

RESEARCH PAPER SERIES

ELLA Area: Governance

ELLA Theme: Executive Accountability



ELLA

Evidence and lessons
from **Latin America**

DESIGN AND METHODS PAPER

DETERMINANTS OF GAPS IN HORIZONTAL ACCOUNTABILITY OF EXECUTIVE TO LEGISLATIVE BODIES IN LATIN AMERICA AND AFRICA

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INTRODUCTION

The ELLA Research Design and Methods Papers are working documents produced by the Latin American-African research pairing, as the first stage in the conduct of their joint research. Production of the papers was aimed at fostering a shared framework and approach to the research, owned by both partners in the research pairing. As the centres proceed to the research itself, the design will inevitably evolve to address issues arising. As such these Design and Methods papers should be seen as an approximation towards the intended research direction.

1. TOPIC

In democracies, Congress (Latin America) or Parliament (Africa)¹ is expected to exercise the role of monitoring and providing control on the Executive branch. By taking into account the opacity of power, it seeks to reduce uncertainties that come from it, limit arbitrariness and prevent or even remedy abuses, maintaining power within certain predetermined rules. However, in both Latin America and Africa, there seems to be gaps in accountability mechanisms. Both the ill development of relevant norms regarding sanctions and the distance between formal institutions and actual practices of accountability are some of the main deficits of democracies in many developing countries².

This research project explores the conditions under which legislative bodies succeed or fail in holding accountable public agencies of the executive as well as the executive's own capacity for being accountable. Case countries used to generate evidence for lessons are Argentina for Latin America and Kenya for Africa.

¹ We will use both terms interchangeably.

² For more on this issue, see O'Donnell (1999).

Accountability expresses the concern for checks and oversight, for surveillance and institutional constraints on the exercise of power. As a broad concept, it involves several ways of preventing and correcting the abuse of power; it opens up power for public inspection, forcing it to explain and justify its actions, with the possibility of perceiving sanctions. Therefore, accountability carries two basic connotations: answerability, the obligation of public officials to inform people about what they are doing, and enforcement, that is, the capacity of accounting agencies to impose sanctions on power-holders who have violated their duties (Schedler, 1999).

In this sense, accountability could refer to either dimensions conceptualised by O'Donnell (1998): the means through which citizens, mass media and civil society seek to enforce standards of good performance on officials (vertical accountability), or the capacity of state institutions to check abuses by other branches of government, that is, the requirement for agencies to report sideways (horizontal accountability). There are different types of accountability linking different actors. The assumption for this study is that accountability exists when the actions taken by Executive Bodies (EBs) are held subject to oversight from the Legislative Authorities (LAs). Specifically, the focus of the research lies in assessing determinants of the low performance of horizontal accountability in the selected case studies, limiting better policy outcomes in both Africa and Latin America.

Determinants of gaps in accountability implementation have been analysed previously in studies of legislative-executive relations. Traditionally, the mentioned phenomena have been explained by either the trajectories of legislators' political careers (Polsby, 1968)³, the existence of dominant incumbent parties demanding discipline (Cox and McCubbins, 1994, 2007), the lack of a culture of accountability (Oszlak, 2006), or the absence of real, tangible punishments for not being accountable (March and Olsen, 1976). Our study will seek to identify which determinants operate in Kenya and Argentina.

The paper is organised in seven sections. Section 2 is a review of literature identifying what we know on horizontal accountability. Section 3 points out the value addition of the study by answering the 'so what' question. Section 4 defines the central question while section 5 states the hypotheses. Section 6 describes the research design and section 7 is on the methods.

³ According to Polsby (1968), the legislative branch of the United States of America became more institutionalised as having a seat in Congress became more attractive and legislators' replacement, less frequent.

2. LITERATURE REVIEW

Horizontal accountability refers to “the existence of state agencies that are legally enabled and empowered and factually willing and able to take actions that span from routine oversight to minimal sanctions or impeachment in relation to actions or omissions by other agents or agencies of the state that may be qualified as unlawful” (O’Donnell 1999, 38). Thereby, it implies the capacity state institutions have to check abuses by other public agencies and branches of government, or the requirement for agencies to report sideways (World Bank 2003, Bovens 2007 and Mihyo 1986 and Mohamed 2006).

Oversight for purposes of policy control is time-consuming, expensive, and difficult to perform. Even though a consensus has been built stressing that the legislative body should exert some level of control over the executive, academics differ in the extent to which that form of horizontal accountability takes place.

The phenomenon of accountability attracted research interest in the mid 1970s. Some scholars maintained that the US Congress does little or nothing to oversee administrative compliance with legislative goals; as a consequence, it has allowed the executive branch not only to grow, but to grow irresponsibly (Fiorina, 1977, 1982; Pearson, 1975). Legislators have scarce resources, as a result of which they do not typically have strong incentives to pursue group demands and invest in general policy control. In their analysis of the political structure in presidentialisms, Moe and Wilson (1994) conclude that legislators “want to be able to intervene quickly, inexpensively, and in ad hoc ways to protect or advance the interests of particular clients or groups in particular matters” (Moe and Wilson, 1994, 10). Overall, the electoral connection, combined with notoriously short time horizons of most legislators ensures that they will be highly responsive to group pressures and, in particular, to the costs groups can impose on them for going their own way.

A second group of explanations argues that what appeared to scholars as neglect of oversight was a preference for a form of a decentralised, incentive-based control mechanism over another. McCubbins and Schwartz (1984) conceptualise this preference structure as a choice for fire alarms, over police patrols. Fire alarm oversight implies the establishment of a system of rules,

procedures and informal practices that enable individual citizens and organized interest groups to examine administrative decisions, to charge executive agencies, courts and Congress itself.⁴ In this case, Congress' role consists of creating a decentralised system and occasionally intervening in response to complaints. From this view point, horizontal accountability takes place, to some extent. In order to understand the course, development and performance of accountability particularly in Latin America and Africa, institutional arrangements that result in a set of rules that shape interaction between key actors must be taken into account.

A series of attributes have led several political regimes in Latin America and Africa to be characterised as strong presidentialisms. One of the features encountered in Novaro's (2005) analysis of party system evolution, in particular of competition between ruling and opposition parties in the region during the 1990s, is that the executive appoints those leading the implementation of public policies. As well, the national executive has been constitutionally granted with important powers of legislation, such as Argentine Presidents' capacity of sanctioning decrees and the power of federal intervention in the provinces, or the possibility of vetoing legislative acts in Mexico.⁵

In Africa, after the wave of nationalism and liberation movements presidents of single parties that characterised post independence regimes overrode the parliaments that were in most cases set up by the same parties. Members of the executives often were also members of parliament, a phenomenon that was inconsistent with the separation of power. Angola, Benin, Cape Verde, CAR, Congo, Djibouti, Equatorial Guinea, Ethiopia, Gabon, Guinea Bissau, Ivory Coast, Kenya, Madagascar, Malawi, Mali, Mozambique, Niger, Rwanda, Seychelles, Sudan, Swaziland, Tanzania, Togo and Zambia were all under one party system by 1990 (Africa Report 2013). In a number of cases, presidents assumed titles of the 'father of nation' or 'life presidents' or 'emperors' and used parliaments as their tools. In the context of single party systems, presidents became the owners and drivers of accountability. Single party systems gave absolute supremacy to executive power (Gentili 2005). When in the 1990s a new wave of multiparty democracy was adopted in most of Africa single parties became dominant parties with presidents who not only controlled parliaments but also suppressed or 'bought' in to their side, opposition parties that would have created pressure for more accountability.

⁴ In police patrols Congress examines a sample of executive agency activities with the aim of detecting and remedying any violations of legislative goals and, by its surveillance, discouraging such violations.

⁵ The faculty to override the President's veto remains in the Congress (depending on the agreement of two-thirds of deputies).

The dominant party discourse is still current three decades later. These conditions of strong presidentialisms in both Latin America and Africa tend to contribute to a concentration of power in the executive and a subsequent debilitation of congress or parliaments. The complex structure of relations between powers led Linz (1990, 1994) to see the presidential form of government as one of the factors that contributed to the difficulties of democracy in Latin America (Valenzuela 1993, 1994; Stepan and Skach 1993). In Africa presidential domination is pointed out as a major governance problem (Amundsen 2010). Wang (2005) notes that there has been a lack of studies that trace executive-legislative relations over a long period, as well as a general absence of comparative analyses.

Notwithstanding concern regarding concentration of power in the hands of the executive authority, Mainwaring and Shugart's (1997) revision of the debate, argued that the experience of democratic presidentialism had resulted in presidents so checked by congress and other actors that "most Latin American presidents have had trouble accomplishing their agendas" (Mainwaring 1990: 162). This study was followed by several analyses of country cases that shed doubt on the prevailing consensus about strong presidentialisms. For instance, Calvo's (2013) analysis of political representation and institutional stability between 1983 and 2007 in Argentina shows that a third of all legislation entered in the lower chamber has been modified, whilst the great majority of legislation proposals coming from the executive was either modified or rejected. Hence it is not true that all legislation proposed by the executive is approved by Congress (Aleman and Calvo, 2010). Furthermore, Bonvecchi and Zelaznick (2012) posit that the argument that legislation proposed by the executive is approved by congress without suffering any modification does not hold. By analysing the sanction of Decrees of Necessity and Urgency (DNUs), a presidential prerogative used as an indicator of the relationship between executive and legislature in Argentina, the authors note that DNUs have become a strategy to pass forward executive policies of general application rather than a usurpation of the powers of the legislature.

The experience of Kenya echoes that of the Latin American countries mentioned above. It has gone through 11 parliaments, each with features and events that provide good research ground for the causes of the gaps in accountability. What is known are cases of Kenyan presidents jostling for power with parliament, and how they used executive authority to undermine parliamentary sovereignty during the First Republic (Amutabi 2011, Mueller 2013). Amutabi points out that for over 45 years, "the life of parliaments in Kenya depended on the whims of the President". However it is also noteworthy that the pressure to limit the powers and influences of strong presidents in Kenya may explain to a large extent why there has been post election violence and assassinations before and after elections, especially around 2007. A detailed and deep analysis of Argentina

and Kenya should lead to clear general inferences for the broader Latin American and especially African settings. Strengthening parliaments is a current preoccupation in Africa (United Nations Economic Commission for Africa 2012) and knowing what is wrong using evidence from the case studies will be useful for policy making processes.

If there is some scope for horizontal accountability, when does it actually take place? Formally, all countries in Latin America and Africa have passed legislation and established specialised independent units in charge of auditing public agencies, ensuring transparency, fighting corruption and requiring accountability for results (Oszlak, 2006). If some mechanisms of accountability are used – such as blocking part of the presidential agenda, why doesn't the legislative branch exercise the expected effective control over the executive? The lack of consensus drives us to attempt a more specific study, focused on institutional conditions under which one could expect different levels of accountability and the capacities needed for its effective and efficient development. Studies explaining weaknesses in horizontal accountability can be grouped into three broad types or hypotheses. The first one looks at institutions and their relations with incentive structures constructed around them (Shugart and Mainwaring 1997); the second at analysing the absence of a "culture of accountability"; and the third focuses on the logic of consequences.

While studying institutional arrangements, vast studies have centred on the *number of parties and party discipline*. The more fragmented the party system is, the less likely it is that the president's party will control a majority of seats in the legislature. In turn, if parties are not disciplined, presidents may not have the power to translate nominal support into votes for their policies (Figueiredo and Limongi, 2000). A president who manages to stabilise a legislative coalition is better able to seek broader, long-term agreements, minimising particularistic exchanges with legislators and governors, and neutralising veto players. At the same time, a congress/parliament more involved in policy decisions becomes co-responsible for policies and possesses a greater ability to control. In the absence of stable legislative majorities, the Executive has to choose between negotiating laws on a case-by-case basis or eluding the Congress/Parliament and making decisions in following administrative authority. As argued by Mustapic (2000), in the first scenario, ad hoc arrangements can often be unreliable and expensive, while decisions resulting from the second case are likely to be unrepresentative and more easily reversible. Either ways Congress/Parliament leaves aside the discussion of policies and accountability policies and with few resources to control.

Further on, by identifying the electoral system as an independent variable, scholars have argued that systems that ensure parties' control over the nomination of candidates also tend to ensure

party leadership control over the behaviour of legislators. Yet, the basic assumption of this line of analysis – that legislators tend to be disciplined when their chances of re-election depend on the control exercised by the party on the nomination – does not hold. The revealing fact is that the rate of re-election of Argentine legislators is low (Jones et al., 2002; Jones, 2008; Rossi and Tommasi, 2012). While the reverse seems to be true in several countries on the African side it has yet to be determined whether re-election is attached to good performance as parliamentarians overseeing accountability or as a result of yet another weakness of clientele and patronage systems (ECA 2012, Wang 2005 and Amundsem 2010).

Concentrating on incentives, Spiller and Tommasi (2000) and Jones, Saiegh, Spiller and Tommasi (2000) agree: legislators count with scarce institutional incentives to invest in the congress as an institution, relegating the body to a role of veto actor in its interaction with the executive. This fact applies also to African parliaments. Electoral rules limit incentives by setting the decision of legislators' re-election in the hands of the provincial governor or local party bosses more than district voters. This limits their ability to develop a professional legislative career, and encourages delegation of crucial political agreements to lateral agreements between the national executive branch and the provincial governors. In Africa, some studies suggest that legislators' salaries and the discretionary distribution of fringe benefits discourage control over the Executive (Hodges 2004; Hyden 2008).

Besides this norm-based view on incentives, Helmke and Levitsky (2003) point out that executive-legislative outcomes cannot always be explained strictly in terms of constitutional design. For example, analyses of "neopatrimonial" democracies in Africa and Latin America have shown how patrimonialist norms of unregulated private presidential control over state institutions may result in a degree of executive dominance over legislative and judicial branches that far exceed that prescribed by the constitution.

The authors classify informal institutions by the way they coexist and combine with formal institutions. Thus, complementary informal institutions include the many norms, routines, and operating procedures that fill the gaps in the system and allow bureaucracies and other complex organisations to function effectively. Substitutive informal institutions, in turn, are created or employed by actors seeking to achieve outcomes that formal institutions were expected, but have failed, to generate. Finally, competing informal institutions act in ways that are incompatible with the formal rules because to follow one rule, actors must violate another such as the case with clientelism, patrimonialism and clan politics. This approach calls attention upon the ways in which the interplay between formal and informal institutions may minimise or create gaps in horizontal accountability (Hyden 2008, SAIIA 2008, Scott 2009 and Vu and Deffain 2013).

A second group of explanations states that accountability connotes not the relationship by which a subject is submitted by others to the process of accepting responsibility, but *the recognition of an obligation, voluntarily assumed by the subject without intervention of a third party*. Oszlak (2003) argues that the obligation forms part of the subject's values, and culture as an element that tends towards the standardisation of interpersonal perceptions, thus reducing uncertainty in interaction. Culture is composed by the way in which reality is perceived and categorised, the beliefs in terms of the efficiency by which certain instruments achieve objectives and the prevalent criteria of legitimacy. Therefore, accountability is not simply a matter of system design, but rather a cultural predisposition that should be assimilated by individuals in order not just to respond when being held accountable but to be accountable as a result of a moral imperative (Oszlak, 2006 and Boven 2010).

Finally, while studying what motivates actors' behaviour, some scholars have come out with the theory that distinguishes between two logics – the logic of appropriateness and the logic of consequences (Rhodes, Binder and Rockman; 2006). The argument is that policy actors choose to take certain decisions when they think it is appropriate and refrain from taking them when they sense that the consequences may be severe, typically characterised by as a choice among alternatives following an evaluation of potential costs and consequences of compliance (March and Olsen, 1976). However, this explanation does not depart greatly from that of incentives: when the consequences of deviation from the norm are severe, political actors have incentives to avoid the risk.

Despite the extensive variation in the explanations, relatively little is known about what drives it, especially considering the aforementioned importance of horizontal accountability for democratic legitimacy. Specifically, little is known about the institutional conditions under which we would expect to see more or less accountability, or the capacities needed for the effective development of this phenomenon. For comparative purposes both in Argentina and Kenya we are interested in the following legislative oversight mechanisms. To begin with, the General Audit Office (Auditoría General de la Nación) is an autonomous audit agency that provides support to Congress /Parliament for budget and management oversight. For comparative purposes, in East Africa this is called the Office of the Auditor General. The National Audit Office is responsible for ex post control over budget execution, legality, management as well as programme, project and operations evaluation.

As well, legislative control is also exercised through requests for information that the legislative body refers to the executive branch or its dependent organs, asking for specific information, explications or opinions on policy-making and its implementation. This latter form is particularly

interesting because even though it is extensively normed⁶, its implementation is far from desired. Furthermore, constitutional liaison mechanisms between the Executive and the Legislative carried out by the Chief of Cabinet (Argentina) or Deputy President (Kenya) include two other mechanisms: reports to Congress to inform about progress made in public policies and the annual elaboration of the State of the Nation Report that is presented by the President' to Congress/Parliament. Among its several attributes, the Chief of Cabinet/Deputy Director coordinates and controls the activities among different ministries for compliance with public policy and objectives and acts as a link between the executive and legislative branches.

3. JUSTIFICATION

Argentina and Kenya are interesting cases for gaining a better understanding of why there are low levels of horizontal accountability. This research wants to accomplish a better understanding of executive-legislative relations at a crucial time for internal change. As well, it wishes to contribute to South-South learning and the promotion of such cooperation. Argentine constitutional reforms and the establishment of accountability mechanisms are far advanced when compared to the Kenyan case and therefore can serve as a learning ground for both successes and mistakes.

Argentina provides a valuable case study for analysing the relationship between the Executive and Legislative. Academics have portrayed the Argentine political system as one with highly concentrated power in the hands of the President. However, the Executive has not accomplished an effective use of its power but rather, has struggled to secure the support of its own contingent and has had a moderate rate of legislative approval. On the other hand, since political careers are structured and defined at the provincial level, there is a Congress strongly linked to governors and local leaders: national legislators respond primarily to party leaders in their own districts. The control that parties and provincial leaders have on the lists disconnect between the performance of legislators and their chances of re-election, and operates as a disincentive for legislative races (De Luca, M.; Jones, M. et al., 2000). There is an academic puzzle then: if Argentine presidents

⁶ As per article #71 of the National Constitution and Internal Rules of the Honourable Chamber of Deputies (Chapter XXIII, ordained by the Resolution 2019/96).

are strong, why are they failing to pass legislation? Answers to this question will compare and contrast with Kenya and provide general lessons for other countries in the two regions.

Further, Argentina is on the verge of the opening of a window of opportunity in the 2015 presidential elections. Although democratic elections have been consolidated ever since the return of democracy in 1983, 2015 elections become relevant in the light of a possible change of patterns in executive-legislative relations. Given that the newly elected president is prone to no longer having a strong majority in Congress, the Executive will have incentives to look for allies inside Congress, or build coalitions to avoid stagnation.

Kenya, on the other hand, is at the forefront of political, institutional and constitutional reforms. The sanction of a new constitution in Kenya (GoK, 2010) represents a milestone to Kenyans by offering a framework of governance capable of effectively managing problems that have undermined good governance, sustainable development and the protection of human rights. The Kenyan constitution provides a useful framework highlighting the importance of designing and implementing legal frameworks, promoting participation of vulnerable groups. Furthermore, the new constitution's greatest strength is its commitment to ensuring that communities participate in decision making at all levels. Policy analysts and human rights bodies on the other hand have teamed up with the media and civil society to put policymakers in the spotlight. Already, Kenya is witnessing horizontal accountability with cabinet secretaries being suspended or sacked due to non-performance. At the same time, there are complaints that some of the appointed cabinet secretaries are not performing their duties but due to reasons that are not clear, they have not yet been sacked. There is, therefore, a need to establish the effectiveness of these new mechanisms as well as the understanding of their gaps.

Argentina presents a good Latin American case for studying horizontal accountability. For Africa, Kenya, with its long, turbulent and occasionally post-election violence, needs evidence that underpins deficits in accountability as the villain of democratic practices. Rampant corruption is a visible malaise of Kenya and has permeated all ranks of the executive. Evidence from the findings based on two case studies, even if not a fast cure, present a basis for meaningful and measurable uptake.

4. CENTRAL RESEARCH QUESTION

Both countries hold a normative framework under which legislative control of the executive should take place. Yet, *as detailed in the literature review, several scholars state the existence of a gap between de jure and de facto*. That is why our main question is, **what are the determinants of the low performance of horizontal accountability mechanisms in Kenya and Argentina?** The underlying assumptions are both the existence of a gap between formal institutions and actual practices of legislative accountability of the executive, and an ill development of relevant norms regarding sanctions, undermining as such better policy outcomes in both Africa and Latin America.

The findings from this study will be helpful not only in the context of South-South cooperation and learning but as well to other countries in Latin America and Africa who are striving to achieve a democratic space, efficient service delivery, poverty reduction and zero tolerance of corruption. Therefore, the goal is to assess weaknesses in accountability, tracing its causes and the institutions affecting its development, and trying to impact reality by proposing policy interventions that address the studied phenomena as well as mechanisms for monitoring efforts towards parliamentary/congress accountability.

5. HYPOTHESIS

In this study we argue that, in both Argentina and Kenya, the low performance of horizontal accountability mechanisms results from deficits in legislative and executive capacities as well as the incentives arising from the interplay of formal and informal institutions. On one hand, we hypothesise that capacities in both branches of government are a prerequisite for accountability. On the other hand, we posit that the development of capacities is a necessary but insufficient

condition for the effective enactment of accountability mechanisms. Only when capacity is combined with the right incentives do legislators demand accountability and executive officials comply. As analysed in the literature review, there are three types of explanations or hypotheses for the weakness of legislative oversight. The first one regards the structure of incentives; the second looks at the absence of a culture of accountability, and the third is the lack of real, tangible sanctions and punishments.

Traditionally, explanations have analysed the lack of incentives as institutionally driven. In explaining determinants of weak horizontal accountability, the focus within this first group lies in the consequences of institutions. That is, how the electoral rules and party system generate an environment in which the trajectories of legislators' political careers (Jones et al., 2002) are affected. In Latin America an environment centred on the executive and congressmen with low re-election rate causes negative incentives for oversight. In the African context patronage by the executive in a presidential system with substantial amounts of corruption do not provide an incentive for oversight. In very extreme cases active parliamentarians could also endanger their lives in the process. While taking into consideration the role of culture, Oszlak (2006) considers accountability is not simply a matter of system design, but rather a cultural predisposition that should be assimilated by individuals in order not just to respond when being held accountable but to be accountable as a result of a moral imperative.

Finally, while studying what motivates actors' behaviour, scholars argue that policy actors choose to take certain decisions when they think it is appropriate and refrain from taking them when they sense that the consequences may be severe (March and Olsen, 1976; Rhodes, Binder and Rockman, 2006). Yet, this viewpoint does not depart greatly from the perspective of incentives. Rational choice theory views institutions as systems of rules and incentives which political actors use to negotiate and navigate political landscapes in order to exercise power and influence. From this angle, if the consequences of deviation from formal institutions or the norm are severe, political actors are likely to avoid the risk, while they will be prone to take set risks if they face no obvious consequences.

Having taken into account the different perspectives on horizontal accountability, this research adds to the discussion presented by explanations based on incentives. Institutions matter, they shape a structure of incentives that may favour or harm the effective development and implementation of accountability mechanism. Therefore, our hypothesis is that the low performance of horizontal accountability mechanisms in the selected case studies are explained by the interaction of two types of determinants: underdeveloped capacities, negative incentives, and the interaction between them. In the complex interaction is the substantial presence of informal institutions that will be studied.

6. RESEARCH DESIGN

The research will focus on Argentina and Kenya. Even though Argentina and Kenya sit within intrinsically different contexts, they share some common characteristics; namely, they both have federal and multiparty systems. We expect that revealing these countries' trajectories will not only produce tangible knowledge but promote the development of South-South learning. In order to explain the low performance of accountability mechanisms in the selected case studies, the research will be organized in two stages.

Stage 1 will focus on further establishing the existence of weak horizontal accountability and getting deeper into understanding our outcome variable. In order to understand horizontal accountability, we will describe de jure horizontal accountability mechanisms and determine the extent to which these effectively work. For so doing, the study will identify the main horizontal accountability tools in the constitution and law; assess whether the legislative branch effectively holds the Executive accountable and government responds before Congress/Parliament for policy implementation; and assess whether the executive branch effectively reports to the Congress/Parliament for policy monitoring and evaluation.

Taking the normative framework as a starting point, we seek to understand the gap between what is stated in law and what actually takes place, and whether there are consequences or punishments for not being accountable. That is, who exercises horizontal accountability (state agencies), what the exercise of horizontal accountability consists of (oversight, sanctions, impeachment), with respect to what actions or omissions horizontal accountability may be exercised? Which are qualified as unlawful, and the consequences for not complying such as punishment for not being accountable?

Stage 2 aims to understand the determinants behind the previously stressed low levels of accountability. Specifically, the effect independent variables in this study– legislative/executive capacities and negative incentives – have on horizontal accountability. In order to do so, both branches will be disaggregated into three components: the members of each branch of government as individuals (government officials and legislators), political parties (in government and in Congress/Parliament) and the organisational level (office of the chief of cabinet/deputy president, ministries, and committees in Congress/Parliament)

The case studies will both look at *four mechanisms of legislative oversight* for comparability. The reports produced by the General National Audit; requests of information to the Executive by legislators; monthly reports of Chief of Cabinet to Congress; and the State of the Nation' speeches delivered by the President whilst opening legislative sessions. The first two mechanisms are legislative institutions; the latter two deals with mechanisms based in the executive branch.

7. RESEARCH METHODS

This study will adopt a mixed-methods methodology that employs both qualitative and quantitative techniques. Mixed methods research recognises the importance of traditional quantitative and qualitative research but also offers a powerful third paradigm choice that often will provide the most informative, complete, balanced, and useful research results (Johnson, Onwuegbuzie and Turner, 2007). It allows researchers to improve the accuracy and validity of the research findings, predict trends, add to the knowledge base, measure change, help understand complex phenomena and both test and generate new ideas (Newman, Ridenour, Newman & De Marco, 2003).

In order to gain a better understanding of deficits in legislative oversight and test our hypothesis, the study will employ the following data collection methods.

In *stage 1* of the project, we will first conduct *desktop research*. This implies an extensive analysis of existing explanations and governmental documents specifically meant to: identify existing mechanisms or institutions involved in horizontal accountability, such as the National Audit Offices, the request of monitoring reports by legislators, monthly reports by the Chief of Cabinet to the Congress, State of the Nation Report and the profile of public officials of several monitoring agencies; and assess how effectively these mechanisms function. These data will provide a comprehensive take on both the normative framework under which the mentioned mechanisms are implemented and their actual effectiveness.

This desktop research will be complemented by *a quantitative analysis of an official database on legislative files and proceedings that allows us to systematically inquire on the relationship between the two branches of government.*

To test the implications of our study, stage 2 of the project (understanding the determinants) will also employ both quantitative and qualitative methods in the two case studies. The collection methods are as follows: in-depth interviews to country experts/focus groups with technical advisors; a survey to legislators, policymakers and audit managers and audit officers; and analysis of the accountability mechanisms based on governmental documents. Qualitative material will be gathered in *in-depth interviews with country experts, experienced politicians and party leaders and technical advisors from the two branches of government*. The questionnaires will seek to capture the perceptions of key actors on the causes of success and failure in the implementation of horizontal accountability tools as well as possible remedial interventions.

Informants will also include experts from the judiciary, political parties, academia, non-state actors (such as civil society organisations, religious groups and community elders), international organisations (e.g. the World Bank, Inter-American Development Bank, African Development Bank, International Monetary Fund and others) and regional intergovernmental bodies (such as MERCOSUR and the African Union). The interviews will be tape recorded and transcribed immediately. In-depth interview, focus group discussions and some items of the survey questionnaire will be analysed qualitatively.

The focus will be on a series of dimensions involving the variables of the study. To begin with, we seek to assess the interviewees' perception on both normative framework and practices: what the existing *formal institutions of accountability* by the Executive to the Legislative and the normative framework – laws, rules and organs/bodies – under which these should operate; practices regarding functioning of horizontal accountability mechanisms, how they work and with what results; and *incentives and capacities* behind those practices. The perceptions of key actors on these matters will help achieve a more comprehensive approach. Mainly we seek to unveil the link between low levels of horizontal accountability and variables related to the construction of negative incentives and low capacities.

Specificities will be requested for key areas of accountability: short term and long term plans, national assets, resource distribution, special policies, international obligations, and so forth. As well, the interviewee' own recognition of the fundamental areas for the exercise of accountability and proposals on policy intervention for promoting the existence and development of stronger positive incentives and reducing technical capacity deficits.

Another collection method will be a *survey to legislative committees' technical staffers, officers in the executive in charge of producing reports, and National Audits Office managers and officers*, carried out to gain better knowledge of the capacities of both branches.

Legislative committee's technical staffers. For the legislative branch in Argentina, the survey will be administered to each of the secretaries of the 71 permanent legislative committees in Congress. Of these, 45 belong to the Lower Chamber and 26 to the Senate. This data will be analysed both qualitatively and quantitatively. An econometric analysis will be developed to identify the perceptions regarding potential determinants of horizontal accountability. In Kenya the study will focus on members of parliaments, committees and a select number of counties.

Executive officers. A second survey with a similar structure will be made to executive officers in charge of producing monitoring reports that belong to the State of the Nation annual report (one per ministry). This questionnaire will also inquire into the relevance of requests by legislators, information quality and availability, internal proceedings (adequate systems and standards) for producing reports and perceived influence of reports on Congress/Parliament. A sample of respondents from the executive branch in Kenya will also be selected similarly to the Argentine study for comparability.

National Audit Office/ Office of the Auditor General managers and officers. This questionnaire will include specific questions regarding formal accountability mechanisms and informal practices for budget and management external control.

This survey will also try to assess the impact of political settlements and elite alliances on executive accountability.

Finally, an *analysis on the selected accountability mechanisms based on governmental documents*, will be carried out. This includes a *Chief of Cabinet's report to the Congress*, mainly the type and quality of information reported, number of visits of this executive officer and what happens when it does not go and *Presidential speeches at the opening of legislative sessions*, namely the content of the State of the Nation Report, the content and quality of the ministries' management results report (*Memoria detallada de la Nación- Nation's Detailed Report*), sources of information and format for delivery. The methods of research collection appear summarised in the following table.

Table 1. Research Collection Methods to be Employed in Both Case Studies

<p>Stage 1: Getting a better grasp on our outcome variable</p>	<p>Desktop research Descriptive analysis of normative framework in order to understand how the accountability mechanisms are set in law. Extensive literature review on the Latin American and African region regarding horizontal mechanisms of accountability. Focusing mainly on the existing empirical research on legislative oversight in contemporary Argentina and Kenya.</p> <p>Statistical analysis of executive-legislative relations (Argentina and Kenya) Some selected indicators are: legislative success of the executive vis-à-vis legislators, changes to executive proposals introduced by Congress and legislative productivity accounting for variations in the volume of legislation passed, as proxies of the relative influence of the President, over time. The dataset also provides systematic information regarding requests of monitoring reports as well as audits and control reports presented to Congress by the National Audits Office/ Office of the General Auditor.</p>
<p>Stage 2: Understanding the determinants</p>	<p>In-depth interviews Perception of normative framework: formal design of horizontal accountability institutions and the laws, rules and organs/bodies under which these should operate. Perceptions of implementation: practices regarding functioning of horizontal accountability mechanisms, how they work and with what results. Perceptions of negative incentives: Legislators' political career and relationship with the governor and party group cohesion and cooperation within Congress; consequences of non-compliance. Perception of technical capacities: Technical and political expertise: legislators, legislative and government staff technical skills; Political expertise of legislators: seniority and career trends; and party professionalisation. Interviewees: national legislators, country experts, experienced politicians, audit officers (interviewees for each profile)</p> <p>Surveys on capacities Legislative Power: Questionnaire to committee technical staffers in both Argentina and Kenya. Perception of <i>normative framework</i>: formal design of horizontal</p>

accountability institutions, the laws, rules and organs/bodies under which these should operate, and specific proceedings.

Perceptions of implementation: practices regarding functioning of horizontal accountability mechanisms, how they work and with what results. Proceedings for issuing monitoring reports and discussing audits and control reports.

Perceptions of technical capacities: decrees, experience and seniority of legislators, advisors and congress staff involved producing monitoring requests. Quality and relevance of information requests by legislators. Specialisation and functioning of committees.

Perceptions of information systems: availability and quality of information regarding policy implementation and budget execution.

Perceptions on incentives: party group cohesion and cooperation within Congress and consequences of non-compliance.

Executive Power: Questionnaire to officers at the *Jefatura de Gabinete de Ministros* (Chief of Cabinet Office) Argentina and Office of the Deputy President in Kenya and a sample of ministries in each of the countries. Perception of *normative framework:* formal design of horizontal accountability institutions and the laws, rules and organs/bodies under which these should operate.

Perceptions of *implementation:* practices regarding functioning of horizontal accountability mechanisms, how they work and with what results.

Perceptions of technical expertise: decrees, experience and seniority of officers involved in responding requests and producing monitoring reports. Quality and relevance of information requests by legislators.

Perceptions of information systems: availability and quality of information regarding policy implementation and budget execution.

National Audit Office in Argentina and Office of the General Auditor in Kenya: Questionnaire to managers and officers.

Perception of *normative framework:* formal design of horizontal accountability institutions and the laws, rules and organs/bodies under which these should operate. Specifically regarding the design of the

Audit Office and budget oversight procedures.

Perceptions of *implementation*: practices regarding functioning of horizontal accountability mechanisms, how they work and with what results. Specifically regarding the discussion and approval of audit and control reports in Congress.

Perceptions on technical expertise: decrees, experience and seniority of officers Audit Office staff. Quality and relevance of requests by the legislative budget oversight committee.

Perceptions on information systems: availability and quality of information regarding policy implementation and budget execution.

Analysis of the accountability mechanisms based on governmental documents

Analysis of Chief of Cabinet's visits to the Congress

Reports by the Chief of Cabinet as an executive officer to Congress.

Type and quality of information reported: main issues across periods, duration of reports, evidence presented to support reports, methods use to present information, sources utilised.

Frequency of visits, what happens when he does not go: frequency of presence across periods, type and scale of punishment if they do not attend.

Presidential speeches at the opening of legislative sessions

Content and quality of the State of the Nation Report: main issues across periods, duration of reports, evidence presented to support reports, methods use to present information, sources utilised.

Content and quality of the ministries' management results report, main issues across periods, duration of reports, evidence presented to support reports, methods use to present information, and sources utilised.

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