HANDBOOK

ON PROMOTING GOOD GOVERNANCE
IN EC DEVELOPMENT AND CO-OPERATION

DRAFT

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Introduction

Governance concerns the state's ability to serve the citizens. It refers to the rules, processes, and behaviour by which interests are articulated, resources are managed, and power is exercised in society. The way public functions are carried out, public resources are managed and public regulatory powers are exercised is the major issue to be addressed in that context.

In spite of its open and broad character, governance is a meaningful and practical concept relating to the very basic aspects of the functioning of any society and political and social systems. It can be described as a basic measure of stability and performance of a society.

As the concepts of human rights, democratisation and democracy, the rule of law, civil society, decentralised power sharing, and sound public administration, gain importance and relevance as a society develops into a more sophisticated political system, governance evolves into good governance.

Communication on Governance and Development,
October 2003, COM (03) 615

Why another handbook – this time on good governance?

There is widely acknowledged evidence that development co-operation has not succeeded in reducing poverty in recent years. One fundamental reason has been identified as poor governance, which most people can recognise when they see it. Yet every aspect of public life involves governance, and if practices can be encouraged across the board which promote good governance, there is a much better prospect of making a success of development. That view is now widely shared not just by donors but also by the developing countries themselves.

How do you make sure a programme or project (known throughout this handbook as P/P) will help to promote good governance? Do you need to be an expert at everything in order to achieve anything in this area? This handbook is designed to be a user-friendly guide to help ensure that, so far as possible, all actions will have a positive impact on governance, including the rule of law, as well as on the human rights situation and the democratisation processes, whatever the

level of expertise of the person designing or implementing the action. It is a tool to assist you to:

- understand the meaning and the importance of good governance;
- navigate through the vast amount of information available on the subject;
- avoid overlooking aspects of good governance that may not be immediately obvious in unrelated areas of work;
- identify good practices that should be used to define and implement programmes and projects in a way that they are compatible with good governance;
- identify the key issues to take into consideration when defining and implementing programmes and projects that are aiming specifically at promoting good governance.

This handbook is addressed to EC staff working in development and co-operation, but it should also be made accessible to our partners in the design and implementation of our activities.

Why promote good governance?
(a) It underpins sustainable development
The ultimate goal of EU development policy is to eliminate poverty. The short-term goal is to reduce by half the number of people in the world living in absolute poverty by 2015. The UNCTAD 2002 report on the least developed countries demonstrates the enormity of the task. The number of people living in absolute poverty in the world's 49 least developed countries (LDCs) increased between 1965 and 1999. In 1965, 48% of the population in LDCs, some 138m people, lived in absolute poverty. In 1999, 50% of the population in LDCs, some 307m people, lived in absolute poverty. The trend is one of increasing poverty. The development policies of recent years, measured against the goal of reducing absolute poverty, have failed, and are still failing, the world's poorest people.

Poverty is caused by a complex interplay of events, many outside the direct control of governments, but it is now recognised by all actors that governance, i.e. the state's ability to serve the citizens, is a key component of policies and reforms for poverty reduction and that good governance is key to the sustainable achievement of development objectives and to the effectiveness of development assistance. Two countries provide illustrations of this.

At independence in 1980, Zimbabwe was one of the more developed African countries, with a sound economy, adequate food supplies, an agricultural export industry, democratic

structures, independent media, and respect for the rule of law. It appeared to be heading for a stable and prosperous future. By 2003, largely through bad governance, its economy is collapsing, over 70% of the population live below the poverty line, food has to be imported, and there are widespread violations of the rule of law and human rights. The rate of HIV/AIDS infection is now 33% of the adult population and life expectancy has dropped to 37 years. With continuing violations of human rights, the rule of law, democratic institutions, public finance management and overall lack of good governance, the outlook for Zimbabwe is very bleak.

Next door to Zimbabwe is Botswana, which became independent in 1966, and has faced very serious challenges for its development, such as high rates of unemployment, problems with the ethnic minority Basarwa and one of the world's highest rates of HIV/AIDS infection. Despite these enormous handicaps, Botswana, which has enjoyed constitutional government, with reasonably free and fair elections, respect for the rule of law, human rights and a free press, has maintained one of the world's highest growth rates since independence. Through fiscal discipline and sound management, Botswana has transformed itself from one of the poorest countries in the world to a middle-income country. The country's commitment to good governance is helping Botswana's overall development. The outlook for Botswana is hopeful.

Promotion of good governance can be approached from different perspectives in different country situations. EC approaches and instruments to be used will differ in a difficult partnership or post conflict situation from those used in an effective partnership. Good governance is to be analysed and promoted on a country-specific basis. It cannot be addressed on the basis of one-size-fits-all model but rather on the basis of existing situations.

The lesson of recent years seems to be that development will only be sustainable if it operates within a good governance framework. While many other factors play an important role in development, including resources and geography, the human factor is of paramount importance.

Sound and efficient management of human, natural, economic and financial resources for the purpose of equitable and sustainable development, clear decision-making procedures at the level of public authorities, civil society participation in decision-making processes, efficient, open, transparent and accountable public institutions at all levels, as well as the ability

"Governance is increasingly one of the key factors that determine whether a country has the capacity to use resources effectively to reduce poverty.
Researchers at the World Bank, tracking the quality of governance across the globe, dispelled the myth that good governance is a 'luxury' that only wealthy countries can afford, as exemplified by emerging economies with good governance, such as Botswana, Chile or Slovenia.
They found that a country that has an income windfall from, for example, higher oil prices, would not automatically benefit in terms of improved governance. To the contrary: income growth alone does not guarantee better rule of law or improved voice and democratic accountability. Governance reforms are continuously required instead, and they then result in higher incomes."

World Bank Institute
http://www.worldbank.org/wbi/governance/pubs/govmatters3.html

to enforce rights and obligations through legal mechanisms, do not in themselves ensure that society is well run and that sustainable development will take place. However, their absence severely limits that possibility and can, at worst, impede it.

It is also necessary to recognise that the introduction of good governance is not something that can be done overnight. Many aspects of good governance involve changes to long-standing practices, entrenched interests, cultural habits, even social and religious norms. The process must be a gradual one. If we insist on all the elements of good governance being in place before development co-operation can take place, then in many countries there would be no development co-operation and, as a result, no support would be provided to partner country efforts to make progress towards good governance.

So the aim of the projects and programmes must be to encourage and promote good governance approaches and practices wherever this is feasible; to make sure that none of the planned activities is detrimental to good governance and to encourage partners in third countries to adopt activities and practices which are more conducive to good governance. Sometimes these will be small steps, like ensuring proper participation and accountability to all stakeholders. Sometimes

these will be large ones, such as strengthening constitutional structures, or reform of the administration to enhance decentralisation.

The important aspect for EU officials tasked with development co-operation is to identify the opportunities to promote good governance practices wherever possible, and to ensure that partners are fully involved in the process. Another major lesson of development co-operation is that local ownership is vital for sustainability, and this means that good governance cannot be imposed from without. If it is to become the leitmotif of development co-operation, good governance must become something which local partners see as being in their vital interest, and not simply another Western credo to which they must make ritual obeisance.

(b) Good governance is a priority in EC policy on co-operation as well as on development

Development policy of the EC aims, *inter alia*, to contribute to the general objective of developing and consolidating democracy and the rule of law, and to that of respecting human rights and fundamental freedoms.

Trade, co-operation accords and association agreements with third countries, all include a human rights "essential element" clause. Such clauses stipulate that respect for fundamental human rights and democratic principles underpin the internal and external policies of the parties and constitute an "essential element" of the agreement. In the event of a breach, a range of "reactive" measures can be considered.

These Agreements also provide the framework for a regular dialogue on all development issues (including governance) and for formal consultations procedures. The Cotonou Partnership Agreement goes one step further by explicitly addressing the concept of good governance as its fundamental element and corruption as a subject for a specific consultation procedure.
- Cotonou Agreement: agreed definition between the EU and ACP countries on good governance (art. 1 and 9§3)
- Co-operation agreements with third countries (art. 1)
- Association agreement with third countries (art. 2)

The Regulations (EC) on technical and financial assistance also contain specific references to governance:
ALA (art. 1 and 2); MEDA (art.3 Annex 2 art.2), TACIS (art. 1 and 2), CARDS (art.2)

The Commission has recently adopted a Communication on Governance and Development (COM (03) 615, 20/10/03).
It focuses on institutional capacity building and dialogue on governance in different types of situations including effective partnerships, as well as difficult ones and post conflict situations. The policy agenda presented provides a menu-approach with key guiding principles to be implemented on a country-specific basis. The Communication suggest a pragmatic approach to governance, to ways of using indicators and it confirms the need to use various types of political and financial instruments in a consistent manner.

Thus, promoting good governance is an objective in relations with all third countries whether the EU is promoting sustainable development, or trade co-operation or association agreements.

Before going further, however, it is important to understand what exactly we are trying to promote.

Scope of the handbook

There is no commonly agreed definition of the concept of good governance and this handbook does **not** try to supply one. It does incorporate those essential features that are common to most definitions, without which it cannot be said that the state of governance is good governance. How good will depend on the level of development or the level of commitment of the countries concerned. In some countries, such as the member states of the EU, governments have set themselves very high standards of good governance. It is these standards by which the state of governance is judged, and not the minimum elements. In other countries, the EU has specific agreements that include good governance requirements. The handbook will not tell you whether or not these have been achieved, but will help you to identify how to assess this and to work towards achieving them.

The purpose of this handbook is to help EC and local officials to carry out policies and programmes in a way that is consistent with good governance principles and practices. It offers guidance on how decisions can be reached and implemented, not on what decisions should be reached and implemented. It describes the signposts that indicate the road to good governance. If you do not see the signs, the chances are that you are on the wrong road.

How useful the handbook will be must depend on the level of interest and commitment, not just of the EC task manager, but also of local counter-parts. Good governance cannot be imposed from without: it can only happen if local people want it too. In some countries, those that are far down the road to good governance, this handbook will have little relevance. But in others that are just starting the journey, it will help to illustrate the route and to ensure that everyone stays on it. The handbook is a tool, and not a panacea.

Finally, it should be noted that the handbook does not touch upon every aspect of governance, such as corporate governance or the role of the private sector in general. This is because these matters are currently being elaborated by others in the EC, and their application is usually more relevant to highly developed economies. In the annex to the handbook of sources of information, you will find references to where more extensive information can be found, not just on the six clusters in the handbook, but also other aspects of governance.

The handbook is not intended to provide an exhaustive analysis of the scope of each of the cluster topics, but rather key aspects of each one. The literature on each of the clusters is vast and the further references provided will help you to find more information. The fact that the handbook does not address in detail every aspect of each cluster is to enable it to be a manageable tool for non-experts. This should not deter anyone who wants to go much further into any topic.

What is good governance?

The Cotonou Partnership Agreement defines good governance as,

"*The transparent and accountable management of human, natural, economic and financial resources for the purposes of equitable and sustainable development, in the context of a political and institutional environment that upholds human rights, democratic principles and the rule of law*"[1]

Other definitions range between social and political concerns and those of a more technical economic nature.

(1) Cotonou Partnership Agreement, Art 9.3

An overview of donors' definitions illustrates these different perspectives well:
• Technical dimension: "economic aspect of governance, namely the transparency of government accounts, the effectiveness of public resources management, and the stability of the regulatory environment for private sector activity" (IMF);
• Social dimension: "to build, strengthen and promote democratic institutions as well as tolerance throughout society" (OSCE);
• Political dimension: "the legitimacy of government, the accountability of the political elements of government and respect of human rights and the rule of law" (OECD).

The six clusters to good governance

In order to encompass all these perspectives, when a project or programme is being prepared, implemented or assessed, a set of practices with respect to a number of good governance issues have been grouped under six clusters in this handbook. The six clusters are:

• Support for democratisation including support for electoral processes and electoral observation (with an emphasis on participation, representativity and accountability);
• Promotion and protection of human rights (as defined in the international covenants and conventions, respect of norms and non-discrimination);
• Reinforcement of the rule of law and the administration of justice (as to the legal framework, legal dispute mechanisms, access to justice, etc.);
• Enhancement of the role of civil society and its capacity building (as a partner and actor of public policy);
• Public administration reform, management of public finances and civil service reform;
• Decentralisation and local government reform/capacity building (to promote and institutionalise participation at the local level with a focus on local power structures and resources).

These issues are examined in detail in section 2 of the handbook.

This separation into six clusters is an attempt to break down good governance into more easily understandable and manageable components. The clusters are of course closely interrelated. In an ideal situation, where good governance practices are being applied across the board, all six components are working in synergy.

How to use the handbook

How is it structured?

Section 1	**Mainstreaming good governance in EC-funded P/P** - Horizontal Analysis -	Presents the aspects to be taken into consideration when designing and implementing any project or programme (P/P) so that it will promote good governance.
	Guiding principles • Participation and ownership • Equity • Organisational adequacy • Transparency and accountability • Conflict prevention • Anti-corruption	Refers to management principles that are not specific to good governance but are relevant to ensure that the P/P are designed and implemented respecting and promoting good governance. Presents for each principle a definition, some points explaining their importance in terms of GG, some key questions to verify the P/P's compliance with each principle and examples of results. For "conflict prevention" and "anti-corruption" a more detailed list of questions is included.
	Core concerns (for the six clusters) • Democratisation • Human rights • Rule of law and administration of justice • Civil society • Public administration • Decentralisation	Presents, by cluster, a set of minimum criteria on good governance. They represent the areas of primary concern within each of the six good governance clusters that any programme or project should comply with at any given situation in order to respect good governance
Section 2	**Promoting specific elements of good governance** - Vertical Analysis -	Presents the basis for a detailed analysis on each cluster, setting out the main areas and key issues to be taken into consideration.
	Cluster Analysis • Democratisation • Human rights • Rule of law and administration of justice • Civil society • Public administration • Decentralisation	Presents for each cluster • a description of the process or principle being supported • examples of results justifying this support • cross-references to other clusters • analysis of political context • analysis of constraints • identification of key issues • indication of further sources of information • indicators
Section 3	**Checklist** **Logbook**	Checklist of points raised throughout the handbook A logbook permitting the recording of problems raised and the solutions proposed

How does it work?

The handbook addresses the issue of good governance in the six clusters both through a **horizontal approach**, aimed at mainstreaming good governance practices into all EC-funded programmes and projects, and through a **vertical approach**, aimed at providing detailed information with which to identify and address key issues on each of the six clusters.

Rather than trying to provide all the answers, the handbook poses a series of questions to raise awareness, help pinpoint potential issues to be addressed, and indicate how to deal with these issues. The specific analysis will have to be developed by the user with the help of more detailed documentation, and possibly with the assistance of expert advice.

a) Horizontal Analysis – Mainstreaming good governance throughout EC-funded programmes and projects

This analysis should be used to ensure that all projects and programmes, at every phase of their development, promote good governance practices.

It is particularly relevant for those projects and programmes that do not primarily concern the areas covered by the governance clusters and where often governance concerns are neglected. For those projects, this will probably be the only governance analysis that will be done. It should, nonetheless, also be undertaken for projects and programmes that relate specifically to one or more clusters.

The horizontal analysis verifies that the "guiding principles" (detailed in the PCM guidelines) are followed and that the governance criteria expressed by all "core concerns" are respected. This should not be particularly time consuming and should be done at every stage of the project cycle. By applying the guiding principles and core concerns when identifying and formulating the P/P, we lay the ground for an implementation that will be made according to these principles.

If you are satisfied that the core concerns are addressed adequately, and that the guiding principles are incorporated into your project/programme, you do not need to go further.

There will be cases where it will be difficult to answer some of the questions or where the answer will be negative. If so, a more thorough analysis of this particular governance aspect might clarify the situation. The next section presents a list of questions (key issues) that broadly mirrors the points raised in the "core concerns" and develops them in subcategories covering a larger number of topics. Going through these "key issues" may help to adapt the programme or project in a way that will resolve the governance issue raised.

However, the link is not always direct and you may need to consult other sources of information to be able to respond effectively.

In other cases, if the problem remains, the project or programme should not continue until the problem is addressed as this is likely to be detrimental to good governance.
A full governance analysis of that cluster might be necessary.

It is important also to think about the effect of the P/P, and its ways of operating on the systems in which they are intended to operate. They must be carefully designed to "fit" such structures rather than compromise or put them at risk. Whether building a single school or supporting a major sectoral reform, the project approach should support overall systems of partners (usually Government). This means that it should be timed with their budget year, included in their budget planning and reporting, and reflected in their accounting (though of course for EC Budget or EDF projects it will not be managed through their systems or show in their own financial records). This is an important part of the OECD/DAC harmonisation agenda, and central to building up capacity.

b) Vertical Analysis – Promoting specific elements of good governance

This analysis concerns those projects and programmes (or components of programmes) that address specifically the themes of one or more of the good governance clusters.

The basis for an assessment of the state of the country's governance and a detailed analysis for each cluster are presented in this section.

It introduces the main aspects to be considered when assessing the institutional, the legal, cultural and the political context, and the constraints to be taken into consideration for each cluster. It will also, through guiding questions addressing the main themes of that cluster, help identify the key issues, potential problems and deficiencies that need to be addressed.

The analysis may be done at the level of the Country Strategy Paper (CSP), in order to determine the state of governance, or it may be done as a result of the CSP identifying a sector,

or sectors, as needing improvement from a governance perspective.

Not all the questions will be relevant for the area that is being dealt with, and for some questions it will be difficult to answer with a simple "yes" or "no". In assessing which issues to address, trends may provide a better indication of priorities and you should apply your own judgement and experience to determine which aspects are more or less important in the context within which the analysis is being carried.

These questions should be seen as a base line and not as an exhaustive list – reference material and further sources of information for each cluster should therefore be consulted, if necessary.

Where appropriate, a series of cross-references will direct to more detailed questions on a specific theme in another cluster. A list of further sources of information and available indicators will help complement the analysis of a specific cluster

Once the problems that should be addressed are identified, and the resulting projects or programmes are designed, you must then verify that the guiding principles and core concerns described in the horizontal analysis are integrated in the P/P, i.e., that good governance practices are promoted.

c) Checklist and logbook
The last section of the handbook is a **checklist** of the "guiding questions" and possible answers. A negative answer signals a problem in terms of good governance. In these situations an entry should be made in the **logbook** specifying the governance issue that was raised by the analysis and the action or strategy chosen to deal with it.

Is it for projects/programmes?

The handbook can be useful for promoting good governance in all EC programmes and projects. The information provided here should be relevant when dealing not only with bilateral projects or programmes, but also with other forms of co-operation (sector-wide approaches, budget support, common-pool or "basket" funding…).

Good governance practices related to the six clusters identified in the handbook can be mainstreamed in Sector Programmes in areas such as transport, health or education, and govern-

ance-related interventions can also follow a sector-wide approach, and are particularly relevant for administrative reforms (public sector reform programmes, decentralisation, security system reform, reform of the judiciary…). A detailed analysis of one more of the governance clusters will be relevant when defining the sector programme or a sub-set of activities within that Programme.

A governance analysis can be applied at all stages of sector Programmes: the sectoral policy document integrated in an overall strategic framework (such as PRSP), the sectoral medium-term expenditure framework and an annual budget, and the co-ordination process amongst donors led by Government.

In particular:

- at the **policy** level, a cluster analysis can be undertaken using the vertical section of any of the six clusters in order to identify problem areas in these issues.

- at the **programming** level, the vertical cluster analysis can help to identify problem areas, and the application of the guiding principles can help with identifying choices of areas, and methods, of intervention.

- at the **project** level, the application of the horizontal analysis will identify whether the project – regardless of its subject matter – respects the minimum components of good governance. If one of these components is missing, the project should not be supported before this element has been satisfactorily addressed.

In addition, by applying the guiding principles during the project cycle, you will be ensuring that, throughout its life, the project is being operated in a manner that helps to promote good governance at all levels. It is important to recognise this, as the application of the handbook will contribute to a process that involves promoting good governance by applying its principles in the practice of our daily work

How does it link with other guides?

There are several EC guidelines available on the management of projects, on financial and economic analysis, support to private sector, support to sector programmes, budgetary aid and so on. They remain the reference texts for each of their fields and this handbook is complementary to them as regards good governance.

Some of the guiding principles in this handbook are not specific to good governance, but are general management principles. Their importance in terms of good governance justifies their inclusion here, but they are treated in detail by the PCM guidelines. A series of very useful tools is also available in the PCM guidelines – analysis of sector policy, institutional capacity assessment, promoting participation, preparing terms of reference and so on.

The diagram below and the detailed table that follows describes the links with the project cycle – what is expected at each phase, what is the potential for good governance input at each phase and what are the tools available.

	CHECK LIST (A negative answer signals a problem)		LOGBOOK (Record of identified problems)
Vertical analysis	Yes	No	• What is the problem raised? • What are the measures taken?
Programming Guiding principles	✔		
+ GG analysis of the 6 clusters		✘	* ....
Identification Guiding principles/core concerns	✔		
+ Promoting specific elements of good governance	✔		
Formulation Guiding principles/core concerns	✔		
+ Key Issues		✘	* ....
+ Indicators	✔		
Implementation Guiding principles/core concerns	✔		
+ Key Issues	✔		
+ Indicators	✔		
Evaluation Guiding principles/core concerns	✔		
+ Key Issues	✔		
+ Indicators		✘	* ....

Horizontal analysis

Programming iQSG
Evaluation
Identification oQSG
Implementation
Formulation oQSG

Complete checklist and fill in logbook if problems detected

Fig 1 - Potential for good governance input in the project cycle

A word of caution

Good governance cannot constitute a precondition for development and co-operation assistance, but is central to achieving their objectives.

However, reaching good governance is a process. Therefore, as long as good governance has not been achieved, pragmatic approaches must be pursued to support progress and a major consideration in promoting good governance is feasibility. It will not usually be possible, or even desirable, to tackle all aspects of governance in a programme or project. Sometimes the social and political context will not permit it; sometimes the size of the activities does not justify it. But there will always be opportunities to insert aspects of good governance into any programme or project; and activities that are contrary to good governance should not be supported, even if these are superficially attractive.

Mainstreaming is a continuous process, requiring repeated application at every opportunity, however small.

This handbook is a work in progress. Discussions with EU Member States and institutions, with partner countries' representatives, with other donors and partners as well as with civil society will contribute to improve its contents over time. Exchange of information on good practices and lessons learned between EC Delegations will also be fundamental to keep the handbook alive and to make it relevant for EC development and co-operation policy.

As already stated, this handbook does not attempt to tackle every aspect of every cluster. It is designed to help the reader identify areas to examine where problems are likely to be found, while keeping a manageable size. You should not consider that the omission of any aspect makes it less important. At the end of the day, it is your judgement that counts.

	Decision options	Outputs	Information requirements
Programming *What are the development priorities and what is the EC's focus for assistance?*	Choice of • programme priorities • sector focus • type of assistance • financing modalities	• CSP • NIP	• Identification of key stakeholders • Identification of priority problems and opportunities • Identification of global and specific objectives and expected results • Identification of EC strategy
Identification *Is the project concept relevant to priority local needs and consistent with EC policy priorities?*	Accept, modify or reject the project idea (individual projects) Commit finance (programme)	Identification *fiche* (individual projects) Financing proposal: (programmes)	• Stakeholder analysis • Problem analysis • Lessons learned • Hierarchy of objectives • Resources and cost co-ordination • Management and financing arrangements
Formulation *Is the project feasible and will it deliver sustainable benefits?*	Commit finance (individual projects) Further specification and formulation to develop technical and administrative provisions (programmes)	Financing proposal (individual projects) Terms of reference/technical and administrative provisions for con-tracting each project (programmes)	• Background • Situation analysis • Project description • Management arrangements • Feasibility and sustainability issues
Implementation *Are resources being efficiently and effectively used? What corrective action should be taken?*	Continue financing, modify scope of EC support, or terminate support	Operational work plans Progress reports Reviews/Study reports Completion reports	Scope of the project • Purpose • Outputs (key indicators, sources of verification) • Activities • Resource requirements-budget
Evaluation *Were planned benefits achieved, will they be sustained, and what lessons have been learned?*	Change policies, scope of forward programme, or EC operating modalities	ToR for mission Evaluation mission report	Relevance Efficiency Effectiveness Impact Sustainability

Key tasks with potential for GG input	How can this HB help?	Other tools
• Analyse the political, economic and social situation • Identify the EC response strategy, ie, the sectors of intervention • Identify the key stakeholders and assess their needs, interests and capacities • Define specific objectives, indicators, assumptions and expected results	see: **Section 2** see: **guiding principles** see: **indicators**	• Guidelines for implementation of CSP • Guidelines for programming (to be drafted by DG DEV)
• Organise and participate in consultations with key stakeholders (e.g. partner government institutions, non-state entities, civil-society groups, other donors, etc) and ensure their active involvement in decision making • Undertake preparatory work to identify and/or analyse project concepts and proposals (drawn from the priorities and targets identified in the CSP and NIP)	see: **guiding principles** **+** **core concerns** see, for the relevant clusters identified in CSP/NIP, **cluster analysis** **+** 1st assessment of **key issues** and **indicators**	• Quality assessment criteria • Logical framework approach • Institutional capacity assessment • Promoting participatory approaches • Preparation of ToR
• Organise and participate in consultations with key stakeholders (e.g. partner government institutions, non-state entities, civil-society groups, other donors, etc) and ensure their active involvement in decision making • Strengthen analysis and design work to finalise formulation of identified projects	Check **guiding principles** and verify compliance with **core concerns** see for the relevant clusters, **key issues** and **indicators**	• Quality assessment criteria • Logical framework approach • Institutional capacity assessment • Promoting participatory approaches • Preparation of ToR
• Monitoring and regular review (project progress in terms of expenditure, resource use, implementation of activities, delivery of outputs and management of risks). • Re-planning (on-going modifications to take account of what actually happens during implementation) • Reporting – Inform stakeholders of project progress, constraints and action required, provide record of activities, document changes in forward plans, including budgetary requirements and, therefore, promote transparency and accountability	Check **guiding principles** and verify compliance with **core concerns** check relevant **key issues** and **indicators**	• Quality criteria • Logframe matrix • Resource/budget schedules • Risk management matrix • Checklists conducting interviews • Progress report formats • Promoting participatory approaches • Preparation of ToR
• Identifying the need for an evaluation and selecting the topics/themes to be evaluated • Designing the evaluation • Dissemination of evaluation findings and recommendations and supporting their use	Check **guiding principles** and **core concerns** check relevant **key issues** and **indicators**	• ToR for the evaluation mission • Logframe matrix • Monitoring reports • ECOFIN Analysis • Evaluation report format

Section 1
Mainstreaming good governance
in EC-funded Programmes and Projects
Horizontal Analysis

Guiding principles

It is important to ensure that the design and implementation of every project and programme takes into consideration the aspects of participation and ownership, aims at an equitable distribution of the benefits and burdens, has evaluated the capacity of the organisations involved as adequate for the purpose of implementing the project or programme, ensures transparency and accountability at all levels, addresses the prevention of corruption and seeks to minimize the sources for conflict.

Most of these principles are general management principles and not specific to good governance. They are detailed in the PCM guidelines and referred here because of their importance in promoting good governance.

In this section the guiding principles are referred to as part of projects/programmes, but most of the concepts can be applicable in a wider approach.

This is particulary the case for conflict prevention and anti corruption, for which a more thorough breakdown is proposed to help identify if these are integrated in the programme or project. When developing specific projects and programmes in these areas, more detailed references to further sources of information and to the specific sections of the different clusters that deal with these issues on a more wide-ranging manner (Section 2 – cluster analysis) are provided.

☐ Participation and ownership

Participation and ownership exist when the stakeholders are able to influence and share control over the objectives, activities and results of the P/P, feeling responsible for and identifying with them. When stakeholders would then participate in the identification of the problems and their solutions, they feel confident in their ability to manage and co-ordinate the P/P; they actively participate in the monitoring of the P/P and agree on the indicators for success and should participate in the definition of changes in the P/P if needed.

The likelihood of successful and sustained participation is increased when there is a continuous flow of information on the progress of the P/P.

Why are participation and ownership important?
- They create conditions for a more effective and equitable P/P
- They give long-term sustainability and legitimacy to the P/P
- They enhance the potential capacities of the stakeholders
- They enhance the possibility of complementarities between the sectors of intervention

Key questions:
- Have all relevant stakeholders been identified and given the possibility to participate?
- Is there a balanced and representative participation of stakeholders (notion of legitimacy)?
- Have costs to stakeholders' participation been evaluated?
- Have expectations and concerns, voiced in consultation with the stakeholders, been taken into consideration in the P/P?
- Do the relevant stakeholders perceive the P/P as important?

Some results:

1. The major stakeholders (national authorities, private sector, civil society…) feel responsible, take initiatives and remain committed to the P/P, contributing to its sustainability.

2. There is an increased chance that the P/P will address the right issues in the right way for the right people.

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□ Equity

Equity exists when the stakeholders are satisfied that the aims and objectives of the P/P and the methodologies for implementation are fair, just and transparent. This implies that all interested stakeholders will participate in the project (see ownership), that they will benefit from it in proportion to the identified needs, and that any burdens associated with the P/P will be shared, or compensated, in an even-handed manner.

Why is equity important?
- Equity increases the potentially positive effects of the actions undertaken
- Equity in the P/P's outcome will in most cases reduce the potential for conflict[1]

Key questions:
- Does the P/P provide net gains to poor people that respond to their priority needs?
- Does it take into consideration the differential impact of poverty by gender and by disadvantaged groups?
- Does the P/P enhance strategic and immediate gender equality?
- Is there unjustified discrimination in the benefits/burdens of the P/P?

Some results:

1. The P/P will define benefits that meet poor people's priority needs, notably those of women and disadvantaged groups.

2. The delivery of those benefits will be managed in ways that ameliorate the situation of poor people.

3. Burdens will be allocated in ways that fairly reflect the ability of stakeholders to bear them.

□ Organisational adequacy

Organisational adequacy deals with the suitability and capacity of the organisation/s in question to implement the activities they are mandated to undertake. Such organisations will be in a position to command the legitimate resources necessary for the effective implementation of the activities. The organisation's capacity to critically participate in the formulation and implementation of the activities is an important element to contribute to sustainability.

Why is it important that organisations are adequate for the P/P?
- Unfit organisations are unlikely to deliver and can endanger the outcome of the P/P.
- Participating organisations which have the relevant experience, capacity and motivation will bring into the project a dynamic which may have a multiplier effect on the results.
- The presence of adequate domestic organisations throughout the life-cycle of the P/P will contribute to the sustainability of the results.

Key questions:
- Is the mandate of the organisations concerned compatible with the role expected from them in the P/P?
- Do they have the capacities (financial, human, structural…) to undertake the specific tasks in question and guarantee responsibility for them?
- Are necessary internal and external incentives in place for them to be able to adequately play their role?

Some results:

1. The activities are more likely to be carried out successfully.

2. Difficult initiatives will be easier to carry out with strong, legitimate organisations as a backing.

3. The sustainability of the P/P is better guaranteed.

(1) … but it is important to consider the potential for conflict that can arise by threatening powerful interests that currently benefit from inequity

☐ Transparency and accountability

Transparency and accountability exist when the P/P incorporates mechanisms for keeping the stakeholders fully involved, at regular intervals, in the decision-making process, and fully informed of the implementation and results. This implies that stakeholders are answerable to those whom they represent on the fulfilment of their obligations, and that they undertake to inform and consult their constituencies at regular intervals. This will require clearly delineated tasks and responsibilities, effective flows of information and mechanisms ensuring that decisions and sanctions are enforced.

Why are transparency and accountability important?
- They minimise the risk of corruption.
- They help prevent or limit the abuse of power and mal-administration.
- They increase stakeholder confidence and trust in the project and encourage participation.
- They increase efficiency and effectiveness in the P/P management.
- They reduce waste of resources.

Key questions:
- Is there a flow of information (in an adequate format) to the relevant constituencies about the P/P?
- Is there clarity in the P/P proposal regarding responsibilities, roles and organisation among the stakeholders?
- Are targets and results of the P/P clearly identified?
- Will those dealing with resources have well-defined and consequent obligations (e.g. reporting on the use of those resources)?
- Are they required to demonstrate fulfilment of those obligations and face sanctions for failure?

Some results:

1. Contributes to preventing corruption.

2. Inspires trust between the P/P stakeholders and increase participation.

3. Better impact from the money spent.

☐ Conflict prevention

The European Union has a duty to try to address the many cross cutting issues that generate or contribute to conflict. Development policy and other co-operation programmes provide, without doubt, the most powerful instruments at the Community's disposal for treating the root causes of conflict. Treating the root causes of conflict implies creating, restoring or consolidating structural stability in all its aspects. Characteristics of structural stability are sustainable economic development, democracy and respect for human rights, viable political structures and healthy environmental and social conditions, with the capacity to manage change without the need to resort to conflict. Hence conflict prevention should be considered as a consistent underlying objective of development co-operation, including that targeting good governance.

Why is conflict prevention important?
- Development co-operation automatically affects conflictual situations, either by exacerbating them or by reducing them. It is therefore essential that development co-operation tackles the root causes of conflict directly, thereby accentuating its ability to be used as a tool to reduce conflict.
- The reduction of poverty is the key goal of development co-operation. Poverty is often a prime source and outcome for conflict. Development and conflict prevention, through the reduction of poverty are thus intrinsically linked.
- The enormous cost in resources and in human suffering caused by violent conflicts calls for major efforts in preventing conflicts. This is above all a moral and political imperative, but it also makes economic sense. Preventing conflicts (especially violent ones) from erupting allows resources to be channelled to more worthwhile needs. It also ensures that gains made through development co-operation are not irreparably lost.

Essential questions:
- Is the P/P designed in such a way that it takes into account conflict potential?
- Are the P/P's benefits to be delivered in such a way as to not be appropriated by any existing parties in conflict?
- Can the P/P help increase rival group confidence through more openness and communication and through the encouragement of balanced, local ownership of the P/P?

Some results:

1. Minimising sources of conflict helps citizens have their legitimate expectations fulfilled.

2. Legitimate and accountable systems of governance and security (defence, police, judicial and penal systems) are built and maintained.

3. The positive results of development co-operation are not destroyed by the presence of violent conflict or appropriated by excessively powerful persons/institutions.

Identifying whether conflict prevention is built into the P/P	Determinants	Tools
1. Is the P/P designed in such a way that is conflict sensitive?	1a. Has a Country Conflict Assessment been carried out and are its results integrated into the P/P? 1b. Is the P/P designed in such a way so as not to hinder the development of certain necessary conflict? 1c. Where applicable, is the P/P designed in such a way so as to aid post-conflict rehabilitation?	Search for mention in identification, appraisal, financing documents and the P/P proposal of the root causes of conflict and how far they have been addressed Analyse the dispute resolution mechanisms Look out for their capacity to channel conflict adequately rather than to bury it
2. Are the P/P's benefits to be delivered in such a way so as to not be appropriated by any existing parties in conflict?	2a. Are the P/P activities to be carried out in areas which are under control of the state's rule of law? 2b. Will the possibility of enhanced access to the benefits produced by the P/P allow one party in a conflict to acquire important advantages over its rivals? 2c. Are all concerns raised by the different parties in the appraisal phases of the P/P given equal weight? Does one group have a privileged access to voicing its concerns and demands regarding the P/P structure?	OECD/DAC – Helping prevent Violent Conflict: Orientations for External Partners http:// www1.oecd.org/dac/htm/g-con.htm

Identifying whether conflict prevention is built into the P/P	Determinants	Tools
3. Can the P/P help increase rival group confidence through more openness and communication?		OECD/DAC – Helping prevent Violent Conflict: Orientations for External Partners http://www1.oecd.org/dac/htm/g-con.htm
4. Is the most efficient use being made of all existing intelligence data and intelligence gathering methods?	4a. Has a Country Conflict Assessment been completed? 4b. Is there high co-ordination and information sharing with other international donors with regards to the conflict situation in the country? 4c. Have local sources been identified for potential conflict information, and have they been consulted constructively? 4d. Have efficient conflict monitoring and evaluation systems been put in place to act as early-warning systems?	Commission Country Conflict Assessment framework http://europa.eu.int/comm/external_relations/cpcm/cp/list.htm
5. Does the P/P target the critical areas of a country's development agenda which are likely to have repercussions for conflict?	5a. Does the P/P target the improvement of the macro-economic stability of the country in any way? 5b. Does the P/P target the strengthening of the democratic systems and human rights which are the basis for the non-violent resolution of conflicts? 5c. Does the P/P target the improvement, in any way, of the state's capacities to respond appropriately to conflict? 5d. If the P/P is involved with a scarce resource, is it designed with enough sensitivity to the potential tensions which may arise with any redistribution of this scarce resource?	Search for mention in identification, appraisal, financing documents and the P/P proposal of the root causes of conflict and how far they have been addressed Analyse the dispute resolution mechanisms Look out for their capacity to channel conflict adequately rather than to bury it
6. When implementing the activities of the P/P, is due concern given to the need to ensure local ownership?	See ownership and participation, and organisational adequacy for P/P sections for details.	See ownership and participation, and organisational adequacy for P/P sections for details
7. In conflict-prone situations, does the P/P take extra precautions so as not to exacerbate potentially divisive development trends?	7a. Does the P/P encourage or reinforce structures for dialogue and mediation? 7b. Does the P/P, in any way, provide for measures to reduce the flow and diffusion of arms? 7c. Does the P/P help to improve the allocation and management of natural resources? 7d. Does the P/P provide means to help narrow inter-group wealth disparities?	UNDP: Development Dimension of conflict prevention and peace-building http://www.undp.org/erd/ref/undp_pb_study3.pdf

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Identifying whether conflict prevention is built into the P/P	Determinants	Tools
8. In situations of rising tensions, does the P/P provide ways of dampening these tensions?	8a. Do the persons involved in the P/P make the presence felt of 'witnesses' to emerging problems? 8b. Is assistance provided to help preserve macro-economic stability? 8c. Is support provided for local efforts for peace-making dialogues? 8d. Can the P/P provide higher level support to better co-operation at a regional level?	UNDP: Development Dimension of conflict prevention and peace-building http://www.undp.org/erd/ref/undp_pb_study3.pdf
9. In situations of open violent conflict, do the mechanisms involved in the implementation of the P/P have the ability to provide a useful contribution to help political and humanitarian actors in their tasks?	9a. Has the P/P been designed in such a way that it is flexible enough to be able to respond to new challenges and realities of conflict? 9b. Can the P/P maintain part of its activities by working with civil society institutions and networks? 9c. Can some of the actions of the P/P be continued, in parallel and in collaboration with humanitarian relief activities?	UNDP: Development Dimension of conflict prevention and peace-building http://www.undp.org/erd/ref/undp_pb_study3.pdf
10. In situations of transition from violent conflict to peace, is the P/P able to provide support to the peace process itself?	10a. Does the P/P provide support to governance, civil society and the rule of law? 10b. Does the P/P provide support for restored livelihoods and economic development?	UNDP: Development Dimension of conflict prevention and peace-building http://www.undp.org/erd/ref/undp_pb_study3.pdf

Further sources of information (see also Annex II – Bibliography)

Specific projects and programmes can be devised to address this issue. Consult the specific pages on the RELEX site for full information on this area (policy documents, reports, case studies, indicators…)
http://europa.eu.int/comm/external_relations/cpcm/cp.htm

☐ Anti-corruption

Anti-corruption elements in a project contribute to the broader goal of creating a more effective, fair and efficient P/P. Taken together, these elements should aim at achieving a high rate of honesty throughout the P/P's life. Anti-corruption should also be focused on helping attitudinal change regarding the tolerance of corrupt practices. It may be necessary, at times, to make a distinction between 'petty' corruption and that of a more large-scale nature, depending on local cultural values and context, but keeping in mind that it is often the former that hurts poor people more directly and contributes to a widespread culture of corruption.

Corruption can be defined as "requesting, offering, giving or accepting, directly or indirectly, a bribe or any other undue advantage or prospect thereof, which distorts the proper performance of any duty or behaviour required of the recipient of the bribe, the undue advantage or the prospect thereof".[1]

Why is anti-corruption important?
- Corruption prevents sustainable development – it can reduce people's confidence in the public sector, it can negate the rule of law and undermine the credibility of the government and the legitimacy of democracy. It can increase maladministration, lead to a misuse of public resources, harden divisions and inequalities and increase poverty.
- Corrupt practices reduce the general efficiency and effectiveness of interventions, thereby questioning its success;
- Ensuring the absence of corrupt practices in individual projects will, in its own right, help to instil a less tolerant culture towards corruption;
- Identifying potential for corrupt practices will be useful in that other options to construct the project in ways that are less prone to corruption can be considered and given more value.

Key questions:
- Are all partners committed to implementing the P/P with no corruption as a goal?
- Is there enough information on their identity, resources, practices and track record to give credibility to this intention?
- Are there effective anti-corruption monitoring tools in place?
- Is regular, transparent, financial reporting built into the P/P?
- Are its results widely circulated and understandable?

Some results:

1. Contributes to ensuring a better use of resources and a higher degree of fairness in their distribution and more sustainable results.

2. Higher degree of motivation among the stakeholders and increased participation.

3. Better predictability as regards the results of the P/P.

(1) The Civil Law Convention on Corruption, of the Council of Europe (Strasbourg 4/11/1999 European Treaty Series no 174)

Identifying whether anti-corruption is built into the P/P	Determinants	Tools
1. Are the specific interventions making up the project designed in such a way as to allow for maximum transparency and accountability during their implementation?	Is the financial administration of the P/P thoroughly planned? 1a. Have clear procedures, allowing for predictability, been mapped out for decision-taking throughout the implementation of the project? 1b. Is there a line of accountability for all persons involved in implementing the project whereby the responsibility is clearly defined? Is there a clear definition of the activities, the different roles and responsibilities? Are there clear control mechanisms and sufficiently precise budgeting and reporting requirements? 1c. Have calls for tender been designed based on open, competitive tendering with predisclosed evaluation and selection criteria?	PCM guidelines Ethics clauses, Grounds for exclusion (Practical Guide to EC External Aid contract procedures) http://europa.eu.int/comm/europeaid/tender/gestion/index_en.htm Guidelines on anti-corruption techniques (see links provided)
2. Is regular, transparent, financial reporting and auditing built into the P/P? Are its results widely circulated and understandable?	2a. Have the major stakeholders been made aware of the nature of these reports in a way that they can understand them? 2b. Can major stakeholders access other documents with which to understand better the financial reports?	Notice on procedures on how to request access to invoices, bills, etc.
3. Are all partners committed to implementing the P/P with no corruption as a goal?	3a. Are there set agreements to develop anti-corruption mechanisms for the purposes of the P/P? 3b. Is there the same culture with regards to the tolerance of corrupt practices between all the partners?	Memoranda of understanding between the partners
4. Have all attempts been made to identify and marginalise, as much as possible, persons/services/companies which have a reputation of acting corruptly?	4a. Have the World Bank Listing of Ineligible Firms and EC SINCOM Early Warning System (EWS) and the Common Relex Information System (CRIS) been consulted? 4b. Have the deficiencies of the organisation/person in question, stemming from corrupt personnel, been mentioned when identifying the stakeholders?	WB Listing of Ineligible Firms: http://www.worldbank.org/html/opr/procure/debarr.html Stakeholder Analysis:'Potentials and deficiencies section', 'Implications and conclusions for the project' – mention of how to deal with the deficiency. If such deficiencies could cause corruption, mention of this should be made in the 'assumptions' column of the Logframe, near the related activity

Identifying whether anti-corruption is built into the P/P	Determinants	Tools
5. Does a situation of high cost – low gains exist with regards to corruption in the P/P's activities?	5a. Is the responsibility for the activities divided in a way such to allow little room for considerable centralisation of power with one person? 5b. Do contracts signed with third parties, as part of the implementation of the project, provide for the possibility to inspect the latters' books? 5c. Do companies engaging in corrupt practices risk being placed on blacklists?	Analyse division of responsibilities as laid out in common documents agreed upon between partners Check the provisions on oversight within the contracts signed
6. Are there effective anti-corruption monitoring tools in place?	6a. Do the mid-term and ex-post evaluations require the evaluator to make specific reference to corrupt practices and to trace their source? 6b. In the auditors' ToRs, is it specified that the element of possible corrupt practices must be clearly identified? 6c. Are there clear provisions and procedures to follow if corruption has been identified during a mid-term evaluation?	Terms of reference for evaluations Terms of reference for audits
7. Have all attempts been made to gather essential information on the identity, resources (financial and human), practices, of the project's partners?	7a. Are potential partners and bidders required to submit detailed accounts of their financial, logistical and human resources when tendering for any of the activities or all of the project? 7b. Have potential partners' prior and ongoing activities been thoroughly studied? Have their links and associations with other entities been established? 7c. Are the capacities and resources of those responsible for financial administration and auditing adequate to perform their role? 7d. Is there an exchange of information with specialised organisations?	Call for proposals, procurement notices, service/works/services notices Annual reports and accounts Contacts with other donors NGOs and international organisations

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Identifying whether anti-corruption is built into the P/P	Determinants	Tools
8. Have attempts been made to ensure that bidders for the different activities of the project have not engaged in any corrupt behaviour during and after the tendering procedure?	8a. Has there been any evidence of collusive behaviour between any of the bidders with the aim of establishing prices at artificial, non-competitive levels, thereby depriving the beneficiaries of the benefits of free and open competition? 8b. Do any persons evaluating bids have conflicts of interest? Have they declared any interest which could give rise to conflict?	Closely compare the proposal estimates to similar projects already developed and, if available, trend prices Get evaluators to sign a declaration of independence and non-relationship to bidders

Further sources of information (see also Annex II – Bibliography)

Specific projects and programmes can be devised to fight corruption (e.g. through the reinforcement of integrity, effective use of legal instruments, by building an anti-corruption culture, or preventing corruption by strengthening standards of integrity and procedures of transparency).

The detailed cluster analysis provided in Section 2 of this handbook address several of these issues:
• Support for democratisation
1.6 – electoral campaign financing
1.18 – financing of political parties

1.29 – Government accountability
2.1 – Pluralist participation
2.10 – Responsiveness to maladministration
3.2 – Media

• Public administration reform, management of public finances and civil service reform
1.5 – Human resource management
Chapter II – Public Finance Management and financial accountability
Chapter III – Political Trust and accountability

• Rule of law and the administration of justice
Chapter V – Fight against corruption

The draft thematic briefing **"Anti-corruption and anti-fraud in the Western Balkans"** presents an overview of the main policy and standards regarding corruption, abstracts of the main reference documents, and weblinks to specialised sites:
www.europa.eu.int/comm/europaid/projects/eidhr/index_en.htm

Overview of policies and standards	Including the Communication from the Commission on a "comprehensive EU Policy against corruption" (COM(2003) 317 final), the **Council of Europe**' standards, the **OECD** standards, and the **United Nations**' standards
Legal framework	Selection from the official list of the *acquis*
Reference documents and links	EU and international organisations' weblinks in general Specialised weblinks on corruption and fraud Weblinks on money laundering & economic and financial crime Publications, studies and guidelines on corruption and fraud Council of Europe UN institutions
Methodology, evaluation criteria, benchmarking	"Measuring Corruption" The **World Bank/EBRD** system of evaluation The Corruption Perception Index of **Transparency International** The **Council of Europe/GRECO** approach: the questionnaires

Core good governance concerns

As few development co-operation projects directly target any of the six clusters, a full governance analysis for each programme or project would involve an excessive burden. However, in order to mainstream governance, it is necessary to establish for each of the clusters a good governance base line. This represents a minimum threshold of core good governance issues. If a programme or project cannot meet this threshold, then the activities cannot contribute to good governance and are probably reinforcing bad governance.

For each cluster, minimum requirements, or core concerns, have been elaborated. As regards the clusters on human rights, the rule of law and democracy, if you come to the conclusion that one or more of these are not met, then the programme or project should not be approved until the deficiency has been rectified. As regards civil society, decentralisation and public administration reform, the context of the proposed actions will determine the relevance of the specific elements.

For some of these elements, a simple "yes" or "no" response is not realistic. In such cases, you should look at recent trends to see whether they are moving in favour of meeting the concern, which would then permit a positive response.

Guiding Questions	Pointers	Sources
Support for democratisation, including support for electoral processes and electoral observation		
Representativity		
Are the participants in the decision-making process generally presented/accepted as being representative of a constituency? Is there an adequate representation of disadvantaged groups in the P/P?	Do the decision-makers have a constituency or do they just represent themselves or a tiny clique? Will the process of decision-making be one of persuasion or coercion? Does the decision-making process involve – directly or indirectly – the participation of representatives of groups like the very poor or women or indigenous peoples? Is there any kind of consultation mechanism and is it used?	Decision-makers are elected or mandated Discussion about the issue is held among relevant potential stakeholders Efforts are made to inform opinion and mechanisms for dealing with opposition respect basic rights
Accountability		
Do (formal or informal) procedures exist for ensuring that there is accountability for the P/P activities at the different levels?	Are there debates in relevant forums on the issues? Do decision-makers feel under any obligation to report back to these forums or to consult further when difficulties arise? Are responsibilities defined so that it is clear who is answerable to whom at the different stages?	Debates and questions in official institutions at appropriate levels (e.g. National Assembly, local authorities, tribal elders) Legislation or tradition that delineates hierarchies of responsibilities
Pluralist participation		
Are decisions relating to the P/P taken with the participation of all relevant actors at the different levels, e.g. (national) Parliament, (regional or local) authorities, civil society organisations?	Do stakeholders not directly implicated in the decision have an opportunity to participate in the debate and discussion? Is this likely to continue throughout the activities? Will they be able to raise concerns with those responsible for the activities?	Openness of debates Formal procedures allowing non-decision-makers to raise legitimate concerns Mechanisms proposed to be built into the programme or project that will allow for such participation

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Guiding Questions	Pointers	Sources
Promotion and protection of human rights		
Respect for inviolable rights		
Does the programme/project respect those human rights under the UN ICCPR that cannot be derogated from under any circumstances, viz.- • right to life (article 6) • prohibition of torture, cruel or inhuman treatment & medical experimentation (article 7) • prohibition of slavery and servitude (article 8) • prohibition of imprisonment for failing to fulfil a contractual engagement (article 11) • prohibition of retrospective criminal liability (article 15) • right to legal recognition (article 16) • freedom of thought, conscience and religion (article 18)	Will persons engaged in the programme/project do so of their own free will? Is child or forced labour likely to be used? If someone fails to undertake a contracted task, will that person risk imprisonment? If a stakeholder wishes to contest some aspect of the programme or project in a court, will that person be recognised by the court as having legal standing or be considered a "non-person", e.g. because of ethnic identity or illiteracy? Will people be unfairly excluded from the programme/project, or deliberately adversely affected by it, because of their religious convictions?	Nature of work contracts/payments in kind instead of money State of contract law regarding non-performance or debt Reports of NGOs of vulnerable groups, religious minorities and ombudsmen Press reports State reports under ICCPR
Non-discrimination (ie, no diminution of human rights)		
Are all target groups obtaining equal access to the benefits of the P/P, without discrimination on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status? Do (will) any target groups bear an unreasonable burden of any adverse consequences?	Is such discrimination taking place inadvertently? Does the stakeholder analysis reflect all interests in an adequate manner? Has there been an analysis of "winners and losers" in respect of the programme/project? Are the reasons for being a "winner" or "loser" reasonably explicable on grounds other than the forbidden ones?	Discussion with representatives of interested groups Reports of the relevant UN HR treaty bodies. Non-official reports to these bodies by HR NGOs Reports of UN Special Rapporteurs on relevant thematic issues
Non-regression		
Does the P/P ensure observance of this principle, and does it promote progressive realisation of relevant human rights?	Will the P/P help to ensure respect for any relevant human rights and not cause them to be reduced in any way? Do any interested parties and observers raise HR concerns?	Discussions with HR organisations in the country. Reports of relevant HR committees – regional or universal

Guiding Questions	Pointers	Sources
Reinforcement of the rule of law and administration of justice		
Legal framework		
Is there a local legal framework for the proposed activities of the P/P, which includes (a) the basis for the decision and (b) the implementation of the activities?	Are there specific or general legal provisions that cover the decision and activities? If these are customary laws, are they recognised by the court system? If there were to be a challenge to the legitimacy of the decision or the activities, could this be successfully defended within the legal system (rather than extra-legally, by intimidation or corruption)?	Analysis of legal provisions and their implementation Reports of professional bodies and NGOs Ministry of Justice
Effective dispute resolution		
Are there any mechanisms for resolving disputes concerning the legitimacy of decisions/activities that are equitable and which recognise and respect the rights of the different stakeholders in the P/P?	Are the courts able to offer an impartial & effective forum for dispute resolution? If not, are there other forms of arbitration, formal or informal? In reality, are these accessible to all stakeholders? Are the stakeholders willing to be bound by the decisions given?	Legal system/alternative systems Discussions with (potential) stakeholders Terms of the programme/project setting out the procedures for dispute resolution
Legitimate expectations		
Does the legal framework guarantee that the expected beneficiaries of the project will be able to realise the anticipated benefits?	Are there any discriminatory provisions in the law that governs the project, or that has a corollary impact upon it, which adversely affect the expected beneficiaries? Are there any positive legal guarantees of non-discrimination? Are there discriminatory practices that are tolerated, and against which there are no effective legitimate remedies?	Analysis of legal provisions and their implementation Reports of professional bodies and NGOs Ministry of Justice
Enhancement of the role of civil society and its capacity building		
Information		
Are mechanisms in place to ensure that relevant information on the P/P activities is available to concerned civil society organisations?	Will information be provided in an accessible manner, e.g. in local languages, audio-visually for the illiterate, in local venues? Will this be available throughout the P/P phases?	Formal and informal consultation procedures, including press relations Consultations with stakeholders

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Guiding Questions	Pointers	Sources
Involvement		
Are mechanisms in place to allow for relevant civil society organisations to be appropriately involved in the preparation, implementation and review of P/P?	Are there formal or informal consultation mechanisms? Do these involve the right people in the right places? If relevant organisations are refused involvement, are there any means – legal, political, social – that are available to redress the situation? Is the selection of relevant organisations based on any objective and commonly agreed criteria, or is it only the authorities that designate them according to its own criteria, such as ethnic or political affiliation? Is their involvement timely enough for them to have a real impact, or is it mainly cosmetic?	Number and scope of CSOs involved during the various phases Consultations with CSOs Media reporting on the P/P
Public administration reform, management of public finances and civil service reform		
Public service institutions		
Do the public service bodies have the mandate to fulfil the role identified for them in the P/P?	Are the right incentives in place for them to play that role? Do they have the capacity (financial, human, structural, etc.) to play that role? Has there been discussion with relevant personnel and finance authorities on the resource implications of the P/P? Will "new" resources be allocated, or are existing ones expected to absorb the extra burdens of the P/P? Is there adequate provision for training and information to ensure that, after the end of the P/P, its results will be fully absorbed into institutional mentality and practice?	Appropriate number of people and the relevant skills devoted to the P/P Inclusion of training and information elements in the P/P
Service delivery		
Are systems in place to ensure that the P/P will result in better provision of services to citizens, especially those most vulnerable?	Does the P/P identify how the results will be made operational? Have the relevant authorities given any commitments to make the changes in policy and/or practice necessary to ensure this? Are there provisions to inform the putative beneficiaries of the improved services as to how they will be affected by the changes?	Reports of discussions with relevant authorities P/Public announcements on any changes foreseen Evidence of information in media on changes and how these will benefit the citizens

Guiding Questions	Pointers	Sources
Integration with partner systems		
Is the P/P consistent in timing and content with partner planning systems?	Is it reflected in plans and resource frameworks (including budgets)? Is it coherent in timetable and content with partner reporting systems? Will it be reflected in accounting reports (though not in financial records)?	Budget planning cycle Discussion with stakeholders
Anti-corruption		
Are the culture, system and skills present able to contribute effectively to the reduction of corruption?	Is there a true commitment from all parties to implementing the P/P with no corruption as a goal? Are systems of financial management present, or financial reforms planned, to ensure that the funds involved in the P/P are used for their purposes? Does the accounting system track all income and expenditure? Are there standard modalities to ensure account-ability, e.g. double signatures for larger expenditure, procurement rules, stock and asset ledgers, etc.? Are there effective independent verifiers of the financial accounts? Are the accounts made available to the stakeholders?	Interviews with personnel Training on anti-corruption procedures Track record of institution Procurement rules Codes of conduct, guidelines on anti-corruption techniques Results of monitoring and audits
Decentralisation and local government reform/capacity building		
Autonomy		
Do local authorities have an autonomous role in the decision-making process, if required in the P/P?	Do local authorities have to refer issues to central authorities before giving their views/decisions? Are local authorities more answerable to their local assemblies and electorates or to central author-ities for the exercise of their powers? Do they operate within a clear framework of devolved power or does this depend on extraneous fac-tors, like ethnic or political affiliation? If they oppose central authority, do they risk "punish-ment" in some unfair way in comparison with those that support the central authority line?	The legal framework for local authority operations The manner in which central authorities can remove local authorities from power The way in which central authority treats local authority when the local authority opposes its policies/decisions The extent to which local elections influence the position of local authorities (is it possible to freely vote for opposition parties) Local press reports

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Guiding Questions	Pointers	Sources
Subsidiarity		
Are decisions regarding the P/P taken at the most appropriate level in order to achieve efficiency, accountability and service delivery in the P/P?	Where the P/P has a specific geographic focus, does the decision-making structure reflect that, or must all decisions be taken far away from the focus of the P/P? If the P/P has mixed focus, do the central authorities deal with the transversal aspects, and the local authorities the local aspects? Do the stakeholders have a clear idea of the decision-making structure and consider that it responds to acceptable levels of subsidiarity?	The legal and actual structure for decision-taking The level of satisfaction of all participants with the levels of subsidiarity The opinions of the stakeholders on the decision-making structure The willingness of the central authorities to allow local authorities to take decisions without central reference
Resources		
Do the local authorities have adequate resources (financial, human, skills) in order to undertake the roles assigned to them in the P/P?	Has there been discussion with relevant personnel and finance authorities on the resource implications of the P/P? Will "new" resources be allocated, or are existing ones expected to absorb the extra burdens of the P/P? Is there adequate provision for training and information to ensure that, after the end of the P/P, its results will be fully absorbed into institutional mentality and practice? How much of the budget is dependent on external conditions over which the local authority has little control?	Appropriate number of people and the relevant skills devoted to the P/P Inclusion of training and information elements in the P/P Amount of the local budget over which the local authority exercises control

Section 2
Promoting specific elements
of good governance
Vertical Analysis

The previous section identified principles and minimum requirements in terms of governance that any project or programme should be respecting for good governance.

These are essential for the mainstreaming of good governance into every project and programme. For those projects and programmes that address specifically the themes of one or more of the good governance clusters, a more detailed analysis will be required.

This analysis will generally consist of:

(i) **An overall assessment of the state of the country's governance** from different perspectives: political and institutional development, identification of the actors and relationships between them, political system, organisation and agenda, basic laws and legal and regulatory machinery…

(ii) **A more specific assessment** of the situation and problems affecting good governance that were identified in the CSP and included in the indicative programmes as areas of co-operation, and can relate to one or more of the clusters.

The analysis will be carried out in accordance with these general procedures:

(a) Analysis of the documents available (legal framework, documentation from the country, reports and evaluations already carried out by other development and co-operation partners and international organisations and NGOs) and **an on-the-spot evaluation**.

(b) It will have to look at the country's political agenda with a view to **determining the trends in areas relating to good governance** (human rights situation, respect of rule of law, respect of democratic principles, …) and whether the course being pursued is satisfactory. It will therefore cover recent developments, analyse the existing situation and the future outlook. The indicators for measuring the progress must therefore be specified.

(c) It should, whenever possible, be carried out and approved within the framework of the dialogue initiated with local actors (government, politicians, public officials, civil society…), constituting its political dimension. (This analysis already constitutes a means to **promote the principles of good governance**. It should be conducted in this spirit and every effort made to involve the actors concerned properly.)

(d) The analysis should take into consideration the analysis and activities carried out by the other development and co-operation partners; and its results should be made available in a spirit of **co-ordination, coherence and complementarity**.

This handbook presents the main areas and the key issues to be taken into consideration for a comprehensive analysis of each of the clusters – what to look into when assessing the political context in terms of a cluster, what are the possible constraints that can have an impact on that field, what are the key issues that should be taken into consideration…

Where appropriate, a series of cross-references between the six clusters has been made and further sources of information as well as list of available indicators are suggested per cluster.

The PCM guidelines will once again provide very useful guidance on some of these more general aspects, and propose helpful tools (Institutional capacity development, promoting participation, analysis of sector policy…)

This type of analysis will depend on the situation in the country and degree of political openness. Different circumstances will require that specific issues are analysed in more or less detail. You will be expected to apply your judgement and experience to determine which are more or less important in relation to the context within which you are working. It is likely that you will have to refer to more detailed manuals and other guides, devoted specifically to the topic in question, and in some cases will probably want seek expert advice.

Support for democratisation (including support for electoral processes and electoral observation)

Introduction

Democratisation is a gradual and continuous process which needs to take into account the country's socio-economic and cultural context. This process consists of a series of principles which include civil control, political equality, a pluralist system and the existence of collectively binding decisions which formalise the establishment of a non-violent dialectic between the aspirations of the majority and those of minorities according to a body of rules accepted by all and based on respect for human rights and fundamental freedoms.[1]

Some results:

1. Enhances long-term stability in a society.

2. Enhanced the chances of growing prosperity in a society.

3. Develops participatory citizens and therefore a vital civil society.

Cross-references to other clusters

Many of the aspects introduced in the section below have strong links to the other good governance components. Democratisation is thus linked, among others, to:

Human rights – the right to participate in the public life and the principles of non-discrimination are both fundamental for a well-functioning process of democratisation.

Civil society – the need for full participation, where the sectors of involvement of CSOs as well as public debate and information constitute a vital part of a pluralist social process of democratisation.

Decentralisation – attempts to build a democratic society become more sustainable if local authorities are an integrated part of the democratisation process. Consequently, elections and other democratic acts at the local level should respect the principles given in the democratisation component.

Rule of law – in any process of democratisation the rule of law is applicable to all participants and procedures. It is vital to the fight against corruption.

Public administration reform is also an essential aspect of anti-corruption, which in turn reinforces democracy.

The links mentioned above are highlighted in the questions below (Guiding Questions). Thus if a problem is detected in an area of the democratic process which has a link to other components, it would be worthwhile for their pertinent questions to be taken into consideration.

Cluster analysis

Political context
This section should include an analysis of the democratic situation in the country, both historically and at present. Are the basic democratic principles (see below) part of the cultural heritage or something new to the country in question. On that basis, the current trend regarding the democratic principles can be analysed.
- Are the democratic principles being respected to an increasing or a decreasing degree?
- Are the political leaders freely appointed by electoral systems recognised as fair by citizens and the international community?
- Are there membership-based political parties with a clearly defined political platform?
- Is the political process open to the participation of all citizens?
- Is there free and effective civilian control of the political system?
- Is there a general respect for human rights and fundamental freedoms in the country?
- Is there government control over matters which are considered important by the citizens?
- Is the funding of political parties transparent?

Constraints
This section should include an analysis of the impact of possible constraints to democracy existing in the country, which could be:
- Lack of democratic government accepted by the majority of the population

(1) (COM (1998) 146) Democratisation, Rule of Law and Governance

- Lack of resources in the government to fulfil its functions
- Lack of equal participation – disadvantaged groups
- Lack of free and fair elections
- Lack of media able to report freely
- Lack of education for significant parts of the population.
- Lack of resources for political parties.

The analysis should also take account of the specific country situation. When a country is poor, its data collection system is also likely to be poor, much information may be not be very reliable. Many issues cannot be answered by a simple "yes" or "no", and here it is important to take account of trends, as these may give a better indication than a "snapshot" of any one moment in time. In assessing which issues to address, trends may provide a better indication for priorities.

Key issues

By Theme
- (1) Representative and accountable government
Elections – processes and electoral observation, Democratic role of political parties, (role of Parliament and political parties to be added), Government effectiveness and accountability, Civilian control of the military and police, Minimising corruption
- (2) Pluralist participation
Inclusion of women and disadvantaged groups, Government responsiveness to citizens
Political participation and understanding
- (3) Media in a democratic society

Questions to be considered[1]

Guiding Questions	Pointers	Sources
I. Representative and accountable government		
Elections – processes and electoral observation		
1.1 Are elections held in a free and fair manner? ➡ *(Cross-ref. decentralisation. 1.1)*	Is the electoral process open and transparent? Is there a significant degree of political competition in the electoral process? Are there obstacles to voting? Is the party in Government effectively restrained from using state funds or facilities in election campaigns?	Interview with domestic and international monitors/panels of experts/observers Consult former statements of international monitors – Commonwealth, EU, UN, OSCE, Agence de la Francophonie
1.2 Is there a credible, transparent and impartial electoral authority?	How is the body appointed? How is it accountable? Who may dismiss it? Does it have the authority to oversee issues regarding party finance and electoral rules?	Evaluation by independent monitor, domestic monitors/surveys of public acceptance of electoral authority as independent institution
1.3 Is there an effective administration and monitoring of the electoral process?	Is there a well-functioning electoral commission and is there close coordination with local administration? Percentage of polling stations covered by monitors? Degree of access to the processes of aggregation of results from the different stations by monitors?	Assessments by electoral monitors
1.4 Does a substantive inclusive debate on new electoral laws and/or changes to laws and regulations take place?	Is there a debate in the media? Are relevant CSOs involved in the debate?	Comparative content analysis of existing laws/public proposals for change/reformed electoral laws

(1) This section relies broadly on the work developed in the International IDEA handbook on Democracy Assessment (http://www.idea.int)

Guiding Questions	Pointers	Sources
1.5 Are the procedures for changing constituencies transparent and fair?	Do the political parties accept that the process is fair? Can they approve the process?	See electoral law
1.6 Are there transparent methods for electoral campaign financing?	Does the national legislation determine the means by which a campaign can be funded? Does the legislation provide for limitations to spending in the campaign? Is this limit subject to audit and sanctions? Does the state support election campaigns – if yes, is the support given equitably to all candidates/parties?	Accounts of political parties Election law. State budget
1.7 Is the registration of the candidates (parties) transparent? Are candidates excluded for un-democratic reasons?	Are all aspects of the electoral process, from the earliest stages of candidate recruitment by parties to post-election activities, carried out transparently? Do candidates have to pay the party to be registered, or fulfill some other requirement not normally connected to the political process? Evaluation by monitors/observers	Media Discussion with candidates
1.8 Is there a choice of candidates?	Is there more there than one candidate on the list of candidates? Are there candidates from different political groups?	See list of candidates
1.9 Is the registration of voters transparent?	Is list of voters updated regularly? Are there artificial barriers to voter's registration?	Consult election commission See evaluation of election by independent monitors/observers
1.10 Is the polling station accessible?	Are polling stations situated throughout the country? Do handicapped and isolated voters have access to stations?	Consult election commission and political parties, and NGOs representing the handicapped and isolated
1.11 Are the voting procedures open and easily understood?	Is the ballot paper easy to fill out? Is the information easily accessible at the polling station? Is the information given complete and correct? Are the voting procedures available in possible minority languages?	See election ballots See information given at the polling stations See evaluation from former election monitors/observers
1.12 Does the actual voting procedure take place in secret?	Is there adequate privacy for voters? Is voting taking place outside the official location?	Observe behaviour at the polling station
1.13 Is the handling of the ballots prior to and following the election day satisfactory?	Are the ballots observed and accounted for throughout the election? Is the counting procedure satisfactory?	Observe counting procedures See evaluation of election by independent monitors/observers
1.14 Is the voter turnout representative of the population (e.g. If 50% of the population are women, are 50% of the voters women)?	Are minority/women groups participating?	Voter turnout among targeted citizens

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Guiding Questions	Pointers	Sources
1.15 Is the election result a reflection of the majority vote – and does the minority respect this? Does the majority respect the views of the minority?	Is there minority participation in parliamentary groups? Are public displays of dissatisfaction, such as demonstrations or riots, common?	Assembly composition Media reports
Democratic role of political parties		
1.16 Is there a representative and competitive multiparty system?	Is there a degree of political competition between the parties? Do the political parties express programmatically based political leadership? Do the political parties provide the citizens with a political choice?	Number of parties campaigning at elections Stability of parties Differences in the political messages of the parties
1.17 Are there unreasonable obstacles to set up political parties?	Degree to which electoral law facilitates multiple political parties in the electoral system. Is the cost for setting up parties prohibitive? Are the general minimum requirements excessive? Does membership entail any personal risk?	Analysis of legal documents relating to parties and elections by experts on electoral system design
1.18 Is the financing of the political parties transparent?	Do political parties subscribe to codes of ethics and norms on this subject? Is there an effective regulation of party funding? Are these laws and regulations monitored and enforced? Are effective sanctions applied? Is there a requirement for donations and other sources of financing to be made public? Is the use of political resources banned for political purposes?	Laws on financing of political parties, account of parties Codes of ethics Electoral authorities, press
1.19 Does the system of party financing allow special interests to determine the party platform?	Does the party receive large donations from business or armed groups in return for promoting their agenda? Do large donors have a deciding voice on the choice of candidates or party policies?	Percentage of income from one or two sources Comparison between aims of party and of donors Extent to which donors can influence appointment of candidates
1.20 Do the political parties, to a satisfactory degree, mobilise citizens to democratic values and behaviour?	Do the political parties mobilise the voters before elections? Do the political parties undertake any kind of civic education? Do the political parties generate support or opposition to public policies?	Assessment on party activities in general and prior to elections
1.21 Is the role of the opposition understood and respected?	Degree to which political opposition is organised Allocation of adequate facilities, resources? Do the parties manage to provide coherent and manageable political platforms when in opposition?	Assessment/structure of parliament Assess the stability of parties present in parliament Assess the attendance of the opposition and their participation in the parliament
1.22 Is there a transparent dialogue between the political parties and their members?	Degree to which political parties allow for broad membership participation in drafting of party platforms?	Assessment of internal decision processes and structures of individual political parties

Guiding Questions	Pointers	Sources
1.23 Do the political parties have institutional structures reflecting internal democratic procedures?	Have political parties written bye-laws that promote internal democratic party governance and which are agreed to by the party and its leaders?	Assessment of party bye-laws Organisational structures and decision-making processes
1.24 Do these internal structures operate according to their procedures and bye-laws?	Do party leaders ignore party rules? If party rules are violated, are there any consequences?	Media reports, civil society organisations
1.25 Are the institutional structures of the political parties judged to be transparent, inclusive and accountable?	Degree to which political parties have internal communication structures that promote two-way communication between party branches and headquarters and reflect a commitment to transparency and accountability	Analysis of internal communication structure by panel of experts
1.26 Do the members of the political parties – to a satisfactory degree – represent the interests of the country's population?	Do the political parties have different political platforms? Are different groups of citizens in general associated to different parties? Is any major interest of the citizens not represented by a political party?	Programmes of political parties Survey among members of different political parties Assess relationship between major public issues and programmes of political parties
1.27 Do political parties reflect the composition of society?	Are people from different social/ethnic/religious identities able to participate in political parties?	Ruling councils of political parties, at both national and local level
1.28 Do party candidates reflect the social composition of electors?	Are people effectively excluded by lack of money or distance from parliament or lack of education or on account of their gender?	Comparison between social characteristics of candidates with general composition of society
Government effectiveness and accountability to parliament and the judiciary		
1.29 Is there a system of checks and balances among the legislative, executive and judicial power in the country? ➡ *(Cross-ref: rule of law 4.1)* ➡ *(Cross-ref. public administration 3.3-3.8)*	Does the parliament have the power to dismiss the government? Does the government have the power to call an election? Is the judicial power independent? Is there a stable public administration?	Review constitution/institutional laws and practice
1.30 Does the legislative power have the resources to initiate, review and amend legislation?	Is the parliament able to hold the government to account?	Interview members of parliament, review legislative procedure
1.31 Does the legislative assembly have power to debate, amend and supervise the annual budget?	Are the annual expenditures of the government approved by the parliament and subject to follow-up?	View political procedures
1.32 Does the legislative assembly have power to overthrow the government, impeach the president and call for elections?	Are there limits for the accumulation of mandates?	Constitution, parliamentary procedures

2 SECTION

Guiding Questions	Pointers	Sources
1.33 Does the government have the necessary information, organisation and resources to exercise the role of executive power throughout the country? ➡ *(Cross-ref: decentralisation 1.2 and 1.3)*	Is there a decentralised system which allows the government to be present throughout the country?	Consult ministries and local authorities
1.34 Does the government have effective and open control of the public administration? ➡ *(Cross-ref: public administration 1.4-1.9)*	Do the ministers serve as administrative chiefs of their ministries? Are ministers accountable for the work of the public servants? Are the public servants in general independent or dependent on the ruling government? Are there constitutional guarantees to protect the civil service against inappropriate pressure from the government?	Assess relationship between the civil servants and the government? Interview top public servants
1.35 Does the government have influence and control on matters important to the people?	Level of confidence among citizens in the ruling government? Is the state seen as able to answer people's needs? Do parts of society resent the government on historical grounds? Are there strong secessionist groups? Are broad parts of society discouraged from participating in political life?	Survey among target group Consult conflict prevention manual
1.36 Do agencies of government, including the military and security, accept the authority of the legislative, executive and judicial power? ➡ *(Cross-ref: rule of law 1.3)*	Is there a history of revolts against the ruling government? Are public displays of dissatisfaction frequent?	Interview, press reports
1.37 Is there an effective system of transfer of power within the political system?	Are there procedures for the transfer of power – are they followed?	Analysis of bureaucratic responses to election results/new political leadership
1.38 Are newly installed officials prepared to fulfil their responsibilities?	Degree to which a start-up agenda is developed and implemented by the newly elected officials?	Interview
1.39 Do agencies of government, including military and security, accept the authority of the newly installed politicians/officials?	Degree of consensus among significant political and/or military actors on the procedures for transfer of power?	Interview, press reports
1.40 Does the public recognise the legitimacy of the process by which new officials are chosen? How open, transparent and independent is the appointment system?	Analysis of the transfer process/media accounts. Do members of the legislative assembly operate under codes of ethics as regards conflicts of interest?	Transparency and accountability of its action (register of lobbying, publishing records of voting, financial interests, register of gifts, declaration of assets)

Guiding Questions	Pointers	Sources
Civilian control of the military and police		
1.41 Are the police, military and secret services directly accountable to government and civilian control? ➥ *(Cross-ref: rule of law 4.7)*	Can the government change the leadership of these services? Does it control their budgets?	National legislation, analysis of the security sectors position
1.42 Do militias or other bodies, which could resort to armed conflict to further their aims, exist? ➥ *(Cross-ref guiding principle Conflict Prevention)*	Is there evidence of militia activity in the country? Are possible militias considered a threat in the country?	Assess possible militia action in the country See conflict-prevention assessment
Minimising corruption		
1.43 Is there in general a separation of public office from personal, business and family interests? ➥ *(Cross-ref guiding principle Anti-corruption section 2)* ➥ *(Cross-ref: democratisation – 1.6, 1.18, 1.29, 2.1, 3.2)* ➥ *(Cross-ref: public administration 4.1)* ➥ *(Cross-ref: rule of law 5.1)*	Are politicians and public servants allowed second jobs which can represent a possible conflict of interest?	Review regulations/assess the level of separation Assess the perception of nepotism in the country
1.44 Are there rules and legal instruments aiming at increasing transparency and accountability of government, parliament and public service? ➥ *(Cross-ref: democratisation – 1.6, 1.18, 1.29, 2.1, 3.2)* ➥ *(Cross-ref: public administration 4.1)* ➥ *(Cross-ref: rule of law 5.1)*	Is there an effective oversight and implementation of these rules and regulations? Is civil society given sufficient access to monitor actions and decisions of the government, parliament, public sercvice?	Public service laws Media laws
2. Pluralist participation		
2.1 Does the democratic structure provide for extensive participation in the political process, thereby acknowledging the right for different opinions and the protection of these? ➥ *(Cross-ref: human rights 2.16-2.22)*	Is everyone allowed to participate in the public debate? Is lack of participation a deliberate choice or is it imposed by circumstances? Are all residents in the country allowed to vote in the local elections? Are civil rights linked to citizenship? Is obtaining citizenship an open and fair process?	Reports from human rights NGOs such as Amnesty International, US State Department reports, UN and other sources Percentage of targeted groups who acknowledge that their rights are protected
2.2 Is the electoral administration free from bias, impartial in its oversight, and devoid of discrimination?	Are complaints about the electoral system frequent? Do complaints come from certain groups of society?	Percentage of complaints about the electoral system registered by organised interests (CSOs)

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2 SECTION

Guiding Questions	Pointers	Sources
Inclusion of women and disadvantaged groups ➥ *(Cross-ref human rights 2.24)*		
2.3 Are women and disadvantaged groups' legal rights protected through effective enforcement of non-discriminatory laws pertaining to electoral and political processes? ➥ *(Cross-ref: rule of law 1.1)*	How many female candidates are there? Candidates from other disadvantaged groups?	Analysis of electoral laws/regulations – assessment of the degree of practical discrimination relating to women/disadvantaged groups
2.4 Are there efforts to secure the representation of women and/or minorities in the parliament or in public positions and formal decision-making structures?	Are a certain number of seats reserved for these groups? Are they elected or nominated? Are efforts made to incorporate these groups into party quotas?	Party and parliamentary procedures Numbers of such persons in parliaments and public positions
2.5 Is effective voter education provided to women and disadvantaged groups to facilitate their political participation?	Number of women/disadvantaged groups attending civic and voter education training, compared to target goal.	Attendance records and training sessions
2.6 Are political parties supportive of the participation of women and disadvantaged groups in the political process?	Degree to which political parties have female and/or representatives from minorities' employees, members and candidates.	Assess the number of females and representatives from minorities associated to political parties
Government responsiveness to citizens		
2.6 Are there procedures for public consultation – between the government and the citizens? ➥ *(Cross-ref: decentralisaion 3.8)* ➥ *(Cross-ref: public administration 3.1)*	Level of dialogue between relevant CSOs/citizens and government. Are relevant CSOs in general represented in official committees? Are CSOs consulted by the government on an ad hoc basis as experts?	See membership of official committees Structures for public consultation
2.8 How responsive is government to parliament and the opposition?	Does the government listen to parliament and/or the opposition and adjust its programme in the light of the debate?	Reports of parliamentary proceedings Discussion with MPs
2.9 Are elected representatives accessible to citizens?	Is the number of public debates undertaken by the politicians high? Do politicians in general schedule time to meet electors?	Interview with elected representatives and citizens
2.10 Is the public service accessible and reliable? ➥ *(Cross-ref: rule of law 3.1)* ➥ *(Cross-ref: public administration 1.12-1.15)*	Are their public service outlets in all centres of population of a reasonable size? Are there ambulatory services in rural areas? Does the public have confidence in the level and quality of public services?	Review complaints about maladministration Review reports from ombudsman User surveys
2.11 Does the government react properly and speedily to complaints about maladministration presented by citizens or groups of citizens?	Is there an ombudsman to investigate the complaints from citizens?	Assessment of actions regarding complaints. Assessment of duration of decisions Survey among target groups (complaining citizens)

Guiding Questions	Pointers	Sources
2.12 Is there a general understanding of the political system among citizens?	Do the citizens know and understand the political institutions, laws, rights, freedoms, responsibilities and constitution?	Survey among target group
2.13 Is there in general satisfactory level of political participation among citizens?	Are citizens politically active – do they discuss politics, vote and/or volunteer in political institutions?	Percentage of votes in elections at the local, regional, central level
2.14 Is political information in general available to the citizens?	Do newspapers, radio, television focus on politics, party literature, election materials?	Are annual reports of government bodies made public? Measure consumption of political information
2.15 Do participatory information-gathering activities in general exist?	Are public fora, political rallies, political party events and publications of electoral programmes frequent? Are there referenda, public hearings, opinion polls, direct contacts between politicians, MPs and citizens?	Assess the frequency of political gatherings
3. Media in a democratic society		
3.1 Is there freedom and pluralism in public information? ➥ *Cross-ref: human rights 2.16 -2.22*	Does the media serve the partisan agendas of political or private interests? Is the media pluralistic and representative of different opinions and groups in society? Is the media free from harassment and intimidation? How much will this affect its freedom? Is its economic viability not used as a weapon against its independence? Who primarily owns the media – political actors, commercial sector or special interests groups?	Consult press section in the EC Delegations/ Union of journalists if any Codes of conduct
3.2 Does the media exist in a healthy, vibrant way and does it contribute to the democratic process, especially through the provision of factual, critical information?	Does it contribute to public policy debates and to the dissemination of information of public interest? Is there respectable journalistic investigation? Does the media feel free to deal with critical political issues or disclose cases of corruption? Are law suits against media for criticising the government frequent?	Analysis of the political sections of the media Interview journalists Court records
3.3 Is there an adequate amount of resources devoted to political/societal news in the media?	Are there journalists devoted only to political and/or societal news?	Time in TV and radio programmes for news, space in the written press
3.4 Does the media fulfil the role of watchdog in the period before, during and after an election?	Is there a satisfactory degree of radio/TV/press coverage of the election?	Analyse the content of media just before and after elections
3.5 Can all journalists access and receive professional training?	Is there school for journalists? Is the school independent? Does it offer training for specialised journalists?	Interview journalist

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Guiding Questions	Pointers	Sources
3.6 Does the media reach a satisfactory level of the population?	Are (printed, radio, broadcasted) news available in all languages?	Survey among a broad sample of the population.
3.7 Does the population in general trust the available news sources?	Does the population use the sources of information? Are the sources of information quoted in public debates?	Survey among target group
3.8 Does the government make an effort to communicate its conduct to the media?	Are there regular briefings to the press?	Interview with journalists/survey
3.9 Do political parties have access to the media?	Do they have the opportunity to present their views in the media?	Review media content Interview party officials
3.10 Can the citizens address their concerns to the media? Do they suffer adverse consequences for doing so?	Does the media reflect the views of all social groups in the country? Is there a variety of media outlets in the country?	Review media content Link between prosecutions and public prominence of critics
3.11 Is it possible for civil society organisations to express their concerns through the media?	Are parts of the newspapers dedicated to civil society organisations/citizen debate?	Review media content
3.12 Does the general level of information and awareness in the public allow them to participate in the public debate?	Does the amount of published news allow the population to stay informed? Is the quality of the news satisfactory? Is the level of media distribution for all relevant groups satisfactory? Do citizens have access to information in their preferred language?	Percentage of population listening, reading, watching the news Percentage of population able to listen, read or watch the news

**Further sources of information
(see also Annex II – Bibliography)**

International IDEA handbook on Democracy Assessment	IDEA	*http://www.idea.int*
Democracy at the Local Level – the International IDEA | handbook on Participation, Representation, Conflict Management & Governance	IDEA	*http://www.idea.int*
Managing assistance in support of political and electoral processes	USAID	*http://www.usaid.gov/democracy/pdfs/pnacf631.pdf*
The role of the media in democracy	USAID	*http://www.usaid.gov/democracy/pdfs/pnace630.pdf*
Handbook on legislative strengthening	USAID	*http://www.usaid.gov/democracy/pdfs/pnacf632.pdf*
Political party development assistance	USAID	*http://www.usaid.gov/democracy/pdfs/pnace500.pdf*
Election observation handbook	OIDHR	*http://www.oece.org/oidhr/documents/guidelines/election_handbook/index.htm*
Guidelines for reviewing a legal framework for elections	OSCE	*http://www.oece.org/oidhr/documents/guidelines/gl_rlfr_eng.pdf*
Guidelines to assist national minority participation in the electoral process	OSCE	*http://www.oece.org/oidhr/documents/guidelines/gl_nmpa_eng.pd*
Handbook on electoral observation mission	EC	*http://europa.eu.int/comm/europeaid/projects/eidhr/pdf/elections-handbook_en.pdf*
Elections and the democratic process	DFID	*http://www.dfid.gov.uk/Pubs/files/gov_elect.pdf*
Media in Governance: Developing free and effective Media to serve the interest of the poor	DFID	*http://www.dfid.gov.uk/Pubs/files/media_governance.pdf*
Make Democracy Work for the Elimination of Poverty	DFID	*http://www.dfid.gov.uk/pubs/files/tsp_government.pdf*
Handbook – good governance: Transparency, accountability and participation	Council of the Baltic Sea States	*http://www.cbss-commissioner.org*

Promotion and protection of human rights

Introduction

All human rights are universal, indivisible, interdependent and interrelated. They have the same value, regardless of where the individual resides. While the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of all States, regardless of their political, economic and cultural systems, to promote and protect the human rights and fundamental freedoms of all those within their jurisdictions. Moreover, countries that observe human rights are much more likely to achieve participatory democracy and the goals of sustained development.

Some results:

1. The respect of fundamental human rights will help in the maintenance/establishment of a viable democratic system in the country.

2. By committing itself to the respect of human rights, the state will be fulfilling one of its fundamental duties in order to be legitimate and accountable.

3. The goal of sustainable social and economic development is more likely to be realised in states that observe human rights.

Cross-references to other clusters

Many of the aspects introduced in the section below have strong linkages to the other good governance components. Human rights is thus linked, among others, to:

- Democratisation – the rights of all citizens to participate in public affairs is a fundamental human right, as well as a fundamental principle for a democratic society. Human rights reinforce democracy.
- Civil society – the right to form and participate in associations is essential for the existence of an active civil society.

- Rule of law – ensures that human rights can be enforced through an impartial and fair process and holds organs of power to account for their actions.

The linkages mentioned above are highlighted in the questions below (Guiding Questions). Thus if a problem is detected in an area of human rights which has a link to other components, it would be worthwhile for their pertinent questions to be taken into consideration.

The fact that a Government has not signed and ratified an instrument does not excuse it from observing the standards they contain.

Cluster analysis

Political context
Has the state signed and ratified international and/or regional human rights instruments. Has it made any reservations or derogations to some of these provisions? Does the state allow people to make individual complaints under these instruments? Is the government willing to respect human rights?
What is the regulatory framework of the country (constitution, laws, etc)?
Is the percentage of the budget devoted to economic, social and cultural rights (ESCR) reasonable, in comparison with budget for the security services and with regional norms?

Constraints
Cultural relativism (http://www.hri.ca/education/development/part2.html)
Does the government have sufficient resources to observe these rights?

Key issues

By Theme
- (I) Social, economic & cultural rights
 Work, family, standard of living, health, housing, education, and participation in cultural life, benefits of scientific progress, protection of moral and material interests

- (2) Political and civil rights
Right to life, absence of torture and cruel punishment, liberty and security of person, equality before courts and tribunals,

freedom of movement, interference, freedom of thought, conscience and religion, children, public life, minorities

Most rights are subject to restrictions, but these must be reasonable. A valuable guide to the interpretation of rights and restrictions is published by the OHCHR - Compilation of General Comments and General Recommendations adopted by human rights Treaty Bodies. For example, Article 26 of the ICCPR forbids discrimination in the law. It reads as follows:

"All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, reli-

gion, political or other opinion, national or social origin, property, birth or other status."

The following ICCPR rights are absolute and cannot be abrogated, even in an emergency:
the right to life (ar. 6)
the prohibition of torture, cruel or inhuman treatment & medical experimentation (ar. 7)
the prohibition of slavery (ar. 8)
the prohibition of imprisonment for failing to fulfil a contractual engagement (ar. 11)
the prohibition of retrospective criminal liability (ar. 15)
the right to legal recognition (ar. 16)
freedom of thought, conscience & religion (ar. 18)

Questions to be considered

Guiding Questions	Pointers	Sources
1. Social, economic and cultural rights		
Work		
1.1 Does the state guarantee the right of everyone to earn their living by work that they freely choose or accept? Is forced, compulsory or bonded labour prohibited?	Are systems in place which provide technical and vocational training and guidance programmes? Are there specific policies in place aimed at achieving steady economic, social and cultural development? Are there laws in place which regulate employment and safeguard the freedoms of individuals regarding work?	ILO reports. If the state has ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR), check for its regular reports submitted to the UN Alternative reports of NGOs, such as the Anti-Slavery society, and other CSOs, like trades unions
1.2 Are just and favourable conditions of work enforced upon employers? Is legislation implemented?	Does legislation exist which prescribes fair wages and equal remuneration for work of equal value? Does legislation exist which requires the establishment of safe and healthy working conditions? Does legislation exist which provides for the equal opportunity for everyone to be promoted? Does legislation exist which guarantees workers with adequate rest, leisure, a limitation of working hours and paid holidays? Are there domestic bodies that monitor the implementation of legislation?	ILO reports If the state has ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR), check for its regular reports submitted to the UN

Guiding Questions	Pointers	Sources
1.3 Is the right to form and join trade unions guaranteed and enforced by the state?	Are trade unions allowed to function freely, within the reasonable limits of the law? Is the right to strike guaranteed by the state? Do people suffer adverse consequences if they join a trades union?	Trade Union Reports, e.g. ICFTU If the state has ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR), check for its regular reports submitted to the UN Assessments by electoral monitors

Family

1.4 Does the state accord the widest possible protection and assistance to the creation and subsistence of the family unit?	Are spouses legally free to enter into marriage and dissolve it with free consent? Is special protection accorded to mothers at childbirth? Is access to family planning freely available? Are children protected from economic and social exploitation, especially through age limits for legal employment?	If the state has ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR), check for its regular reports submitted to the UN Reports under the Convention on the Rights of the Child

Standard of living

1.5 Does the state actively support the right of everyone to enjoy the right to adequate food and water?	Is the state actively trying to improve methods of production, conservation and distribution of food and water? Is there discrimination in gaining access to food and water? Is a significant proportion of the populqtion unable to enjoy food and water security whereas some have food and water in abundance?	If the state has ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR), check for its regular reports submitted to the UN Reports of UN Special Rapporteurs
1.6 Does the state actively support the right of everyone to enjoy the right to the highest attainable standard of physical and mental health?	Does the state respect the right to reproductive health? Is the state active in the field of the reduction of the stillbirth-rate and of child mortality? Is the state active in the field of the healthy development of the child? Has the state passed legislation on the improvement of all aspects of environmental and industrial hygiene? Are these laws enforced? Is the state active in the field of the prevention, treatment and control of the major diseases? Does the state ensure access to health facilities, including by support for the creation of medical centres with the scope of assuring medical attention to all?	If the state has ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR), check for its regular reports submitted to the UN. Inspection of factories reports. Check the regularity of these inspections WHO reports. Compare occurrence of major diseases (HIV/AIDS, tuberculosis…) with other similar countries

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Guiding Questions	Pointers	Sources
1.7 Does the state actively support the right of everyone to enjoy the right to adequate housing?	Does the state provide for the creation of housing which is made available to the poor at affordable prices? Does the state actively support an increase in the rate of houses with access to essential services and facilities?	Identify budget allocation devoted to construction of housing and improvement to infrastructure services. Reports of NGOs like the Centre for Housing Rights (COHRE) and thematic reports of the OHCHR
1.8 Does the state actively support the right of everyone to education?	Is primary education compulsory and available free to all? If not, does a plan of action to establish this right exist? Is secondary education generally available and accessible to all, in particular by the progressive introduction of free education? Is higher education equally accessible to all, in particular by the progressive introduction of free education? Is fundamental education for those not having completed primary education, encouraged or intensified? Does the state actively support the development of a system of schools, especially by improving the material conditions of teaching staff? Are parents allowed to choose the school for their children as they consider appropriate? Does legislation prohibit individuals or bodies from establishing educational institutions themselves, e.g. religious communities?	If the state has ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR), check for its regular reports submitted to the UN Reports by UNICEF Discrimination in provision of official education, support for minorities education Identify presence or absence of private schools
1.9 Does the state guarantee the right of persons to take part in cultural life?	Is there a state policy to promote culture among different groups? Are there unreasonable restrictions put in the way of minorities in expressing their culture?	Existence and diversity of theatres, music, radio and TV Existence of state budget for culture
1.10 Does the state guarantee the rights of persons to enjoy the benefits of scientific progress and its applications?	Does the state actively take steps towards the development and the diffusion of science? Is science taught in schools? Do girls and boys enjoy equal access to science education?	Existence and diversity of scientific institutions State budget devoted to science
1.11 Does the state guarantee the rights of persons to protection of their moral and material interests resulting from any scientific, literary or artistic production of which they are the authors?	Are forgeries and other illegal copies/reproductions of scientific, literary or artistic productions sanctioned? Do unions representing the rights of authors exist? Are royalties paid to authors?	If the state has ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR), check for its regular reports submitted to the UN World Intellectual Property Organisation (WIPO)

Guiding Questions	Pointers	Sources
2. Political and civil rights		
Right to life		
2.1 Has the state passed effective legislation that prohibits the arbitrary deprivation of one's right to life?	Is the legislation enforced satisfactorily? Is the argument of self-defence only applicable according to strict, clearly defined circumstances?	Reports of human rights NGOs such as Amnesty International US State Department reports on human rights UN reports on human rights
Torture and punishment		
2.2 Does the state undertake to ensure that no one shall be subjected to torture or to cruel, in-human or degrading treatment or punishment?	Has the state ratified the UN Convention Against Torture and its Optional Protocol (CAT)? Does it allow international and domestic inspections? Has the state signed Articles 21 & 22 of CAT? Has it made torture a criminal offence? Does the state co-operate with the Special Rapporteur	If the state has ratified the CAT – periodical reports submitted by the state to the UN on its imple-mentation of the CAT. Reports of the Special Rapporteur and the regional mechanisms, and by NGOs like OMCT
2.3 Does the state apply the death penalty? Are there procedural safeguards before its imposition?	Do defendants enjoy due process before a death penalty is imposed? Does the Head of State apply clemency in appropriate circumstances? Is the death penalty applied in a discriminatory way against those opposed to the Government?	Amnesty International reports EU guidelines on the death penalty
Liberty and security of person		
2.4 Does the state guarantee that no one shall be subjected to arbitrary arrest or detention? ➡ *(Cross-ref: rule of law 1.1-1.2)*	Is anyone arrested informed of the reasons for his arrest and of any charges against him? Are ade-quate records of detention maintained and access-ible to interested parties? Are persons arrested or detained entitled to be brought before a judge and to trial within a rea-sonable time or to be released?	Reports of human rights NGOs such as Human Rights Watch & FIDH US State Department reports on human rights UN reports on human rights
2.5 Are detainees entitled to communicate with independent legal and medical counsel and rela-tives within a reasonable time?	Are detainees kept in places accessible to these people? Are requirements placed on access that delay it (such as getting permission from a Ministry or Court in the capital)?	Associations of lawyers and doctors. Legislation
2.6 Does the state undertake or ignore "disap-pearances"?	Are official records kept of people who disappear? Do the investigating authorities look for them?	Press reports, local NGO reports, associations of lawyers

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Guiding Questions	Pointers	Sources
2.7 Are persons deprived of their liberty treated in accordance with international standards? ➥ *(Cross-ref: rule of law 8.3)*	Are the accused persons segregated from the convicted? Are accused juvenile persons separated from adults and brought as speedily as possible for adjudication? Does the penitentiary system work with the essential aim of reformation and social rehabilitation?	Reports of human rights NGOs such as PRI & International Observatory of Prisons US State Department reports on human rights UN Minimum Standards on the Treatment of Prisoners
2.8 What is the state's attitude to impunity? Has it ratified the Statute creating the International Criminal Court?	Does the state have adequate mechanisms for investigating and sanctioning crime, especially politically inspired crime? Are (ex)leaders investigated for crimes committed in office?	Associations of lawyers and NGOs UN ratification chart
Equality before courts and tribunals		
2.9 Are all persons guaranteed of their entitlement to a fair and public hearing? Are any categories of people excluded from these guarantees? ➥ *(Cross-ref: rule of law 6.2)*	Is everyone charged with a criminal offence presumed innocent until proven guilty? Are persons informed promptly and in detail of the nature and cause of the charge against them? Do persons have adequate time and facilities for the preparation of their defence? Are persons tried without undue delay? Are persons guaranteed the right to be tried in their presence and to defend themselves, personally or through legal assistance of their choice? Do persons have the right to examine any witnesses against them and to have witnesses on their behalf? Do persons have the right to a free interpreter if they do not understand or speak the language used in court? Do charged persons have the right not to testify against themselves or to confess guilt?	Legal code Reports by ICJ and IBA. Availability and quality of free legal counsel Comparison with other countries on average time for the pronunciation of a judgement See UN reports under the ICCPR to identify what constitutes 'undue delay' UN Special Rapporteur on the independence of judges and lawyers
2.10 Do all convicted persons have the right of appeal for their conviction to be reviewed by a higher tribunal according to law?	Is there a functioning independent appellate system? Do the appeal courts decide whether an appeal may be lodged? Do state prosecutors have undue influence?	Legal code Reports of human rights NGOs such as Amnesty International, etc. US State Department reports on human rights UN reports on human rights
2.11 Is compensation according to the law provided for in the case of an unlawful arrest/detention or the reversal of a conviction?	Can such compensation usually be considered adequate and delivered in a timely manner?	Legal code Ministry of Justice records

Guiding Questions	Pointers	Sources
Freedom of movement		
2.12 Is everyone living lawfully within the state guaranteed liberty of movement and freedom of legal residence?	Are parts of cities/country side "reserved" for political/social elite? Does the government regularly exile people who dissent from its views? Are categories of people excluded from certain parts or forced to live in parts for discriminatory reasons? Is the definition of legal residence applied across the board in an equal manner?	Documents of the Lands Department UN habitat reports
2.13 Is everyone free to leave the country, including if this is their own?	Are there exit visas or is the cost prohibitive? Are any conditions designed to discriminate against certain groups? Are reasons for refusing them fairly applied? Can anyone of legal age obtain a passport?	Ministry of the Interior Passport office
2.14 Are all citizens of the country guaranteed the right to enter the country?	Is there discrimination against different groups in entering the country? Are there reported tendencies for the country's citizens to re-enter their country by irregular ways?	UNHCR reports. NGO "Article 19"
Interference		
2.15 Does the state guarantee that no one shall be subjected to arbitrary or unlawful interference with their privacy, family, home or correspondence, nor to unlawful attacks on their honour and reputation?	Are there legal provisions that are properly enforced protecting persons against such interference? Is eavesdropping by the state regulated? Is there data protection legislation. Does the state interfere in personal relationships, e.g. between different religions or ethnic groups, or lesbian/gay relationships?	If the state has ratified the UN International Covenant on Civil and Political Rights (ICCPR) – periodical reports submitted by the state to the UN on its implementation of the ICCPR. NGO reports, e.g. International Lesbian and Gay Association (ILGA)
Freedom of expression, assembly and association		
2.16 Does the state allow freedom of expression? Are any restrictions limited to those set out in Ar. 19 ICCPR?	Does the state impose discriminatory burdens on private media? Is it possible to access foreign-based television, radio and the internet without unreasonable restrictions? Are licensing conditions reasonable or are they designed to stifle views opposed to the government? Are defamation laws used to inhibit free speech? Is there a law banning hate speech?	Legislation on media ownership and set-up Numbers of TV and radio stations, and internet service providers, and internet access ports Freedom House reports Reports by NGO "Article 19"
2.17 Does the state permit peaceful assembly?	Are the conditions for holding public meetings designed to prevent the expression of opposition? Are they used to in a discriminatory way?	Police and press reports Opposition parties and minority groups

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Guiding Questions	Pointers	Sources
2.18 Is freedom of association respected?	Are trades unions, professional associations and other CSOs able to organise without unreasonable restriction or discrimination?	Relevant CSOs Legislation and press reports on its application
Freedom of thought, conscience and religion		
2.19 Is there a state religion and how does it impact on other religions?	Does the state allow other religions to operate places of worship? Do people suffer discriminatory consequences by belonging to other religions?	Religious groups NGOs dealing with minority rights Human rights Internet site on Freedom of Religion or Belief
2.20 Does the state allow conscientious objection?	Is there provision for alternative social service? Are there penal penalties for conscientious objectors?	European Bureau for Conscientious Objection
2.21 Does the state guarantee persons the right to adopt a religion or belief of their choice, and freedom, either individually or in community with others, in public or private, to manifest their religion or beliefs, observance, practice and teaching?	Are persons subject to official coercion by adopting or abandoning a religion or belief of their choice? Are these freedoms subject only to restrictions which are necessary to protect the greater public's fundamental freedoms? Are there restrictions on marrying a person of another religion?	Specialist NGO reports The International Federation for Religious Freedom
2.22 Does everyone have an equal right to hold opinions without interference? ➥ *(Cross-ref: democratisation III)*	Does the state guarantee the right to everyone to be free to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice?	Reports of human rights NGOs such as Amnesty International US State Department reports on human rights UN reports on human rights Reports of international political party groups Existence of plural media
Children		
2.23 Do all children have equal access to the rights to such measures of protection as are required by their status as a minor?	Are laws in place regulating the treatment of children by their family? Are laws in place regulating the treatment of children by society? Are laws in place regulating the treatment of children by the state? Are children registered at birth? Do children have the right to a nationality?	UNICEF reports If the state has ratified the CRC – periodical reports submitted by the state to the UN on its implementation of the CRC

Guiding Questions	Pointers	Sources
Public life		
2.24 Are all citizens, without any distinctions, given the right to take part in the conduct of public affairs? ➥ *(Cross-ref: Demo II) 2.1)*	Can all citizens, above a certain age stipulated by law, vote and be elected at genuine periodic elections? Do all citizens have equal access to public service in the country? Does the state give legal recognition to all people without discrimination?	International organisation's electoral monitoring reports Reports of international political party groups IDEA, NDI
Minorities		
2.25 Can all minorities existing in the state freely enjoy their own culture, profess and practice their own religion, or use their own language?	Can members of a minority legally marry other persons from outside that minority? Does the government discriminate in any way on grounds of minority status? Can the languages of these minorities be taught in the schools attended by their children? Are there TV/radio stations/programmes and newspapers in minority languages?	Marriage registry Marital law Existence of places of worship Curricula; school books

**Further sources of information
(see also Annex II – Bibliography)**

Guidelines on human rights dialogues Torture and Capital Punishment	EC	*http://europa.eu.int/comm/external_relations/human_rights/doc/ghd12_01.htm*
A basic handbook for UN staff	UNHCHR	*http://www.unhchr.ch/html/menu6/2/handbook.pdf*
Human rights and Social Work: A Manual for Schools of Social Work and the Social Work Profession	UNHCHR	*http://www.unhchr.ch/pdf/training1.pdf*
Human rights and Elections: A handbook on the Legal, Technical and Human rights Aspects of Elections	UNHCHR	*http://www.unhchr.ch/pdf/hrelections.pdf*
Human rights and Law Enforcement: Manual on human rights Training for the Police	UNHCHR	*http://www.unhchr.ch/html/menu6/2/police_intro.pdf*
Human rights Training: A Manual on human rights Training Methodology	UNHCHR	*http://www.unhchr.ch/pdf/train6.pdf*
Training Manual on human rights Monitoring	UNHCHR	*http://www.unhchr.ch/pdf/train7_a.pdf*
The Istanbul Protocol: Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment Punishment	UNHCHR	*http://www.unhchr.ch/pdf/8istprot.pdf*
Handbook on National human rights Plans of Action	UNHCHR	*http://www.unhchr.ch/pdf/nhrap.pdf*
Human Development Reports	UNDP	*http://www.undp.org/hdr2003/*

Reinforcement of the rule of law and the administration of justice

Introduction

A country operates under the "rule of law" when it has: a legislature that enacts laws which respect the constitution and human rights; an independent judiciary; effective, independent and accessible legal services; a legal system guaranteeing equality before the law; a prison system respecting the human person; a police force at the service of the law; an effective executive which is capable of enforcing the law and establishing the social and economic conditions necessary for life in society, and which is itself subject to the law; a military that operates under civilian control within the limits of the constitution.

Some results:

1. Contribution to the building of a sustainable democracy that protects basic human rights.

2. Institutions of justice that are available to all citizens and provide timely and effective justice for all.

3. Fair and effective institutions.

Cross-references to other clusters

Many of the aspects introduced in the section below have strong linkages to the other good governance components. Rule of law is thus linked, among others, to:

Human rights – the treatment of human beings during a legal process (from detention, trial and penalties) should be consistent with international norms.

Democratisation – it is an important to democracy that governments are subject to the rule of law. Rule of law and democratisation are also linked through the level of control over para-military forces, if such forces exist. Para-military forces can be a threat both to democracy and the rule of law, and it is therefore important for both components that their activities are kept in check.

Public administration reform – it is important for a well functioning legal system that all citizens, including the public service, are subject to the rule of law.

The linkages mentioned above are highlighted in the questions below (Guiding Questions). Thus if a problem is detected in an area of rule of law and the administration of justice which has a link to other components, it would be worthwhile for their pertinent questions to be taken into consideration

Cluster analysis

Political context
- Does the government in power enjoy legitimacy?
- What is the democratic history of the country and what are the overall trends?
- What are the relevant policy documents and where are the policy gaps to be filled?
- Who are the decision-makers and the other stakeholders in the policy formation process?
- Is there a written constitution setting out the political and institutional structure of government, duties of principal office holders?
- What is the legal system of the country (civil law, common law, etc.)?
- Are the security services (police, militia, military) under the effective control of the civilian authorities?

Constraints
- To what extent does the government control the legislature?
- What are the chief obstacles in the judicial process?
- Is there illegitimate political interference or lack of political will?
- Is there a lack of political direction or guidance?
- Are parts of the country outside the control of the government?

2 SECTION

Key issues

By Theme
- (1) The level of physical safety
- (2) The crime rate, and the rate of successful detection of criminals
- (3) Accessibility of civil and criminal justice
- (4) Efficiency of the system of justice

- (5) Level of corruption in the system of justice
- (6) Observation of due process
- (7) Alternative mediation and dispute resolution (informal legal process, role of traditional justice)
- (8) Penal regime
- (9) Mechanisms for review
- (10) Extra-court structures

Questions to be considered

Guiding Questions	Pointers	Sources
1. Level of physical safety		
1.1 Does the law recognise the existence of vulnerable groups and their special needs?	Are specific groups excluded from the legal system e.g. by cost, absence of lawyers or physical constraints? Are their special procedures for dealing with children, the handicapped, the elderly, minorities, HIV+ and others?	Reports of relevant NGOs such as Human Rights Watch and Amnesty International Reports of international organisations such as OHCHR
1.2 Do law enforcers operate to protect the rights of vulnerable groups?	Are police forces present in slums? Do they receive any special training to handle such groups?	Community groups Ministry of the Interior
1.3 Is there a control system over paramilitary forces, especially those associated with political parties? ➡ *(Cross-ref: democratisation 1.36)*	Is there a legal framework to control their activities? Are the state authorities accountable for them?	Reports of relevant NGOs such as Human Rights Watch and Amnesty International Reports of international organisations such as OHCHR
1.4 Is there a clear division of tasks and responsibilities between the police and the military?	How are they accountable? Who is responsible for maintaining public order?	National legislation, analysis of the security sectors position
1.5 Do levels of physical safety vary depending on social, ethnic or economic status?	Is special protection given to some groups as compared to others? Does the rate of physical violence vary according to socio-economic factors?	Allocation of police resources Academic studies Hospital records
2. Crime rate and rate of detection		
2.1 Are the types of crime that concern people, particularly vulnerable groups, identified?	What is the percent/trend of population expressing confidence in the state's ability to protect them from crime? What is the percent of population willing to report crime to authorities?	Surveys made by paralegal organisations
2.2 Are those types of crime addressed by the police?	What is the percent/trend of cases resulting in further cases filed?	Surveys made by paralegal organisations

Guiding Questions	Pointers	Sources
2.3 If criminal penalties are involved, are they likely to be consistent with national and international norms? ➡ *(Cross-ref: human rights 2.2-2.3)*	Is there forced labour? Does the death penalty operate? Is there a different penal regime for children?	Interview specialist organisation such as the National Human Rights Commission
2.4 Are the crimes that most affect vulnerable groups given a sufficient priority by those responsible for investigating and prosecuting it?	What is the percentage of the vulnerable groups willing to report crime to authorities? What is the percentage of criminal cases?	Court records Bar association reports
3. Accessibility to civil and criminal justice		
3.1 Is the justice system (formal and informal) accessible to all citizens, especially disadvantaged groups, in regard to such matters as cost, procedures, and professional assistance?	Delivery of legal services to the rural poor? How many judges operate outside the national capital per 100,000? How many arbitrators? Are citizens able to determine what their rights and duties are under law? Are laws and administrative norms regularly published in commonly spoken languages? In those areas where large numbers of residents do not speak the national language, are court interpreters available? Does the state provide poor defendants with legal assistance? Are there ethical rules (code of conduct) and are they respected? Are legal fees regulated by law? By a professional association? Is there a complaint procedure against lawyers/judges?	Bar association reports
4. Efficiency of the system of justice		
4.1 Is there independence of courts and judiciary?	How do office holders and institutions balance requirements of independence from political interference and public accountability? Are there constitutional guarantees to protect against inappropriate pressure from the executive and legislature? Do judges benefit from immunity? Are they held accountable for their professional conduct?	Internal regulations, court records
4.2 Is there public confidence in the administration of justice?	Is there recourse to "mob justice", vigilante action and growth of a "protection" racket?	Consult surveys of paralegal organisations Media reports

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Guiding Questions	Pointers	Sources
4.3 Can the system deliver a judgement in a reasonable amount of time – both in criminal and civil proceedings?	What is the average time from detention to judgement in a case involving a serious crime? What percentage of the total prisoner population is awaiting trial? What percentage has not appeared before any court? What is the percent of cases resolved in a timely manner? What is the number of individuals responsible for prosecuting cases per 100,000?	Court records
4.4 Are there justice mechanisms appropriate to the type of activity?	Are there local and specialist courts (e.g. commercial, family courts)? Are there administrative procedures rather than court hearings for minor infractions?	Review of justice mechanisms
4.5 Is the level of enforcement for judgements independent from external pressures?	Are wealthy and powerful defendants able to avoid judgements given against them ? Is there a bailiff system?	Survey of lawyers
4.6 Are judges and court officials competent?	Are they selected, promoted on the basis of merit (ability, integrity, experience…) To whom are they accountable?	Judicial supervisory board
4.7 Does the rule of law apply to government agents? Are public officials subjected to the rule of law? ➥ *(Cross-ref: public administration 1.14)*	Police, military, militias, paramilitaries and local administrators	Media Court records
5. Fight against corruption Level of corruption in the system of justice ➥ *Cross ref to democratisation 1.6, 1.18, 1.29, 1.43, 1.44, 2.1, 2.9, 3.2 PAR Chapter 2, Chapter III rule of law – Chapter V Guiding principle anti-corruption – Further sources of information*		
5.1 Is there corruption among the judges, the lawyers, the police, the prison staff?	Are those with the power to charge/prosecute/ investigate able to exercise independent judgement? Is there a code of ethics for judges and court officials dealing with corruption? What is the annual salary of entry-level judge/lawyer/police officer/prison staff and how does this compare with either the minimum wage or the average wage in the country? Is there an obligation for judges and court officials to make a regular assets declaration?	Reports of relevant NGOs such as Transparency International Local surveys made by the UN

Guiding Questions	Pointers	Sources
6. Observation of due process		
6.1 Are parties treated equally?	Do state lawyers have significant advantages/disadvantages over private litigants/defenders? Are women and men treated equally?	Country assessments Legislation, court proceedings
6.2 Are there rules and procedures for ensuring that a fair hearing of the issues will take place? ➥ *(Cross-ref: human rights 2.9)*	Are witnesses subject to intimidation? Do vulnerable witnesses enjoy protection? Is there DNA testing for criminal cases?	Interview journalists, lawyers
6.3 Will the public (especially through the media) be able to observe court proceedings in accordance with international norms? ➥ *(Cross-ref: democratisation 3.1.)*	Can the press be excluded from courts in an arbitrary way?	Media reports
7. Alternative mediation and dispute resolution (informal legal process, traditional justice)		
7.1 Do such dispute resolution mechanisms exist?	Is there a law permitting disputes to be resolved using alternative dispute resolution methods? Are there informal means for settling family matters, land disputes, and other cases involving the poor?	Citizen support group reports Private mediation services records
7.2 What is the cost? Is it effective and appropriate?	Do lawyers and litigants consider it adequate? Percent of population that has submitted dispute to some form of alternative dispute resolution mechanism within the past five years. Percent of those expressing satisfaction with alternative dispute resolution.	Paralegal association reports Ombudsmen reports
7.3 Are there ombudsmen?	In different sectors (health, education, etc.)? Are they effective?	Interview specialists Ombudsmen reports
7.4 What is the level of efficiency of the informal legal process?	What is the level of accountability? How equitable is it (notably for disadvantaged groups)? Is it biased against identifiable groups?	Number and length of resolved disputes per year Presence of paralegal associations
7.5 What is the level of compliance of traditional justice with the basic rule of law? Do its processes observe core human rights or abuse them?	Extent to which they are present/incorporated in traditional justice.	Consult lawyers familiar with local legal environment

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Guiding Questions	Pointers	Sources
8. Penal regime (sentencing and detention – pre-trial, juvenile detention, mental institutions) ➥ *(Cross-ref: human rights 2.2)*		
8.1 Do alternative sentences to detention function properly?	Rehabilitation and community service alternatives to detention.	Reports of relevant NGOs such as Human Rights Watch and Amnesty International
8.2 Is there discrimination in use of detention as a punishment?	Are vulnerable groups more likely to be detained?	Reports of relevant NGOs such as Human Rights Watch and Amnesty International
8.3 Do conditions in detention comply with international minimum standards? ➥ *(Cross-ref: human rights 2.7)*	Are juveniles and adults/men and women detained separately? Are prisoners protected from sexual abuse?	Internal regulations, inspection reports of NGOs such as the International Observatory of Prisons
8.4 Is there a mechanism for independent and effective supervision of the penal regime?	Is there judicial suspension? Is there a prison inspection? Can local authorities inspect prisons in their localities?	Internal regulations, inspection
8.5 Are there periodic reviews where detention is for reasons other than for criminal punishment (children in difficulty, mental institutions)?	Are there specialist tribunals? Is legal help available to such detainees?	Seek specialist advice
9. Mechanisms for review of law and legal services		
9.1 Do such mechanisms exist? – official/unofficial	Law reform commissions.	Ministry of Justice

**Further sources of information
(see also Annex II – Bibliography)**

Guidance for promoting judicial independence and impartiality	USAID	*http://www.usaid.gov/democracy/rol.html*
Legal and judicial reform. Observations and experiences	World bank	*http://www4.worldbank.org/legal/leglr/index.html*
Legal and judicial assessment manual	World bank	*http://www4.worldbank.org/legal/leglr/index.html*
Case tracking and management guide	USAID	*http://www.usaid.gov/democracy/pdfs/pnacm001.pdf*
Policy statement on safety, security and justice	DFID	*http://www.dfid.gov.uk/Pubs/files/policy_safety.pdf*
Alternative dispute resolution guide	USAID	*Alternative Dispute Resolution Practitioners' Guide 1998*
Report on institutional strengthening and justice reform	CIDA	*Institutional Strengthening and Justice Reform 1998*
Report on political will, constituency building	CIDA	*Political Will, Constituency Building, and Public Support in Rule of Law Programs 1998*

Enhancement of the role of civil society and its capacity building

Introduction

In many Commission documents the term Non State Actors (NSAs) is used to describe a range of organisations that bring together the principal existing or emerging, structures of society outside the government and public administration. NSAs are created voluntarily by individuals, their aim being to promote an issue or an interest, either general or specific. They are independent of the State and can be profit or non-profit-making organisations. Here we will use the term civil society Organisations (CSOs) with the same definition except we will NOT consider profit-making organisations but include all kinds of non-profit organisations of relevance to development. A sub-category among CSOs are the Community Based Organisations (CBOs), a term used to refer to local and often less resourceful organisations at grass-root level.

Some results:

1. Empowers individuals and their organisations to participate in social and political debate and in decision-making.

2. Enables a constructive relation between civil society organisations and government authorities.

3. Captures essential contributions of civil society organisations to P/P.

Cross-references to other clusters

Many of the aspects introduced in the section below have strong linkages to the other good governance components. The civil society organisations component is thus linked, among others, to:

Rule of law – for a vibrant civil society to exist, an enabling legal framework is important.

Human rights – the right to voice opinions in public, which is one of the fundamental roles of civil society organisations. Also the existence of the right to form interest groups, such as trade unions or professional bodies, is fundamental to the development of civil society. Finally the right to education and especially civic education is an important long term right related to the continued existence of a vibrant civil society.

Democratisation – civil society organisations have a central role to play in the building of a democratic culture when they promote and/or practice the principles of representativity in decision-making, accountability, pluralism and free media.

Democratisation, Public administration and decentralisation – the importance that all actors in these sectors – including elected representatives and public servants at all levels – should be willing and able to interact with civil society organisations in the decision-making process.

The linkages mentioned above are highlighted in the questions below (Guiding Questions). Thus if a problem is detected in an area of civil society organisations which has a link to other components, it would be worthwhile for their pertinent questions to be taken into consideration.

Cluster analysis

In the cluster analysis a mapping of civil society in the country or region should be undertaken. This might have been done in the country strategy or in a specific study on civil society carried out by the Commission or other organisations. Specific guidelines for civil society in development co-operation exist for EDF. Before doing a mapping study you will have to define the scope of your study. Do you need to analyse the entire civil society in a country or is it enough to study civil society in relation to a specific sector or field of activities? In either case, you might consider the following aspects:

Strengths and weaknesses of civil society and its organisations
This section could include information about:
- What are the main social, economic and cultural aspects that define the way in which people organise themselves in groups, networks and more formal organisations? Main differences between regions and between cities and rural areas?
- What are the main values and interests being represented in civil society? Are there groups or interests that are particularly well represented and others that seem to have less voice?

- What kinds of organisations exist in civil society/the sector in question? Depending on the country, you may want to try to identify the following types of groups/networks/organisations: traditional, ethnicity-based, faith-based, producers and consumers associations, trade unions, other profession-based organisations, different types of interest groups (organisations focused on human rights, environmental protection, child rights, anti-corruption etc), lobby groups, sports associations, youth organisations, membership based organisations and non-membership organisations.
- Who do the organisations in practice represent? Are they legitimate in the eyes of those they claim to represent and/or in the communities in which they act? How do they interact with government authorities on the relevant levels?
- Are they transparent and accountable to their constituents? Are their management structures run on democratic principles?
- What is the mandate of the CSOs? – is it service-delivery (organisations that provide services or implement development projects), representation (aggregation and giving voice to citizens concerns), technical expertise (organisations that provide information and advice and lobby on particular issues), watch-dog functions (organisations that follow up on government and/or donor commitments), capacity building (organisations that provide support to other CSOs), recreation (organisations that provide leisure activities to members/non-members), others?
- Do the CSOs have the capacity to carry out their mandate? Do they have necessary resources such as financial and human resources, technical expertise, adequate internal structures (democratic transparent etc.?) political or members/target group support, relevant contacts/networks within civil society/with government and/or with international civil society?
- Do CSOs make use of opportunities for participation in decision making when they are concerned? What is the situation on local, regional, national and international level?
- What are the views, expectations and strategy of CSOs concerning partnership with local, regional and central government?
- What is the flow of information between the CSOs at central, regional and local levels?
- Is the atmosphere between CSOs in the country or sector in general one of competition or co-operation?
- What is the general level of knowledge and experience of citizens in terms of rights of association and collective action in practice?

Political context

This section could contain an overview of:
- What are the main political, social and cultural cleavages in society and how do they affect CSOs?
- Are there legal or political constraints for CSOs to act?
- What mechanisms are currently in place for interaction between the government and CSOs on different levels and sectors?
- What are the government's views and strategies towards the involvement of CSOs in the development process?
- What are the links and interaction between CSOs and political parties and the parliament?
- What is the relation between donor agencies and CSOs?

Constraints

Typical constraints for meaningful participation of CSOs are:
- Lack of information/analysis on who should participate
- Lack of political will to involve CSOs (often based on mutual mistrust where CSOs fear the government wants to abuse them for its own purposes and the government fears that the CSOs want to destabilise the government)
- Legal and political obstacles for CSOs to act
- Misrepresentation, competition and bad co-ordination among CSOs
- Lack of capacity in CSOs
- Lack of capacity in government and donor agencies to engage with CSOs
- Lack of flow of information and public debate
- Lack of transparency, accountability and legitimacy of CSOs
- Low levels of literacy and education

Key issues

By Theme
- (1) Capacity development
- (2) Roles and functions
- (3) Participation

Questions to be considered

Guiding Questions	Pointers	Sources
1. Capacity development		
1.1 Are there CSOs in the sector of interest?	What kinds of organisations are there? Who do the organisations represent? What is their function and mandate?	Previous civil society mappings, studies etc.
1.2 Are there potential CSOs to engage in dialogue with?	Do the CSOS represent members/target groups, others? Are the CSOs legitimate actors in their field?	Previous civil society mappings, studies etc. Cross-check with relevant stakeholders, government, other donors
1.3 Are there potential CSOs to engage as implementing partners in P/P?	Do the aims of the CSOs coincide with the aims of the relevant public policy and/or donor policy? How would a partnership affect the organisations and the environment in which they act?	Review statutes, mission declarations of CSOs Check with relevant stakeholders, government, other donors
1.4 Are there potential CSOs to perform a watchdog function for P/P?	Are there CSOs with relevant competence to make high-quality assessment of the P/P to be monitored? Is the CSO able to act in the political environment? Ability to spread information and mobilise?	Review statutes, mission declarations of CSOs Check with relevant stakeholders, government, other donors
1.5 Is the internal structure of the individual CSOs adequate for the task that is envisaged for them? For in-depth analyses of a CSO look at web reference: "the Octagon" – a tool for the assessment of strengths and weaknesses in NGOs	Is there a stable structure? Is there a division of tasks within the CSO? Is there a board of management? Has it ever been elected? Are there full-time staff and/or volunteers? Level of technical expertise?	CSO organigram Board meeting minutes Records of annual assemblies Work programmes Job descriptions Interview members/staff
1.6 For umbrella organisations: Is there a clear mandate from member organisations?	Are members actively involved in the development of the umbrella CSO? Have member organisations paid membership fees? Is there a flow of information among member organisations and the umbrella?	Membership lists Record of paid membership fees Visits, meetings, newsletters, websites, etc.
1.7 Does the CSO have adequate financial resources for the task envisaged for it?	Own resources? Income-generating activities? Grants? Fundraising strategies? Relationship with donors/potential donors (autonomy vs co-optation)?	Review budget List of donors Activities to raise mone. Documented principles for donor relations Cross-check with other donors
1.8 Does the CSO have adequate human/technical resources for the task envisaged for it?	Technical expertise of staff/volunteers? Recognition in their field of activity? Necessary technical equipment?	CVs of staff Consultant contracts Year/model of equipment

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Guiding Questions	Pointers	Sources
1.9 Does the CSO have the expected output given the task envisaged for it?	Support to local groups/networks? Service-delivery? Publications? Campaigns? Active in public debate? Developed methodology, new knowledge? Other?	List of activities Interview target groups Interview other stakeholders
1.10 For CSOs to work with capacity building of other organisations, CBOs etc., does the CSO itself have the capacity to perform this task?	Experience in working with CBOs? Capacity and will to relate to the organisations they are supposed to assist? Pedagogic skills to address less resourceful groups? Knowledge of local language? Capacity to work with illiterate? Capacity to work out practical solutions in difficult circumstances?	Track record in this field CVs of staff Interview group that have experience of working with the CSO in question
1.11 Can the CSO relate to other CSOs in adequate ways given its role and function and the task envisaged for it?	Openness and sharing of information? Active in sharing experiences? Active in co-ordination, co-operation within civil society? Common campaigns?	CSO strategy in this respect Reputation in civil society
1.12 Can the CSO relate in adequate ways to other external actors?	Interaction with government authorities? Interaction with media? Interaction with donors? Other relevant actors? Public image?	Formal relations with any of these Previous government and donor experiences Feature in media
1.13 Is there a flow of information within civil society?	Do CSOs regularly exchange information? Do they make effective use of the media? Is there capacity in civil society to mobilise around new information?	Interview organisations around a news issue of relevance to them Interview media
1.14 Does the CSO operate in accordance with basic good governance principles? *NB We may chose to work with an organisation that DOES NOT respect these principles but we should do so consciously and with a view to improving the standards in this respect.*	Is the CSO open and transparent in its functioning both internally and (whenever possible) externally? Is there open, democratic and accountable management in the organisation? Does it actively encourage gender equity? Does it respect non-discrimination in its activities?	Review statutes Interview staff, volunteers, members member of target groups, other stakeholders Legal complaints against the organisation Complaints from other CSOs? Role taken in CS-networks

2. Roles and functions

Guiding Questions	Pointers	Sources
2.1 Have all stakeholders and actors relevant for P/P been identified?	What do the government authorities at different levels do that is relevant? What do actors in the business sector do that is relevant? What do CSOs do that is relevant?	Review sector analyses of the government Commission or other donors

Guiding Questions	Pointers	Sources
2.2 Are there clear aims for what the government and/or Commission wants to support in the sector?	What should ultimately be the role and functions of the different actors?	PRS Country strategies Sector strategy
2.3 Has the scope for CSOs to contribute to the P/P been identified?	Is there a potential among CSOs to do new things? Improve ongoing activities? Improve interaction within civil society, with the government authorities, with the business sector?	Review sector analyses of the government, Commission or other donor
2.4 If there seems to be scope for improving interaction within civil society, have the opportunities and risks been identified?	Are there potential roles, functions missing? Are there CSOs that could take them on? Are there too high levels of mistrust, competition and fragmentation in civil society, and are there actors who could counteract this?	Review sector analyses of the government, Commission or other donors Interview stakeholders in the sector in question
2.5 If there seems to be scope for improving interaction with the state, have the opportunities and risks been identified?	Is there a need for more or better dialogue between civil society and government authorities on one or more levels? Is there a need to create new fora for dialogue? Is there a need to seek more complementarity between CSO and state activities? Is there a risk that CSO activities undermine legitimate demands on state performance? Is there risk of co-optation of CSOs? Is the autonomy of CSOs at risk because of government interventions?	Review sector analyses of the government, Commission or other donors Interview stakeholders in the sector in question
2.6 If there seems to be a scope for improving the interaction with business sector, have the opportunities and risks been identified?	Is there competition between grant-funded CSOs and profit-seeking companies? Are CSOs overlooked as possible contractors for services or goods?	Review sector analyses of the government, Commission or other donors Interview stakeholders in the sector in question
3. Participation		
3.1 Is there freedom of information?	Is freedom of information guaranteed in the law? Is it possible for citizens and CSOs to request relevant information on public issues?	Review the relevant laws adopted and the mandate of the authority responsible for its implementation procedures in practice
3.2 Is it possible for CSOs to have legal status?	Can CSOs enjoy the same rights as other legal persons, e.g. make contracts, open bank accounts, employ staff, lease property, etc? Is there a procedure in place to request legal status? Does the procedure follow clear rules? Is the procedure non-discriminatory?	Review the relevant laws adopted and the mandate of the authority responsible for its implementation procedures in practice

Guiding Questions	Pointers	Sources
3.3 Does the law give CSOs the right to receive funding?	Restrictions on the right to receive grants? Does the tax law inhibit efficient use of funding?	Review the relevant laws adopted and the mandate of the authority responsible for its implementation procedures in practice
3.4 Are there possibilities for CSOs to obtain government funding?	Are there government programmes for grants to national CSOs? Is there a practice of using national CSOs in public policy implementation?	Do CSOs receive government funding? Are CSOs contracted for implementation of public programmes?
3.5 Is there enough political will on behalf of the government to involve CSOs at different stages of public P/P?	Is it practice to organise civil society consultations? Is there an ongoing dialogue between government and CSOs in any particular area? Could good experiences from one area be used in another?	Commission and MS political dialogue with partner country
3.6 If there is a PRS, was the experience of CSO involvement in that process positive?	Does the PRS reflect priorities of civil society? Is there public awareness about PRS? Is there a follow-up of the PRS by CSOs?	World Bank, government, donors, civil society umbrella organisations, other relevant CSOs
3.7 Has the experience of the Commission of CSO dialogue in the country been analysed?	Were CSOs consulted during CSP, or other programming processes? Are CSOs involved in follow-up of programming documents?	Commission delegation in the country
3.8 Are there official regular consultations between CSOs and government authorities on local, regional, national levels in the sector in question?	What fora for dialogue are there? Are criteria for participation reasonable and transparent? Agreed with CSOs? Who is invited? Who takes part? When and where are consultations organised?	Interview government and CSOs on the levels you need to check Records of meeting, criteria for invitation, actual invitations and participation
3.9 If/when the government organise consultations, does it include CSOs?	Is relevant information provided? Is information available in time? Is information in the adequate languages? Can participants speak their own language? Is there enough time for CSO participants to speak? Can CSOs choose their own representatives? Are the rules and preconditions clear to participants? Are neutral facilitators used when needed?	Records of previous consultations
3.10 Do CSOs make use of opportunities to participate in consultations?	Do they attend? Do they initiate consultations? Do they prepare CSO input and consultations well? Are there relevant co-ordination mechanisms in place?	Records of previous consultations, interview CSO staff and volunteers

Guiding Questions	Pointers	Sources
3.11 Is the follow-up of consultations between government and CSOs adequate?	Are there minutes? Is there information available on the consequences of a consultation? Are agreements kept by all parties? Are views expressed at meetings taken into consideration? Does the government explain in public the reasons for not accepting proposals?	Records of previous consultations and their follow-up
3.12 Is adequate representation ensured?	Are relevant groups or interests NOT being represented at consultations? If so, does the government consider these and are measures being taken to encourage representation in the future?	Records of previous consultations and their follow-up
3.13 Are small and less resourceful CSOs able to contribute in consultations?	Is there capacity and will in civil society to share information, build coalitions and strengthen and include weaker organisations?	Activities of umbrella CSOs, interview other CSO staff and volunteers
3.14 Is there continued dialogue during the different phases of a P/P?	Are CSOs informed if conditions change or if government decides to take new initiatives in the area?	Interview government officials
3.15 Do CSOs interact with political parties?	What organisations have access to political parties? Do the parties actively seek contact with CSOs? Are there contacts on local, regional and/or national level? Are there contacts regularly or only during election periods?	Interview parties and CSOs active in advocacy
3.16 Do CSOs interact with parliament?	Are there hearings, committee consultations, information points?	Interview MPs and CSOs active in advocacy
3.17 Do CSOs have access to media?	Is there media coverage of CSO activities? Any particular selection criteria? What is the situation on local, regional, national level? Can CSOs place articles in papers, make radio-broadcasts, publish material?	Check papers, listen to radio and get samples of relevant information
3.18 Is there a good balance between formal and informal ways of participation for CSOs?	Are elections taken seriously by CSOs? Are elections a time for special advocacy campaigns? Is informal participation considered more effective than formal?	What are strategies of advocacy CSOs and what has proved successful before?

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**Further sources of information
(see also Annex II – Bibliography)**

Communication on Non-State Actors COM (02) 598	European Commission	*http://europa.eu.int/eur-lex/en/search/search_dpi.html*
Guidelines for non-state actors involvement in the development process	European Commission	*http://europa.eu.int/comm/development/index_en.htm*
Guidelines to EC delegations on implementation of the Cotonou Agreement provisions relating to Non-State Actors.	European Commission	*http://europa.eu.int/comm/development/index_en.htm*
How to work with civil society to support country strategy objectives	DFID	*http://www.dfid.gov.uk/*
Consultations with civil society organisations: general guidelines	World Bank	*http://wbln0018.worldbank.org/network/essd/icdb.nsf/ D4856F112E805DF4852566C9007C27A6/ E4BC2886DC66456852568D2006D0D5A//$f*
Consultations with civil society: a sourcebook	World Bank	*http://wbln0018.worldbank.org/networks/essd/icdb.nsf/ d456f112e80504852566c9007c27a6.pdf*
The Octagon: A tool for assessment of strengths and weaknesses of an NGO	SIDA	*http://www.sida.se/Sida/jsp/polopoly.jsp?d=2351*
Corruption-fighters tool kit 2001: civil society experiences and emerging strategies	Transparency International	*http://www.transparency.org/toolkits/2001/index.html*
Civic education: Lessons learned	USAID	*http://www.usaid.gov/democracy/pdfs/pnacp331.pdf*
International Centre for Not for Profit Law		*http://www.icnl.org/about/summs.html#Publications*
Civil society Index	CIVICUS	*http://civicus.org*
University research	John Hopkins University, London School of Economics	*http://jhu.edu/~ccss* *http://www.lse.ac.uk/Depts/ccs*
IDS Concept Paper on civil society	Institute of Development Studies	*http://www.ids.ac.uk/ids/civsoc/public.doc*

Public administration reform, management of public finances and civil service reform

Introduction

Poor public administration can lead to misguided allocation of resources, inappropriate government intervention, arbitrariness and corruption, which deter private investment and increase citizens' mistrust. This means that policy reforms are less likely to succeed, and results in expensive malperforming government, and inadequate service delivery to the poor.

Public administration reform is the search for public service structures that respond to the needs of citizens and deliver appropriate public goods and services efficiently, responsively and impartially, including macro-economic and public policy formulation, definition and implementation. Sufficient checks and balances within these structures make them more accountable and more transparent to the public, thereby limiting possibilities of corruption and increasing trust in them and government at all levels.

Some results:

1. An improved public administration will positively affect the situation of human rights, equity, and rule of law in the country and increase the legitimacy of the state and government.

2. With better public administration, the citizens, particularly poor people, will receive more cost-effective, appropriate, responsive and accountable public services.

3. Better use will be made of public finances, including donor aid, thereby increasing value for money.

Cross-references to other clusters

Many of the key issues introduced in the section below have strong linkages to the other good governance components. Public administration reform is thus linked, among others, to:

- **Human rights** – it is important to ensure that the government is not abusing human rights and that there is no discrimination within the public sector.

- **Decentralisation** – all the norms for service delivery, in order to be effective, accountable and efficient, should be present at the central, intermediate and local levels of public administration.

- **Democratisation** – it is important that mechanisms exist for keeping the government accountable.

Democratisation and civil society – the public sector should be responsive to demands from citizens, who should be able/ encouraged to voice their views on the public administration. The linkages mentioned above are highlighted in the questions below (Guiding Questions). Thus if a problem is detected in an area of public administrative reform which has a link to other components, it would be worthwhile for their pertinent questions to be taken into consideration.

Cluster analysis

The following elements of analysis will help you to make a better appraisal of the institutional structures. Often, poor administrative performance is caused less by technical weaknesses than by weak institutional competence. Other manuals and guidelines[1] can be very useful to complete the 'institutional appraisal' (e.g. DFID manual and sourcebook, "Conducting Institutional Appraisal and Development").

Political context
- Is there the necessary domestic political will to drive the reform? Are there potential 'champions' with the sufficient power to push for the reforms (politicians, senior administrators…)?
- Are the winners/losers from these reforms identified?
- What are the social and cultural factors that will support or obstruct the necessary reforms?

(1) The Public Expenditure and Financial Accountability (PEFA) Programme (EC, World Bank, IMF and several bilateral donors) and the OECD/DAC Working Group have very recently proposed a new approach to public finance management assessment. This new framework is potentially an important achievement in the attempt to come to a rationalisation of diagnostic PFM instruments. Check the Governance link of the EIDHR webpages (http://europa.eu.int/comm/europeaid/projects/eidhr/index_en.htm) for more information and updates.

- Are champions able and willing to explain the importance and effects of the reform, prevent unjustified fears and build a sustainable constituency of support for the project?
- Is there a high motivation for institutional development (ID) among the interested parties, especially the central ones?
- Have the benefits from undergoing the reform been adequately identified?
- Are there compelling perceptions of the need for reform (Crisis, leadership and ideas, capability to organize citizens in support for the reform)

Constraints
- Will 'Champions' cease to be useful drivers due to a changed context?
- Are there cultural obstacles, misconceptions or concerns regarding the necessary institutional reforms, which must be taken into consideration?
- Is there evidence of high levels of corruption, cronyism and nepotism generally or within the specific sector/s where reform ought to be undertaken?
- Is there evidence of corruption elsewhere in the system which might negatively impact on the intended reforms?
- Are the resources available congruent with the task and responsibilities to be undertaken?
- Are citizens' demands able to be expressed and taken into consideration?
- Is there a serious erosion of capacity due to the loss of skills or key leaders?
- What is the impact of tumbling life-expectancy (HIV-AIDS, other epidemics) on public sector staffing?

Key issues

Once the overall political context and constraints have been analysed using the institutional appraisal approach, it is important to plan actions directed at specific organisations. The elements of the Change management section raise pertinent issues to be considered when designing interventions for the four other themes.

By Theme
- (-) Change management and public management reform
Adequate implementation plan
- (1) Civil servicereform and service delivery
Legal code
Human resource management
Non-discrimination
Decentralisation
Public policy formulation
Service delivery
- (2) Public finance management and financial accountability
Legal basis
Revenue
Budget structure
Projections
Internal controls
Reconciliation
Accounting and audit
Decentralisation
Public procurement
- (3) Political trust and accountability
- (4) Management of macro-economic environment
Public-private relations
Macro-economic policy

Questions to be considered

Guiding Questions	Pointers	Sources
Change management and public management reform		
Adequate implementation plan		
0.1 Does the implementation plan propose appropriate reform processes and personnel?	Are the resources available congruent with the tasks and responsibilities proposed? Does it integrate mechanisms to nurture ownership of the process? Is there a clear link between inputs and outcomes, with credible indicators?	Study the implementation plan
0.2 Are the aspects of consultation and communication taken in consideration sufficiently?	Are systems in place to enable citizens to express their demands and concerns? Are these taken into consideration? Are systems in place to explain the objectives, modalities of implementation and results of the reform and gain support for the project?	Study the implementation plan
0.3 Does it propose to monitor and review implementation in the light of objectives and benchmarks?	Are mechanisms for regular monitoring integrated in the proposal? Will there be a feedback and incorporation of results?	Study the implementation plan
0.4 Does it plan for long-term sustainability?	Does it provide options or alternatives to redesign stalled change programmes? Are exit strategies considered?	Study the implementation plan
0.5 Is the service being delivered at the most appropriate level?	Are options for decentralised management taken into consideration? Are there clearly defined different levels of authority and responsibility? Are there mechanisms in place to ensure good communication between different spheres of government?	Study the implementation plan Interviews with relevant authorities
0.6 Is there a basis proposed for rewards and sanctions based on results and on the progress made in efficiency and effectiveness?	Is there a system for the control of results and cost accounting control ("cost awareness")?	Study the implementation plan
0.7 Is the emergence of the provision of services aimed at the citizen-user encouraged?	Is it an objective to have a state/society relation based less on the power of the state and to statal bureaucracy?	Study the implementation plan Surveys of consumer groups

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2 SECTION

Guiding Questions	Pointers	Sources
1. Civil service reform and Service delivery		
Legal Code		
1.1 Is a civil service law and code of conduct, available to all, in place or in the process of being drawn up?	How well is it implemented? Are civil service legislation, regulations, and codes of conduct summarised in a guide for all staff and available to the public?	Official Journal abstracts Review of internal publications published by the central human resource service of administration
1.2 Do civil service rules or legislation define and proscribe conflicts of interest? Do civil service rules or legislation require disclosure of potential conflicts of interest?	Are civil servants, especially those in the higher ranks, required to declare their financial and other assets and gains? Is the percentage of civil servants who should disclose their interests high?	Review of Civil Service Act Declaration of financial interest documents
1.3 Is there a formal procedure, established in writing, for conducting disciplinary hearings?	Are official standard documents used for the notification and organisation of such hearings? Is whistle-blowing set in a clear structure?	Review of Civil Service Act, when in existence Whistle-blowing Act or equivalent
1.4 Is civil service security of tenure defined by legislation?	Are arrangements in place against unfair dismissal? Are disciplinary procedures fair and transparent?	Work legislation
Human resource management (recruitment, training, salaries)		
1.5 Are civil service recruitment procedures sufficiently merit-based? Are there institutions that establish human resource policy and a personnel management framework?	Is there an oversight body to review hiring decisions and ensure the fairness and professionalism of the recruitment process? Is there evidence of cronyism or nepotism? Are public servants allowed or required to make contributions to political parties as a way of obtaining public sector employment?	Monitoring of government requirements concerning recruitment, government documents, and vacancy posts in printed media. Check if other interested actors (NGOs, opposition parties) are monitoring
1.6 Are efficient training systems in place to ensure the skills development of administrators?	Are training materials, such as manuals or presentation documents changed regularly? Do they contain intellectually provocative material or are they simply compendiums of new procedures?	Monitor regularity and content of training courses organised for civil servant staff
1.7 Are the tasks assigned to the civil service compatible with the available resources?	Are there indications of duplication of competencies and/or lack of specific posts or services? Is there a delegation of responsibilities at different levels of staff? Are performance appraisals conducted regularly for all staff?	Review of reports by the administration or other international donors of adequacy of staff for the tasks at hand Benchmark performance appraisal activities with other countries to identify regularity of appraisal
1.8 Is the weight of civil service affordable in relation to the government budget?	Is the ratio salary/recurrent cost excessive? Is it improving? Is it impinging on the ability of the government to implement policies?	State budget

Guiding Questions	Pointers	Sources
1.9 Are civil service salaries, working conditions and motivation sufficient to ensure loyalty? Are there calibrated civil service pay scales, clearly and consistently linked to rank?	Are civil servants paid regularly? Are pay levels sufficient to address the problem of retention? Do civil servants keep their posts for a sufficient length of time? Are there laws regulating potential conflict of interest situations when shifting from the civil service to the private sector? Are the minimum working conditions met for civil servants to undertake the tasks they were given?	Comparison of civil service pay with similar ranking posts in the private sector. (Note: It is important to make an allowance for job security, prestige and social privileges in civil service employment when comparing pay.) Identification of a common rationale in civil service legislation, or other official documents, linking salaries to rank in the administration
1.10 Is civil service employment data collected at least annually, providing a reliable account of personnel intake and attrition/depletion?	Is there a regular data collecting methodology for civil service employment? Are individual personnel records complete and accurate? Is there a system for verification of the personnel (presence, activity, payment…)? Is the state submitting raw data on the civil service, through a clear methodology, to any international statistics body?	Civil service censuses Other national civil service recruitment documents produced by the central personnel office
1.11 Is there a recognition of the quality of performance of civil servants?	Are there performance appraisals? Are these reflected in incentives/penalties?	Civil service documents produced by the central personnel office
1.12 Is accurate payroll data provided to budget managers? Does the budget predict and contain personnel costs?	Is there an accurate remuneration communication system in place? Is there any verification system for presence at work and absence from work?	Identify existence of 'personal emoluments' line item or other relevant lines in the budget
Non-discrimination		
1.13 Are there satisfactory equal employment policies and practices that mitigate gender, ethnic, regional and other discriminatory biases? ➥ *(Cross-ref: human rights 1.1)*	Are application forms and recruitment procedures designed in such a way as to eliminate all possibility of discriminatory biases? Are there indications of cases of cronyism or nepotism? In the case of its existence, is the social security system non-discriminatory? If there is discrimination is this positive discrimination?	Identify existence of non-discrimination clauses in selection procedure instructions Check the (over) representation of specific groups (family, origin, language, ethnicity…) Identify practices which assist minorities in their attempts at recruitment
Decentralisation		
1.14 Is there (at least one) effective sub-national civil service? Is there a structured relation between them? Does that relation respect the competence of each? ➥ *(Cross-ref.: decentralisation 1.2 and 2.2)*	Is the relationship between the national and sub-national civil services effective? Are the resources available at the sub-national level sufficient to undertake the tasks envisioned? Can the central government arbitrarily and with little notice cut any of these resources?	Review documents detailing directions to local authorities from central government to judge how specific the directions are. Identify degree of room for manoeuvre for sub-national civil servants

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Guiding Questions	Pointers	Sources
Public policy formulation		
1.15 Is the process of public policy formulation transparent?	Is there public consultation? Is there a parliamentary debate/contribution? Are its outcomes published?	Media reports Parliamentary reports
1.16 Are responsibilities for public policy formulation clearly assigned?	Is it formulated at the most appropriate level?	Mandates of those responsible
1.17 Are there mechanisms for regular updates?	Are there regular policy reviews taking into consideration the results of ongoing policies?	Media reports ToR of reform bodies and consultations with their members
Service delivery ➥ *(Cross-ref: decentralisation 3)*		
1.18 Is there a unified planning framework or process to bring together all actors for the delivery of services involving the key stakeholders?	Are policy and administrative targets logged regularly and are final results registered in the same document?	Service delivery audits Identify presence of a body responsible for civil service organisational reform
1.19 Is there a reasonable match between the service delivery unit resources and the tasks that they are expected to undertake?	Is there a review process assessing the performance of the service delivery unit?	Service delivery audits Identify presence of a body responsible for civil service organisational reform
1.20 Is there a coherent programme in place for reviewing service delivery mechanisms?	Are records of service delivery performance relative to targets kept and published?	Service delivery audits Identify presence of a body responsible for civil service organisational reform
1.21 Is there a possibility for an external review?	Are reports debated in parliament and the media? Can proposals be challenged in the courts for unconstitutionality or other due cause?	Parliamentary reports Court records
2. Public finance management (PFM) and financial accountability		
Legal basis		
2.1 Are budgets readily available to the public?	Is the annual budget day publicised widely? Are budget syntheses produced and made available? Are copies of the financial regulations readily available to CS staff? Are implementing regulations and other guidance documents readily available to staff?	Presentation by finance minister of annual budget to the parliament. Publication of summary budget in the press, on radio and TV
2.2 Is the legal basis sound, adequate and up to date?	Is the budget legislation subject to effective parliamentary scrutiny and democratically approved? Is the preparation of the national budget and its approval submitted to a transparent and due process?	Review of World Bank Public Expenditure Review (PER) for the country Parliamentary reports

Guiding Questions	Pointers	Sources
2.3 Are financial regulations known and understood by the civil servants to whom they will apply?	Are periodic training mechanisms in place?	Consult relevant civil servants
Revenue		
2.4 Is there sufficient control of revenue and is this income obtained in a transparent manner? Are national treasury revenue projections credible?	Have revenue projections for the previous five years been satisfactorily close to actual income?	Compare revenue projection reports and the actual inland revenue receipts
Budget structure		
2.5 Does the budget cover the whole of government, and capture substantially all spending (as opposed to substantial off-budget spending)?	Are off-budget costs of programmes accounted and reported by the Ministry of Finance? Are most or all government expenditures covered by the budget?	Review of World Bank Public Expenditure Review (PER) for the country
2.6 Do the budget and financial planning processes enable ministers to have an effective influence on budget contents?	Are ministers and line-ministries provided with significant responsibility for resource allocation decisions and resource use?	Review of World Bank Public Expenditure Review (PER) for the country
2.7 Is the budget a good guide to implementation?	Is there a variance from the budget allocation to the actual expenditure? Is the pattern and timing of expenditure adequate? If not, is there a good reason to explain it?	Check budget… Ministry reports and audits
2.8 Are donor funds captured in the budget (both development and recurrent)?	Are sources of income adequately identified?	Check budget, contact donors
Projections		
2.9 On the whole, is there a proper rationale for government expenditure interventions?	Are the expenditure priorities based on an assessment of the needs? If surplus funds are available, are they reallocated according to priorities or used for non-priority elements simply because the surplus is available?	Review of World Bank Public Expenditure Review (PER) for the country
2.10 Does the budget contain realistic multi-annual projections of resources and expenditure priorities?	Have revenue projections been reasonably accurate in the past?	Review of World Bank Public Expenditure Review (PER) for the country
Internal controls		
2.11 Does a system of internal audit exist and function efficiently?	Is it independent and authoritative? Are its audits timely?	Review of audit offices annual and periodical reports Interview with high-ranking officials in audit offices

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Guiding Questions	Pointers	Sources
2.12 Are there systems to check whether funds actually reach intended end-users, and result in desired outputs?	Are there audits? Is there adequate reporting of transfers between the treasury and spending agents?	Audit reports
Reconciliation		
2.13 Is the quality of fiscal/banking data reconciliation acceptable?	Are amounts reconciled with banking data regularly, and fiscal-monetary reconciliation routinely carried out?	
Reporting		
2.14 Are monthly expenditure reports provided within the deadline (ideally no more than four weeks)?	Are there established procedures and deadlines upon which these reports must be circulated? Is sufficient time allowed for reactions?	Interinstitutional regulations
2.15 Are such reports reliable?	Are they linked to monthly bank reconciliation?	Check reports and see audit reports
2.16 Are they available to legislators, the public, the media and civil society?	Are these reports presented in a user friendly manner, according to the capacities of each party?	Monitor legislative documents and records Consult stakeholders and experts
Accounting and auditing		
2.17 Are accounts closed within the legal deadline?	Are they closed no more than three months from the end of the financial year?	Check reports
2.18 Is an effective external audit office present?	Is it independent and authoritative? Does the jurisdiction of the Supreme Audit Institution cover most of the government's fiscal operations? Are its audits timely? Is any action taken on negative external audit findings (e.g. disciplinary actions, criminal prosecutions)?	Check reports
2.19 Are final accounts submitted within the legal deadline? Are they submitted to the public?	Are they submitted no more than one year after the end of the financial year?	Check reports Consult stakeholders and experts
2.20 Are the expenditures becoming more compliant with regulation?	Is the share of relevant expenditure found to be invalid by the external audit declining? Are the number of repeat qualifications/recommendations for remedial action declining?	Audit reports, recommendations

Guiding Questions	Pointers	Sources
Decentralisation ➡ *(Cross-ref: decentralisation 1.2-1.3)*		
2.21 Does the central government transfer sufficient resources in a timely manner for local authorities to be able to meet their responsibilities? ➡ *(Cross-ref: decentralisation 2.1-2.5)*	Is there a set percentage of overall finances transferred to the local level for their discretionary expenditure? Is there an established structure through which resources are delegated? Once a commitment has been initially made, is there a sound expectation that this committed transfer will be undertaken on a timely basis?	Review of financial records of central government and/or of local governments and local associations. Central government budget will provide information on project allocation to local governments. Local government budgets should provide information on expected allocations from central government
2.22 Are financial transfers from the central state stable and predictable?	Do local authorities have adequate discretion on the funds transferred to them?	Government records and interviews with local government staff
2.23 Do local authorities have the power to raise local revenue? If so, is this unduly circumscribed by the central government?	Can local sales or property taxes be levied? Is there a form of local income tax? Is local government itself able to set the tax rates of local taxes?	Review of financial records of central government (there may be one ministry that keeps records on local governments) and/or of local governments
Public procurement		
2.24 Are public procurement offers free of corrupt practices?	Is there an established public procurement agency? Is it staffed properly and is it safe from bribes? Are public procurement rules clear and widely used?	Review of existing legislation regulating transparency within calls for tender, tendering procedures and evaluation sessions Are tenders attributed on the basis of value for money?
2.25 Are there systems in place to ensure integrity and value for money from public procurement, and are the results of these systems tested regularly?	Are there value for money audits, EC transaction audits?	Audit reports Consult relevant business associations
3. Political trust and accountability		
3.1 Are mechanisms present to encourage citizens to air their views on the civil service's and government's administration of affairs? Are they used? ➡ *(Cross-ref: democratisation 2.1-2.7)*	Are official consultation periods (such as open days…) held and publicised? Are consultation papers published and are the reactions to these documents collected and analysed properly? Are comments from citizens on how to improve certain bureaucratic structures and procedures acted upon? Are there mechanisms appropriate to the levels of education of the audience?	Regularity of public consultations through consultative documents of proposed policy
3.2 Are there reasonable legal provisions for public grievances concerning maladministration?	Does an ombudsman's post or its equivalent exist?	Reports of ombudsman or the institution's equivalent Provisions in contractual agreements between the state and private/individual entities providing for the right to recourse against the state

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Guiding Questions	Pointers	Sources
3.3 Is there evidence that the public voices its grievances concerning maladministration? Is action taken when grievances are filed?	Is there a transparent register of complaints made? Does the media report on maladministration? Is there a stipulated delay within which citizens can legitimately expect an action/reply to their complaint?	Identify rate of action taken on complaints to total complaints registered. Source: Register of complaints for each ministry and public service; interviews with NGOs Press reports
3.4 Are corrupt practices not tolerated?	Do citizens attempt to complain about actions they have suffered which originate from a corrupt practice? Is the state lenient with regards to corrupt practices within its administration?	Reports by Transparency International (TI) on the corruption situation in the country
3.5 Is the State structured in such a way as to offer little room for corruption?	Are there suitable taxation systems, customs duties, procurement methods, and accountability of the elite? Are there measures to ensure the accountability of public servants, clarity on the appointments procedures, the publication of assets, the transparent funding of political parties? Is the private sector participation conducted in a transparent way? Are transparent tenders published and is the selection process fair?	TI's corruption review of the country Tender documents Surveys of business, contacts with CSO
3.6 Is the government held to account by effective parliamentary committees and watchdog bodies such as NGOs? ➥ *(Cross ref: democratisation 1.29)*	Is the government obliged to provide answers to questions and criticisms raised by the parliamentary committees? Does the government allow for this information to be circulated? Do some of the CSOs have an (excessive) influential say over the government's performance? Are there guarantees to protect the judiciary and the civil service against inappropriate pressure from the government?	Monitoring by government agencies that are required to hold public hearings Interview key NGO leaders
3.7 Is the executive branch of government effective in resolving/reducing/preventing significant divisive conflicts?	Does the executive have a firm hold of the police and armed forces of the country? Does it use these forces in a legitimate way? Does the government develop inclusive policies (i.e. which do not marginalise certain groups)?	Monitor high-level executive high-level statements and actions through TV, radio, printed media
3.8 Are the civil servants' interests appropriately represented and their concerns sufficiently taken into consideration?	Are trade unions sufficiently representative of civil servants?	Identify a section in trade unions specifically dedicated to public officials

Guiding Questions	Pointers	Sources
4. Management of macro-economic environment		
Private – Public relations		
4.1 Is there a clear separation of the predominantly non-commercial activities of general government from the rest of the public sector, and the private sector?	Is the rate of state-owned industry high? Are there any ongoing privatisation plans? Do public corporations exist outside the ministries they are most responsible to?	Annual reports of the public corporations Organigrams of these corporations
4.2 Are institutions that protect property rights present, trusted and efficient enough?	Is there a high rate of contested land ownership? Is property law well developed? Are the courts recognised as being a useful dispute resolution system with regards to land and property issues?	Legislation Court records Land registration system
4.3 Are there competition legislation and institutions? Are entry restrictions widespread? Is the private sector free from excessive government interference?	Is there considerable red tape and other high entry costs for establishment of business? Are there many, seemingly, unnecessary exclusive dealership agreements? Are there import and export licences? Are there numerous quotas on products which would seem unnecessary? Is legitimate access to foreign exchange very limited? Are prices formally controlled by the government?	Office for fair competition Check for presence of exclusive dealership contracts or other forms of monopoly Regulations of banks setting out limits of currency which can be exchanged for foreign currency Consult business associations
Macro-economic policy		
4.4 Is the macro-economic policy non-discriminatory (not biased against any particular sector, group, region)?	Is there evidence of regional or sectoral bias in terms of taxation, public investment, service delivery…?	Reports by WB and IMF
4.5 Is the macro policy compatible with poverty reduction? Does it guarantee a reasonable degree of stability?	Is inflation within reasonable bounds? Is the public debt ratio sustainable? Are there relations with international financial institutions?	Relations between central government and the central bank Reports by WB and IMF
4.6 Is the macro policy predictable?	Is the Ministry of Finance working effectively and efficiently to direct the overall economy?	Reports by WB and IMF
4.7 Does the fiscal plan clearly link fiscal targets to macro-economic targets?	Are plans and targets published?	Consult experts
4.8 Is the monetary policy of the country controlled by an independent central bank?	Does the central bank have exclusive, independent competence for the setting of exchange rates and interest rates?	Relations between central government and the central bank Reports by WB and IMF
4.9 Are macro-economic forecasts, and any formal models used to generate them, open to external scrutiny?	Are forecasts published and publicised?	Consult experts

**Further sources of information
(see also Annex I – Bibliography)**

Source-book: Confronting corruption: The elements of a national integrity system. Focus on the nature of corruption and the need to involve civil society in order to fight corruption	Transparency International	*http://www.transparency.org/sourcebook/index.html*
Diagnostic toolkits	World bank	*http://www1.worldbank.org/publicsector/toolkits.htm*
A handbook on fighting corruption	USAID	*http://www.usaid.gov/democracy/pdfs/pnace070.pdf*
Preventing Corruption, a handbook for international development co-operation	Min. Foreign Affairs of Finland	*http://global.finland.fi*
CONTACT – Country Assessment in accountability and transparency	UNDP/WB	*www.undp.org/governance/contact_2001.htm*
Assessing constraints on service delivery	World Bank	*http://wbln0018.worldbank.org/prem/ps/iaamarketplace.nsf/*
Commitment to reform diagnosis	World Bank	*http://wbln0018.worldbank.org/prem/ps/iaamarketplace.nsf/*
Diagnostic framework for revenue administration	World Bank	*http://wbln0018.worldbank.org/prem/ps/iaamarketplace.nsf/*
Public expenditure institutional assessment - A contemporary approach to Public Expenditure management	World Bank	*http://wbln0018.worldbank.org/prem/ps/iaamarketplace.nsf/*
Guidelines for understanding and reforming public expenditure management. Defines, diagnoses, designs and debates the key issues in PEM reform	DFID	*http://www.dfid.gov.uk/*
Reforming Public Institutions and Strengthening Governance 160 p. Focuses primarily on capacity building in public institutions and their sectoral linkages; includes lessons learned and sustainability in reforms	World bank	*http://www1.worldbank.org/publicsector/index.cfm*
Strategy paper on Making government work for poor people: The papers list a series of "key capacities", the challenge these represent, the experience to date, and how to meet the challenge	DFID	*http://www.dfid.gov.uk/*
Guidelines for conducting institutional appraisal and development. Introduces an institutional framework, analyses and diagnoses institutional and organisational capacities, and goes through this in the operation cycle	DFID	*http://www.dfid.gov.uk/*

Polidano, Charles and Hulme David (1999), Public Management Reform in Developing Countries: Issues and Outcomes, Public Management 1(1), pp 121 - 32	Journal of Public Management	*Not available on the internet*
Latin American Centre for Development Administration (CLAD), A New Public Management for Latin America	CLAD	*http://www.clad.org.ve/gespin.html*
UNDP, (1995), Untitled paper on public sector management and sustainable human development	UNDP	*http://magnet.undp.org/Docs/!UN98-21.PDF/!PSMGSHD/!front.pdf*

Decentralisation and local government reform/capacity building

Introduction

Decentralisation occurs when the national authority transfers powers and resources to democratically elected regional or local authorities because it is more effective and efficient for these powers to be exercised at that level. The exercise of these powers is autonomous and subject only to legal requirements. Answerability for the exercise of such powers is to the local community through electoral and other consultative processes. Decentralisation enhances local democracy and the participation of local people in their communities. To succeed, regional/local authorities need the resources (financial, technical and human) which will enable them to fulfil their mandate.

Some results:

1. Allows people to participate more effectively in local affairs, including identification of community priorities.

2. Enables local administrations to provide essential public services more efficiently.

3. Allows for the development of closer involvement between the citizen and the authorities, thus enhancing local ownership.

4. Allows for a more equitable and sustainable development of the area, and may reduce the scope for corruption.

Cross-references to other clusters

Many of the key issues introduced in the section below have strong linkages to the other good governance components. Decentralisation is thus linked, among others, to:

• **Democratisation** – importance of the democratic nature of the local authorities including the existence of a citizen's complaint mechanism.

• **Civil society** – importance of involving civil society at all levels of decision-making, including local ones.

• **Public administration reform** – need to obtain sufficient resources allocated from the central level of administration and the necessity for a clear division of responsibility and expenditure between the two levels of administration.

The linkages mentioned above are highlighted in the questions below (Guiding Questions). Thus, if a problem is detected in an area of decentralisation which has a link to other components, it would be worthwhile for their pertinent questions to be taken into consideration.

Cluster analysis

Political context

• What is the system of local government currently in place (including non-statutory bodies such as traditional authorities)?
• Is it generally accepted that the core of decentralisation is the creation of democratically accountable local authorities?
• Is decentralisation a clear and publicly stated objective of the national government or of key political groups?
• Is there a popularly expressed need for reforms to strengthen local authorities (allow them to raise and manage sources of revenues, manage own affairs)?
• Is there a widespread understanding of the political and socio-economic implications of decentralisation? What are past experiences?
• Does the implementation of decentralisation require constitutional reform, a new law, or simply policy change?
• Are there discernible local and national perceptions of the advantages and disadvantages of decentralisation?
• Does national reform in economic, social, or other areas allow opportunities for a decentralisation reform?
• Is support for decentralisation likely to continue if there is a change of national government?
• Are there apparent political agendas that could undermine the decentralisation effort?
• Are there powerful interest groups who will be adversely affected and will they oppose/neutralise the decentralisation reform?

Constraints

- Are there cultural obstacles, misconceptions or concerns regarding decentralisation, which must be taken into consideration?
- Could decentralisation potentially threaten the territorial integrity or increase the potential for conflict within the country? (particularly in culturally diverse or geographically extended countries)
- Could it lead to increased corruption (in particular when financial oversight of local officials is weak)?
- Could decentralisation give local leaders the opportunity to capture control of public resources and dominate local political life?
- Could decentralisation lead to a deterioration of service delivery (particularly where administrative and financial capacities are weak)?
- Is there a potential that decentralisation will lead to territorial inequalities (wealth distribution)?

- Are there high levels of corruption, cronyism and nepotism generally or within the specific sector/s where reform ought to be undertaken?
- Are resources transferred to local authorities congruent with the tasks and responsibilities to be undertaken?

Key issues

By Theme

- (1) Autonomy in decision-making
- (2) Adequate resources (financial transfer and management mechanisms)
- (3) Subsidiarity, efficiency, accountability and service delivery

Questions to be considered

Guiding Questions	Pointers	Sources
1. Autonomy		
1.1 Is local government elected by free and fair election? Does it exercise power free from national directives? To what extent is it dependent on the control of national minorities? Does it give local politicians incentives to be responsive to small, wealthy groups? ➥ *(Cross-ref: democratistion 1.1)*	Are local politicians responsive to local voters? Do local politicians respect electoral rules? Do national parties operate locally and promote dialogue between central and local levels? Are local elections held at acceptable intervals? Is there a transparent and law-abiding compilation of electoral rolls?	Percentage of citizens registered to vote/percentage of registered citizens voting in local elections Check the local election cycle
1.2 Are the functions/competence of local authorities in local development and service delivery well defined? ➥ *(Cross-ref: public administration 1.14)*	What are the responsibilities specifically reserved to local government and intermediate levels (as opposed to national government)?	Review mandate
1.3 Does national government refrain from intervening in local government matters?	Can the central government withdraw powers and competence from local governments, and on what basis? Are there valid justifications for local government actions being overturned by national government? Is the number/percentage of local laws passed without hindrance from national government acceptable?	Interview local authorities, civil society organisations, citizen groups
1.4 Is there a clear assignment of expenditure functions to each sphere of government?	Is the degree of assignment of functional responsibilities from national government to local government satisfactory? In what sectors or sub-sectors is this problem particularly acute?	Interview Ministry of Finance services
1.5 Is the inadequate performance of local government a result of insufficient autonomy or inability to take advantage of the authority they hold?	Adequate organisational structure and resources?	Interview local authorities, local political groups
1.6 Is the emergence of the provision of services aimed at the citizen-user encouraged?	Is it an objective to have a state/society relationship based less on the power of the state and statal bureaucracy?	Study the implementation plan Surveys of consumer groups
2. Adequate resources		
2.1 Do local authorities have the power to levy local taxes? ➥ *(Cross-ref: public administration 2.21)*	Do they have the capacity to collect them? Do local populations accept payment of these taxes? Is a relevant percentage of local expenditures financed from local revenues?	Legislative authority to levy and collect local taxes for local use

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Guiding Questions	Pointers	Sources
2.2 What is the degree of budgetary autonomy of local government?	Percentage of local government budget mandated by national government? Degree of independence in use of national government financial transfers?	Review of financial records of central government and/or of local governments. Central government budget: info. on project allocation to local governments. Local government budgets: info. on expected allocations from central government
2.3 Are financial transfers from the central government stable and predictable? To what extent does the central government delegate resources/transfers of revenue sources to local government? ➡ *(Cross-ref: public administration 2.21)*	Do budgetary allocations depend on performance? To what extent? Are the criteria to define the size and composition of grants transparent?	Review of financial records of central government and/or of local governments. Central government budget: info. on project allocation to local governments. Local government budgets: info. on expected allocations from central government
2.4 Do local authorities have adequate human and technical resources to fulfil their tasks?	Is the labour market such that professional personnel are likely and able to accept jobs with local government? Does the central government have effective procedures for seconding officials to local authorities? Are they enforced?	Local government associations, department of personnel, statistics and regulations
2.5 Is a local government civil service law in place and enforced?	Are there recruitment procedures free of political pressure, cronyism, nepotism or corruption practices? Can local authorities use the courts to challenge central government if it violates the law?	Existence of codes of conduct or legally binding statements for local officials Number of people employed from ethnic/religious minorities, related to the population Court records
2.6 Does the responsibility for determining the salary and hiring/firing of civil servants lie at the local level?	Is this procedure open, fair and transparent?	Existence of codes of conduct or legally binding statements for local officials Number of people employed from ethnic/religious minorities related to the population
2.7 Do local governments provide their staff with training programmes?	Are staff sent on skills-building courses? Is promotion dependent on experience and professional qualifications?	Individual performance assessments
3. Subsidiarity, efficiency, accountability and service delivery		
3.1 Can decisions about basic public services (education, health, waste collection…) be taken at the most appropriate level for efficient and effective service delivery to local populations?	Are there adequate public services such as education, health, and waste collection facilities? At what level and how are they managed?	Interview local authorities, local government associations, civil society organisations, citizen groups
3.2 Is it more important for local officials to focus on the provision of public goods for the entire local population rather than on "service to constituents" (e.g. providing jobs for individuals or supporters)?	How efficient is the distribution of infrastructure goods and services? Can service delivery of the public administrations/corporations be considered to be client-orientated enough?	Interview local authorities, local government associations, civil society organisations, citizen groups

Guiding Questions	Pointers	Sources
3.3 Do disadvantaged groups (e.g. women, minorities) have equal access to local services?	Are resources targeted at different sectors of the population in an unfair way? Are efforts made to identify and redress particular disadvantages, e.g. the physically handicapped?	Consult organisations representing disadvantaged groups
3.4 Is the local population gaining in terms of service delivery (quality of services)?		Survey of public satisfaction/dissatisfaction with service provision
3.5 Is there a low tolerance of corrupt practices?	Is there a code of conduct and clear set of procedures? Are they enforced? Are there remedial programmes?	Public perceptions of corrupt practices in service delivery, as reported in opinion polls Reports of human rights NGOs, such as Transparency International (TI), on the corruption situation in the country
3.6 Is an effective programme in place for monitoring and reviewing service delivery mechanisms?	Are records of service delivery performance relative to targets kept and published? Are there organisations beyond the local authorities involved in local oversight?	Publication of reports of official auditors Check records aggregated information from the Ministry
3.7 Is there an efficient citizen complaint mechanism? ➥ *(Cross-ref: democratisation 2.11)*	Is that input used to affect policy or service delivery? Does it operate through a local mediator/ ombudsman?	Identify rate of action taken on complaints to total complaints registered Source: Register of complaints for each local structure; interviews with NGOs
3.8 Are public information activities organised by local authorities to publicise alternatives and open debate on decisions? ➥ *(Cross-ref: democratisation 2.7)*	Does the system provide for direct, face-to-face encounters between citizens and officials? Do local media play a watchdog role over local authorities? Is there a duty on the local authority to consult the population?	Percentage of local governments holding formal meetings with grassroots organisations
3.9 Is there a system for auditing the work of local government?	Is it compliant with agreed targets? Who does it? Does parliament have a role in this system? Is there a central government department responsible for local government?	Reports of official auditors Parliamentary debates

**Further sources of information
(see also Annex II – Bibliography)**

Sourcebook on decentralisation and local development. Tools for practitioners	CIECIN	*http://www.ciecin.orgdecentralisation/sb_entry.html*
Decentralisation and democratic local governance programme handbook	USAID	*http://www.usaid.gov/democracy/pdfs/pnach300.pdf*
Decentralisation toolkit	World Bank	*http://wbln0018.worldbank.org/prem/ps/iaamarketplace.nsf/*
Handbook on local governance and gender	SNV	*http://www.snvworld.org/themes/index.cfm?fuseaction=showreferenceguide*

Section 3
Checklist and Logbook

The **checklist** below will provide a summary of the good governance aspects that should be taken into consideration when mainstreaming good governance in EC-funded programmes and projects, or when designing and implementing projects and programmes in the area of good governance.

On the basis of judgement and experience, taking account of the specific country situation and evaluating the trend of a specific aspect, the questions in the checklist can be answered in the *affirmative* or the *negative:*

 a) Marking the 'yes' column implies that no further action will be needed
 b) Marking the 'no' column means that, there is a potential weakness or problem that could be addressed.

Each negative answer in the checklist should be recorded with an entry in the **logbook**.
Please give a brief explanation of what you believe the problem to be. If possible also indicate how you might investigate the problem further and/or design an answer to it.
The logbook serves as a record through the different stages of the P/P of the problems and potential weaknesses encountered with regard to good governance, and how they were (or were not) dealt with.

For each phase of the project cycle a checklist and logbook is provided and its questions are formulated as much as possible to take into consideration the specifics of the phase in question. When going through the guiding principles, core concerns, key issues … it will be apparent that some questions will be less or even not relevant for a given phase or the answer was already given previously. In such a case, move on to the next question…

Programming

Programme/project: . . . .

Project manager: . . . .

Date: . . . .

What is expected at this phase?

The situation at national and sector level is analysed to identify problems, constraints and opportunities which co-operation could address. This involves a review of socio-economic indicators, and of national and donor priorities. The purpose is to identify the main objectives and sector priorities for co-operation, and thus to provide a relevant and feasible framework within which programmes and projects can be identified and prepared. For each of these priorities strategies that take account of the lessons of past experience are formulated.

What is the scope for good governance input?

An overall assessment of the state of the country's governance should be undertaken at this stage. This will encompass virtually the whole of section 2 of the handbook – Promoting specific elements of good governance. The introduction to this section refers to the general analysis that should be undertaken, and the review of each cluster can help in the analysis of the different areas of good governance. For each cluster at least the analysis of the political context and constraints (3.0 – cluster analysis) should be done at this stage. A first assessment of the main questions (4.0 – key issues) and of the section on indicators might help identify the sectors of intervention and the expected results.

When identifying the key stakeholders, the relevant guiding principles should be kept in mind.

Checklist **Were you able to carry out the following activities?**	**Yes**	**No**
• Could you analyse the overall political and institutional development of the country?		
• Could you analyse the country's political system, its organisation and agenda?		
• Could you analyse the most relevant aspects of the country's legal and regulatory framework?		
• Could you identify the main actors involved and the relationships between them?		
• Could you analyse the political context and constraints for each of the clusters?		
• Could you take into consideration the analysis and activities carried out by other partners?		
• Could you carry out and validate your analysis in a dialogue with the relevant stakeholders?		
• Could you identify the most pressing governance needs of the country?		
• Could you identify if an intervention is required in areas of the GG cluster?		

Level	Governance issues raised by the analysis	Possible EC action or strategy incorporated in programme/ project's design
1 Analysis of the political, economical and social situation 2 Identification of the key stakeholders and assessment of their needs, interests and capacities 3 Identification of the sectors of intervention 4 Definition of specific objectives and expected results		

Identification

Programme/project: . . . .

Project manager: . . . .

Date: . . . .

What is expected at this phase?

The purpose of the identification stage is to:
- Identify project ideas that are consistent with partner and EC development and/or co-operation priorities;
- Assess the relevance and likely feasibility of these project ideas;
- Make a funding commitment (programmes) or determine the scope of further work required during the formulation stage (for individual proposals).

What is the scope for good governance input?

Horizontal analysis

 • *For any project or programme (Mainstreaming good governance – Horizontal analysis)*

When organising and participating in consultations with stakeholders, and ensuring their active involvement in decision-making, it will be important that the guiding principles are respected. Also, any future P/P will have to comply with the core concerns, so a first assessment of these can be useful at this stage.

Consideration of general good governance issues is also built into the quality criteria provided by the PCM guidelines, and in particular section 4.3.4 "Key information requirements and assessment criteria").

Checklist **a) Guiding principles** **When identifying the P/P concepts and proposals, are the following taken into consideration?**	**Yes**	**No**
1. Participation and ownership		
• Are all relevant stakeholders identified and given the opportunity to participate?		
• Is there a balanced and representative participation of stakeholders?		
• Have the costs of participation for stakeholders been evaluated?		
• Do the relevant stakeholders perceive the P/P as important?		
2. Equity		
• Could the P/P provide net gains to poor people that respond to their priority needs?		
• Could the P/P enhance strategic and immediate gender equity in the country?		
• Are the benefits of the project free from unfair discrimination?		
3. Organisational capacity		
• Is the mandate of the implementing organisations compatible with the role that will be expected from them in the P/P?		
• Do they have the capacities (financial, human, structural…) to undertake the specific tasks in question and guarantee responsibility for them?		
• Are necessary internal and external incentives in place for them to be able to play their role adequately?		

Checklist **a) Guiding principles** **When identifying the P/P concepts and proposals, are the following taken into consideration?**	Yes	No
4. Transparency and accountability		
• Will there be a flow of information about the P/P (in an adequate format) to the relevant constituencies?		
• Is there clarity in the P/P proposal regarding responsibilities, roles and organisation among the stakeholders?		
• Are targets and results of the P/P identified?		
• Will those dealing with resources have well-defined and consequent obligations (e.g. reporting on the use of those resources)?		
• Will they be required to demonstrate fulfilment of those obligations and face sanctions for failure?		
5. Anti-corruption		
• Are all partners committed to implementing the P/P with no corruption as a goal? Is there enough information on their identity, resources, practices, and track record to give credibility to this intention?		
• Are there effective anti-corruption monitoring tools considered?		
• Will regular and transparent financial reporting be built into the P/P? Will the results be widely circulated and understandable?		
6. Conflict prevention and security		
• Will the P/P be designed in such a way that takes into account conflict potential?		
• Will the P/P's benefits be delivered in such a way so as not to be appropriated by any existing parties in conflict?		
• Can the P/P help increase rival groups, confidence through more openness and communication and through the encouragement of balanced, local ownership of the P/P?		
b) Core concerns **Will the following aspects be taken into consideration in the future P/P?**		
• Support for democratisation		
• Promotion and protection of human rights		
• Reinforcement of the rule of law and the administration of justice		
• Enhancement of the role of civil society organisations and their capacity building		
• Public administration reform, management of public finances, and civil service reform		
• Decentralisation and local government reform/capacity building		

Vertical analysis

• **When dealing with a P/P that concerns specifically one or more of the clusters: (Promoting specific elements of good governance – Vertical analysis)**

In addition to the points raised above, aiming at the mainstreaming of good governance and applicable to all P/P, a more detailed analysis should also be undertaken when the P/P relates to one or more clusters. At this stage, the CSP and NIP have already identified the priorities and targets for the projects, so only the relevant cluster(s) or parts of cluster(s) should be considered.

The preparatory work to identify and/or analyse project concepts and proposals can benefit from the results of the assessment of the state of country's governance (introduction to Section 2) and from the more specific assessment of the situations and problems affecting good governance that were identified in the CSP and included in the indicative programmes as areas of co-operation, and that can relate to one or more of the clusters (3.0 - Cluster analysis).

As for the previous phase, an assessment of the main questions (4.0 - Key issues) can help identify possible project ideas, and consultation of the section on indicators can be useful at this stage.

Checklist **c) Cluster analysis**	Yes	No
• Are you well informed on the overall political and institutional development of the country?		
• Are you well informed on the country's political system, its organisation and agenda?		
• Are you well informed on the most relevant aspects of the country's legal and regulatory framework?		
• Could you analyse the political context and constraints (cluster analysis) for the cluster(s) identified in the CSP/NIP?		
• Could you identify/analyse relevant project concepts and proposals?		
d) Key issues per cluster **Is the situation judged acceptable regarding the following issues?**		
Support for democratisation (including support for electoral processes and electoral observation)		
• Representative and accountable government		
• Pluralistic society		
• Media and democratic society		
Promotion and protection of human rights		
• Social and economic rights		
• Political and civil rights		
• Cultural rights		
Reinforcement of the rule of law and the administration of justice		
• The level of physical safety		
• The crime rate, and the rate of successful detection of criminals		
• Accessibility of civil and criminal justice		
• Efficiency of the system of justice		
• Level of corruption in the system of justice		
• Observation of due process		
• Alternative mediation and dispute resolution (informal legal process, role of traditional justice)		
• Penal regime		
• Mechanisms for review		

Checklist **d) Key issues per cluster** **Is the situation judged acceptable regarding the following issues?**	Yes	No
Enhancement of the role of civil society organisations and their capacity building		
• Capacity development		
• Roles and functions		
• Participation		
Public administration reform, management of public finances, and civil service reform		
• Change management and public management reform		
• Civil service reform and service delivery		
• Public finance management and financial accountability		
• Political trust and accountability		
• Management of macro-economic environment		
Decentralisation and local government reform/capacity building		
• Autonomy in decision-making		
• Adequate resources (financial transfer and management mechanisms)		
• Efficiency, accountability and service delivery		

Level	Governance issues raised by the analysis	Possible EC action or strategy incorporated in programme/ project's design
1 Guiding principles		
2 Core concerns		
3 Cluster analysis		
4 Key issues		
5 Indicators		

Formulation

Programme/project: . . . .

Project manager: . . . .

Date: . . . .

What is expected at this phase?

The purpose of the formulation stage is to:
- Further assess the relevance and feasibility of the project concept as proposed in the Identification *fiche* or project *fiche*;
- Prepare a detailed description of the project (project design), including the management and coordination arrangements, financing plan, cost-benefit analysis, risk management, and monitoring and evaluation arrangements; and
- (for individual projects) Prepare a financing proposal and commit finance.

What is the scope for good governance input?

- *For any project or programme (Mainstreaming of GG – Horizontal analysis)*
When organising and participating in consultations with stakeholders, and ensuring their active involvement in decision-making, it is important that the guiding principles are respected.
Also, any P/P has to comply with the core concerns, so a positive answer should be expected to every question for each of the clusters.

Horizontal analysis

Consideration of general good governance issues is also built into the quality criteria provided by the PCM guidelines and in particular section 4.4.4 "Key information requirements and assessment criteria".

Checklist a) Guiding principles When identifying the P/P concepts and proposals, are the following taken into consideration?	Yes	No
1. Participation and ownership		
• Are all relevant stakeholders identified and given the opportunity to participate?		
• Is there a balanced and representative participation of stakeholders?		
• Have the costs of participation for stakeholders been evaluated?		
• Have expectations and concerns, voiced in consultation with the stakeholders, been taken into consideration in the P/P?		
• Do the relevant stakeholders perceive the P/P as important?		
2. Equity		
• Does the P/P provide net gains to poor people that respond to their priority needs?		
• Does the P/P enhance strategic and immediate gender equity in the country?		
• Are the benefits of the project free from unfair discrimination?		
3. Organisational capacity		
• Is the mandate of the concerned organisations compatible with the role expected from them in the P/P?		
• Do they have the capacities (financial, human, structural…) to undertake the specific tasks in question and guarantee responsibility for them?		
• Are necessary internal and external incentives in place for them to be able to play their role adequately?		

Checklist **a) Guiding principles** **When identifying the P/P concepts and proposals, are the following taken into consideration?**	Yes	No
4. Transparency and accountability		
• Is there a flow of information about the P/P (in an adequate format) to the relevant constituencies?		
• Is there clarity in the P/P proposal regarding responsibilities, roles and organisation among the stakeholders?		
• Are targets and results of the P/P clearly identified?		
• Will those dealing with resources have well-defined and consequent obligations (e.g. reporting on the use of those resources)?		
• Are they required to demonstrate fulfilment of those obligations and will they face sanctions for failure?		
5. Anti-corruption		
• Are all partners committed to implementing the P/P with no corruption as a goal? Is there enough information on their identity, resources, practices, and track record to give credibility to this intention?		
• Are there effective anti-corruption monitoring tools in place?		
• Is regular, transparent, financial reporting built into the P/P? Are the results widely circulated and understandable?		
6. Conflict prevention and security		
• Is the P/P designed in such a way that takes into account conflict potential?		
• Are the P/P's benefits to be delivered in such a way so as not to be appropriated by any existing parties in conflict?		
• Can the P/P help increase rival groups' confidence through more openness and communication and through the encouragement of balanced, local ownership of the P/P?		
b) Core concerns **Are all the answers to the core concerns satisfactory with regard to:**		
• Support for democratisation (including support for electoral processes and electoral observation)		
• Promotion and protection of human rights		
• Reinforcement of the rule of law and the administration of justice		
• Enhancement of the role of civil society organisations and their capacity building		
• Public administration reform, management of public finances, and civil service reform		
• Decentralisation and local government reform/capacity building		

- **When dealing with a P/P that concerns specifically one or more of the clusters:
(Promoting specific elements of good governance – Vertical analysis)**

In addition to the points raised above, aiming at the mainstreaming of good governance and applicable to all P/P, a more detailed analysis should also be undertaken when the P/P relates to one or more clusters.

The analysis and design work necessary to finalise the formulation of the identified projects will benefit from the results of the cluster analysis (undertaken at the identification phase) and from a thorough examination of the relevant questions identified on the key issues.

Checklist **c) Cluster analysis**	Yes	No
• Are you well informed on the overall political and institutional development of the country?		
• Are you well informed on the country's political system, its organisation and agenda?		
• Are you well informed on the most relevant aspects of the country's legal and regulatory framework?		
• Are you well informed as regards the political context and constraints (cluster analysis) for the cluster(s) identified in the CSP/NIP?		
• Were project concepts/proposals identified based on the previous analysis?		
d) Key issues per cluster **Is the situation judged acceptable regarding the relevant issues that have been identified?**		
Support for democratisation (including support for electoral processes and electoral observation)		
• Representative and accountable government		
• Pluralistic society		
• Media and democratic society		
Promotion and protection of human rights		
• Social and economic rights		
• Political and civil rights		
• Cultural rights		
Reinforcement of the rule of law and the administration of justice		
• The level of physical safety		
• The crime rate, and the rate of successful detection of criminals		
• Accessibility of civil and criminal justice		
• Efficiency of the system of justice		
• Level of corruption in the system of justice		
• Observation of due process		
• Alternative mediation and dispute resolution (informal legal process, role of traditional justice)		
• Penal regime		
• Mechanisms for review		

Checklist **d) Key issues per cluster** **Is the situation judged acceptable regarding the relevant issues that have been identified?**	Yes	No
Enhancement of the role of civil society organisations and their capacity building		
• Capacity development		
• Roles and functions		
• Participation		
Public administration reform, management of public finances, and civil service reform		
• Change management and public management reform		
• Civil service reform and service delivery		
• Public finance management and financial accountability		
• Political trust and accountability		
• Management of macro-economic environment		
Decentralisation and local government reform/capacity building		
• Autonomy in decision-making		
• Adequate resources (financial transfer and management mechanisms)		
• Efficiency, accountability and service delivery		

Level	Governance issues raised by the analysis	Possible EC action or strategy incorporated in programme/ project's design
1 Guiding principles		
2 Core concerns		
3 Cluster analysis		
4 Key issues		
5 Indicators		

Implementation

Programme/project: . . . .

Project manager: . . . .

Date: . . . .

What is expected at this phase?

The purpose of the implementation stage is to:
- Deliver the outputs, achieve the purpose(s) and contribute effectively to the goal of the project;
- Manage the available resources efficiently;
- Monitor and report on progress and be accountable for results (outputs and purpose).

What is the scope for good governance input?

Horizontal analysis

- ***For any project or programme (Mainstreaming of GG – Horizontal analysis)***
It will be important at this stage to ensure that the project's expenditure, use of resources, implementation of activities, delivery of outputs, management of risks and reporting to stakeholders all respect the guiding principles and the core concerns.

Checklist **a) Guiding principles** **Is the P/P being implemented with respect to these principles?**	**Yes**	**No**
1. Participation and ownership		
• Are all relevant stakeholders identified and given the opportunity to participate?		
• Is there a balanced and representative participation of stakeholders?		
• Have the costs of participation for stakeholders been evaluated?		
• Have expectations and concerns, voiced in consultation with the stakeholders, been taken into consideration in the P/P?		
• Do the relevant stakeholders perceive the P/P as important?		
2. Equity		
• Does the P/P provide net gains to poor people that respond to their priority needs?		
• Does the P/P enhance strategic and immediate gender equity in the country?		
• Are the benefits of the project free from unfair discrimination?		
3. Organisational capacity		
• Is the mandate of the concerned organisations compatible with the role expected from them in the P/P?		
• Do they have the capacities (financial, human, structural…) to undertake the specific tasks in question and guarantee responsibility for them?		
• Are necessary internal and external incentives in place for them to be able to play their role adequately?		
4. Transparency and accountability		
• Is there a flow of information about the P/P (in an adequate format) to the relevant constituencies?		
• Is there clarity in the P/P proposal regarding responsibilities, roles and organisation among the stakeholders?		
• Are targets and results of the P/P clearly identified?		
• Will those dealing with resources have well-defined and consequent obligations (e.g. reporting on the use of those resources)?		
• Are they required to demonstrate fulfilment of those obligations and will they face sanctions for failure?		

Checklist **a) Guiding principles** **When identifying the P/P concepts and proposals, are the following taken into consideration?**	Yes	No
5. Anti-corruption		
• Are all partners committed to implementing the P/P with no corruption as a goal? Is there enough information on their identity, resources, practices, and track record to give credibility to this intention?		
• Are there effective anti-corruption monitoring tools in place?		
• Is regular, transparent, financial reporting built into the P/P? Are the results widely circulated and understandable?		
6. Conflict prevention and security		
• Is the P/P designed in such a way that takes into account conflict potential?		
• Are the P/P's benefits to be delivered in such a way so as not to be appropriated by any existing parties in conflict?		
• Can the P/P help increase rival groups' confidence through more openness and communication and through the encouragement of balanced, local ownership of the P/P?		
b) Core concerns **Are all the answers to the core concerns satisfactory with regard to:**		
• Support for democratisation (including support for electoral processes and electoral observation)		
• Promotion and protection of human rights		
• Reinforcement of the rule of law and the administration of justice		
• Enhancement of the role of civil society organisations and their capacity building		
• Public administration reform, management of public finances, and civil service reform		
• Decentralisation and local government reform/capacity building		

Vertical analysis

• **When dealing with a P/P that concerns** *specifically one or more of the clusters:* *(Promoting specific elements of good governance – Vertical analysis)*

In addition to the points raised above, aiming at the mainstreaming of good governance and applicable to all

P/P, a verification of the relevant key issues and indicators should be undertaken regularly to take account of what actually happens during implementation.

Checklist **c) Key issues per cluster** **Is the situation judged acceptable regarding the relevant issues that have been identified?**	Yes	No
Support for democratisation (including support for electoral processes and electoral observation)		
• Representative and accountable government		
• Pluralistic society		
• Media and democratic society		
Promotion and protection of human rights		
• Social and economic rights		
• Political and civil rights		
• Cultural rights		
Reinforcement of the rule of law and the administration of justice		
• The level of physical safety		
• The crime rate, and the rate of successful detection of criminals		
• Accessibility of civil and criminal justice		
• Efficiency of the system of justice		
• Level of corruption in the system of justice		
• Observation of due process		
• Alternative mediation and dispute resolution (informal legal process, role of traditional justice)		
• Penal regime		
• Mechanisms for review		
Enhancement of the role of civil society organisations and their capacity building		
• Capacity development		
• Roles and functions		
• Participation		
Public administration reform, management of public finances, and civil service reform		
• Change management and public management reform		
• Civil service reform and service delivery		
• Public finance management and financial accountability		
• Political trust and accountability		
• Management of macro-economic environment		
Decentralisation and local government reform/capacity building		
• Autonomy in decision-making		
• Adequate resources (financial transfer and management mechanisms)		
• Efficiency, accountability and service delivery		

Level	Governance issues raised by the analysis	Possible EC action or strategy incorporated in programme/ project's design
1 Guiding principles		
2 Core concerns		
3 Key issues		
4 Indicators		

Evaluation

Programme / project: . . . .

Project manager: . . . .

Date: . . . .

What is expected at this phase?

The purpose of evaluation is to:
Make an "assessment, as systematic and objective as possible, of an ongoing or completed project, programme or policy, its design, implementation and results. The aim is to determine the relevance and fulfilment of objectives, developmental efficiency, effectiveness, impact and sustainability. An evaluation should provide information that is credible and useful, enabling the incorporation of lessons learned into the decision-making process of both recipients and donors."[1]

What is the scope for good governance input?

Horizontal analysis

• *For any project or programme (Mainstreaming of GG – Horizontal analysis)*
It will be important when evaluating a P/P to assess the fulfilment of the guiding principles and the core concerns.

Checklist **a) Guiding principles** **Is/was the P/P implemented respecting these principles?**	Yes	No
1. Participation and ownership		
• Have all relevant stakeholders been identified and given the opportunity to participate?		
• Has there been a balanced and representative participation of stakeholders?		
• Have the costs of participation for stakeholders been evaluated?		
• Have expectations and concerns, voiced in consultation with the stakeholders, been taken into consideration in the P/P?		
• Did the relevant stakeholders perceive the P/P as important?		
2. Equity		
• Did the P/P provide net gains to poor people that responded to their priority needs?		
• Did the P/P enhance strategic and immediate gender equity in the country?		
• Were the benefits of the project free from unfair discrimination?		
3. Organisational capacity		
• Was the mandate of the concerned organisations compatible with the role expected from them in the P/P?		
• Did they have the capacities (financial, human, structural…) to undertake the specific tasks in question and guarantee responsibility for them?		
• Were necessary internal and external incentives in place for them to be able to play their role adequately?		

(8) OECD / DAC, 1998: Review of the DAC Principles for Evaluation of Development Assistance

Checklist **a) Guiding principles** **When identifying the P/P concepts and proposals, are the following taken into consideration?**	Yes	No
4. Transparency and accountability		
• Was there a flow of information (in an adequate format) to the relevant constituencies about the P/P?		
• Was there clarity in the P/P proposal regarding responsibilities, roles and organisation among the stakeholders?		
• Were targets and results of the P/P clearly identified??		
• Did those dealing with resources have well-defined and consequent obligations (e.g. reporting on the use of those resources)?		
• Were they required to demonstrate fulfilment of those obligations and did they face sanctions for failure?		
5. Anti-corruption		
• Were all partners committed to implementing the P/P with no corruption as a goal? Was there enough information on their identity, resources, practices, and track record to give credibility to this intention?		
• Were there effective anti-corruption monitoring tools in place?		
• Was regular, transparent, financial reporting built into the P/P? Are the results widely circulated and understandable?		
6. Conflict prevention and security		
• Was the P/P designed in such a way that it took into account conflict potential?		
• Were the P/P's benefits delivered in such a way so as not to be appropriated by any existing parties in conflict?		
• Did the P/P help increase rival groups' confidence through more openness and communication and through the encouragement of balanced, local ownership of the P/P?		
b) Core concerns **Is/was the P/P implemented respecting the core concerns for each of these clusters:**		
• Support for democratisation (including support for electoral processes and electoral observation)		
• Promotion and protection of human rights		
• Reinforcement of the rule of law and the administration of justice		
• Enhancement of the role of civil society organisations and their capacity building		
• Public administration reform, management of public finances, and civil service reform		
• Decentralisation and local government reform/capacity building		

• **When dealing with a P/P that concerns specifically one or more of the clusters:**
(Promoting specific elements of good govern-ance – Vertical analysis)

<u>In addition</u> to the points raised above, aiming at the mainstreaming of good governance and applicable to all

P/P, a verification of the evaluation criteria should be done against the objectives and indicators expressed in the relevant key issues and indicators.

Checklist **c) Key issues per cluster** **Is the situation judged acceptable regarding the relevant issues that have been identified?**	**Yes**	**No**
Support for democratisation (including support for electoral processes and electoral observation)		
• Representative and accountable government		
• Pluralistic society		
• Media and democratic society		
Promotion and protection of human rights		
• Social and economic rights		
• Political and civil rights		
• Cultural rights		
Reinforcement of the rule of law and the administration of justice		
• The level of physical safety		
• The crime rate, and the rate of successful detection of criminals		
• Accessibility of civil and criminal justice		
• Efficiency of the system of justice		
• Level of corruption in the system of justice		
• Observation of due process		
• Alternative mediation and dispute resolution (informal legal process, role of traditional justice)		
• Penal regime		
• Mechanisms for review		
Enhancement of the role of civil society organisations and their capacity building		
• Capacity development		
• Roles and functions		
• Participation		
Public administration reform, management of public finances, and civil service reform		
• Change management and public management reform		
• Civil service reform and service delivery		
• Public finance management and financial accountability		
• Political trust and accountability		
• Management of macro-economic environment		
Decentralisation and local government reform/capacity building		
• Autonomy in decision-making		
• Adequate resources (financial transfer and management mechanisms)		
• Efficiency, accountability and service delivery		

Level	Governance issues raised by the analysis	Possible EC action or strategy incorporated in programme/ project's design
1 Guiding principles		
2 Core concerns		
3 Key issues		
4 Indicators		

Annex I
Indicators

Indicators are important tools for monitoring and evaluation as well as to improving the quality of programmes and interventions. Governance indicators are only relevant if they are elaborated and assessed in a participatory manner, with the involvement of relevant stakeholders, through a transparent process driven by the partner country. They should cover all aspects of governance and not be limited to those fields directly linked to a given reform programme. They should illustrate policy design, service delivery outcomes, transparency in public finance management, gender equity, respect and promotion of human rights, democratic principles and rule of law. Each indicator must at the same time be specific enough to suggest an appropriate institutional solution. Indicators that simply point out a problem in a sector that may involve many institutions and policies at the same time, without suggesting any solution are less useful.

However, developing appropriate processes to identify and agree upon governance-related indicators remains a challenge. Considerable joint donor work on governance indicators is currently under way via the OECD/DAC's network on governance (GOVNET), where all major donors are represented. The EC participates in the GOVNET and is co-financing an OECD-led project on governance indicators.

Communication on Governance and Development
COM(03) 615, October 2003

Developing indicators for good governance

Indicators are an important tool for signposting objectives and measuring their attainment in all parts of programming and project cycle management.

In order to be coherent with the EC's QSG Guidelines for the use of indicators in country performance assessment[1], indicators should be developed in terms of the input (usually resources), the output (the direct or indirect consequences of the proposed inputs), the outcomes, (the likely results at the level of the beneficiaries) and the impact (on the overall situation).

Indicators should be developed together with stakeholders, so that all are agreed on the goals of the programme or project and how progress can be measured towards realising them. Indicators should be realistic, commensurate with the quality and quantity of the inputs, and coherent with goals.

At **project level**, indicators can be used to benchmark progress at all phases of the project cycle, taking care to distinguish between quantity and quality.

For example, in the case of a project to produce a website to raise awareness about a topic, *quantity indicators* could be the extent of the content (such as the variety of the topics covered), the size of the anticipated target audience (if the language used is widely spoken, it will be accessible to a larger number of people), the number of "visits" anticipated, and so on. *Quality indicators* could cover the depth of the content (does it provide a superficial coverage or is it comprehensive?) ease of understanding of the content (how specialist does the visitor have to be?), the nature and location of the audience reached, the impact on the awareness of visitors, and so on.

Project implementation

The project reporting formats verify whether the project indicators remain valid and are addressed through the activities.

(1) See the IQSG website at
http://www.cc.cec/home/dgserv/dev/iqsg/prog_tool_gt_pmi.cfm

This means that indicators for project results must correspond to indicators for project identification and programme object-ives. It is important that the process of identifying indicators ensures that achievements are realistic and measurable, and that the distinction between methodology and achievement is clear.

For example, the fact that the website in the example above is (a) comprehensive, (b) user-friendly, (c) receives a large num-ber of "visits" per month, (d) is cost-effective in terms of human and financial resources in comparison with terrestrial awareness campaigns, and (e) is accessible in the countries where most needed, does not provide any indication of whether a single opinion has been changed as a consequence. Indicators for out-comes and impact therefore need to be drafted in terms of achievement of the wider objectives, such as the number of people whose opinion has changed as a result of visiting the website, or who consider themselves better informed, or the number of people who will use the website in the context of their work or some other relevant activity.

Project impact

Here particularly the link must be made between the pro-gramme indicators and the project, and how the project activ-ities can be measured so as to provide that link. In many cases, of course, it will be difficult to measure, particularly in the short-term. But there is room for indicators as probabilities that can be looked at by evaluators within a reasonable time after the end of the project.

Using the example of the website, it would be very difficult to think of measurable indicators for any changes in government policy or laws as a consequence of its existence. On the other hand, indicators that measured general public awareness about the website or the number of times positive reference was made to it in the media or by politicians, or the extent that it was used in schools as a teaching aid, might enable some judgement to be made on potential impact on overall atti-tudes, within two or three years of the end of the project.

Link with indicators for measuring progress in good governance at country level

Currently there are a number of initiatives to develop general indicators for measuring progress in these fields. The organisa-tion IDEA has developed a series of indicators to measure the

state of democracy. The DAC is working on governance indi-cators, along with Eurostat and the University of Essex. UN OHCHR and the Council of Europe are developing indicators on human rights. These are intended to measure the global state of progress in a country according to the themes addressed through each human right. Clearly it is important that, when indicators have been generally agreed, the EU should use the same ones. However, apart from the IDEA indicators, the rest are still under development.

Using indicators

An indicator is a device which points towards the state of something. That device can be anything from a large piece of writing to a single number. Respecting the following three cru-cial rules for using governance indicators will help reduce the possibilities of misdiagnosis.

• **Never use just one indicator**. The governance indicator which captures the subtleties and intricacies of national situ-ations, in a manner which enables global, non-value laden comparison *does not exist*. Using just one indicator could very easily produce perverse assessments of any country and will rarely reflect the full situation.
(*E.g.: Voter turnout is often used as a proxy for the state of democracy. However there are countries where voting is (or was) compulsory, ranging from Belgium to Cuba, Iraq to Australia. Voter turnout in these countries was as a result high, but that does not necessarily imply the same about the level of democracy.*)

• **Use an indicator as a first question – not the last.**
(*The figures for voter turnout should prompt questions such as: who did not vote?, why?, are there any patterns or particular groups of people who did not vote?*)

• **Try to understand an indicator when you use it.** If using ratings scales (such as data from Freedom House) make a mental note of the questions asked and the basic standards used. Ask who are the assessors and what is their purpose in compiling the measure.
(*How is the voter turnout defined? Is it by votes cast as per-centage of voters registered, or votes cast as a percentage of voting age population? Are there any other assessments which are included in the data – for example, does the election have to be considered 'free and fair' before the data is included in the publication?*)

State of play

A study recently completed by the University of Essex, for Eurostat, aiming to identify the major initiatives monitoring democracy, good governance and human rights identified over 500 possible sources of information. Yet, some of its conclusions show that there is a lack of specific indicators in this area, as many measures are based on very few primary data sources, that almost none of the data sources use material produced by countries, and that the indicators are often used out of context.

The European Commission is actively working to improve the usability and accessibility of data on governance:

- A database which will enable users to access all publicly available information about governance in a particular country or group of countries over time and topic will be prepared by the Commission and is expected to come on-line in autumn 2004.
- Efforts are being undertaken to improve the coordination amongst donors in collecting and using governance indicators.
- New methodologies are being developed to fill the gaps in current sources (an example of this is the EU co-sponsored METAGORA project which will develop and pilot new methodologies for looking at human rights).

At the present stage, some headline indicators drawn from the mapping study of the Essex University and grouped per cluster are referred below and throughout this handbook there are suggestions for potentially useful indicators in diagnosing the state of governance in a country.

More information on monitoring good governance, democracy and human rights', including links to many of the bodies collecting, collating and publishing information, and info sheets on the most well-known data sources are available at the Governance link of the European Initiative for Democracy and Human Rights (EIDHR – http://europa.eu.int/comm/europeaid/projects/eidhr/index_en.htm).

Support for democratisation (including support to electoral processes and electoral observation)

Is the country considered politically free?

External expert assessment of the level of political and civil rights in a country. Assessment based upon political processes; participation and pluralism; and functioning of government. *Note: Use the first number which relates to political rights.*
Infosheet Freedom House
http://www.freedomhouse.org/research/freeworld/FHSCORES.xls

Were the electoral processes fully contested?

Indicator combining voter turnout and the share of the vote of the largest party tell you whether the election was contested adequately.
Vanhanen – Competition and Electoral participation 1810-1998.
http://www.prio.no/jpr/datasets.html

How do the public feel about democracy?

Series of questions to general public about attitudes towards democracy and its impact. Available from barometer surveys carried out on several continents.
Infosheet Barometer Surveys
Africa – http://www.afrobarometer.org
Latin America – http://www.latinobarometro.org
Europe – http://europa.eu.int/comm/public_opinion/

What was the voter turnout?
Was the election free and fair?

Assessment by IDEA (renowned NGO working on democracy). The data is included in the Voter turnout publication and on-line database only if the election was considered *'free and fair'*.
Infosheet IDEA Voter Turnout
http://www.idea.int/vt/index.cfm

Human rights

Has the country signed and ratified the major human rights treaties?

The signature of a treaty represents the theoretical commitment to enabling the enjoyment of human rights. It is however open to interpretation whether the treaties represent attainment or a statement of intent.
http://www.unhchr.ch/pdf/report.pdf

Is the country being 'specially monitored' by the UN Human Rights Commission?

Countries which have had particularly difficult periods for human rights are monitored by a special rapporteur. The rapporteur provides reports to the Commission on human rights which are available on-line.
http://www.unhchr.ch/html/menu2/7/a/cm.htm

Has the country fulfilled its HR treaty reporting obligations?

The data shows which of the required reports the country has submitted as part of their monitoring obligations. Reporting is taken to be a sign of commitment towards the objectives of the treaties.
http://www.unhchr.ch/html/menu2/r2002e.pdf

Rule of law and the administration of justice

How does the rule of law (+ other factors) affect the business environment?

Information about the institutional environment in which business is done. The index can be broken down to include assessments of the protection of property rights and several other factors.
http://www.heritage.org/research/features/index/
Infosheet: Index of Economic Freedoms

What are the relative levels of corruption?

The corruption perception index brings together many data-sources on perceptions of corruption in business transactions to provide a relative rating of countries.
http://www.transparency.org/cpi/2003/cpi2003.en.html
Infosheet: Corruption Perception Index

How are conflicts resolved? To whom does the population turn to resolve crimes?

The barometer series of surveys ask about public attitudes towards government, crime and conflict. The surveys are carried out in a range of countries and the data is available on-line. The surveys are wide ranging and the questions are tailored to specific national circumstances.
Infosheet Barometer Surveys
Africa – http://www.afrobarometer.org/howdata.html
Latin America – http://www.latinobarometro.org/English/ inicuest-i.htm

Europe – http://europa.eu.int/comm/public_opinion/

Enhancement of the role of civil society organisations and their capacity building

How free is the press?

A questionnaire is sent to journalists worldwide to record violations of press freedoms, the actions of state controlled media, levels of impunity of those responsible for press freedoms and how well information flows. Countries are ranked according to their score.
http://www.rsf.org/article.php3?id_article=8248
Infosheet: Monitoring Press Freedoms

To what extent do citizens participate in the running of their country?

Series of questions to general public about attitudes towards participation, network and its impact. Available from barometer surveys carried out on several continents. Questions are tailored to country contexts.
Infosheet Barometer Surveys
Africa – http://www.afrobarometer.org
Latin America – http://www.latinobarometro.org
Europe – http://europa.eu.int/comm/public_opinion/

Public administration reform, management of public finances, and civil service reform

How effective is the government?

A combination of measures and indicators compiled into a single dataset by the World Bank. This dataset can be used to compare the effectiveness of government over time and space, using interactive Excel-based charts. Other aspects monitored also include regulatory quality and control of corruption.
http://info.worldbank.org/governance/kkz2002/

What are the relative levels of corruption?

The corruption perception index brings together many data-sources on perceptions of corruption in business transactions to provide a relative rating of countries.
http://www.transparency.org/cpi/2003/cpi2003.en.html
Infosheet: Corruption Perception Index

How is public expenditure managed?

The Public Expenditure tracking survey has been used to identify leakage in government spending. If such a survey has been carried out the results will be available in government.

http://www1.worldbank.org/publicsector/pe/trackingsurveys.htm

Decentralisation and local government reform/capacity building

What proportion of the government budget is spent at a sub-national level?

Measures the extent to which sub-national authorities control the budget. Note that it does not take account of the levels of democracy at those levels or the effectiveness of the spending.

National Statistics Office or Ministry of Finance.

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