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### **Accountability in Formal and Informal Institutions: A cross country analysis**

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## **Abstract**

The concept and practices of accountability enjoy considerable interest today, not least due to the World Development Report WDR 2004 on service delivery, which formulated the ‘triangle of accountability’ - specifying relations between the poor, service providers, policy makers and politicians. This paper explores accountability starting from realities faced by the poor across countries and diverse institutional contexts. It is postulated that, even while the WDR does acknowledge the importance of clientelism and the risk of politicisation of policy, there is insufficient recognition – especially for the poor and women, but not limited to them- of the power dimensions of accountability, institutionalised inequalities and low claim making powers, access problems and the importance of bribes to get things done. Such issues undermine accountability mechanisms in what may be called ‘modern’ or formal institutional settings. The question arises as to whether there are well performing accountability mechanisms in more traditional/‘indigenous’ or informal institutions and settings, where people may (still) rely on or build on well established and culturally rooted accountability practices. This paper is an initial exploration and analysis of accountability mechanisms in a sample of 22 ‘modern’, ‘indigenous/traditional’ or ‘mixed’ institutions - and attempts to identify patterns of mechanisms that seem to be effective, and to assess conditions that may be conducive to effective accountability arrangements.

## **Keywords**

Informal institutions, accountability, service delivery, poverty

# Accountability in Formal and Informal Institutions<sup>1</sup>

## A cross country analysis

### 1 Introduction

The concept and practices of accountability enjoy a lot of attention these days, especially with the donor community. The concept, of course is not new. It was a topic of interest alongside efforts to combat corruption, and then became part of the concerns with ‘good governance’, but was treated as yet another concept along with other ‘principles’ such as transparency and responsiveness. Now that the interest in the broad and rather normative ‘good governance agenda’ appears to be on the decline, there is an understandable interest in more concrete and manageable strategies which not only target the state – as with many good governance components – but which relate to the interaction and relations between the state and society, between government agencies and the people they are expected to serve (Goetz and Jenkins, 2005). One strong impetus for the catapulting of the concept into prominence was the 2004 World Bank World Development Report (WDR) ‘Making Services work for Poor People’. It included the now well known ‘triangle of accountability’, linking the poor, policy makers and the providers.

While offering a useful framework for analysis and even practice, the framework recognises the possibility that service delivery to the poor is influenced or undermined where political systems are suffering from clientelist politics and/or corruption. This touches the heart of the matter - the poorer people are, the more problematic their access to (quality) services and the more likely that they are dependent on informal relations and channels such as patrons and brokers, and that the bribes they pay are large in relation to their incomes (de Wit and Berner, 2009; Kitscheld and Wilkinson 2007). Donor agencies – focusing on poverty reduction and the MDGs - are increasingly aware of such problems, and have been exploring ways to overcome them (Netherlands Ministry of Foreign Affairs, 2007). Strengthening accountability systems seems an attractive option these days where the formal relations between formal governments, formal service providers and the poor are concerned. An example could be a municipality which has contracted out water supply to a private firm, and where the customer wants to complain about poor supply: these are official relations ostensibly ruled by contract between formal, or one could say ‘modern’ organisations. Issues here include the degree that customers have sufficient information to complain, whether they are aware of their entitlements, whether they have (direct) access to the agency etc. The problems are not new and they apply both to the rich and the poor. Yet they have become more complex generally, where there has been a

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<sup>1</sup> This paper is the outcome of a cooperation between ISS and the Netherlands Ministry of Foreign Affairs focusing on issues of accountability, ‘informal institutions’ and ‘informal governance’. Mr. F. Blankenberg of the Ministry was intensively involved in the study on which this paper is based, while bringing in documentation and offering forums for discussion at the Ministry (MoFa, 2007, and Blankenberg, 2005, 2007).

shift towards 'governance' and the recognition that governments are not the sole actors in arenas of planning and policy implementation. Indeed, the dominance of neo-liberal ideology and its emphasis on a small state has contributed to a proliferation of what are called non-state 'policy stakeholders' under banners such as New Public Management and the privatisation or contracting out of services. All this has made accountability systems more complicated as the numbers of actors have multiplied, along with the number of principal-agent relationships (Baud and de Wit, 2008, Swyngedouw, 2005)

However, there are plenty systems and arrangements where people – especially the poor – are in fact strongly linked to less formal organisations, on which they rely for services, their security or justice on more informal systems. We are referring here to what one may call 'traditional' or 'indigenous' organisations or institutions, which may be quite important in many countries. Just like in case of the 'accountability' concept, there is also increasing interest in the latter organisations, sometimes called 'informal' institutions to distinguish them from formal or 'modern' institutions (de Wit, 2006, Oosterwaal, 2004, AnanthPur, 2004, ECA/Economic Commission for Africa, 2007, and, earlier by Dia, 1996). The question arises as to how accountability is organised in such informal indigenous institutions and between traditional service providers and their 'customers'. What is the nature of such institutions? Can we actually (still) identify 'pure' cases of indigenous institutions or have they all adjusted (been articulated) to dominant 'formal' and 'modern' institutions – so that perhaps a dominant form is a hybrid one, or 'mixed' institutions? Or is it better to move away from such categorisation and consider these as continuums on a scale from 'formal' to 'informal'? Can we learn from such institutions and, if so, can such lessons be applied to policies, projects and organisations which are supported by donor agencies? And finally, how do these institutions compare - what are the underlying factors and patterns which may explain where accountability systems work, and where these do not work, across a variety of types and contexts.

To make analysis possible, this paper is based on secondary data including a number of case studies across developing and transition countries – both formal/modern ones, indigenous ones and mixed types.<sup>2</sup> The paper starts, in the next chapter, by defining accountability, and attempts to make distinctions between 'formal' and 'traditional' institutions, which are seen as different from 'informal' institutions and relations- but there are also overlaps, as in the case of patronage. It will be argued that the latter institutions are normally more important for the poor than for the rich, as the poor face severe problems to get access to or proper treatment from formal ones (Narayan, 2000). Chapter three links the former concepts and perspectives to current donor perceptions and practice, by presenting evidence on patterns and practices relating to accountability from donors agencies and to specific areas such gender accountability. The practices by donors to deal with what we call indigenous institutions are finally assessed: have they linked to them; neglected them or

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<sup>2</sup> The core of the research has included the collection by Mr. Akinyoade of 22 cases (see annex) which bring out relevant dimensions of accountability, and their subsequent analysis.

even revived them? Chapters four to six then deal respectively with accountability experiences in formal institutions, informal institutions, and what will be shown to be the most prominent type which are institutions having both formal and indigenous elements. Some conclusions are drawn in chapter seven, where patterns of success and failure are presented, and issues relating to accountability summarised.

## 2 Defining Accountability

Already before, but especially following the influential WDR of 2004, there was ample attention for the concept of accountability. The WDR (2003:85) indicates that there is a rapid growth of citizen initiatives, where (organised groups of) people increasingly demand accountability, termed ‘a new accountability agenda’. It focuses on the concept in relation to the scope for the poor to hold accountable those who provide them services such as water, education and health ‘in short, the key is to enhance the power of poor clients in service provision’(ibid.: p64). So while much is written about accountability, the use of the concept ‘in diverse development discourses remains loose and under-specific as a result of the essentially contested nature of the term and the political agendas that it is used to advance’ (Newel, 2006:40). Newel correctly argues that the issue of power is at the heart of accountability debates, power to define accountability, and power to create and enforce the mechanisms of accountability (ibid.:55).

Schedler et al (1999) argue that traditional notions of political accountability are derived from the responsibilities of delegated individuals in public office to carry out specific tasks on behalf of citizens. In the modern state, with the growth of bureaucracies, the lines of political accountability have become blurred, making traditional concepts more difficult to apply. Mechanisms of political accountability can be both horizontal and vertical. The former amount to self-imposed accountability within the state machinery and the latter is that which is demanded from below by citizens and civil society groups. For effectiveness, horizontal accountability should be accompanied by strong vertical accountability in which citizens, mass media and civil associations are in a position to scrutinise public officials and government practice.

This paper will mostly focus<sup>3</sup> then on what is termed vertical accountability, defined as the process of holding persons or organisations responsible for performance as objectively as possible (Paul, 2002:1). Accountability is related to democracy: the task to hold a government (or for example a city corporation) to account has been delegated to elected representatives. This then raises the question as to the quality of democracy - or, concretely, the extent to which elected representatives actually represent the interests, and voice the grievances and complaints of the all the people they ostensibly represent, and/or who voted for them.

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<sup>3</sup> Even while some cases analysed later relate to horizontal accountability internal to the Eastern African Police Force.

Accountability has two dimensions: having to provide information about one's actions (answerability) and having to suffer penalties from those dissatisfied either with the actions themselves or with the rationale invoked to justify them (Goetz and Jenkins, 2005). The latter authors distinguish between the accountability target (the one to whom power has been delegated, the agent), and the accountability seekers (the principles); 'many people seeking accountability do so without a clear legal standing as principals' (ibid: 10). Goetz and Jenkins (2005:4) list five questions which embody the defining features of what they call the new accountability agenda: Who is seeking accountability? From whom (or what) is accountability sought? Where (in what forums and over what extent of geographic coverage) is accountability sought? How (through what means) are the powerful held to account? And: For what (which actions, and against which norms) is accountability being sought?

## **2.1 Formal, 'modern' systems**

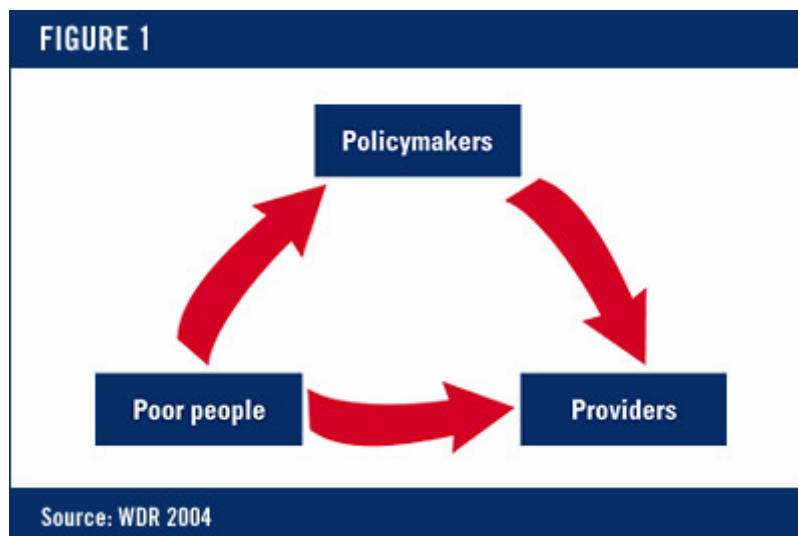
The concept of accountability holds the promise then that the public can hold policy makers and politicians accountable – assuming some mutual understanding, listening to each other, if not respect. Concrete (modern, formal) accountability mechanisms in the formal sphere include (cf. Paul, 2002:6-8, Goetz and Jenkins, 2005): report cards; citizen charters; right to information laws, e-governance in several countries (e.g. India), mobile phones, internet, ombudsmen, watchdog committees (Bolivia), and elected representatives as already mentioned. However, accountability is often hampered by an overall lack of information: one of the problems that citizens face in addressing service-related issues is their lack of knowledge and information on these matters. They end up protesting and writing to the press on an anecdotal basis that may solve some individual problems but that do not solve the systemic problems in service provision (Paul, 2002). Accountability is also linked to claim making power and entitlements. In contemporary usage, the notion is about 'applying checks, oversight and institutional constraints on the exercise of power' (Schedler et al., 1999:14). According to Blair (2000), in order to increase the accountability of bureaucracy to elected officials and of elected officials to the public, measures that can be adopted include: the institution of regular elections, giving a voice to opposition parties, having a strong civil society and independent media, convening public meetings, using opinion surveys, and instituting formal grievance procedures. He cautions that, in order to achieve success, a combination of approaches is required because no single mechanism works on its own. The variance in the progress made in these countries indicates that the success of accountability measures does not appear to be time-dependent.

## **2.2 The World Bank accountability triangle**

The WDR (2004) introduces what is called a 'triangle of accountability'. The service delivery chain is seen to include three sets of actors: a) poor people, b) service providers or front line providers such as school teachers, doctors and bus drivers; and c) policy makers and politicians. The (direct) relation between the poor and the service provider is termed 'the short route'. A positive



example could be the system of school vouchers where clients obtain the power of choice/ exit in relation to schools. The 'long route' refers to the relation where clients as citizens influence policy makers, and policy makers influence providers- and this relationship also includes the link between poor people and politicians - who are ultimately responsible and who could be voted out of power if they fail to safeguard proper administration or service delivery. The WDR recognises that poor people often have little influence over politicians, and that public services 'often become the currency of political patronage and clientelism' (ibid.:7). The relation between policy makers and providers is termed 'a compact', or contract. The report appears to assume that in many cases there is a separation between the policy maker and the provider; it may of course happen often that one agency (e.g. a municipality as governed by politicians/ the municipal councillors) both formulates policy while also implementing it. This would be the case when the municipality itself is in charge of water supply and solid waste management. However, as indicated, policy making and policy implementation are/ have been increasingly separated, for example under New Public Management approaches and as a result of neo-liberal type market focused approaches including contracting out modalities. This, itself raises further questions as to accountability where the number of providers multiplies and the question as to ultimate responsibility may be increasingly unclear for citizens (Swyngedouw, 2005).



Even while the accountability triangle has given a welcome boost to thinking about accountability, it has also met with criticism, which may be briefly captured here already:

- It neglects divisions amongst the poor and marginalised, specifically the fact that women are often unable to obtain access to service providers (ibid.);
- It assumes a pro-active, demanding attitude of assertiveness vis-à-vis the service provider and/or policy maker/ politician, while it is possible that

many poor people take a rather more accepting or sometimes even fatalistic attitude as regards services, and that they may be rather slow in complaining or demanding change (but this needs further scrutiny based on case-by-case research);

- The report acknowledges patron-client relationships and the important fact of service delivery in exchange of votes, but it neglects corruption and the critical fact that bribes are often - if not normally - demanded by service providers to obtain a service in the first place, or to solve a problem with a service;
- It neglects the entire shadow world of informal brokers and intermediaries and their relationships with local level politicians and bureaucrats (de Wit, 1996, 2006; Ghafur, 2000; Kitscheld and Wilkinson 2007), which is precisely critical for the poor. Blundo, 2006, has written an article with the telling title 'Dealing with the State, the Informal Privatisation of Street Level Bureaucracies in Senegal', more details on this follow below.
- Inadequate recognition of the essentially power dimension of accountability.
- It neglects civil society (Evertzen, 2006);

### **3 Problematising Accountability**

#### **3.1. Stakeholders in Accountability relationships**

If accountability works in terms of the WDR accountability triangle, it assumes a (potentially effective) direct relationship between the citizen – and the service provider (the short route) as well as a (potentially effective) relationship between a citizen, the policy maker and the politician, who could pull up a non-performing service provider (the long route). By considering briefly the key stakeholders related to accountability, we take issue with most of these assumptions: many poor 'clients' do not have direct access to service providers - and if they have they have very little claims over them—partly as they do not actually have high expectations or 'perceived entitlements'. Rather than complaining or getting angry, poor citizens may simply have to pay up if they really want good health care or a place in a proper school: bribing takes the place of 'voice' or 'exit'. The long route is often 'very long indeed'—the long and winding road - if and when elected representatives and politicians never stop and look back at the poor voters who voted them into power – not rarely after 'bribing' them with presents and gifts (Kitscheld and Wilkinson 2007). One could wonder whether accountability is a concept with any meaning for masses of (very) poor people in developing countries. Let us consider the key stakeholders.

##### **Politicians**

It is beyond the scope of this paper to dwell in much detail with the role of politicians- besides, their diverse roles and activities vary widely from country to country, even from politician to politician. Nevertheless, some

generalisations can be made, none of them too positive about the willingness of politicians in many countries to actually fend for the interests of the poor and marginalised in many countries. Another issue is the dependency relations – however skewed – between politician and poor voters in many developing country democracies, where politicians only seek contact with the poor just before and during elections, and where the poor are motivated, requested or bribed to vote for a politicians. Often, relations between politicians and voters are personal and long term, and can be captured by the concept of ‘electoral clientelism’. Kitscheld and Wilkinson (2007:19) indicate that in many countries with high levels of poverty (Thailand, India, Pakistan and Zambia), ‘patrons directly purchase clients’ votes in exchange for money, liquor, clothes, food or other immediately consumable goods (...) Much more frequent than single-shot transactions of this nature, however, are webs of exchange, obligation, and reciprocity sustained over a longer period, in which patrons provide private goods or club goods to their clients’. For the purpose of this paper it is important to underline that politicians may influence policy or policy benefits through discretionary powers towards poor clients or customers. One good example is provided by Ghafur (2000:269) who refers to the realities of slums in Dhaka ‘... very rarely have all communities been favoured equally. The ward commissioner’s aim, implicit in the resource allocation for development work (slum improvement) was to serve and ensure his existing vote banks. ‘On the surface, Slum Improvement Projects no doubt serves the cause of the poor, but in reality, service provision is also a patronage distribution effort which intends to secure the support of local power structure (and households) for the central government (ibid.:275). We are not saying that all politicians are always using their discretionary powers to manipulate and distort policies but we need to be realistic and perceive the risk that this does happen. Under such conditions, accountability is completely distorted, as politicians are not susceptible to regular democratic and governance objectives and expectations.

## **Officials**

Little can be said here in a general way on the role and performance of officials, but again we attempt to stress the perspectives of the poor in many developing countries. One issue is obviously the incidence of administrative corruption in many developing countries, the result no doubt of many diverse causes, including poor or irregular payment of salaries, very poor systems of performance management, accountability, control and enforcement of organisational rules, connivance with rent-seeking politicians and just plain greed. Such corruption serves as an extra tax on the poor (or on whoever is in the sad position of not being able to take bribes). Even more complex are conditions in what are called neo-patrimonial states. In contrast to the triangle of accountability, one could juxtapose the Triangle of Accommodation (Migdal 1988 in Brinkerhoff 2002, 19) which operates in neo-patrimonial states and where there is a tacit understanding and co-operation between bureaucrats, politicians and strongmen, leading to very weak (‘token’) implementation of official policy- and which links to the aforementioned statements on politicians.

### **Private sector service providers**

Increasingly, hitherto public tasks are undertaken by (semi) private actors as in New Public Management policies, and as part of neo-liberal agendas advocating a smaller state, which may imply increasing numbers of actors (which could include NGOs etc), and what is called 'enabling' (local) governments (Swijngedouw, 2005) . For all their merit, ultimately private sector providers (education, health, basic services, solid waste management) have a profit motive and this normally is in contradiction with the need for the poor to have a standard package of adequate services from the state. A large public sector is in principle in the interest of the poor – and less so of the rich. User fees, the increasing incidence of good quality private schools and hospitals which meet the demand of higher income groups who can pay the bills – all work against the interests of the poor, as the poor who can ill-afford them, and as there is less interest and investment in the public schools and hospitals which they have little choice to attend. These are all trends working against quality services for massive numbers of poor people. One might assume that accountability systems work better in market based service delivery arrangements: people who use these may be better informed and more assertive, they hence have choices and may be expected to demand value for money.

### **Brokers and intermediaries**

The WDR 2004 assumes that state deals with service providers – in a compact – (often the state still is itself the provider) and that the providers work with the clients/ customers of the service. However, in reality, it appears as if brokers (mediators, intermediaries, local agents, touts, (demarcheurs, agents d'affaires, transitaires ambulants) often fill the gap between people and the state, between people and the service providers (de Wit, 1996). Blundo (2006:802) underlines the importance of brokers – with an informal and precarious status- as regards the delivery of services in Benin, Niger and Senegal. These are built around the relationships between public users and services in public transport, customers, administration, local taxation, public procurements, justice and public health services – including the issuing of birth certificates (ibid.: 810). He argues that they contribute to an 'informal privatisation of the street level bureaucracy'. The brokers serve a function to the user as they can guide them through the maze of officials and layers to the right person, as well as informing the client of going rates of informal payment (they personalise the administrative procedure, speed up the procedures – but to the detriment of those not using brokers). Officials are tolerating the brokers, 'because they constitute a protective shield for the misdeeds of the public agents' (ibid.:816). Initiation at the level of the local bureaucracy is often done via genuine administrative brokers (office boys, ushers etc) – which is a strategy needed to control the non-formal codes, 'which sometimes presupposes the development of a local know-how of corruption'.

Brinkerhof (2002:11) argues that low income people may not see the use of mediators (or clientelism generally) in wholly negative terms; it may serve important functions for the poor in terms of an informal insurance system or as an important social safety valve – which they perceive as a reasonable

assessment of risk. This would fit a specific phase of development or state building. This is confirmed by de Wit (1996) who argues that patrons and brokers typically are 'Janus-faced', while demanding high fees for mediation they may be the only ones ready to successfully operate on behalf of the poor and illiterate, while alternating 'exploitative activity' with social and supportive activities as in providing presents and organising (temple) festivals. However, Brinkerhof agrees that patron-client systems have fewer countervailing powers or 'agents of restraint' (ibid.:12), which again links to lesser scope for accountability as there is no/ a lesser direct link between the poor, the service agency and the politician.

### **Back to the poor: men and women**

As indicated, it is the poor and vulnerable who would have most to gain from an effective and strong public sector and a large public budgets- if these were spent well. As indicated, it is precisely the poor who often do not have access to public services, and if they do, these may be of much poorer quality than those for higher income groups. It is critical to make a distinction between men and women here, as women often again find it much harder to get access to proper education, health care, housing etc (Evertzen, 2006). And as accountability issues are closely linked to power, they also bear on the severe institutionalised inequalities which characterise many developing and transition countries.

'Many of the initiatives that profess to promote accountability, target only very 'soft' aspects of accountability..., treating the structural difficulties of democratic systems as temporary glitches requiring the application of technical expertise. Such initiatives side-step anti-poor biases that prevent accountability institutions from recognising and responding to injustices that disproportionately, or even exclusively, affect marginalised groups' (Goetz and Jenkins, 2004, in Newell, 2006:49).

A second, more structural question, is whether actual practices of accountability will offer perspectives for more effective governance/ service delivery from the vantage point of the poor, or is it another buzz-word, launched in a desperate effort in a never ending quest to find the key to poverty reduction? One may wonder as to whether and how the concept relates to the actual realities of people in villages, cities and slums of developing countries- and how they would translate the term. Newell (2006:40), for example, mentions that the term accountability does not exist in Spanish. Besides, accountability is obviously also linked to issues of entitlement and expectations of people, and these may be rather low indeed. In the aforementioned slum project in Dhaka, Bangladesh the social construction of the collective expectation (of entitlement to patronage) contributes to the development of a specific hierarchy-patronage relationship between households and urban local government (Ghafur, 2000: 275). Within this relationship, the institutional format of the municipality does not even enfranchise households to claim legitimately required items of urban services for household reproduction.

### 3.2 Impressions from Netherlands Embassies on accountability in select countries<sup>4</sup>

In the above, the accountability agenda from the perspective of the poor has been found rather problematic indeed - if they actually perceive it as an issue if questioned. However, it is also problematic from the donor agency point of view if the experiences of Netherlands Embassies in charge of development cooperation are considered. A survey was carried out amongst Netherlands Embassies into the nature of Embassy involvement in the country; the nature of service delivery arrangements and accountability mechanisms, and reflections on both 'the short' and the 'long route' of accountability (Netherlands Ministry of Foreign Affairs, 2006). Some indicative findings from these Embassy reports on accountability and formal/informal institutions are listed here, including illustrative quotes from Embassy survey reports.

**Bangladesh:** 'Without proper base-line data or monitoring systems, and considering the low level of decentralised responsibilities, and frequent transfers of government officials it is very difficult to establish mechanisms of accountability, let alone ensure that they are of good quality and functioning. Formal accountability institutions such as a well-functioning parliament and separation of powers are non-existing in Bangladesh.....' and: 'The long route of accountability is a title perfectly on the spot – our experience is that it is an extremely tedious process'.

**Bolivia:** 'Type-casting the nature of existing service delivery arrangements in the country can be done by the label pro-poor envisaged, but unresponsive by nature for this specific target group. Like in so many other countries, there is a big difference between the level of and access to service delivery for the different social strata'.

**Ethiopia:** 'Type casting the nature of service delivery in Ethiopia, the answer is two-fold: it is both pro-poor and clientelist, both decentralised and centralised and both responsive and unresponsive to consumer demand. Such dichotomies do exist side by side as a result of informal institutions. In principle, policies, guidelines and procedures in Ethiopia are generally well laid down. They are pro-poor and strongly equity-focused. So far, so good. But it is preferential treatment that blurs the picture, and invariably so, along lines of patronage, sex, ethnical lineage, political affiliation and the like. Poor people have extremely limited control over their means, limited access to power, and little voice'

**Ghana:** (type casting service delivery) 'Formally pro-poor but clientelism plays also an important role, e.g. water supply tends to be used by politicians to gain

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<sup>4</sup> Courtesy Floris Blankenberg of the DEK department of the Ministry of Foreign Affairs, who allowed referring to a survey amongst Embassy staff on informal institutions.

support and there is a tendency to provide water to middle/high income areas' .... 'Traditional chiefs play a dubious role, they are not accountable and not all chiefs support pro-poor interventions or speak on behalf of the poor people'.

**Yemen:** 'It must be noted however that not much systematic information has been collected and published on informal accountability mechanisms such as local leaders (sheikhs) and their local power bases (including at times armies), traditional 'institutions' that are heavily male dominated like chewing qat in the afternoon'.... 'These are un-transparent decision making mechanisms in a traditional society, which leaves out the opinion and participation of half the population, being the women of this country'.

### **3.3 Modern/formal and Informal/Traditional Institutions**

This paper will make a distinction between 'modern' or 'formal' and 'traditional' or 'informal' institutions and relationships, which both exist – sometimes side by side, sometimes in combination in developing and transition countries. Following Dia (1996) as well as a recent report by the Economic Commission for Africa (ECA), 2007, formal institutions are defined as the 'modern' institutions that have been constituted by law and common acceptance – such as banks, ministries, municipalities, (foreign funded) factories etc. Traditional or indigenous institutions and relationships – which are 'informal' as compared to the formal ones which are bound by formally enforceable rules and sanctions – have evolved over time in countries, are deeply rooted or embedded in local communities as well as in local culture. These may include caste-councils or the strong and inclusive organisations of fishing communities, but also informal micro-enterprises, saving groups or tribal chiefs, as for example in Ghana. For a more detailed assessment of such institutions and their relative merits and de-merits see de Wit (2006) and ECA, 2007. It may be noted here that for all their possible merit, such 'traditional' 'indigenous' or customary organisations and institutions also may harbour negative traits, for example that they are patriarchal and autocratic. Neither is it true that such institutions, even if very old and deeply rooted, are also purely 'traditional' or that they have not changed in the course of history. For example, Maru (2006) indicates that in many parts of Africa traditional chiefs were used by colonial powers the help exploit colonies; it was then the chiefs who exploited their people. This has led to the concentration of much power in the hands of these chiefs, which may still persist up to the present day.

We will not go into more detail here as regards further defining informal institutions with their many connotations, and rather refer to other publications which have taken up this topic (de Wit, 2006; Helmke and Levitsky, 2004). Here, we will argue that in all developing countries - and, for that matter also in rich, developed countries - both 'modern' , 'formal' and 'traditional' and 'informal' institutions exist and co-exist, and that apparently quite modern and formal organisations may be influenced or permeated by traditional and indigenous values, norms and practices. Such juxtaposition and the incidence of 'hybrids' obviously occur in differing degrees of importance – varying from country to country, but also varying in importance for people –

which may be explained in terms of social class, caste, ethnic group or gender. It can be well argued that traditional saving groups in Africa and Asia are more important for the poor than for the middle classes who put their savings in banks. It is also obvious that (illiterate) poor people are more (urgently) dependent on local leaders, tribal chiefs or caste leaders than rich(er) people, who may be able to directly contact and put pressure on service delivery agencies, officials or politicians. Which, however, is not to deny that informal relations and channels are not important to them, if only as they may sometimes be more effective than direct formal relationships, or as they may add a personal element of trust in socio-economic conditions where trust and reliability are in short supply for all.

However, we also argue that both 'modern' and 'traditional' institutions may perform well or, in contrast, poorly in terms of accountability. One may have a 'modern' or formal system (e.g. 'participatory budgeting in Porto Alegre') which is quite accountable, works well by and large, and which is not influenced or distorted by corruption, elite or mafia-capture and other negative traits, and which includes effective accountability arrangements. Similarly, one may have a 'traditional system' for example the Adji Game in Benin (Oosterwaal, 2004) which has a high level of credibility, acceptable outcomes and where again corruption and elite capture seem relatively absent'. Logically, there will also be mixed forms, for example where governments or donor agencies have built on traditional institutions, for example the Gacaca courts in Rwanda, which is another example of a 'working' arrangement where justice is dispensed apparently to the satisfaction of many and in conditions of accountability. Indeed, there is often no clear line between what may be called 'formal' or 'indigenous' institutions, but there is rather a continuum, where the two mix or overlap.

In contrast, in all such organisations, institutions, relations and cases, things may not be well or go wrong - both in 'modern', 'traditional' and 'mixed types'. There may be corruption, elite capture, mafia domination, the marginalisation of the poor, women or certain ethnic groups – resulting in low or negative public appreciation, negative outcomes and little or no accountability. We shall show later that many arrangements relating to police forces in African countries basically do not work – leading to non-functioning accountability systems and a poorly performing police force. The common issue here is that they are ineffective and it is hard to otherwise capture such practices in one term, but there is a sense here of 'illegal', semi-legal, undesired, relating to deals, shady understandings, backroom politics, Mafiosi practices etc. This leads to the following matrix of nine boxes, which allow for the possibility accountability arrangements work or do not work both in 'modern', 'traditional' and 'mixed modern/traditional' systems.



**TABLE 1**

**Dimensions of accountability in different institutional arrangements and countries:  
an overview**

	'Modern' systems, following state rules and regulations	'Traditiona', indigenous system, following local/ community logic	Mixed 'modern' and indigenous system
Rules are followed, there is popular support, people are by and large positive on outcomes;	<ul style="list-style-type: none"> <li>* Decentralization of service delivery: Health - Rwanda</li> <li>* Decentralization of service delivery: Education systems in - Rwanda</li> </ul>	<ul style="list-style-type: none"> <li>* The Adji game – Republic of Benin</li> </ul>	<ul style="list-style-type: none"> <li>* Children Feedback Committees – Zimbabwe</li> <li>* Financial Services for Women Entrepreneurs (Susu) – Ghana</li> <li>* The Gacaca Courts – Rwanda</li> </ul>
Largely effective	<ul style="list-style-type: none"> <li>* Media campaign to fight corruption – Uganda</li> <li>* Local government decision making: Uganda and Kenya</li> </ul>		<ul style="list-style-type: none"> <li>* Conflict Resolution: Abunzi – Rwanda</li> <li>* Legal dualism: Paralegals – Sierra Leone</li> <li>* Traditional religion and fertility regulation – Ghana</li> </ul>
Entrenched rules Paper Accepted norms			
Mixed outcomes in terms of effective or ineffective accountability or performance	<ul style="list-style-type: none"> <li>* Maktab Police Tribunal for Junior officers – Tanzania</li> <li>* Disciplinary Courts and Human Rights Complaints</li> <li>* Desk of the Police – Uganda</li> <li>* Disciplinary trials for Junior officers – Kenya</li> <li>* Independent Complaints Directorate – South Africa Police Service</li> </ul>	<ul style="list-style-type: none"> <li>* Dam/borehole committees – Zimbabwe</li> </ul>	
Rules are not followed, systems do not work as perceived by people, high incidence of illegal, irregular dynamics (corruption, elite capture etc.)	<ul style="list-style-type: none"> <li>* Local Health Boards – Tanzania</li> <li>* The media law reform – Zimbabwe</li> <li>* Police reform – Nigeria</li> </ul>		<ul style="list-style-type: none"> <li>* Local Health Services Management Committees – Kenya</li> </ul>
Largely ineffective			

## **4 Case Studies of Accountability in ‘Modern’, ‘Formal’ Systems**

### **4.1 Introduction**

Following a review of key concepts and relevant practices relating to accountability and ‘formal’ versus ‘indigenous’ institutions, we will now provide more details as well as an assessment of the various cases listed in the above table. The in-depth study of case studies, brought out a pattern where cases could mostly with some confidence be characterised as ‘more or less successful’ or as ‘not quite successful’, and this is obviously also linked to scale. It is more likely that a short term, small scale project or intervention is effective, farther than a large scale, or even national policy implemented over several years.

We will below deal with some of the former, smaller scale examples, but first focus on the mixed evidence from the literature on the vagaries of police reform in African countries: Uganda, Tanzania, Kenya and South Africa. We will show that there can be no unequivocal classification of such reforms as either effective or in-effective: while they have been successful in terms of increasing accountability sometimes, they also failed at other times. Or, put differently, many of the reforms were excellent in form and contents, but, when they met with the actual – informal realities of power, inequality and corruption in the offices, things often did not work out. For all the good news and potential of the new structures and bodies, and against sources praising the reforms, there are also indications and accounts that things have not been sustainable. One key issue we found from our assessments of police accountability mechanisms is that complaints by the police (constables to senior staff) about police are not common – officers are unlikely to report misconduct by colleagues as it can lead to isolation within the workplace and even violent reprisal. There is a culture of secrecy surrounding the complaints process and the police appear to consider discipline an exclusively internal matter.

### **4.2 Failing accountability in African Police Forces**

In theory, the extent to which internal systems of accountability are effective will have a direct impact on the effectiveness of external civilian oversight structures to monitor police reform, and it is generally helpful if agencies are exposed to external mechanisms of accountability. A web of accountability is then created when these external institutions complement and reinforce internal mechanisms. Examples of external oversight bodies include the Public Service Commission which can look into allegations levelled against the Police Force in Nigeria (Chukwuma, 2005); the Kenyan Anti-Corruption Commission (CHRI, 2006); the Independent Complaints Directorate (ICD) of South Africa (Masuku, 2005). In Tanzania, it has been helpful that the police structure distinguishes between disciplinary or criminal offences, and that there

are different procedures for junior and senior officers; as a case in point there is the Maktab Police Tribunal for junior officers).

### **Uganda**

In the Uganda Police, accountability is within the ambit of Disciplinary Code of Conduct. Disciplinary Courts and Human Rights Complaints Desks, which were set up by the Inspector General of Police receive and conduct investigations into all complaints of police misconduct. The Police Act itself allows for a public complaints system where any member of the public can file a written complaint regarding bribery, corruption, oppression, intimidation, neglect, non-performance of duty or other police misconduct. There is a Code of Conduct that provides the legal basis for disciplining police personnel, but this does not recognize the principle of vicarious liability, which implies that senior officers cannot be held responsible for acts of junior officers. This has stifled accountability within the Police organization. So while there are sources and reports of praise for the elaborate network of internal accountability, recent reports indicate that many systems are plagued by a lack of transparency, a refusal to recognise vicarious responsibility, self rule, a protectionist police culture, and a lack of public trust. This is partly based on the discretion given to police courts to itself choose the penalties, and this obviously leaves room for impunity: the judge and jury are the police themselves.

### **Kenya**

In the Kenya Police Force, junior officers can face disciplinary trials and records are kept essential for performance management of both junior and senior officers. Progressive management strategies are in theory in place, which revolve around five key principles – clarity, responsibility, transparency, visibility and empowerment. Members of Parliament also have many opportunities for police oversight through question time, annual departmental reviews (e.g. budget allocation time), and by examining policing issues through the parliamentary committee system so as to promote police accountability. So on paper, this looks like a potentially strong system of accountability. However, in Kenya, police officers themselves recognise that they are getting away with indiscipline, abuse of power, corruption, and criminality. Added to this is the vague accountability procedure for senior officers. And even while Kenya laws permit civil suits against the Police (CHRI Kenya, 2006), unfortunately, civil proceedings have not been as effective as they could be because sensitive cases are not prioritized, long delays are common, and complainants can find themselves the object of police intimidation. So, on balance, the above goes to show that internal mechanisms of accountability are not working.

### **Tanzania**

In Tanzania, lack of a legislated right to information has made possible a culture of secrecy in the police force (CHRI Tanzania, 2006). A system is in place of police oversight through Local Councils, but this is problematic

because council members are untrained and unskilled in policing. In many cases they do not understand basic legal concepts and no human rights training is undertaken. Hence, existing internal and external accountability mechanisms are weak and ineffective, and the public does not trust that the police will handle their complaints fairly. Hence, in Tanzania, the lack of transparency involved with the implementation of the existing internal mechanisms (on paper) renders it ineffective. Besides, disincentives for junior officers to make complaints against senior officers, and the protective police culture compound the ineffectiveness of the internal accountability mechanisms.

## **Nigeria**

A final case where, ostensibly, formal efforts are undertaken to improve police efforts to enhance performance and accountability– but with hardly any impact – could be the Nigerian Police force. While internal and external accountability mechanisms such as the Police Service Commission (PSC) and the Public Complaints Bureau do exist, these are under-funded and enjoy little support by the national and police leadership in the discharge of their functions. It was applauded that a vigorous campaign was mounted against corrupt police officers by the Nigerian Inspector General of Police in 2002. Yet, only two years later in 2004, the IGP/ Inspector General was himself convicted of corruption. Again later, the Police Force was cited in a World Bank document as one of the most corrupt public organizations in Nigeria. Right after the World Bank statement, the Police ‘responded’ by raising the amount of bribes collected by the police from motorists at illegal road blocks from N20 to N50 (Thenacio, 2004). Finally, in Nigeria there are eight Police Training Colleges which recruit and train 40,000 new police personnel per year under a special programme. However, this programme was not preceded by an assessment of the capacity and preparedness of the police training institutions in Nigeria to actually absorb and effectively train the new recruits. Hence, a new wave of half trained police graduates hit the streets every six months (ibid.).

### **4.3 Other unsuccessful cases of ‘formal’ accountability systems**

#### **Local Health Boards – Tanzania**

Another example where potentially promising ‘formal’ accountability mechanisms were introduced with disappointing outcomes concern the Local Health Boards in Tanzania. The system introduced Community Representatives on the local health boards to improve accountability, but it turned out that over time this committee did rarely – if ever hold consultations with the community. The Board members proved largely ineffective and in most cases were pro-government. The perception of individual board members on their role in local health boards (management committees) is mainly government-focused, largely based on the influence of being appointed to the board by government (Boon, 2005). Some board members misunderstand their role or position and rather function as individuals, than as representatives of the interests of groups that have a stake in health issues. Therefore, downward accountability to constituencies by way of regular consultations does not take

place. It may be concluded that the strong government position in accountability structures undermined the added value of the local management structures in terms of creating direct, effective links or systems of accountability between users and providers.

#### **4.4 Successful accountability in Uganda**

##### **Participation in Rwanda**

Participatory processes can open up accountability mechanisms to represent broader segments of society, so making them more sustainable, effective, and equitable. In Rwanda, client power is developed by involving beneficiary communities as providers of information as regards the performance of service providers. For example, in the health sector, community members are appointed to serve on local health centre management committees. The Government provides political support for contractual health service delivery, and these 'top-down' efforts are complimented by an active citizenry. Community representatives on health centre management committees are relied on to verify the records (invoices etc) submitted by service providers for payments, in addition to providing information on performance of service providers. Health providers' pay depends on the number of clients handled, a situation that has increased client power (Government of Rwanda, 2005). Similarly, in the educational sector, parents and communities are now involved in the management of schools (for example through the Parents and Teachers Associations) and the direct transfer of capitation grants to schools has given school managers some reasonable power to plan and manage expenditure.

##### **Media campaign to fight corruption in Uganda**

In Uganda, several newspapers supported an anti-corruption campaign by publishing information on public funds both in English and local dialects to monitor how local officials handle the education grant programme. This encouraged active citizens, many of them parents to respond positively by making sure their children were enrolled in schools where the nature and size of capitation grants are publicised. Hence, in Uganda, the media, particularly local radio stations, have helped to build accountability at the local level (Devas and Grant, 2003; Reinikka and Svensson, undated). Mayors and chairpersons of councils participate in local phone-in radio programmes where citizens can question them about the use of money, and this has helped to build local accountability. Upward accountability to the national government has been strengthened through an elaborate system of reporting and monitoring on the use of resources and other performance measures, which forms critical information that feeds into the process of decision making on future grant allocations. All in all, there appear to be multiple opportunities for citizens to contribute/participate in decision-making (Devas and Grant, 2003).

Finally, there are indications that also in Kenya committed and effective local leadership does exist at the local level (ibid.). This may have led to the external assistance provided by GTZ to promote Local Authority Development Plans and other initiatives. At the local level, a remarkable development of civil society took place, and a growing capacity of community

organizations could be noticed, where people organized not only for mutual self-help but also to demand more from their Local Authorities. Civil Society Organisations have started to create dialogue between Local Authorities and other stakeholder groups within their jurisdictions.

## **5 Accountability in Informal Institutions**

Not surprisingly in this globalising world, it proved relatively difficult to identify cases which could be classified as relatively clear cases of ‘traditional’ or ‘indigenous’ institutions. Two cases of indigenous institutions – the Adji social club (Houkonnou, 2001) and Water Borehole Committees (Kozanayi, 2002) were examined. Common to these two are the fact that they are small, compact, local level institutions which performance thrives on mutual trust and solidarity, which is again established on cultural links. What makes the mechanisms of accountability governing these institutions effective appear to include the following factors: flexibility of rules; less costly to operate or maintain; they utilize the existing local structures; and appear less intrusive as regards the lives of local people. Such indigenous institutions have peculiar mechanisms of accountability which makes the operations of services they deliver or the management of communally-owned resources relatively successful, at least according to our (secondary) sources.

### **The Adji game in Benin**

The Adji game in Benin is a local and indigenous savings and credit system. The procedure for applying for loans from the Adji club is low threshold and simple – applicants are required to fill a half-page form to secure loan, which compares very favourable to the many pages, and the collaterals required by the formal lending institutions. The system is based on face-to-face contacts, and the local club committee members are less intrusive as regards insisting on obtaining information on the purpose for which loan obtained is to be used for. Each member of the Adji game club who has made regular monthly contributions is eligible for one-time interest free loans; a second loan attracts interests. <sup>1</sup> It may however be noted that both management and membership of the system is relatively simple, as the beneficiaries of the Adji loan scheme are mostly males and cotton growers who by the nature of their vocation have come together to form the ‘club’ where they contribute monthly dues.

Another but more ambiguous example concerns the local borehole committees in the arid rural areas of Zimbabwe. These are set up to monitor those who collect water by making sure that local people who pay maintenance fees or who helped in the constructions of boreholes have first or regular access to the water point. In times of water scarcity, (unwritten) social contracts and kinship ties are important. Rules are bent to accommodate those who come from outside the community to collect water. This is based on the premise that water is a God-given asset that should not be denied others; and that next-of-kin or other people from nearby communities cannot be denied access when they are in search of water. The system of borehole committees also illustrates the building on existing local structures. Community headmen

are called on as arbitrators or adjudicators in cases of community members who flout rules of water collection. Complex cases can be referred upwards to the ward councillor; but the borehole committees try as much as possible not to refer cases to 'civil servants' who are generally regarded as slow in dealing with cases because they have no understanding or appreciate little of the traditional, local arrangements, and who seem to be encumbered with too many rules. Citizens are active participants and they serve voluntarily in committees with little or no financial reward, which reduces the costs of overheads. The inclusion of local leaders in borehole committees helps to prevent conflicts because they may ultimately define who has access to and the right to use which well. Decision-making is relatively fast, compared to the long-winding routes of 'formal', 'modern' systems, with all their rules and bureaucracy.

However, complications evolved as regards the borehole committees due to the involvement of donor agencies. They felt that some localities continued to suffer water scarcity because of un-regulated access to water by unauthorized persons in beneficiary communities. This made the donors sink boreholes, and to superimpose their own borehole committees to manage the boreholes. However, this superimposition resulted in conflicts because the newly established committees lacked synergy with the pre-existing local/indigenous institutions which could have easily managed communally-owned water resources. For example, the new committees created bottlenecks which excluded outsiders (those who did not pay maintenance fees), yet traditionally the local people regard water as a God-given resource that should not be denied to others; access denial is greatly resented by the community (Kozanayi, 2002). This case illustrates the frequent problems where outsiders – be they donor agencies, NGOs or national governments – start to relate to such (relatively) traditional, small scale community arrangements. More often than not, the very act of entering the community with plans, proposals – and certainly money or other tangible opportunities – upsets a community and may undermine what might have been well performing arrangements. There are many cases where outsiders super-imposed new ('formal') committees onto communities, sidelining the 'traditional' ones, which might have been less effective from a project point of view, but which might have been the 'natural', home grown and locally rooted organisations (cf. de Wit, 2001, on a slum project where ultimately donor efforts to establish partnerships and community wide participation proved futile. Slum people used the project as a vehicle to get access to municipal agencies, and after project completion people fell back on pre-existing local organisations and their vertical relations of patronage).

## **6 Accountability in 'mixed' types of institutions**

### **Effective Accountability in mixed 'traditional' and formal/ modern institutions'**

We now focus on a few cases which represent the probably most common type of institution in developing countries, which are those that have originated way back in the past with strong roots in local culture and tradition, but which have adjusted over time to the vagaries as well as opportunities related to

contextual and institutional change: in norms and values, in new rules and laws in local or central governance, and in 'modernisation' as often associated with globalisation and donor projects and policies. The summarized cases below illustrate how local beliefs, values and norms that have been adapted to formal modern institutions over the years offer a framework that illustrates how service delivery can be tapped and accentuated. These examples show that the 'traditional' institutional environment can be used as a driving force to create an enabling environment for change or adaptation where necessary to adjust to modern economic and socio-demographic change. Many local and informal institutions have mutated in response to changes brought in from the rest of the world. For example, the Susu savings system for market women in Ghana has been adapted to modern banking and financial institutions; the Gacaca is now recognized and widely used under the formal justice system in Rwanda; and Social Action Funds introduced by the World Bank in Malawi and Tanzania makes use of existing local and traditional structures to achieve modest successes.

### **The Gacaca Courts – Rwanda**

Active citizenry: as jurors and witnesses at the village level prosecution of perpetrators of genocide in the presence of 100 members of a general assembly in the community. Gacaca is cheaper, quicker and easier to use than the formal justice system. Member of the Gacaca jury are not paid salaries but are given free medical assistance and schooling for their children. The Government of Rwanda and donors provide funding for Gacaca activities through a Gacaca basket fund. Monitoring and evaluation of the programme is also carried out by a consortium of development partners including Rwandan NGOs under the sponsorship of a group of Belgian NGOs. The Gacaca Courts are coordinated at the national level by the National Service for Gacaca Courts under the Ministry of Justice, headed by an Executive Secretary. High profile cases that could not be resolved at the local level are taken up by the Ministry of Justice.

Each Gacaca court has a tribunal of 14 persons of integrity labelled as Inyangamugayo, are selected from the community. Nine of these are functioning members while five are on standby. Selfless service is rendered by Gacaca jury members, typified by their willingness to work on voluntary basis. They are not paid salaries or allowances, but the government provides them with special welfare services such as free medical assistance and schooling for their children from the national budget through the National Service for Gacaca Courts (NSGC) (Government of Rwanda, 2005). However, while many support the Gacaca system as a relatively acceptable system to allow for justice and reconciliation in a post-genocide society (and even to empower women), there are also concerns as to the implications of the system, for example to actually capture and punish the right people, whether it compromises on international principles of human rights and criminal law, and the consequences of victims (often women) living amongst confessed perpetrators (Blizzard, 2006).

Similarly in Rwanda, a traditional mechanism to deal with local conflict resolution exists by name of Abunzi. Its mandate is normally limited to settle



relatively smaller financial disputes (an upper limit of Euro 4,300 is mentioned). The Abunzi consists of a panel of 12 members, who are persons of integrity and who are elected by their community. Each trial is handled by a panel of three judges. It is perceived to be a fair and cheap justice system. Most importantly, the system promotes cultural values which enhance reconciliation among aggrieved parties (Government of Rwanda, 2005).

### **Financial Services for Women Entrepreneurs (Susu) – Ghana**

This indigenous money saving system among market women is merged with modern day financial institutions, where Susu operators deposit the money collected from market women in designated banks, which yields some interests and ensure better returns (albeit marginal) on the amount deposited. Other benefits include the guaranteed safety of deposits, accessibility to loan schemes for market women recognized as members of any of the Susu groups. Peer pressure encourages market women to maintain regular deposits. Similarly, the homogeneity of the membership of Susu savings system in Ghana is based on the needs of market women who by the nature of their vocation needed a scheme to save their daily profits

### **Children Feedback Committees in Zimbabwe**

In Zimbabwe, community engagement in decisions on how to implement a food aid programme sponsored by Save the Children (UK) thrived because of community engagement – in this case, the involvement of children. The involvement of young people in assessing the value of the agency's work was aimed at creating better accountability towards communities that benefited from the food aid programme. Children Feedback Committees (CFC) provided the agency with a previously undocumented glimpse into what happens in households after aid is delivered (McIvor and Myllen, 2005).

### **Social Action Funds in Tanzania and Malawi**

The Social Action Funds programme in Tanzania (Lenneiye, 2005) and Malawi (Kalanda, 2006) also became successful partly due to the engagement of some members of the recipient communities in Community Management Committees. These committees were charged with management of the funds which made them accountable to the community, in addition to making implementation of the programme transparent. In Malawi, the local leadership, with assistance from the Local Authorities (LAs) was charged with selection of beneficiaries. In all LAs, beneficiaries, local, religious and political leaders were sensitized about the Public Works Programme – Conditional Cash Transfers (PWP-CCT) and its procedures. The PWP-CCT was a programme within the existing Social Action Fund project to transfer cash income to vulnerable households to enable them to buy food and agricultural inputs for the 2005/2006 growing season. The overall lesson learnt in the implementation of the Social Action Funds programme in Tanzania and Malawi is that, where there is a common purpose, a clear goal and with adequate funding, Local Authorities can effectively and efficiently deliver large interventions at community level.

## **The Navrongo Family Planning delivery project**

The Navrongo Family Planning delivery project of the Population Council (NY) in northern Ghana has been moulded into the shape of rural, traditional African life – village-based and structured through a strong system of kinship groups and inter-group networks (Oosterwaal, 2004). To harness this network resource, the Navrongo Project office had to gain the support of the village chiefs, elders, and peer network leaders to mobilize a tradition of social cooperation called Zurugelu, that gave credence to modern family planning and reproductive health programmes.

## **7 Conclusions**

We will now present some tentative conclusions, based on the evidence provided on the cases that were presented in this paper, but also on other cases and documentation not taken up here (see the Annex 1 for an overview of more cases that were analysed). The focus is on accountability in a variety of ‘traditional/informal’, ‘modern’ and ‘mixed’ systems, institutions and arrangements where we have deliberately problematised these concepts, as they have multiple meanings that need to be contextualised carefully. This paper has confirmed our initial assumption that, rather than starting from clear and separable categories, it is better to speak of a gliding scale from a general situation where almost all systems are hybrid, mixed forms of ‘tradition’ and ‘modernity’ and from the ‘informal’ to the ‘formal’ – and moreover constantly in a state of flux. This also shows in the relative absence in our sample of ‘pure’ traditional institutions with working or not working accountability mechanisms; globalisation, modernisation and the penetration of the nation state and donor-led programmes has been so thorough and encompassing that pure ‘traditional’ systems seem to have by and large disappeared; if they survive they have been kept alive or given new life by national/local governments or donor agencies, and they combine modern traits as well as having (deep) roots in tradition, culture and community, somehow bridging and fixing the divide between structure and agency.

Accountability itself was shown to be a complex concept: not only does it refer to answerability, but also to the scope for penalties if actions by service providers or policy makers lead to justified dissatisfaction. It is a relationship and as such it is influenced by power and information, as well as by the number of people involved: which can be policy makers and politicians, but also sub-contractors, the private sector involved in service delivery and mediators. The value of the concept was contested with a view to the reality of livelihood and access of the poor in developing countries where intermediaries, bribes and informal deals like exchanging a vote for a service are much more common than poor ‘clients’ asserting ‘rights’ or ‘lodging a complaint’ with an agency or politician.

To compound this complexity, we may note that the analysis was made difficult due to the problems to clearly distinguish between the various cases and arrangements. Key distinctions here are: large scale (as for example

national police accountability systems) versus small scale (borehole committees). In the below analysis we will order systems as in community based on the one hand, and of higher levels on the other. Another distinction is between type of service or benefit provided, which has been shown to range from water (boreholes), citizen security (policy), justice (Gacaca courts) to credit (Adji Game). Obviously, accountability takes on different forms in such different areas, and relates to different requirements and sanctions.

We have been unable by and large to probe the nature and implications of inequality and poverty within the cases studied: we have mostly considered the groups and persons involved in cases as relatively homogeneous - which was partly necessitated by the use of secondary sources. Much more study is required to carefully map the variegated accountability relationships per socio-economic category - for example the assumption that (well educated and well informed) middle class persons can hold officials accountable - in a context where this is expected and acceptable even to officials. This may be much less the case for poor persons, who lack information, who may not know whom to approach with a complaint, or who may be chased away once they found the right location, the time and the courage. This need for much more detailed research is now commonly recognised, for example by the Netherlands Ministry of Foreign Affairs (2007) which has a publication series which deliberately aim at looking 'behind the façade', in an awareness that donors may miss the actual realities of poor communities and policy networks which may be largely informal and embedded in or influenced by tradition and local values. The ECA report (2007:24) argues that African traditional institutions are understudied and misunderstood and it strongly advocates that more research is carried out on such institutions and their implications for issues like governance, gender and land tenure.

The first point to make then is that we need to discern between small scale or community arrangements and large scale systems or institutions, as in the National police of the nationwide Gacaca criminal justice system in Rwanda. Obviously, accountability (as in answerability) is more likely at the community level, and becomes more diffuse in larger scale arrangements. This is not to say that accountability works out well in community or local systems. It does seem to work for example in the Adji savings and credit system, with lots of face-to-face relationships, and a decentralised system of management and control, where enforcing penalties are easy to understand (defaulting) and to enforce. More generally, accountability in such conditions is more likely: it fits better with local level conditions and people (are and can be allowed to) influence their own affairs at the local level. Most of the time, the rules are not written down, yet everybody is aware of their existence and may live by them, while (the possibility of sanction) act as a deterrent. The rules are not costly to enforce and they seem applicable and malleable to local conditions as they occur in order to accommodate change and have uncertain situations catered for. An implicit belief may exist that at the formal level (e.g. dealing with civil servants for arbitration); penalties or sanctions are inimical to local unity because it breeds little or no reconciliation among aggrieved members of the community. Local level arrangements may also be less intrusive, especially in indigenous institutions, where the strengths and weaknesses of individual

members are known to all, yet the less endowed ones may not be excluded from using the system (existing inequalities among members do not become a barrier for denial of service or participation in local programmes). In the Adji game set-up of Benin, the loan committee of the local club is less intrusive about the purpose for which an applicant is going to use loan for, which refers to a common fund of trust, as well as long standing relations between local people. Finally, such systems may be less bureaucratic.

However, to contrast this relatively positive assessment, we must assume division in all communities, and it is likely that here too issues of power and in/exclusion operate. The cases we assessed do not allow for checking accountability by gender, by politics (for example membership of a ruling political party may greatly ease things), or generally by power. Yet, there are indications that, at the community level there is little doubt that accountability is sometimes seen as a dangerous political concept that can undermine local hierarchies. Traditional power structures can feel threatened by providing encouragement to normally docile community members to question the assistance that is delivered to them. So, here too it all depends on the openness of the powers-that-be: even in local arrangements there can be a backlash against too strong demands of transparency and proper service delivery. This obviously is related to issues of culture, authority, and respect, where autocratic local leaders – caste elders, tribal chiefs – may demand respect and are unlikely to allow much scrutiny of their actions, let alone to suffer penalties if things do wrong.

Things are much more problematic in large scale arrangements and systems, as was brought out in our assessment of police performance and accountability in African countries. Even while on paper accountability systems and penalties exist, they crumble and fail when they meet the actual realities of power, inequality and corruption in the offices. It is not only that the public cannot hold police officers accountable, complaints inside the police force are rare – incentives are such that officers are unlikely to report misconduct by colleagues as it can lead to isolation within the workplace and even violent reprisal. There is a culture of secrecy surrounding the complaints process and the police appear to consider discipline an exclusively internal matter. Obviously, issues of power dominate accountability relations: lower level officials will be reluctant to focus their superiors – as in any developing country hierarchy, including ministries and municipalities—and complaints are more likely from rich and well connected citizens than from a poor man or woman who pays bribes for ‘illegally’ squatting or hawking.

By and large then, there appears to be no clear pattern as to whether accountability is more effective in ‘traditional’, ‘modern’, or ‘mixed’ systems. If accountability is more likely in the two cases listed under ‘traditional’ arrangements (Adji Game and the Zimbabwe borehole committees) it may be explained by their small scale and relatively focused, specialised activities. This finding is confirmed by the ECA report (2007: 3-4) which argues that accountability is more likely in decentralised systems.

One issue to consider is how governments and donor agencies have dealt with traditional institutions: have they discarded them, reconciled them to their purposed, maintain them as they were or even revived them if previously well

performing organisations have disappeared? There are cases where traditional institutions survive/are revived as in the case of the FIS (family clans) in Albania, and the Abunzi in Rwanda. There may be deliberate attempts to support hybrid systems, as in the case of the Sierra Leone Paralegals (Maru, 2006) and the Susu collectors in Ghana. There are of course those (many) cases where donors imposed new/modern organisations conflicting with existing/ traditional ones, as in Zimbabwe (McIvor and Myllenen, 2005), and in the Bangalore Urban Poverty Program (de Wit, 2001). But there are also cases where traditional arrangements work out worse than formal systems and cases where context proved acceptable to the people.

Common issues that seem to explain the more effective accountability systems include:

- Small is beautiful: accountability is more likely in relatively smaller, decentralised contexts where regular face-to-face interactions are likely. However, there are no guarantees (as for example the mixed evidence on decentralisation shows, or when a local leader, caste elder or chief happens to be quite autocratic and/or patriarchal).
- An active role of local and national politicians who are willing to support open and free systems of accountability.
- Participatory processes can open up accountability mechanisms to represent broader segments of society making them more sustainable, effective, and equitable, but again one needs to be aware of the risks of community divisions, gate keepers and elite capture.
- Successes of formal accountability mechanisms also depend on peculiar methods used in conducting assessments/appraisals of service delivery by organizations. In Uganda, the media, particularly local radio stations, have helped to build accountability at the local level.
- Obviously, the absence of the rule of law has an obvious strong negative impact on accountability arrangement, as brought out by Assessments of Police accountability mechanisms in East Africa. A culture of secrecy surrounding the complaints process may develop, and the police may consider discipline an exclusively internal matter.
- Well performing systems of representation are critical. In Tanzanian local health boards some board members function as individuals rather than as representative of the interests of groups that have a stake in health issues. In such flawed systems of representation, downward accountability to constituencies by the way of regular consultations or claim making does not take place.
- Indigenous or traditional local institutions have peculiar mechanisms of accountability which may make the operations of services they deliver or the management of communally-owned resources successful. They have in common that they are small, compact, local level institutions whose functions thrive on mutual trust and solidarity established on cultural links. What makes such mechanisms of accountability effective include factors such as flexibility of rules; low operational costs; starting from existing local structures and patterns of culture (organisation, shared norms) and that they are less intrusive into lives of local people. For example, the failure to pay attention to local

cultures – such as kinship and social structure – reduced the effectiveness of a food aid response to a famine situation in Sudan.

- Despite some clear advantages, ‘traditional/ informal’ or mixed institutions also have drawbacks. As already noted, they often harbour dysfunctional practices such as discrimination on the basis of gender and age, and/or domination in terms of patriarchy and aristocracy/elites.

The summarized cases presented in this paper capture how local beliefs, values and norms that have been adapted to formal modern institutions over the years offer a framework that points at ways as to how service delivery can be improved and better organised as per the demands of people – rich and poor. Some examples have shown that a traditional institutional context can be a driving force to create an enabling environment for change or adaptation, which may sometimes be needed to adjust to modern economic and social change. They point to existing patterns and expectations of accountability which is given shape in diverse ways.

Many local and traditional institutions have mutated in response to changes brought in from the rest of the world. For example, the Susu savings system for market women in Ghana has been adapted to modern banking and financial institutions; the Gacaca is now recognized and widely used under the formal justice system in Rwanda; and Social Action Funds introduced by the World Bank in Malawi and Tanzania makes use of existing local and traditional structures to achieve modest successes.

To conclude, we may note that, to perform effectively in terms of accountability, institutions have to be both rooted in the local context and culture and open to outside challenges and influences. Attempting to work around local norms with technocratic targeting approaches has proved to be fruitless and inefficient. Rather than using a one-size-fits-all method, it is better to understand the cultural logic of why certain decisions were being made by a community or population group, and to work with people to find solutions to local problems.

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# APPENDICES

## ANNEX 1

### Matrix: examples of the analysis of various cases (We only show 1 sheet out of 8): Mechanism of accountability: Justice

Cases	Defining features									
	Who: Agents - Principals Upward/ Downward Long/short route Vertical – horizontal	Who's/what accountability is being sought:	Where: Local, Regional, national	How	Clarity of rules/norms: Formal, Informal, Quality/performance indicators	Penalty/sanctions De facto De jure	Ex post Ex ante	Role of politicians (if any)	Accountability conditions: Active citizenry, Political support, Financial support	Role of women Part of process, Gender neutral, Neglected
Government of Rwanda: Decentralisation and Service Delivery in Rwanda – The Gacaca courts	Citizens (rural areas); vertical (government and the court; court and the people), short route	Perpetrators of genocide – trials conducted under the long held traditional justice system of the Gacaca	Local (grass-root level), national	Suspects in detention for suspected acts of genocide are arraigned before the Gacaca tribunal in their villages to face court juries elected from the community	Informal: Gacaca is a local tribunal of 14 persons Formal: now registered as National Service for Gacaca Courts under the Ministry of Justice	De facto: those who willingly confess serve prison terms or split time doing community development	Ex post	None	Active citizenry: jurors, witnesses. Jurors get free medical assistance & schooling for children. LG does community mobilisation. M&E carried out by development partners	Part of the process (women form majority of survivors so they are essential witnesses and jurors)
Government of Rwanda (2005): Decentralisation and Service Delivery in Rwanda – The Abunzi	Citizens; horizontal (between the court and the citizens)	Mechanism to use culturally acceptable values and norms for conflict resolution and reconciliation	Local	Traditional dispute resolution body on cases related to land, domestic violence & civil cases valued not more than €4300 equivalent	Informal: standard committee- twelve persons of integrity elected locally; operates once a week, on a voluntary basis Formal: now recognized by a law passed in 2004	De facto	Ex post	None	Active citizenry: committee members (as judges & witnesses; trained by MINJUST; fair, cheap, promotes cultural values	Few women judges
Maru (2005), Human Rights and Justice Sector Reform in Africa: Legal dualism in Sierra Leone	Citizens; vertical (between the paralegals and the people; paralegals and the formal justice system), short route,	Provision of basic legal services in five chiefdoms in Sierra Leone	Local, regional (chiefdoms)	Community-based paralegals provide legal assistance for locals in customary courts	Paralegals appointed from chiefdoms where they work and have grown up under customary law. Formal: They also get trained in formal law & work in tandem with police on crimes not in jurisdiction of customary courts e.g. rape	De facto: contextual fine payments, expedition of service delivery where a complainant has been delayed	Ex post	None	Paralegals fill the void of lawyers in customary courts in rural chiefdoms. Formal legal system is sometimes invoked to check unfairness, exploitation, and precedent-setting ruling in the customary courts.	Part of process