POSITION PAPER

PUBLIC SERVICE DELIVERY & THE STATE OF SOCIAL ACCOUNTABILITY IN ZAMBIA

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Zambia recently adopted a new National Development Plan, the 7NDP whose implementation is extremely critical to setting a correct pathway in which aspirations contained in the Vision 2030 can be achieved. In implementing this plan, Civil Society organizations in Zambia understand the need for an enhanced role in ensuring that the 7NDP can be fully implemented with the qualitative participation of citizens for the realization of development outcomes and results. Particularly, Civil society organizations in Zambia are of the opinion that social accountability can play a critical role in strengthening the implementation of the 7NDP.

It is against this backdrop that this position paper is developed with the aim of engaging government on key Civil society recommendations and outline existing opportunities through which an ideal state of social accountability for improved service delivery can be achieved in Zambia. Currently Zambia has an estimated population of 15.9 Million people. Of this population, 8.6 Million people are estimated to be living in poverty and about 6.4 Million people are estimated to be living in extreme poverty conditions representing 54% and 40% of the national population respectively.
1.0 ABOUT THIS PAPER

This paper serves as an evidence based social accountability advocacy and lobbying tool for Civil Society Organizations in Zambia at various levels (National and sub national). The paper aims to influence improvements in the state of public service delivery through social accountability as a means of improved socio-economic governance in Zambia. The paper has a specific focus on the role that social accountability can play as a tool for improved public service delivery in Zambia. Specifically, this paper looks at the state of social accountability and public service delivery and aims to find opportunities for improving these to achieve an ideal state of play as a means of influencing development outcomes as envisaged in Zambia national development framework. The paper strengthens arguments for the need to integrate social accountability approaches and mechanisms in our overall development planning approach. With the launch of the 7NDP, its implementation becomes critical and will need strong social accountability for its success through enhanced civic engagement.

2.0 WHAT IS SOCIAL ACCOUNTABILITY?

Accountability has adopted several definitions over the years largely driven by context and applicability. More generally, Accountability can be understood to be an approach that is undertaken across many sectors. In ethics and governance, accountability is defined as answerability, blameworthiness, liability and the expectation of account-giving. This definition implies that for accountability to occur there must be on one hand an actor to demand it and on the other, an actor to supply it and accounting mechanisms or systems by which it can be exacted. Furthermore, accountability has been defined as the acknowledgement and assumption of responsibility for actions, products (results or outcomes), decisions and policies including administrative, governance and implementation within the scope of the role or employment position and encompassing the obligation to report, explain and be answerable for resulting consequences. But over the years, this definition and understanding has been expanded to include other elements. In his book Accountability: An ever Expanding concept, Mulgan Richard defines accountability as an account giving relationship between individuals for actions and decisions to justify them and to suffer punishment in the case of eventual misconduct. In trying to understand and define more broadly what accountability is or is not, this definition by Richard Mulgan is important because it introduces the element of “punitive” measures for misconduct (failure to account).

Social Accountability is an approach that draws from the broader definition of accountability above but embeds unique characteristics in its approach and focus. Social Accountability approach to accountability hinges very strongly on transparency,
participation and accountability. According to the World bank, Social accountability can be defined as an approach towards building accountability that relies on civic engagement, in which it is ordinary citizens and/or Civil Society Organizations who participate directly or indirectly in exacting accountability. This implies that real social accountability cannot occur without the participation of citizens and civic actors to account and any approach that is exclusive of civic engagement may not be seen as such. In its approach, social accountability more specifically aims to hold service providers (duty bearers) to account in relation to specific sectors or policies largely for the improvement of the quality of public service delivery.

“Social accountability is a process in which informed citizens hold governments to account for delivering quality public services and resources.”

Whilst both the Vision 2030 and the 7NDP make reference to objectives aimed at improved governance and the creation of a conducive environment for such governance, they generally draw from the broader principles of transparency and accountability and do not place specific focus on the facilitation of a guaranteed civic engagement and participatory approach. It is the opinion of this paper that this maybe resulting from a lack of appreciation of the role that social accountability plays in improving public service provisioning.

WHAT FACTORS INFLUENCE EFFECTIVE SOCIAL ACCOUNTABILITY?

The study review attempted to understand what factors affect the effectiveness of social accountability initiatives and below are some key findings:
**Citizens Involvement:** The review established that at the center of any successful social accountability project should be citizens involvement and that locally based social accountability processes resulted in improved public services. Citizen awareness and capacity and dialogue between citizens and service providers enhanced the impact of dialogue towards improved services. Key is the rooting of interventions to the community through locally based community members including training community facilitators without alienating the general community for acceptance and effective participation.

**Social Contract:** Social accountability works well where there is a strong social contract between the government and its citizens but also provides space for citizen engagement by design of the contract e.g. through the constitution. Social contracts enhance the role of social accountability and citizens. Different social contracts exist at different levels but nationally as citizens there is a direct contract that comes with electing governments through giving them power to preside over the affairs of citizens, and also to deliver on the promises made as contained in the political party manifesto and defend the rights of the citizens through the constitution of the land. This is followed up by other obligations such as taxation which the government collects in order to provide essential services to the electorate.

**Community Capacity:** In order to build the demand side of social accountability, citizens need to build capacity to push for the supply of services and institutions/mechanisms necessary for duty bearers to be held accountable. This could involve capacity in social accountability process & tools but also appreciation of one’s human rights and responsibilities.

**Evidence Based Dialogue:** Dialogue between citizens and service providers works best when backed up by locally-generated evidence. The review established that service providers were more responsive to engage in dialogue in the presence of locally generated evidence of the quality of public services. This allowed for a more focused discussion but also removed the element of speculation and individual biases which in most instances led to deterioration in the quality of the dialogue. Many tools are available for generating evidence which including the Public Expenditure Trucking System (PETS) and community scored cards among others.

**Social Accountability Channels:** For effective social accountability to occur both formal and informal channels need to be present. Formal channels are those established by government for citizens engagement. E.g. Ward Development Committees (WDCs) at local level, including sector groups such as the Parents Teacher Associations (PTA). On the other hand informal channels include citizen led initiatives which are most conducted by civil society organizations in the form of public financial management campaigns, advocacy, mass media campaigns, service delivery monitoring etc. It should be noted that both processes are equally important and are complimentary to effective social accountability.
4.0 SOCIAL ACCOUNTABILITY AND PUBLIC SERVICE DELIVERY

This section attempts to highlight key factors that affect the quality of service provision in addition to the factor of inadequate resources (both financial and human). For this reason, this paper recognizes other factors that influence the quality of service provision and help to create a linkage with governance.

POLITICAL GOVERNANCE

The way a Country is governed also provides direction in terms of prospects for that Country in achieving its socio-economic aspirations. Zambia is a democracy and is built on democratic tenets that are expressed in its national constitution. Based on this, Zambia should embrace participation of citizens as part of fulfilling its democracy at various levels. Additionally in improving the quality of service provision, Zambia must promote its democracy by allowing civic engagement and participation on key decisions being taken in as far as public service delivery is concerned both at the national and sub national levels. It should be noted that politics by and large shape policy positions that most Governments adopt and as such the promotion of good political governance has a direct bearing on the quality of life of citizens in a particular country. When political governance is poor, the implication is that mechanisms for transparency and accountability may be weakened.

PUBLIC INSTITUTIONS

The capacity of public institutions has great bearing on the level of efficiency and quality of public services provided to the general citizenry. Zambia over the years has undertaken various public service reforms to improve the quality of services being provided. However, the country is yet to reap the dividends of such reforms due to the fact that the public service remains politicized. President Edgar C. Lungu in 2016 was quoted by public media as having been “worried” by poor public service delivery despite having improved the working conditions for staff (through reforms). It should be noted that the 7NDP highlights poor implementation of reforms as one of the barriers to fully implementing past NDPs and proposes acceleration of such reforms in the 7NDP to strengthen the operations of the public service for improved service delivery.

I. WEAK LEGAL AND POLICY FRAMEWORK

Amongst the reforms proposed in the 7NDP include decentralization with emphasis on fiscal decentralization (administrative reforms); public service management reforms; public finance management reforms which are aimed at improving transparency & accountability in the utilization of public resources. This paper supports the expediting of these reforms as they would further strengthen the capacity of the public service to better deliver services. In addition, fully implementing the decentralization reforms means that ordinary citizens can participate and shape their local development efforts thus providing an excellent platform on which social accountability can be exacted. The paper supports full fiscal decentralization as this would facilitate the taking of resources to the local levels and open up spaces to strengthen voices on how and where (priority areas) the resources should be utilized. This will greatly impact development outcomes at the local level as is in tandem with key aspirations also outlined in the 7NDP.

5 Times of Zambia, 13th January, 2017
6 Seventh National Development Plan – 7NDP for Zambia

PUBLIC SERVICE DELIVERY & THE STATE OF SOCIAL ACCOUNTABILITY IN ZAMBIA
KEY BARRIERS TO SOCIAL ACCOUNTABILITY IN ZAMBIA

The success or failure of social accountability depends to a large extent on the specific country context. The nature of laws, policy and political processes in which actors operate determine the extent to which social accountability can be exercised or undertaken.

Many of the CSOs interviewed cited various barriers which if removed can impact positively on Social Accountability and ultimately improve service delivery and accountability in the public service. This section discusses some of these challenges. The challenges are divided into supply and demand side challenges and this paper will focus on supply side challenges drawn from the research.

Supply side challenges to Social Accountability refer to those challenges that are as a result of the current system of government and public service in particular. This includes government bureaucracy, the legal framework guiding the conduct of public workers, attitudes of public office holders and the environment in which they work.

On the other hand, the demand side factors are those factors that affect institutions and individuals that want to engage the public sector for Social Accountability. Some of these factors include lack of capacity both in terms of human and financial, low levels of education, highly fragmented CSOs, low levels of interest in social accountability, political factors or partisanship, lack of understanding of citizens’ rights and lack of coordination among CSOs etc.

SUPPLY SIDE BARRIERS

I. WEAK LEGAL AND POLICY FRAMEWORK

The legal and policy framework does not recognize social accountability as a right. Because of this lack of recognition in law it has greatly impacted on the extent to which social accountability can be exacted in the Zambian context. Social accountability in Zambia is exacted more from a “good will” perspective rather than a recognized mechanism for accountability and transparency. There is no legal framework in Zambia that guaranteed spaces for social accountability. All such processes are coined under “consultation” and remain a preserve of Government (to consult or not to consult). However, there some existing provisions within the Republican constitution that social accountability actors can ride on. These are related to clauses speaking to protection of freedom of expression; and freedom of assembly & association etc. There are also policy provisions that to some extent that can be used to push for social accountability such as the planning and budgeting policy.

Social accountability in Zambia is mainly viewed as a Civil Society agenda. Therefore mechanisms for exacting social accountability are often left to this actor. Additionally these are not in-built in national planning and budgeting processes. This implies that by design, social accountability is excluded from overall planning approaches that are used at the national level.
This impedes efforts to reposition social accountability for improved governance and service delivery in Zambia.

NB: The 7NDP implementation institution framework, backed by the planning and budgeting bill is aiming at formalizing some social accountability channels through the inclusion of civic spaces on planning and budgeting processes.

II. LACK OF ACCESS TO INFORMATION

There is no law currently present that gives complete access to information for citizens as a tool for social accountability. Government has been reluctant to enact the access to information bill. This has created a significant setback in achieving the ideal state of social accountability in Zambia. In cases where some information is available, actors of social accountability are expected to go through a bureaucratic process to get authorization for such information as well as for undertaking activities such as Budget tracking and service delivery monitoring.

According to respondents in the survey the lack of clear guidelines on how public information should be handled and whether it should be shared freely is a major hindrance to Social Accountability in Zambia. All the CSOs interviewed said the behavior of most public officers during Social Accountability engagements show that they were not willing to share information even if it was of a public nature. Even when the amended constitution urges public officers to proactively provide the public with timely, accessible and accurate information it does not seem easy for public officers to do so. Information on budgets, policy documents and public expenditure is of national interest which is expected to be shared by those in public offices.

On the other hand public officers are bound by the code of ethics and conduct that they sign whenever they take up public service roles. One of these ethics is not to disclose without authority official information which has been communicated in confidence within Government or received in confidence from others. However, most of the information needed for Social Accountability is actually not confidential and should be shared with relative ease.

III. CONFIDENTIAL POLICY AND BUDGET PROCESSES

Current policy processes including the budget process are not open enough to allow CSOs and the general public to have a say. As earlier described the extent of consultations is limited to only a short period of time for the whole policy process. The larger part of consultations is done within Government Ministries which denies outsiders such as citizens and CSOs the opportunity to include what they think as important. The above is a hindrance to Social Accountability as citizens only come to see policies, strategies as well as implementation plans when they are already designed. Thus Social Accountability is limited to what has already been given and CSOs have to work within the bounds of what has been provided. As for the budget, the entire process is a secret and until it is revealed by the Minister, no one really knows what it contains. The process is so closed that Social Accountability with regards to budget evaluation and monitoring cannot effectively happen.

IV. TECHNICAL PACKAGING OF INFORMATION

Social Accountability relies on information generated from the public sector. The way this information is packaged and communicated has a bearing in terms of the extent to which CSOs and citizens can engage. Respondents highlighted that information from Government is usually packaged in very technical form, making it hard for ordinary citizens to understand. If they cannot understand this information, then they are automatically blocked from engaging in Social Accountability. Examples of Government documents that are technically packaged include the national budget and development plans and
strategies. The language used in these documents is usually very technical and difficult to understand for non-technical persons. Respondents also observed that most government documents are produced in English, which a lot of citizens cannot speak or read due to high illiteracy levels. This is a systemic barrier and denies many ordinary citizens to participate in Social Accountability as they cannot engage using a document which they cannot read.

V. HIGH LEVELS OF BUREAUCRACY
The Zambian public service is very bureaucratic. The different layers of hierarchy make it very difficult for CSOs and the general public to engage in Social Accountability. This also affects the flow of information as workers always have to sign off from a lot of people before they can share information with another person even if it is verbal. A typical Ministry in Zambia is headed by the Permanent Secretary with several directors. These all are expected to sign off any engagements with outsiders, including holding discussions related to Social Accountability.

VI. POLITICAL PERCEPTIONS
The supply side of Social Accountability is not short of political elements and interference. CSOs revealed that from time to time their social accountability processes have been misinterpreted as a way of inciting people to rise against the government of the day and pro the opposition. This has often made Government to be irresponsible to the issues of CSOs in many instances. The situation makes the work of CSOs practically difficult and is a major hindrance to Social Accountability.

5.2 DEMAND SIDE BARRIERS

Below are some of key demand side challenges as per the study review:

I. Number of Social Accountability Initiatives being implemented: It was observed that a limited number of social accountability initiatives were being implemented but also in an uncoordinated manner with very limited mechanism for integrating the evidence generated for effective national policy influence.

II. Supply Side induced Social Accountability Sustainability: The study reviewed that while social accountability initiatives at the local-level tend to be active, their achievements are usually limited and difficult to sustain. This is usually linked to a range of factors that undermine the social accountability process, for example scarce resources, and low levels of budget authority as highlighted above.

III. Social accountability processes are difficult to take to scale: Translating local social accountability successes into improved services at scale requires a focus on institutionalizing processes at a higher level but that can be difficult to achieve and maintain without sufficient support by the government. Further to this, most of these initiatives are civil society lead and scale up brings with it significant resource challenges.

IV. Weak civil society capacity can also undermine social accountability sustainability: As highlighted above, in Zambia social accountability is viewed as a civil society agenda and hence the sustainability and effectiveness of social accountability initiatives is only as strong as the capacity of CSOs. This includes the ability of citizens to engage duty bearers either as an organized unit or individually.
4.0 RECOMMENDATIONS

Looking at the current state of public service provision in Zambia, the need to engage more strategically on issues of social accountability are imperative. It is clear that a lot of technical expertise has gone into planning and preparation of key national documents that outline strategies to be employed for more effective development outcomes. However it is the position of civil society that fully implementing these in the absence of effective mechanism for social accountability being embedded as part of the process may result in non-attainment of desired outcomes. It is the position of civil society that Government fully embraces key recommendations outlined in this paper. They are advanced as follows:

1. Undertake legal reforms to fully reflect provisions on which social accountability work can be anchored. This is particularly important as it is the first step in exacting accountability. Further, we recommend that the legal reforms embrace provisions that explicitly recognize social accountability as a right. This should be reflected in the Republican constitution and cascaded to other pieces of legislation currently being drafted such as the planning and budgeting ACT. Further clauses in the Public procurement ACT (2008) and accompanying regulation of 2011 must make explicit provisions for the undertaking of social accountability. Legal reforms must also include those pertaining to public resource management and participation in planning such as enactment of the Planning and Budgeting Bill and reform of the Loans and Guarantees ACT to facilitate oversight and control of debt contraction by the state.

2. As part of the legal reforms, Zambia should expedite the enactment of the Access to Information bill, which has been unattended to. Without an ATI law, it is extremely difficult for actors of Social accountability to have access to information around key areas and sectors of interest in order to seek explanations and justifications on the status quo. The absence of this law is also an impediment to good social governance and hinders improved public service delivery.

3. That Government uses its current commitment on the Busan outcomes for Development effectiveness to hold an annual policy dialogue on Poverty and public service provision. This was done in 2012 through the Ministry of Finance in collaboration with CSPR. The outcome of this process was that an annual Poverty Indaba be convened to be used as a monitoring platform on performance jointly by Government and CSOs. However the poverty Indaba concept has been shelved by both Government and Civil society and may need to be re-visited. This recommendation stems from the fact that there is already inclusion of guaranteed space to facilitate dialogue under the Economic
Management cycle. Civil Society in Zambia is also encouraged to claim this space

4. The Ministry of National Planning should seek further input from Civil society on the integration of social accountability mechanisms for inclusion in the 7NDP implementation plan. Further, all reforms targeted to be undertaken during the period of the 7NDP include strong mechanisms for social accountability as part of the reform process. The 7NDP will undertake reforms on decentralization with a focus on fiscal decentralization; public service management; public finance management. It is further proposed that social accountability be expressed as a key performance area within the scope of the 7NDP.

5. The Monitoring and Evaluation department under the Ministry of National planning takes an interest in reviewing current community based policy monitoring and accountability mechanisms from which to draw lessons for their improvement of the Monitoring and Evaluation on policy implementation on the ground especially around service performance measurements. Civil society uses a variety of tools that include Citizen report cards, community score cards, Budget execution and service delivery tracking mechanisms; community round table meetings; citizen advisory boards, citizens charters and public hearings among many others. This recommendation aims to provide input for government in building strong robust monitoring tools that can be applied at the community level.

6. Undertake joint capacity building programmes with civil society and other actors on the new development approach of integrated planning.

7. Commit to the simplification of all technical documents and produce the Citizens Budget annually and consistently to allow for civic engagement and participation. Enter into an MOU with civil society to produce and disseminate annually a citizen’s perspective of the budget.

8. More civic spaces be opened during the national budgeting process at all stages. Currently, government only seeks consultation at one stage of the process. All other stages are completely closed to civic engagement.

9. Social accountability be included in all Government projects as a means of appraisal

These recommendations are made on the premise that Government through the vision 2030 and the 7NDP recognize the importance of good governance and have put in place pillars that respond to creating an enabling environment within which good governance can be achieved.