government functions in a responsible, participative, transparent and accountable manner so as to achieve economic stability, redistribution and other development goals (Fourie, 2006: 436). While *good political governance* emphasises issues related to promoting democratic ethos, rule of law and political stability, *good economic governance* stresses a need for sound micro and macroeconomic policies as well as establishing an appropriate monitoring and regulatory framework for efficient coordination of economic activities (ADB, 2005: 198). In essence, good political governance is a necessity for good economic and corporate governance, and all of them require an effective regulatory system.

3.3 REGULATORY IMPERATIVES TO ACCOUNTABILITY AND GOOD GOVERNANCE

It should be borne in mind that governments have the obligation of serving their public – the citizenry. In this case, the governance style becomes a precursor to achieving economic and political goals such as law and order, economic growth and development and, generally, social well-being. However, these facets do not automatically fall in place; but rather, they are embedded in public policy frameworks. Thus, effective legislative, drafting, policy formulation, budget determination, policy and programme implementation, as well as responsiveness and service provision, are determined by the nature and character of such institutions/ agencies that play a regulatory role.

The legislative and regulatory frameworks of a state are critical foundations of accountability and good governance. The regulatory process consists of three important ingredients, namely setting the rules or governing standards, monitoring for compliance and enforcement. The ability of a state to establish and enforce rules and regulations fairly and appropriately relates to political governance, which provides a framework within which the socio-economic behaviour of agents and agencies of the state operate. Regulations are necessary to harmonise relations and

streamline activities, both in public and private sector spheres in order to promote institutional stability, cohesiveness and progress. In terms of accountability, regulations are needed to debar conflict of interests for public officials and to protect public scrutiny and disclosure through voluntary actions like *whistle-blowing*.

The dictates of neo-liberal reforms, elsewhere, in the developing world require that government must provide an enabling environment for the private sector initiative in leading the development process. In this case, the effectiveness of the regulatory framework is measured by its ability to strike a balance between removing restrictions on private sector participation, on one hand, and protecting consumers and safeguarding the country's socio-economic objectives (including accountability to the public) on the other hand (ADB, 2005). Thus, both the government and the private sector must bear mutual interests in observing their obligations, under the regulatory arenas to ensure that the public interest is not compromised.

As far as pursuing accountability and the public interest is concerned, the legislative system should earmark not only regulating the private sector activities – to avoid its negative elements of fleecing the public – but should also address issues of fairness, income distribution, empowerment, quality of service delivery and the rule of law.

Elsewhere on the African continent, neo-liberal reforms like privatisation, decentralisation and deregulation have promoted the private sector governance initiative with business corporations exerting a lot more influence than ever before. Corporations, especially the trans-national corporations (TNCs), continue to affect a substantial share of domestic livelihoods in the wake of globalisation, and as such, they influence governance perspectives in their host countries (Koenig-Archibugi, 2005). These constitute emerging issues on corporate governance.

It is through the regulation of private sector activities that the notion of *corporate accountability* can be espoused. Corporate accountability emphasises that business entities and corporations should be accountable to the public, under the enunciated principle of *corporate social responsibility*, given that the public is their major clientele and that its well-being in terms of incomes and good health is important for the existence of corporations. The essential principle here is that, since corporations

are considered *legal persons* and therefore entities that can sue or be sued in their corporate name, they should be governed by standards that promote 'other' people's welfare and the public interest.

The concern has been that corporations are widely perceived as capable of evading public control and getting away with behaviour that harms employees, consumers, vulnerable communities or the environment (Koenig-Archibugi, 2005: 111). In many African economies, for instance, there has been the issue of *state capture*, which refers to the actions of economic agents or firms in both the public and the private sectors to influence the formulation of policies, laws and legislations to their own advantage, as a result of some collusive tendencies (ADB, 2005: 208). It is not uncommon to find private businesses offering financial assistance to public functionaries, especially politicians during election campaigns – with the consideration that, once their sponsored candidates are in positions of power – they could reciprocate the 'good gesture' in the fashion of the old adage of *scratching my back and I scratch yours*.

Such tendencies can only serve to preclude the interests of the poor people in society (which interests rotate around affordability and having access to services), thereby, undermining public accountability, responsiveness and good governance. As noted earlier, while the good laws and regulations that could protect the public, at times actually do exist, they are seldom implemented effectively. Yet, it is the effective enforcement and compliance that render rules and regulations meaningful; otherwise, public governance may cease to fulfil its socio-economic and political obligations to the public – the citizens. Unsuccessful policy and regulatory implementation is commonly due to the institutional capacity deficits faced by implementing agencies. These range from absence of skilled human resources and poor financial resource facilitation, to lack of support from various stakeholders. But perhaps the most significant antithesis to successful policy and regulatory implementation is the quandary of *corruption*.

3.4 CORRUPTION: A QUANDARY TO ACCOUNTABILITY AND GOOD GOVERNANCE

If there is any single term to convey and describe the ills associated with the public sector realm, especially in the developing world, then it is *corruption*. At a conceptual level, corruption can be subsumed within the larger context of accountability. It is both a symptom and an outcome of lack of accountability and poor governance. Corruption is a much broader term than fraud or embezzlement, and it transcends mere financial gain from the perpetrator. In the public sector realm, corruption could be categorised as *political* or *high-level* corruption on one hand, and *administrative/ bureaucratic* or *petty* corruption on the other, depending on the category of public officials involved and the magnitude of effect (ADB, 2005: 207).

Corruption involves the misuse of one's vantage position for personal gain or for the benefit of one's acquaintances. In the public sector context, it is an outright abuse of office and one's position to engage in illegitimate and unethical ways for the selfish benefit of an individual or those involved through collusion at the expense of the public interest. Transparency International distinguishes political corruption from administrative corruption, where the former is described as "the abuse of entrusted power by political leaders for private gain, with the objective of increasing power or wealth" (ADB, 2005: 207). It is further stressed that, political corruption need not involve money changing hands, but it may take a form of *trading in influence* or granting of favours that undermines fair competition and democratic principles.

The dilemma, though with the definitions of corruption that are coined, especially, by the Western developed agencies is that they disregard the socio-cultural orientation and values of some African traditions. For example, extending a special favour to a family member is a good cultural practice that strengthens kinship ties in many African traditions, but it is often castigated as nepotism when it is extended to the public office. This, probably, explains why using public office facilities like vehicles on private family routines remains rife, despite being branded as a form of corruption. In many Ugandan for example, the practice by several District Service Commissions to appoint "sons and daughters of the soil" (local homeboys and girls) in the district service positions has continued with support from local politicians, despite great

condemnations from central government and donors (JARD, 2006; Kakumba, 2003).

3.4.1 Patterns of corruption

Corruption is said to be systemic when cases of impropriety or bribery become entrenched in the system and as a routine way of dealing with the public officials. In this case, it ceases to be described as isolated cases of corrupt behaviour, but instead it becomes the rule rather than the exception. In Africa, where lack of accountability has become largely endemic, corruption manifests itself in several ways including outright bribery, theft of public property or embezzlement, patronage, influence peddling, use of one's position for self-enrichment, bestowing favours to relatives and friends, absenteeism and moonlighting (Fourie, 2006; Pauw *et al.*, 2002).

Fraud and corruption occur on both small and grand scales from petty bribes to entice lower category officials like counter clerks to deliver services through evading some procedure or shortening processing time, to major pay-offs at the top of the system in form of kick-backs and hiked-value invoices, especially after securing contract awards through manipulative tender processes. The manifestations of corruption often recur in the interactions between the public and private sector agencies, where actors in the latter sector collude with holders of trust in the public offices.

The typical categories of corruption, according to Pauw *et al.* (2002: 334) include:

- *Kick-backs*: when the supplier who is awarded business gives a sum of money or rather gift - usually pre-arranged - to a government official who dishonestly influences the choice of the supplier.
- *Bribery*: when a supplier offers an official or officials some personal benefit in exchange for their assistance in securing government business or a particular position of employment for him or her; this usually involves these officials circumventing the laid-down processes and thus disregarding the requirements of fairness and honesty in government institutions.
- *Patronage*: when officials, usually in a position of some authority, contrive to have business, employment or any other special consideration given to their

relatives or friends, after bypassing some required or standard procedures.

- *Cheque payments*: when an official causes a cheque to be issued in favour of a person or business which has, in fact, not given government the required value for the that payment.
- *Theft of assets or embezzlement*: when officials find ways of stealing assets or resources belonging to the state.
- *Diversion of resources*: when resources or payment of money owing to the state is dishonestly redirected to another party or purpose.
- *Extortion*: when threats, intimidation or even promises are used to encourage a government official to act in a way which enriches a third party at the expense of the state.

The Corruption Index of Transparency International (CITI), which measures corruption as perceived by business people, risk analysts and the general public – using a continuum from zero (highly corrupt) to 10 (highly clean), indicates that in 2004, the 36 African countries covered by the survey scored an average of 2,93 – which represents widespread corruption (ADB, 2005: 210). The figure indicates a worsening situation from 2000 when the CITI's average was 3,4 for the 22 African nations surveyed. The figures also show that it was only Botswana and Tunisia among the participating African countries that managed to pass the half-way mark of 5,0 towards the corruption-free zone; with Botswana scoring 6 points.

3.4.2 Causes of corruption

The causes of corruption tend to epitomise the dilemma of accountability. Its causes within the public sector realm are diverse in context and tend to be rooted in a country's policies, bureaucratic traditions, political development and social history (Fourie, 2006; Pauw *et al.*, 2002). In this case, corruption can be seen as a result or a symptom of weak institutions of governance and weak policy and regulatory regime that may provide ground for it to flourish. A workshop on governance and corruption in Africa related corruption to 'sick' institutions and evaluated sick institutions as those where (ADB, 2005: 211):

- a substantial number of employees do not come to work or do other work or nothing at all while there;

- corruption and favouritism are not isolated instances but the norm;
- pay scales in real terms have collapsed and low and middle-level employees cannot provide for their families on official pay; and
- employees seek other forms of compensation, including travel, study allowances, non-wage benefits as well as illicit payments for doing their official duties.

Weak policy and regulatory regime signify authoritarian systems, which tend to frustrate control arrangements and impose unwarranted restrictions on citizens' participation and other fundamental freedoms to the rest of the society. This situation manifests itself in the form of over-centralisation of power; lack of freedom by the media to expose scandals; clientelism; impunity of well-connected officials; low regard for expertise and professionalism; and absence of transparency in public financial management.

Low salaries of public officials in many African countries, as well as job insecurity caused by uncertainty in positions were found to have a correlation with increased corruption (Fourie, 2006; ADB, 2005). In Madagascar, perceived levels of petty corruption declined between 1995 and 2001 as real wages increased – petty corruption declined by 42%, while real wages increased by 50% (ADB, 2005: 214). In this case, the supporting relationship presented is such that, the low pay and poor working conditions force the highly skilled personnel to abandon public service and seek for better pay in the private sector or emigrate to developed countries, leaving behind weak institutions and administrative systems. The eminent outcome of this is that, public servants continue to go to “work”, despite the claim that their salaries do not cover their transport costs, but with the confidence that corruption is the only rational way available for them to earn a decent pay that can sustain their family obligations.

The other factors that reinforce corrupt tendencies relate to the socio-cultural systems of clan and extended family attachment, whereby ‘successful’ family members are expected to meet the costs of several family-related expenditures, including marriages, burials, school fees and health, which are ordinarily beyond the official salaries of public officials.

3.4.3 Effects of corruption

While corruption occurs in poor and rich countries alike, its caustic effects are much more problematic for the developing countries, as it comes at high cost for those that are poor. Political corruption for example, which involves the misuse of political power to amass wealth among the members of ruling regimes and use public resources to fund their political campaigns, especially during elections, erodes the fundamental pillar of good governance – democracy. This is normally a precursor to loss of public confidence in government, and a fertile ground for political upheavals like civil wars that aggravate social and economic distress.

Corruption distorts the rule of law as the powerful and well-connected individuals become apparently above the law; undermines the allocation and frugal use of scarce resources; reduces opportunity to provide social services to the poor and increases destitution; creates uncertainty for doing business and frustrates domestic and foreign investment; and it inflates government spending for low value output and outcomes, which frustrates development assistance, increases financial deficits and the debt burden (World Bank, 2002; Pauw *et al*, 2002; Fourie, 2006). Such episodes can only exacerbate the poor levels of accountability, undermine the credibility of public institutions, while impairing good governance and development.

The potential impact of corruption on the socio-economic aspects of development are summarised as below (World Bank, 2002; ADB, 2005):

- distorted public expenditures, investments and deteriorated physical infrastructure;
- distorted enterprise development and growth of the unofficial economy;
- lower levels of domestic and foreign investment;
- lower public revenues and less provision of the rule of law as public good;
- misallocation of talent, including underutilisation of expertise, professionalism and key segments of the society, such as women;
- overly centralized government; and
- state capture by corporate elite of the laws and policies of the state, thereby undermining growth of output and investment of the enterprise sector.

3.4.4 Combating corruption

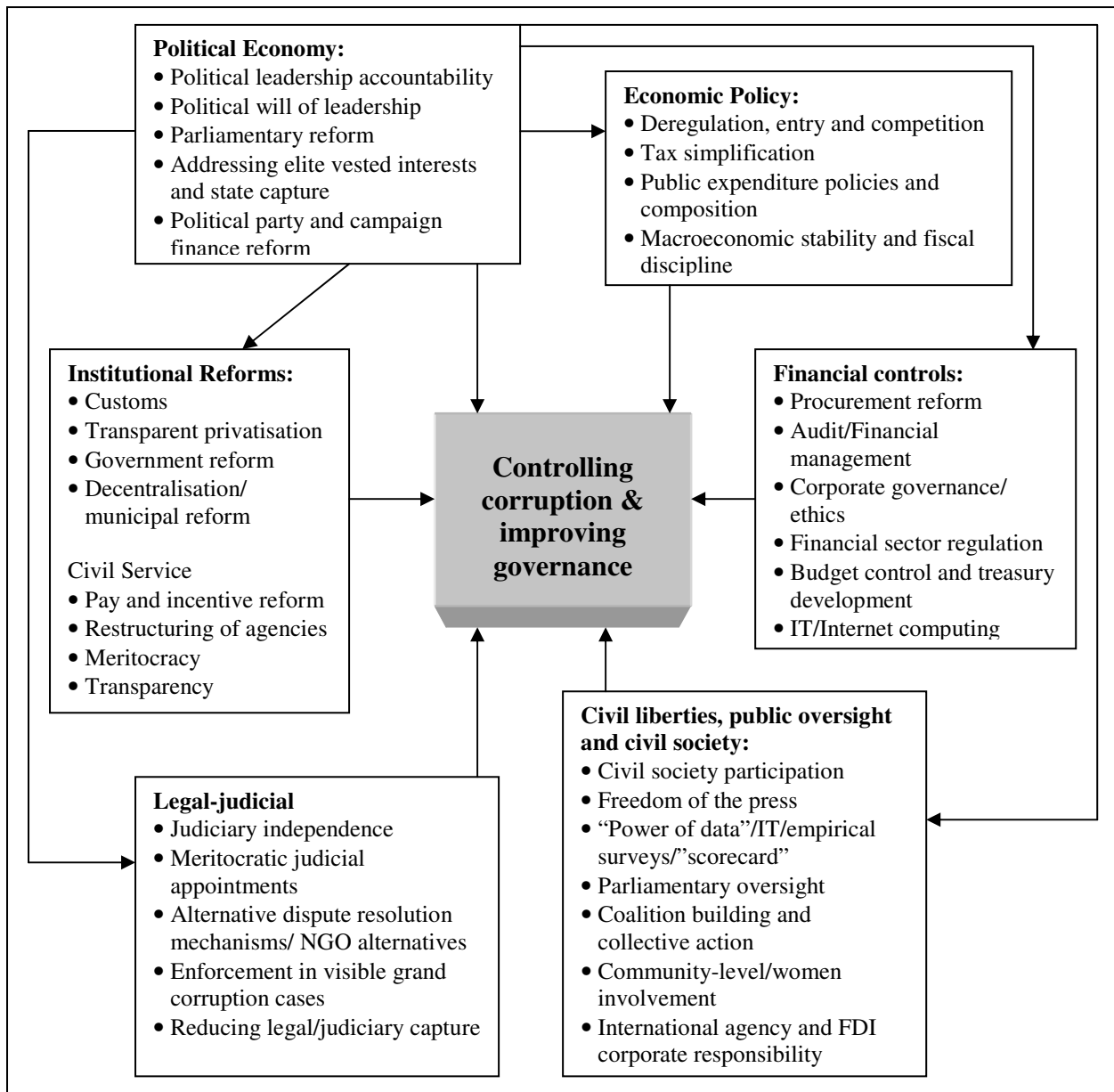
In view of the fact that corruption, lack of accountability and poor governance are intertwined, the measures to combat corruption must follow a multifaceted approach to address the various concerns that impede good governance. Given that corruption is a complex phenomenon and that its patterns are diverse as indicated above, continuous analysis of its nature and characteristics in society is necessary to identify the various root causes in order to prescribe appropriate interventions.

At the bottom of it, combating corruption and promoting good governance require a democratic dispensation with a viable system of checks and balances to prevent arbitrary action by public officials (elected politicians and appointed officials). Having such democratic ethos in public governance is necessary to promote citizen participation and a free independent media capable of highlighting malfunctions and corruption tendencies in government. It is also crucial in supporting the building and strengthening of viable institutions that can withstand undue pressure and influence peddling from the various sections of the wielders of political and economic power.

Enacting an enabling and appropriate legislation and regulatory framework is necessary to curb corruption, but its implementation is even more critical. While many countries have excellent pieces of legislation to deal with corruption, with good measures like seizure of property, court action, blacklisting, interdiction and dismissal from public office, their implementation has remained deficient. Laws for example that do not rime with the cultural-social norms of a given society, especially, those that condemn traditionally acceptable practices of extending a favour to a kinsman may be difficult to operationalise. Otherwise, the laws can be rendered useless once they cannot be implemented. Similarly, while several anti-corruption institutions are usually established, in many countries they are often under-funded, and in some cases, they are not more than ‘a veneer to meet donor conditions’ (ADB, 2005: 220).

A multifaceted intervention to curb corruption that addresses various concerns, ranging from political economy, economic policy, institutional reforms, legal-judicial issues, financial controls and civil liberties is provided in **Fig. 3.1**.

Figure 3.0.1: Multi-Pronged Strategies for Combating Corruption and Improving Governance



Source: African Development Bank Report (ADB, 2005)

In all measure and effort, there must be a concerted national action, spearheaded by good political will from the most powerful political offices in the land and the rule of law. Other than government action, a strong ethical culture must be institutionalised with good ethical values to promote the norms of public interest and public accountability. The civil society must be informed, educated and empowered to acquire civic competence that is necessary to make their leaders accountable.

3.5 ROLE OF CIVIL SOCIETY PARTICIPATION

The orientation of people's participation or citizen/community participation as fondly known has evolved through liberal democratic traditions of trying to reduce the 'frontiers of the state', while extending public choice. It has manifested itself through the neo-liberal policy prescriptions, spearheaded by the international multilateral agencies led by the World Bank and IMF. Participation nowadays forms part of the NPM paradigm that seeks to re-invent government by breaking rigid bureaucratic structures and open them up for transparency and accountability. According to the African Development Bank (ADB), the contention is that, offering citizens more choice would stimulate competition, geared at making the public service more efficient and service-oriented by capturing the larger citizens'/public interest (ADB Report, 2005: 128-129).

Hence, the advocacy towards opening up the frontiers of the state to public access and scrutiny heralds the imperatives of good governance. The call for the shift in the methods of accountability to integrate the community serves to represent the fact that the state and society are inseparable. In other words, government must act in ways, which are broadly approved by the community. The argument is that, since government organisations are created by the public, they are partners in development and government must be accountable to the public.

Elsewhere in developing countries, especially in Africa, public management reform has earmarked decentralised local governance as an attempt to reorient the systems from a highly centralised state, inherited at independence and from the subsequent dictatorial regimes, to systems that owe allegiance to the citizenry. Accordingly, participation by civil society organisations (CSOs) has been cultivated as a response to the past development failures, which were attributed to implementing development initiatives 'parachuted' from above in a largely top-down fashion.

3.5.1 Citizen participation and the citizens

Fox and Meyer (1995: 20) define *citizen/community* participation as "the involvements of citizens in a wide range of administrative policy-making activities, including the determination of levels of service, budget priorities, and the

acceptability of physical construction projects in order to orient government programmes toward community needs, build public support, and encourage a sense of cohesiveness within society”.

Regarding these questions: who are the participating citizens; how do they take part in decision making and with what interests and values?, Brynard (1996: 40) considers *citizen participation* as “a process wherein the common amateurs of a community exercise power over decisions related to the general affairs of a community”. He notes that *common amateurs* are the non-elite citizens; persons *without paid office, wealth, special information, or other formal power source beyond their own numbers*; and whose control is only gained from the participatory process. Brynard (1996: 44) outlines the following as the objectives of citizen participation:

- provide information to citizens;
- get information from the above citizens;
- improve public decisions, programmes, projects, and services;
- enhance acceptance of public decisions, programmes, projects, and services;
- supplement public agency work;
- alter political power patterns and resource allocation;
- protect individual and minority group rights and interests; and
- delay or avoid complicating difficult public decisions.

Citizen participation does not necessarily lead to empowerment. Empowerment, as Narayan (2002: 14) contends, requires a process through which peoples’ freedom of choice and action is expanded to enable them to have more control over resources and decisions that affect them. For empowerment to happen, participation must be *effective*, in a way that it enforces accountability and changes in behaviour within relevant government bureaucracies and ensures changes that make participation more inclusive of the poor and the underprivileged (Crook, 2003: 79).

3.5.2 Role of civil society organisations

Civil society organisations (CSOs) can play a prominent role in fostering accountability and good governance. CSOs consist of organisations such as NGOs, community-based organisations, student and youth groups, charitable organisations,

religious organisations, professional associations and other public interest groups. Their roles tend to be reflected in the policy-making and implementation. They are expected to gather views from various stakeholders in the population; aggregate them, help set the agenda and demand improvement or new policies from the political system.

CSOs can monitor government actions and spearhead the actions against corruption and abuse of public authority. This is normally done through building coalitions against poor governance and publicising information about the patterns and severity of corruption. Such groups constitute checks and balances on the would-be excesses of public institutions, and thus, foster a democratic dispensation by pressing upon the state to undertake good policies that benefit the entire population (Kakumba and Kuye, 2006: 815).

Public interest groups such as consumer movements in developed countries, village councils and other local organisations provide local inputs and checks on bureaucratic excesses. According to Peters (1995: 301), there has been an interesting aspect on “the use of interest groups as a check on the public bureaucracy where some governments have fostered organisations almost to the level of creating their own opposition”. Publicity and publication of complaints against government agencies are the most frequently employed mechanisms by these groups to lobby the correction of inefficiency. This has allowed residents and communities to have a say in the making and implementation of policies.

The communication media is perhaps the most pervasive trajectory in promoting civil society action and strengthening its calibre. The media’s power is derived from the fact that it is both a player and a referee in the policy process, and upon which vantage point, it influences society’s opinion vividly. The media tends to capture the citizens’ favour more than the public agencies, because of its easier interface with people and quicker flow of information. The role of the media in the public sector realm is such that it identifies issues and sets the agenda for public discussion, plays arbitrator between the citizenry and the decision makers, influences attitudes and values towards policy issues and assumes power on behalf of the public to watch over policy process, analysis and implementation (Kakumba and Kuye, 2006: 814).

A recent study in African countries revealed that countries where press freedom is high, there was correspondingly better features of tolerance, political and social inclusion and elements of good governance (ADB, 2005: 198). The ADB gave cases such as Ghana, Senegal, South Africa and Botswana, where CSOs were operating relatively freely, and had experienced stability, democratic development and improvements in governance.

Besides a strong communication media, the civil society should bear particular conditions if it is to be effective in enforcing accountability and good governance:

- good political will from government and its agencies, which is built on strong democratic foundations;
- an appropriate legal and regulatory framework, which enables organisation of people, mobilisation of resources, access to information and advocacy;
- strong and proactive leadership whose actions and decisions are guided by internally generated democratic principles;
- a vibrant civic competence with citizens who are capable of articulating popular interests and facilitating participation; and
- a viable and stable financial resource base that allows a high degree of organisational independence with minimised funding conditionalities.

The relationship between the state and the population (civil society, and private business) is that the former ordinarily promises to create an enabling environment in form of policy (stability, public goods, and property rights) in exchange for votes and taxes from the latter. Just like in any other contract, fulfilment of the agreed positions depend on how well organised the parties are. However, several limitations and inherent weaknesses in CSOs tend to undermine their position in the state-civil society relationship, which ultimately impacts on their pursuit of accountability and good governance.

3.5.3 Limitations of civil society operations

A positive state-society relationship would call for a democratic public participation; where policy-makers and the public continually engage in dialogue, examine the consequences for fundamental values, as well as sharing burdens and benefits

(Bryner, 2003: 304). Unfortunately, CSOs and interest groups are frequently controlled by the government itself through several legal and illegal restrictions, as well as manipulation, all of which deny them viable space for effective participation.

The communication media has become a major victim of repressive regimes in several developing countries, following governments' strict censorship policies. According to the UNDP Report (2005: 152), human rights abuses perpetrated by the political leadership in many developing countries have retarded human development. The report notes that matters have been worsened in cases where the communication media is subjected to forms of intimidation meted out to gag the press, either through the enactment of restrictive laws, or through threats of revocation of operating licenses as a way of silencing their critical analyses. According to the ADB (2005: 197), in Africa the media is constrained by state ownership of media houses, conflict of ownership interest and weakened capacity within the media itself. This undermines the opportunity to build a vibrant civil society that could bring the government to account.

Regarding the interest groups, Peters (1995: 302) notes that, although they are strong tools in political mobilisation, their effectiveness is limited because they work through second and third parties in order to have their own demands realised. He argues that they have few political and organisational skills required for continued success and they might in the long run appear to represent individualistic interests, thereby, requiring yet "another set of controls to control the controllers".

The feeble nature and structure of CSOs in developing countries militate against their effective participation. While the number of CSOs continues to increase in several localities, elsewhere in the developing world, they are continuously accused of colluding with local officials and representing the *elitist* preferences. In Uganda, CSOs were found to have a high desire to complement the work of government, rather than questioning it; either because government had reconciled with their ideological or social concentration, or they found a benefit in that positioning, in form of contracts for service delivery work (DENIVA, 2006: 7). The CSOs' weak internal structure and lack of broad representation of the 'popular' voice often make them

susceptible to manipulation and renders their position rather superficial in pursuing accountability (Rugambwa, 2004: 43).

Similarly, the weak socio-economic position of the public in the developing world; accentuated by high illiteracy rates, alarming unemployment levels and abject poverty obstructs any sense of meaningful participation. The poor education system that is devoid of linking knowledge to production, the horrible human rights record and difficult means of livelihood exacerbate the low levels civic competence (DENIVA, 2006: 30-33). This undermines participatory *rational* policy-making and surrenders it to the whims of a few members of the *elite*, whose preoccupation is normally based on designing schemes that ensure their selfish benefit.

In essence, citizen participation in monitoring government actions and influencing accountability remains largely a *cosmetic* show and a mockery exercise in many parts of Africa with very little, if any, effective means of empowerment (*c.f.* Kakumba and Kuye, 2006; Crook, 2003; Blair, 2000; Mamdani, 1996). At the height of it all, are patronage and clientele relations that benefit, mostly the elite and affluent members of the society. Indeed, as Mamdani (1996) has argued “the African patrimonial state has perpetuated a rule over subjects rather than a rule by citizens”, which implies that, the civil society participation (as an ideal element of accountability) is more of rhetoric than reality.

What should be highlighted is that, although CSOs may not represent the broader public interest, they can be effective in demanding improvement in quality service. It has been argued however, that in order for the public or civil society to have a formidable influence, the instruments of public accountability must be in their favour.

3.6 INTERNATIONAL CONCERNS AND INITIATIVES

The respectability for public accountability principles is strongly rooted in democratic traditions and varies according to the constitutional framework of a country. Some highlights are provided below.

3.6.1 Country case highlights

In direct democracies like Switzerland, the control of the people over administration is far more direct and effective than in indirect democracies. Peters (1995: 296) notes that in Sweden, administrative decisions and such information that would be regarded as confidential in other societies are open to public scrutiny. This is intended to make administrative and political systems more responsive to people. Likewise, Norway has adopted a system of openness to the press and limiting information regarded as confidential. The greater dissemination of information and openness has become a deterrent to administrators to not do things that they cannot justify.

Internationally, and according to better practices elsewhere, a number of instruments have been used to enhance public accountability, especially under democratic orientations. These include institutional frameworks like group and public pressures, interest groups and CSOs, contracting-out of services, as well as mechanisms like publicity and open government (Peters, 1995).

With regard to *publicity*, it is considered as a method and an organisational means of controlling the bureaucracy. It deals especially, with individual actions of public officials (bureaucrats) which may be in contravention of regulations. Peters (1995) notes that it has worked in Sweden where the actions of public officials are almost entirely open to public inspection. However, this depends on organisational capacity to respond to errors that are brought to light, either as a public duty or to avoid further embarrassment. The limitation with publicity is that, it normally invades the individual privacy of public officials who may not be vigilant in taking seemingly risky decisions for fear of public criticisms. This can lead to risk-averse behaviour and can clog public decision-making.

Regarding *open government*, it is considered in terms of citizens' access to information after decisions have been made. This can be done by opening up procedures to citizens, for instance, public hearing, which can alter the manner in which policy is actually made. For instance in the United States of America, most of programmes require public hearing before government can take action. This allows

citizens participation in public decisions. A case in point is the Administrative Procedures Act of 1947, which requires that a draft proposal must be availed to public for comment, before a secondary law can be passed (Peters, 1995). This democratic system opens bureaucratic structures to political pressure from politicians and the rest of the society. The limitation with open government and publicity is that the information is often categorised as confidential and private, when it comes to some sections of the state, where relenting such official information may be considered prejudicial or a jeopardy to state security.

What can be generally stated in reflection to Africa, however, is that, given the authoritarian tradition of many nation-states, the quality of such institutions that would ordinarily spearhead *better* practices has been undermined, as they are often used to sustain dictatorial regimes in power as opposed to serving the public interest. The ensuing anarchy and devastation have given rise to liberal ideas, nonetheless, and today, governance under a nation-state is under intense pressure to change and promote the larger society's interest in a democratic and accountable manner. This has led to the notion of good governance which is widely acknowledged as an imperative for sustainable growth and development.

3.6.2 Public sector governance and accountability

The dilemmas of accountability and poor governance continue to put many developing nations to debilitating circumstances. With less than ten years to meet the 2015 deadline of the Millennium Development Goals (MDGs) declared at the Millennium summit in 2000, Africa still remains the only continent off the track of achieving any. Poverty remains a cross-cutting issue to many countries described as poor in the world, a large number of which are found in Africa. According to the United Nations' (UN) review of progress against the MDGs, over 2000 children under the age of five die every day from malaria in Africa; 2.3 million people died in 2004 from AIDS; Over 250 million do not have access to safe drinking water; and over 40 million children are still not in school (UNDP, 2005).

The picture portrayed in Grindle (2004: 526) suitably describes the nature of most poor countries. "Almost by definition their institutions are weak, vulnerable, and very

imperfect; their decision-making spaces are constricted by the presence of many international actors with multiple priorities, their public organisations are bereft of resources and are usually badly managed; those who work for government and generally poorly trained and motivated. Frequently, the legitimacy of poor country governments is questionable; their leadership may be venal and their commitments towards change undermined by political discord; their civil societies may be disenfranchised, deeply divided and ill-equipped to effectively participate”. There is no doubt, amidst such a milieu, getting a country on to the development path can be daunting, even to the most committed reformists.

The dilemma of poor countries in Africa has not only been the low capacity in fulfilling their good governance mandates, but most of their governments are also held captive by corrupt elites with a poor history of non-fulfilment of their promises, lacking legitimacy in the eyes of their citizenry; while many, like Grindle (2004: 539) stresses, “are locked in conflicts that consume their energies and resources”. Such conditions imply that many countries cannot easily pass the test of good governance. Yet the good governance agenda constitutes a major pre-condition for financial aid and debt relief from the rich countries and international finance institutions. Financial aid and debt relief are crucial initial inertia for poverty reduction and growth, and poor countries cannot do away with them, in their quest for responsiveness and accountability for the public interest.

3.6.3 Initiatives for improvement

Since the 1990s, the G8 summits have become a major target by the poor countries to get their issues on the agenda in a bid to bargain to promote their development objectives. The renewed AU partnership with development agencies continues to rekindle positive trends, which had hitherto eluded the continent. At Gleneagles, in 2005, the G8 reviewed a progress report on the African Action Plan (AAP) which they had earlier approved in 2002 at the G8 summit at Kananaskis, Canada (G8-Gleneagles Report, 2005). The AAP bears a vision for Africa’s development and has been earmarked for partnership engagement between the G8 and African countries.

The adherence to the ideals of good governance has been a major condition for partnership and support from several development partners toward Africa's development initiatives. The G8 countries promised to enhance support if African countries improved in respect of compliance to the principles of good governance, including democratic and economic reform, as well as social investment under the NEPAD-APRM scheme (G8-Gleneagles Report, 2005: 5). Support measures geared towards a responsive and accountable public sector is seen as a vital ingredient in promoting the MDGs.

The G8 and OECD member countries have pledged to increase support towards public sector reform and public finance development. Key areas for support include judicial sectors, policing, electoral commissions, democratisation and promotion of human rights, transparency and accountability and civil society initiatives (G8-Gleneagles Report, 2005).

However, some progress has been made. As noted earlier, the AU through NEPAD has spearheaded the promotion of good governance, peace and security and economic development initiatives. Already, 23 African countries have acceded to the memorandum, to have their progress reviewed by their peers under the African Peer Review Mechanism (APRM). The APRM process entail periodic reviews of policies and practices of participating states in respect of their compliance with agreed political, economic and corporate governance values, with the aim of enhancing mutual accountability and best practices, geared at promoting political stability and economic growth (NEPAD, 2002; Mukamunana and Kuye, 2005). Citizen participation in governance and development has been enhanced by the APRM process, whereby the participating countries have had to enlist all stakeholders' representatives, consisting of government officials, parliamentarians, opposition members, business community, women and youth groups, and other CSOs (Mukamunana and Kuye, 2005: 593). The CSOs have accelerated citizen participation under the APRM arrangement through seminars and conferences to deliberate on issues of governance and development process on the continent. Cases of effective NGO participation have been registered in Ghana, Rwanda and Kenya, where APRM is taking strong roots (Mukamunana and Kuye, 2005: 593)

In a similar effort to combat the ills of public sector governance, whose effects have transcended national borders, the AU in Durban in July 2002, adopted the NEPAD Declaration on corruption, which called for the establishment of a coordinated mechanism at continental and regional levels to effectively combat corruption. This culminated in the AU convention on preventing and combating corruption, held in Maputo in July 2003, which adopted a framework for anti-corruption strategy that concentrates on four approaches: prevention, punishment, cooperation and education (ADB, 2005: 220). Signatories to this convention were required to foster transparency and accountability in the management of public affairs through harmonisation of policies and legislation between state parties for purposes of prevention, detection, punishment and eradication of corruption on the continent. Accordingly, member states would proceed by enacting on their own, selected provisions of the convention into national law, so that the entire treaty could become applicable as a national law.

3.6.4 Limitations to initiatives

Nonetheless, several of Africa's own initiatives under the umbrella of the AU are still encumbered by a multitude of crises. For example, in spite of the seemingly progressive idea of a peer review, only 23 countries (which is less than half), have acceded to the APRM memorandum, suggesting serious ideological and commitment problems. Similarly, the voluntarism in participation by the AU member states in the APRM raises questions on the AU's mutual development agenda. If indeed African leaders agreed in a new print for Africa's development that good political governance and sound economic management are crucial for sustainable development, as Mukamunana and Kuye (2005: 596) have put it, why then, with all that emblematic commitment and political will, did they decide to make APRM voluntary? It looks as though, an enforcement shift would come in handy to deal with this. But given the notion of respecting *national sovereignty*, compliance may still be out of reach.

In terms of governance, the highly indebted poor countries (HIPC) are subjected to an outlay of good governance requirements determined by Western developed agencies. The problem is that good governance necessities have turned out to be

unrealistically long and complicated. First, the agenda issues continue to expand from time to time, possibly due to the many stakes and players involved. The agenda carries different versions as to the number of stakeholders, ranging from international financial institutions, a variety of donors, intellectuals to CSOs. With the issues becoming too many and multifaceted, the agenda becomes problematic, since it calls for improvements in virtually all aspects of the public life (Grindle, 2005: 525). This complicates the achievement, since ordinarily; effort is more beneficial in a focussed way.

Secondly, as Grindle (2005: 530) argues, “the agenda for good governance does not set priorities or define consequences; doesn’t clarify on activities that may be easier to undertake or those that are circumstantially difficult; doesn’t illuminate on those that can be achieved in short term or long term; neither, does it, separate an ideal set of good governance from one that is *good enough*”.

It should, however, be mentioned that, notwithstanding, the debatable levels of effective participation, arising out of the questionable capacities and independence of the different social groups involved in the evaluation process, the APRM has set the stage for yet, an important process of dialogue and partnership towards good governance (Mukamunana and Kuye, 2005: 594).

3.7 CONCLUSION

The above articulation has demonstrated that effective public management and accountability are critical cornerstones of good governance and development. The chapter has linked accountability to regulatory imperatives, the dilemma of corruption, and the role of civil society. In particular, it has explored the dilemma of corruption in public sector governance, and how it poses serious problems to accountability and good governance. The discussion has also weighed the significance of civil society participation in addressing the quagmires of accountability and good governance. An elaborate review of the international perspectives in the quest of enhancing public sector responsiveness, accountability and good governance, especially to the African *body-politic* was provided, with some highlights on the recent partnership initiatives.

The thesis stresses that, there is need to make good governance less overwhelming to poor countries, by clarifying on the short and long-term issues and make priorities based on a country-based condition and feasibility, but without compromising the strategic objective of sustainable development. Further, the thesis stresses that, above the institutions or structures, there should be institutionalised mechanisms like checks and balances, political good will and commitment to support coherence in the promotion of accountability and a democratic culture. The role of accountability thus, cannot be underestimated in pursuing the ideals of good governance.

Having analysed the theoretical virtues of accountability (in Chapter two) and its international imperatives in facilitating the ideals of good governance (Chapter three), the following chapter (Chapter Four) turns the focus to examining the local government structure and system in Uganda (the focus area of study) and evaluates their different accountability frameworks.