

Introduction to the Public Sector Governance and Accountability Series

Anwar Shah, Series Editor

A well-functioning public sector that delivers quality public services consistent with citizen preferences and that fosters private market-led growth while managing fiscal resources prudently is considered critical to the World Bank's mission of poverty alleviation and the achievement of the Millennium Development Goals. This important new series aims to advance those objectives by disseminating conceptual guidance and lessons from practices and by facilitating learning from each others' experiences on ideas and practices that promote *responsive* (by matching public services with citizens' preferences), *responsible* (through efficiency and equity in service provision without undue fiscal and social risk), and *accountable* (to citizens for all actions) public governance in developing countries.

This series represents a response to several independent evaluations in recent years that have argued that development practitioners and policy makers dealing with public sector reforms in developing countries and, indeed, anyone with a concern for effective public governance could benefit from a synthesis of newer perspectives on public sector reforms. This series distills current wisdom and presents tools of analysis for improving the efficiency, equity, and efficacy of the public sector. Leading public policy experts and practitioners have contributed to this series.

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PUBLIC SECTOR
GOVERNANCE AND
ACCOUNTABILITY SERIES

PERFORMANCE ACCOUNTABILITY AND COMBATING CORRUPTION

Edited by ANWAR SHAH



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The Role of Political Institutions in Promoting Accountability

ROB JENKINS

This chapter reviews the various ways in which political institutions can—in theory and in practice—contribute to greater accountability of public officials to the people on whose behalf they govern. It conceives of political institutions broadly—that is, beyond merely representative bodies or the electoral arrangements through which political leaders are chosen. It does so because even “nonpolitical” institutions are often politicized, which is one of the reasons why accountability of governments to people is in such short supply. Situating political institutions within a broader understanding of political systems allows the nature of *de facto* relationships in which key actors are embedded to be observed.

The chapter is aimed at a nonspecialist practitioner audience, including government officials (both elected politicians and civil servants) who operate at various levels of a political system and are engaged in a range of functional roles. It does not, therefore, address the full range of theoretical concerns of interest to academic researchers. It does draw on academic research to illustrate some of the variables that appear to play roles in determining the level of accountability achieved in different settings. Brief case studies are also used to illustrate various points.

The chapter is divided into four main sections. The first section introduces and unpacks key concepts associated with the idea of accountability. These concepts are presented in order to convey the range of meanings associated with the term. The aim is to help practitioners reach a more nuanced—and context-dependent—understanding of accountability systems, one that will foster innovative approaches when conventional tools prove inadequate. These concepts are put into action in the second section, which examines the functions that particular institutions are expected to play in commonsense theories of democracy, the reasons why these functions get undermined in practice, and some of the ways in which groups have sought to overcome these problems in order to improve accountability. The third section provides an overview of a number of contemporary trends that can affect efforts to improve accountability systems. The last section outlines a procedure through which the concepts and issues raised in the first three sections can be used, in a given country context, to survey the accountability landscape in order to better understand the prospects for advancing improvements.

Key Concepts in Accountability Systems

The idea of accountability has been increasingly visible in the development field in recent years, emphasized by all actors concerned with improving governance.¹ What is meant by *accountability*?

Central to all definitions of accountability is the idea that one person or institution is obliged to give an account of his, her, or its activities to another. Generic models of accountability refer to any kind of relationship of this sort. In the field of governance, accountability refers to relationships between public and private actors. The applicability of general models to specific cases of government-citizen relations is often open to question, not least because the norms of what is considered appropriate vary from one country to another, one sphere of government activity to another, and so forth. Norms in accountability relationships also change over time.

A second general point to be borne in mind in thinking about accountability of governments to citizens is that accountability refers not to isolated relationships, or even individual institutions operating on their own, but to a system of relationships. How one institution operates can affect how others operate—and not necessarily in predictable ways. On the one hand, one poorly performing institution can undermine other specialized accountability institutions. On the other hand, when one institution fails, another can sometimes step in to fill a void.

The more talk there is of the importance of voice and accountability, the less these terms seem to mean—and the less relevance they appear to have for ordinary, and particularly poor, people. The discussion that follows seeks to define accountability and to illuminate some of the many usages of the term.

Accountability describes a relationship in which A is accountable to B if A is obliged to explain and justify his or her actions to B or if A may suffer sanctions if his or her conduct, or explanation for it, is found wanting by B (see Schedler 1999). Accountability is thus a relationship of power. But it denotes a specific variety of power: the capacity to demand that someone justify his or her behavior and the capacity to impose a penalty for poor performance.

Democratic accountability concerns the ability of the governed to exercise control over officeholders to whom power has been delegated. Achieving the consent of ordinary people is a difficult enough task on its own, and it is complicated by other factors. A consideration of the practical operation of accountability systems highlights a number of distinctions crucial to understanding how the concept of accountability is evolving in response to changes in the relationships between states and citizens, between public and private sectors, and between states and global institutions.

Structural transformations in the nature of governance—including the privatization of some state functions—have blurred lines of accountability, making it difficult to establish which actors hold ultimate responsibility for certain types of policies or services. The ongoing process of globalization has introduced a range of new power-holders—such as multinational corporations and transnational social movements—that slip through the jurisdictional cracks separating national authorities, yet whose actions have a profound impact on people's lives. The influence exercised over economic policy in poor countries by such multilateral institutions as the World Bank, the International Monetary Fund, and the World Trade Organization has also reduced the autonomy of many governments, making domestic democratic accountability even more elusive.

The Principal-Agent Conception of Accountability

The idea of accountability is most often rendered in terms of principals and agents. Principals delegate authority to agents, who are expected to act on the principals' behalf. In democracies the people (or voters) are the principals, and government officials (politicians and civil servants) are the agents. The central problem of principal-agent theory is to make sure that agents do what principals have empowered them to do, which is to promote public welfare. Agents have a tendency to promote their own interests instead, often in collusion with a specific segment of the public.

Keohane (2002: 3) states that accountability “refers to relationships in which principals have the ability to demand answers from agents to questions about their proposed or past behavior, to discern that behavior, and to impose sanctions on agents in the event that they regard the behavior as unsatisfactory.” In democracies this translates into a requirement that governments account for their actions to voters and be punished at the ballot box if deemed to have failed in their public duty. Thus, an elected politician is the agent for a polity’s voters, who are the collective principal. In the same way, the owner of a manufacturing firm is a principal who seeks to ensure that his or her interests are not subverted by the overseas distribution agent.

Another way of representing principals and agents—one that may be more relevant in the context of countries in which democratic political institutions are still being consolidated—is in relation to targets and seekers of accountability. The target of accountability, the one obliged to account for his or her actions and to face sanction, corresponds more or less to the agent. The seeker of accountability, the one entitled to insist on explanations or to impose punishments, is the principal.

These alternative terms can be useful, because they are more relevant to contexts in which existing relationships of power are being challenged—through political movements or the assertion of institutional independence by formerly subordinate actors. Many contemporary experiments in improving accountability aim to empower a wider range of principals to scrutinize agents more effectively; those seeking accountability may not necessarily enjoy a clear legal standing as principals. In addition, the targets they have in their sights do not always consider themselves agents of these constituencies. In short, the principal-agent framework is based on a formal contract model. It thus applies to static situations but not dynamic ones. Where power is not explicitly delegated—either to the agent or to the principal—the more direct terminology of seeker and target is more helpful.

The Answerability and Enforcement Aspects of Accountability

Two aspects of the accountability relationship are key to analyzing accountability institutions or proposing reforms to them. The first is answerability: having to provide information about one’s actions and justifications for their correctness. The second is enforcement: having to suffer penalties imposed by those dissatisfied either with the actions themselves or with the rationale invoked to justify them. These aspects of accountability are sometimes viewed as weak and strong forms of accountability. (Being accountable in the sense of having to explain one’s actions is less onerous than being subject to

sanction.) However, in analyzing a given situation, it is helpful to disaggregate these core concepts.

Answerability consists of explanatory and informational components, the relevance of which varies from one circumstance to another. The less demanding form of answerability requires a holder of delegated power simply to furnish an explanation, or rationale, for his or her actions. For instance, when asked by a group of concerned citizens why a building permit was issued for a structure that encroaches on common lands, planning officers typically supply formulaic answers: permission was granted because all required steps under the relevant legislation were taken. Such a response provides very little of substantive value for people seeking a full, evidence-based justification of how competing considerations were weighed.

When this explanatory component to answerability is combined with an informational component—such as an obligation of full disclosure that requires the official to reveal the evidentiary basis upon which decisions were taken, such as supporting documentation and testimony from people consulted—officials find it harder to get away with explanations based on unsound logic. This hardens accountability, even when sanctions are not imposed.

Enforcement also has two components that must be distinguished when mapping the nature of accountability relationships. The first component is the adjudication of the nature of the power-holder’s performance. This involves determining the persuasiveness of his or her explanation in light of available information and prevailing standards of public conduct.

The second component is sanctioning. After a pronouncement on the viability of the target’s explanation, the enforcing agency must decide on the nature of the penalty to be applied. This process involves at least three components: assessing the future deterrent effect of competing sanctions, considering whether the public will believe that justice has been done, and calculating the capacity of the sanctioning authority effectively to carry out the chosen form of enforcement.

This unpacking of the main concepts is particularly important for analyzing the role of political institutions in promoting accountability, because political institutions often have quite specific mandates for particular circumstances. A representative body (such as a legislature) may be able to demand information but find it difficult to rule authoritatively on the explanation for an executive agency’s decisions. The legislature may be able to withhold future funding, but determining legal compliance (whether the agency in question conformed to the obligations stipulated in law) is usually the province of the courts.

Another way of putting this is to say that accountability relationships often involve complicated divisions of labor. Those entitled to demand answers from power-holders are not necessarily the same as those put in charge of deciding on and implementing penalties. In some circumstances, information a firm provides to a regulatory agency—as part of an official state process—can, if made public, stimulate a completely different type of sanction, in the form of a consumer boycott, which operates in the space provided by the market and civil society.

The roles played by various institutions are, of course, more complicated than this very schematic picture suggests. Accountability functions are divided among different institutional actors, and certain actors play more than one role: an elected legislator is both accountable to the electorate and responsible for holding the executive to account. Courts also occupy a complex niche. They are clearly horizontal institutions of accountability (as discussed below), in that they are expected to ensure that governments comply with legal norms—not least their obligation to hold free and fair elections—and to adjudicate on conflicts between the legislative and executive branches of government. But courts also provide a forum through which citizens (principals engaged in a relationship of vertical accountability with government agents) seek to ensure that officials do not trespass on their democratic rights.

Vertical and Horizontal Forms of Accountability

Vertical channels of accountability are those that link citizens directly to government. Vertical accountability occurs when the state is held to account by nonstate actors. Elections are the formal channel of vertical accountability, but this camp also includes informal processes through which citizens organize themselves into associations capable of lobbying governments, demanding explanations, and threatening less formal sanctions, such as negative publicity.

Horizontal channels of accountability involve public institutions responsible for keeping watch on government agencies. Horizontal institutions of accountability—ombudspersons, auditors general, anticorruption bureaus—are meant to complement the role played by electoral institutions. Horizontal accountability exists when one state actor has the authority—formal or informal—to demand explanations or impose penalties on another. Executive agencies must explain their decisions to legislatures; in some cases they can be overruled or sanctioned for procedural violations. Political leaders hold civil servants to account, reviewing the bureaucracy's execution of policy decisions.

There is also an informal dimension to horizontal accountability. Civil servants collectively develop bureaucratic cultures. In some cultures, civil servants frown on colleagues who stray from the path of rule-bound governance; other cultures all but require officials to engage in actions that violate formal rules. Developing “cultures of probity” within civil services is one of the main challenges facing reformers who seek to improve the accountability of state institutions.

Many of the innovations recommended for improving the accountability of states to citizens involve breaking down the barriers separating vertical and horizontal channels of accountability. Getting citizens involved directly in horizontal (state-to-state) processes of accountability is a major preoccupation of some approaches to reform. Participation of ordinary people in the government's financial auditing functions could help government auditors do a better job, the logic goes, because citizens could augment the capacity of thinly stretched government auditing departments and exercise oversight over the way in which these agencies go about their business, rooting out collusion between official watchdogs and the executive departments they audit. Objections to such approaches to “hybrid accountability” range from self-interest on the part of corrupt audit agencies (who do not want their misdeeds exposed to scrutiny by ordinary citizens) to legitimate worries that audit agencies could have their independence undermined if, in the name of citizen engagement within oversight bodies, people with hidden agendas find themselves able to disrupt the work of auditors general, ombudspersons, and other government officials.

Capture and Bias as Sources of Accountability Failure

Political institutions that should, in theory, promote accountability of the powerful to the public in whose name this power is exercised often fail to perform their intended functions. In developing countries, such failures are very often ascribed to corruption. But a closer look at failing accountability institutions, and the human development deprivations they allow to persist, reveals that other factors are at work. It is thus helpful to differentiate the roles of capture and bias in causing accountability failure.

The category of capture contains two types of accountability-depleting phenomena. By far the most prevalent variety of capture is corruption—the illegal use of public power for private gain. A second aspect of capture is represented by other forms of undue influence that may not, according to a strict definition, constitute corruption. In particular, accountability can be undermined when officials subvert decision-making norms as a result of

intimidation (from, for instance, politicians and organized crime) rather than from an interest in direct pecuniary gain.

The category of bias refers to practices that are not illegal or motivated by the desire for private benefit but nevertheless involve allocative or regulatory decisions that benefit already advantaged groups. The literature on accountability, especially the quantitative literature, is based mainly on corruption-related nonaccountability. Bias-related failures, however, are equally important in explaining why accountability institutions have not operated in favor of ordinary people.

Corruption

In the field of corruption, the following four distinctions are worth bearing in mind:

1. *Petty versus grand corruption*: Petty corruption consists of the small-time bribes exacted by clerks and other minor officials. Grand corruption covers such transactions as commissions paid to high-level decision makers who award defense contracts.
2. *Systemic versus personalized corruption*: Systemic corruption is corruption that is all but built into official roles (in the sense that illicit income is "required" by officials in order to earn back the amounts expended in order to get themselves appointed to such lucrative posts). Personalized corruption refers to instances in which a rogue official exploits a one-off opportunity for illicit gain (Wade 1985). One reason why this distinction is important is that in local settings, systemic corruption (in which an official has little choice but to take a bribe) can become fairly legitimized when people begin to sympathize with officials who find themselves in such situations. This syndrome can make it more difficult to engage people in the process of seeking to improve the accountability of political institutions at the local level.
3. *Positive versus negative corruption*: Positive corruption occurs when an official actively seeks personal gain from his or her public position. Negative corruption occurs when an official makes biased decisions in order to avoid incurring the wrath of a powerful actor, such as a politician, an official higher up the chain of command, or a private businessperson with connections sufficient to get the official transferred, reprimanded, or even charged with a crime if he or she resists the person's demands. Positive corruption is what this chapter refers to as *corruption*. Negative corruption corresponds to the term *undue influence*.

4. *Corruption with theft versus corruption without theft*: Some cases of corruption impose a loss on the public at large ("with theft"); in other cases the illicit funds are taken from a specific individual or firm, leaving the general public no worse off ("without theft") (Shleifer and Vishny 1993). This distinction can be thought of as the difference between consensual corruption (in which, for instance, a bureaucrat and a contractor collude in the skimming of funds from a public works project) and extortionate corruption (in which someone eligible for an antipoverty benefit must pay an official in order to obtain what should be his or hers by right).

Bias

Accountability institutions also fail the poor through noncorrupt but biased official decision making. Bias-related accountability failures occur when the poor or other socially marginal groups remain disadvantaged because of built-in (or institutionalized) impediments to the reduction of the deprivations they face.

Two main varieties of bias have particularly adverse impacts on marginal groups. The first involves situations in which accountability institutions have no formal remit for addressing injustices experienced by disadvantaged people. This can occur because of inconsistent protection of rights or skewed official performance criteria.

Biases in the wording, interpretation, and enforcement of laws often allow perpetrators who violate the rights of disadvantaged people to escape punishment. The "law of provocation" in the Anglo-Saxon legal tradition, for instance, tends to absolve men who kill in self-defense while severely penalizing women who kill abusive husbands. Other laws and judgments—relating to vagrancy, land tenure, and debt collection, for example—can have built-in biases against the poor.

Many personnel procedures neither punish officials whose actions discriminate against disadvantaged people nor reward those who achieve positive outcomes for them. The accountability systems within health service bureaucracies and the medical professional bodies charged with upholding scientific and ethical standards may not take action, or at least may perceive themselves to be impotent to intervene, because staff have followed formally sanctioned procedures and met professional standards. Health services may be oriented to the needs of better-off members of society, with medical research and clinic treatment protocols privileging attention to the illnesses of the urban middle classes.

The second variety of bias involves access barriers. This type of bias takes two main forms. The first is the biased design of service delivery. Behavior that is procedurally correct may disguise aspects of policy or program design that are biased against underprivileged sections of society. Dominant social groups often find it easier to access higher levels of public services because of unexamined assumptions about their greater efficiency. Staudt's (1978) study of agricultural extension services in East Africa finds that men were favored over women in access to these services, both because men were considered more likely to increase agricultural productivity and because male extension workers found it more convenient to interact with male farmers.

The second type of access barrier has to do with institutions of redressal. A range of antipoor biases is often built into the mechanisms through which citizens are entitled to use accountability mechanisms directly, such as the access restrictions that face litigants seeking judicial remedies against powerful state or nonstate actors. Their testimony may be downgraded by biased judges and juries, or they may have difficulty mastering the skills of literacy and language required for success in these arenas.

All of these forms of bias matter when assessing the contribution of political institutions to promoting accountability. Recognizing that institutions sometimes fail to hold powerful actors to account because of biases rather than capture, policy makers might propose different reform measures, depending on the issue involved. For instance, if various forms of gender bias appear in the laws passed by legislatures that are, in theory, supposed to be accountable to women voters (and to courts charged with ensuring that women are provided equal protection under the law), one approach to institutional reform might be to develop a system of quotas that would provide greater representation for women in legislatures. A similar mechanism with respect to ethnic groups or religious minorities discriminated against (because of bias rather than capture) might also be considered. Such steps are a response to the failure of political institutions to remain accountable to particular constituencies (or accountable for their performance in upholding norms of equal treatment) when these failures are the result primarily of social bias rather than capture.

Formal versus Informal Accountability

The difference between "formal" and "informal" accountability is often invoked in discussions about why political institutions fail to produce accountability to ordinary citizens and where to focus efforts aimed at rectifying these failings.

But it is by no means always clear what is meant by the distinction. At least four meanings of "informal" accountability are currently in use.

1. *Informality as actually existing accountability*: In the real world, there is often a difference between whom one is accountable to according to law or accepted procedure (de jure accountability) and whom one is accountable to in fact, because of his or her power to impose a sanction (de facto accountability). For this reason, the stripped-down definition of accountability used in this chapter does not specify who plays the roles of targets and seekers of accountability. In principle, politicians are answerable to citizens; in practice, they are often more concerned with the sanctions wielded by corporate interests, such as the withdrawal of campaign finance. In aid-dependent developing countries, governments are often perceived to be more accountable to external donors than to domestic institutions, such as parliament, because the withdrawal of international grants and loans, or the threat of doing so if certain actions are not taken, constitutes a serious sanction. The de jure/de facto distinction is meant to differentiate between the official relationship that should exist (according to the law) and the relations that actually exist—relations that tend to subvert formal restraints on the exercise of power.
2. *Informality as a less structured (though still institutional) form of accountability*: This usage refers not to the subversion of official regulations by unofficial relations of power but rather to the less-structured mechanisms of restraint operating within vertical or horizontal accountability institutions. Within vertical institutions, voting in elections is the formal/structured mechanism of accountability used by citizens to discipline politicians. The informal/less-structured mechanism in this vertical channel is lobbying of politicians by citizen associations and the pressure exerted by investigative journalism, both of which contribute to a deeper form of answerability. Along the horizontal axis—that is, within the state—an audit office exercises formal power over the executive. The informal dimension of horizontal accountability is represented by the bureaucratic culture within which officials operate and through which their professional identities become shaped. Where an organizational ethos upholding high standards of probity exists, reputational pressures—an informal mechanism of accountability—can substitute for more formal methods.
3. *Informality as "moral" accountability claims*: This usage denotes efforts to question the very basis of formal accountability relationships that exist in law. It does not seek merely to bring de facto accountability into line with

the de jure relationships. Instead, this type of informality refers to the fact that while no formal rule might require, for instance, a pharmaceutical company to answer to the public at large—its obligations being limited to its shareholders and to regulatory authorities—the reality is that the decisions made by such firms affect the lives of ordinary people, leading many people to seek answers from firms about the long-term effects of their drugs, the biases in the types of diseases to which R&D funds are devoted, and so forth. Consumers can also impose sanctions, through boycotts, negative publicity, and pressure for regulatory change.

4. *Informality as arenas beyond the citizen-state relationship:* This usage stems from Lonsdale's observation that "it is quite possible to have accountability in . . . the high politics of the state, honest rulers and free elections, and yet profound injustice or irresponsibility in the deep politics of society, that is, the relations between rich and poor, powerful and weak" (Lonsdale 1986: 128). Accountability is often seen as irrelevant in relationships within families or ethnic communities, where authority is conferred by age, gender, or lineage rather than delegated by popular consent. Struggles by feminists, religious reformers, and human rights activists to check abuses of power in nonstate arenas are complicated by the reluctance of public authorities to intervene in "private" matters such as intrafamily relationships or religious practice. The subordinate members of these relationships, however, are increasingly subjecting the actions of power-holders to critical scrutiny. That this often involves references to human rights and shifting standards of public probity demonstrates how far the idea of accountability has seeped into institutions beyond the public arena.

Related Concepts of Governance

Accountability is closely related to other concepts of governance, not least in the context of the role of foreign assistance in building institutional capacity. Building domestic accountability is, in a sense, the underlying goal of rule-of-law programs. The rule of law refers to the primacy of fixed procedures over discretion. Ensuring that there is scrutiny of official decision making, and that enforcement action is taken to punish poor or biased decision making, is the means by which the rule of law becomes entrenched.

Accountability is also central to human rights reform and the restructuring of various types of institutional reform. It is more encompassing than the concept of rights. It has become the language of demand making, applicable even in nondemocratic systems. Whether or not human rights,

the rule of law, or new aid relationships are in effect, it is essential for all relevant actors to base their programs of institutional reform on a clear analysis of the nature of various accountability relationships, from public expenditure systems to the internal workings of anticorruption agencies. Doing so can help clarify the incentives facing various institutional actors and highlight the potential relevance of methods for improving outcomes.

Accountability also needs to be distinguished from two other much-used terms: responsiveness and responsibility. Responsiveness is the desired attitude of power-holders toward citizens: officials should be responsive to the concerns and problems of ordinary people, to listen with impartiality and fairness to divergent views, and to subject all expressions of need and interest to publicly agreed rules for weighing the merits of competing claims. Conventionally, public sector actors have a duty to be responsive to the members of the public with whom they interact but to account for their actions to their managers, who in turn account to the legislature and the executive, to financial auditors, and to higher court judges (Blair 2000).

The idea of responsibility is closely related to accountability. Like accountability, it is characterized by the lack of formal compulsion. An actor may feel responsible for taking action to improve the lot of poor people but may not be obliged to account for his or her actions or nonactions. Responsibility corresponds closely to the notion of moral accountability—being accountable to other people by virtue of a shared humanity rather than because of some formally stipulated contract that can be enforced according to an agreed set of standards. That businesses speak of corporate social responsibility rather than corporate accountability is not a mere difference of terminology. It reflects a belief that measures taken to mitigate the ill effects of business activity fall into the category of voluntary action.

Another important distinction is that between the general idea of accountability and specific versions of accountability, such as financial accountability, legal accountability, and so forth. The modifiers used in such formulations are not always consistent or helpful. For instance, financial accountability refers to the domain of activity engaged in by the target of accountability rather than any particular variation in the nature of the target-seeker relationship as such. In contrast, legal accountability refers to the nature of the instruments applicable to evaluating the domain of activity. The types of accountability are not mutually exclusive categories: financial accountability is governed by the principles enshrined in legal accountability, as well as by whatever conception of moral accountability (outside the purview of legal norms) may govern the actions of the actors involved.

Similarly, a distinction is often drawn between political and administrative accountability. The World Bank uses the following definition of *political accountability*: "Political accountability refers to the constraints placed on the behavior of public officials by organizations and constituencies with the power to apply sanctions on them. As political accountability increases, the costs to public officials of taking decisions that benefit their private interests at the expense of the broader public interest also increase, thus working as a deterrent/disincentive to corrupt practices" (<http://www1.worldbank.org/publicsector/anticorrupt/politicalaccountability.htm>). In this respect, political accountability is almost impossible to distinguish from accountability in general. It refers neither to the nature of the official (elected or administrative) nor to the nature of the source of accountability seeking (horizontal or vertical).

The lesson of this terminological confusion is that while context affects the nature of accountability, seeking to categorize accountability with the use of adjectival prefixes does little to enhance understanding. It is preferable to ensure that the stakeholders working to improve the effectiveness of political institutions work from a basic common understanding of what accountability is in general and the elements that go into making a functioning accountability system.

Institutions: Functions, Pitfalls, and Innovative Remedies

Applying these concepts and distinctions to specific institutions is necessary to make sense of why real accountability (tight control of principals over their agents, the ability of seekers to discipline their targets) is so often lacking in actually existing democracies. It is important to emphasize, however, that these individual institutions are embedded within a larger system. How each function affects the others.

Elections

Democratic elections even in mature democracies, such as France or India, often fail to create incentives for representatives to promote the interests of the poor. But why? A realistic attempt to survey the accountability landscape must assess the relative role played by six factors in any given country context, as well as the viability of taking programmatic action to bring about improvements in each:

1. *Multiple issue cleavages*: Voting is a blunt instrument with which to hold principals to account for their actions. Unless every decision is to be held

to a public referendum, electorates will have to make an overall assessment of a government's performance, allowing governments (agents) to get away with a great deal of poor (or even corrupt) decision making as long as enough voters agree with their actions on matters of greatest importance to them. In the absence of a popular referendum for each policy decision—or even each policy domain—voters must select governments that take actions across a broad range of controversial issues. A voter might agree with a party on some of its policy positions but is unlikely to agree on them all.

2. *Information asymmetry*: Voters are almost by definition not fully aware of the conditions under which government decisions are made or even about what governments actually decide, to say nothing of the outcomes of these decisions. Even when governments are not especially secretive, voters do not possess the information necessary to evaluate the performance of their public representatives; there is a limit to how informed even a vigilant citizen can be.
3. *The myth of retrospective accountability*: Some scholars argue that elections are not primarily a mechanism of retrospective accountability at all (Fearon 1999). When voters exercise their franchise, they are selecting what they believe will be a good government rather than enforcing a sanction on the incumbent government. This is partly because of an implicit or explicit understanding on the part of voters that the circumstances under which government policy is made are likely to change between successive "mandates." This undermines a purist notion of democratic accountability. Voter surveys—on issues such as the levels of perceived corruption among incumbent governments—indicate that voters cast their ballots as much on what they think a government will do in the future as on what the government did in the past. Governments have considerable discretion in framing future choices in ways that make them, and not their opponents, appear the most promising alternative.
4. *Clientelism*: The ties between elite patrons and lower-status people in clientelist systems can prevent voters from punishing errant politicians at election time, for fear of losing whatever benefits they receive as loyal clients. When voters despair of ever electing a government that will be sufficiently responsive to and effective in overhauling entrenched decision-making systems, they are likely to give their vote to the party deemed most likely to provide them a discretionary benefit—an individual subsidy entitlement (such as a government-supplied house) or a collective benefit to their locality (such as a road). They do this instead of supporting the party with the most appealing program of governance reform. In such a situation, patronage politics can be said to have triumphed over

programmatic politics. Like most vicious cycles, this is a very difficult situation to escape: incentives are strongly weighted in favor of obtaining a benefit (no matter how small) in the short term rather than holding out for systemic change that will materialize only much later (if at all).

5. *History, culture, and social structure:* Social cleavages often prevent poor people from using the ballot box as a form of sanction, even where they are a majority of voters. Where voters are polarized around issues of identity (ethnicity, caste, race, religion, sect), politicians can evade accountability for their failure to deliver services and justice to the poor. This polarization is often a product of a long-term process of identity formation, abetted by state actors as well as social forces.
6. *Credibility:* In young democracies, in which few parties have a credible record of achievement on broad poverty-reduction programs, political contenders often seek electoral advantage by developing and rewarding client loyalty through targeted spending (Keefer 2002). It is difficult for voters to coordinate in assigning rewards or penalties to politicians for performance in public services, particularly primary health care and education, because these services are complex and outcomes are hard to attribute to any one representative's (or government's) term in office. As a result, voters tend to give more credit to politicians for initiating public works projects (such as construction), providing direct subsidies for essential commodities (food and fertilizer), and increasing employment in the public sector. These sorts of public resources are most easily and directly targeted to supporters.

In addition, many countries have legally permissible avenues for influence peddling that are beyond the reach of the poor, such as lax campaign finance regulations or professionalized lobbying industries. Campaign finance laws are an important way of seeking to improve the accountability of elected officials to ordinary voters by limiting the ability of wealthy individuals or special interests to fund candidates who work to advance their agendas.

Voters in many countries are right to feel cynical about reforms to electoral and campaign finance systems that seem to have no impact on the rate at which politicians accumulate illicit earnings in office. Measures requiring parliamentarians to declare their personal assets may come with confidentiality provisions that keep that information away from the ordinary citizen. Efforts by electoral commissions to proscribe parties that engage in criminal activity or violence or to prevent politicians with criminal records from taking up their parliamentary seats may be desultory, delayed by years of legal proceedings, or directly subverted by judges who have been intimidated by criminal politicians.

Once elected, representatives can easily elude citizen demands. The link between representatives and ordinary citizens is so tentative (most legislators pay far more attention to ingratiating themselves to those above them than to the people below) and representatives often seem so little concerned about voters' sanctions (ex post accountability) that much stronger ex ante controls on the quality of parties and politicians are needed to enable voters to identify scoundrels before they get into office.

Augmenting the capacity of electoral bodies as institutions of accountability is an area that has undergone significant innovation in recent years. Nongovernmental groups have shown themselves capable of filling many gaps left by government institutions that are underfunded, riddled with corruption or partisan favoritism (a form of bias), or insufficiently independent (box 5.1). The monitoring of elections can involve the use of external actors from intergovernmental organizations (such as the Organization for Security and Cooperation in Europe or the Commonwealth), an option available not just to states whose international democratic reputation is seriously tarnished but to any country seeking additional resources with which to support a poorly functioning state apparatus.

More frequently, innovations in accountability processes related to the monitoring of elections involve domestic nongovernmental actors. Nongovernmental actors can engage in a range of activities to ensure accountability in this crucial element of representative democracy. Nongovernmental organizations (NGOs) can scrutinize the documentation filed in support of candidate nominations, even if the final determination of eligibility is retained by state entities. Where electoral rules require candidates to disclose their assets and disclose whether they have ever been charged with or convicted of criminal wrongdoing, NGOs can augment a state's capacity to verify claims or prove them false or at the very least, collate and publicize the candidates' statements in order to allow voters the chance to deliberate on their likely veracity.

Nongovernmental actors working in collaboration with state agencies can also take part in monitoring campaign and postcampaign activities involving both process and content. On the process side, NGOs can be trained to monitor and report to competent authorities on campaign expenditure within geographic districts (based on agreed indicators, consultation with suppliers, and quantification of campaign inputs such as vehicles, advertising support, and so forth). With respect to content, NGOs can collate information on candidate policy statements, campaign pledges, and party manifesto commitments, publicizing this information in accessible formats. During balloting, NGOs can be empowered to remain stationed at voting

BOX 5.1 Citizen Efforts to Improve the Electoral Process in Argentina and the United States

Citizens in Argentina have taken on some of the roles of a horizontal state accountability agency, such as an electoral commission, through the Poder Ciudadano, a civil society association dedicated to fostering cleaner political competition. The Poder Ciudadano monitors campaign finance norms, disseminates information about the assets of politicians, and accumulates evidence that can be used to expose political corruption. It has "filled the vacuum left by government institutions that were supposed to bring transparency to the electoral process but failed" (Manzetti 2000: 35).

To develop mechanisms of citizen control in elections, the Poder Ciudadano first created a database of Argentine politicians, including their professional profiles and political platforms. It then launched a project aimed at "full-fledged financial disclosure of electoral campaigns for the Federal District's city council (1997 and 2000) and for presidential elections" (Manzetti 2000: 35). This kind of transparency, which included declarations of personal assets by candidates, did not in itself provide all of the elements of accountability. But it did add an increased element of answerability to complement the process by which ordinary people could exercise an enforcement mechanism—in the form of voter choice—over their elected representatives. In this sense, the project represented a substantial step toward making politicians more accountable to public opinion by requiring them to comply with normative standards of democratic governance—turning what has traditionally been either a passive or partisan voter into an informed citizen" (Manzetti 2000: 35). Moreover, the data on personal assets could then serve as baseline information against which successful candidates' financial rectitude could subsequently be assessed by comparing their assets before election with those held after a term in office.

The Poder Ciudadano also created a methodology for monitoring campaign spending. This is ordinarily a job for an electoral commission, but where such institutions are not fulfilling this important function, a space is created for nonstate actors to assume these duties—sometimes in partnership with the state, sometimes in a bid to shame the relevant state institutions into performing their appointed functions more effectively (Manzetti 2000).

Voter education efforts elsewhere, such as the high-profile Project Votesmart in Oregon, in the United States, have not gone as far as the Poder Ciudadano in publicizing details of campaign financing or exposing excessive rates of asset accumulation by politicians. Project Votesmart created a database on more than 13,000 elected officials and candidates for office in the United States. This information covers officials' and candidates' backgrounds, issue positions, voting records, and campaign finance reports, as well as performance evaluations submitted by more than 100 conservative to liberal interest groups.

Unlike Poder Ciudadano, Project Votesmart does not engage politicians directly by asking them to declare their assets or make commitments to probity. Instead, it seeks to improve political accountability by giving citizens and the media the information they need to sanction politicians for poor decision making or criminal behavior.

Disappointingly, evaluations of Project Votesmart show that access to better information on the behavior of politicians had little to no short-term effect on voter mobilization among socially excluded groups (Steel, Pierce, and Lovrich 1998). Its failure to do so reflects the fact that information alone is insufficient to alter the social conditions that produce either political alienation or clientelist relationships, in which poor people vote on the basis of material inducements or social pressures exerted by powerful patrons. Indeed, research on democratic processes in developed countries shows that voters react to evidence about corruption in politics by becoming more fatalistic and apathetic about the value of political participation, increasingly refusing to vote (Pharr and Putnam 2000). Ex post controls on politicians (voting them out of office) do not necessarily operate more effectively when good information about their conduct in office is available to voters. Voter education is at best only a weak "answerability" tool, because it neither engages citizens more directly in public decision making nor reviews of spending nor ties information disclosures to investigative processes.

stations, to accompany ballot boxes to counting centers (or to keep watch over voting machines and data processing centers), and to observe counting along with political agents of the candidates and election officials.

All of these roles require the active collaboration of the civil service, a clear set of guidelines, multiple NGOs to prevent partisan favoritism, and extensive training. While there are risks to creating hybrid state-civic mechanisms for improving electoral accountability (as discussed below), there is considerable scope for such work to not only improve the conduct of elections (and therefore the accountability of elected officials) but also to energize civil society more generally, educate the public about the functions of specialized accountability institutions, and reduce the gap between people and their representatives.

The controls that voters exercise over politicians once in office are so weak, and the collusion of opposition legislators with the plans of a corrupt executive so cheaply purchased, that there are great limits to how much citizen engagement can improve political accountability. Substantial alteration of legal and constitutional frameworks is needed to produce more direct answerability of politicians to citizens, an alteration that might create formal institutional space for civil society groups in government, as is the case with

corporatist constitutional arrangements. Short of such radical measures, citizens have found it possible to engage in other institutions of public oversight to considerable effect, as shown below.

Legislatures

In theory, legislatures should be the forum in which government policy is reviewed, the performance of the executive checked, and the detailed operations of key government functions—in particular, public expenditure management—put under intensive scrutiny. Legislatures are notoriously open to capture, however, through both “party discipline,” which often involves subtle forms of unwarranted inducement (such as undue rewards for compliant legislators), and the buying of individual legislators by sectoral interest groups or even wealthy individuals.

Forms of bias are also evident. Institutional design often militates against deliberation on certain types of issues of concern to disadvantaged people. For example, the British House of Lords, until recently dominated by large landholders, long thwarted reform of property laws that would have given tenants greater rights in relation to property “freeholders.” The U.S. Senate—to which each state, regardless of its population, elects two senators—gives disproportionate voice to agribusiness and ranching interests based in sparsely populated western states.

Accountability in parliamentary and presidential systems

Systems for representing the popular will differ in a variety of ways. Perhaps the most obvious is the difference between presidential systems, in which the chief executive is directly elected, and parliamentary systems, in which the chief executive is chosen from among the assembled elected representatives. This difference can be found not just at the national level but at the subnational (state or provincial) and even local levels, where features of institutional design are just as consequential.

In theory, a presidential system provides a primary locus of democratic accountability. A directly elected representative under whose direction a range of executive agencies operates is in a position to ensure a kind of overall accountability, making adjustments and tradeoffs, where necessary, in order to achieve results consistent with a broad understanding of the popular mandate. In a parliamentary system, executives can be “recalled” at short notice through a vote of no confidence. Whether at the village level, where elected councils in some countries have been granted and have exercised this power, or at the national level, where threats of parliamentary action can serve to channel popular outrage into direct influence on the executive,

parliamentary systems of representation are able to keep governments on a short leash.

In practice, things are often different. In presidential systems the chief executive is often greatly hemmed in by an inability to forge agreement with a legislature controlled by a rival party or faction. This can lead to paralysis and the failure of government at various levels to fulfill its mandates. With each branch of government blaming the other, there is little real accountability. Chief executives in parliamentary systems are able to cow legislatures through skillful use of incentives: dangling the prospect of an important executive posting, supporting spending in the parliamentarian’s home constituency. A prime minister can also wield threats of his or her own.

Rule-making and oversight functions

Legislatures make laws. They codify the rules concerning what constitutes an acceptable standard of accountability. They do so by crafting the content of the rules and by establishing the means by which rules are developed. Laws that are vague, full of loopholes, or lacking in fully specified penalties (or remedies obtainable by citizens who suffer executive abuses) provide avenues of discretion for officials. The result is often corruption and the subversion of accountability.

Representative bodies are expected to debate the advisability of rule changes in ways that not only provide a forum for interest groups to pursue their interests but also frame issues in ways that indicate what is considered minimally acceptable behavior in the conduct of official business. In theory, this should help evolve collective norms against which citizens can hold their representatives accountable, through elections or other means.

Keohane (2002) notes the need for agents to account to their principals for “proposed or past behavior.” This can be thought of as the distinction between ex ante and ex post accountability. Most understandings of accountability refer only to ex post, or retrospective, accountability—the need for agents to answer questions from principals about their past actions. When this notion is expanded to include ex ante, or prospective, accountability, the possibility of keeping officials more firmly tied to the needs and wishes of citizens emerges. It is through constant engagement on public issues that legislatures can shift accountability seeking toward the ex ante end of the spectrum. Doing so is critical, because once a decision has done its damage, it is often too late to provide restorative justice.

Committee systems: information, capacity, and participation

Support from donor agencies for parliamentary institutions has a long history in the development field. Such support has taken place both through

official donor agencies and the party-linked "endowments" found in, for instance, German and U.S. aid programs. The idea is to increase the capacity of microinstitutions within legislatures to perform their tasks more effectively. The assumption often is that bodies such as parliamentary clerks' offices, party caucuses, ethics panels, and sectoral committee systems are underresourced. Another view is that they lack the systematic access to relevant information necessary to effective deliberation. There is also a concern that the rules governing appointments to committees (which often leave party managers with enormous discretion to transfer particularly inquisitive parliamentarians out of committees) are stacked against those who would use such appointments to provide accountability of the executive.

Formal efforts to improve the accountability functions of political institutions such as parliaments focus on enabling elected politicians to hold the executive to account. Conventional reforms in these areas include finance and audit acts that focus on strengthening the hand of the legislature through access to detailed monthly reports on actual expenditure, capacity building to aid the deciphering of budgets, or mechanisms to restrain off-budget expenditure. Citizen efforts to participate in processes designed to cast light on departmental operations or off-the-books spending can strengthen the hand of crusading legislators by demonstrating popular demand for probity (box 5.2).

BOX 5.2 Civil Society Achievements in Mexico, South Africa, and Zambia

The sleuthing and publicizing work of the Mexican civil society group FUNDAR, within a broad-based network called the Civic Alliance, helped bring an end to the use of a presidential secret account that operated independently of congressional approval (Kratichik 2001). After a sustained campaign, the group was able to have the secret fund abolished and other measures to improve budget transparency put in place.

South Africa's parliamentary committees are transparent and accessible to the public, going so far as to hold hearings in remote locations in order to overcome the mobility and time constraints of poor people. While these steps are positive, the right to make submissions to parliamentary committees keeps civil society in a weak "information-provision" role: no submission is guaranteed a full hearing or investigation, and civil society groups are not guaranteed full access to the information on which legislators make their decisions.

Civil society groups have also been active in Zambia. In 2000 they provoked unprecedented moves by parliament to lift the president's immunity from prosecution, freeze the presidential discretionary fund, and publicize the assets of members of parliament (www.state.gov/e/eb/afd/2005/42202.htm).

In addition, there has been an increasing tendency in recent years to develop new institutional means of exercising oversight over legislative activities. These include direct participation of citizens and their associations. One of the most well known is the participatory budget process in various municipalities in Brazil (box 5.3).

BOX 5.3 Does Participatory Budgeting Increase Accountability in Brazil?

In Brazil the Workers Party has been promoting participatory budgeting at the municipal level since 1988. The process gives groups of citizens a direct say in how local funds are spent and institutionalizes their role in monitoring the execution of public works and reviewing actual spending. It has tended to be most effective where the Workers Party has been in charge of city government, particularly in Porto Alegre and Belo Horizonte.

Participatory budgeting is a multistep annual exercise involving city residents both directly and through neighborhood representatives in a cascading system of public assemblies and sectoral committees. These bodies establish spending priorities for basic capital investments (paved roads, drainage and sewage, school construction) in their own neighborhoods.

Citizen engagement in monitoring public works has led to much higher levels of efficiency in executing physical projects (Navarro 1998). Whether this system endows participants with the legal and technical capacity to audit past expenditures remains unclear from published accounts. While "reviews" of previous budgets are conducted at the beginning of each planning year, the process is undertaken at huge assembly meetings and therefore does not permit the degree of disaggregation necessary to audit the many spending decisions involved in capital projects. Also unclear is how far spending information is broken down, whether participants have a right to demand spending details for every project, and the extent to which the monitoring of public works involves close inspection of the quality of the inputs, their technical appropriateness, and other relevant factors by members of the Participatory Budget Council, which is responsible for assembling the municipal budget.

Recent research has found additional problems with augmenting formal institutional accountability with these kinds of methods. While expanding citizens' roles in participatory decision making can bring them more directly into key processes, "these institutions could also undermine municipal councils' ability to curb the prerogatives of mayors" (Wampler 2004: 79), hindering the capacity of an elected representative body to undertake key accountability functions. "Mayors have differing capacities to implement their policy preferences, and this greatly affects how accountability may be extended" (Wampler 2004: 82).

Political Parties

The impact of electoral rules

It is very difficult to pin down the influence of specific institutional differences on the patterns of accountability generated by political institutions, because there are many possible combinations of different variables. A presidential system, for example, can use a single-member simple-plurality system or any one of several proportional representation voting systems. Different party structures can exist within each of these various permutations. Moreover, relations with other kinds of accountability actors (such as civil society and the judiciary) can have a significant impact on the ultimate outcomes achieved.

Bowen and Rose-Ackerman (2002: 202) find that “if party discipline is relatively high in a presidential system and if courts and civil society are weak, then executive oversight will be relatively more politicized”—that is, more likely to operate along party lines. The downside of this outcome is that efforts to produce accountability—including specific charges of malfeasance—can be more easily dismissed as motivated by political gain. This proposition is supported by the experience of Argentina, a presidential system with closed-list proportional representation, where corruption investigations are easily branded partisan. In contrast, oversight of the executive tends to be significantly less partisan in Brazil, which has a presidential system with open-list proportional representation; in Germany, which has a parliamentary system; and in the United States, which has a presidential system and single-member simple-plurality system. Investigation into the qualitative dimensions of politics in these kinds of countries would be required to derive more sensitive conclusions of relevance to other national contexts.

The importance of the larger civil society context

Conceptually, political parties are usually located outside of civil society, in a domain sometimes referred to as “political society” (the distinction resting on the fact that parties, while nonstate entities, seek direct control over state institutions). But the nature of the civil society context within which they operate is of fundamental importance to their ability to act as political institutions capable of securing democratic accountability.

In some places many of the largest “civic groups” are in fact functional associations affiliated with major political parties. These groups have been a major feature of India’s civil society, for instance. The ability of these groups to act independently is often constrained: the numerous organizations connected to almost every political party—the women’s wings, student federations,

trade unions, farmers associations—have usually lacked autonomy.² In this respect, ironically, India resembled authoritarian regimes such as Indonesia and Vietnam. When NGOs were legalized in these countries in the early 1990s, one of the main challenges they faced was to pry themselves loose “from the state-controlled mass organizations to which they are loosely affiliated” (Clarke 1996: 6).

The ability of civil society organizations to contribute to the accountability function played by political institutions such as parties depends on various structural features of civil society. Scholte (2004) identifies six features that influence the ability of civil society to make this kind of contribution:

1. Resources, including but not limited to financial backing
2. The social and political networks within which civic groups are embedded
3. The attitudes of official institutions with which they must interact
4. The nature and composition of the media on which groups rely for amplifying their messages and exposing any misdeeds their research and investigations may identify
5. The prevailing political culture (“the established ways that questions concerning the acquisition, allocation and exercise of power are handled in a given social context”)
6. The accountability of civil society itself.

While Scholte focuses on the processes of global governance, these features are applicable to domestic policy domains as well. It is not difficult to grasp the importance of the relation between political parties and civil society in determining the ability of civil society to undertake the four roles that Scholte sees as possible for civil society in promoting accountability: increasing public transparency of governance operations, monitoring and reviewing policies, seeking redress for mistakes and harms attributable to public authorities, and advancing the creation of formal accountability mechanisms.

²¹Specialized Accountability Institutions

In theory, specialized accountability institutions are meant to be separate and distinct from political institutions—indeed, this is supposed to be one of their great advantages in promoting greater accountability. In practice, they are often captured by partisan elites. For this reason they are a necessary element in this chapter’s discussion of the role of political institutions in improving accountability.

The autonomy of investigative agencies

There are as many difficulties with horizontal channels of accountability as there are with vertical channels: institutions of oversight are as ineffective in producing real accountability as elections are. While many of these difficulties stem from the peculiarities of institutional design, the central problem is that horizontal institutions of accountability are themselves agents working on behalf of principals (ordinary people), who have difficulty keeping track of them. It is therefore not surprising that the same principal-agent problems that afflict the relationship between people and their governments are found in the relationship between people and the oversight institutions allegedly working to keep political and bureaucratic agents in check.

There are considerable incentives for auditors charged with keeping tabs on government doctors, for instance, to collude with those over whom they are supposed to exercise oversight: in exchange for allowing abuses to go unpunished, auditors can obtain a share of the rewards enjoyed by doctors who abuse their authority (by charging patients for treatment that should be free, by stealing medicines and selling them on the black market). Horizontal institutions, while a necessary element in a democratic political system, end up begging the perennial question "who will watch the watchdog?"

Australia, Hong Kong (China), South Africa, Sweden, and Uganda have had varying degrees of success using dedicated horizontal channels of accountability provision (Coldham 1995). Countries in the early stages of the transition to a more liberal form of politics, especially those emerging from civil conflict, face additional hurdles to making such institutions work effectively.

El Salvador and Guatemala are among the countries in this category that have sought to build institutions to support the rule of law (Dodson and Jackson 2004). The judicial branch of government in both countries was widely seen as riddled with corruption and open to political influence along partisan lines. This undermined one of the key institutions responsible for checking the abuse of power by executive bodies and the legislature (including the legislature's own specialized accountability agencies, such as the public accounts committee).

To pick up the slack, a new agency, the Human Rights Ombudsman (HRO), was created in each of the two countries. Partly as a result of the way in which the agencies were created, they were likely to be undermined by many of the same ills that caused existing bodies in El Salvador and Guatemala to fail (Dodson and Jackson 2004). The reasons for failure varied. In El Salvador rather than lacking independence (a frequent institutional shortcoming of such bodies), the HRO may have been too isolated: "the ombudsman's office

drifted towards becoming an island within the Public Ministry" (Dodson and Jackson 2004: 2). In Guatemala the main problem appeared to be the indifference of key players rather than outright hostility. This indifference emerged in a context in which organized and sporadic violence was on the rise after a number of years of relative calm.

Despite their differences, the structure of government in both El Salvador and Guatemala shared two common problems. The first was the "legacy of centralized, compartmentalized bureaucratic authority [which] remains an obstacle to creating horizontal accountability" (Dodson and Jackson 2004: 15). The second was, ironically, the weakness of the judiciary itself: without courts to back up the HROs' constitutional authority when prosecuting cases, there was little chance of these bodies fulfilling their mandate to fill the accountability void left by compromised judiciaries.

The politicization of specialized agencies

Oversight or regulatory agencies often fail to take action to investigate abuses of power in the public or private bodies over which they exercise jurisdiction, for reasons of both capture and bias. Audit offices, environmental protection agencies, electoral commissions, equal opportunities bodies, labor standards offices, and even anticorruption commissions can underperform in response to capture by political leaders or interest groups. The nominal independence of these specialized accountability institutions is undermined in practice when governments fill them with people who will turn a blind eye to official malpractice, either because the people in question are themselves biased or because they seek undue rewards. Oversight bodies designed to preserve professional standards, such as medical or teaching associations, may fail to demand answers of public authorities (including those in their profession acting in a public capacity) because of internalized and largely unremarked biases that prevent detection of certain types of abuses, such as abuses of the rights of subordinated groups.

Judiciaries suffer from capture when court officials subvert official operating procedures to benefit bribe-payers or when judges lack autonomy from the political executive and respond to political agendas. Biases are built into judicial proceedings. Their formal impartiality offers little protection for the poor when access is limited by their inability to purchase legal representation, travel to court locations, or understand the language spoken in judicial proceedings. More insidious and less obvious biases are also common: courts routinely discount the testimony of certain categories of plaintiff, such as women or the poor, especially when they press charges against powerful social actors. Elite biases are reflected when crimes committed

BOX 5.4 Political Interference in Prosecuting Corruption in Malawi

Fairly clear-cut cases of corruption were put on hold in Malawi in 2001–02 because of executive intervention. The partisan behavior of the Speaker of Parliament, who hailed from the ruling party, further undermined confidence in legislative oversight as a tool of accountability. The Public Accounts Committee of Parliament compiled its first serious reports on the misuse of government funds. Its findings were not acted upon by the relevant enforcement agencies.

This syndrome is not confined to Malawi. When aid-dependent countries are pushed to crack down on corruption, it is often those who are out of political favor that become scapegoats. This hardly reinforces the idea of the impartial rule of law.

Source: Jenkins and Tsoka 2003.

largely by the poor, such as petty theft, are investigated with more alacrity than are elite crimes, such as tax evasion. More important, the work of these state accountability agencies is still very much constrained by political interference from the executive (box 5.4).

Civil Service Accountability and the Political Process

Reporting and management systems in the civil service make subordinates accountable to their superiors. The result is often capture. Under pressure to please their bosses, lower-level officials—regardless of their inclinations—are often obliged to collude in the abuse of public office in order to retain their jobs, to avoid punishment transfers, or even to ensure that they are not themselves charged with corruption. Classic abuses include buying and selling positions in bureaucratic hierarchies, obtaining undeserved promotions, and subverting competitive procurement procedures. All of the mechanisms provide officials with illicit income.

Antipoor biases pervade various aspects of accountability systems within public bureaucracies. Without a direct or explicit mandate to serve the poor, even well-intentioned officials who seek to do so may find it impossible to work against the grain of official incentives (as opposed to political pressures, which would constitute capture) that compel them to focus on other, better-connected constituencies.

The consequence of these forms of bias and capture is that putatively public goods, even those as basic as the maintenance of law and order, can be dispensed as favors rather than as entitlements, making citizens not rights-holders but supplicants. Public expenditure management systems

that make only notional connections between the spending proposals of line ministries and actual spending patterns, that fail to prevent extrabudgetary spending on the military or perks for top politicians, and that lack adequate auditing mechanisms to expose these deviations are examples of the capture of public resources. While outright capture can itself cause ex ante resource scarcities, elite biases in decisions about how to allocate limited resources can also be the cause of antipoor distortions in public spending. Decisions about taxation and the mobilization of resources may favor the wealthy but result in inadequate revenue for the polity in general. These kinds of biases in the management of public finances may go entirely unchecked in formal audits because they represent sanctioned expenditure, not theft.

One way of overcoming some of these problems is through results-oriented management schemes, in which promotion and pay increases are linked to specific outcomes. These programs can also be abused, through favoritism or a failure to fund them sufficiently.

It should, in theory, be possible to overcome the subversion of performance-contract and results-based-management-type systems by instituting additional layers of oversight.³ Civil service commissions are one example of a mechanism for counteracting the political subversion of performance-based management reforms. The idea is that decisions about how civil servants are assessed should be left to a completely independent commission composed of people who are immunized from political pressure. This model is followed in many countries, with the extent of the civil service commission's powers varying enormously. In some cases they are responsible mainly for recruitment to the civil service, setting norms and implementing examinations. Occasionally, they play a role in determining terms and conditions of employment, in which case they help determine what constitutes acceptable performance.

In the past several years, efforts have been undertaken to endow some civil service commissions with a more prominent role. In the process of seeking to create an institutional environment within which its Poverty Reduction Strategy could effectively be implemented, the government of Malawi (with assistance from the World Bank and other donors) began to examine additional means of improving its system of public expenditure management. By 2001–02 public expenditure management reform had been in process for several years, with very mixed results. The government's own Medium-Term Expenditure Framework review identified a range of problems (Government of Malawi 2000). The most important of these was that patterns of actual expenditure often bore little resemblance to the budget. Shifting spending between budget heads was a frequent occurrence.

Expenditure ceilings were violated with impunity and on a regular basis by line ministries and other government agencies.

Reforms that delve deep into the institutional substructure of financial management were proposed in Malawi's 2001 Public Expenditure Review. These included performance contracts for senior civil servants linking personal emoluments to their ability to adhere to proper financial management practices. But policy makers recognized that this would not go far enough. Another World Bank proposal was to expand the role of the Malawi Public Service Commission, as a way of insulating senior officials from political pressures exerted by powerful forces in the ruling party and cabinet. Government officials, including the finance minister, openly embraced the need for such changes (though not always agreeing with the details of specific World Bank proposals) and agreed to implement some of them as part of Bank and International Monetary Fund lending arrangements. The results require further analysis.

While these innovations represent an attempt to bring fresh thinking to a chronic problem, they encounter an intractable obstacle: it is very difficult to devise a mechanism to ensure that public service commissioners will be as independent as is necessary. If the powers of the commissioners to override political decisions are substantial, politicians will naturally seek to fill these posts with pliable people—perhaps even people who are themselves corrupt and therefore easily manipulated by threats of exposure.

Economic Liberalization and the Reduction in Clientelism

Liberal economic reform is commonly considered a key ingredient in any recipe to undermine clientelism. Market-based reform is supposed to strike at the heart of the political machines through which electoral support is cultivated. By this logic, clientelist relationships—in which the government machinery is used to reward those who supported (or are likely to support) the winning party—are undermined by the relative decline in the state's involvement in economic decision making and the concomitant rise of market forces.

To understand how clientelism may or may not be affected by shifts in the economic policy regime in ways that improve accountability, it is necessary to devise a more complex model of patron-client relations than is often used, one that considers a much wider array of influences. Although, as Waterbury (1977: 329) argues, "one cannot advance irrefutable, generally accepted criteria by which to establish what patronage is and when (not to mention how) it becomes something else," it is nevertheless important to

identify as many facets of the phenomenon as possible. At a minimum, a model of how clientelism is changing in response to liberal economic reforms should incorporate, and therefore reflect an appreciation of, the five factors outlined below.

Expenditure and nonexpenditure forms of patronage

Discussions of the relative opportunities for patrons to engage clients in reciprocal political relationships tend to focus on the delivery of material benefits, usually in the form of access to goods and services distributed through large government programs, such as employment-generation schemes, house-building subsidies, and credit programs. Because these are measurable goods, they offer a useful proxy for the degree of discretionary control available to state officials and their political bosses. There are also rules for how these schemes are implemented, which indicate the number and type of individuals involved, the period over which expenditures are made, and even the location and profile of beneficiaries. Government jobs are a classic form of patronage, routinely steered toward supporters of the politicians with a say over who gets hired.

Other types of discretionary decision making can be as important, if not more so, to the maintenance of patron-client ties between politicians and voters. At the local level, for example, the police can be used to favor political followers. The use of this kind of nonexpenditure form of patronage goes well beyond the police, however, to include the larger set of institutions required to administer the law and resolve disputes. The management of labor disputes, for instance, is an extremely important service that patrons can provide on behalf of their clients. To the extent that economic reforms create frictions that require adjudication—formal or informal—between competing claimants for resources, opportunities for mediation arise that may help substitute for some of what is lost in terms of the capacity to direct state patronage in biased ways to political followers.

The changing role of intermediaries in patron-client relationships

The nature of patron-client relationships can vary, and it can be influenced by various factors. Khan notes the numbers of potential clients, which can affect their success in organizing collective action in bargaining with patrons, as well as the homogeneity of clients. Relatively heterogeneous client groups may present higher transaction costs for patrons, leading to a preference for more homogeneous groups, "even if others may notionally have been willing to pay more" (Khan 1998: 25). He also cites the institutions through which patrons and clients interact and the relative power of patrons and clients.

Better understanding of the crucial link political fixers play in subverting accountability can provide clues to the way clientelism may be changing as a result of economic reform. Krishna's (2002) research on India is potentially useful in fleshing out what are often rather stripped-down models of clientelist politics. More complex models should also make it easier to appreciate changes in the operation of clientelist politics and links between any such changes and wider shifts in economic policy.

Political intermediaries play two different roles. They work as "administrative fixers" (dealing with government business on behalf of individuals) and "political brokers" (extracting promises from politicians in exchange for a group's collective vote). These roles can also be seen as functions relating to retail and wholesale politics. Rather than asking, in any given country context, whether clientelism is on the decline, one can ask whether shifts are evident in one or the other of these two roles for clientelism's intermediaries.

It could be hypothesized, for instance, that if economic reform reduces the discretionary power of elected and bureaucratic officials, the two roles will change in tandem. For example, the relationship between a local intermediary (as political broker) and the elected representative will influence the intermediary's access to the state bureaucracy and therefore his or her performance as an administrative fixer. Other intervening variables may also affect the degree to which such a relation between the two roles might hold true.

A second issue is the extent to which traditional elites monopolize both the administrative fixer and political broker sectors and nonelites face high barriers to entry. While ridding a political system of fixers entirely is optimal, opening up the market for "fixer" services to nontraditional players may be a step in the right direction. Indeed, this commonly happens when societies are democratized and access to education and social mobility spreads. The resultant liberalization of the market for fixers can come as a boon to consumers of these services, who now have a choice of providers.

When it comes to the political broker role, increasing the supply of intermediaries may have more ambiguous implications. More intermediaries could increase the number of political entrepreneurs offering party leaders their services as wholesale vote brokers for their localities. Paradoxically, this proliferation of middlemen may undermine this variety of clientelism, because any increase in the number of political brokers claiming the ability to deliver a preponderance of a locality's vote could be expected to reduce the mean level of broker credibility. It could thus be hypothesized that the less politicians trust their ability to correctly select the most credible broker, the less stock they will place in the value of clientelist politics. Over the longer term, then, wider participation by a broader array of political brokers (while

not the textbook solution to nonaccountability) can undermine the basis of clientelist politics by reducing the expected return (to politicians) from vote-brokering transactions.

What counts as reform?

Because of the rhetorical claims of liberalizers, it is often assumed that reformist energies are put in the service of increasing the exposure of economic activity to market forces. Many "market" reforms are, in fact, riddled with patronage. (This is distinct from the argument that under-the-table payoffs are used to compensate powerful economic interest groups who object to reform.)

What do voters consider "policy"? When incumbents are voted out of office after a spell of reform, are voters voting against neoliberal economic policy reform or something else, such as the many other administrative and institutional reforms undertaken by governments? Some initiatives are introduced in the name of supporting market-oriented reform, but many are justified on the general need to improve the citizen-government interface. Indeed, many reforms that draw the ire of voters are in fact governance reforms (such as the creation of participatory development committees to manage rural development schemes) and not necessarily of a market-leaning sort. Political influence is often brought to bear to steer key posts in these complex undertakings to party loyalists or unaffiliated groups whose loyalty can be purchased.

A major problem in the study of the impact of economic reforms on clientelism is that there is more than a fair bit of analytical bait-and-switch going on. In addition to inviting private sector investment from domestic and foreign firms in a large range of sectors and undertaking a number of other generally market-friendly economic reforms, many ostensibly reformist politicians pursue a large number of administrative and other organizational reforms. Some of these reforms focus on internal government procedures; others involve large-scale changes in program design and the structures through which high-profile government initiatives were implemented. For many voters who might be assumed to be interested in undermining clientelist politics (in the name of enhancing the accountability of elected representatives to ordinary people), these types of reforms (which have little direct connection with "liberalization") would likely have been the most visible manifestation of government policy change, although they might nevertheless be reported in election survey results as disaffection with "neoliberal" reforms.

Why does this matter? It may be that what causes reforming governments to lose power is not market-oriented policies but various governance

reforms that are viewed as a strategy by which a reformer seeks to maintain control over the political instruments necessary to operate within the confines of what Chandra (2004a) has labeled a “patronage democracy.” If this is the case, a different set of analytical vistas opens up. As Chandra argues:

a “patronage-democracy” [is one] in which elections have become auctions for the sale of government services. The most minimal goods that a government should provide—security of life and property, access to education, provision of public health facilities, a minimum standard of living—have become, for large numbers of people, market goods rather than entitlements. This is a violation of modern norms of governance. Worse, this violation affects citizens unequally. And worst of all, this violation has become routinized in everyday imagination, so that it is now no longer perceived as illegitimate.

The fact that political favoritism can exist on such a massive scale and that fairly naked clientelist politics is a pervasive feature of political life in many developing countries surely has an impact on both the willingness and capacity of individual political actors (presidents of aid-dependent countries contemplating various reform-inflected policy mixes, for instance) to effect a transition to a “programmatic” form of political competition (in contrast to a clientelistic form), to use Kitschelt and Wilkinson’s (2006) terminology.

The reasons why such leaders sometimes find it hard to translate these approaches into durable electoral support (and hence turn toward more authoritarian methods) may be that they are unsuccessful in devising a party instrument sufficiently disciplined and sensitive to deliver patronage in politically efficient ways. When such leaders take steps to liberalize their economies and then lose political support, it is often assumed that they have strayed too far into programmatic politics. However, it is also possible that they were simply incapable of building an organization with which to play the game of clientelism effectively—that is, to offer rewards and dole out punishments in a politically optimal fashion. This is in some ways not surprising, as parties in nonconsolidated democracies are notorious for being highly centralized, which means that the information flowing up the system to party leaders is severely impeded. The lesson of electorally unsuccessful liberalizers in the developing world may be that intraparty democracy could have helped create parties more efficient at distributing patronage.

The effect of a jagged reform trajectory

A jagged reform trajectory, such as that which has characterized many liberalization programs in developing countries, may make it difficult to classify policy decisions as either patronage or public goods. The talent

shown by many developing country leaders for infiltrating every corner of the state with party followers is both loudly deplored and (sotto voce) grudgingly admired by their political enemies. Rewarding followers in clientelist fashion—rather than remaining accountable to voters at large—is even possible when pursuing such classically liberalizing reforms as commercializing key infrastructure sectors.

Reforming the power sector, for instance, often involves breaking up a state monopoly into commercialized generation, transmission, and distribution units and introducing a phased program of metering usage and increasing prices across all user categories. Moving toward remunerative pricing does not always (perhaps not even usually) take place on an impartial basis. Some users are exposed to the market, while others are effectively shielded, with officials often targeting those associated with opposition parties who refuse to defect to the ruling group. Political opponents and their clients may find their properties getting metered before others do and can be subjected to more insistent demands for payment of flat-rate fees. Cost recovery on upgrading equipment can also be passed on to these customers, while the more politically compliant get treated far more leniently.

This kind of “market clientelism” is consistent with what one would expect of clientelist politics in a patronage democracy. A key analytical problem is that clientelist politics is often miscatalogued as programmatic politics, because in many cases market-based liberalization is the continuation of clientelist politics by other means.

Ironically, were an opposition party to seek electoral support by promising to do away with user charges if elected to power, it might be charged by foreign donors as engaging in populism, but it would not (technically speaking) be engaged in a return to clientelist politics. In fact, it would be undertaking a programmatic gesture, albeit of a nonmarket variety. Free electricity (if promised by a party in power as a reversal of a user-charge policy) would be a nonexcludable good that would, in theory, apply to all users, regardless of the party they supported. This example reveals the difficulty of relying on familiar categories to analyze the way in which policy change may or may not lay the basis for reducing clientelism and increasing accountability to voters.

Principal-agent difficulties in patronage distribution

Some politicians may find clientelism unreliable as a political strategy and therefore avoid it, increasing accountability to the electorate. They may perceive the strategy as unreliable, because political parties are too centralized or because the bureaucracy is imposing corrupt charges that

make voters feel they have to pay for government favors twice—once with their votes and once with cash. If one views political leaders as principals and bureaucrats as agents, politicians are faced with a potentially fatal agency dilemma: is what threatens clientelism as a vote-winning formula the shift away from jobs for supporters and toward a cash economy for corrupt favors? If it is, it would represent a delicious irony, insofar as the most potent form of marketization to have taken place during the era of structural adjustment in many countries may well have been in the area of corruption.

It is plausible—based on anecdotal evidence from a range of countries—that it is the capture of resources by (bureaucratic) agents that thwarts the (political) principal's aim of buying over vote-bearing individuals. It is tempting to see this as a hopeful harbinger of change—indeed, a much deserved comeuppance for both the politicians and bureaucrats who have long benefited from the system of discretionary control on which clientelism rests. But this may be wishful thinking. If capture by bureaucratic agents is indeed viewed by political principals as one of the key constraints on the effectiveness of clientelism as a political strategy, politicians may invest in new systems for keeping tabs on these agents—which arguably is what politicians in many countries are doing in seeking to “professionalize” their parties, without necessarily democratizing them—rather than in new policies that reduce discretion and deliver public goods.

In other words, the more a politician regards an electoral defeat as mainly a flaw in the principal-agent wiring of his or her political machine rather than a reflection of tectonic shifts in the conduct of electoral politics—toward demands for greater accountability, more programmatic politics, or the provision of more public goods—the less likely he or she is to invest in policies and organizational structures that declientelize politics. While there is a market orientation to many policies that seek to reduce the prospects for official discretion in the allocation of resources, not all such declientelizing policies are about the spread of markets.

Key Trends Affecting Efforts to Improve Accountability Systems

Many trends can affect the nature of accountability relations. This section addresses trends that seem to have the most direct bearing on the prospects for reform of accountability institutions in low-income countries in which democratic institutions are in the process of being consolidated.

Changes in the Roles Played by Key Actors in Accountability Relationships

The roles played by various actors in accountability relationships are in a state of flux: ordinary people are less and less inclined to rely on oversight institutions to carry out accountability functions; they want to get involved directly. Ordinary citizens want to monitor the monitors, in some cases playing a formal role in such processes as auditing expenditure, reviewing proposed legislation, and assessing the environmental impact of government and corporate projects.

When this formal role is not open to them (because of legal prohibitions or practical constraints), civic groups often seek to perform this watchdog function in a quasi-formal manner—by holding informal public hearings, issuing reports, calling press conferences, and seeking to canvass voters' views. The ability to get involved in these ways has been facilitated by increasing demand (partly a function of spreading democratic culture) as well as increasing supply (most notably in the form of access to official information, obtained either legally, through freedom of information provisions, or through other means, such as leaks by sympathetic civil servants). The ability of such groups to disseminate their findings through nonconventional media (particularly e-mail lists, Internet discussion groups, and Web sites) has also contributed to this process.

Because of this increased role for civic groups in monitoring the monitors, or substituting for ill-performing official watchdog agencies in some cases, it is not surprising that civic groups themselves have become targets of accountability seeking by a range of constituencies, including public officials. Public officials may have genuine concerns about the accountability and motives of nongovernmental watchdog groups, or they may seek to deflect attention away from their own misdeeds. Either way, who plays the role of target and who the seeker is much less predictable than it once was. Ad hoc arrangements, with overlapping mandates and duplicated efforts, rather than a formal integrated system of checks and balances conforming to a master design, are increasingly the norm.

Changes in the Methods Used to Hold Power-Holders Accountable

The methods of holding power-holders accountable have also changed. This trend is related to the first insofar as the new roles of actors in accountability relationships—particularly the increased profile of nongovernmental actors in official processes—tend to influence the methods used to promote

accountability. For instance, the practice of issuing nonofficial survey-based report cards, not only on public service delivery agencies but on the performance of individual elected officials as well, is designed to contribute to several different accountability processes. Report cards help educate voters about the performance of politicians, in theory influencing the way in which voters cast their ballots at the next election. They also provide an incentive for legislatures to demand accountability (in the form of holding legislative hearings, for instance) from executive agencies whose scores on such ranking exercises are below par. Report cards can even help spur public interest litigation by other private groups.

Similarly, the changing legal and institutional landscape can provide new methods of holding powerful actors accountable. These may or may not be more effective than earlier methods, but their existence changes the pattern of activity among accountability seekers while altering the incentives facing the targets of accountability. For instance, regulatory bodies to manage private sector activity have emerged in certain sectors across the developing world. The specific provisions in these bodies that allow (or disallow) members of the public to make representations about the performance of firms operating in a sector within the regulator's remit can provide opportunities for accountability seeking. To the extent that the regulator possesses the power to enforce sanctions on firms that have not upheld their public service mandates, such processes are potentially promising avenues for greater accountability, especially where the regulator is more independent than the government department that had previously managed (or indeed provided services itself to) the sector concerned.

Changes in the Standards to Which Power-Holders Are Held Accountable

Implicit in any discussion of accountability is the question, "What is the actor—public or private—being held accountable for?" That is, what is the relevant standard of accountability? This question is difficult to disentangle in practice from the earlier two trends, which involve changing actor roles and changing methods. If the method involves grievances submitted to an independent regulatory body, the relevant standard is likely to be defined restrictively by the legislation under which the regulator operates. It might, for example, concern only monopolistic practices rather than the quality of service provision, if the guiding legislation assumes that service quality is a matter for the market to determine through the mechanism of consumer choice.

There are two aspects to the issue of standards. The first concerns the level of performance: how well accountable actors must perform in order to avoid sanction. There appears to be a trend of more minutely calibrating performance measures, through benchmarking, targets, and other management tools. Whether or not these measures are appropriate or sufficiently linked to enforcement processes, taken together they represent an inter-linked set of concerns relating to standards.

The second aspect of standards that is undergoing profound change is the actions the target should be held accountable for. The most important development is the increasing emphasis on outcomes as opposed to processes. Adherence to a set of procedural norms was once considered sufficient to demonstrate that an accountable actor operated in conformity with his or her remit. Actual outcomes are now increasingly seen as the relevant measure by accountability seekers. This shift in the standard employed cannot be separated from the question of the methods used (which can be more or less geared to outcome measures, depending on preference) and the changing nature of actors: when a wider array of accountability seekers is involved, including ordinary people who care more about outcomes, standards are likely to shift.

The Impact of Changing Aid Modalities and Donor-Government Relations

The relationship between donor and recipient governments has undergone important shifts since the late 1990s. The "new aid modalities" are the centerpiece of this shift, manifested most visibly in the proliferation of national poverty-reduction strategies.

The Paris Declaration of March 2005, issued under the auspices of the Development Assistance Committee (DAC) of the Organisation of Economic Co-operation and Development, committed donor governments and multilateral institutions to increasing the proportion of resources channeled through the national budgets of aid-recipient governments.⁴ The objective was to reverse two longstanding aid trends: the conditioning of aid on the implementation of reform measures prioritized by donors rather than recipient governments and the emphasis on shrinking developing country states instead of augmenting their capacities. These are worthwhile aims, which reveal refreshing candor about the ruinous impact of more than 20 years of externally imposed market reform. That government-to-government arm-twisting seldom yields the desired developmental results⁵ and that it is possible to reduce the scope of state activity while still increasing the state's ability to undertake essential tasks⁶ are important insights.

The new aid consensus focuses on improving policy and governance in aid-recipient countries on the state as a unitary entity—that is, on a state as a whole rather than on parts of a state (such as an executive department, a region, or a semiautonomous institution). It is especially fixated on developing countries' national budgets (and associated antipoverty plans) as the key instruments for effecting lasting change. The laudable intention is to shore up state capacities in developing countries, to instill a sense of national ownership over their development strategies, and to reduce the transaction costs (and policy conflicts) that arise when aid-recipient governments must answer to a large number of donor agencies, each with its own priorities and reporting procedures.

There are accountability implications to the new aid consensus. Most notable is the idea—noted in the Paris Declaration—that donors should also be accountable for fulfilling their commitments with regard to the predictability of finance, the alignment of priorities with national poverty plans, the reduction of conditionality, and so forth. This is the idea of mutual accountability. Allied to this notion—and in a sense a logical corollary to it—is the idea that responsibility for holding aid-dependent governments accountable would be shifted away from external actors toward domestic constituencies and institutions.

The long-term impacts of this paradigm for accountability are very difficult to gauge. The reaction of civil society in many countries that have developed poverty reduction strategies (and worked with donors to increase budget support and reduce conditionalities) has been encouraging, in that it has formed structures for engaging in both policy dialogue and coordinated protest on issues of substance and process. But there is an element of wishful thinking in assuming that the new aid relationship will result in the emergence of domestic political leverage sufficient to hold government (or donors) accountable for their commitments. Civil society remains extremely weak and fragmented in many aid-dependent countries, and government remains highly suspicious of the more vocal elements within its ranks.

The connection between improved governance and the process of developing national poverty strategies in the formal arena—that is, state accountability institutions—has varied from country to country. In many countries the preparation of such plans provided an opportunity for a small group of parliamentarians to become involved in substantive questions of oversight, but the number of legislators committed and capable enough to engage in these sorts of processes over the longer term is tiny. Budgets for parliamentary committees often remain miniscule.

Resources for other state accountability institutions have increased in some countries, but their work is frequently constrained by political interference from agencies controlled by the executive. Moreover, arrangements for monitoring commitments made under the new aid modalities emphasize the need to involve civil society in a central role—either officially (in a partnership with government machinery) or unofficially (through a parallel process independent of the state-operated system for tracking progress on antipoverty indicators). Given the current weakness of civil society in many aid-dependent countries, unofficial arrangements will likely prove the more effective mechanisms over the long term, given civil society's need to develop independence from the state. Civil society groups would nevertheless continue to rely on substantial external assistance for a large proportion of the funds required to carry out such monitoring. In light of the likely political and institutional inadequacies of whatever arrangements for monitoring the implementation of antipoverty strategies and the outcomes produced by them are adopted, donors will need to continue their own monitoring and financial oversight mechanisms over the medium term.

Opposition to Innovation

Attempting to improve accountability by innovative means leads to various problems. These can take the form of principled objections to efforts to reform institutions, on the basis of hypothetical arguments as well as empirical evidence. They can also take the form of political backlashes from actors whose access to power or resources is threatened by reform. The more difficult problems faced by those seeking to reengineer accountability relationships are those that arise when vested interests ally with principled opponents of reform efforts on the basis of theoretically plausible but empirically untested criticisms. Two such points of convergence have given rise to backlashes that innovators need to anticipate—both because there may be substance to the claims advanced and because even if they are motivated by privilege rather than principle, it is necessary to develop a reasoned rebuttal.

Constant reinvention of accountability is costly

The first criticism of efforts to reengineer accountability systems is that accountability is costly: designing systems of oversight and staffing them with competent people, engaging in continuous ex ante consultation, supplying information to a wide array of constituencies, and assessing claims of malfeasance all require considerable resources. These are the direct (transaction) costs of accountability innovations.

Indirect costs include the inefficiencies that arise from delayed decision making, the introduction of veto points that stymie efforts to bring about important policy shifts, and the uncertainty that arises in the minds of economic agents (investors, employers, consumers) when oversight introduces additional levels of clearance for what otherwise may have been straightforward decisions. This is not the same thing as arguing that corruption is efficient, an argument that has fallen out of favor in recent years. The argument here is that there is a point at which efforts to combat corruption (or indeed bias) can prove counterproductive.

A variation of this argument concerns the process of reform: if accountability seeking is expensive, the constant reinvention of accountability institutions is even more so. Reengineering oversight processes, recalibrating performance contracts, reconstructing reporting relationships all come with a price tag, in both designing these new systems and teaching targets and seekers of accountability to operate within them. Some civic organizations believe that reinvention may help the corrupt more than those seeking to hold them accountable if the constant changing of norms and procedures means that officials can plausibly claim that they were unaware of the new rules and thus find a convenient way of justifying their abuses of power.

Parallel systems undermine state development

Opponents of innovative ways of increasing accountability often argue that efforts to improve accountability often put nongovernment actors in prominent roles, which can undermine the proper development of state capacity. Substituting nonstate actors when state capacity is weak may be tempting, but it is shortsighted: bypassing poorly functioning state institutions can lead to further atrophy of official organs.

There may be some merit to this claim at certain times and in certain places, especially when efforts are not made to build up state institutions through other means. However, it is just as plausible that alternative methods and channels of promoting accountability can act as a spur to state institutions, injecting an element of interinstitutional competition that can increase overall accountability performance. This is an empirical question, not one that can be determined by appeals to the general principle that innovative alternatives automatically disempower the state.

Diagnosing Accountability Failures in Political Institutions

The following four-step procedure may be useful in diagnosing what is preventing political institutions from playing a more constructive role in

securing accountability, identifying ongoing obstacles to change, and specifying potential catalysts of improved accountability.

Step One: Describing the Problem in Outcome-Oriented Terms

What is the accountability problem under investigation? That is, what is the problem that program interventions are not able to tackle?

Step Two: Establishing the Institutional Failure

Which set of accountability institutions should have prevented this adverse outcome or punished those responsible after the fact (the *de jure* accountability system)? Were they primarily institutions of internal scrutiny (horizontal accountability), or were they open to public influence (vertical accountability)? At what level of the institution in question did the problem occur—at the interface between the institution and citizens or at the top level?

Step Three: Identifying the Reasons for Accountability Failure

To what degree was the failure of this set of institutions attributable to capture or bias? If capture is involved, is it corruption or intimidation? If it is corruption, is it corruption with theft or corruption without theft? If it is bias, is it the no-remit version of bias or the unintended form of bias that obstructs poor people's capacity to activate accountability systems? To what extent did the institutions fail because of an inability to provide *ex ante* answerability or *ex post* enforcement/sanction?

Step Four: Evaluating Programmatic Remedies

In evaluating the suitability of potential programmatic remedies for the institutional shortcomings identified, five considerations are worth bearing in mind. First, consider sector-specific factors, such as geographical concentration, frequency of contact with providers, and the technical intensity of the service, that will shape the degree to which reforms can appeal to citizen power or to the oversight powers of accountability systems. Different types of reforms tend to produce better results in some kinds of sectors than others.

Second, tailor remedies to problems of bias. Problems of bias are deep seated and tend to shift only after long-term attitudinal and social change, but some immediate actions can be taken to address the no-remit and

access-constraint versions of bias. No-remit forms of bias can be addressed through policy and legal change to ensure that group-specific forms of disadvantage are recognized as such in law or addressed in policy. Biases embedded in access conditions, operating procedures, and payment requirements that exclude certain groups of people can be removed through simple measures to make accountability institutions more accessible to these groups.

The good governance agenda addresses problems of sheer corruption, often through remedies involving privatization. Research indicates that focusing first on corruption without theft produces the benefit of a quick win—a constituency of people that benefit from the reform will support the more challenging problems of addressing corruption with theft (Jenkins 2004).

Third, assess the prospects for creating accountability hybrids. Can steps be taken to institutionalize citizen participation and oversight on the functioning of the accountability institutions in question? Can this citizen engagement be made more than notional—that is, can citizens be given a formally sanctioned position in an oversight panel; access to official documentation; the right to issue dissenting reports to other accountability institutions, including the media; and the right to have complaints formally investigated?

Fourth, identify the appropriate stage of the accountability cycle. If the accountability failure stems from inadequate ex ante deliberation (for instance, regarding industrial development schemes and their impact on the environment), mechanisms for consultation may need to be widened.

Fifth, identify nascent accountability innovations that may be generating new accountability seekers or raising public debate about the standards against which the actions of power-holders should be judged. The following questions may be useful in identifying catalysts for accountability:

- Who is seeking accountability?
- From whom (or what) is accountability sought?
- Where (in which forums and over what extent of geographic coverage) is accountability being sought?
- How (through what means) are the powerful being held to account?
- For what (which actions and against which norms) is accountability being sought?
- When (at what stage in the policy-making/implementing/reviewing process) are accountability mechanisms triggered?

Notes

This chapter draws extensively on earlier collaborative work with Anne Marie Goetz.

1. One indicator of the increasing salience of accountability is that the number of USAID publications with the word *accountability* in the title increased every year between 1995 and 2002. There were 4 such publications in 1995, 7 in 1996, 14 in 1997, 16 in 1998, 17 in 1999, 21 in 2000, 27 in 2001, and 40 in 2002. The author is grateful to Andrea Cornwall for bringing this piece of information to his attention.
2. Rudolph and Rudolph (1987) argue, however, that some of these organizations were nevertheless able to function as effective demand groups.
3. Performance contracts are themselves devised as methods for overcoming two kinds of subversion of civil service rules, the use of political pressure to prevent dedicated officials from performing their jobs effectively and impartially and the use of political pressure to protect officials who do not perform their jobs effectively and impartially.
4. The 2005 Paris Declaration was an outcome of the High-Level Forum on Aid Effectiveness, which included representatives of donor and recipient countries, multilateral institutions, and civil society organizations. The forum was the culmination of a deliberative process undertaken by the Working Party on Aid Effectiveness and Donor Practices, established in 2003 by the OECD's Development Assistance Committee. The text is available at http://www1.worldbank.org/harmonization/Paris/finalpari_declaration.pdf.
5. The failure of conditional-based development programs became an increasingly prominent theme during the 1990s. It is carefully documented and analyzed in Burnside and Dollar (1997); Mosely, Harrigan, and Toye (1991); and van de Walle and Johnston (1996).
6. Fukuyama (2004) elaborates this notion with considerable elegance.

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