Mechanisms of Participatory Accountability in Ghana, India & South Africa

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EXECUTIVE SUMMARY

Research on citizen participation in oversight has not received nearly the attention given to inclusive policy making in the context of evolving democracies. Citizens, however, can play an important role in providing oversight on the delivery of public services and have the potential to enhance the accountability of the state toward its citizens.

The central purpose of this project was to seek out and explore the ways in which the public formally engages with parliamentary committees in oversight within three countries selected for case studies - Ghana, India, and South Africa. The report primarily focuses on parliamentary committees, as they play an important role in the oversight of public service delivery. If no participation at the committee level was found, as in the case of India, the research explored what may be inhibiting this and examined other mechanisms of civil engagement.

The countries chosen for case studies were determined to meet the following criteria: a) consolidated democracy; b) open and free media and/or freedom of information law; c) preliminary evidence of institutional support for public engagement in government oversight; d) active community of civil society organizations, e) Westminster style of government; and f) middle/lower income country.

The case studies sought to answer the research question: What are the mechanisms used in Ghana, India, and South Africa to foster civil society participation in the oversight of public service delivery?

For the purpose of this study the research team used the three categories of public participation mechanisms developed by the Organization for Economic Cooperation and Development (OECD), namely: information, consultation, and active participation. In its 2001 report, Citizens as Partners: Information, Consultation, and Public Participation in Policy-Making, OECD defines these categories as follows:

1) Information- “one-way relationship and covers both `passive` access to information upon demand by citizens and `active` measures by government to disseminate information.”
2) Consultation- “two way relationship in which citizens provide feedback to government.”
3) Active participation - “regarded as a relation based on partnership with government, in which citizens actively engage in defining the process and content of policy making.”

Based on the research question, a literature review was conducted on Westminster parliamentary committees providing oversight of the executive and the delivery of public services. Special attention was placed on public accounts committees (PACs) because of their role in oversight.

Through in-country research, the team sought to gain an understanding of how public participation mechanisms functioned. This was achieved through interviews with a range of stakeholders including members of Parliament, government officials, journalists, researchers and civil society organizations.

**Ghana**

Preliminary research showed that there is little formal public participation occurring in Ghana, and even less at the committee level. The principal mechanisms enabling public engagement in
oversight of government activities are: 1) Public PAC hearings; 2) the Public Interest and Accountability Committee (PIAC); and 3) project/service monitoring.

**PAC: Information:** The Committee has held public hearings since 2007. The public is invited to observe, but not permitted to speak or pose questions to either the PAC or institutions in question. The most important contribution of the open hearings is heightened transparency and information on government expenditures. However, the meetings only serve for “naming and shaming.” As no tribunal currently exists, there has not been one case in which legal action has been taken against institutions that have been found to have misappropriated the public’s money.

**PIAC: Information, Consultation & Active Participation:** The PIAC was established in 2011 by the Petroleum Revenue Management Act to monitor and evaluate how the government manages and uses petroleum revenues, in response to civil society demands for increased accountability and transparency in oversight. Currently, after the submission of the PIAC’s report, parliament is the responsible body to take action on all cases of misappropriation. The PIAC enables public participation on all three levels of the OECD Framework: (1) Information: the PIAC enjoys complete access to all information regarding oil and revenues and publishes bi-annual reports that are made available to the general public. (2) Consultation: the PIAC consults with the public on where oil revenues should be invested to reach the country’s desired development outcomes. (3) Active Participation: the PIAC is only made up of members of civil society. However, the PIAC suffers from a lack of power.

**Project/Service Monitoring: Consultation:** Parliamentary committees regularly travel to directly monitor the progress on projects or the delivery of public services. During these visits, the committee will often consult with the public to gain information about the efficacy of public service delivery, implementation, or progress on projects.

**Key Considerations:** The Ghanaian Parliament suffers from a severe lack of human resource capacity to critically analyze and formulate policies. Civil society organizations, however, have taken the lead in building capacity within parliamentary committees and providing funding for research as a means to bring about improvements in transparency, accountability and public service delivery. Though informal, this level of civil participation with parliament is critical and occurs regularly according to interviewees.

**India**

With only 545 members of Parliament representing 1.2 billion people, India has institutionalized the decentralization of self-governance and placed public service delivery under the authority of states. In theory, this brings people closer to their representatives, increasing government accountability. Interviews conducted in Delhi focused on the lawmaking environment, and interviews at the state and municipal levels in Uttar Pradesh and Andhra Pradesh pertained to the implementation and oversight of central-level laws.

In discussing citizen participation, most interviews pointed to a legal framework that included the 73rd and 74th amendments to the constitution (requiring that states devolve power to the local level), the National Rural Employment Guarantee Act, the Right to Information Act, and the Jan Lokpal bill, which would establish an independent corruption investigation body.
Central Level Mechanisms: Most central mechanisms of oversight are internal, such as the Public Accounts Committee, which reviews the Controller and Auditor General’s report on national spending. This process is effective at identifying wasteful spending, but recommendations are rarely implemented.

The Petitions Committee allows citizens to submit a petition on a matter related to a national public concern. Only a fraction of cases are heard, but this process has resulted in new legislation to address problems, such as citizenship and public safety.

At the local level, the following mechanisms facilitated public participation in oversight:

Panchayati Raj Institutions: These institutions are well-structured, but not empowered. Parliament required states to devolve power to the local level rather than grant it directly. Where decentralization has occurred, panchayats have been established at the village, block, and district levels; or in urban areas according to population and location. These bodies monitor public services and small infrastructure projects. The constitution requires meetings of all local constituents in order to gather feedback and scrutinize financial statements, but there are a variety of barriers to these meetings. Capacity of the representatives is low, but trainings are being arranged by several local NGOs.

Monitoring committees: In Andhra Pradesh, there appeared to be success in school monitoring committees and women’s self-help groups. In the former, parents oversee the performance of teachers and schools. The latter were originally formed as thrift savings groups, but evolved to oversee implementation and sometimes provide public services.

National Rural Employment Guarantee Act (NREGA): Under the law, rural workers are guaranteed 120 days of paid, unskilled labor. They are arranged into fixed labor groups, which receive work assignments and payment once a week, allowing them to monitor regularity. The law also requires social audits to take place through independent state organizations. State auditors visit each village to examine public works and hold public hearings in which NREGA functionaries are required to attend and citizens are encouraged to testify.

Overall, information is accessible through the Right to Information Act. However, requests for information are mostly made by the media, CSOs, and government bureaucrats (for personal use). Journalists and CSOs are also the source of the most robust consultation; they have relationships with government officials that allow them to inform legislation and implementation. Mechanisms of consultation with the public at large occur primarily through built-in oversight mechanisms such as the social audits within NREGA, village-level meetings, and study tours by members of parliament. Active participation of citizens is largely driven by the very active and diverse universe of CSOs, but women’s self-help groups and the Lokpal bill show promise. Interviewees also expected a few of these newer mechanisms to begin to strengthen in the coming years.

South Africa
The post-apartheid Constitution, formally adopted in 1996, was based on inclusion for previously disenfranchised groups, creating a formalized space for public participation in the legislative process. The right for all citizens to access information, independence of the courts, open
parliamentary committee meetings and free and open media laid the groundwork for citizen engagement in the political process.

There are several mechanisms at the national and provincial level that exemplify the OECD categories of engagement- Information, Consultation, and Active Participation:

- **Public Hearings and Open Committee Meetings**: All committee meetings are open to the public. Attendance at committee meetings varies based on the topic. Generally, only meetings that cover controversial topics are well-attended by citizens and civil society.

- **The Standing Committee on Public Accounts (SCOPA)**: At the national and provincial level, SCOPA works closely with the Auditor General in the oversight of public expenditures. While they practice open meetings, there are no legislative mandates that further regulate the relationship between SCOPA and the public. The research revealed a belief among SCOPA members that there is little need for a formalized relationship, or consultation, with citizens as the mandate of the committee is to review internal expenditures. SCOPA has however had success in calling ministers to account by utilizing the media to raise awareness of financial misappropriations and creating public pressure for the ministers to respond.

- **Open Media**: The media highlights upcoming public hearings and open submission periods. However, journalists are not able to cover all of the parliamentary proceedings.

- **Open Budget Meetings and Annual Reports**: No formalized involvement on the part of civil society and parliamentary committees exists in the budgeting and annual reporting process. However, several interviewees highlighted examples of informal engagement here and the potential for oversight by civil society through this process.

- **The Courts**: The independence and strength of the courts plays a critical role in ensuring parliamentary accountability. The courts provide space for direct participation; citizens can file court orders with the Constitutional Court against members of Parliament over the delivery of public services.

- **Ward Committees**: While the research focused primarily on the national and provincial level, ward committees at the local level are one example of direct citizen participation in the oversight of public service delivery. Per the Constitution, the committees are required to be comprised of citizens. Interviewees noted cronyism and nepotism as commonplace in the selection of committee members, impeding their potential impact.

Direct citizen participation in the oversight process remains a rarity. However, there is a recent trend among members of parliament and civil society, acknowledging the role civil society can play in government and parliamentary oversight. A lack of capacity, for both civil society and parliament, combined with a lack of institutional knowledge on how to partner in this way, present challenges moving forward.
Conclusion

The research sought to explore the mechanisms used in Ghana, India, and South Africa to encourage civil participation in the oversight of public service delivery. The case studies reveal that while mechanisms were in place and public engagement present, participation often occurred through informal or ad hoc channels. The countries studied enshrined inclusionary principles in their constitutions and laws, creating the institutional framework to enhance civic participation in the legislative and oversight process. However, citizen participation proved difficult to track in public service oversight mechanisms. In each country, informal relationships between members of parliament and civil society organizations were cited as important to ensure citizens’ voices were heard.

According to the OECD framework, information lies at the foundation of citizen participation. In order for consultation and active participation to occur, citizens must be empowered with information regarding the operations of the state. The case studies highlighted that access to information is critical to the process of public participation. Parliaments frequently lack the human and financial resources to effectively distribute information. Public hearings and open committee meetings additionally proved to be essential mechanisms in facilitating access to information. Consequently, the media plays a critical role in the dissemination of information.

All three countries demonstrated mechanisms of consultation, typically through engagement with civil society organizations, which often serve as the intermediary channel through which the public consults with parliament. This can be seen through information gathering on service delivery at the local level or providing necessary research that parliament lacks the capacity to conduct. This relationship is primarily informal, ad hoc, and limited, due to inadequate funding for parliamentary and committee staff.

Active participation with parliamentary committees remains a rarity in all three case studies. The numerous barriers to active citizen engagement include: a lack of understanding about how the parliament operates, how and when to engage with committees, and capacity issues for both parliament and citizens. Despite these barriers, active participation does take place in different forms in each of the case studies. In general, greater active citizen involvement with government is seen at the local level.

The research highlights Public Accounts Committees (PACs) due to their oversight function in monitoring the budget. However, in all cases, PACs had very little direct interaction with citizens. As their primary focus is on the management of funds, they are considered internal bodies. Where participation does exist in Ghana and South Africa, it is often in the form of public hearings. However, citizens in attendance in Ghana are not allowed to participate or ask questions and in South Africa, citizens often do not attend the PAC hearings. The research additionally found that enforcement of PAC recommendations remains a critical missing step in the oversight process.

Lastly, it is important to note that the electoral process in both South Africa and India adversely impacted accountability incentives. Members of Parliament in these countries are appointed by their party, rather than directly elected by citizens, affecting the social contract between parliament and the public, as individual MPs are accountable to their party bosses rather than their constituency.
I. INTRODUCTION

As 2015 and the deadline for achieving the Millennium Development Goals nears, the United Nations is beginning to consider their post-2015 development agenda. The UN Department of Economic and Social Affairs (UNDESA) foresees participatory accountability as being central to that agenda.

This paper will begin to investigate mechanisms of citizen participation in oversight and accountability regarding public service delivery. According to Cavill and Sohail, “It is hoped that direct participation by users in service-delivery and policy-making will improve accountability in services, and that improved accountability will mean that service delivery outcomes will also improve as a result.” (Cavill & Shoail, 2004, p.156) Research on citizen participation in oversight has not received nearly the attention given to inclusive policy making, in the context of evolving democracies. Citizens can play an important role in providing oversight on the delivery of public services and such a role has the potential to enhance the accountability of the state toward its citizens. Participatory accountability therefore merits further discussion and analysis.

There has been some initial work on this topic. Social accountability was described by the World Bank “as an approach towards building accountability that relies on civic engagement, i.e., in which it is ordinary citizens and/or civil society organizations who participate directly or indirectly in exacting accountability. (Malena, Forster& Singh, 2004, p. 3) Such engagement cannot rightly be described as an event, but rather, “a process… that closely involves people in the economic, social, cultural and political processes that affect their lives” and as “a tool for deepening democratic governance, through the channels of voice and accountability.” (Sharma, 2009, p.13)

The Organization for Economic Cooperation and Development’s (OECD) report, A Focus on Citizens: Engagement for Better Policy and Services, posits that governments “need to work with their own citizens and other stakeholders to find solutions” … because they “face hard trade-offs, such as responding to rising demands for better quality public services despite tight budgets.” (OECD, 2009, p.13)

Accountability through civic engagement in oversight, especially on the delivery of public services is of particular importance to developing nations. While “structures and mechanisms exist in all countries for ensuring public accountability, these have in many cases not been successful in resolving issues of governance.” (UNDESA, 2009, p.3) Furthermore, knowledge of the details of such mechanisms and their exact location within civil society and government leaves much to be desired. Based on the belief that “the oversight function of legislatures is essential in ensuring that governments develop and implement programs which are in the public interest, and in holding the state to account for its spending,” (UNDESA, 2009, p.13) this report will explore mechanisms of public participation in the oversight of public service delivery with specific attention to the role of parliamentary committees and some discussion of public accounts committees.
1. RESEARCH OBJECTIVES

The purpose of this project is to seek out and explore the ways in which the public formally engages with parliamentary committees in oversight. The research enquires into the genesis of these mechanisms, their structure, and their function. If no participation at the committee level was found, the research team explored what may be inhibiting this and described other mechanisms of civil engagement. To accomplish this, fieldwork was conducted in three countries, which were selected based on the criteria below. Case studies were then written to provide an analysis of each mechanism.

A. Country Selection

The selection process for the case studies was based upon the following criteria. In order to maintain consistency across cases, the research focused on Westminster systems of governance in middle or lower-middle income countries. The following characteristics were thought to be necessary for formal mechanisms of public participation at the committee level.

1. Consolidated democracy with peaceful transitions of power and established opposition parties
2. Open and free media and/or a freedom of information law
3. Preliminary evidence of institutional support for public engagement in government oversight
4. Active community of civil society organizations

Based on a preliminary desk analysis, Ghana, India, and South Africa were selected, and the following research question was developed.

B. Research Question

What are the mechanisms used in Ghana, India, and South Africa to foster civil participation in the oversight of public service delivery?

C. Hypothesis

One place to find formal mechanisms of civil engagement is within parliamentary committees mandated with overseeing public service delivery. The team sought out examples of civil engagement in oversight similar to the below Organization for Economic Co-operation and Development (OECD) framework. The framework was created to apply to policy making, but it has been adapted here to examine oversight.
2. LITERATURE REVIEW

A. Theoretical Framework

It is believed that formal public participation mechanisms often fit into one of three categories as noted by the OECD. These are: information, consultation, and active participation. (OECD, 2009)

In its 2001 report, *Citizens as Partners: Information, Consultation, and Public Participation in Policy-Making*, OECD defines these categories as such:

1) Information: “defined as one-way relationship and covers both `passive` access to information upon demand by citizens and `active` measures by government to disseminate information to citizens. Access to information requires sound legislation, clear institutional mechanisms for its application, and independent oversight institutions and judiciary for enforcement. Finally it requires the citizens to know and understand their rights and to be willing and able to act upon them.” (OECD, 2001, p.12)

2) Consultation: “seen as a two-way relationship in which citizens provide feedback to government. It is based on the prior definition by the government of the issue on which citizens’ views are being sought and requires the provision of information. Governments define the issues for consultation, set the questions and manage the process, while the citizens are invited to contribute their views and opinions.” (OECD, 2001, p.12)

3) Active participation: “regarded as a relation based on partnership with government, in which citizens actively engage in defining the process and content of policy making. It acknowledges the equal standing for citizens in setting the agenda, proposing policy options and shaping the policy dialogue- although the responsibility for the final decision and policy formulation rests with the government.” OECD, 2001, p.12)

OECD Framework for How Formal Public Engagement Happens

Figure 1 illustrates how public engagement is often expected to occur. The research aims to use this illustration to examine mechanisms in Ghana, India and South Africa and classify them according to their degree of citizen participation.
Figure 1. How Formal Public Engagement Happens

Political/ Social Environment

Issues of Transparency, Accountability and/or Poor Public Service Delivery

Citizens Respond: Demand Formal Participation

Elected Officials Respond: Invite Formal Participation

Creation of Informal / Parallel Structure

Creation of Formal Mechanism of Public Engagement/ Participation

Participation Enabled via Access to Information

Participation Enabled via Consultation with Public

Engagement Enabled via Direct Participation

Increased Transparency and Accountability. Improvements in the Delivery of Public Services
Figure 1 describes the relationship between the state and civil society. According to the OECD, “Open and inclusive policy making [and oversight]...offers a way for governments to improve their policy performance by working with citizens, civil society organizations (CSOs), businesses and other stakeholders to deliver concrete improvements in ... the quality of public services.” (OECD, 2009, p.13) The research aims to apply this framework to the oversight process.

Such forms of public engagement only occur when the state is willing to create this type of arrangement and the public is willing and able to participate. When the desire is lacking on either end, informal mechanisms of public participation often develop, which the team also sought to identify.

B. Committees of Parliament

Committees of parliament have been described as the “engine rooms of parliament” as well as a platform for public discussion. (Parliament of the Republic of South Africa, 2008) They perform an important oversight role for the rest of government, and help to ensure that the public interest is being upheld, public services are adequately delivered, and public monies are being appropriately used. The Parliamentary Centre, a Canadian NGO, states in The New Member of Parliament and Committees Guide, that “committees are one of the most important mechanisms that legislatures have to directly call the government to account and ask questions about its policies and programs, to shape legislation, to scrutinize its budget and expenditures, and to investigate special issues of public concern.” (Parliamentary Centre of Canada, 2004) This makes committees a compelling place to look for mechanisms of public participation.

Based on the research question, a literature review was conducted on Westminster parliamentary committees with a specific focus on the public accounts committees (PAC) and other committees that oversee the executive or the delivery of public services. These include committees that parallel government agencies, which are often called ‘select committees’ in the Westminster systems. According to UNDP, the main work of select committees is to review bills put in front of the legislature and to provide oversight of the executive and its implementation of laws, with a special focus on accountability. (UNDP, n.d)

In Tools for Parliamentary Oversight, Yamamoto argues that parliamentary committees often acquire knowledge through engaging with beneficiaries about the quality of services. This information is then (theoretically) used to improve service delivery. Such engagement, according to Yamamoto, often occurs through several formal mechanisms including consultations with experts on best practices, interactive meetings, written submissions, petitions and public hearings. (Yamamoto, 2007) The mechanisms exist to enable individuals, civil society groups, academicians and experts to present their ideas to parliament and in turn help to educate the public and parliamentarians on policy issues, the democratic processes, and competing interests. (Parliamentary Centre of Canada, 2004)
Public Accounts Committees (PACs)

Within the parliamentary system, PACs serve as one of the most important committees providing oversight of government activities. As Joachim Wehner, a senior lecturer of Public Policy at the London School of Economics articulates, the creation and institutionalization of PACs is widely accepted as a milestone in Westminster Parliaments. (Wehner, 2003, p.1) In the Westminster model, the accounts of state agencies are subject to an independent assessment by an audit institution, namely the Auditor General (AG) at the end of each year. The AG prepares a report on its findings and submits it to the parliament. After scrupulous review of this report, the PAC investigates whether state agencies used their budget allocations in line with spending objectives. In the case of fiscal malfeasance, the committee asks for an explanation and makes recommendations for corrective action. If the process is effective, the state agencies follow the recommendations and this leads to an improvement in public spending and service delivery. (Wehner, 2003, p.24)

Although the first PAC was established in 1861 by a resolution of the British House of Commons, most of the current research on PACs has been completed in the past decade. This can be attributed to the increasing role and importance of PACs. As Cobus Botes, a senior manager in the Office of the Auditor General South Africa explains, “PACs originally concentrated on the regularity of expenditure as reported at the end of any particular financial year. However, PACs in the last few decades have increasingly started concentrating on the value received for the public funds that are spent to such an extent that some PACs now focus predominantly on this aspect of public spending.” (Botes, 2011, p.4)

McGee’s book, The Overseers, is one of the most widely cited studies on PACs. The book’s findings were based on a survey of seventy PACs; it provides an overview of the function of these committees throughout the world. Although PACs have different features in different countries, the book’s conclusions reveal common trends such as the fact that a majority of PACs are chaired by the opposition party and many PAC reports and hearings are open to the press and general public. Findings also indicated that in a majority of countries, the executive is usually required to respond to and implement PAC recommendations. However another common trend was that there is rarely any mechanism in place to measure the committee’s performance in terms of improving public spending and service delivery. (McGee, 2002, p. 97-102)

In 2002, the World Bank Institute (WBI) wrote a report based on a survey of PACs in commonwealth countries in Asia, Australasia, Canada and the United Kingdom covering 52 national, state and provincial parliaments in total. This report showed that PAC recommendations are frequently accepted and implemented by the government, but the recommendations do not usually result in disciplinary action and rarely lead to the modification of policies. (Pelizzo, Stapenhurst, Sahgal, & Woodley, 2006, p.781)

Another important study on PACs is Stapenhurst et. al, Scrutinizing Public Expenditures. Based on the data collected in the survey by the WBI in 2002, the writers deepened the analysis of McGee and identified six success factors for PACs. They are: “(1) broad scope: the power to investigate or review all past, current, and committed expenditures of government, (2) free choice: the power to choose subjects for examination without government direction and advice and to initiate inquiries with a clear focus on accountability, (3) effective analysis and reporting:
the power to make recommendations and publish conclusions, (4) solid technical support: from legislative auditor and research staff, (5) bi-partisan climate and (6) public involvement and media coverage.” (Stapenhurst, Sahgal, Woodley, & Pelizzo, 2005, p.7-20)

Despite these findings, there is not one model that fits all PACs. According to Hedger and Blick, many countries have found reason to depart from the original United Kingdom PAC model. The rationale for this has been the existence of strong informal mechanisms for accountability, the presence of competitive multiparty politics, the development of presidential systems, and accountability demands of international organizations. (Hedger & Blick, 2008, p.1)

Lastly, in addition to the analysis on PACs and their structure, the works mentioned above take time to suggest recommendations intended to enhance the functioning of PACs. Accordingly, McGee identifies three main areas for improvement. First, he argues that the capacity of the PAC, the auditor general, and the parliament should be strengthened by improving resources, training, staffing and access to information. Secondly, McGee underlines the importance of the auditor general being independent from political influence. Finally, he states that the success of the PAC is related to the exchange of ideas and availability of information. (McGee, 2002, p. 6)

II. METHODOLOGY

1. RESEARCH DESCRIPTION

Research was conducted in Ghana, India and South Africa in January 2012. The case studies are explanatory in nature as an attempt to provide data to support the general hypothesis of the project and guide future research.

Following preliminary desk research, in-person interviews were conducted to develop a more nuanced analysis and understanding of the mechanisms in each country. The interviews provided important details on where and how civil society is engaging in the oversight process. Where citizen engagement was occurring, the researchers sought to understand the mechanism of engagement. The interviews provided important details and information regarding the genesis of each mechanism, its structure, how it functions in each country, and the broader socio-political environment. Stakeholders were selected from multiple perspectives in order to triangulate against bias. (Denzin, 1984)

2. INTERVIEWS WITH KEY STAKEHOLDERS

Major stakeholders were identified in order to gather expert testimony, including:

- Members of Parliament
- Government Officials
- Members of the Media
- Civil Society Organizations (CSOs)

Considering the range of stakeholders interviewed, including in-country elites and experts, a strategy of open-ended questions was employed. The interviews were semi-structured, ensuring
that certain information would be recorded in order to compare interviews, analyze trends, and triangulate data among stakeholders.

The main points the team sought to extract from interviews were:

- Degree of citizen engagement in committees and oversight mechanisms
- Structure of parliamentary committees/civil society organizations
- Engagement between civil society organizations and committees
- Role of citizen engagement in government accountability
- Enabling factors of citizen participation (access to information, make-up of the committee, i.e.)
- Understanding of what makes mechanisms successful
- Institutional and informal barriers
- Examples of public engagement

3. BOUNDARIES AND LIMITATIONS

The project is chiefly concerned with committees of parliament and ways in which citizens are formally engaged with committees that provide oversight of public service delivery. In the absence of formal mechanisms, the team sought out informal mechanisms or innovative citizen-led efforts.

The limitations on the research include time constraints on the project and its participants. Without ample time to test interview questions, assumptions, and conceptual framework prior to field work, the researchers had to adapt these while in-country.

III. CASE STUDIES

1. GHANA

A. Research Overview

Preliminary research revealed that Ghana’s Public Accounts Committee has been holding public hearings since 2007. In addition, the recent creation of the Public Interest and Accountability Committee (PIAC), which formalizes public participation on all three levels of the OECD framework, indicated that Ghana would make for a compelling case. After the preliminary research, a field visit was made over a period of two weeks in January 2012 and interviews were conducted with members of parliament, members of the PIAC, parliamentary clerks, members of civil society organizations, and UN representatives.

B. Country Background

_Independence & the First, Second, Third and Fourth Republic_

At the stroke of midnight on March 6, 1957, Ghana shed the shackles of over 486 years of European influence and rule and became the first African nation to gain independence from its colonial masters. (BBC News, 2012)
The First Republic of Ghana was led by the Independence Constitution and “adopted the Westminster model of parliamentary democracy” similar to that of its former British overlord. (Ayensu & Darkwa, 2006b, p.119) This Republic lasted from 1960 until 1966 and was ruled by a one-party state. On February 24, 1966, a successful coup was led by the military in cooperation with the police. (Ayensu & Darkwa, 2006) The leaders of the 1966 coup established “a new government around the National Liberation Council and pledged an early return to a duly constituted civilian government.” (US Dept. of State, 2012) The second Republic began in 1969 and lasted until January 1972 when the government was yet again overthrown by the military and would remain under its rule for the next six years.

Ghana returned to democracy in 1979 with a new constitution that signaled the beginning of the Third Republic. The new constitution “gave the country an American type of government with a single chamber” and provided “the president with considerable executive powers, and Ministers were to be appointed from outside Parliament.” (Ayensu & Darkwa, 2006, p.119) However, on December 31, 1981 the government was again overthrown. From then on, JJ Rawlings and the Provisional National Defense Council (PNDC) were in power. For the third time in 25 years, Ghana was ruled by a military regime.

In the early 1990s, under heavy international and domestic pressure for Ghana to return to democracy, military leader JJ Rawlings commissioned a 259-member Consultative Assembly to write a new constitution. The constitution was passed in April 1992 via a national referendum and received an approval rating of 92%. (US Dept. of State, 2012) In May of 1992, political parties were again allowed in Ghana and the PNDC went on to form a new party known as the National Democratic Congress (NDC). Presidential and parliamentary elections were held that year, though they were boycotted by the opposition, allowing the NDC to win the elections. The new constitution was formally enacted in January 1993 and President JJ Rawlings was elected and inaugurated. Elections were held again in 1996, in which the opposition participated, and were “described as peaceful, free and transparent by domestic and international observers.” (US Dept. of State, 2012) Those resulted in the reelection of Rawlings who would rule until the 2000 elections. In the 2000 elections, The National Patriotic Party’s John Agyekum Kufour won the presidential bid with 56.73% of the vote in an election that was “declared free and fair by a large contingent of domestic and international monitors.” (US Dept. of State, 2012)

Power would again change hands following the 2008 election in which John Atta Mills of the NDC was elected.

**Parliament of the Fourth Republic**

The Ghanaian Parliament, as spelled out in the 1992 Constitution, has 200 members serving four-year terms. What is most notable about the Ghanaian Government is that it is a hybrid that melds parliamentary and presidential systems. The legislative branch is set up according to the parliamentary model and the executive branch follows the presidential model. “The constitutional framers of 1992 were clearly influenced by factors such as political instability that could give a pretext to those who would seek to impose their will on others through coercion or armed rebellion.” (Ayensu & Darkwa, 2006b, p.122) The decision to hybridize Ghana’s government was heavily influenced by the country’s experiences with multiple republics, coups
d'états and military dictatorships. “The central purpose of this hybrid system of government” then “was to ensure that the executive and the Parliament are working along the same lines” and thus fending off political instability and preventing any cause or basis for a coup d'état or armed revolution. (Ayensu & Darkwa, 2006b, p.122)

Parliamentary Committees
The Ghanaian Parliament houses three types of committees. These are 1) Standing Committees – each MP must be a member of at least one 2) Select Committees which are spelled out in the Standing Orders and 3) Ad-Hoc Committees that are initiated to consider specific issues or matters of public interest. (Ayensu & Darkwa, 2006a, p.58)

Though this hybrid system has allowed the Fourth Republic to last for nearly twenty years (many times longer than any of the previous Republics), it also constrains the role of Parliamentary Committees to exercise oversight on the Executive. These constraints occur in the following ways:

1. Though vested with legislative power, the majority of legislation in Ghana is introduced by the Executive. This is largely due to a lack of resources and capacity to analyze and formulate policy based on in-depth research. Additionally, severe disincentives exist for the minority to introduce legislation given the power of the executive and ruling party.
2. Parliament does not appropriate money unless the executive proposes it, nor does the House impose or increase taxes unless the executive requires such taxation.
3. The majority of ministers working for the executive are appointed from within Parliament, thus diminishing their ability to provide objective and meaningful oversight of the executive. (Ayensu & Darkwa, 2006b, p.122)

“With the current arrangement where ministers are also members of parliament, they have no incentives to strengthen parliament to take on the executive.” (Parliamentary Centre, personal communication, January 19, 2012)

Further limitations of parliamentary committees include capacity and resources. “While the Parliament’s Committee System has been perceived to be crucial in the performance of its oversight functions, in practice, the effectiveness of Parliamentary Committees is severely undermined by logistical, financial, and technical constraints, as well as the lack of enforcement powers to implement their recommendations.” (Abdulai, 2009)

Country Specific Focus
Despite the limitations of Ghana’s parliamentary committees, the country makes for an interesting case. To begin with, Ghana has been hailed as an “island of stability” since 1992. (CNN, 2000) In total, there have been four peaceful democratic transitions of power. Furthermore, the relationship between civil society organizations and Parliament, the open Public Accounts Committee hearings and recent inauguration of the Public Interest and Accountability Committee provide strong evidence that formal mechanisms for public participation on oversight within Parliamentary Committees are gaining traction in Ghana.

Of particular importance for all mechanisms that this case study will discuss, is the degree to which civil society organizations are woven into the work of parliamentary committees. As
previously mentioned, parliamentary committees in Ghana suffer from formidable constraints—the largest are capacity and resources. Currently, MPs in Ghana do not have the luxury of maintaining offices or hiring staffers, and therefore the ability to effectively analyze and formulate policy is quite weak. The work of all legislative bodies requires the capability to perform sound research. Yet, without funding to pay for this, there is only so much a single MP can do. Furthermore, given the chronic lack of capacity in the Ghanaian Parliament, committees often lack high levels of expertise among their members.

**Civil Society Organizations**
While the state itself has found it difficult to provide the needed funding to increase capacity, civil society organizations often step up or are called upon to provide expertise, research and funding when it is needed. This occurs in four distinct ways:

- Parliament is aware of its own lack of capacity and expertise. Committees themselves reach out to civil society organizations to inform and guide their work. The Parliamentary Centre, an organization that often works directly with Parliament to enhance capacity, stated the following:

  “At the committee level, those issues that are referred to by the Speaker can sometimes invite input from organizations and we can help where we have the resources and information that can be of use to them. I think for example on this effort to help parliament do its work, we have spent almost two decades working with the Public Accounts Committee.” In addition, we have realized that capacity in parliament to do good work on the budget was limited. So the Parliamentary Centre has provided support to get a draft law in place to help the budget process in government.” (Parliamentary Centre, personal communication, January 19, 2012)

- Civil society organizations will identify an area in which a parliamentary committee is failing to adequately deliver on its mandate. The civil society organization then will approach the committee on a legal basis and provide solutions and recommendations on how the committee could better deliver on its mandate.

- Civil society organizations will provide the financial resources to run trainings and workshops with parliamentary committees.

- Platforms will often form around specific issues. Depending on the strength, platforms comprised of civil society organizations can often be very effective in influencing the state and parliament.

Within Ghana, there are very few ways in which the public can directly engage with parliamentary committees. Yet, where mechanisms of formal public participation do exist, it is civil society organizations that have served as the conduit through which the public participates with parliamentary committees. The Parliamentary Centre goes on to describe how CSOs enhance parliament’s capacity through advocacy, funding, research and trainings within each committee:

“The relationship between Parliament and civil society organizations is symbiotic. Over time the confidence and trust between both parties has grown.”
Parliament is confident most of the time to talk to civil society and civil society, whether they trust us or not, we see it as our duty to talk to them on whatever platform or opportunity we find. While most of the time our work is legitimate in that we are citizens ourselves, you need a mandate to activate change. Most civil society organizations push their work as hard as they can, but in certain strategic areas, you need alliance with parliament which is mandated under proper authority to get things done the way it is supposed to. Our effort is to engage parliament issues that can only be done by parliament.” (Parliamentary Centre, personal communication, January 19, 2012)

C. Mechanisms

a. Public Interest and Accountability Committee
The Public Interest and Accountability Committee (PIAC) enables public participation on all three levels of the OECD Framework. **Information:** the PIAC enjoys complete access to all information regarding oil and revenues and publishes bi-annual reports that are made available to the general public.

**Consultation:** the PIAC consults with the public on where oil revenues should be invested to reach the country’s desired development outcomes.

**Active Participation:** the PIAC is seated solely by members of civil society to provide direct oversight of oil revenues.

**The Establishment**

“Learning from our experience in the mining sector, the fact that we have produced gold for centuries but that it hasn’t translated, at least in the communities and mining areas, you would want to weep. So there was a strong commitment from civil society saying never again, we won’t allow the oil to also go the way the gold has gone. So that commitment ultimately translated into the Civil Society Platform on Oil and Gas. But on the other side too was a government and a nation that was fully aware of the resource curse and what oil could potentially do to a nation if the resources are not well managed. So there was commitment on either side.” – (Former Head of the Civil Society Platform on Oil and Gas, personal communication, January 9, 2012)

When oil was discovered in the Jubilee Fields in 2007, Ghanaians greeted this news with great excitement as well as concern. After one hundred years of mismanagement within the mining sector, the public was apprehensive about how this new revenue would be managed. These concerns eventually led to demands launched by the Civil Society Platform on Oil and Gas to take part in the management and oversight of all oil revenues.

With the intention of assuming such a role, the Civil Society on Oil and Gas Platform (the Platform hereafter) was formed in 2010 to serve as a stage for civil society engagement on oil and gas related issues. Comprised of 52 members including civil society organizations, research institutions, academics, and private individuals, the Platform created a forum to educate the
public. A secondary function of the Platform was to facilitate discussions on the management and oversight of oil extraction as well as how it should be invested to further national development.

One of the most important steps in this process was the passing of the Petroleum and Revenue Management Act, which would eventually establish the rules of production, management and oversight of the oil drilled.

The Platform took the lead and articulated the collective voice of civil society. With this, they pressed the government to share parliament’s internal draft of an oil revenue management act. Eventually, through informal relationships with parliamentary and government insiders, the draft act was leaked to the Platform and media. After the draft act was made public, both the government and Platform created surveys asking how civil society felt the accrued revenues should be spent. The government and the Platform then held public forums throughout the country to facilitate discussions on the matter.

Within these forums and questionnaires, the Platform noticed that the input of the public was limited to demand for shares of revenue to be spent in education, health services, or roads. (Former Head of the Civil Society Platform on Oil and Gas, personal communication, January 9, 2012) While these issues were very crucial for the development of the country, the issues of transparency and accountability seemed (from the Platform’s perspective) to be missing in the discussion. Acknowledging the importance of these issues for the sustainability of the national development, the Platform organized a parallel forum named “Citizen Summit on Oil and Gas,” with the participation of academicians, teachers, NGOs as well as government, parliament and traditional rulers. This forum mapped the issues, facilitated group discussions, and developed broad recommendations on the act. These recommendations were the progeny of civil society, enjoyed unanimous support among the public and were well articulated by the Platform. Considering this, the Executive accepted all of the provisions included in the Platform’s draft act.

Of these recommendations within the Platform’s draft, the eventual establishment of the Public Interest and Accountability Committee (PIAC) was viewed by the Platform as the biggest win for civil society. In addition to taking part in developing the process through which oil revenues were to be managed, civil society also sought to take an active role in oversight. The Platform wanted to provide direct oversight of oil revenues and expenditures to ensure that the government was following the Petroleum Revenue Management Act. Although the Executive accepted the creation of such a committee, Parliament remained skeptical. The main issue voiced by parliamentarians resonated from within the standing committees who conceived the PIAC to be a duplication of their own oversight function. Yet, through continued advocacy, campaigning and meetings, the Platform managed to convince parliament that such a committee ought to be in the Oil Revenue Management Act. The main argument made by the Platform was that a committee would not be a duplication of parliament’s oversight role, but rather would serve as an extra layer of transparency and accountability. The PIAC was eventually established in 2011 by Article 51 of the Petroleum Revenue Management Act no. 815.

The director of Revenue Watch Institute, Ghana, which is currently acting as the PIAC’s interim secretariat, explains:
“The Petroleum Revenue Management Act was a new Act. For this, we (the Platform) did two things. We basically reviewed from our prospective what best practices are and gave this to the government. The larger piece of work was how to involve citizen oversight in the process and to make sure that unlike the mining sector, there was civil oversight to manage it. That whole process led to this proposal to include what is called the PIAC.” (Director of Revenue Watch Institute (Africa Office), personal communication, January 13, 2012)

The Structure and Functions
Article 52 of the Act lays out the objectives of the Committee as follows:

- “To monitor and evaluate compliance with the Act by government and other relevant institutions in the management and use of the petroleum revenues and investments as provided in the Act;
- To provide space and a platform for the public to debate whether spending prospects and management and use of revenues conform to development priorities as provided under section 21 (3);
- To provide independent assessments on the management and use of petroleum revenues to assist parliament and the executive in the oversight and performance of related functions respectively.” (Petroleum Revenue Management Act, 2011)

These objectives are in line with the OECD framework, as the first objective provides participation, the second objective opens room for consultation, and the third objective is linked with access to information.

Reflecting the original intent of involving all relevant stakeholders within civil society, the committee is comprised of representatives of thirteen groups including: think tanks, civil society, Trade Union Congress, national House of Chief, Association of Queen Mothers, Association of Ghana Industries and Chamber of Commerce, Ghana Journalist Association, Ghana Bar Association, Institute of Chartered Accountants, Ghana Extractive Industries Transparency Initiative, Christian Groups (National Catholic Secretariat, the Christian Council and Ghana Pentecostal Council on rotational basis), the Federation of Muslim Councils and Ahmadiyya Mission, on a rotational basis, and the Ghana Academy of Arts and Sciences. (Petroleum Revenue Management Act, 2011) All of the members of PIAC are nominated by the related interest group through an internal process and appointed by the Ministry of Finance as stated in the act. The inaugural group of nominees were immediately approved by the minister without any further investigations.

After the inauguration by the Minister of Finance in September 2011, the PIAC began working on internal management (committee bylaws, regulations, etc.), capacity building and on developing the short and long term work agenda. Although Article 53 and 57 of the act state that “the Committee shall have its own Secretariat to facilitate performance of its functions,” and that “Members of the Accountability Committee shall be paid the allowances determined by the Minister and approved by Parliament,” support has not been forthcoming from the ministry, parliament, or government. (Petroleum Revenue Management Act, 2011) Currently, the PIAC is
working on how to realize its assigned functions of “consulting widely on best practice related to management and use of petroleum revenues” as well as “determining the rules of and procedures under which it will operate.” (Petroleum Revenue Management Act, 2011) However, as support from the government as promised by the Act has not yet been provided, NGOs such as Revenue Watch are helping PIAC to hold meetings and are acting as an interim secretariat.

Article 56 of the Act states that the committee is responsible for publishing a “semi-annual report and an annual report in at least two state-owned national daily newspapers by the 15th of September and the 15th of March each year.” In addition, the “PIAC will also publish these reports on its website and hold public meetings twice each year to report on its mandate to the general public.” These provisions open considerable space for information dissemination and consultation. Lastly, “the Committee shall submit a copy of the reports to the president and the parliament and the report shall be discussed in the Finance Committee.” (Petroleum Revenue Management Act, 2011)

Finally, the PIAC has total access to all documents, receipts, and memos concerning the management of oil revenues including quantities of oil lifted, sale price, collateralization, taxes, contracts, and procurement. It shall use these resources to write its reports and seek out instances of financial misappropriation from the government or private oil companies.

The Success
The success of the PIAC began in many ways with its establishment. Civil society pushed against great odds to establish the committee and maintain an active voice and oversight role of petroleum revenues. The success continues with the role assigned to the committee by the act. According to this, the committee is formally responsible for monitoring and evaluating the management and investments of the petroleum revenues with the intent of making sure they are transparent, legal and in line with the public interest. This means that the government is giving authority to civil society to perform oversight of its activities and report it to the public.

The structure of the committee is another success story for Ghana. Although similar committees exist in other countries such as Chad, Nigeria and Angola, the PIAC is comprised of representatives of all interest groups and free of government and military representatives.

The Challenges
Although establishment of the PIAC is a very important step in terms of formalizing civil society engagement in performing oversight of revenue, the committee suffers from a lack of real power. Its function ends with the submission of the report to the public and parliament. Parliament remains the responsible body to take action on all cases of misappropriation. If and how parliament will follow up with the PIAC reports has yet to be seen given that the PIAC is still quite new and has not yet taken up its full scope of work as described in the Petroleum Revenue Management Act. The Civil Society Platform on Oil and Gas is committed to, and continues, their advocacy within government and parliament to recommend legislation granting the committee at least a modicum of punitive powers to hold the state or oil companies to account.

Considering that the PIAC was established in 2011 and that it still has not received allowances or a secretariat guaranteed by Articles 53 and 57 of the Petroleum Revenue Management Act, more
time will be required to evaluate whether it can and will deliver upon its mandate. That said, analysis on the impact of its work in the near term cannot be done.

Lastly, the lack of an independent auditor to review petroleum receipts other than the Accountant General is concerning. As the oil revenue management is a highly technical issue, civil society continues to push via the Platform on Oil and Gas for a third party auditor who maintains a level of expertise on oil revenue management.

Although the structure of PIAC is successful in terms of representation of interest groups, their competence on, and lack of experience with, such a technical issue may be an issue of concern. Although both of the two members interviewed for this study had relevant backgrounds within the sector, further training will continue to be required to properly inform all Committee Members.

**Conclusion**
The Director of Revenue Watch Institute, Ghana sums up the significance of the PIAC:

“You can see that the PIAC [represents] the innovation and uniqueness of this law compared to most other oil management laws around the world. In Chad, there was a similar committee which was mostly made up of civil servants, ex-military and ex-government. The Ghana case is completely an independent group with no connection to the government at all. Now in terms of the oil management going forth, this is one opportunity for citizens to participate in the process because the law gives them a lot of power to look at priority areas on where to invest money. The [budget support from oil revenues] that the minister of finance can use is supposed to be in line with the development agenda. The question is, are the priorities that the minister of finance submits to parliament in line with the MDGs [Millenium Development Goals]? This is where we think that the PIAC can say to the minister that the priorities set are not consistent with what we want to achieve. And this is very important because, you can see a bit of transparency in terms of their allocations. This is not the end of the story. The real challenge for Ghana is [to ensure] that these allocations are in line with the national development plan which addresses key issues such as education, health, water sanitation, all those key issues that are important for Ghana to achieve the MDGs and improve the lives of people.” (Director of Revenue Watch Institute (Africa Office), personal communication, January 13, 2012)

**b. Public Accounts Committee**
Unlike the PIAC, the Public Accounts Committee (PAC) in Ghana makes use of only a single pillar of the OECD Framework, **information**. The PAC holds public hearings in Accra, and throughout the country. Public PAC hearings are also recorded and broadcast by numerous media outlets, including newspapers, radio and television stations. These hearings allow the public to participate in PAC proceedings (both in person and via the media) by providing information regarding the state’s fiscal malfeasance.
The Establishment of Public Hearings

“When we see your case is serious, then we call for a public hearing. The cameras, the whole of media... They’ll do it all live, so everybody is watching it. You see where the problem is? If you misappropriated money, your name will come before the public. We will name and shame you. It’s not the best for them.... So now if you want to dazzle money, you have to think twice. Otherwise you will find yourself in front of camera and all Ghana will be looking at you!” – (Member of Parliament and PAC of Ghana, personal communication, January 13, 2012)

When the PAC in Ghana held its first public hearings on October 16-26, 2007, the event was met with public enthusiasm as it was conceived as a way to improve accountability and transparency in government expenditures. The hearings would inform the public of the misuse of public funds and would be an important step to fight corruption.

The drive to institutionalize public hearings was a result of the Ghana Parliamentary Committee Support Project: Phase II, carried out by the Parliamentary Centre and funded by the Canada International Development Agency (2004-2010). The project targeted six parliamentary committees whose work is directly related to poverty reduction and included the PAC. During this project, members of the PAC were trained through workshops which included consultations with the Canadian Auditor General. Further workshops were held with the committee staff of the South African PAC during which the Ghanaian PAC members learned how to engage with the Auditor General and the media during public hearings. (Parliamentary Centre, personal communication, January 19, 2012) As the Parliamentary Centre recalls, “We brought down the Auditor General of Canada, as well as Canadian PAC members. This was followed by workshops on how the PAC and media should work together. To do this, we took the staff of the committee to South Africa for two weeks and discussed how they should work with the Auditor General and how to engage with the public so that they would be confident to engage the media and public.” (Parliamentary Centre, personal communication, January 19, 2012) These trainings increased the ability of the members to work as an apolitical committee, to identify issues, and to engage with public and media. During this process, the media was also trained on how to handle public hearings facilitated by a committee of parliament.

The Structure and Functions
The PAC has a total of 25 members, 13 from the majority party, and 12 from the minority party. Unlike other committees, the chairman of the committee is from the minority party whereas the ranking member is from the majority party. The committee members are often able to put aside party politics to perform their tasks.

The PAC in Ghana was established by Order 151(2) of the Standing Orders of the Parliament of Ghana and serves as one of the 11 standing committees. According to Order 165(2) its main function is to examine the audited accounts of government showing sums granted by Parliament to meet public expenditure and of such other accounts laid before Parliament. Its work is limited to examining only the reports of the Auditor General. (Parliamentary Centre, 2009)

When a report is sent by the Auditor General to the PAC, the committee analyzes the report and sends a letter of inquiry to the related institutions so that they may account for issues via a
written note. If the PAC receives an unsatisfactory response, it will hold a public hearing. At this time, the institution in question will have to defend itself in front of the public and live media. After the public hearing, a final report is prepared and sent to the agency with recommendations.

In all, the Committee holds public hearings about twenty times a year. The public is allowed to attend the meetings but due to the limited seating, the Committee is not often able to hold hearings in front of many people. During these hearings, the public is not permitted to speak or pose questions to either the PAC or institutions in question.

In order to reach more people, PAC hearings are held outside Accra. In these cases, all members of the PAC go to a selected constituency and hold the hearing just as it is held in Accra. Such outreach is intended to create increased engagement opportunities for the public and the MPs as hearings are brought to communities far from Accra.

**Impact of the PAC**

The work of the PAC ends with their report and recommendations. What happens next is an important question to be answered.

In Ghana, all ministries have an Audit Report Implementation Committee (ARIC) which is responsible for implementing the recommendations of the PAC. However they are often criticized for not following these recommendations. To this end, the Ghana-Anti Corruption Coalition (GACC), a well-respected civil society organization in Ghana, conducted research funded by UNDP to seek out the results of the PAC hearings and to what extent the PAC recommendations were carried out by the institutions and ARICs.

The research revealed that there is no clear evidence that the PAC recommendations had been carried out by the ARICs. Many of the PAC reports simply do not reach the related ARIC. Furthermore, ARICs do not report to PAC on whether they implement their recommendation or not. Many ARICs have clear structural problems in that the head of the institution is usually the head of the ARIC.

Based on this research, the Ghana Anti-Corruption Coalition (GACC) recommends that there should be an independent body to enforce and implement the recommendations of the PAC. They also suggest that composition and structure of ARICs should be standardized and that their capacity should be enhanced. When it comes to the impact of open public hearings, the GACC’s research has shown that the institutions have begun to take preventive actions in order to avoid being called to a public hearing in the first place. Institutions that receive a letter of inquiry from the PAC to describe any discrepancy now submit more detailed responses. As a member of the GACC who led research on the topic states:

“We had a lot of problems (prior to the public hearing). So the institutions would go to the hearing. They would just come, talk and go… and nothing happened. So even though now there is no action (punitive), because they now appear in public, they do not want to come. So they try to make sure all the questions are answered well and the time is taken to be as
transparent as possible (when responding to the PAC’s query).” (Ghana Anti-Corruption Coalition, personal communication, January 17, 2012)

The Success
The most important contribution of the open hearings is heightened transparency on government expenditures. Before the hearings, the audit process was completed behind closed doors. Now however, all Ghanaians have the chance to see how the public funds are spent and who misappropriated public resources through TV and radio broadcasts. Radio is a particularly useful outlet given that nearly all Ghanaians have access to it.

The public PAC hearings have been viewed as a success by many for increasing the response time and attention paid by the institutions in question. Before the open hearings, when the PAC would call individuals in for a hearing, due to their failure to have provided a sufficient written account, many would not appear. Now that these hearings are public, responses are very thorough and always on time. Moreover, institutions have taken on preventative measures to avoid being called into question by the PAC in the next review.

The PAC hearings that are held outside Accra are also a very important contribution to civil society engagement by bringing the PAC to the doors of the people who may otherwise never have had the opportunity to be a part of this level of engagement. Hearings are open to all who wish to participate, though space is at times a constraint.

Challenges
The meetings only serve for naming and shaming but no further measure is taken. As no tribunal currently exists, there has not been a single case in which punitive measures have been taken against institutions that have been found to have misappropriated the public’s money. In order to solve this problem, parliament is currently working on the creation of a tribunal to which the PAC can refer cases.

c. Other Mechanisms For Civil Engagement Within Parliamentary Committees

i. Monitoring of Projects
Project monitoring by parliamentary committees enable public participation via consultation. Parliamentary committees will often travel to the field to directly monitor the progress on projects, or the delivery of public services. During these visits, the committee will often consult with the public to gain information about the efficacy of public service delivery, implementation, or progress on projects.

Ghana allocates a considerable amount of its budget to capital investment projects. Thematic committees such as health and education provide oversight on whether projects are progressing according to stated requirements and benchmarks. To this end, the MPs of the related committee will often travel to the project site to monitor progress. During this process, committees have the opportunity to receive public testimony and evaluations with regard to the projects and other service delivery issues.

The monitoring usually takes two forms. First, it may be in the form of a spot check where the committees travel to the project site without providing warning to the agency and the project
directors. This kind of monitoring is successful to the extent that the MPs are well prepared for the spot check. However, considering the limited capacity of the parliament, it is claimed that the MPs are often underprepared to understand the details and issue areas of the project and make meaningful inquiries. (Parliamentary Centre, personal communication, January 19, 2012) The second form of monitoring is a thorough interrogation in which both project directors and members of a committee have ample time to prepare before the visit. This again, comes at the limit of capacity. Normally, such interrogation only occurs when a civil society organization has taken the initiative to do the needed research and gather documents that the MPs can then use to understand the project and develop informative sets of questions. That being said, this strategy enables parliamentary committees to move from questions which ask “what are you doing here” which is common during a spot checks to “where are the gaps and how can we as a committee can help.” (Parliamentary Centre, personal communication, January 19, 2012) The Parliamentary Centre explained:

"We need to get parliament, represented by the committee, to understand why water is not being delivered in this community and yet there is a provision in the budget. To that extent, you want to go in prepared by letting the District Assembly know that the committee is coming and provide their schedule of work. You go out, get community members within the area to tell their experience on service delivery. It is important to let them know you are not only trying to understand what they are doing, but rather, to understand where the gaps are and how parliament can help. At that level, you get citizens talking on what they think are the issues rather than what the institution perceives to be the problem. For example, in a small community in Accra, parliament thought they needed street lights, but the people needed water and sanitation. These [committee visits] make it possible for citizens to partake and influence decisions. Yet, it takes a commitment of resources to organize people at the committee level.” (Parliamentary Centre, personal communication, January 19, 2012)

The monitoring of projects is an effective mechanism that helps improve parliamentary oversight of investments and the quality of public service delivery. This mechanism necessitates that MPs and committees travel to the project site. This creates an opportunity for the public to reach out to their committees and express their needs and experiences with service delivery.

However, due to the lack of information and capacity, the monitoring of the projects does not function as effectively as it could. For the time being, civil society organizations are what often make such monitoring trips informative and drive accountability and transparency.

With the support of the Parliamentary Center, parliament is now running a pilot project for the monitoring and evaluation of public service delivery. With the aim of establishing a formalized mechanism that is based on evidence taken from the recipients of public service provisions, parliament is looking to use a tool that will enable it to better monitor and evaluate public service delivery. The tool is being designed to allow MPs to assess the quality of services based on public testimony and a grading system. Through using this tool, MPs can work with the public to identify their own indicators and evaluate the service they received. To date, this tool has been used in three constituencies and it is planned for use by all committees.

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ii. Memos and petitions

A last mechanism that enables civil engagement with the parliamentary committees is through writing memos and petitions, which enables public participation through consultation. When a specific issue comes up in a parliamentary committee, the committee may request memorandum from the public. These requests are published in the major newspapers and are read by the clerks. If the memo is compelling, the committee calls in the writer of the memo – an individual or a civil society organization – to discuss the issue in depth. Citizens also utilize petitions to express their concerns to parliament. First, the petitions come to the House and then the House refers it to the related committee. Petitions usually go the committees related to education, health, employment, gender and children. If the committee finds the argument compelling, it invites the petitioner to discuss his concerns and find solutions. Memos are considered more effective than petitions as they are directly requested by the parliamentary committees and are therefore more relevant to the agenda of the committees.

D. Conclusion

The Ghanaian State and Parliament suffer from a severe lack of capacity which is largely the result of scarce financial resources. Such constraints make it impossible for the Parliament of Ghana to critically analyze and formulate policies that require timely research and strong and able staff. CSOs, however, have taken the lead in building capacity within parliamentary committees and providing funding and research when and where civil society requires improvements in transparency, accountability and public service delivery. In terms of the mechanisms that currently exist, petitions, memos, spot checks by parliamentary committees and public PAC hearings are nothing new to Westminster governments. The real and most impressive accomplishment of civil society has undoubtedly been the creation of the PIAC as established in the Petroleum Revenue Management Act of 2011. This committee is the only one of its kind on the African continent. Though much is yet to be seen in terms of its ability to improve accountability through public participation, it is certainly a step in the direction of transparency via direct public oversight.

The highlighted mechanisms of public engagement in Ghana appear to be in line with the OECD framework, allowing engagement via information, consultation and active participation. However, formal public participation is not common within Ghana as the team could find only two major mechanisms at the national level. Still, the research team found that there is a high level of demand among civil society for formal, public-led and operated oversight. It seems that these demands are being heard by the Ghanaian Parliament and government.

2. INDIA

A. Research Overview

Face-to-face interviews were conducted in India over a two-week period in January 2012. Preliminary desk research found that there are no solid mechanisms for the public to participate
in oversight of public service delivery at the central level in India, so interviews were conducted at the state and municipal levels in Uttar Pradesh and Andhra Pradesh. Interviews were also conducted with civil society organizations and high-level civil servants at the central level in Delhi in order to better understand the political environment. Interviewees were selected from among members of Parliament, state and municipal level government officials, civil society organizations, and the media.

B. Country Background

**Indian Government**
The Parliament of India consists of the president and the two houses: the Council of States, Rajya Sabha, and the House of the People, Lok Sabha. Lok Sabha members are elected directly by citizens, while Rajya Sabha members are elected by members of the state legislative assemblies and union territories. (Narain, 2008) The work of parliament is assisted by a range of committees—both standing and ad-hoc. Both houses have individual and joint committees. Standing committees include Finance Committees, House Committees, Enquiry Committees, General Purposes Committees, and Department-related Committees. Ad-hoc committees are composed of select or joint committees on bills and committees that are meant to inquire into specific matters. Committee proceedings are held “in camera” with no press access, and public hearings are not held by committees. (Indianetzone webportal, 2010) This structure is meant to allow members of the committee to speak openly, rather than take the stand of their party or agree with the department minister.

**The Indian Constitution**
India’s constitution, adopted in 1950, guarantees such fundamental freedoms as: right to equality; right to freedom of speech and expression, assembly, association or union; right to practice any profession or occupation; right against exploitation; right to freedom of conscience and free profession, practice, and propagation of religion; right of any section of citizens to conserve their culture, language or script, and right of minorities to establish and administer educational institutions of their choice. (The Constitution of India, 2011) In addition to freedom from discrimination, it abolishes untouchability and defines scheduled tribes and areas. According to India’s Ministry of Tribal Affairs, scheduled tribes are declared by the president according to the following criteria: primitive traits, geographical isolation, distinct culture, limited contact with community at large, and economically backward. The 2001 Census found that scheduled tribes make up 8.2 percent of the population, mostly in forested and hilly regions. Similarly, scheduled areas are declared due to their preponderance of tribal population, compactness, under-developed nature, and marked disparity in economic standard of the people.

There are 28 states in India, which are divided into districts, blocks, and villages. India has seven union territories, which are governed by an administrator appointed by the president rather than having independent legislatures and governments like the states. The constitution specifically grants certain responsibilities to the central government and reserves others for state governments. However, the central government maintains substantial control over the states. The state list includes public services such as public health and sanitation, agriculture, water supply, storage and power; and works, lands and buildings. Under the system of “Panchayati Raj,” described below, local governments at the district, block, and village level exercise certain
administrative functions as well. States with scheduled areas must have a Tribes Advisory Council to represent the scheduled tribes in the legislative assembly of the state.

**Country specific focus**

Preliminary desk research suggested that citizen participation would not be found at the central level because of India’s size. With a population of 1.2 billion and only 545 members of Parliament, India has institutionalized the decentralization of self-governance so that the people are closer to their representatives. This system was in place before India’s independence, and it is known as “Panchayati Raj,” which translates to an assembly of five wise elders. In general, lawmaking still takes place at the central level, while implementation and the devolution of power are handled by each state according to local circumstances. Consequently, the power and responsibilities of local self-governing entities—the panchayats—vary by state.

Because public service delivery falls under the domain of the states in India, the research team elected to focus largely on committees and mechanisms of oversight at the state, municipal, and local levels. The examination of two geographically separated states was intended to highlight a range of institutional practices. Because the states are responsible for implementing central-level laws, the team chose to use implementation of these laws as a lens through which to examine citizen participation in oversight of public service delivery. In recent years, a number of legal measures have emerged to enable citizen participation. These will be discussed in more detail below and include: Panchayati Raj Institutions, which establish the formal system of local self-governance; the National Rural Employment Guarantee Act; the Right to Information Act; and the unfinished Jan Lokpal bill, which would establish an independent body to investigate corruption.

In 1992, Panchayati Raj Institutions (PRIs), or panchayats, were constitutionally strengthened in villages by the 73rd amendment to India’s constitution, and in urban areas by the 74th amendment. Both of these require that states devolve power to a third level of government administration at the local level and reserve one-third of seats for women, and a number of seats for scheduled castes and scheduled tribes, according to their proportion of the population. While panchayats had been in existence long before India’s independence, they were not responsive to the people due to: the absence of regular elections, inadequately devolved power, and lack of funds. (The Constitution of India, 1992) The 73rd Amendment requires the formation of panchayats at the village, intermediate (collection of villages), and district level. The 74th Amendment created three categories of municipalities: large urban areas, smaller urban areas, and areas in transition from rural to urban. (The Constitution of India, 1992) Both amendments call for state legislatures to devolve powers over economic development and social justice “as may be required to enable [panchayats] to function as institutions of self-government.” (The Constitution of India, 1992) The devolved powers fall into 29 categories in the rural panchayats and 18 categories in urban panchayats, mostly governing housing, planning, infrastructure, public services, and social welfare. It is important to note that states can choose which of these powers to decentralize—none of them are guaranteed. Many civil society organizations reported that this aspect makes the amendments quite weak; while the panchayats have a very defined structure, they are not granted any meaningful powers. Specifically in the case of Andhra Pradesh, one organization explained that the only funding the panchayats receive is under the specific schemes they implement under central-level laws. They have no funds to plan and run
their own programs locally. A retired executive staff member emphasized that this was due to a reluctance to give up power. He explained that Parliament pays lip service to decentralization, but chose not to give power directly to the panchayats. While most interviewees acknowledged that the 73rd and 74th amendments need to be further strengthened, they almost universally cited them as the key to increasing citizen engagement in oversight of public services.

The Mahatma Gandhi National Rural Employment Guarantee Act (NREGA) was passed in 2005 to enhance the livelihood security of people in rural areas by guaranteeing 100 annual days of paid, unskilled labor. (The National Rural Employment Guarantee Act, 2005) According to one civil society leader, “NREGA was the first legislation in the country that created an entitlement by law that is substantially if not wholly funded by the federal government.” An Indian Administrative Service officer explained, that “every year, in every district, approximately 150-200 crore (1.5 - 2 billion rupees\(^1\)) in expenses are incurred. The program outweighs the cost of every other social program in India combined in terms of expenditure and public involvement because every poor rural family is eligible. Under the act, the central government is required to develop a monitoring and evaluation system, while each state is required to form a council to oversee implementation of the program, including determining the types of works that are a priority. (The National Rural Employment Guarantee Act, 2005). This is discussed in detail as a mechanism of oversight in section C.a.iii below.

Many of the interviewees explained that corruption is the number one problem in India. India scored a 3.3 out of 10 (highly clean) on Transparency International’s 2010 Corruption Perceptions Index. One journalist explained that politics is a lucrative career with benefits, exemptions, and free luxury goods. There was consensus among interviewees that India’s bureaucracy is heavy, slow, and corrupt and thus a major barrier to public service delivery in India. This culture exists because civil servants mirror the behavior of those above them in government, and therefore, patronage, cronyism, bribery, and stealing have become the way of doing business. When people see that their superiors are making money from routine deals, then bribes become the norm even when requesting a gas or phone connection. Many interviewees indicated that corruption has increased in the decades following independence. One journalist remembered that when Rajiv Gandhi was Prime Minister in 1985, he said, “of every one rupee, only 15% goes to the people for whom it is meant,” and the problem has only worsened since then. The existing anti-corruption mechanisms—the Central Vigilance Commission, Departmental Vigilance Wings, and Central Bureau of Investigation—are insufficient because they are either not independent or not empowered to take action. (India Against Corruption, 2012)

The Right to Information Act (RTIA) came into force in 2005, guaranteeing any person the right to request records, official documents, copies, or firsthand access to materials at all levels of government. The act has been called “the most ambitious experiment with transparency in the world … [promising] a right to government-held information to 1.2 billion citizens, most of them living in rural poverty”. (Roberts, 2010) In order to make a request, one needs only to pay 10 rupees ($0.20 US) and submit their request in writing—no forms are required. Approximately two million requests were filed within two and a half years of the law’s passage, mostly to state and local governments, and mostly to “prod officials to deliver promised services and benefits—such

\(^1\) approximately 30-40 million USD
as rationed food, back-pay and pensions, roads and other public works, or teachers for primary schools.” (Roberts, 2010) As explained by a municipal commissioner, the RTIA requires the official responsible to respond within 30 days or pay a fine from his or her salary, but information is not always released. In some cases, the information may be unavailable or in a different format than requested. In others, parliamentary committees may block the release of information because the law allows them to claim that certain information is privileged and that it would be a “breach of parliament” to release it (according to a high-level parliament official). In all cases, government staff are not well-trained to assist the public, or respond to requests, and the sheer volume can be overwhelming. For example, the state of Maharashtra received 16,000 requests in 2007, which is more than five times greater than the number of requests received in the entire United Kingdom that year. In addition, public awareness of the law is low, its users are almost all male, and citizens may be intimidated or threatened when making a request. Still, the RTIA was cited by nearly every interviewee as being an essential step toward strengthening citizen participation in government.

Another effort to address corruption is the Jan Lokpal Bill. This is an anti-corruption bill drafted during the most recent session of parliament by a group of civil society activists who head the “India Against Corruption” movement. (India Against Corruption, 2012) The bill would create an independent investigative body—a “Lokpal” at the central level and “Lokayukta” in the states—to investigate charges of corruption against the government. Similar legislation has actually been introduced in the Indian Parliament eight times since 1968, but Parliament has never passed it. With the belief that social change can no longer be realized through elections, the social activist Anna Hazare undertook a two-week hunger strike in April 2011, which galvanized the entire country around the campaign. (Yardley, 2011) As a result, Parliament (which our interviewees told us engages in the mightiest forms of corruption) was forced to act. They invited Mr. Hazare and “Team Anna,” as the group is known, to draft the legislation. The group traveled the country and launched a web site seeking the public’s input on the legislation, which would usually be written by government bureaucrats. Anti-corruption protests occurred throughout the year. The lower house of Parliament ultimately passed their own version of a Lokpal bill months later, but it was viewed as too weak to be meaningful. The bill did not empower the Lokpal to initiate action, investigate bureaucrats, or pursue cases regarding national security. It kept the power for selecting a Lokpal in the hands of government leadership and laid out strong punishment for “frivolous” complaints. The upper house adjourned before taking action on the bill, but interviewees tended to agree that the bill will be re-introduced in the next session.

C. Research Findings

Based on this report’s theoretical framework, the interviews in India sought to identify mechanisms of oversight and engagement and identify them as information, consultation, or active participation. Consistent with desk research, interviewees said that most opportunities for citizen participation take place at the local level. Financial oversight mechanisms are often internal government bodies that involve the public only peripherally in field data gathering. Oversight of public service delivery takes place through informal committees and an active civil society taking part in government processes. Unfortunately, there are not many links between
district panchayats and state governments. Many interviewees described panchayats as being over-structured by the Constitution, but under-empowered.

Because the team did not expect to find mechanisms of public participation in oversight of public service delivery through parliamentary committees, findings are categorized below into mechanisms of public engagement in oversight; overall mechanisms of oversight; and other mechanisms of public engagement, which are found at the central level or within policy-making.

**Mechanisms**

a. Mechanisms of public engagement in oversight

i. Mechanisms within Panchayati Raj Institutions

Under the Panchayati Raj system, there are several formal and semi-formal mechanisms through which citizens can participate in the oversight of public service delivery.

“Gram sabha” is the general assembly of the village consisting of everyone who is at least 18 years old. It is an open meeting where villagers can ask any question of the “gram panchayat” — the assembly of village level representatives—as well as scrutinize their decisions and examine annual financial statements. It is an important instrument of holding elected representatives accountable and making government decisions transparent. According to Panchayati Raj Acts in many states, a meeting of the gram sabha should be held at least twice a year.

One of the civil society members in Delhi emphasized that the gram sabha is not just a village council but a constitutionally mandated body. Accordingly, decisions made by the gram sabha are supposed to be binding. However, representatives of a few other CSOs pointed out that in many cases the gram sabha system is not functioning appropriately. People sometimes are not informed that the meeting is going to be held despite the special provision of advance notice. Meetings are not held as frequently as required and attendance is low. Those who go to meetings in many cases do not ask questions because they fear being opted out from government services. Despite being constitutionally enabled to participate in gram sabhas, lower caste members and women are still not independently participating. They often lack the awareness of their rights so they are manipulated by local elites.

Citizens are eligible to participate in thematic committees at each level of panchayat. Citizens can become members of the committees together with elected representatives of the panchayats. These committees assist panchayats in performing functions related to planning, education, sanitation, construction, human resource development, and other issues. The number of committees as well as the composition and rules vary across the states. In Uttar Pradesh, the Panchayati Raj Act requires the formation of six committees, whereas in Andhra Pradesh, the number of committees should be five. However, a CSO member in Andhra Pradesh informed us that committees are still not formed in the state.

Despite mentioning the panchayat level committees as one of the formal mechanisms of citizen engagement, interviewees did not point to any successful features of the system. In both Uttar Pradesh and Andhra Pradesh, CSO representatives reported that committees work only on paper.
According to the opinion of one CSO representative in Uttar Pradesh, the consultation process never takes place in order to make a vibrant citizen committee: “If these committees are strong, they will ask a lot of questions--they will be demanding. [Instead] membership is made up of random citizens who are close to elected representatives or appointed officials, who will not make much of a nuisance.” This CSO, Sahbhagi Shikshan Kendra, is working on building the capacity of committee members and service providers. Through organizing training programs, campaigns, and meetings, the organization is trying to encourage committee members to demand more information and action from service providers, and induce service providers to provide access to information and to be cooperative with committee members.

In general, almost all of the CSOs interviewed expressed the same concern about the inefficiency of the planning process in the panchayat system (local representative entities). Despite the fact that the law empowers local panchayats to engage in a bottom-up process of planning, in reality plans come in a top-down manner from the Planning Commission of India. One of the CSO members in Delhi stressed that citizens lose interest in participating because their wish lists are discussed in gram sabhas and integrated into the panchayat plans, but are not considered at upper levels. In addition, many local elected representatives are uneducated so they are not aware of their responsibilities under the law. The capacity of panchayats to provide citizens with all the opportunities of decentralized governance is weak. According to the overall opinion of interviewees, laws are in place, platforms for citizen participation exist, but the implementation is insufficient.

The urban counterpart to the gram sabha is the area sabha, which was discussed at the municipal level in Hyderabad. This is a semi-formal committee which divides the city of 7.5 million into populations of 5,000 in order to monitor small infrastructure projects such as sweeping, paving roads, constructing water pipelines, repairing streetlights, or discussing the need for such work. It is a deliberative rather than deciding body, which holds local meetings and elects representatives to identify needs and monitor improvements. The area sabhas were started two years ago and the Greater Hyderabad Municipal Corporation (GHMC) advises them to meet at least once a month. A special commissioner of GHMC expects that they will continue to go through an institutional strengthening process in the coming years and become very strong since they are so close to the people.

**ii. Monitoring committees independent from Panchayati Raj Institutions**

Citizens have several opportunities for participation in the oversight of public services through monitoring committees. In Andhra Pradesh, one high-ranking Indian Administrative Service (IAS) officer explained that each village has a school monitoring committee comprised of eight to ten parents. These stakeholders are mandated with monitoring the level of learning and maintenance standards at their school, the completion of syllabi, and the enrollment and attendance of students and teachers. They have no disciplinary power, but according to the interviewee, when they report anomalies to the education officer, they are capable of building enormous public pressure on the teacher or on those who have the power to discipline him or her.

Andhra Pradesh is also widely known for its self-help group movement (IAS officer). These were established as small (8-10 member) self-organized women’s thrift groups, outside of any formal statutory network. However, with nearly every household participating, they are now very well organized into federations of groups at the village level, sub-district level, and district level.
Together, the groups receive huge annual sums of loans (300-500 “crore” or 3-5 billion\(^2\) depending on the district) and play an important role in overseeing rural development interventions and launching social advocacy. Because they are outside of the system, they are able to give candid feedback on the development issues in their village, such as proper implementation of pension disbursements, beneficiary selection for welfare schemes or housing programs, and social problems such as alcoholism or adult illiteracy. The members are often also the implementing agencies of programs such as serving free cooked food to school children.

iii. Mechanisms under National Rural Employment Guarantee Act

Under the National Rural Employment Guarantee Act, the village-level panchayats (or gram panchayats) are mandated to conduct at least one gram sabha in which they gather information, feedback and approval from the public regarding the implementation of various schemes and public works projects, such as the backward region grant fund or Rural Employment Guarantee road connectivity project. In addition, social audits of these projects are required to be carried out by the state governments. (The Mahatma Gandhi National Rural Employment Guarantee Act, 2005) To do so, an independent and autonomous state-level organization forms teams of social auditors who visit each village regularly to inspect some of the works that have been done. At the end of the tour, the results are shared in open public hearings; official functionaries of the NREGA are required to attend and members of the public are encouraged to testify.

According to one senior civil servant in a district of Andhra Pradesh, social audits are carried out in a meticulous manner and are a very useful tool for feedback. He found participation to be quite encouraging with representation from all villages and no meeting of fewer than 400 people (of a total population in the group of villages between 15,000 and 40,000). As a result, in Andhra Pradesh, actions have been initiated against functionaries, criminal cases have been brought, and misappropriated amounts have been recovered. That may not be the case in all states, though. A former executive civil servant-turned civil society leader explained that while the law applies to all states, it is their choice how to implement it. For example, variances may be found in the extent to which information technology is used in the accounting system or how laborers receive their pay. In Andhra Pradesh, almost all systems are computerized and laborers can be paid through the post office. That state is regarded as having one of the better systems of implementation, but the interviewee cautions that there may still be leakages and a lack of returns on the investment for public good. On the other hand, he surmises that more money is probably going to laborers than elsewhere.

The laborers also serve as a regular informal oversight mechanism of the NREGA. They are organized into fixed groups that receive work assignments and payment once a week. According to one interview, this process is not disorganized or scattered; on the contrary, any anomaly in implementation or delay in payments or assignment of work are an opportunity for the groups to have a voice in better implementation.

Still, some interviewees spoke of the potential for corruption in the act or its implementation. Even though a specific wage is guaranteed, the act says that if the government cannot find employment for that person, then one-quarter of the stated wage should be paid for 30 days and half of the wage thereafter. A retired Indian Administrative Service officer [14] exclaimed, “Is

\(^2\) about 60 - 100 million USD
that a right-giving law? It’s a right taking law! You promised me work. You said it’s my right and that I would be paid 100 rupees per day, but you failed to provide it and you’re going to give me 25 rupees for the first 30 days and 50 rupees for the rest of the time?” Likewise, a leading political news editor explained that the local ruling party decides who gets the jobs and the money, but also takes some of the earnings. According to the Centre for World Solidarity, the states undertake social audits of NREGA as the law requires, but the findings are often not taken seriously or implemented. As proof, the editor above suggested simply looking around at the rural areas and cities to see how haphazard development has been, how few basic amenities are provided, and how many people are still poor.

iv. Study tours
National parliamentary committees can undertake study tours to examine the implementation of various programs and schemes falling under their jurisdiction. Committee members take site visits around the country and have discussions with concerned parties, including citizens. Results of the discussions are recorded in a report that is submitted to the presiding officers of the respective house of parliament. According to a high-level parliament official, “the constructive criticism and considered recommendations made by such committees have been found to be useful by the ministries and concerned departments and helped them in fine-tuning their functioning and to formulate realistic budgets, plans and programmes for the welfare of the people.” (Rajya Sabha Secretariat, 2011) Direction was issued in 2004 to ensure that recommendations made by committees are implemented by those ministries and departments. According to this, responsible officers should make a statement once every six months on how recommendations are being implemented. (Rajya Sabha Secretariat, 2011)

While study tours are considered to be a useful way of observing the systems at work and making cross-state comparisons, they also have their drawbacks. They are not considered to be particularly informative in terms of generating citizen feedback, as was shared by one of the interviewed committee members. The major constraint is the lack of time for MPs to independently talk to beneficiaries or those who interacted with the program and get their feedback.

b. Overall Mechanisms of Oversight

i. Controller and Auditor General and Public Accounts Committee
India’s constitution provides for an independent body known as the Controller and Auditor General (CAG), who is the auditor for the country. At the state level, the Accountant General (AG) serves the same role. At the close of each accounting year, the CAG develops a report for every government department’s spending, noting any excessive expenditures or irregularities. Any deviation from planned spending is included in the report, which is then reviewed by the Public Accounts Committee (PAC).

The 16-member PAC is supposed to ensure transparency and more critical examination of spending because it is chaired by a member of the opposition party. It is not open to public participation. If the committee desires, it has the power to call for records or visit members of the public at the local level to see what work has been completed. While the CAG report is annual, the PAC may meet twice a month for two to three days each time. They will determine which government department to review and alert them so that officers can come prepared to
make a presentation. According to one journalist, “the CAG was a very powerful office until recently. The government used to take the report seriously, but now that the leakage of revenue is so heavy and common, no one bothers about the CAG report. On the contrary, parliamentarians have started finding fault with the report.”

**ii. Civil Society Organizations’ role in oversight of public service delivery**

Civil society organizations (CSOs) often have relationships with the government that serve as informal mechanisms of oversight of public service delivery in India. Several CSO representatives explained how they work with the government to improve implementation of certain legislation. In Uttar Pradesh, an organization called Vatsalya revealed that 50% of children in the state are not provided with birth registration, which by law should be provided for free within 21 days of birth. Two departments were responsible for this issue but were not coordinating their efforts. Vatsalya convened a joint meeting between them to develop a process for coordinating the procedure. They also arranged birth registration camps in order to create awareness within the community and involve children and peer groups. Similarly, in Andhra Pradesh, the Centre for World Solidarity (CWS) gathered over 1,000 tribal representatives, elected officials, and the Ministers of the Departments of Tribal Welfare and panchayati raj to discuss implementation of panchayati raj institutions in tribal-dominated areas. In order to ensure that tribal peoples would not be dominated by non-tribals, the Panchayat Extension to Scheduled Areas Act (PESA) had been passed. However, the rules of this act were not being written in many states because it would require changes to acts that fell under the authority of several departments. Due to the actions of CWS, a committee was formed and a minister from the central government came to a state-level meeting and successfully pressured the state government to write the rules and recommendations for other departments. As these examples show, the CSOs are an essential medium between citizens and the government. However, interviewees believe that it takes a lot of time and effort to make the government listen and see the concrete impact of their work.

**iii. Media**

The Indian media industry is one of the oldest and largest in the world. There are more than 70,000 newspapers, with over 100 million copies sold each day, and over 500 satellite channels in the country in several languages. (Soutik, 2012) In India, the media is considered to be a strong oversight mechanism due to the freedom and openness it has maintained throughout most of its history. Since the start of liberalization reforms, the independence of media has increased, giving it more power to scrutinize the government. Interviews with Indian journalists from Delhi and Hyderabad (the capital of Andhra Pradesh) revealed that they have no significant constraints to report on any activity, function, strength, or weakness at any level of government. They characterize themselves as a watchdog working to hold government officials accountable for their decisions. However, the Indian media is currently under criticism for being inaccurate, providing positive coverage of politicians in exchange for money, and having low representation of minority groups among journalists. (Soutik, 2012)

c. Mechanisms for public engagement not on oversight

**i. Inviting suggestions on bills in department-related standing committees**

The Indian Parliament has 24 department-related standing committees. Whenever a bill is presented in parliament, unless there is an emergency, it is always referred to one of the standing
committees. During discussion of the bill, public suggestions are invited through advertisements in newspapers. The comment period is usually open for a month and the process is open to everyone. If the committee considers certain comments important and seeks clarification, it can call the citizen to appear before the committee meeting. Sometimes citizens send letters directly to their MPs, which can also be considered by committees. After collecting evidence, committees read the bill clause-by-clause and can suggest changes to the law.

One of the interviewed MPs pointed out that large numbers of letters come to the standing committees during the comment period, which shows a high commitment on the part of citizens to participate in committee work. However, MPs have only one paid assistant so they lack the time to process all of them. According to one MP from the Human Resource Development Committee and Finance Committee, the large volume of letters makes it difficult to understand whether the issue will benefit the public. He also noted that the size of the country is a barrier for MPs to engage actively with the public. A high-level parliament official mentioned that there was a demand to open the committee meetings to the public, but parliament refused based on the “privilege” granted by the Right to Information Act. One of the CSOs in Delhi is working to support MPs to be more effective in law-making and to be more participatory. A representative from this organization and a few other CSOs shared the same opinion that there is a knowledge barrier so not everyone can communicate his or her suggestion on a law. Therefore, often the consultation is restricted to NGOs which is not fully participatory. There seems to be consensus that direct citizen participation is not taking place.

**ii. Petitions Committee**

The Petitions Committee also allows citizens to participate. Anyone can petition the House through his or her representative if the matter is related to a common public cause. There is also a one-month open period in which submissions are called for in print media sources in many languages. If an issue is determined to widely affect the public, then it is brought to the attention of the Speaker who refers it to the Petitions Committee, which is headed by the Deputy Speaker (#2 in rank). The committee then calls the appropriate ministry to participate. According to a high-level parliament official, hundreds of petitions are submitted and only eight to ten are considered each year. Two successful examples of petitions have led to new national legislation, including providing citizenship to people who resided in Sikkim before it became a state, and banning the use of cell phones while driving.

**D. Conclusion**

In India, there are no formal mechanisms for the public to participate in oversight of public service delivery through parliamentary committees at the central level. The main explanation is that India’s population is far too large for MPs to be able to represent them directly. Even the full parliament is too large to allow for inclusive discussions. In addition, state governments are responsible for implementing laws regarding public services. Thus, public participation increases with decentralization.

Due to the size of the country, decentralization is an important process that enables people to express their voice and to be heard by their government. The system of Panchayati Raj Institutions provisioned formalized forums through which the public is able to provide their input in government decisions. However, due to the inefficiencies of the system and lack of citizen
capacity, mechanisms are not working as intended in all places. Overall, the impact of the mechanisms for participation at the local level and the degree of citizen participation therein is difficult to define since their existence, functioning, and level of activity varies significantly not only across the states but across villages as well.

Within the OECD framework it was suggested that engagement with the public can take place through three major forms: information, consultation, and active participation. Findings from the research in India show that all three platforms exist but do not necessarily function in the appropriate way.

Information is accessible by the public through the Right to Information Act. However, lack of public knowledge about the law, limited capacity of government staff to respond to a huge number of requests, and holes in some of the provisions of the act are preventing citizens from holding government accountable in its decisions. Requests for information are mostly made by the media, CSOs, and government bureaucrats (for their personal use). The law allows MPs to continue to keep committee meetings secret by evoking their privilege. CSOs and media are responsible for much of the information citizens receive about the availability of, or flaws in, public services, but they can only report on the information that they have access to. The lack of open committee meetings, or willingness to be transparent, means certain information is not available. However, all parties cite the RTIA as an important step toward change.

The most robust consultation occurs with journalists and civil society organizations. Through their reports and activism, both have built government relationships/connections such that they are called on for suggestions and assistance in writing legislation or informing implementation. Mechanisms of consultation with the public at large occur primarily through built-in oversight mechanisms such as the institutionalized social audits within NREGA, gram sabhas within the panchayats, and study tours by members of parliament.

Active participation of citizens is again driven by CSOs, but a few mechanisms do allow citizens to directly address public service delivery. Informally, women’s self-help groups discussed in Andhra Pradesh are beginning to organize to oversee and provide public services. At the central level, citizens are able to submit petitions to propose certain changes in law or implementation that affect the public widely. Perhaps the largest potential lies in the Lokpal bill proposed by India Against Corruption, which aims to introduce openness into civil service. The public would be able to report corruption to an independent, empowered investigative body, and whistleblowers would be protected from retaliation.

3. SOUTH AFRICA

*Because the people of South Africa finally chose a profoundly legal path to their revolution, those who frame and enact the Constitution and law are in the vanguard of the fight for change. It is in the legislatures that the instruments have been fashioned to create a better life for all. It is here that oversight of government has been exercised. It is here that our society in all its formations has had an opportunity to influence policy and its implementation.*
A. Research Overview

The preliminary literature review revealed that the institutional landscape in South Africa creates the space and provides the tools necessary for civil society to engage with parliamentary committees. To fully understand the complexities, relationships, and challenges between civil society and parliamentary committees, field interviews were conducted in South Africa over a three-week period in January 2012. The interviews included a range of stakeholders comprised of members of Parliament at the national level, members of parliament at the provincial level, government officials, members of civil society, journalists, and representatives from research institutes. The case study explores the relationship of civil society and parliamentary committees at the national level through interviews with members of Parliament in Cape Town, the legislative capital of South Africa. At the provincial level, the research is focused on the Western Cape Province and includes interviews with members of the Western Cape Provincial Parliament. The researchers chose to use the Western Cape for the local-level component of the case study as preliminary interviews indicated the province had comparatively more success in the delivery of public services. It is important to note that the Western Cape is the only province in South Africa led by an opposition party, the Democratic Alliance (DA). The African National Congress (ANC) leads the national government and the other eight provinces.

It is widely accepted that allocation of government budgets at the national and local level impact public service delivery. This case study therefore approached the topic with a focus on the monitoring of the budget. With a lens on citizen engagement in government oversight, desk research was completed on transparency and accountability in the government budget process. The Open Budget Index, which scores governments on the ability of the public to gain access to information on government budgets, scored South Africa at 92 out of 100 points, the highest score across the 94 countries assessed in the Index. The overall score of 92 indicates that the government “provides extensive information to the public in its budget documents during the year.” (International Budget Partnership, 2010) South Africa publishes a range of reports on the budget including: Executive Budget Proposal, Pre-Budget Statement, Enacted Budget, Citizen Budget, In-Year Reports, Mid-Year Review, Year-End Report, and an Audit Report.

B. Country Background

South Africa presents a ripe landscape for civil society engagement with parliament. With a population of 50.5 million (UN, 2010) and eleven official languages, the country boasts one of the most democratic constitutions and government frameworks in the world.

When the African National Congress (ANC) entered government in 1994, the party brought with it many of the great activists from the movement. As a result, many of the interviewees noted a void left in the capacity of civil society as a large portion of the leadership moved into government. One provincial minister and former civil society leader notes a loss of momentum in citizen activism, stating, “During my time, there were a lot of issues that brought us together as communities and we had this desire to engage government on real issues and it was really a
meaningful engagement to change the lives of our people.” (Cape Town Provincial Minister, personal communication, January 19, 2012) There was additionally a sense of mistrust from many of the government officials and overall feeling that some members of civil society had their own personal agendas to push forward. It is also important to note that the labor movement has played a large role in advocating for the rights of citizens.

\textit{The New Constitution}

With a breadth of consultation and public participation that few would have imagined possible, and in a spirit of unprecedented consensus-seeking, it was here that a constitution was formulated and adopted to enshrine our people’s deepest aspirations.


In response to the history of Apartheid, the new leaders of South Africa institutionalized democratic and inclusionary principles in the foundation of government structure and process. One of the first tasks of the newly representative South African government was to re-write the constitution. The process involved nearly two years of public feedback and engagement before the constitution was implemented, including two million comments from the public. (Parliament of the Republic of South Africa, 2009) The process intentionally placed vulnerable communities who previously did not have a voice at the center of the development of the country.

The new democratic constitution set up three elected levels of government: national, provincial, and municipal. The provincial government consists of nine provinces, and the local level includes 283 municipalities (officially established in 2000). The constitution defined each sphere as “distinctive, interdependent, and interrelated.” (Republic of South Africa: Department of Provincial and Local Government, 2007) Each sphere of government is responsible for the oversight of public service delivery as it pertains to each spheres specific function and objectives. The national government is responsible for policy formation and controls the budget at the highest level. This sphere has clear structures, processes, and objectives that are outlined in the constitution. At the provincial level, the objectives and structures of government are more ambiguous. The nine provincial governments are responsible for government operations in their province and have the power to create provincial-specific laws. Many of the interviewees in this case study questioned the relevance of the provincial level noting that provincial government primarily serves an administrative function. Local government represents the sphere closest to direct service delivery. On the local level, government went through a long process of formation, eventually establishing the first democratic local government elections in 2000. The outcome of this process recognized local government as its own sphere, not simply a component of the provincial government. (Republic of South Africa: Department of Provincial and Local Government, 2007)

The new constitution additionally created three branches of government at the national level: Executive, consisting of the President and the President’s cabinet; Legislative, consisting of the National Assembly and the National Council of Provinces, and the Judiciary, consisting of The Constitutional Court, The Supreme Court of Appeals, and the High Court. The constitution presides as the supreme law over these three bodies of government.
**Parliament**

*Look at the work of the committees that have scrutinised legislation and improved it, posed difficult questions of the Executive and given the public insight and oversight of government as never before.*


South Africa’s Parliament consists of two Houses—the National Assembly and the National Council of Provinces. Parliament’s mission and strategic vision “is to build an effective people’s parliament that is responsive to the needs of the people … and acts as a voice of the people in fulfilling Parliament’s constitutional functions.” (Parliament of the Republic of South Africa, n.d.) The National Assembly consists of 350 to 400 individuals who are elected to five-year terms. The members of the Assembly are selected by party officials to represent their constituencies and to provide an oversight function for the executive. Citizens vote for a political party rather than an individual, and the party leaders subsequently appoint party members to represent the various constituencies. The National Council of Provinces (NCOP) is composed of a single delegation consisting of ten delegates from each province. (Republic of South Africa: Department of Provincial and Local Government, 2007). The NCOP is responsible for representing the interests of the provincial government and provides oversight over national matters that pertain to the provincial and local level, exemplifying one institutionalized mechanism for engagement between the national and provincial spheres of government.

**The Judiciary**

The judiciary branch upholds the constitution, the legal rights of citizens, and regulates the legislative and executive branches. In reaction to the closed government policies of the past, open government and access to information became a cornerstone for the new government. The Constitutional Court was created as an independent institution from other branches of government, acting as the protectorate of the democratic principles outlined in the constitution. The interviews revealed that the court plays an important role in ensuring that the public has the space to engage with government.

**C. Public Accounts Committees**

In order to further explore whether budget monitoring is a fruitful mechanism for civil society engagement in the oversight of public service delivery, the research focused on the Public Accounts Committees at the national and provincial level.

**Overview**

Public Accounts Committees (PACs) are widely known in the Westminster-model of government as a mechanism for the oversight of public funds. PACs typically function as ex-post oversight, acting once funds have been spent. The PAC reports attempt to decrease the instances of corruption and improve government accountability. Since the establishment of the new government in 1994, South Africa has had PACs (called Standing Committees on Public Accounts or SCOPA) at both the national and provincial level of government. In addition, 48 out of 283 municipalities established SCOPAs. (Cobus, 2011) The constitution mandates that the national and provincial level of government have an oversight mechanism in place to monitor the spending of public funds. The Auditor General fulfills this function. SCOPA is used as the
mechanism to ensure follow up from the Auditor General reports and the monitoring of public funds.

At the national level, the Rules of the National Assembly established the SCOPA committee. The committee composition is fluid and depends on the composition of the National Assembly, with each party typically receiving at least one member on the committee and the ruling party appointing the majority of members. The rules of parliament note, “The Committee on Public Accounts consists of the number of Assembly members that the Speaker may determine with the concurrence of the Rules Committee.” (Rules of the National Assembly, 2008) Committee members are appointed by their political parties and may remain on the committee until the Assembly’s term expires (or in the case that the Assembly is dissolved). The committee members elect the Chairperson of the committee, typically from one of the opposition parties.

The parliamentary website shows the national SCOPA committee currently consisting of ten members who cross party lines. The members include a majority (six) from the ruling ANC party and the remaining members from various opposition parties. General standards recommend that PAC committees include five to eleven members with the chairperson of the committee from an opposition party. The SCOPA committee practices open public hearings for all of its meetings, with the exception of closed meetings with the Auditor General in which members are briefed on specific audit reports. At the time the research took place, the Western Cape Provincial SCOPA consisted of five members, the chairperson from an opposition party, three members from the ruling ANC party, and a member from the Democratic Alliance.

Function and Processes
The SCOPA committee process begins with the Auditor General. The Auditor General submits reports to SCOPA on the financial audits of various departments. Due to limited resources, specifically in terms of time, SCOPA must then determine which reports to further investigate. Typically, the committee follows up with the reports that include the “worst offenders.” At the national level, the committee splits up into two groups in order to go through all the reports for the selection process. According to a SCOPA member, between 200 and 300 reports are received each year and the committee has the capacity to investigate about 25 reports per year. Once the committee determines the reports for investigation, the ministers of the offending departments are called to a public hearing. The accounting officer used to be the official called to discuss the investigation with the committee. However, aided by the public, the SCOPA committee fought to have the minister present as the one accountable for the department operations.

Impact of SCOPA
Impact remains a major challenge for the SCOPA committee. Once the report is signed off by both SCOPA and the department in question, it goes to the House for approval. Once the report is approved, there is little follow up or processes for holding the department accountable for implementing the recommendations from the SCOPA report. As noted by one SCOPA member, “when you see them the next year, you interrogate them about the previous year’s recommendations and realize that half of them have not got them all done. There is not strong

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3 At the time of our interviews there were 14 members of the national SCOPA committee.
4 This information is not available on the Western Cape Provincial Parliament website and was provided through an interview.
enough enforcement of the reports. Recommendations are not always enforced – it’s almost voluntary.” (National SCOPA member, personal communication. January 12, 2012) One member of the SCOPA committee noted that the reports are available on the internet and open to the public, but it is not clear that the public is aware of these reports.

Public Engagement
The rules of parliament outline a legislative framework for public engagement with committees of parliament. Similar to portfolio committees of parliament, SCOPA is mandated to have public hearings for all committee meetings and meetings with ministers to question the misappropriation of funds. SCOPA does however meet with the Auditor General in a closed meeting before attending the public hearing for a briefing.

As noted by several SCOPA members, there is no structured relationship between SCOPA and civil society in terms of legislative mandates that frame this relationship. However, there are informal best practices of involving civil society in certain processes. As one national SCOPA member notes, “In terms of departmental processes, it is expected that if a committee is passing legislation, there has to be public hearings.” (National SCOPA member, personal communication, January 18, 2012) Most SCOPA members at both the national and provincial level explained that due to the nature of the work, which they defined as the monitoring of internal expenditures, they did not see an added benefit in involving civil society. While there was not a sense of resistance among members, there was a lack of understanding of how civil society could bring value to what is seen as an internal monitoring process. However, members did note the potential for SCOPA to use civil society through the media to garner public support for their work. One SCOPA member explains, “The best thing for us as a committee is the widest public support outside of parliament. Engaging with civil society, including the media, would assist us in ensuring that we do not get muzzled.” (National SCOPA member, personal communication, January 18, 2012) SCOPA can use civil society as an ally in advocating for financial accountability and putting pressure on government departments and ministers. There is the potential to decrease corruption if officials are deterred by the public exposure that may come along with investigations.

The SCOPA members at both the national and provincial level noted the ability for the public to contact them directly to report any concerns on the misappropriation of funds. Members have their contact information accessible on the website of the provincial and national parliament. At the national level, it was noted that the Chairperson and his secretary receive direct phone calls from the public in reference to the oversight of public expenditures. The Chairperson and his secretary follow up on these calls or forward them to the appropriate department if not related to SCOPA. However, the capacity for research and follow up is stretched. One committee member notes, “It’s a very ad hoc approach; it’s not an institutionalized way of processing things.” (National SCOPA member, personal communication, January 18, 2012)

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5 The provincial parliament website is very difficult to navigate. At the time of writing, the committee members are not published on the website and the committee section of the website has no information. By going through each member of parliament, you are able to see what committee they are on.
D. Mechanisms

Parliament has made some progress to strengthen the participation of civil society in its functions over the past few years, but the extent, and quality, of this participation is still weak, and meaningful opportunities for engagement are limited. Where there is participation, it tends to be limited to a handful of better resourced national NGOs and academic institutions, national human rights institutions, and other institutions and individuals with resources. In addition, although there are examples of coordination, civil society interactions with parliament are generally uncoordinated and can be strengthened. (Community Law Center Parliamentary Program, 2012)

a. Access to Information

During the Apartheid regime, freedom of information was extremely compromised. In response, access to and freedom of information became a cornerstone of the anti-Apartheid movement. The constitution used freedom of information as a foundation of democracy. Subsequently, the newly democratic parliament enacted legislation to further support the right to access information. One academic notes it was “a process in which civil society organisations played an unusually influential role.” (Calland & Dimba, 2002) The final constitution, adopted in 1996, guarantees everyone “the right of access to any information held by the state and any information that is held by another person and that is required for the exercise or protection of any rights.” (Calland & Dimba, 2002) The South African Human Rights Commission is mandated with monitoring implementation of the law. Additionally, every public body is required to have an Information Officer and Deputy Information Officer. The Human Rights Commission ensures compliance with the law, provides training to relevant stakeholders, and educates the public through easy to understand guides on how to access your right to information.

Due to the open and transparent nature of the South African government, contact information—including e-mail addresses and sometimes even cell phone numbers—are available for all MPs at both the local and national level. This results in informal phone calls and e-mails from the public. Several members of SCOPA, at both the national and provincial level, mentioned that because their contact information is public, they have gotten feedback from citizens on potential misappropriation of funds. There is often not a formalized method of dealing with these types of inquiries, but it was noted that they try to get the complaint to the appropriate person.

i. Public Hearings and Open Committee Meetings

Access to information plays a key role in the ability of the public to engage with parliament. Without knowledge about the debates and happenings in parliament, it would be difficult for the public to have meaningful engagement with government. One of the mechanisms employed to increase public awareness and access to information is public hearings and open committee meetings. Open meetings enable the public to attend parliamentary committee meetings, including meetings focused on the monitoring of public service delivery. In South Africa, the constitution mandates that the legislature may not exclude the media and the public from a sitting of a committee unless “it is reasonable and justifiable to do so in an open and democratic society.” (The Constitution of the Republic of South Africa) The open public hearings create a formal space for civil society to interact with all committees of parliament. The majority of interviewees noted the hearings as one of the key institutionalized mechanisms for engagement.
The Constitution outlines that, “The National Assembly and Provincial Legislature must: a) Facilitate public involvement in the legislative and other processes of the Assembly/legislature and its committees; and B) Conduct its business in an open manner, and hold its sittings, and those of its committees, in public.” (The Constitution of the Republic of South Africa)

In order for the public and civil society to be able to attend public hearings, there must be a method of disseminating information on where and when the hearings are taking place in advance of the meeting. When asked how the meetings are publicized, the members of parliament interviewed noted that they are announced in the newspaper, the parliament website, and at times on the radio. Based on the interviews, the will for engagement from the government side is present; however, the time and resources needed to ensure the public has up-to-date information can be a challenge. While civil society did not report intentional misrepresentation from the government on access to public hearings, interviewees did note the disorganization and lack of updated, available, information that is easily accessible by the public. For example, when speaking with a member of Institute for Democracy in Africa, South Africa (IDASA), an influential democracy research institute in South Africa, it was noted that the information is not up-to-date on the national parliament’s website. The interviewee noted, “For people close to the system, it’s easy. But for an ordinary South African – no.” (Institute for Democracy in Africa, South Africa (IDASA) employee, personal communication, January 25, 2012) Additionally, there is a mailing list that goes out every morning to individuals who regularly attend meetings with an updated schedule on the committee meetings of the day. This exemplifies informal, relationship-driven engagement between the public and parliament. The will to have civil society participate in government operations is there; however, due to limited resources, capacity, and potentially disorganization, the engagement is limited.

The attendance at public hearings varies depending on the topic. While a few government officials mentioned strong attendance, most interviewees from government, civil society, and the media noted that unless the topic is a “hot topic,” such as human settlements, the meetings are generally not well attended. The interviewees speculated that this might be due to the time and resources needed for civil society and citizens to attend the hearings. For example, the hearings are held during the workday. Therefore, in order to attend a meeting, a citizen or civil society member would have to take time off from work. The procedures that happen at committee meetings can be additionally confusing for an individual unfamiliar with the parliamentary process. Unless the topic has the potential to strongly impact the life of the individual or the mission of a civil society organization, the incentive to attend is not typically present. However, most interviewees noted that interest groups will be present at important hearings that address the interest with which they are concerned. As noted in a later section, public hearings are extremely important in providing the media with access to information to inform the public.

ii. Role of the Media
Free and open media plays a critical role in the engagement process. Nearly all of the MPs interviewed mentioned the importance of media in creating a space for civil society engagement. The media also plays a large role in the dissemination of information and in shaping public perception. As mentioned, upcoming public hearings are often advertised via newspapers and radio in multiple languages. This is extremely important in a country that boasts eleven official
languages. The use of op-eds was also mentioned by both MPs and members of civil society as a way to create awareness around a specific issue or piece of legislation.

According to media representatives and SCOPA members, the media is often present at national level SCOPA meetings. Several SCOPA members at both the national and provincial level highlighted the fact that the media plays an important role in publicizing SCOPA’s findings of misappropriated funds. The media also serves as an ally to the SCOPA committee by providing leverage to call ministers to account. Several interviewees noted that ministers who had been called to account by the SCOPA committee often chose to respond to SCOPA’s request for a follow-up meeting rather than ignoring that request, being subpoenaed, and put through a public hearing.

There are several limitations on the media. Due to the proliferation in the number of committees at the national level since 1994, the media is unable to attend all of the committee meetings. One member of the media relayed that they are now only able to focus on the key committees such as justice, health, and education. The lack of capacity within the print media specifically, means that it is often difficult for a journalist to accompany MPs on all of their oversight visits or follow the entire public participation process on important pieces of legislation. While it is often possible to have a regional paper cover some of these visits and observe the participatory methods, there is often no single person assigned to report on the process from start to finish. Along these same lines, at least within the independent newspapers, there is no dedicated page to follow parliamentary proceedings. This means that much of the committee hearings go uncovered and unpublicized.6

**iii. Information Technology**
Both the national and provincial parliaments have their full schedule of committee meetings available on their respective websites. Their websites also include calls for submissions and notices of public hearings. The parliamentary websites were regularly cited by many of the MPs as an example of the transparency and openness with which they operate and their commitment to public interaction and participation. However, according to a recent study only 13.9% of South Africans had access to the internet. (Internet World Stats, 2011) This means that many South Africans, particularly lower-income individuals, are unable to access these resources.

**b. Consultation**

**i. Open Budget Meetings and Annual Reports**
One interesting oversight mechanism for civil society engagement that was brought up in several interviews was the open budget meetings and annual report process. As it currently stands, civil society engagement in this area is rather limited but there are several instances where engagement has started to occur. For example, the Committee on Correctional Services has been regularly engaging for many years. In this case, the committee invites key stakeholders to

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6 A recent, and potentially limiting factor for the media, is the introduction of the Protection of State Information Bill, also widely known as the “Secrecy Bill”. The bill states that any information that is published, and is deemed to be of national interest, can be punishable by up to twenty-five years in jail with no exemption for journalists. It is currently being debated in the NCOP after passing the National Assembly.
comment on their annual report and budget plans a few weeks before the committee presents them to parliament.

Oversight via the budgeting and annual reporting process is currently being done on an ad-hoc basis and has not yet been institutionalized. Whether or not committees are engaging the public through open budget meetings and an annual reporting process depends on the Chairperson of the committee. Interviewees explained that some of the Committee Chairs are more open to this type of engagement than others. One interviewee mentioned that the lack of widespread engagement in this area was not due to a lack of openness; but rather that they had not considered this type of engagement beforehand. Since it is not a formalized system of feedback and engagement, many of the committees simply had not considered engaging civil society in this way. The Committee on Correctional Services only enlisted five to six key stakeholders to comment on their budget and annual report. A concern mentioned during one of the interviews was that widespread public participation in this process is an issue of capacity, both for civil society and committee members. Soliciting comments on the annual reports and budgets from the public at large can be both unwieldy and time consuming.

In spite of that, one Minister at the provincial level relayed the importance of bringing civil society into the budgeting process. The Minister said “it’s important in regard to issues such as budgets to draw civil society in from day one and show them the budget, because the budget speaks to the heart of your policy.” The Minister went on to mention that during the budgeting period, civil society is frequently reviewing the documents and scrutinizing every line item. According to the Minister, involving civil society in this way was an important measure of transparency and oversight. A representative from the Public Service Accountability Monitor (PSAM), an organization that aims to improve public service delivery through social accountability monitoring, mentioned that PSAM often analyzes the budgets and strategic plans of various parliamentary committees as a way of engaging government. Despite the fact that there is no institutionalized engagement with civil society in the budgeting and annual reporting process, both civil society members and parliamentary committee members highlighted this process as a potentially important source of oversight and accountability.

**ii. Oversight Visits**

Oversight visits were undertaken by a number of the committees. These visits could either be announced or unannounced. The oversight visits consist of members of a parliamentary committee visiting various institutions such as police stations, hospitals, or others under their purview. This allows the MPs to see firsthand the quality of service delivery. It is also typical for media outlets to be notified of these visits so that they can report on the visits and their findings. After the oversight visit, the committee reports are drafted and sent to parliament. According to several interviewees, these reports are often not followed up on.

**iii. Chapter 9 Institutions**

Chapter 9 institutions were mentioned by many MPs and members of civil society as another area for citizen engagement. Chapter 9 institutions, so called because they are enshrined in Chapter 9 of the Constitution of South Africa, are quasi-governmental organizations that exist to strengthen the constitutional democracy. Chapter 9 institutions consist of the Public Protector, the South African Human Rights Commission, the Commission for the Promotion and Protection of the Rights of Cultural, Religious, and Linguistic Communities, the Commission for Gender
Equality, the Auditor General, and the Electoral Commission. (Constitution of the Republic of South Africa, p.101) The Public Service Commission, though technically enshrined in Chapter 10 of the Constitution, is often lumped in with the Chapter 9 Institutions. One of their main purposes is “to propose measures to ensure effective and efficient performance within the public sector.” (Constitution of the Republic of South Africa, p.110) In several interviews with civil society members, the importance of dealing directly with the Auditor General, and the Human Rights Commission in particular were mentioned. These Chapter 9 institutions were often used as a conduit for civil society organizations to influence parliament or raise awareness around an issue. One example is the work of PSAM in raising awareness around the importance of the Auditor General’s report in the Eastern Cape Province. Prior to PSAM’s campaign, there was little awareness around the role of the Auditor General and little interest in the reports they generated. By working with the Auditor General’s office, and creating a media campaign, PSAM was able to highlight the importance of proper financial management. In part, because of the media pressure, the government announced their goal to have all of the municipalities in all nine of the provinces have clean audits in their annual financial statements by 2014. This goal is to be achieved through the formation of “Operation Clean Audit.”

However, according to one MP, the reason there is not more engagement on the part of Chapter 9 institutions with civil society and citizens is due to politics. Many of the positions within these institutions are political appointments, and there is often an incentive to keep party bosses pleased rather than engage fully with the public. This often limits the incentive to engage with civil society organizations and citizens in the oversight process, as it would require political appointees to be critical of their own party members sitting on parliamentary committees. Related to this topic, one former member of a Chapter 9 Institution noted that many ex-parliamentarians are now becoming commissioners of the Chapter 9 Institutions. This is a fairly recent development and may further erode the independence they were created to uphold.  

**iv. Submissions**

As noted by MPs and civil society members, civil society can offer submissions during public hearings. In most cases there is an open submission process that is advertised on the parliamentary website and for high-profile bills in the newspaper and radio. On occasion, if submissions are deemed to be high quality and of interest to the committee, they will ask the civil society organization behind the submission to present in person at the committee meeting. In most cases though, there is no feedback on the submissions put forth by civil society organizations. However, even in cases where there is no direct feedback on submissions, these recommendations are often implemented. In addition, the submissions received by the committees are almost exclusively from well-resourced NGOs. According to one recent report, "Submissions from a wide range of organisations in civil society were critical in highlighting the difficulties civil society experiences in engaging Parliamentarians and Committees ... unfortunately the majority of those who participate in public hearings in Parliament remain those who are well resourced.” (Parliament of the Republic of South Africa, January 2009)

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7 Currently both the Chairperson and Deputy Chairperson of the South African Human Rights Commission are ex- MPs.

8 While this process adheres to the legislative process rather than oversight, it came up in nearly every interview as mechanisms for citizen and civil society engagement with parliamentary committees.
A current example can be seen through the Protection of State Information Bill in discussion with Parliament, which would limit the Promotion of Access to Information Act that provides citizens with the right to access government information. The National Council of Provinces (NCOP) established an ad hoc committee to review the bill. The committee began a series of provincial consultations to garner feedback from the public on the bill. The consultations have been reported as a “public participation programme” and have included the use of public hearings as a mechanism for citizen engagement. The Right 2 Know campaign, a coalition of organizations and people opposed to the current bill, found that in practice, the public’s voice was not present at the public hearings. In a public hearing held in February 2012, the Right 2 Know campaign reported that Parliament informed the community about the event the day before. The citizens were not aware of the content of the public hearing, nor educated on the parliamentary process. In addition, access was limited. For example, citizens not associated with a political party did not receive transportation to the meeting. As many people live far from the venue, this made it difficult for them to attend. The meeting was also held in English without services for translation. The campaign concludes, “The restrictions on access to and meaningful participation in the hearings imposed by the NCOP are unreasonable and incompatible with the spirit of open engagement promised by the NCOP in its programme of public engagement.” (Right to Know Campaign, 2012)

c. Participation

i. The Courts
Throughout the interviews, both civil society and MPs repeatedly mentioned the strength and independence of the courts as a critical component of ensuring parliamentary accountability. Two of the primary methods in which this happens are through the Constitutional Court’s rulings on lack of public participation in legislation, and civil society’s use of the courts to pressure MPs to act. Interviewees provided several examples of bills that had been passed but were deemed to be lacking in significant public participation by the Constitutional Court and subsequently returned to Parliament—most recently the Protection of State Information Bill. According to several MPs, the prospect of an adverse ruling by the Constitutional Court is enough to create additional space for public participation. The cost and time associated with new public hearings and further debates over a bill puts pressure on MPs to make sure that proper consultation occurs from the start of the legislative process. The fact that the Constitutional Court has proven, in multiple cases, that they are committed to seeing significant and substantiated public engagement in the legislative process acts as a vehicle for public engagement with parliament.

The courts also work closely with SCOPA to hold ministers to account when financial misappropriation has been detected. If the ministers refuse to attend the meeting with SCOPA once they have been summoned, SCOPA can go to the courts to have them subpoenaed. Consequently, the media is often drawn to the story and triggers negative publicity for the minister in question. The ability to subpoena ministers to attend the public hearing, combined with media pressure, has made calling ministers to account much easier, according to several SCOPA members.
The courts have also been used by civil society to directly influence the actions of parliament. A groundbreaking, and recent, example is the action taken by the NGO Equal Education. Equal Education filed a court order against the Basic Education Minister, the Finance Minister, and all of the members of the Education Executive Council, demanding that the Basic Education Minister set minimum norms and standards for school infrastructure. (Butana, 2012) While this example is an unusually far-reaching and unprecedented step, it exemplifies the role of the court in creating space for the oversight of public service delivery.

**ii. Ward Committees**

At the local level, ward committees are one example of an institutionalized mechanism for citizen engagement in the oversight of public service delivery. Ward committees were institutionalized in 1998 through the Municipal Structures Act to ensure participatory governance and create the space for communities to have a voice in local governance and decision making. Ward committees typically consist of ten members from the community and one elected ward councillor, who serves as the chair of the committee. The committee is intended to represent a diverse constituency and should have an equal representation of men and women. In theory, ward committees represent a strong mechanism for civic engagement, however, in practice, interviewees did not express confidence in ward committees as an effective form of active participation. Many of the interviewees noted the use of cronyism and nepotism in the appointment process of the committee members, which undermines the purpose of the committee as a form of public participation and diverse representation. In addition, there is a general feeling that ward committees are used as a tool for political support and do not fulfill their mandate of being apolitical forms of community representation. As one researcher notes, “... the allegation often arises that ward councillors have a direct hand in picking ward committee members in line with their political affiliations.” (Smith, 2008) The fact that the ward committee members must volunteer their time to work on the committee presents another challenge in the incentive and make-up of the committee. It can be difficult to get qualified members of the community to dedicate their time to volunteer. One Minister stated, “you get qualified people on the ward committees as well, but we find highly qualified people are so tied up in their work that they don’t want to participate.” (Cape Town Provincial Minister, personal communication, January 18, 2012)

**iii. Government Hotlines**

One mechanism that was mentioned by several MPs was the existence of formal hotlines that people could call to voice their complaints. One example of citizen oversight of public service delivery at the local level is via an SMS (texting) hotline. The Mayoral Committee in the Western Cape has set up an SMS hotline that allows citizens to report any service problems. For instance, if a citizen’s electricity goes out, or they have a waste removal issue, they can send an SMS to the hotline with their address and a maintenance team will address the issue. In another interview, an MP mentioned the existence of a Presidential hotline. According to the

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9 There are concerns among many members of civil society and among the opposition MP’s interviewed that the Executive is trying to encroach on the independence of the courts. In response to recent rulings by the courts against the Executive, there have been public denunciations of the courts by members of the ANC and suggested restructuring of the judiciary.

10 The focus of the research pertained to the national and provincial level. However, several of the interviews touched on the issue of Ward Committees at the local level. It is important to note that none of the interviewees served on Ward Committees and the analysis represents the opinions of interviewees.
interviewee, the hotline was started two years ago as a way for citizens to voice their complaints directly to the President’s office. At that point, they are supposed to be handed to the correct departments to be dealt with. The overall efficacy of the hotline is still up for debate and varied depending on the interviewee.

iv. Protests
It was noted in several interviews that citizens often turn to protests to voice their displeasure with service delivery. As there is very little direct citizen engagement in the formalized oversight process, citizens often show their displeasure with public service delivery by taking to the streets. As noted in a recent report published by IDASA, there has been a surge in protests in South Africa over the past year. Protests therefore represent an informal mechanism of citizen engagement in the oversight of public service delivery and a common avenue used to vocalize public opinion.

E. Conclusion

The post-Apartheid Constitution provides many spaces for citizen engagement, primarily through the enshrinement of access to information, public hearings, free and open media, and a strong, independent judiciary. These channels are being used, though primarily by well-established NGOs, and almost exclusively in the legislative process. The research highlights several examples of mechanisms within South Africa that typify the categories of the OECD framework for engagement - information, consultation, and active participation. However, direct citizen engagement in oversight functions remains a rarity despite the mechanisms in place.

While there are mechanisms present that represent the OECD categories of engagement, challenges remain in transforming these institutionalized frameworks into fully functioning accountability mechanisms. One of the overarching barriers that came up in the majority of interviews is the election process. Citizens vote for a party to represent them, rather than an individual. The party then appoints individual party members to represent a constituency. Therefore, individual MPs are appointed by their party leaders rather than elected by their constituency. This creates an incentive problem, where MPs are accountable to the party leaders rather than to the citizens. The appointment process creates a challenge for internal government oversight as well, as MPs are tasked with holding Ministers, who are more senior within the party, accountable.

A promising trend is the growing recognition among MPs and members of civil society of the role that civil society can play in the oversight process. As an area of engagement with little historical precedent, awareness seems to be the major barrier. Several interviewees mentioned that it was not an intentional omission on the part of parliamentary committees to exclude civil society from the oversight process, but rather a lack of awareness. The fact that this oversight relationship has not been formalized, combined with the lack of time and resources for both civil society and MPs, means that this key interaction frequently gets overlooked. In the few cases where civil society has been engaging with committees in the oversight process, it has been primarily through the budgeting and annual reporting process. The effect has been a more robust oversight process while breaking down some of the barriers that often exist between civil society and parliament.
The Community Law Center (CLC), part of the Law Faculty at the University of the Western Cape, represents one example of the trend towards oversight. In October 2010, the Parliamentary Program of the CLC created a department with the specific objective to increase the interaction of civil society and community based organizations with the national parliament in monitoring public service delivery. The creation of this program and the specific objective directly in line with the research topic of this paper exemplifies South Africa’s movement towards institutionalizing and recognizing the value of public engagement in the oversight process.

IV. CONCLUSION

The research primarily sought out formal mechanisms of public engagement in parliamentary committees that oversee public service delivery. When formal public engagement was not present, the researchers examined other mechanisms of oversight. The case studies reveal that while engagement was present, it often occurred through informal, or ad-hoc, channels of participation. While the countries studied each enshrined inclusionary principles in their constitutions and laws, citizen participation proved difficult to track in public service oversight mechanisms. However, the relationships between the government and civil society organizations appear to be strong in all cases.

In order to better explain the degree of participation present in each case, the findings were analyzed using the OECD’s framework, which categorizes mechanisms into information, consultation, or active participation. Since “participation” is difficult to define, the case studies noted successes and barriers of each of these mechanisms. In each of the countries, informal relationships between members of parliament and civil society organizations and the media were cited as an important mechanism to ensure citizens’ voices were heard.

1. BROAD THEMES

During the initial research phase, specific criteria for country selection were determined. Ghana, India and South Africa all presented compelling cases for field research based on a range of elements, including the legal and constitutional landscape. Each country has adopted democratic constitutions that support citizen engagement in various ways, through legislation, committees, and rules on transparency and oversight. The history of Apartheid in South Africa, and colonial rule in India paved the way for an intentionally inclusive constitution upon independence. In Ghana, after three military coups within three decades of independence, the government now listens carefully to its citizens and their demands. Previously disenfranchised groups were given a platform for involvement in the newly created governments. While the institutional framework is in place for greater participation of citizens in parliamentary processes, the reality is much more complex.

The case studies highlight the successes and challenges in using the constitutional framework to create the space for public engagement with government. In Ghana, numerous CSOs engage with parliament in areas in which parliament is failing to deliver on its mandate. By engaging these committees through a constitutional approach, CSOs are empowered to create space for
consultation with parliament. This is often intended to enhance the capacity of parliament and improve its performance in oversight and public service delivery. In South Africa, civil society regularly references the constitution and uses the independent courts to ensure that the public is able to participate in government structures. For example, if a bill is passed that does not have a sufficient level of public participation, as outlined in the constitution, the Constitutional Court may send it back to parliament for further public debates – as recently occurred with the Protection of State Information Bill. In India, the 73rd and 74th constitutional amendments require states to devolve power, which has created space for the public to engage at the local level, where direct public service delivery occurs.

One of the primary challenges to citizen engagement in both the India and South Africa cases is the electoral process where citizens vote for a political party, rather than a representative. The party leaders select MPs creating a situation in which MPs are more accountable to their party than their constituency. With this electoral framework underlying the engagement process, it is difficult for direct citizen engagement to have its intended effect. In Ghana, citizens vote directly for MPs and this mechanism makes the MPs feel accountable to their constituency. However, many members of parliament in Ghana double as ministers under the executive branch, thus diminishing their executive oversight role and making them less accountable to their constituents and more to their party.

Finally, all three cases found informal mechanisms to be an important driver of citizen participation in oversight. This research focused primarily on formal mechanisms, but it was often informal mechanisms that created connections between government and the public. Informal mechanisms also have the ability to push governments toward accountability and transparency.

2. OECD FRAMEWORK ANALYSIS

A. Information

Information lies at the foundation of the OECD framework. In order for consultation and active participation to occur, citizens must be empowered with information about their rights and opportunities to take action. There are two key components to information: access, and dissemination.

The right to information plays a significant role in the ability of the public to obtain information necessary for engagement. South Africa and India both have passed Right (or Access) to Information Acts, which mandate that government information be made available to the public. Both case studies reported the existence of this law as a fundamental first step in ensuring access to information. In Ghana, information is often disseminated through informal channels, personal relationships, and information leaks, as there is no official right to information law. While there have been attempts to pass such a bill, many Ghanaians are concerned that a law may result in empowering the state to define certain information as legally classified or available at the discretion of government officials. In such a case, information may be more restricted with the passing of a right to information bill. Currently, the Ghanaian Parliament and public have yet to agree on what the law should look like. The other two cases show that this concern is valid. In
South Africa, the executive is attempting to revise the Promotion of Access to Information Act to empower the state to withhold certain information from the public. In India, the Right to Information Act allows for vague “parliamentary privilege,” which is used to keep certain information secret.

The ease with which the public can obtain information is critical to public participation. The case studies highlight the issue of dissemination as a key challenge. Parliaments lack the resources – both human and financial – to widely disseminate information. In India, civil servants are not trained on how to assist the public with their requests for information or how to respond to them. In South Africa, information is publicized on the parliamentary website; however, resources for wide dissemination are limited. The methods of information dissemination may also be problematic. For example, many parliaments use the internet to disseminate information, specifically parliamentary websites. While this provides open access to information for the public, it does not typically reach the average citizen. Internet access is extremely limited in the three countries studied. As of December 2011, 13.9% of South Africans, 8.4% of Ghanaians, and 8.4% of Indians had internet access. (Internet World Stats, 2011)

a. Role of the Media
The media’s role in disseminating information proved critical in each case. Many government officials noted reliance on the media in disseminating information to the public. The concept of a free media is also essential. In all three countries, journalists noted a sense of freedom in reporting. However, access to parliament is limited. In India, for example, the parliament holds closed committee meetings. In South Africa, while all the committee meetings are open, the media does not have enough staff to be present at each meeting. In Ghana, media access to parliament is obstructed by the absence of a right to information law, although the media has shown particular strength in making use of informal channels to access and disseminate information. When parliaments fail to disseminate information, it places an even greater responsibility on the media to do so, especially through print and radio, which often are more accessible to the average citizen.

b. Public Hearings
Public hearings increase access to information for both the public and the media, and in certain contexts act as a deterrent for corruption. Public hearings were found in all three case studies at various levels, with varying levels of success. In Ghana and India, not all committee meetings are open to the public. Whereas, in South Africa, all committee meetings are open to the media and the public, but lack of incentives and resources present a barrier to attendance. Parliaments must provide basic information on the meetings’ content, time and place, but the public and even civil society organizations may lack the time and resources to attend.

B. Consultation
As suggested by the OECD framework, consultation is a two-way relationship in which citizens provide feedback to government. All three countries demonstrated mechanisms of consultation through engagement with CSOs. This relationship is primarily informal and ad-hoc, such as when the government invites CSOs to share their views on an issue. Consultation is limited, however, due to a lack of funding for parliamentary and committee staff. MPs in all three cases
may be unaware of certain issues in their district, so civil society organizations are essential in filling in these knowledge gaps by providing research to MPs.

In South Africa and India, consultation is institutionalized in policy making, if not oversight. In South Africa, consultation mostly occurs through a call for submissions from the public, providing feedback on a bill to parliamentary committees. Indian committees of parliament solicit citizens’ suggestions on new bills through announcements in newspapers across the country. Citizens are invited to appear before committee meetings if their comment is deemed to require further discussion. In Ghana, the parliamentary committees also request memorandums from the public on issues of specific interest. All three case studies additionally demonstrate that oversight visits by parliamentary committees are a mechanism of consultation. However, the effectiveness of these visits is questionable and varies by country.

Each case revealed further unique forms of government consultation with the public. For example, the Ghanaian Public Interest and Accountability Committee (PIAC) is mandated by the Petroleum Revenue Management Law of 2011 to consult with the public in an effort to help identify areas of need and with the government to discuss investment priorities. The Indian government consults with citizens through institutionalized social audits within the National Rural Employment Guarantee Act, village general assemblies, and study tours by members of parliament.

C. Active Participation

Active participation with parliamentary committees by citizens remains a rarity in all three case studies. The numerous barriers to active citizen engagement include: a lack of understanding about how the parliament operates, how and when to engage with committees, and capacity issues for both parliament and citizens which prevent this interaction from happening. As noted, civil society often acts as a conduit between the citizens and parliament.

Despite these barriers, active participation does take place in different forms in each of the case studies. In general, greater direct citizen involvement with government is seen at the local level. This is most apparent in India due to the constitutional amendments that require states to devolve power to the local level. At the local level, there are both formal and informal mechanisms that allow citizens to directly address public service delivery. Those include self-help groups, fixed labor groups and monitoring committees. In South Africa, there is direct citizen participation at the local level via ward committees, which are mandated to appoint citizen representatives.

At the central level, the best case of citizen participation was found in Ghana. There, the parliament gave formal powers of oversight on oil revenues and investments to the PIAC, described above, which is comprised of representatives from a wide range of interest groups including Trade Union Congress, Ghana Journalist Association, Institute of Chartered Accountants, Ghana Extractive Industries Transparency Initiative, Christian Groups and the Federation of Muslim Councils. In India, citizens can submit petitions to propose certain changes in law or implementation that affect the public widely. If the civil society version of the Lokpal bill passes in India, the public will also be able to report corruption to this independent, empowered investigative body, and whistleblowers would be protected from retaliation.
3. PUBLIC ACCOUNTS COMMITTEES (PACS)

The research team examined PACs due to their oversight function as monitors of the budget. However, in all cases, the PACs had very little direct interaction with citizens. Because their primary focus is on the management of funds, they are considered internal bodies. The internal nature of their work led to a lack of awareness among parliamentarians on the potential for citizen engagement in budget oversight.

As noted in the literature review, there is rarely any mechanism in place to measure the committee’s performance and impact in improving public spending and service delivery. A common problem of PACs across all three case studies is that the recommendations from their findings are often not implemented. Follow-up and enforcement of PAC recommendations remains a critical missing step in the oversight process in these countries. As noted in the South Africa and Ghana case studies, PACs have found success in utilizing public pressure and the media to hold people to account. The ability of the media to raise awareness around the fiscal mismanagement highlighted in the PAC reports has been helpful in incentivizing ministries to report to PAC hearings.

Across all three cases, a member of the minority party must serve as chairperson of the PAC. This was critical in ensuring that the PAC committee remains as independent as possible.

4. RECOMMENDATIONS FOR FUTURE RESEARCH

The research shed light on areas for future investigation. The case study approach highlights the nuances and complexities in citizens’ ability to increase accountability in the oversight of public service delivery. Recommendations for future research are:

- Open the research beyond parliamentary committees in Westminster systems of government. Additionally, focus on citizen engagement at the local level. Given that the local level is the closest sphere of government to direct service delivery, it is likely that more forms of engagement are occurring here. An additional focus on informal mechanisms may also prove an interesting area for future research.

- The budget process and presentation of annual reports from government departments provides an opportunity for citizen engagement. Further research on participatory budget processes, with a lens on the oversight of public service delivery, may enhance knowledge on citizen engagement in the oversight process.

- The next logical step in research would be to narrow in on a widely used mechanism, such as public hearings, and conduct an impact analysis of their effect on accountability, recognizing that impact studies and causal issues of social accountability can be challenging.

- The judiciary branch of government additionally presents an interesting mechanism for further research. The judiciary stood out in South Africa for example as a key
institutionalized mechanism protecting citizen engagement and ensuring citizens have a voice in government matters. In addition, PAC members in Ghana and South Africa mentioned a new process in Uganda that links PAC recommendations to the police department. Further research into this system may shed light on the challenge around the impact of the PAC committees.

- Further research into the linkages between local and central government in the oversight process may also open up a window to areas for citizen engagement in the process.
ANNEX

ANNEX I - DEFINITIONS

The International Association for Public Participation defines “public participation” as “any process that involves the public in problem-solving or decision-making and uses public input to make decisions.” Examples include public meetings, surveys, open houses, workshops, polling, and citizen’s advisory committees. (International Association for Public Participation, n.d)

The OECD defined the term in its 2001 report, Citizens as Partners: Information, Consultation, and Public Participation in Policy-Making, which offers a framework of achieving greater accountability and transparency of government by providing citizens with these three platforms. “Active participation” is defined as “a relation based on partnership with government, in which citizens actively engage in defining the process and content of policy-making.” According to the OECD, “it acknowledges equal standing for citizens, setting the agenda, proposing policy options, and shaping the policy dialogue. Although the responsibility for the final decision or policy formulation rests with government.” (OECD, 2011)

United Nations Research Institute for Social Development (UNRISD) offers a different definition, stating that participation is "the organized effort to increase control over resources and regulative institutions on the parts of groups and movements hitherto excluded from such control." (Pearse & Stifel, 1979)

One of the early works on citizen participation by Sherry R. Arnstein, former U.S. Department of Housing and Urban Development (HUD) official, defines the term in a similar direction classifying it as “categorical term for citizen power.” (Arnstein, 1969) By this definition, “it is the redistribution of power that enables the have-not citizens, presently excluded from the political and economic processes, to be deliberately included in the future.” Arnstein sees it as “the strategy by which the have-nots join in determining how information is shared, goals and policies are set, tax resources are allocated, programs are operated, and benefits like contracts and patronage are parceled out.” She summarizes the citizen participation as “the means by which they can induce significant social reform which enables them to share in the benefits of the affluent society.” (Arnstein, 1969, p. 216-224)

Few definitions of “public service delivery” were found that explain the term in a relevant context for the research topic. Miriam Lips, Professor of E-Government at Victoria University of Wellington, notes that public service “is undertaken by public organizations that take care of policy development and implementation in a direct confrontation with their environment.” In a sense, “public service delivery” is defined as “a relationship between the administration and its environment, in which the administrative organization supplies public products, services, and information.” (Lips, 2002, p.236)

Anita Karwal, Chief Electoral Officer of Gujarat state in India, provides another definition for “public service delivery” describing it as “the inter-relationship between the government functionaries and the citizens to whom the services of the government are addressed, and the manner in which the services reach those for whom they were intended.” Karwal envisions that
“any effective public service delivery mechanism must ultimately lead to good governance.”
(Karwal, 2007, p.60)

The UN provides a definition for “transparency” and “accountability,” and states that the two concepts “are interrelated and mutually reinforcing concepts.” The former is “unfettered access to timely and reliable information on decisions and performance”, whereas the latter “is mechanisms to report on the usage of public resources and consequences for failing to meet stated performance objectives”. The UN believes that “the existence of both conditions is a prerequisite to effective, efficient, and equitable management in public institutions.”
(UNDESA&UNDP, 2004)
ANNEX II- LIST OF INTERVIEWS

Ghana

1- Africa Against Poverty - January 9, 2012
2- UN coordinator - January 9, 2012
3- KAB Governance Consult - January 10, 2012
4- Member of Parliament and PAC & Government Assurances Committee - January 17, 2012
5- Member of Parliament and PAC Committee - January 11, 2012
6- Member of Parliament and PAC & Finance Committee - January 11, 2012
7- Clerk of Local Government Committee - January 11, 2012
8- Clerk of Gender and Children Committee - January 11, 2012
9- Clerk of Public Accounts Committee - January 11, 2012
10- Clerk of Finance Committee - January 11, 2012
11- Clerk of Poverty Reduction Committee - January 11, 2012
12- Clerk of Government Assurances Committee - January 11, 2012
14- COLANDEF - January 11, 2012
15- Ghana Integrity Initiative - January 11, 2012
16- Member of Public Interest and Accountability Committee - January 12, 2012
17- Member of Parliament and PAC Committee - January 12, 2012
18- Member of Parliament and Chairman of Finance Committee - January 13, 2012
19- Revenue Watch Institute - January 13, 2012
20- Member of Parliament and Finance Committee - January 16, 2012
21- Member of Parliament and PAC & Education Committee- January 16, 2012
22- Member of Public Interest and Accountability Committee - January 16, 2012
23- Ghana Oil Watch - January 17, 2012
24- Ghana Anti-Corruption Coalition - January 17, 2012
25- Clerk's Secretariat - January 18, 2012
26- UNESCO - January 19, 2012
27- UNDP - January 20, 2012
28- UNICEF - January 20, 2012
29- World Food Programme - January 20, 2012
30- STAR-Ghana - January 20, 2012

India

1- Uttar Pradesh Voluntary Action Network - January 10, 2012 (Uttar Pradesh)
2- Sahbhagi Shikshan Kendra (org.) - January 10, 2012 (Uttar Pradesh)
3- Vatsalya Resource Centre on Health (org.) - January 12, 2012 (Uttar Pradesh)
4- DDU State Institute of Rural Development - January 12, 2012 (Uttar Pradesh)
5- Government of Uttar Pradesh, Panchayati Raj Department - January 12, 2012 (Uttar Pradesh)
6- United Nations Development Programme - January 12, 2012 (Uttar Pradesh)
7- Democracy Connect (org.) - January 13, 2012 (New Delhi)
8- Rajya Sabha Secretariat - January 16, 2012 (New Delhi)
9- Society for Participatory Research in Asia - January 16, 2012 (New Delhi)
10- Member of Lok Sabha (Lower House of Parliament) on PAC and Rural Dev Committees - January 17, 2012 (New Delhi)
11- Frontline Magazine, Deputy Editor - January 17, 2012 (Delhi)
12- Govt. of National Capital Territory of Delhi, Chief Minister's Office - January 17, 2012 (New Delhi)
13- Indian Administrative Service, (Retd.) - January 18, 2012 (New Delhi)
14- Lok Satta (org.) - January 18, 2012 (Andhra Pradesh)
15- The Hindu, Editor- January 18, 2012 (Andhra Pradesh)
16- Andhra Pradesh Legislative Assembly, (Retd.) Secretariat - January 18, 2012 (Andhra Pradesh)
17- Government of Andhra Pradesh, Ranga Reddy District - January 19, 2012 (Andhra Pradesh)
18- Greater Hyderabad Municipal Corporation, Special Commissioner- January 19, 2012 (Andhra Pradesh)
19- Times of India, Editor- January 19, 2012 (Andhra Pradesh)
20- Rajaji Intl Institute of Public Affairs and Administration - January 19, 2012 (Andhra Pradesh)
21- Center for World Solidarity - January 20, 2012 (Andhra Pradesh)
22- Lok Sabha, Fellow & retired journalist - January 20, 2012 (Andhra Pradesh)
23- Lok Sabha, Member of Parliament from Sikkim state – February 4, 2012 (by phone)

South Africa

1- Standing Committee of Public Accounts (SCOPA) Member, National- January 12, 2012
2- South African National NGO Coalition (SANGOCO), 4 Members - January 12, 2012
3- Member of Parliament, National - January 13, 2012
4- Former Member of Parliament (National), Current Civil Society Leader - January 13, 2012
5- Principal Technical Advisor Treasury Technical Assistance Unit, National - January 16, 2012
6- Former Public Service Commission Official, National - January 17, 2012
7- Standing Committee on Public Accounts (SCOPA) Chairperson, National - January 18, 2012
8- Standing Committee on Public Accounts (SCOPA) Committee, Western Cape Provincial Parliament - January 18, 2012
11- Coordinator, Parliamentary Monitoring Group - January 19, 2012
12- Provincial Minister, Western Cape Provincial Parliament - January 19, 2012
13- Provincial Minister, Western Cape Provincial Parliament - January 20, 2012
14- Chairperson of Standing Committee on Agriculture and Environmental Planning, Western Cape Provincial Parliament - January 20, 2012
15- Manager, Public Outreach and Education, Western Cape Province - January 20, 2012
16- South African Council of Churches (SACC), General Secretary - January 23, 2012
17- Civil Society Leader, Dignity Campaign - January 23, 2012
18- Community Law Center, Parliamentary Liaison - January 23, 2012
19- Scalibrini, Advocacy Coordinator - January 24, 2012
20- Black Sash, 2 Employees - January 24, 2012
21- Deputy Chief Whip, National Parliament - January 24, 2012
22- Parliamentary Service Accountability Monitor (PSAM), Media and Advocacy Head of Public Service - January 25, 2012
24- Committee Chair, Western Cape Provincial Parliament - January 25, 2012
25- Standing Committee on Public Accounts (SCOPA) Member, National - January 26, 2012
26- Journalist, Parliamentary Media - January 26, 2012
27- University of Cape Town, Researcher - January 26, 2012
28- Parliamentary Counselor to the Deputy President - January 26th, 2012
29- Equal Education, Coordinator and Parliamentary Advisor - January 26, 2012
30- Civicus, Director - February 3, 2012.
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