

6<sup>th</sup> Global Forum on Reinventing Government  
Towards Participatory and Transparent Governance  
24 – 27 May 2005, Seoul, Republic of Korea

**FROM PUBLIC ADMINISTRATION  
TO GOVERNANCE:  
THE PARADIGM SHIFT IN THE LINK BETWEEN  
GOVERNMENT AND CITIZENS**

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April, 2004

The views expressed in this paper are those of the author and do not necessarily represent those of the United Nations or its Member States.

## **ABSTRACT**

Public administration is an essential link between citizens and governments. Over the past 50 years, its practice and conceptual terrain have undergone four phases, namely, traditional public administration, public management, new public management, and, most recently, governance. Each phase reflected the changes in its internal and external environment. Public administration as a democratic institution must be built on structures and processes that are accountable, transparent, decentralized, able to manage legitimate elections and the administration of justice, and operate under the oversight of the parliament. Furthermore, it should combat exclusion, protect public goods, actively engage civil society and the private sector, use the power of ICT to promote e-participation, and strengthen partnerships among sectors, groups, and levels of government. Revitalizing public administration for people-centered development would require reform efforts that incorporate these characteristics.

## **INTRODUCTION: FROM PUBLIC ADMINISTRATION TO GOVERNANCE**

Effective and efficient public administration, including public sector management, promotes and strengthens democracy and good governance. An effectively functioning civil service is essential in order to ensure that democratically elected leaders are able to protect the rights of citizens and mobilize resources through taxes and other sources in order to pay for police, judges, and the provision of services. A consolidated democracy requires administrative capacity of the state to maintain law and order, and to promote and protect public goods such as environment. Public confidence in the political system – and subsequently the political legitimacy of the government – is increased where the public service delivery system is effective, where the public officials are accessible to local citizens, and where government agencies and departments work together in well-coordinated, complementary ways. Equally important is the “capacity to govern” – to make important policy choices, design and implement programs and actions to achieve policy objectives, and anticipate emerging trends and challenges. Public sector management capacity to perform the above and related tasks, however, requires merit-based recruitment of qualified personnel, effective human resource development strategies, motivation and commitment of civil servants, and transparent processes for policy formulation, budgeting, and implementation.

## **Globalization**

Over the past few decades, improving public administration capacity has been one of the most critical issues facing developing economies. With rapid pace of globalization, the public sector is under even greater pressure to increase its capacity to deal with the new challenges and opportunities presented by globalization, such as new information and communication technologies, expansion of trade and investment, an increased focus on such public goods as the environment and human rights, and the proactive role of global institutions, such as the World Trade Organization, that affect development processes at the country level. For example, Transparency International (TI), a Berlin-based

international NGO, has national chapters in about 70 countries that provide a forum for the civil society, the private sector, and government functionaries to interact with each other to create public awareness about corruption in the country. The United Nations General Assembly has passed a resolution requesting Member States to design and implement strategies to combat corruption. The Organization for Economic Development and Cooperation (OECD) has approved an anti-corruption convention that was endorsed by the member countries, making bribery of public officials in developing countries by multinational corporations a criminal offence. The international business sector wants regulations that are conducive to investment and not state controls that stifle private sector initiatives. Each of the above and related actions that have emanated from the rapid pace of globalization have shifted the focus of the public sector from control to accountability and transparency in government actions – a trend that is likely to continue and expand.

#### **Four Phases of Public Administration**

Over the past 50 years, the concept of public administration has gone through four phases. Historically, public administration was perceived to be a set of state structures, institutions, and processes. It was characterized, among others, by hierarchy, continuity, impartiality, standardization, legal-rational authority, and professionalism. Among others, it was expected to provide human security and protection of property, establish and enforce societal standards, and sustain the rule of law. Yet, in practice, traditional public administration was severely criticized in the 1970s for red-tape, slowness, paternalism vis-à-vis citizens, waste of resources, and too much focus on process and procedures instead of results. (UN, 2003).

The second phase, Public Management, focused on the application of management principles including efficiency in utilization of resources, effectiveness, customer orientation, reliance on market forces, and greater sensitivity to public needs. It called for expanding the role of the private sector and correspondingly, minimizing the size of the public sector and the domain of traditional public administration. It sought to use private sector principles in public sector organizations.

The third phase, New Public Management (NPM), continued the previous trends. It focused on outcome-oriented partnerships between the public and the private sector to provide services to citizens. Its main principles were: (1) flexibility for the managers to cope with on-going changes in the national and global environment; (2) empowerment of citizens to promote more efficient, entrepreneurial, and results-oriented management including “steering rather than rowing;” (3) new responsibility mechanisms that go beyond compliance mechanisms to search for innovations and results over process; (4) introducing business principles into public affairs including out-sourcing and contracting out; (5) promoting professional ethics in the public sphere; and (6) performance management and budgeting (UN 2001).

The fourth phase, Governance, has been defined as a system of values, policies, and institutions by which a society manages its economic, social, and political affairs through interactions within and among the state, civil society and private sector. It comprises the mechanisms and processes for citizens and groups to articulate their interests, mediate their differences, and exercise their legal rights and obligations. It is the rules, institutions, and practices that set limits and provide incentives for individuals, organizations and firms (UNDP 2000). Three actors are involved in governance: the State, which creates a conducive political and legal environment; the private sector, which generates jobs and income; and civil society, which facilitates social and political interaction. The essence of governance is to foster interaction between these three types of actors to promote people-centered development.

Although governance is one fabric, for the sake of analysis and entry points for action, it can be divided into three dimensions. Political governance means the range of processes through which a society reaches consensus and implements regulations, human rights, laws, and policies. Economic governance is the architecture for national and international economic activities, including processes to manage the production of goods and services and to marshal and protect natural, fiscal, and human resources. Social governance is the set of norms, values, and beliefs that guide society decisions and behaviors. Each dimension of governance affects and interacts with the other two dimensions.

Good governance refers to the question of how a society can organize itself to ensure equality of opportunity and equity (social and economic justice) for all citizens. Good governance is a value in itself, but it is also the most critical means to achieve the Millennium Development Goals – the eradication of extreme poverty and hunger, the achievement of universal primary education, the promotion of gender equality, the reduction of child mortality, the improvement of maternal health, the fight against HIV/AIDS and other diseases, and the promotion of environmental sustainability and a global partnership for development.

Despite significant differences in the focus of each of the aforementioned phases, public administration continues to be indispensable to perform core functions of the state, including maintenance of law and order, setting societal standards and goals, protecting the vulnerable groups in the society, and protecting the environment. What has changed is that public administration must respond to the new context in which it operates. Changes in the context bring about changes in its internal structures and functions.

Principles at the heart of good governance are participation, pluralism, subsidiarity, transparency, accountability, equity, access, partnership, and efficiency. The essence of public administration as a democratic institution is to use the principles of good (democratic) governance to design and structure state institutions, their internal processes and mechanisms, and their mission. Simply stated, it implies that public administration as a democratic institution has the following characteristics:

- It is accountable and transparent
- It is decentralized
- It is instrumental in ensuring fair and legitimate elections
- It is based on a system of checks and balances between the executive branch and the parliament
- It plays a central role in combating exclusion and protecting the rights of minorities and disadvantaged groups
- It has adequate management capacity to enhance access to justice
- It protects public goods
- It provides a facilitating environment for the active engagement and role of civil society and the private sector
- It utilizes the power of information and communication technology to promote citizen's access and participation in development process
- It promotes and strengthens partnerships of various types to achieve objectives

## **1. ACCOUNTABLE AND TRANSPARENT PUBLIC ADMINISTRATION**

Accountability is the pillar of democracy and good governance that compels the State, the private sector, and civil society to focus on results, seek clear objectives, develop effective strategies, monitor, and report on performance. It implies holding individuals and organizations responsible for performance measured as objectively as possible. It has three dimensions. Financial accountability implies an obligation of the persons handling resources, public office, or any other position of trust to report on the intended and actual use of the resources. Political accountability means regular and open methods for sanctioning or rewarding those who hold positions of public trust through a system of checks and balances among the executive, legislative, and judicial branches. Administrative accountability implies systems of control internal to the government including civil service standards and incentives, ethics codes, and administrative reviews.

Transparency promotes openness of the democratic process through reporting and feedback, clear processes and procedures, and the conduct and actions of those holding decision-making authority. It makes understandable information and clear standards accessible to citizens. Integrity completes the continuum of accountability and transparency since it is essential to the concept of professional ethics. It is synonymous with incorruptibility or honesty. It requires that holders of public office should not place themselves under financial or other obligations to outside individuals or organizations that may influence them in the performance of their official duties.

Control-orientation has been one of the characteristics of public sector management in many developing countries, especially during the early post-colonial period. Government officials often saw their role as guardians of the State in the process of enforcing State regulations and maintenance of law and order. This control orientation was also triggered in many cases by the feudal structure of societies, where an overwhelming majority of the poor with limited education had little or no awareness of their rights. Globalization has been instrumental in changing that in several ways – through access to global media, through revolution in information technology, through the global movement for transparency and accountability, and through increased pressure from below for better access to government services.

The basic cause of corruption is monopoly and discretion without adequate accountability. This implies that the expanding role of government in development has placed the bureaucracy in a monopolistic position and has enhanced the opportunities for unlimited administrative discretion. Corruption results from excessive regulation, increased bureaucratic discretion, and lack of an adequate accountable and transparent system. The State intervenes in the economy to provide a framework for economic and social activities – protection of personal and property rights, provision of public goods not supplied by the market, redistribution of income, and the provision of opportunities for education, health and employment. However, State intervention is also likely to expand the discretion of public officials to make decisions. It is the misuse of unchecked discretion that is one of the primary causes of corruption.

The causes of corruption are both economic and political. A study commissioned by the United Nations identifies five main causes (UNDP 1997). First, payments are made for goods and services that are available below the market price. Examples include producer goods being sold in China, both at the state subsidized prices and on the free market, setting the price of oil at an artificially low level in Nigeria, payoffs for getting credit in Russia and Eastern Europe, and South Africa's twin currency system as a source of payoffs. Conditions for corruption are rife when the service is scarce, so that only those with the ability to pay the highest are able to get the service.

Second, bribes can serve as incentive payments for government officials to undertake their tasks. Firms and individuals are willing to pay in order to avoid delays in cases where, for example, a government department does not pay its bill on time, or services such as telephone connections and driver's licenses are delayed. When fees are required for even routine services, the system can gravely undermine the legitimacy of the State.

Third, bribes can help to reduce transaction costs for firms when governments impose regulations, levy taxes and enforce criminal laws because payoffs tend to reduce the "regulatory load." When a state has many inefficient regulations and imposes high level of taxes on businesses, bribes to avoid regulations and taxes may raise the efficiency of the firm. Thus, firms make an alliance with tax collectors or others responsible for enforcement of public regulation and enforcement to lower the cost for the firm, dividing the benefits between the firm or the tax payer and the public official. While such practices result in savings for the firm, the revenue losses for the State are enormous, limiting its ability to perform its tasks effectively.

Fourth, payments to obtain major contracts, concessions, and privatization of state-owned enterprises are the main cause of “grand corruption,” which has a significant impact on government budgets. Illegal payments are made by a firm to be included in the list of pre-qualified bidders, gain inside information, structure bidding specifications in their favor, win the contract or to simply avoid quality controls. Examples of grand corruption are found both in developing and developed countries – allegations of up to \$7.1 million against senior ministers in Zimbabwe and a Swedish telecommunication company for the “circumvention” of local tender board procedures; allegation of bribes in an airplane deal between the Republic of Korea and several U.S. companies, with the national security advisor to former President Roh Tae Woo acknowledging receiving money from businesses involved in the contract. The privatization of state-owned enterprises increases opportunities for corruption in ways similar to large-scale infrastructure projects.

Finally, the business climate is negatively affected where the judiciary is perceived to be corrupt, and the legal and regulatory framework is not enforced. Businesses seek private arbitrators and use other mechanisms such as protection by organized crime to operate in the country.

There are other causes of domestic corruption, which include loopholes in laws that define it, conflicts of interest on the part of those directly involved in decision-making, inadequate funding for the civil service, and weak systems of government auditing and monitoring. Domestic corruption is also likely to increase where the press is not free to expose misuse of authority and public resources, where civil society organizations are not actively engaged in holding those in power accountable for their actions through advocacy and public awareness, and where political opposition is too weak to expose corrupt practices through the use of parliamentary and other forums.

When corruption is endemic, piece-meal reforms are not likely to make a difference. Partial solutions can offer some help to countries with strong and relatively clean government traditions. Other countries need more comprehensive reforms. There are no quick fixes. Experience suggests several rules for successful reform: <sup>i</sup>

- Create strong political will – a critical starting point for sustainable and effective anti corruption programs;
- Focus on prevention and changing systems through changing values, creating a culture of professionalism and training, providing adequate pay and ensuring deterrence;
- Identify government activities most prone to the problem of corruption and review both substantive law and administrative procedures;
- Enforce accountability mechanisms and learn from good practices and examples of others;
- Enact comprehensive anti-corruption legislation;
- Establish broad ownership of reforms, among others, by creating strong partnership with the civil society and the private sector; and,
- Make corruption “high risk” and “low profit.”

## **Examples of Good Practices in Combating Corruption:**

The Independent Commission Against Corruption in Hong Kong was empowered to investigate and prosecute corruption cases and to promote public education and awareness. The Commission received a large number of complaints from the people. Surveys show that its effectiveness was measured by the reduction in the level of corruption as a result of the Commission's activities. Its success was due to the strong political will and long-term commitment of the government, the independence of the Commission, and the resources at its disposal to pursue its investigation and prosecution of those involved in corrupt practices, and public education programs and active participation of an informed public.

The Corrupt Practices Investigation Bureau in Singapore had sufficient resources, highly qualified staff, supportive legal framework, an independent judiciary, and a competent public administration system. The case of Singapore shows the significance of an independent commission to combat corruption. The government has undertaken several steps to reduce incentives for corruption including increasing wages of civil servants and improving their working conditions, rotating officials, and increasing supervision. However, in an authoritarian regime with weak rule of law, such a model could be used as an instrument to victimize political opponents.

The Directorate on Corruption and Economic Crime in Botswana can investigate and prosecute offenders, prepare strategies to combat corruption, and provide public education and training. With a high conviction rate and collection of fines in excess of its operating costs, ECEC is perceived in the region as a good practice of combating corruption in a democratic country. Many factors account for Botswana's success in combating corruption – the operational independence and prosecution powers of the Directorate, the focus on strong enforcement, financial independence, and viability. Botswana's success was also based on some structural factors – a favorable political climate, State capacity to govern, effective civil service reforms, macroeconomic stability, a strong resource base, and the record keeping capacity of the government.

The Integrity Pact in the Republic of Korea provides a mechanism to ensure that all bidders for the city's construction projects, technical services, and procurement are required to sign the pact to fight corruption. During the bidding stage, the IP is explained to bidders and only those who agree with the "Bidders' Oath to fulfill the IP" are qualified to register their submissions. A related government official also submits "the Principal's Oath to the IP." During the contract's concluding and execution stage, both parties must sign a "special condition for contract." Provisions are made to protect and reward those reporting inside corruption. Violators of the Pact are disqualified by the city from submitting bids or face termination of contracts. They are banned from bidding for other contracts for six months to two years.



The Philippine Center for Investigative Journalism is an independent, non-profit media agency that specializes in investigative journalism. It was founded on the belief that media plays a crucial role in scrutinizing and strengthening democratic institutions and should thus be catalyst for social debate and consensus for public welfare, because well-researched information communicated to citizens leads to informed public opinions and public decisions. The PCIJ aims to provide training for investigative reporting to full-time reporters, free-lance journalists, and academics. In addition to training, it uses information technology to optimize research and investigation as well as systematize access to data. The success of the PCIJ is due to the professional expertise available in the Centre, which gives it recognition among its clients, and its focus on capacity building and training. Its self-sustaining operations and high-quality outputs have attracted the attention of development partners nationally and regionally.

In Central and Eastern Europe (CEE), most observers see the continued promotion and strengthening of ethical standards in public administration as one of the most significant factors in ensuring mature democracies in the region. Recognizing this, regional governments give high priority to actions to promote accountability and transparency in the ways the decisions are made and programmes and projects are implemented and evaluated. (NISPA CEE, 2003).

## **2. DECENTRALIZED PUBLIC ADMINISTRATION**

Decentralization – including political devolution, deconcentration, delegation, and transfer to non-governmental organizations – promotes public administration and good governance by providing an institutional framework to bring decision-making closer to the people, and building partnerships and synergies among actors and organizations at multi-levels to achieve economic and human development goals. Over the years, policy makers, politicians, and practitioners in developing countries have supported decentralization policies and programs, driven by a variety of internal and external factors. The scope of decentralization has ranged from deconcentration of some of the routine functions of government departments and ministries to their field offices to devolution of political authority and resources to local governments. The results of these efforts have been mixed. Yet, decentralization continues to be one of the predominant approaches to strengthen democracy, especially at the grassroots, and improve service delivery.

Decentralization of authority and resources from the center to sub-national and local levels of government and administration is a necessary condition to promote the core principles of public administration as a democratic institution. Advocates of decentralization have provided a variety of reasons for political, financial, and administrative decentralization. Decentralization can promote effectiveness of public administration and good governance in several ways.

First, it provides an institutional framework through which groups and individuals at multi-levels can organize themselves and participate in the decision-making process. It helps the development of democratic values and skills among citizens. Effective sub-national and local political institutions serve as mechanisms through which voices of the groups and individuals are communicated to national political decision-makers. It allows for greater representation of various political, religious, social, and ethnic groups. This enhances the active participation of local citizens and, consequently, political legitimacy of the government and national integration.

Second, decentralization is seen as a more effective means to ensure the accountability of government officials and, consequently, improve the access of people to government-initiated services and facilities. More direct interaction between local residents and elected leaders promotes the culture of accountability. Where local government have sufficient political and financial authority and community-based groups are active, people have greater access to such services as primary health care, agricultural extension services, education, and low-income housing. Proximity to a demand base for a service renders responses more effective and promotes a more rationalized use of resources. This proximity also allows for closer monitoring by the beneficiary population of projects intended to serve them. However, the way that decentralization affects service delivery and access also depends on such program design aspects as the extent of resources and responsibilities granted to local governments and their administrative capacity to carry out their assigned responsibilities.

Third, decentralization reduces red-tape and rigid and uniform procedures of central governments, relying instead on knowledge, expertise, and experience of local people. It strengthens the capacity of local governments and civil society organization, because they perform some functions that were previously undertaken by central governments. It facilitates the exchange of information about local needs. Close interaction and dialogue among groups and individuals about local priorities and concerns increases their “stake” in maintaining the political system and creates a culture of tolerance of different points of view – a necessary condition to consolidate democracy.

Fourth, decentralization promotes checks and balances between the center and sub-national/local units of government and administration – one of the key ingredients of effective public administration aimed at promoting people-centered development.

Finally, the transfer of authority and resources to local units of government and administration to design and implement development programs provides more opportunities for local citizens to play a more direct role in the development process. As catalysts for development and local change agents, citizens can make decisions about the location of services and determine local priorities. Decentralization facilitates the growth of civil society organizations and networks, because it provides the greatest scope for the establishment of civil society organizations around local issues that directly impact the lives of the people. Decentralization can be both a means – such as to improve efficiency and effectiveness of public services – or an end in itself – such as to promote the values of pluralistic, participatory democracy.

### 3. ELECTORAL MANAGEMENT BODIES AND PUBLIC ADMINISTRATION

The role of Electoral Management Bodies (EMBs) is to organize an election. Depending upon the system, this can include revision of the voter lists, registration of new voters and voter identification, dissemination and collection of voting materials, training of poll workers, voter and civic education, announcement of the results, and so on. The management of the electoral process influences the extent to which a country's voters accord legitimacy to their government. The case studies of Mexico, Ghana, and Indonesia show the significance of electoral management bodies in enhancing the legitimacy of election as an event and that of the electoral process.

EMBs come in a variety of models, including a temporary or a permanent body; a partisan, partially partisan, or non-partisan body; a centralized or decentralized body; a specialized judicial body or government ministry; or even a mixture of several of these types and thus not easily categorized. One thing fairly common in all EMBs is the requirement to act as both an administrative and a supervisory body. One or both of these functions can be compromised depending upon the model used. For example, excessively large EMBs can be unwieldy and slow to make and implement decisions. EMBs dominated by political parties can wind up stalemated in partisan battles. And EMBs not fully independent of the government can find their actions subject to charges of manipulation and fraud. A growing consensus is emerging that EMBs need to be three things in order to fulfill their mandate in today's democracies: independent, nonpartisan, and professional.

**TABLE I**  
**Summary of Distribution of EMBs**  
**by Region of the World and by Trade of Institution (Percent)**

Institutional Models	Regions							Number of Cases Per Institutional Model
	North America & W. Europe (%)	Latin America & Caribbean (%)	Asia & the Pacific (%)	Middle East & the Maghreb (%)	East & Central Europe (%)	Sub-Saharan Africa (%)	Total (%)	
Government runs the Elections	43	12	30	45	-	8	20	29
Government under Supervisory Authority	43	18	7	33	33	39	27	40
Independent Electoral Commission	14	70	63	22	67	53	53	79
<b>TOTAL</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>148</b>
Number of Cases per Region	21	34	30	9	18	36	148	

*Source: Lopez-Pintor, Rafael, Electoral Management Bodies as Institutions of Governance, New York, United Nations Development Programme, 2000.*

On the surface, temporary or quasi-governmental bodies might appear to be more cost-effective in the short-term, but research has shown that permanent and independent EMBs are the most cost-effective alternative. This is because such EMBs develop experience and expertise in basic planning and cost-effective techniques. Permanent, independent, and multi-party EMBs also tend to encourage greater credibility in the electoral process. Indeed, the perception of neutrality and impartiality is critical in order for EMBs to successfully function as institutions of governance.

A recent survey of electoral management bodies shows that elections are organized by independent election commissions in 53 percent of democracies, government under the supervision of an autonomous electoral authority in 27 percent of democracies, and directly by the executive branch in 20 percent of democracies (Lopez – Pintor 2000). With the global trend towards democratization, many developing countries are creating permanent commissions that are independent of the executive branch, include representatives of various political parties and are staffed by professional civil servants. In most of the Latin American democracies and some in Africa and Asia, the status of the electoral management bodies is included in the Constitution to ensure that the executive branch does not interfere in open and transparent process of elections. The practice also shows that – despite differences between the common law systems of the Anglo-Saxon world and the Continental Europe – some degree of deconcentration of electoral administration is required to facilitate voter registration, voter education, and related tasks.

As Table I above shows there are regional variations concerning the type of institution. In 86 percent of the cases in North America and Western Europe, the government either runs the elections directly or by government under supervisory authority. In Latin America, 70 percent of the countries have independent electoral commissions. In Asia and the Pacific, 63 percent are independence electoral commissions, and 30 percent government-run. In Africa, 53 percent of the elections are run by independent electoral commissions and 39 percent by the government under supervisory authority.

#### **4. EXECUTIVE AND PARLIAMENT RELATIONS**

Parliamentarians interact with the executive branch in the process of performing their law-making, representation, and oversight functions. Where the executive branch is dominant, usually through a political party, parliaments are not able to effectively check the abuses of the executive. On the other hand, a confrontational legislature leads to a breakdown of effective legislation and good governance. To promote their complementary roles, the executive branch needs to recognize the parliament as one of the pillars of democracy and the parliament needs to work on a bi-partisan basis to achieve societal goals.

The relationship between the executive and legislative branch depends upon two models of the demarcation of functions between the two: the Presidential system in which the

chief executive is elected by the people, and members of the parliament are elected by different geographic or other units; and the Parliamentary system, under which the executive is usually the head of the majority party in the parliament. The separation of powers is particularly important in the case of the Presidential system, because in such situations the executive usually has more powers than the parliament.

In practice, countries have followed different models based on country-specific situations. The 1996 constitutions of Guinea-Bissau, for example, combined the characteristics of the presidential and parliamentary systems, providing for both President and Prime Minister to be directly elected in a multi-party system. In Mozambique, the Parliament has the power to approve, alter, or reject legislation submitted by the President. However, the government has encroached upon the parliamentary responsibilities because of the Parliament's weak technical and human resource capacity. Furthermore, funding for parliamentary oversight of economic and social plan and the state budget has largely been financed through external sources, which further limits the negotiation powers of the legislature.

The case of Chad also shows the same trend. Even though the 1996 Constitution emphasized decentralization to regions as a mechanism to reduce the powers of the executive at the center, the President and the Prime Minister, usually both of them from the same party, were in practice in a better position to take leadership in public policy and law-making than the new National Assembly that lack technical and human resource capacity to provide leadership.

### **Oversight Function**

Oversight by the legislature aims to ensure that the executive is held accountable for its actions and the money it spends. To perform this function effectively, legislators need adequate constitutional authority, sufficient staff resources to scrutinize programs, and political will to force the executive to make changes in programs.

The oversight function of the parliament is essential for checks and balances and the effective functioning of democracy. While in the Presidential system, the executive signs bills passed by the parliament – and thus acts as a check to the legislative branch – parliaments in developing countries find it difficult to check the activities of the executive, usually because of the dominance of one party and the historical legacy of a weak legislative branch. Oversight powers and functions of an effective parliament include the ability to remove the executive, obtain required information from the executive, and control the budget. Also important is a committee system to monitor and assess the government's activities. However, parliaments in many developing countries are too weak to effectively exercise their powers of oversight. In the case of many African countries for example, “often the parliamentary functions and powers spelled out by the Constitution bear little resemblance to the legislature's actual role. This stems from the legacy of the colonial system, the one-party system, and/or the military dictatorship, all of which concentrated powers in the executive, leaving Parliament marginalized.” (UNDP 2001)

Oversight of government income and expenditure policies – “the power of the purse” – is the primary tool for parliamentary oversight. It leads the executive branch to get parliament involved in general spending policy even before the formulation of the budget. To effectively provide oversight of government income and expenditure, parliament should have the power to approve the budget, review its implementation, have access to advance information, have the time and ability to analyze the budget, and have mechanisms for parliamentary committees to hold public hearings.

Experience in the Arab region shows that the contribution of parliaments in the region to the compilation, review, and approval of the budget is “minimal.” Because the budget presented to the parliament usually provides general principles instead of specific appropriations, the government officials are in effect able to use extensive discretion. Even though the parliaments have the power to reject the budget, they rarely exercise this power and directly challenge the executive because of their fear that the parliament might be dissolved. The parliamentarians use several techniques to perform their often very limited oversight functions. These include requests for information, the question and answer period, the deliberation of parliamentary committees, the general parliamentary debates, and special investigation committees.

Parliamentarians in developing countries use several oversight instruments. MPs can put questions to the ministers to inform the public about the executive decisions and activities. This is a common practice in Mali, Uganda, Bangladesh, and Zambia. A motion enables the Parliament to challenge or modify the government action. Although used extensively in many countries, the experience in Africa shows that parliamentarians lack an adequate research capacity to support their arguments. In many cases, this lack of research capacity leads to the defeat of such motions. Another oversight instrument is the impeachment or censure of the President or ministers based on procedures specified in the constitution. In the case of Uganda, for example, several ministers have been removed due to censure motions. Finally, parliamentarians can raise questions during the debates on bills or departmental budgets.

Watchdog institutions responsible to Parliament such as the auditor-general, the ombudsman, human rights institutions, and parliamentary committees play a central role in the system of checks and balances. The office of the Auditor-General should be empowered by the constitution to audit and supervise the proper utilization of funds authorized by parliament to different ministries and departments. However, in African countries, the Auditor-General has inadequate funds and staff to effectively perform its tasks. Furthermore, the Executive branch tends to in many cases ignore the decisions of the legislature’s Public Accounts Committee. “Consequently, the many cases of misappropriation and mismanagement of public funds, the innumerable cases of fraud, irregular expenditure, and procurement malpractices exposed by the Auditor-General are not remedied by the government.”<sup>1</sup>

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<sup>1</sup> UNDP, *The Contribution of the Parliamentary Process in Good Governance in Africa*, op. cit. p. 25

While the report of the Auditor General is an important tool for the legislature to ensure accountability and transparency, experience in developing countries shows that the effectiveness of this tool depends upon many factors: timely receipt of the independently audited report of the government accounts; the presentation of extra budgetary spending (such as for emergencies); the ability of the legislature to elicit the views of experts in public hearings; the role of the public accounts committee in the legislature; and the ability of the legislature to take actions to correct the misappropriation of funds.

Oversight of the executive by the Parliament is largely exercised through committees that should include all political parties. Parliamentary committees usually have the powers to investigate and question ministers and public officials, ask for relevant information, and summon public officials. They consider bills and make amendments and approval or rejection, review policies, and examine budgets.

## **5. ROLE OF PUBLIC ADMINISTRATION IN EXCLUSION, RIGHTS OF MINORITIES, AND INEQUALITIES**

In democratic governance, competition for political power and access to power is based in principle on the number of persons supporting a party or individual. The contested issues are usually resolved through the principle of majoritarianism with the assumption that a minority group can be a part of the majority. The rights of minorities are particularly vulnerable where political parties, alliances, and subsequently, the outcome of political competition are based on ethnicity of regional affiliation. However, mistrust among the majority and minority ethnic groups makes such alliances difficult to sustain. Therefore, the rule of the majority has to be reconciled with protection of the fundamental civil and political and socio-economic and cultural rights of minorities. For this reason, inclusive democracies provide for protection of minority group through specific measures – granting regional autonomy to the minority group, thus making them a majority in their own region; creating a quota system in the composition of the parliament, local government bodies, and executive branch of the government; and relying on various forms of power sharing and affirmative actions programs.

### **Women's Rights**

Women's rights are a key element of the rights-based approach to development. Although recognized in the Universal Declaration of Human Rights, the world community only began to systematically take stock of gender equality during the preparatory process of the First United Nations Conference on Women held in Mexico City in 1979, which led to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), an international human rights instrument. This was followed by the UN Conferences on Women held in Nairobi and Beijing. In the Beijing Plan for Action, the recommendations that dealt with “women in power and decision making” included the following: a timetable to eliminate all types of legal discrimination against women, the establishment of a framework to promote legal equality, initiation of specific measures to acquire a short-term threshold of 30 percent for

women in national decision making and mobilization of national and international efforts to facilitate women's access to economic and political opportunities. The strategic objectives of the Beijing Platform of Action are to ensure equal access to and full participation of women in decision-making processes, while increasing their capacity to participate in leadership and decision-making.

Several trends in women's participation since 1995 Beijing Conference are discernible. In 1998, the world population of women in parliament was 12.7 percent, with the highest in the Nordic countries (36.7 percent). This was followed by the Americas (15.5 percent), Asia (13.4 percent), Sub-Saharan Africa (11.6 percent), the Pacific (8.3 percent) and the Arab States (3.3 percent). In 1996, the percentage of women in both ministerial and sub-ministerial level positions ranged from zero percent in 15 countries (eight of which were in the Arab Region) to 30 percent in Sweden and Bahamas. Women's participation at the local level generally surpasses national trends. The number and level of women in decision making in the United Nations has increased both at the level of heads of agencies of the United Nations as well as staff at different levels.

Even though many governments have adopted affirmative policies to promote gender balance, the threshold of 30 percent advocated by the United Nations Human Development Report 1995 remains remote, especially in the Arab Region. Women are increasingly seizing opportunities for political participation at the local level that enables them to balance their political activities with their household responsibilities.

Some of the recent U.N. sponsored case studies of women's participation in political process to promote and protect their rights show progress being made at the country and regional levels (UNDP 2000).

The South African Women's Budget Initiative is an innovative mechanism that promotes gender equality through three components. The first is gender-specific expenditures that consist of funds allocated for programs that are targeted on gender lines, such as the economic empowerment program for unemployed women with children under five years, initiated by the South African Department of Welfare. The second component consists of expenditures that promote gender equity within the public services – equal representation within management and decision making positions, in different occupations and conditions of service. The third component, mainstream expenditures, is the largest and the most difficult category, because it requires serious consideration of gender concerns in allocations. The initiative emanated from an alliance between parliamentarians, women in the civil service, and civil society organizations – serving as a “shadow” engendered national budget. The analysis of budget through this initiative is based on the assumption that budget follows policy and suggests a range of alternatives for budget allocations.



The Alliance for Gender and Politics: The Uganda Women's Caucus presents another case that shows the need for a pro-active role of women to promote and protect their economic, social and political rights. The female members of the Constituent Assembly created a "women's caucus" and began to forge a series of strategic alliances that included representatives of youth, workers, and disabled persons. The Caucus then took positions on issues of importance to each of these groups. It also organized a series of workshops with the support of the Ministry of Gender and Community Development and the U.S. Agency for International Development on issues such as campaign management, constituency-building, and parliamentary procedures. The Caucus forged working relationships with Ugandan Women lawyers and prominent NGOs and broadcast a weekly radio program to discuss gender related issues in the Constituent Assembly. The activities of the Caucus led to the promotion of gender concerns in many ways. The Constitution explicitly stated the principles of equality among men and women and prohibited laws, traditions, and customs that undermine the dignity and welfare of women. Due to strong lobbying by the Caucus, an Equal Opportunity Commission was established to ensure that the constitutional provisions on gender issues are enforced. Women are now guaranteed about 14 percent of seats in the Parliament and about one third of all local council seats.

The Gender Violence Campaign in Latin America and the Caribbean is an example of a region-wide effort to respond to one of the key issues in women's human rights. In 1997, various UN entities joined forces to assist national and local level actors to combat gender violence and enforce public and private standards. The objective was to shift violence against women from a private to a public issue by encouraging governments and citizens groups to expose the magnitude of this problem and the need for effective policy and program responses. The campaign consisted of four components: (1) Media actions focused on increasing general awareness of the problem. In Brazil, for example, the slogan "A Life Free of Violence: It's our Right" is written on more than one million checks to the employees of the Federal Government every month. In Ecuador, the slogan is on a postage stamp. Media events included television documentaries and programs on community and commercial radio stations. (2) The second component was to sensitize and motivate governments to formulate and implement new policies and programs to prevent violence against women and girls. For example, the Venezuelan Parliament passed on Law on Violence Against Women and Family that included severe penalties against physical violence and sexual harassment. In Peru, relevant heads of the departments signed an Inter-Ministerial Agreement on Violence Against Women. (3) Training programs were initiated to re-shape attitudes and practices of local security forces. In the Caribbean, for example, a police training manual was prepared and a "protocol of cooperation" between women's crisis centers and the district level police was prepared. (4) Political alliances among the civil society institutions, government agencies, training and research institutions, and the private sector were forged to enforce both the existing regulations and create increased awareness about this issue.

## **6. MANAGEMENT OF THE JUDICIAL SYSTEM AND ACCESS TO JUSTICE**

Independence and impartiality of the judiciary is one of the central pillars of democracy and good governance – which in turn depends upon the effectiveness of institutional and organizational mechanisms and procedures for appointment, promotion and tenure of judges; process of budgetary allocation and controls; and procedures for judicial administration.

Effective and efficient management of judicial system requires increasing the judiciary's budget, improving the physical infrastructure and reforming judicial selection and judicial career laws. Other measures to improve efficiency and effectiveness of the judiciary are training judges and other court personnel, strengthening bar associations, curriculum reform in the universities, increasing the availability of legal materials for judges, and strengthening case management and other administrative tasks

Judiciaries in many developing countries have out-dated personnel practices, procedural requirements, and equipment. Furthermore, they perceive their professional roles and responsibilities differently from career government officials.

One of the important areas of judicial management, especially in Latin America, is alternative dispute resolution – usually through mediation and arbitration – to keep many cases out of the courts, ease the backlog, and reduce costs for the people involved. Revitalizing or reshaping the role of public prosecutors and public defenders is an important complementary element of most judicial reform programs. This is especially important in post conflict situations such as those in Bosnia, Rwanda, and Somalia.

Civil society organizations play an important role in enhancing the efficiency and responsiveness of the judiciary, including those that work for public interest law reform such as political and civil rights, government transparency, and environment; those seeking to help groups such as farmers and tenants through legal advocacy at local government officials, judges, and other authorities; and those CSOs whose explicit goal is to promote and advance judicial reform, police reform, and other institutional reform. Other CSOs are those involved in media training teaching journalist about legal and judicial reform and legal aid clinics to assist the disadvantages to gain access to justice.

In the Arab region, many changes over the years in the management and administration of courts have led to improvements, which have included the establishment of a professional judicial corps, identification of procedures to improve citizen access, improvement in the professionalism and integrity of judiciaries, salary increases for judges, improved training of judges, and the greater independence of judicial councils. However, serious problems still remain, such as inadequate administrative support for the courts, the continuation in some cases of exceptional courts that negatively affects the establishment of a unified judicial system, overworked and underpaid clerks and other personnel, and tensions between the judiciary and the Ministry of Justice over budget and administrative support for the courts.

## **7. ROLE OF PUBLIC ADMINISTRATION IN PROTECTING THE PUBLIC GOODS**

Globalization has led to both opportunities and crises – the economic miracle in East Asia that was followed by financial turmoil and social cost; the end of the Cold War, followed by increase in civil strife and conflict; prospects of healthy lives resulting from progress in medicine followed by new diseases such as HIV and AIDS; and technological advances, followed by ecosystems overloaded with waste and pollution.

Many issues such as the environment – traditionally considered to be national issues – now require actions by more than one nation state. In the case of the environment and the protection of cultural heritage, for example, major strides have been made in policy development at the national and global levels, as well as in technical cooperation to respond to global environmental concerns including the Montreal Protocol and the Global Environment Facility. The process of consensus-building on global public goods requires the state to look beyond its borders. Increasingly, government ministries and departments have international cooperation units and divisions to prepare national strategies as a part of global concerns.

The shift from inward looking attitudes of public officials to the recognition of the interdependence of nation states in effectively dealing with public goods is one of the key outcomes of globalization. Over the past few years, the celebration of the 50<sup>th</sup> anniversary of the Declaration of Human Rights, the human rights initiative of the Secretary General of the United Nations, and proactive role of national and international human rights institutions – both with the governmental and non-governmental – have been instrumental in building pressures from the local as well as global levels to promote and protect civil and political rights of all individuals, especially the marginalized groups, the poor and women.

The rapid pace of globalization requires governments to make decisions in a global environment of uncertainty, heterogeneity and high levels of complexity. The governments, therefore, need to possess requisite capacity in terms of institutions, knowledge, skills, and information flows within the public administration structures and processes to cope with the challenges of globalization.

As the experience of the countries in Central and Eastern Europe shows, public administration plays a critical role in promoting the public goods. To successfully do that, however, public administration needs to partner with and gain the support of the private sector and civil society organizations. (NISPA CEE, 2003).

Matching the role of the State to its capability is essential to ensure effective and efficient use of public resources. It implies identification of what states do and how they do that. The World Bank in its 1997 World Development Report identified three types of State functions: “minimal;” “intermediate;” and “activist.” (World Bank 1997). The report argues that countries with low state capability should focus first on the provision of “pure public goods” – macroeconomic stability, the provision of basic services such as

safe water, control of infectious diseases, law and order, and property rights. The second category of functions includes “management of externalities (pollution control, for example), regulation of monopolies, and the provision of social insurance (pensions, unemployment benefits).” The “activist” functions include the State’s role in the promotion of markets through industrial and financial policy.

The administrative capacity of the State needs to be strengthened to cope with globalization. This may include capacity to manage change and strengthen the role of the state as a “learning organization,” enhance leadership skills and strategic planning capacities, the need for performance standards for management development, and training of top level managers to perform significant tasks on a supranational level. Competencies needed to cope with the challenges of globalization include a combination of knowledge, skills, behavior and attitudes.

## **8. EXPANDING ROLES OF CIVIL SOCIETY AND THE PRIVATE SECTOR**

Effective governance is the process of fostering interaction between actors from the civil society, the private sector and the state. Traditionally, mistrust – and in many cases hostilities – between the public and the private sector have constrained complementary actions on both sides. This had gradually, but significantly affected the role of public administration and the way this role is performed.

Similarly, lack of trust and good will characterizes relationships between the State and the civil society actors. The practice in developing countries shows that each of these actors have their strengths – the State in providing the economic and legal framework, the private sector in creating jobs that provide income to improve living conditions, and the civil society in protecting rights of all citizens and facilitating their participation. Where they work together – as in the case of Japan and Korea – the capability of the society to deal with its economic and social problems is enhanced. Of particular importance is the role of the civil society, which is increasingly called upon to play an important role to ensure proper accountability of the State, in some cases serve as an alternative channel for the provision of basic services, and defend the interests of the poor in national and global forums. At the national level, civil society has been recognized as a significant governance partner. Thus, there is added pressure to enhance its capacity for policy level interaction with institutions of the State.

Civil society will be increasingly called upon to play an important role in ensuring proper accountability of the State and the private sector, defend the interest of the poor in national and global forums, and facilitate the participation of people in decision making. At the global level, civil societies are playing an increasing role to strongly advocate global concerns, such as the environmental protection, protection of human rights, gender equity, trade negotiations, human rights, and debt relief.

As the main engine of economic growth, the private sector has an increased responsibility for employment creation that brings high value added, higher income and subsequently added state revenue that could be used for social pending. Opportunities for joint ventures from advanced countries promote new technology and knowledge in developing countries. One of the areas of close interaction between the State and the private sector is the need for the private sector to be more socially responsible as it improves productivity and for the State to create an enabling environment – including policy, legal, and regulatory framework – that promotes competitiveness in the economy. State institutions are assuming added responsibility in the formulation of and adherence to new global rules, dealing with such matters as protecting the public goods, and enhancing equity of exchange between firms from different countries.

European Union and OECD countries have been increasingly engaging civil society in the process of formulating policies and laws and monitoring and evaluating their impacts. In Central and Eastern Europe, many questions related to the enhanced role of civil society have been discussed – including the contribution of civil society to the policy-making process, strengths and pitfalls of civil society contributions, and its capacity and interface with the private sector. Each topic has reflected the changing role of public administration. (UNDP 2003).

## **9. IMPACT OF E-PARTICIPATION ON PUBLIC ADMINISTRATION**

Internal and external relationships and processes of public administration around the world are being transformed with the rapidly increasing use of modern information and communication technology (ICT). E-Government is the government that “applies ICT to transform its internal and external relationships” (UN 2003). It strengthens the capacity of public administration to increase the supply of “public value;” i.e., what the people want. A meaningful e-government development adds value to the government operations because: (1) it empowers people and enhances their capabilities; (2) it equips people to effectively participate in the political and economic development process; and (3) it adds to the values of inclusive democracy.

There are three main forms of participation: (1) economic participation which provides people, including women, the disabled, and marginalized groups, with opportunities to use their capabilities and gain income to increase their choices; (2) political participation, which includes freedom of speech and association, guarantees of human rights, free and fair elections, multi-party system, and rule of law; and (3) social and cultural participation, which implies the rights of all people and their communities to shape their own social and cultural environment including language, art, and music. These forms are complementary – progress in one can positively affect progress in the other. Public administration structures and processes provide the anchor to facilitate each of the above forms of participation. Of particular importance are access to quality of information, open channels for electronic communication, responsiveness of administrative structures, and connectivity and networking among citizens.

A recent United Nations survey on “e-participation” was undertaken to review the following: the use of ICT to increase the supply of information that was useful in the process of consultation and for decision-making (e-information); to enhance consultation (e-consultation); and to support decision-making by facilitating people’s participation within the framework of G2C and C2G interactions (e-decision-making). (UN 2003). The “E-Participation Index,” thus focused not only on the willingness and ability of the State to provide reliable information and quality services but also to engage citizens, through the internet, in dialogue and consultations in the process of public policy making and in service delivery.

The survey shows that only 14 percent of the countries offered on-line consultation facilities, and nine percent allowed any citizen feedback on official policies and activities posted on the government web site. As expected, income per capita had a correlation with e-participation initiatives, with the high income countries above average high quality and useful services for e-participation and low-income countries providing very few citizen-centric participatory services. Out of the top 20 countries in the E-Participation Index, only five were middle income countries and none from the least developed countries.

## **10. BUILDING PARTNERSHIPS IN PUBLIC ADMINISTRATION**

Partnerships between the public sector, civil society organizations, and the private sector and other forms of cooperation between local and national governments are instrumental in achieving the primary tasks of the State. Such partnerships are frequently used to develop and expand energy and utility networks and services, extend transportation systems, construct and operate water and waste treatment facilities, and provide such basic services as primary health care, education, and shelter. Specifically, governments and the private sector cooperate through a variety of mechanisms, which include contracts and concessions, build-operate-and-transfer arrangements, and public-private joint ventures. Interest in public-private sector cooperation has emerged for many reasons – insufficient resources at the disposal of national and local government to extend services, public dissatisfaction with the quality and coverage of government-provided services, the ability of the private sector to provide some services such as transportation and housing with greater efficiency, and pressures from international assistance organizations to mobilize private investments.

A recent UN report identifies five types of partnerships based on practice around the world – partnerships between the public and the private sector; between different levels of government dealing with effective planning, implementation and evaluation of activities; between social groups, employees, trade unions, on the one hand, and employers and their representative bodies, on the other; partnerships between organizations and entities in different countries; and partnerships in relation to knowledge. (UN, 2003)

Fostering and promoting outcome-oriented partnerships require fundamental shifts in government structures and processes, as follows:

- Shift from the traditional form of hierarchy in government organizations to team-orientation;
- Shift from direct delivery of services to a catalytic and “steering” role and market-orientation;
- Shift from bureaucratic red-tape to community empowerment;
- Shift from input to results-orientation;
- Shift from centralized to decentralized and participatory modes of policy and programme design and implementation;
- Shift from secrecy in decision-making to administrative, financial, and political accountability;
- Shift from bureaucratic paternalism to community empowerment and active engagement of civil society organizations.

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<sup>i</sup> This section builds on the work of Transparency International, especially *Transparency International Manual*, Berlin, TI 2000.