ELLA
Evidence and lessons
from Latin America

Module 2 discussed examples of innovative measures for promoting citizen oversight in Latin America, and participants reflected on how elements of these practices could be replicated in their own countries.

INNOVATIVE MEASURES TO PROMOTE CITIZEN OVERSIGHT

SUMMARY

This document summarises the outcome of an online learning programme aimed at sharing Latin American lessons and good practices in promoting citizen oversight of public institutions. During seven weeks, Learning Alliance participants from Africa, Asia and Latin America shared experiences, debated and reflected on how citizen oversight of public institutions and processes can improve social accountability and social justice.

Based on this exchange, participants agreed that public information has to be accessible, transparent and accurate, and that transparency and the right to information constitute important prerequisites to this. Specific themes covered in this module included transparency in public procurement and disclosure by public officials of their personal assets, Citizen Budgets and the use of Information and Communication Technologies (ICTs) in elections.

KEY ISSUES:

Key lessons drawn from the learning exchange between participants from Africa, Asia and Latin America include:

- Successful experiences of citizen oversight are backed by strong legal frameworks that guarantee the right to information, transparency and freedom of expression

- Drafting laws and creating independent agencies to oversee implementation are two measures that can help ensure that civil servants and politicians disclose their personal assets

- The active participation of civil society in monitoring public institutions and processes is key for building public awareness about the importance of tackling corruption and strengthening social accountability mechanisms

- Citizen Budgets are innovative oversight mechanisms that make budget information more transparent and accessible

- Information and Communication Technologies (ICTs) can be used to publish relevant and timely information on a regular basis, thereby creating the opportunity for citizens to take a more active role in oversight

CONTENT

FIRST DISCUSSION THEME: TRANSPARENCY IN PUBLIC PROCUREMENT AND DISCLOSURE OF PUBLIC OFFICIALS' PERSONAL ASSETS

The first discussion consisted of an analysis of legal frameworks in Latin American countries mandating the disclosure of information pertaining to procurement processes and civil servants' personal assets. The objective of this learning session was to identify common trends and differences between these legal frameworks and to assess whether they are replicable in other regions. Participants were also encouraged to reflect on the usefulness of legal frameworks by analysing two Latin American case studies; the first related to improving transparency in public contracts for oil extraction in Mexico, and the second to the disclosure of personal assets by legislators in several Latin American countries. Participants were asked to read and discuss the learning materials prepared for both topics.

Discussion 1 was guided by the following questions:

1. Do the experiences described in the ELLA Briefs exist in your country or region?

2. If they do, what are the factors that facilitated their success and how do these compare to the enabling factors in Latin America?

3. What do you perceive to be the critical elements described in the Latin American case studies that need to be strengthened in your country or region to promote the development of such practices?

4. Do you believe that there is potential for these practices to be replicated in your own country or region?

Related Sources

ELLA Brief: Fighting Corruption by Improving Transparency and Access to Information

ELLA Spotlight on Publications: Public Procurement and Disclosure of Public Officials' Personal Assets

Disclosure of Legislators Personal Assets in Latin America

Part 1: Transparency in Public Procurement and Disclosure of Public Officials' Personal Assets

Participants identified some similarities between regions regarding transparency in procurement processes and disclosure of public officials' personal assets. In countries such as Argentina, Cameroon, Colombia, India, Kenya, Mexico and South Africa some steps have been taken to fight corruption, such as the passing of laws that require civil servants to declare their assets and publish information on contracts issued by public institutions.

Participants also identified obstacles to these processes, with one Ethiopian member noting that civil servants often have face-to-face contact with bidders and suppliers, increasesing the risk of corruption. In this context, public officers, may, for example, demand a personal benefit such as payment in return for approving a contract. In Argentina and Mexico, civil servants are exempt from the obligation to disclose their personal assets, unlike in other Latin American countries.

The discussion also revealed that in a few countries like Cameroon, Colombia, Ghana, India, Kenya and Zambia public procurement process are still paper-based systems and show little prospect of developing into electronic platforms that citizens can monitor. Participants felt that two factors that might explain this situation are the lack of technology and political will to engage with transparency initiatives. Another barrier is the absence of relevant laws, which hinders demands made by civil society for greater transparency.

Most participants felt that there is a need for citizen oversight to ensure that public institutions comply with their obligation to publish data. Public information needs to be monitored periodically to verify that is up-to-date, reliable, comprehensive and complete. Furthermore, public information should be made available in user-friendly formats that enable the general public to understand and interpret it.

Lessons Learned

Participants identified five critical elements that need to be strengthened in order to improve transparency. They are:

- Awareness of the United Nations Convention Against Corruption and other regional and international treaties that set out government commitments and obligations (some legally binding)

- Sufficient technical, institutional and financial resources devoted to improving transparency

- Political autonomy of institutions in charge of monitoring transparency

- Development of ICTs to open up access to public information and facilitate citizen oversight

- Capacity building for the media, community-based organisations and the public – in particular marginalised and vulnerable groups - so that they are able to use this information to demand greater accountability

Part 2: Latin American Case Study: Monitoring Oil Contracts In Mexico

The Moderator shared a case study about the monitoring of oil contracts in Mexico and encouraged participants to reflect on the kind of actions that civil society organisations can carry out to reduce corruption in procurement processes, as well as the factors that facilitate and limit the success of such initiatives.

Contributions from participants revealed that in a few countries such as India, Ghana and South Africa, some monitoring of public sector procurement has been led by CSOs, as in the Mexican case study. A participant from Ghana described the experience of the Anti-Corruption Coalition which monitors the difficulties faced by small and medium enterprises in winning and appealing public procurement contracts, largely due to a lack of appropriate legislation. A participant in South Africa shared some successful practices undertaken by her organisation, the Institute for Democracy in Africa (IDASA), to monitor the impacts of the oil industry on governance in different African countries, as well as the experiences of other organisations that are using the right to information to gain access to key information on education sector budgets.

Discussions around the various case studies led participants to identify some key factors in their own countries that have enabled the monitoring of public procurement. They are: 1) promoting the right to access information and requesting public procurement information; 2) participating in the Open Government Partnership, governments have made commitments to transparency that can be recalled during attempts to access information on public procurement, and; 3) creating an independent Anti-Corruption Agency or an Agency for Procurement Oversight to drive forward policy improvements or institutional reform.

Participants also identified certain constraints such as the absence of national laws on access to information and an independent body to oversee implementation, as is the case in Malawi, or the existence of specific laws that prohibit civil society organisations from engaging in monitoring practices, as in Ethiopia.

Lessons Learned

- Laws on access to information and transparency are crucial for reducing corruption in public procurement within strategic industries such as oil

- Governments truly committed to transparency will collaborate with CSOs in monitoring public procurement processes

- An independent oversight authority for procurement can help to overcome institutional and legislative obstacles and reduce corruption

Part 3: Monitoring Disclosure of Personal Assets by Public Officials

Some participants from the Latin American Legislative Transparency Network reflected with other online contributors on best practices in transparency, accountability and access to information on public officers' personal assets. Three topics in particular framed the debate, namely legal frameworks, challenges and the role of civil society.

The discussion highlighted that the existence of a legal framework and an autonomous body to oversee its implementation are two important preconditions for improving disclosure by civil servants. Similarly, participants indicated that relevant laws are still to be implemented in many African countries. In Uganda and Zambia, for example, the law establishes that the President must disclose information on personal assets, but it does require the same from civil servants.

Participants also stressed the challenge of clarifying the kind of information to be disclosed. Participants from Kenya, Nigeria and South Africa reported that parliamentarians complete 'Conflict of Interest' forms that enable them to withhold certain information such as financial statements and business activities. These forms present a major obstacle to accessing information that might be of public interest. Similarly, information disclosure by public officials is typically "reserved" preventing any real accountability.

Finally, participants recognised that greater pressure from civil society groups is key to identifying which officials are not complying with the law and advocating for greater transparency. In Nigeria, for example, the media has played a key role in pressuring politicians to publish information. In Nepal, the organisation Campaign for the Right to Information has developed Parliamentarian Report Cards to enhance accountability of the elected representatives towards the people they represent and thereby strengthen democracy in Nepal. Criminal charges and private assets are just two key pieces of information shown in the Report Cards.

Lessons Learned

- Laws that require public officials to disclose their personal assets contribute to improving transparency

- Clear guidelines on the type of information that parliamentarians must disclose can help reduce attempts to elude the law

- Civil society initiatives to monitor disclosure of public information represent a key mechanism for improving government transparency

SECOND DISCUSSION THEME: BUDGET TRANSPARENCY

Government budgets are fundamental for addressing development challenges, meeting the needs of the population, guaranteeing rights, and achieving fairness and equity. In order to ensure that budgets reflect social priorities and needs, governments must promote transparency and citizen participation to improve accountability and social justice. Two ways of achieving this are to create e-portals and to publish Citizen Budgets. Once these are in place, then CSOs play an important role in using these tools to analyse and monitor budgets. In countries where these mechanisms do not exist, CSOs play a fundamental role in lobbying or leading their creation.

The main objective of this discussion was to identify the conditions that would facilitate the implementation or adaptation of these measures in participants' own countries and regions. Two main factors were analysed: 1) the role of CSOs in making use of budget transparency tools, and; 2) government capacity to adopt the technology required to implement these tools.

Discussion 2 was guided by the following questions:

1. Do the experiences described exist in your country or region?

2. If they do, what are the factors that facilitated their success and how do these compare to the enabling factors in Latin America?

3. Is there potential for these practices to be replicated in your own country or region?

4. How can civil society organisations, communities and the general public demand greater accountability from their government using these tools?

Related Sources

Introduction to Budget Transparency:

Video: What Happened to My Money?

ELLA Brief. Citizen Assessment of Budget Transparency: The Latin American Budget Transparency Index

Budget Transparency Portals:

Video: Budget Transparency Portals in Latin America

The Mexican Budget Transparency Portal

Citizens Budgets in Latin America:

Video: Citizens' Budgets in Guatemala and Venezuela

The Power to Make it Simple: A Government Guide to Developing Citizens Budgets

Part 1: Introduction to Budget Transparency

In this session, participants exchanged views on the relevance of budget transparency in their countries and shared many experiences of civil society groups carrying out budget analysis and advocacy.

Throughout the discussion, participants highlighted that civil society groups play a key role in making budget information accessible, comprehensible and useful to society, especially to those groups that have been historically excluded or marginalised. Similar experiences to those in Latin America have occurred in Kenya, Ghana, Nigeria and Zambia where CSOs are working closely with communities to lobby, access, analyse and monitor budget information to determine whether spending is directed at meeting the needs of the population.

Participants stated that the technical dimension of budget analysis requires capacity building amongst many CSOs in their own countries. Participants from South Africa highlighted that even if their country is ranked highly in terms of budget transparency, this has not translated into tangible improvements in people's lives. For this reason, it is necessary to find ways to build links between budget transparency and the improvement of public service delivery.

Some participants have found that even if some government officials understand that budget transparency can strengthen their legitimacy among citizens, a general trend shared across Latin America, Africa and Asia is that governments are not always aware of these benefits and do not always know what practical steps to take to improve transparency. In this context, participants and concluded that civil society organisations or donors can play a key role in guiding governments towards developing a budget transparency agenda.

Lessons Learned

- Budget transparency indexes can provide useful advocacy tools since they rank and grade governments, thereby creating incentives for improvements.

- Three key strategies for raising the profile of budget transparency in public debate are: building the technical capacity and regional networking of CSOs; strengthening media coverage of transparency issues, and; creating spaces for dialogue between governments and civil society groups to design and implement budget transparency reforms.

Part 2: Budget Transparency Portals

This discussion focused on budget transparency portals as an innovative tool that has been implemented in various Latin American countries. These open access portals contain extensive budget information that enables civil society organisations to conduct social audits and monitor how much money is allocated to and spent on different policies and sectors, as well as assessing whether government expenditure responds to its commitments and local needs.

The discussion revealed that the development of these portals differs from one country to another in terms of the type of information disclosed, thoroughness and detail, and the formats in which information is presented. In India, for example, budget information is available on an online government portal but there is no interactive database and the information is presented in a complex manner. A participant from Nigeria pointed out that the National Budget Transparency Portal was created thanks to pressure from civil society organisations, and that similar portals are now required at the sub-national level. In Argentina, Cameroon, Ethiopia, Ghana, Nepal, Uganda and Zambia, these e-portals are hosted by the Ministry of Finance, present only a limited amount of information and demonstrate little effort from authorities to disclose budget information or open up access to a wider audience.

Participants agreed that although budget transparency portals do not solve the problem of corruption, they are useful monitoring tools that can provide access to information that is crucial for advocacy and useful for public debate. Participants concluded that governments still need to do more work to make budget information accessible by citizens. Virtual platforms make information more accessible and civil society can play a major role in interpreting and simplifying budget information so that the general population understands how the budget cycle has an impact on their lives, needs and rights.

Lessons Learned

- Open and accessible transparency portals containing extensive budget information represent innovative tools for monitoring public spending

- Simplifying budget information in virtual portals may help increase public awareness and interest in transparency issues

- CSO participation is key for developing budget transparency portals at the sub-national level

Part 3: Citizen Budgets

This exchange focused on the creation of Citizen Budgets in Latin American countries such as Guatemala and Venezuela. Citizen Budgets are accessible, non-technical documents produced by governments or civil society organisations to summarise basic budget information for a given year. These documents explain in simple terms how the government collects, allocates and spends public funds, and are thus powerful tools for oversight and for demanding accountability.

The exchange between participants revealed that Citizen Budgets have been created in Nigeria and South Africa, but are almost inexistent in Nepal and Cameroon because governments have not worked together with CSOs during this process.

Participants identified several ways Citizen Budgets can benefit governments, by: i) fostering dialogue with citizens about budget allocations and allowing for feedback; ii) facilitating the transfer of power from specialised technical groups to citizens keen to participate in budget decisions, and; iii) improving government credibility and legitimacy.

Aside from this, participants discussed the role of civil society groups in supporting and lobbying the government to create Citizen Budgets. Atzimba Baltazar, guest expert from the International Budget Partnership, asserted that collaboration between governments and civil society organisations is important for two key reasons: identifying relevant information for disclosure and developing strategies for informing marginalised communities and groups. These are important issues given that any Citizen Budget that does not present relevant information for monitoring public resources loses its credibility and utility as transparency tool.

A common idea shared during the discussion was the need for local-level Citizen Budgets that are closer and more relevant to people's daily life. Many participants even considered that it would be more useful to lobby for the creation of Citizen Budgets at the local level first.

Lessons Learned

The general lack of knowledge about this innovative practice among participants from Africa and Asia led to the following, more general conclusions:

- Citizen Budgets do not exist in countries like Nepal and Cameroon, so a more detailed explanation and technical assistance might be useful for participants in Africa and Asia interested in seeing the creation of a similar mechanism in their countries

- Identifying relevant information for disclosure and developing strategies for informing marginalised communities are key elements for the effective use of this transparency tool

- Other than governments themselves, civil society groups and donor agencies seem to be the best placed actors to lobby for the creation, oversight and improvement of Citizen Budgets and in order to do so, CSOs must build their technical capacity and form strategic networks.

THIRD DISCUSSION THEME: TRANSPARENCY IN ELECTIONS

The objective of this session was to discuss whether using ICTs can help strengthen oversight activities, and the different ways that this can happen. The knowledge material provided to participants was a written interview with Javier Wilson, the Technical Director of GüeGüe, a private sector company based in Nicaragua that participated in the monitoring of Nicaraguan elections in 2006, and later on in election processes in Guatemala, El Salvador, the Ivory Coast, the Congo, Ethiopia, Algeria and Chad. In this interview, Javier explains the specific role of his company as a provider of technological solutions to the electoral monitoring process developed by the European Union. He was also invited to participate in the online discussion during which he provided additional examples of his experience and responded to participants' questions.

Participants were asked to reflect on the following questions:

1. Do you know of similar experiences where ICTs have been used to monitor election processes? What were the advantages and disadvantages?

2. How can ICTs strengthen oversight activities and make them more effective? What other applications of ICTs do you know about and what have been the results?

Related Sources

Monitoring Elections using ICTs

The discussion centred on the possibilities of improving oversight and transparency in electoral processes using ICTs. ICTs have the potential to improve oversight of sensitive issues that are the core of democratic systems, such as free and transparent elections. In the context of political elections, ICTs can be used to analyse and expose irregularities, to make the electoral process more efficient by identifying logistical or organisational problems, and to motivate the active participation of the public.

Participants found that it is crucial for civil society groups to engage in the use of ICTs for oversight purposes, especially when government or electoral oversight institutions are failing to do so. Many creative initiatives were shared in the online discussion such as the dissemination of electoral information via SMS messaging, social networks such as Facebook or Twitter, and emails. Using ICTs in this way can raise awareness about the legitimacy of any given electoral process and promote public debate. Participants agreed that for ICTs to function well, access to information and freedom of expression are fundamental, otherwise information can be withheld and manipulated.

Participants also shared experiences of how the use of ICTs by electoral commissions and oversight agencies has contributed to strengthening the credibility and legitimacy of electoral processes. These tools have largely been used to collect and monitor evidence on the level of fairness and freedom of elections. However, as a participant from India argued, these institutions must take measures to avoid disseminating false information, especially when it is provided by political parties themselves.

Participants also commented that in countries where many people do not have access to ICTs, the radio and television continue to represent the main sources of information. A key difference is that while the ways in which users can interact with mass communication technologies are limited, newer ICTs offer more versatile uses and applications.

Lessons Learned

- Using ICTs as monitoring tools around sensitive issues such as political elections may contribute to improving the legitimacy of the process

- CSOs are increasingly engaging the different uses and applications of ICTs for monitoring purposes

- Access to information and freedom of expression are fundamental for the effective use of ICTs

CONTACT FUNDAR

To learn more about Citizen Oversight in Latin America, contact the Moderator, Daniela Ramirez Camacho, Researcher at Fundar, dramirez@fundar.org.mx.

FIND OUT MORE FROM ELLA

To learn more about Citizen Oversight in Latin America, visit the ELLA website, which has a full list of the knowledge materials available on this topic. To learn more about other development issues, browse other ELLA Themes.

Daniela worked with the following experts during this LEA. All can be contacted through the ELLA project coordinator, Janet Oropeza, Researcher at Fundar, janet@fundar.org.mx.

Transparency in Public Procurement and Disclosure of Public Officials' Personal Assets

- Melissa Ortiz, researcher at Fundar in the Area of Transparency and Accountability
- Aroa de la Fuente, researcher for the Monitoring Extractive Industries Project at Fundar

Budget Transparency

- Atzimba Baltazar, programme officer of the Mentoring Government Capacity for Budget Transparency and Participation Programme at the International Budget Partnership
- Diego de la Mora, coordinator of the Budget and Public Policy Area at Fundar
- Liliana Ruiz, researcher in the Budget and Public Policy Area at Fundar

Transparency in Elections

- Javier Wilson, Technical Director of GüeGüe, a private sector company based in Nicaragua that has facilitated electoral monitoring in various Latin American countries

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