Accountability through Civic Participation in the Post-2015 Development Agenda

International Organizations Clinic, New York University School of Law
United Nations Development Programme

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CONTENTS

EXECUTIVE SUMMARY

Accountability has become a key focus of debate about the future direction and shape of the development agenda as the target date for the Millennium Development Goals draws closer. Consultations conducted by the United Nations Development Group have revealed widespread popular demand for the new post-2015 development agenda to be "built on human rights, and universal values of equality, justice and security" and for "a participatory framework for monitoring to ensure accountability during implementation".[1] Accountability in the post-2015 development agenda can be conceived both narrowly, as accountability for the attainment of all post-2015 goals, and more broadly as part of a need for "open, inclusive, accountable and effective governance" at the global, regional and national levels.[2]

Accountability generally means, at the very least, that when one party makes a commitment or undertakes an obligation for the benefit of another party, the intended beneficiary can effectively call on the commitment-maker to comply with that commitment or obligation. The development landscape, however, involves a multitude of parties, both private and public. Accordingly, an effective post-2015 accountability framework must address all the relevant relationships and commitments. A focus on any single one of these accountability relationships (e.g. State-to-citizen, corporation-to-State, State-to-State, corporation-to-citizen

1 United Nations Development Group (UNDG), People's Voices – Issue Brief to the SDG Open Working Group, UNDG, New York, 25 November 2013, available at http://sustainabledevelopment.un.org/content/documents/2768UNDG-PeoplesVoicesIssueBrief-6DEC13.pdf.

2 Global Integrity, Governance and the Post-2015 development framework: a civil society proposal, *Global Integrity*, Washington, DC, 22 January 2014, available at http://www.globalintegrity.org/wp-content/uploads/2014/01/CSO-position-on-Post-2015-and-governance-Jan-2014-hi-res-version1.pdf.

etc.) is both difficult and counterproductive, since it ignores the interrelated effects of different accountability relationships. For example, consider a donor-dependent State that must fulfil specific donor-set conditions to obtain funds necessary to provide services to its citizens. Although the State is accountable both to the donor (for use of its money) and to the citizens (to fulfil their rights), it may feel pressure to prioritize donor demands over those of its citizens.[3] Even for middle-income and developed States, the ability to fulfil their commitments to citizens is shaped and constrained by the global political economy in which a variety of non-state actors, whether international organizations or private entities, are influential.[4] Thus, rather than addressing accountability relationships along only one dimension, the post-2015 development agenda must be accompanied by an **integrated accountability framework** that joins up and improves existing global, regional, national and local accountability mechanisms involving all relevant actors.

Given the many existing global, regional and national accountability mechanisms (see, for example, those set out in the Annexes), several of which monitor the implementation by States of commitments which are relevant to the post-2015 development agenda, a key question is whether a new accountability framework for the post-2015 commitments should be designed afresh, or whether it should integrate and improve on existing regimes. This report proceeds on the premise that an entirely new mechanism may place an unnecessary burden not only on States, which may already be experiencing an overload of obligations to different review bodies, but also on non-governmental organizations and citizen groups that often operate with very constrained resources. Integrating and improving on existing mechanisms is not only more efficient but also allows for the integration and linkage of information from existing sources, thus increasing the credibility of the overall accountability system.

The UN General Assembly adopted a resolution in 2013 at the conclusion of the UN Conference on Sustainable Development (Rio+20), which provides for the formation of a High-Level Political Forum. The High-Level Forum is envisaged to serve, among other things, as an inter-State review of progress towards achieving the new sustainable development goals.[5] This report takes the Forum as a starting point to illustrate how existing inter-State, national and subnational accountability mechanisms could be linked up both to enhance the functioning of the Forum itself and to allow for greater citizen participation in developing and monitoring the implementation of States' post-2015 commitments.[6]

This report proposes four overlapping principles that should guide the integrated global accountability framework for the post-2015 process: **transparency**, **inclusiveness**, **deliberation** and **responsiveness**. The report does not focus, at this stage, on national and other redress mechanisms, even though redress mechanisms are an extremely important dimension of accountability. They will be addressed in a future report.

3 This comment was made by a government representative at the United Nations Development Programme (UNDP) conference, 'Dialogue: Data and Accountability for the Post-2015 Development Agenda', New York, 29–31 January 2014.

4 United Nations Office of the High Commissioner of Human Rights (OHCHR) and Center for Economic and Social Rights (CESR), Who will be Accountable? Human Rights and the Post-2015 Development Agenda 24, HR/PUB/13/1, OHCHR, Geneva, and CESR, New York, 2013, available at http://www.ohchr.org/Documents/Publications/WhoWillBeAccountable.pdf.

5 United Nations General Assembly, Resolution 67/290, ¶ 7(d), UN Doc. A/Res/67/290, United Nations, New York, 9 July 2013, available at http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/67/290.

6 The authors emphasize, however, that in order to conceptualize more fully an integrated accountability framework for the post-2015 development agenda, similar surveys should be conducted to determine mechanisms for accountability of non-state actors, including international organizations. Ultimately, an accountability mechanism for the post-2015 development agenda will need to integrate state and non-state accountability regimes.

Part I of this report elaborates on these principles and outlines the underpinnings of a proposed accountability framework for the post-2015 process. **Part II** discusses citizen participation in existing international and regional accountability frameworks. **Part III** considers ways of linking processes at local, regional and global levels within an integrated accountability framework, and provides a case study of a successful integrated accountability mechanism, based on the World Food Security Committee. **Part IV** considers the potential role of information and communications technology in enhancing accountability. **Part V** concludes with recommendations for creating an integrated accountability framework that could accompany the post-2015 commitments.

The findings and the recommendation of this report can be condensed into one sentence, which articulates a clear political commitment to be included as an integral dimension of the post-2015 development agenda and conclusions:

To guarantee effective and inclusive participation in implementing and monitoring the sustainable development goals, States parties hereby commit to securing the transparency of all actions and processes, to promoting participation in meaningful deliberations with all affected communities and persons, and to ensuring adequate responsiveness.

PART I

PRINCIPLES OF ACCOUNTABILITY

As the date by which States have committed to achieving the Millennium Development Goals (MDGs) is fast approaching, discussions are under way about the framework of the post-2015 development agenda. Although the precise contours of the agenda remain to be seen, a strong consensus is emerging on the need for a post-2015 agenda "that is measurable in both theory and practice, for effective implementation, monitoring and accountability of development delivery from the sub-national to global levels".[7] The High-Level Panel on the Post-2015 Development Agenda, established by United Nations Secretary-General Ban Ki-moon, recommended the inclusion in the agenda of "monitoring and accountability mechanisms involving states, civil society, the private sector, foundations, and the international development community", acknowledging "each party's contribution to development finance, recognizing common challenges but also different capabilities and needs".[8] This recommendation coincides with the demand expressed during the UNDP consultations with members of civil society for greater participation in the monitoring of States' commitments under the post-2015 development agenda.[9] Using the High-Level Political Forum

7 UNDP, Concept Note for Dialogue: Data and Accountability for the Post-2015 Development Agenda, New York, 29–31 January 2014, available at http://www.worldwewant2015.org/file/420393/download/457298.

8 High-Level Panel of Eminent Persons on the Post-2015 Development Agenda, A New Global Partnership: Eradicate Poverty and Transform Economies through Sustainable Development, United Nations, New York, 2013, available at http://www.un.org/sg/management/pdf/HLP_P2015_Report.pdf.

9 It should be noted that there is a growing literature which reflects critically on the idea and the practice of social accountability. See, for example, Fletcher Tembo, Rethinking Social Accountability in Africa: Lessons from the Mwananchi Program, Overseas Development Institute, London, 2013; Rosemary McGee and John Gaventa, Synthesis Report: Review of Impact and Effectiveness of Transparency and Accountability Initiatives, Institute of Development Studies, Brighton, 2010; Esbern Friis-Hansen and Helene Maria Kyed, Participation, Decentralization and Human Rights, International Bank for Reconstruction and Development, Washington, DC, 2009;, Mary McNeil and Takawira Mumvuma, Demanding Good Governance: A Stocktaking of Social Accountability Initiatives in Anglophone Africa, International Bank for Reconstruction and Development /World Bank, Washington, DC, 2006.

as a starting point, this report focuses on **the accountability of States to citizens and affected communities** and, in particular, on mechanisms that enable members of civil society[10] to monitor and evaluate the implementation by States of these commitments.[11]

Accountability is a concept that describes a relationship of power between different parties. In a simple accountability model, one party (the account-provider) makes a commitment to or undertakes an obligation for the benefit of another party (the account-holder) under conditions that enable the account-holder to call effectively for compliance with such a commitment or obligation. There are different views on what it means for a **State to be accountable to its citizens**.[12]

UNDP defines accountability as "the requirement that officials **answer** to stakeholders on the disposal of their powers and duties, **act on** criticisms or requirements made of them and **accept** (some) **responsibility** for failure, incompetence or deceit" [emphasis added].[13] The Office of the High Commissioner of Human Rights (OHCHR) adds the additional component of **enforceable sanction** where the conduct or explanation of the officials "is found wanting".[14] Implicit in the definition of accountability are: (a) the substantive standards according to which the performance of officials is judged; and (b) the process by which stakeholders can demand accountability and secure responsiveness. The post-2015 development agenda, which will presumably include a new set of goals, will provide a set of standards — supplemented by existing international human rights standards as well as regional and national laws — to which States

10 At times, this report uses the terms 'Major Groups' and 'civil society' interchangeably, as is typical of UN documents, acknowledging that such vacillation can cause confusion about whether the UN's understanding of civil society strictly adheres to the Major Groups of Civil Society framework, identified in Agenda 21, which outlines nine sectors of society as the main channels through which citizens organize and participate in development, monitoring and achievement of sustainable development agenda. These groups are Business and Industry, Children and Youth, Farmers, Indigenous Peoples, Local Authorities, Non-Governmental Organizations, Scientific and Technological Community, Women, Workers and Trade Unions. For more on this issue, see Barbara Adams and Lou Pingeot, Strengthening Public Participation at the United Nations for Sustainable Development: Dialogue, Debate, Dissent, Deliberation, UN Department of Economic and Social Affairs (UN-DESA), New York, 2013: 10–26, available at http://www.globalpolicy.org/images/pdfs/images/pdfs/UNDESA_MGs__Report.pdf; Stakeholder Forum for a Sustainable Future, Sustainable Development in the 21st Century: Review of Implementation of Agenda 21 and the Rio Principles, UN-DESA, 2012: 155, available at http://www.un.org/esa/dsd/dsd_sd21st/21_pdf/SD21_Study1_Agenda21.pdf; UN Secretary-General, Major Groups: Report of the Secretary-General, UN Doc. E/CN.17/2001/PC/4, United Nations, New York, 14 March 2001, available at http://www.un.org/ga/search/view_doc.asp?symbol=E/CN.17/2001/PC/4&Lang=E. For the current purposes, the term 'civil society' is intended very broadly. While those who live in extreme poverty are integral to the purposes of this report, the term 'civil society' further includes the public and private sectors, as both have critical roles to play in the post-2015 development agenda, and their voices are important.

11 Our focus on state accountability is not intended to diminish the importance of accountability of private actors, donors and international organizations. Effective implementation of the post-2015 development agenda will require close attention to all lines of accountability.

12 The UK Department for International Development defines accountability as "**the ability** of citizens, civil society and the private sector **to scrutinise** public institutions and governments to hold them to account" [emphasis added] (Alina Rocha Menocal and Bhavna Sharma, Joint Evaluation of Citizen's Voice and Accountability: Synthesis Report, Overseas Development Institute, London, 2008: 67, available at http://www.odi.org.uk/sites/odi.org.uk/files/odi-assets/publications-opinion-files/3425.pdf); The World Bank defines accountability as "[t]he obligation of power-holders **to account** for or **take responsibility** for their actions" [emphasis added] (World Bank, What is Social Accountability and Why is it Important?, World Bank, Washington, DC, 2014, available at http://www.worldbank.org/socialaccountability_sourcebook/What/what1.html); According to Joseph Stiglitz, "[a]ccountability requires that: 1) people are given certain objectives; 2) there is a reliable way of **assessing** whether they have met those objectives; and 3) **consequences** exist for both the case in which they have done what they were supposed to do and the case in which they have not done so" [emphasis added] (Joseph E. Stiglitz, Democratizing the International Monetary Fund and the W orld Bank: Governance and Accountability, *Governance*, 2003, 16: 111).

13 Bhavna Sharma, Voice, Accountability and Civic Engagement: A Conceptual Overview, UNDP, Oslo, 2008, available at http://www.undp.org/content/dam/undp/documents/partners/civil_society/publications/2008_UNDP_Voice-Accountability-and-Civic-Engagement_EN.pdf. Another UNDP document presents accountability as "the means by which individuals and organizations **report** to a recognized **authority** (or authorities) and are **held responsible** for their actions" [emphasis added] (UNDP, Mutual Accountability Mechanisms: Accountability, Voice, and Responsiveness; A UNDP Capacity Development Resource, Conference Paper #6, Working Draft, UNDP, New York, 2006, available at http://www.undp.org/content/dam/aplaws/publication/en/publications/capacity-development/drivers-of-change/accountability/mutual-accountability-mechanisms/Mutual-Accountability-cp6.pdf. The document further elaborates that "[t]his definition includes several underpinning notions: it is external ('account to some external authority'); it involves social interaction and exchange ('being answerable to someone and acceptance of sanctions'); and it implies rights of authority ('to call someone to account, demand answers and impose sanctions'). [However], [t]his dimension is not always presenting the way accountability is used more widely whereby accountability **denotes a relationship between a rights holder** or a legitimate claim and the agents or agencies responsible for fulfilling or respecting that right by acting or desisting from particular actions (**duty bearers**)" [emphasis added; internal citations omitted]. Political scientists Ruth Grant and Robert Keohane define accountability as the existence of the "right for some actors **to hold** other actors **to a set of standards**, **to judge** whether they have fulfilled their responsibilities in light of these standards, and to **impose sanctions** if they determine that these responsibilities have not been met" [emphasis added] (Ruth W. Grant and Robert O. Keohane, Accountability and Abuses of Power in World Politics, *American Political Science Review*, 2005, 99, 29–30.

14 See OHCHR, *supra* note 4 (accountability is "the obligation of those in authority [duty bearers] to take responsibility for their actions, to answer for them by explaining and justifying them to those affected [rights holders], and to be subject to some form of enforceable sanction if their conduct or explanation for it is found wanting").

are to be held accountable.[15] This report thus focuses its analysis on the **processes** through which stakeholders (and, particularly, members of civil society) may be able to monitor, evaluate and demand accountability from state officials.

We argue that an accountability mechanism that allows effective stakeholder monitoring and evaluation must embody and reflect four overlapping principles: **transparency, inclusiveness, deliberation and responsiveness**.

PRINCIPLE 1: TRANSPARENCY

Transparency is a critical, although not in itself sufficient, feature of accountability.[16] It is impossible to verify the level of inclusiveness, deliberative quality or responsiveness of an opaque process. In this way, transparency is a vital precondition for the operation of the other three principles. **Informational transparency** ensures that all concerned actors have access to data relevant to their policy goals. **Procedural transparency** uses a combination of predictability and publicity to protect political processes from capture by a lobbying caste, encouraging all concerned parties to contribute their voices to the debate. Transparency can enhance the role of citizens in governance and enable better citizen monitoring of government commitments. At the same time, however, without conditions such as resources and capacity that enable the effective use of information and meaningful participation in the political process, transparency can disproportionately empower those with greater resources.

PRINCIPLE 2: INCLUSIVENESS

The principle of inclusiveness reflects the notion that robust stakeholder participation in political decision-making is the product not merely of passive openness but also of active outreach. At a minimum, 'inclusiveness' requires that all those affected by state actions (or inaction) — and particularly the most marginalized — have the capacity and opportunity to participate in policy formation and implementation, as well as in monitoring, evaluating and requiring responses from state officials.[17] Inclusiveness requires that institutional actors proactively engage in the following inquiries: Whose voices are relevant to a certain issue? How should relevance be established? What resources are required to include relevant voices?

PRINCIPLE 3: DELIBERATION

The principle of deliberation demands that stakeholder participation be substantive and meaningful. Pushing beyond mere openness and outreach, deliberation requires meaningful discourse and capacity-building. Stakeholder input should not be merely included *pro forma* in reports and digests but needs to be genuinely considered and incorporated as appropriate into evidence-based policy outcomes. Resources should be directed towards equipping civil society — with particular focus on the most marginalized sectors of society — to make profound and meaningful contributions.

15 Ibid.

16 Anuradha Joshi, Do They Work? Assessing the Impact of Transparency and Accountability Initiatives in Service Delivery, *Development Policy Review*, 2013, 31, s29, s31.

17 Framed in rights-based language, this means that all those whose rights are affected and to whom a duty to respect and protect the rights is owed must be enabled to demand realization of their rights from duty-bearers.

PRINCIPLE 4: RESPONSIVENESS

The principle of responsiveness — which implies the need for appropriate and effective responses by officials to the input of stakeholders following a deliberative process, and regular reconsideration of actions and processes in the light of input received — is directed towards verifying the effectiveness and accountability of governance systems. Responsiveness, however, should not be assessed only in terms of policy outcomes, although outcomes are certainly important. Nevertheless, too much insistence on an outcome-oriented assessment may risk transforming sustainable development from a suitably adaptive process into a generator of fixed outcomes prescribed in advance, regardless of their effectiveness and impact. Instead, responsiveness should be built in and safeguarded by furnishing institutions with continuous feedback mechanisms and effective follow-up processes.

APPLYING THE PRINCIPLES TO THE POST-2015 DEVELOPMENT AGENDA

The UN General Assembly (UNGA) resolution, 'The Future We Want', adopted at the conclusion of the UN Conference on Sustainable Development (Rio+20), outlined key principles and features of the post-2015 development agenda, including the formation of the High-Level Political Forum.[18]

The Forum is to take place at two levels over different periods of time — at the UNGA and at the Economic and Social Council (ECOSOC). UNGA meetings will convene every four years for a period of two days and conclude with "a concise negotiated political declaration" to be submitted to the UNGA. ECOSOC meetings will convene annually for a period of eight days, including a three-day ministerial segment, concluding with a negotiated ministerial declaration to be included in ECOSOC's report to the UNGA. These annual meetings will have a thematic focus reflecting the post-2015 development agenda.

Starting in 2016, the ECOSOC Forum will conduct regular reviews on follow-up and implementation of Member States' specific commitments under the Sustainable Development Goals (SDGs).[19] Objectives include sharing relevant best practices and experiences and promoting coherence and coordination of sustainable development policies.[20] The Forum reviews will replace the national voluntary presentations, which are currently part of the annual ministerial-level review under ECOSOC and which include progress reports on the MDGs.[21]

The Forum is envisioned as a "dynamic platform" that allows for the "flexibility to address new and emerging issues".[22] Meetings at both ECOSOC and the UNGA are intended to be open to the Major Groups and other relevant stakeholders with observer status at the UNGA, to "enhance [their] consultative role and participation". The UNGA Resolution encourages these constituencies to "attend all official meetings", "access…all official information and documents", "intervene in official meetings", "submit documents and present written and oral contributions", "make recommendations" and "organize side events and round tables".[23] The UNGA Resolution specifically invites UN regional commissions to participate in the Forum,

18 United Nations General Assembly, *supra* note 5, para. 7(d)..

19 United Nations General Assembly, Draft Resolution 67/L.72, UN Doc. A/67/L.72, United Nations, New York, 27 June 2013.

20 Ibid., para. 7(d).

21 United Nations General Assembly, Resolution 61/16, UN Doc. A/Res/61/16, United Nations, New York, 9 January 2007.

22 Ibid., para. 18.

23 United Nations General Assembly, *supra* note 18.

notably by convening annual meetings with regional stakeholders.[24] Additionally, it encourages the Major Groups and other relevant stakeholders to "autonomously establish" and maintain their own "effective coordination mechanisms for participation" in the Forum and its surrounding activities.[25]

The Forum is well positioned to serve as the centrepiece of the post-2015 development agenda.[26] It is, therefore, essential to verify that this institution above all is optimally constructed to encourage the accountability of States for their post-2015 commitments. In Part III, this report surveys inter-State review mechanisms that are analogous to the Forum, with the aim of drawing lessons and best practices for civil society's participation in the Forum's review functions.

The Forum, however, represents only the tip of the iceberg in the grand scheme of the post-2015 development agenda, and there are many ways in which citizen voices on sustainable development can be drowned out below the surface of global discourse. Further, to yield real-world progress, insights gleaned at the global level must be properly implemented by national and subnational initiatives. For these reasons, to ensure the efficacy of the post-2015 development agenda, the four principles of accountability outlined above must guide the enhancement and reform of local and domestic as well as global governance structures. This task is considered in Part V of this report.

24 Ibid., para. 13.

25 Ibid., para. 14.

26 See Steven Bernstein, The Role and Place of the High-Level Political Forum in Strengthening the Global Institutional Framework for Sustainable Development, UN-DESA, New York, (2013, available at http://sustainabledevelopment.un.org/content/documents/2331Bernstein%20study%20on%20HLPF.pdf.

PART II

CITIZEN PARTICIPATION IN GLOBAL REVIEW MECHANISMS

A survey of several inter-State and treaty-body review mechanisms — the OECD Development Assistance Committee (DAC), UN Universal Periodic Review (UPR), UN Committee on the Rights of the Child (CRC Committee), UN Committee on the Rights of Persons with Disabilities (CRPD Committee), African Union (AU)/New Partnership for Africa's Development (NEPAD) African Peer Review Mechanism (APRM) and the Mechanism for Follow-Up on the Implementation of the Inter-American Convention against Corruption (MESICIC) — reveals that stakeholder participation in the existing review processes falls broadly into three categories: (i) agenda-setting, (ii) ongoing monitoring and reporting of the State's progress, and (iii) dialogue and deliberation between and among stakeholders and the State.

AGENDA-SETTING: EARLY INVOLVEMENT OF CIVIL SOCIETY THROUGH A TRANSPARENT PROCESS

Although all of the inter-State review processes surveyed envision a role for civil society, the extent of engagement and the process for engagement varies. While some mechanisms codify specific procedures for engagement,[27] others are more ambiguous.[28] Unsurprisingly, the review processes of organizations that are more

27 See, for example, Committee of Experts of the Mechanism for Follow-Up on the Implementation of the Inter-American Convention against Corruption (MESICIC Committee of Experts), Rules of Procedure and Other Provisions, arts 18–20, SG/MESICIC/doc.0/04 rev. 4, MESICIC Committee of Experts, Washington, DC, 29 June 2007, also detailed in Annex I, paragraph 6 of this report.

28 The APRM continental documents are intentionally open-ended to take into account the varied histories and baselines of each country and allow for country-specific strategies (APRM, Objectives, Standards, Criteria and Indicators for the African Peer Review Mechanism, Sections 1.3–1.4, APRM, Midrand, South Africa, 9 March 2003, available at http://aprm-au.org/sites/default/files/aprm_osci_0.pdf).

civil society-oriented are more exhaustive in detailing the opportunities for engagement.[29] In a survey of United Nations Environment Programme (UNEP)-accredited organizations and networks, the UNEP, UNDP and the Committee on Sustainable Development (CSD) were the most frequently cited for effective engagement of the Major Groups.[30] Other institutions that are noted for granting civil society participants near-parity with Member States included the Aarhus Convention, the Committee on World Food Security (CFS) and the International Conference on Chemicals Management (ICCM).[31]

A 2002 survey of Major Groups conducted by the Consensus Building Institute for the UN Department of Economic and Social Affairs (UN-DESA) found that the most important objectives motivating participation in the CSD multi-stakeholder dialogues were, in order of importance:

1. advocating to include stakeholder positions in the final negotiated text;
2. informing debate by providing specialized knowledge;
3. expressing perspectives and values in an important forum;
4. building consensus on policy across Major Groups;
5. networking within the stakeholder's Major Group; and
6. learning about sustainable development.[32]

This list reflects a concern, on both sides, that participation be meaningful. For civil society groups, it is often unclear whether their views have, in fact, influenced the process. This can lead to "consultation fatigue"[33] and, in turn, decrease participation, which ultimately undermines the legitimacy of the process.

Although one of the clearest indicators that input has been recognized may be its inclusion in the final, official outcome document, civil society groups also need to understand how their participation can influence the outcome. The lack of a "process through which stakeholders could systematically ascertain how their input had been utilized" is one of the most frequently cited criticisms of the APRM.[34] In their study for UN-DESA, Adams and Pingeot advocate for a "predictable and transparent process".[35] They note that this is especially important for underrepresented groups; "[w]hile a certain level of informality and spontaneity may be beneficial for individuals present at UN headquarters, it contributes to the perception of an 'insider track'".[36] Formal rules and clearly articulated procedures allow groups that may lack insider knowledge to participate on an equal footing. The predictability element is especially important in helping civil society networks to develop advocacy strategies and provide adequate training to its member organizations.

One of the most direct ways to influence the formal review proceedings is to **contribute to the list of issues under consideration** (or to the list of questions that will be posed to the state representatives).

29 See, for example, United Nations Environment Programme (UNEP), Guidelines for Participation of Major Groups and Stakeholders in Policy Design at UNEP, UNEP, Nairobi, Kenya, August 2009, available at http://www.unep.org/civil-society/Portals/24105/documents/Guidelines/Guidelines-for-CSO-participation-Aug2609.pdf.

30 The survey was shared with 280 UNEP-accredited organizations and networks and with other UN mailing lists. The UNEP collected 117 responses. The largest number of respondents came from the African regional (32 percent), followed by Europe (21 percent) (UNEP, Preliminary Report of the Survey on Models and Mechanisms of Civil Society Participation in the UNEP, UNEP, Nairobi, Kenya, 12 February 2013: 11–12, available at http://www.unep.org/civil-society/Portals/24105/documents/GMGSF/GMGSF%2014/Survey_Report_12Feb2013.pdf).

31 Ibid.

32 UN Department of Economic and Social Affairs, Multi-Stakeholder Dialogues: Learning from the UNCSD Experience, Background Paper No. 4, DESA/DSD/PC3/BP4, UN-DESA, New York, 2002: 24, available at http://www.un.org/jsummit/html/documents/prep3_background_papers/msdhstudy2.pdf.

33 Adams and Pingeot, *supra* note 9: 16.

34 AfriMAP, The African Peer Review Mechanism: A compilation of studies of the process in nine African countries, Open Society Initiative for Southern Africa, Johannesburg, 2010: 17, available at http://www.afrimap.org/english/images/report/AfriMAP_APRM_9countries_EN.pdf.

35 Adams and Pingeot, *supra* note 9: 15.

36 Ibid.: 14.

For example, under the CRPD review process, organizations for persons with disabilities (DPOs) can submit a suggested list of issues directly to the CRPD Committee and request a meeting with the Committee to make an oral presentation of no more than 15 minutes.[37] When the States respond to the list of issues raised by the CRPD Committee, DPOs are encouraged to submit additional feedback.[38] Rules of procedure governing the CRC require that the CRC Committee meet with non-governmental organizations (NGOs) in private sessions prior to its meeting with the government delegation.[39] During a pre-session technical meeting, children's rights NGOs, relevant UN agencies (e.g. UNICEF) and other organizations that have submitted reports assist the CRC Committee in coming up with the list of questions.[40]

MONITORING AND REPORTING

Data collection

Once the issues for review are identified, all of the review processes surveyed require the State under review to submit a report or a memorandum outlining its performance on the issues under review.[41] Often, the administrator or central coordinating body (e.g. a secretariat) also assembles materials from external sources (e.g. think tanks, audits, media and relevant multilateral organizations).[42] The State's country report serves as the basis for the review process and provides the State with the opportunity to highlight follow-up activities as well as changes since the last review.

Civil society groups typically participate in the reporting process in one of two ways: **State-led consultations** to assist in the preparation of the state report or civil society-led consultations or **submission of separate reports**. Both modes of participation sometimes occur within the same process. For example, under the CRPD, DPOs are encouraged to engage with the State during the preparation of the State's report in submitting information and research, to identify areas of concern or make other recommendations. As States have an affirmative obligation to engage civil society under Article 33(3), DPOs can request a national consultation to solicit input or review a draft of the initial report prepared by the State. Some countries have open consultation processes in which anyone can submit information on the draft report. However, States are not supposed to include recommendations from DPOs in their final reports. DPOs are, therefore, encouraged to maintain their independence and not participate in writing the report, but instead submit a parallel report once the State's report has been submitted.[43] Separate and independent reports are a strong source of information because NGO inputs may be co-opted by States when NGOs are consulted in the preparation of a state report.[44]

37 Presentations should focus on specific articles of the Convention on the Rights of Persons with Disabilities (CRPD) and incorporate the perspective of gender, age or other causes that affect persons with disabilities. Unless otherwise noted, DPO presentations before the CRPD Committee are public (International Disability Alliance, Guidance Document: Effective Use of International Human Rights Monitoring Mechanisms to Protect the Rights of Persons with Disabilities, International Disability Alliance, Geneva, May 2010: 20, available at http://www.internationaldisabilityalliance.org/sites/disalliance.e-presentaciones.net/files/public/files/CRPD-reporting-guidance-document-English-FINAL-print%5B1%5D.pdf).

38 Ibid.: 21.

39 Nevena Vučković Šahović, The Role of Civil Society in Implementing the General Measures of the Convention on the Rights of the Child, Innocenti Working Paper No. 2010-18, UNICEF Innocenti Research Centre, Florence, June, 2010: 19, available at http://www.unicef-irc.org/publications/pdf/iwp_2010_18.pdf.

40 Ibid. See also Annex I, paragraphs 3 (CRC) and 4 (CRPD) of this report for description of the review processes.

41 For example, under the DAC peer review, States are required to submit a memorandum and an annual statistical report, along with any supplemental materials, to the Secretariat. For details on what a submission entails, see Annex I, paragraph 1 of this report.

42 Ibid.

43 International Disability Alliance, *supra* note 37: 18.

44 Nevena Vučković Šahović, *supra* note 39: 17.

Under the UPR, Member States are encouraged to collect information for their national reports "through a broad consultation process at the national level with all relevant stakeholders".[45] While these consultation events are recognized as a critical step, there are no requirements for how they are run or indicators for measuring their success in engaging civil society. Participation varies greatly from country to country.[46] Intra-State regional events, in which the government officials come to civil society groups, are seen as an especially effective, though costly, approach.[47] With significant resources, Australia was able to launch a comprehensive campaign to prepare its 2010 National Report. The centrepiece of its campaign was the Consultation Committee, which travelled across the country to solicit input. The Consultation Committee conducted over 65 community round tables and public hearings in more than 50 urban, regional and remote locations and received 35,000 submissions. The Consultation Committee also commissioned focus group research to "ascertain community attitudes towards human rights and to cast light on the experiences and opinions of marginalized and vulnerable groups". As a final step, a draft version of the National Report was released on the Attorney-General's website for input. Comments submitted during this period were used to update and amend the National Report in preparation for its submission to the UPR Working Group.[48]

The APRM is a multi-step review process, and the engagement of civil society varies at each step. At the data collection stage, for example, while the APRM questionnaire contains many questions which are best addressed by civil society,[49] the continental guidelines do not articulate formal procedures for civil society participation.[50] Some countries cast a wide net, inviting civil society actors to participate in consultative forums and public calls for submissions, or as representatives on the national governing councils or providers of specialized technical support.[51] Other countries, however, make the participation process selective, especially at the national governing council level.[52]

The APRM is more prescriptive about the role of civil society at **the country review mission** stage. Like the OECD DAC peer review, the APRM involves a country visit, which provides the reviewing body with the opportunity to engage with key stakeholders in face-to-face meetings and collect information that would not otherwise be readily available (e.g. first-hand accounts from stakeholders).[53] As the majority of the review processes surveyed rely heavily on self-reporting, country visits by an independent team can

45 Human Rights Council Resolution 5/1, Report of the Human Rights Council, 5th Session, 11–18 June 2007, UN General Assembly Official Records, 62nd Session, Supplement No. 53, A/62/53, United Nations, New York, 18 June 2007: para. 15(a). See Annex 1, paragraph 2 of this report for a description of the UPR review process.

46 Asia Pacific Forum, UPR Process Helps Build Genuine Consultation, http://www.asiapacificforum.net/news/upr-process-helps-build-genuine-consultation.html.

47 For example, in Zambia, the Ministry of Justice travelled throughout the country and conducted three-day provincial-level consultations with representatives from government departments, civil society organizations and the public. However, Zambia was only able to undertake this resource- and labour-intensive approach because the Ministry had created a human rights budget line to ensure that the government could fulfil its reporting obligations under human rights treaties (UNDP and OHCHR, UPR Regional Meeting Report: Eastern and Southern Africa Report on the Universal Periodic Review, 27–29 September 2010, UNDP and OHCHR, Johannesburg, 2010: 4, available at http://www.undp.org/content/rbas/en/home/presscenter/events/2012/November/regional_governance_week/_jcr_content/centerparsys/download_3/file.res/Report%20on%20the%20UPR%20Regional%20Meeting%20for%20Eastern%20and%20Southern%20Africa%20%282010%29.pdf).

48 Australian Government, Attorney-General's Department, Universal Periodic Review – National Report Part 1 – Methodology and Consultation Process, http://www.ag.gov.au/RightsAndProtections/HumanRights/UniversalPeriodicReview/Pages/UniversalPeriodicReviewNationalReportPartIMethodologyandConsultationProcess.aspx.

49 For questions such as: Does the political system as practised in your country allow for free and fair competition for power and the promotion of democratic governance? African Union/New Partnership for Africa's Development (AU/NEPAD), Revised ARPM Questionnaire, Section 3.4, Question 1, AU/NEPAD, Midrand, South Africa, 2012, available at http://aprm-au.org/sites/default/files/Revised%20APRM%20Eng%20Questionnaire%206%20Aug%2012.pdf.

50 As discussed above, the continental guidelines are intentionally open-ended. However, the lack of continental documents that "clearly establish the stages in the process for independent civil society groups to contribute, the mechanisms by which their inputs can be taken into account, and the report back systems…on how the final self-assessment report was drafted" is seen as a weakness in the process (AfriMap, *supra* note 34: 21).

51 AfriMap, *supra* note 34: 20.

52 Ibid.

53 See Annex I, paragraphs 1 and 5 of this report for a description of the OECD DAC peer review process and the APRM review process.

check the government's control. For example, country visits allow the reviewing body to intervene when it feels that the data are not independent or representative, and multiple country visits allow the State to take steps to address this deficit between reviews.[54]

National data validation events (i.e. exercises used to validate the information provided by the State in the APRM questionnaire) can also work to counteract the lack of participation in the agenda-setting and information-gathering stages.[55] The structure of data validation events varies widely among countries, as does the extent of citizen participation in data validation events.[56] The most common complaints about the validation process, for example, are that the self-assessments and national plans of action (NPoAs) were not made available beforehand, and sometimes only summaries were presented. This highlights concerns that these events can be more symbolic than substantive.[57]

Review and evaluation

Generally, stakeholders do not formally participate in the meeting portion of the inter-State reviews where state officials make formal submissions and receive questions from other States, although they can sometimes observe and may be provided with a limited audience time. However, stakeholders may use informal means for raising questions at such meetings. For example, NGOs often work through 'friendly States' to discuss issues that the NGOs had raised in their written submissions during the UPR meeting.[58] In the context of review under the CRC, **informal meetings and discussions** take place between committee members and NGOs, wherein NGOs not only supply their monitoring information and identify issues for the reviewing committee but also propose recommendations that the committee could make to the States.[59]

Because of the relatively limited number of civil society representatives present at review events, there can be pressure for NGO groups and civil society working groups to represent a unified position, and thereby reach consensus. This risks undermining one of the most important features of substantive participation — representing diverse perspectives. In a study commissioned by UN-DESA on strengthening public participation in the post-2015 development agenda, Bernstein emphasizes the UN's "responsibility to demonstrate that stakeholders' input is officially taken into consideration, even if there is no consensus on the views expressed".[60] One way of achieving this is to formally recognize — whether on a website or in

54 In Algeria, the APR Team's Country Review Mission (CRM) "felt that the information and the data contained in the self-assessment report were too governmental". The CRM's opinion had an impact, as the country then conducted national surveys and that information was submitted to the Secretariat and reviewed during the CRM's second and final visit (AfriMap, *supra* note 34: 48–49).

55 Ogochukwu Nzewi, Participatory Monitoring and Evaluation of Governance in Africa: Lessons from the Civil Society African Peer Review Mechanism Monitoring Project (AMP) in South Africa, 41 *Africa Insight*, 2012, 41 (36): 48.

56 Overall, commentators and civil society are critical of these events. While South Africa's validation event involved 1700 delegates over the course of just one day, Ghana's event spanned over three days and involved 200 delegates. Benin's validation event also took place over three days, involving 60 NGO representatives and researchers; however, all delegates had spent a few days reviewing the report prior to the meeting (Annie Barbara Chikwanha, The APRM: A Case Study in Democratic Institution Building?, Institute for Security Studies Paper 151, Institute for Security Studies, Tshwane (Pretoria), South Africa, 2007: 10, available at http://dspace.cigilibrary.org/jspui/bitstream/123456789/31116/1/PAPER151.pdf?1).

57 The most common complaints have been the following: that there was little notice in advance of the event; the delegates were not representative, with state officials sometimes outnumbering civil society and citizens; the self-assessments and NPoAs were not made available beforehand, and sometimes only summaries were presented; the time allocated was not long enough to have serious deliberation on the content; and there was no sense of whether the validation event was taken seriously (Adotey Bing-Pappoe, Reviewing Africa's Peer Review Mechanism: A Seven Country Survey, Partnership Africa Canada, Ottawa, March 2010: 8, available at http://www.pacweb.org/Documents/APRM/APRM_Seven_countries_March2010-E.pdf). Additionally, the production of the self-assessments was often merged with the NPoAs, which meant that the validation events were providing feedback on both, rather than allowing the feedback on the data contained in the self-assessments to then inform the NPoAs (Len Verwey, NEPAD and Civil Society Participation in the APRM, Institute for Democracy in Africa, Pretoria, 2005: 22, available at http://www.un-ngls.org/orf/cso/cso8/nepad.pdf).

58 Karolina Milewicz, The Universal Periodic Review: An Instance of the Global Experimentalist Governance?, Draft Memo prepared for the 'New Models of Pluralist Global Governance' Workshop, Watson Institute, Brown University, Providence, RI, 14–16 November 2013.

59 Gráinne de Búrca, International human rights regimes as experimentalist systems: a study of CEDAW and CRC, 2013 (on file with the author).

60 Bernstein, *supra* note 26: 32.

a final document — all submissions by civil society. For example, while only NGOs with consultative status with ECOSOC can participate in a session of the UPR Working Group, any civil society actor can submit information to be included in the summary report.

Once a formal review has taken place, the dialogue and deliberation between and among stakeholders and the State continue, but expand to include an evaluative component — whether the State has taken steps to follow up on its commitments and recommendations following from the review process. **Transparency of States' commitments** is foundational to any kind of substantive civil society participation. Transparency is not just about lowering barriers to information but also about providing good access to good information and increasing awareness about the existence of information. In many cases, establishing national and/or regional mechanisms to source, aggregate and disseminate information eases the administrative burden on both civil society and the State and enhances independence.[61]

According to the UNDP, the provision of information "is a means to overcome [the] asymmetry [between those who govern and those whom they are supposed to serve][62] and thus…support [citizens] in holding their government to account, to better prevent corruption and to improve the ability of citizens to access and to dictate the shape of services and the responsiveness of government."[63] Some inter-State reporting systems have formalized the process for reporting back to and engaging with civil society around the States' post-review commitments.[64] For example, the APRM requires States to include in the NPoA "clear, time-bound commitments on key governance and socioeconomic development priorities over the next 3 years, including the identification of key stakeholders for implementation, and the estimated budgetary implications and allocations".[65] It further requires an "outline on the feedback mechanism established to keep local stakeholders involved in the process, including efforts to disseminate information in an easily accessible and understandable manner."[66]The MESICIC explicitly outlines the responsibility of the Secretariat to disseminate the information and public documents related to the follow-up mechanism under the MESICIC review, as well as the country and final reports of each round, once they are made public.[67]

Engaging international, national and social media can help to generate publicity and awareness in ensuring that the issues raised in the outcome documents are prominently featured on the agenda at the national level.[68] Publicity could further be enhanced, especially at the national level if the Head of State holds a press conference together with a representative of a reviewing body at the capital of the State under review. This method is adopted by the OECD DAC, where the Minister of the reviewed State, together with OECD DAC, holds a press conference on the peer review outcome at the capital of the reviewed State after the 'Assessments and Recommendations' are issued by DAC.[69]

61 Ibid.

62 UNDP, Reflections on Social Accountability: Catalyzing Democratic Governance to Accelerate Progress Towards the Millennium Development Goals, UNDP, New York, July 2013: 22, (quoting Joseph Stiglitz), available at http://www.undp.org/content/dam/undp/documents/partners/civil_society/publications/2013_UNDP_Reflections-on-Social-Accountability_EN.pdf.

63 Ibid.

64 See, for example, APRM and MESICIC, Annex I, paras 5–6 of this report.

65 AU/NEPAD, Guidelines for Countries to Prepare for and to Participate in the African Peer Review Mechanism, NEPAD/APRM/Panel3/guidelines/11-2003/Doc8, AU/NEPAD, Midrand, South Africa, 2003: para. 33(d), available at http://www1.uneca.org/Portals/nepad/Documents/Guidelines-for-Countries-to-APRM.pdf. See Annex I, paragraph 5 of this report for further details.

66 Ibid.: para. 33(f).

67 MESICIC Rules of Procedure, *supra* note 27: art. 9. See Annex I, paragraph 6 of this report for further details.

68 The 2014 National Voluntary Presentation Guidelines suggest that newspaper and magazine articles could be written relating to the national voluntary presentation, to be published in major local and international newspapers and magazines, and interviews and discussions could be arranged. UN-DESA, Guidance Note for the 2014 National Voluntary Presentations, UN-DESA, New York, November 2013, available at http://www.un.org/en/ecosoc/newfunct/pdf13/guidelines_for_2014_nvps.pdf.

69 Organisation for Economic Co-operation and Development (OECD), Information Note on the DAC Peer Review Process, DCD(2012)4, OECD, Paris, 24 July 2012, http://www.oecd.org/dac/peer-reviews/DCD(2012)4%20ENG.pdf. See Annex I, paragraph 1 of this report for further details.

DIALOGUE AND DELIBERATION

Both in preparation for the inter-State review and in the ongoing monitoring of the State's actions, stakeholders engage in dialogue and deliberation with the State and among themselves. This includes **supplying and sharing information** and engaging in activities designed to pressure States to comply with outcomes of the peer review. Different stakeholders engage in different types of dialogue. For example, transnational NGO networks such as International Women's Rights Action Watch and the Child's Rights Information Network disseminate information and provide training on their respective treaty-body systems and bring different communities together. NGOs may also translate the outcomes of the peer review into terms that are culturally acceptable and applicable to particular social contexts, thereby making them more effective.[70] Public hearings, panels and forums are often held by States at the national level to allow interested sectors to make presentations related to issues subject to inter-State review, the design of public policies and the drafting of proposals for implementation of the recommendations made during the review.[71] In addition, members of civil society often organize meetings and conduct briefings with government representatives to discuss issues relating to the implementation of recommendations made during the review. For example, in the case of the UPR, civil society uses the UPR outcomes as a basis for dialogue and action to help the State meet its obligations.[72]

Stakeholders often want the satisfaction of knowing that their inputs are reflected in the outputs of the review process (e.g. a summary document, plan of action, policy statement etc.). However, even where the impact of stakeholders' input cannot be measured by reference to the output documents, the **process of citizen engagement** itself has important benefits. Citizen participation in a State's review can build awareness and skills and, ultimately, enhance capacity for information transparency and more effective participation. For example, when India undertook its first national consultation in preparation for the UPR, participation numbers were sub-optimal, but there was a sense that the very process, and the expectations it created, instigated important conversations; as observed by the Executive Director of People's Watch in India, the process helped civil society to mature.[73] The CRC offers a particularly illustrative example of process-oriented stakeholder engagement. The primary stakeholders of the CRC, who are children, pose unique challenges and opportunities. It is unavoidable that NGO representatives will serve as proxies, but NGOs have found ways to highlight the unique voices and contributions of children themselves. Children's rights NGOs use a variety of creative activities to not only collect information from children but also to empower them to collect information from other children.[74] During the CRC reporting process, the NGO group organizes a children's meeting with the CRC Committee (though the meeting is not yet a formal part

70 See Peggy Levitt and Sally Merry, Vernacularization on the Ground: Local Uses of Global Women's Rights in Peru, China, India and the United States, *Global Networks*, 2009, 9: 441.

71 The MESICIC Committee of Experts identifies mechanisms to encourage CSO participation in MESICIC (MESICIC Committee of Experts, Methodology for the Review of the Implementation of the Inter-American Convention Against Corruption Selected in the Fourth Round and for Follow-up on the Recommendations Formulated in the First Round, SG/MESICIC/doc.289/11 rev. 2, MESICIC Committee of Experts, Washington, DC, 15 September 2011: 7, available at http://www.oas.org/juridico/PDFs/metod_IVronda_en.pdf).

72 OHCHR, Working with the United Nations Human Rights Programme: A Handbook for Civil Society, OHCHR, Geneva, 2009: 137–52, available at http://www.ohchr.org/Documents/Publications/NgoHandbook/ngohandbook7.pdf.

73 Ibid.

74 Examples of engagement strategies include working with children to produce materials about children's rights, advocacy and campaigning; facilitating meetings, consultations and focus groups with children; training children on evidence gathering and reporting; helping children carry out surveys and questionnaires; collecting videos, photos and drawings from children; and holding national consultation events with children. NGO Group for the CRC, Together with Children — for Children: A Guide for Non-Governmental Organizations Accompanying Children in CRC Reporting, NGO Group for the CRC, Geneva, 2011: 7–10, available at http://www.childrightsconnect.org/wp-content/uploads/2013/10/With_Children_For_Children_WEB_english.pdf.

of the reporting process).[75] Children can decide whether they want a private meeting or if they want NGO representatives to be present, but a representative of the NGO group facilitates the meeting.[76]

While it is important for civil society organizations (CSOs) and networks to develop autonomously and to define the contours of their participation in state reviews independently, the State can be proactive in facilitating citizen engagement. For example, the Government of Australia hosted a workshop that brought together human rights institutions, NGOs and government officials to discuss the UPR. Additionally, the Attorney-General and the Minister for Foreign Affairs featured the UPR at the inaugural joint annual NGO Forum on Human Rights, which was attended by representatives of 48 NGOs.[77]

When States return to the high-level reviewing body, it is important that their progress towards commitments outlined in the previous outcome documents (such as 'Concluding Observations') play a central role in subsequent reviews. For example, under the CRC, the CRC Committee reviews reports and issues Concluding Observations which "highlight positive developments as well as violations and gaps, principal areas or issues of concern, and make suggestions and recommendations for future action".[78] In reviewing reports, the CRC Committee takes into consideration the extent to which the country has acted on recommendations from previous Concluding Observations. In this way, monitoring and implementation are in continuous dialogue, rather than functioning as separate and disconnected activities.[79]

ENABLING CONDITIONS FOR CITIZEN PARTICIPATION IN GLOBAL REVIEW PROCESSES — RESOURCES AND CAPACITY

The need for "adequate, predictable and timely funding for participation — including but not limited to attending meetings" has been widely recognized as an important feature for processes that seek to engage developing and least developed countries and underrepresented groups.[80] Even when groups have the opportunity to participate in formal sessions or side events, a lack of resources often inhibits participation.[81] **Resource funds** have been established by a number of mechanisms, but the scope of funding varies. Some cover travel and preparation of reports,[82] while others cover coordination bodies such as a secretariat.[83] Commentators have proposed a particularly expansive funding mechanism for shadow reviews of the APRM, one that sets aside "significant resources to allow civil society in the reviewed country to do assessments of its own and critique the APRM assessment".[84] This proposal poses significant challenges. On the one hand, well-financed shadow reviews could undermine civil society participation in the APRM itself; on

75 The Chair of the Committee and the Country Rapporteur for the State party examination are usually both present, along with other CRC Committee members who will usually attend (Ibid.).

76 Ibid.: 20–21.

77 Government of Australia, Attorney-General's Department, *supra* note 48.

78 Eva Clarhäll, Monitoring Implementation of the UN Convention on the Rights of the Child, Save the Children, Stockholm, September 2011: 3, available at http://resourcecentre.savethechildren.se/sites/default/files/documents/5194.pdf.

79 Ibid.

80 Bernstein, *supra* note 26: 33.

81 For example, the lack of funding prevents many groups from travelling to Geneva to participate in the CRC (Nevena Vučković Šahović, *supra* note 39: 19).

82 The Voluntary Trust Fund for Participation in the UPR Mechanism covers: (i) official representatives from developing countries, in particular least developed countries, to travel to Geneva and present their report; (ii) official representatives from developing countries, in particular least developed countries, to be a member of the troika; and (iii) preparation of the national reports (OHCHR, Voluntary Fund for Participation in the Universal Periodic Review, OHCHR, Geneva, 2 April 2008, available at http://www.ohchr.org/EN/HRBodies/UPR/Documents/NVVoluntaryTrustFundUPR.pdf).

83 The fund for the CSM of the Committee on World Food Security covers the cost of the Secretariat as well as several meetings of the different CSM stakeholders in advance of the annual review meetings (Bernstein, *supra* note 25: 34).

84 UN Economic Commission for Africa of ECOSOC, Strategies for Promoting Effective Participation in the African Peer Review Mechanism, E/ECA/CHDCS.3/5, UN Economic Commission for Africa, Addis Ababa, 14 April 2005: paras 17–18, available at http://www.sarpn.org/documents/d0001235/P1366-APRM_CHDCS3_April2005.pdf.

the other hand, the official funding source could co-opt the results. This illustrates the critical disjuncture, especially in resource-poor settings, between the importance of civil society participation and the ability to participate.

INTERACTION BETWEEN CITIZENS AND THE STATE

Sustainable development relies as strongly on the relationship between local government and domestic civil society as it does on intergovernmental accountability and collaboration. A global strategy — more specifically, a global accountability framework — requires an accurate and holistic assessment of the facts on the ground, as well as the cooperation of local partners in implementation. **Accordingly, at the same time as it establishes the Forum as the global centre of sustainable development, the post-2015 development agenda must also promote the principles of accountability at the domestic and local levels.**

According to Patrick Heller, "the missing link between representation and substantive outcomes is the nature of participation."[85] In other words, democratic governance and a vibrant civil society do not alone guarantee responsiveness. Accountability depends on the **interface between government and citizen**. The full spectrum of civil society must have both ample and meaningful opportunities to interact with the State.

The UNDP has already conducted extensive work on identifying and classifying domestic accountability mechanisms. Most significantly, the August 2010 Guidance Note entitled 'Fostering Social Accountability: From Principle to Practice', contains a 25-item "partial list" of "social accountability 'tools'", grouped into four categories: "Citizen Deliberation and Public Dialogue on policies", "Advocacy and voice", "Budgets and expenditures" and "Monitoring public services".[86] The full list will not be reprinted here, but the importance of this work to the post-2015 development agenda is clear. Mechanisms such as participatory budgeting[87] include citizens in decision-making processes. Study circles[88] and public workshops[89] can foster deliberation by engaging citizens, promoting association and raising the level of discourse on public issues. Opinion polling[90] and citizen auditing[91] can serve as indicators of government responsiveness. Finally, public hearings,[92] revenue monitoring[93] and budget analysis[94] can empower citizens to demand government transparency.

One essential precondition to domestic accountability is the establishment of **appropriate domestic legislative regimes**. For example, an important step towards safeguarding transparency is the adoption of effective Freedom of Information legislation. Ninety-six national regimes have adopted such measures,

85 Patrick Heller, Occasional Paper prepared for the UNDP, Challenges and Opportunities: Civil Society in a Globalizing World, UNDP, New York, June 2013, available at http://hdr.undp.org/sites/default/files/hdro_1306_heller.pdf.

86 UNDP, Fostering Social Accountability: From Principle to Practice, UNDP, New York, August 2010: 25–27, available at http://www.undp.org/content/dam/undp/library/Democratic%20Governance/OGC/dg-ogc-Fostering%20Social%20Accountability-Guidance%20Note.pdf.

87 "A process through which citizens participate directly in the different phases of budget formulation, decision making, and the monitoring of budget execution" (Ibid.: 27).

88 "A small group of people who meet over a period of time to learn about and deliberate on a critical public issue" (Ibid.: 25).

89 "A task-focused planning meeting that…brings together 60 to 80 people from all walks of life in one room or hundreds in parallel rooms… [P]eople discover their common ground through story-telling about their past, present and desired future. After this, concrete action plans are drawn up" (Ibid.: 25).

90 "A survey of public opinion from a particular sample…usually designed to represent the opinions of a population by conducting interviews using a series of questions and then extrapolating generalities" (Ibid.: 26).

91 "An information gathering process that collects evidence from citizens on the implementation of programmes and their impact. It can also help in gathering evidence about the abuse of authority (including during election monitoring)" (Ibid.: 27).

92 "Held by a public body (i.e. city councils, municipalities, planning commissions) either as part of its regular meetings or as a special meeting…to obtain public testimony or comment on an issue" (Ibid.: 25).

93 "Refers to the tracking and analysis of the type and amount of revenue that a government receives" (Ibid.: 26).

94 "A process where a wide range of stakeholders research, monitor, and disseminate information about public expenditure and investments. CSOs or other interested parties review budgets in order to assess whether allocations match the government's announced social commitments" (Ibid.).

including three in 2013 alone.[95] However, many NGOs are critical of the accompanying implementation policies.[96] Some have developed rational indicators to quantify the sufficiency of national regimes.[97] Legislative approaches vary widely, and NGOs with specialized knowledge and experience may be best equipped to assess the effectiveness of a given regime.

The nature of the interface between citizen and government can have a profound impact on sustainable development initiatives, and deserves critical reflection. Heller demonstrates this by juxtaposing the sustainable development record of three nations: Brazil, India and South Africa.[98] In Brazil, a supposedly 'porous' relationship between civil society and government is said to have led to the adoption of participatory budgeting schemes in over 400 cities, with statistics suggesting a resulting impact on poverty levels.[99] In India, such outcomes have been stymied by weak local government capacity and middle-class domination of civil society.[100] In South Africa, market-driven policies, privatization and outsourcing have led to a predominance of consultants over communities.[101]

95 See freedominfo.org, Sierra Leone Passes Freedom of Information Bill, Now 96, 30 (October 2013, http://www.freedominfo.org/2013/10/sierra-leone-passes-freedom-of-information-bill.

96 See, for example, article19.org, Concern over Mexican Constitutional Revisions on Right to Inform, 17 August 2013, http://www.article19.org/resources.php/resource/37219/en/concern-over-mexican-constitutional-revisions-on-right-to-information.

97 For example, Access Info Europe and the Centre for Law and Democracy have developed a system termed 'RTI (Right to Information) Rating', based on 61 indicators in seven categories: Right of Access, Scope, Requesting Procedures, Exceptions and Refusals, Appeals, Sanctions and Protections, Promotional Measures (rti-rating.org, http://www.rti-rating.org). Existing efforts have been characterized as a "patchwork of ratings and indices evaluating various aspects of government openness", concluding that "[t]here is no single rating that is both comprehensive and truly global." The 'RTI Rating' framework only evaluates each legal regime on its face, while other monitoring initiatives focus specifically on implementation. For example, a project launched by the Philippine Center for Investigative Journalism and the Southeast Asian Press Alliance involved local journalists asking government offices for 43 records, representing a wide range of information (Sheila S. Coronel, Measuring Openness: A survey of transparency ratings and the prospects for a global index, freedominfo.org, 30 October 2012, http://www.freedominfo.org/2012/10/measuring-openness-a-survey-of-transparency-ratings-and-the-prospects-for-a-global-index/).

98 Heller, *supra* note 85: 18–25.

99 Ibid.: 18–20. It should be noted that other very different accounts of Brazil's relationship with civil society have been given. See, for example, Global Witness, Deadly Environment: The Rise in Killings of Environmental and Land Defenders, Global Witness, Washington, DC, 2014, which describes Brazil as extremely dangerous for environmental NGOs and activists.

100 Ibid.: 21–22.

101 Ibid.: 25.

PART III

LINKING GLOBAL, REGIONAL AND NATIONAL PROCESSES TO CREATE AN INTEGRATED ACCOUNTABILITY FRAMEWORK

Useful lessons can be learned about how to develop an integrated accountability framework by examining the practices of existing monitoring and review systems. In particular, many current global and regional review mechanisms already attempt to integrate information into their processes drawn from national and local accountability initiatives. Typically, an **oversight and coordinating body** is established at national level for the purposes of coordinating the ongoing monitoring of a State's compliance with its commitments. For example, MESICIC uses an oversight body to monitor effective compliance with the provisions set out in the Organizations of American States' Inter-American Convention against Corruption.[102] Other systems, such as the CRPD and APRM, use national institutions for monitoring States' actions and the implementation of outcomes from the review. For example, the CPRD requires States to: (i) designate a focal point(s) within government for implementation; (ii) establish or designate a coordination mechanism within government to facilitate related action in different sectors and at different levels; and (iii) establish an independent framework, such as a national human rights institution (NHRI),[103] to promote and monitor

102 MESICIC Committee of Experts, Hemispheric Report: First Round of Review, MESICIC Committee of Experts, Washington, DC, 2006: 21, available at http://www.oas.org/juridico/english/mec_ron1_inf_hemis_en.pdf.

103 NHRIs, which are also used by the CRC and UPR: (i) monitor States' dissemination of information to all relevant actors on the recommendations of the review, support public awareness and by acting as a link between the international and regional systems and the national stakeholders; (ii) support and host follow-up meetings to the review with participation of Parliament, ministries and public authorities, and relevant civil society constituencies; (iii) monitor the implementation of the review's recommendations and provide guidance on possible courses of action; (iv) engage with Members of Parliament and ministries and other public authorities regarding the implementation of the recommendations from the review; and (v) galvanize civil society constituencies to follow up and monitor implementation of the recommendations (OHCHR, Information Note for National Human Rights Institutions on the 2nd Cycle of the Universal Periodic Review, OHCHR, Geneva, 2011, available at http://www.ohchr.org/Documents/HRBodies/UPR/InfoNoteNHRIUPR2ndCycle.pdf).

implementation of the CRPD.[104]

The APRM uses a system of National Focal Points (NFPs), which link the State and the APRM Continental Secretariat with National Governing Councils (NGCs).[105] The NFP appoints the NGC to carry out the day-to-day responsibility of managing the APRM process within the country.[106] Although participation of non-state actors in the NGC is not required, it was found in several African States that the lack of civil society representation in the NGC was a factor which adversely affecting the success of implementation of the APRM.[107] In Kenya, civil society groups were eventually included in the NGC after intense civil society lobbying and intervention by a member of the continental Panel of Eminent Persons.[108] Civil society achieved majority membership as a result, but not all civil society members were granted voting rights.[109] In Ghana, the outcry against the government's unilateral appointment of the NGC led to the establishment of criteria for selection of NGCs and subsequent workshops geared toward explaining the criteria to the wider population.[110]

To give another example of a useful integrating mechanism, several human rights treaty reporting procedures provide for the appointment of a rapporteur who engages in monitoring the implementation of the concluding observations by the State and reports to the relevant body the information received from the State on implementation of the follow-up recommendations or concluding observations.[111] Through missions as well as through dialogue with members of civil society, the rapporteur incorporates information from national and local accountability initiatives into its report.[112]

Information collected by such national coordinating bodies and by special rapporteurs could be used to supplement state reporting at the Forum; it could also reduce duplication of the State's effort and resources by enabling the State to use the information supplied to and received from the national bodies in preparation of its report and its presentation at the Forum. Moreover, broad-based citizen representation in the membership of national and regional coordinating bodies as well as citizen participation in national and regional review processes may empower broader civic participation at the Forum itself.

In addition to national coordinating bodies, **regional meetings and coordinating bodies** can play a significant role in ongoing monitoring. There are opportunities for such regional meetings to be coordinated by the Forum or by an affiliated body (e.g. the ECOSOC). For example, UNEP has emphasized the role

104 Committee on the Rights of Persons with Disabilities (CRPD Committee), United Nations Enable, http://www.un.org/disabilities/default.asp?id=228.

105 The NGC is chaired by a non-state functionary and is expected to ensure professionalism, credibility and independence of the process where the process is free from political manipulation. There have been criticisms that the locus of power and influence of the NGC is very much in the hands of its chairperson, who is in almost every instance appointed either by the NFP or the Head of Government (Bing-Pappoe, *supra* note 57). The structures of the NGCs vary among States. For example, a joint monitoring and evaluation entity called the APRM National Working Group was set up in Nigeria to oversee the implementation of the NPoA. Both CSOs and government officials were represented in the working group. Rwanda, on the other hand, set up the Economic Development and Poverty Reduction Strategy Sector Working Groups, made up of government officials, development partners, civil society and the private sector. These working groups seek to align and integrate the NPoA into the various sector programmes (UN Economic Commission for Africa of ECOSOC, APRM and the Quest for a Developmental State: the Role of Civil Society Organizations in implementing the National Programme of Action, E/ECA/CGPP/3/3, UN Economic Commission for Africa, Addis Ababa, 7 February 2013, available at http://www.uneca.org/sites/default/files/uploaded-documents/CGPP/background_docs/cgpp-3_aprm-parliamentary-english-final.pdf).

106 See Annex I, paragraph 5 of this report for details on the roles of NFP and NGC in the APRM process.

107 Ibid.

108 AfriMap, *supra* note 34: 11.

109 Ibid.

110 Eric Albert Opoku, Effective Stakeholder Participation in the APRM Process for the Promotion of Democratic Governance: A Case Study of Ghana, Open Society Initiative for Southern Africa, Johannesburg, December 2006, http://www.afrimap.org/english/images/documents/GhanaAPRM_opoku.pdf.

111 The Human Rights Committee, the Committee against Torture, the Committee on the Elimination of Discrimination against Women (CEDAW) and CRPD appoint rapporteurs to monitor the implementation of the follow-up to the recommendations or concluding observations. The Committee on the Elimination of Racial Discrimination (CERD), on the other hand, appoints a coordinator for a period of two years, who will work in cooperation with the country rapporteurs and presents the follow-up report to CERD at each session. See 25th Meeting of Chairpersons of the Human Rights Treaty Bodies, 24–28 June 2013, Other Activities of the Human Rights Treaty Bodies and Participation of Stakeholders in the Human Rights Treaty Body Process, HRI/MC/2013/3, UN Human Rights Committee, New York, 22 April 2013.

112 Ibid.

of regional meetings in preparation for the Global Major Groups and Stakeholders Forum (GMGSF), which feeds into the annual UNEP United Nations Environment Assembly (UNEA). UNEP's Regional Consultative Meetings (RCMs) "serve as opportunities for capacity building and networking for the Major Groups in the regions, as well as for the Regional Offices".[113] Each of the six regions holds a two- to three-day RCM to solicit feedback from around 300 CSO regional representatives on the issues that will be discussed at the next UNEA. RCMs are held three to four months prior to the GMGSF, and two representatives are elected at each meeting to participate in GMGSF and serve a one-year term as observers on the Major Groups Facilitating Committee.[114] The RCMs are also intended to result in timely contributions to the bi-annual Governing Council/Global Ministerial Environment Forum (GC/GMEF).[115]

Regional meetings are also sometimes independently convened and coordinated by NGO networks. Since 1998, European coalitions for children's rights have organized six regional meetings for NGOs focused on children's rights. Almost 70 representatives from 32 European countries participated in the last meeting in 2010, which was organized by the Italian NGO Group for the CRC.[116] While the outcome document notes that "[t]he core activity for all coalitions is…still the preparation of the 'supplementary' or 'alternative' report to the Committee",[117] much of the document deals with capacity-building, coordination and governance of European coalitions of children's rights NGOs.

We argue that the integration of different local, national and regional mechanisms into an integrated global accountability framework should be driven by the four principles discussed above — namely, **transparency**, **inclusiveness**, **deliberation** and **responsiveness**. In Annex III we provide an illustrative case study of an integrated accountability mechanism — namely, the Committee on World Food Security.

113 UNEP, Guidelines for Participation of Major Groups and Stakeholder in Policy Design at UNEP, *supra* note 29: para. 25.

114 UNEP, Major Groups and Stakeholders in The Regions, http://www.unep.org/civil-society/IntheRegions/RegionalConsultations/tabid/52196/Default.aspx.

115 UNEP, Guidelines for Participation of Major Groups and Stakeholder in Policy Design at UNEP, *supra* note 29: para. 25.

116 Gruppo CRC, 6th Regional Meeting of NGOs Children's Rights Coalitions in Europe, http://www.gruppocrc.net/articolo-about-us.

117 Gruppo CRC, Outcome Document, 6th Regional Meeting of NGOs, Florence, 20–22 October 2010, Gruppo CRC, Rome, 2010: 9, available at http://www.gruppocrc.net/IMG/pdf/6th_Regional_Meeting_Final.pdf.

PART IV

ICTs FOR ACCOUNTABILITY

In his 2013 report on advancing the MDGs, entitled 'A Life of Dignity for All', the UN Secretary-General urged the possibility of a "data revolution", with the aim of enabling countries to "strengthen existing data sources and develop new and participatory sources of information".[118] Molly Elgin-Cossart, Chief of Staff of the Secretariat of the High-Level Panel on the post-2015 development agenda, has identified "two related, overarching objectives" of this so-called data revolution.[119] The first is "improved evidence-based decision-making and policies". The second, even more closely related to UNDP's goal of promoting an accountability framework for the post-2015 development agenda, is "increased transparency and accountability". This Part of the report will explore the ways that one particular aspect of the data revolution — namely, information and communications technology (ICT) — may help to achieve this second objective, as well as the obstacles and criticisms raised by a technology-driven approach.

ICT includes basic internet resources such as websites, wikis, blogs and social media, as well as more elaborate internet-based tools such as interactive geo-mapping and data visualization.[120] It also includes mobile telephone technologies such as Short Message Service (SMS) and voice messaging, which may be

118 United Nations General Assembly, Report of the Secretary-General, A Life of Dignity for All, UN Doc A/68/202, United Nations, New York, 26 July 2013: 107.

119 Molly Elgin-Cossart, Better Together: A Partnership for the Data Revolution, Post2015.org, 14 November 2013, available at http://post2015.org/2013/11/14/better-together-a-partnership-for-the-data-revolution-part-i/.

120 See Renee Kuriyan et al., Technologies for Transparency and Accountability: Implications for ICT Policy and Implementation, World Bank Working Paper, World Bank, Washington, DC, 2011: 5, available at http://www.scribd.com/doc/75642405/Technologies-for-Transparency-and-Accountability-Implications-for-ICT-Policy-and-Recommendations.

more useful in reaching poor people in rural areas.[121] It is equally important to include radio and television within this category. Compared with more modern technology, radio is cheaper, more widely accessible and does not depend on general and technological literacy among its users.[122]

Applying the principles outlined in Part II, this Part explores some of the potential contributions of ICT approaches to domestic accountability. For a more detailed outline of some representative mechanisms, see Annex II of this report.

TRANSPARENCY

According to UNDP, 'home runs' are rare when it comes to ICT accountability mechanisms.[123] Particularly emblematic of this observation are those initiatives typically grouped under the heading 'e-information', which simply involve government provision to citizens of information concerning policies, budgets, laws, service provision and other government functions. For example, recovery.gov (United States) publishes information regarding the extent and recipients of federal stimulus spending. One particularly important e-information initiative is the implementation of an ICT interface to handle freedom of information requests. One such platform is Infomex (Mexico), which also keeps records of citizen requests, enabling users to analyse and publicize data concerning agency responsiveness.[124] Transparency is essential to accountability but is not sufficient on its own. To maximize impact, these initiatives must work in tandem with other accountability mechanisms such as elections or any of the more vanguard participatory initiatives described below.[125]

Some information-based initiatives stem from civil society enterprise rather than government largesse. For example, some organizations host websites designed to inform voters about candidates, such as Dinera y Politica (Argentina), which tracks campaign donations and financing.[126] After elections are over, initiatives such as Ushahidi (originating from Kenya) use geo-mapping to track, analyse and publicize election violence.[127] Programmes such as CIPER (Chile) and sithi.org (Cambodia) perform the same function in the context of crime and human rights abuses, respectively.[128] It is impossible here to account for the full extent of civil society-driven information-based initiatives, which range in subject from consumer rights and corruption to budget allocations and delivery on campaign promises.[129] One important phenomenon to flag is the use of 'crowd power' to generate information and raise awareness. For example, the website ipaidabribe.com (India) allows for the augmentation of datasets through the aggregation of user-provided data, though it may suffer from verifiability concerns.[130]

We recommend, as part of the post-2015 development agenda, that government and civil society should continue to collaborate and innovate to provide complete and unfettered access to the data citizens need to hold decision makers to account.

121 UNDP, *supra* note 62: 23.

122 International Telecommunications Union (ITU), ICT for Improving Information and Accountability for Women & Children's Health, ITU, Geneva, July 2013: 6, available at http://www.itu.int/en/ITU-D/ICT-Applications/Documents/CoIA%20Background%20ICT4RMNCH.pdf.

123 UNDP, *supra* note 62: 19.

124 Paloma Baena Olabe and Theodore Kahn, From Information to Participation: The Potential of New Technologies on Accountability Initiatives, Inter-American Development Bank, Washington, DC, May 2012: 17, available at http://www.iadb.org/wmsfiles/products/publications/documents/36815205.pdf. See Annex II of this report for details on these ICT mechanisms.

125 UNDP, *supra* note 62: 22, 25.

126 Ibid.: 24.

127 Kuriyan et al., *supra* note 120: 42.

128 Ibid.: 44–45.

129 UNDP, *supra* note 62: 24; Kuriyan, *supra* note 120: 35.

130 Kuriyan et al., *supra* note 120: 34.

INCLUSIVENESS

Opportunities for participation and citizen mobilization are often referred to as 'e-participation' or 'citizen to government' (C2G), defined as "interventions that build a society's ability to intervene".[131] One prominent model is digital budgeting. For example, d-Brain (Korea) encourages citizen participation in the budgeting process through online surveys, forums, bulletin boards and bidding functions accompanied by actual public hearings.[132] Blogging, citizen journalism and social media feature less prominently in the accountability literature but serve a related function by generating powerful new spaces for the organization and mobilization of citizens. One interesting case study is CGNet Swara (India), a platform for voicemail-based citizen journalism designed to circumvent barriers posed by text interfaces in the context of low literacy.[133]

As part of the post-2015 development agenda, governments should continue to seek new platforms to directly engage concerned citizens in decision-making processes.

DELIBERATION

At a basic level, ICT's effectiveness stems from its power in overcoming the communication and coordination problems inherent in mass interactions.[134] Mainstream social media, as well as specific platforms developed by civil society, allow citizens to overcome geographical and logistical barriers to communication and organization.[135] At the same time, ICT significantly reduces the costs of collecting and disseminating data.[136] The result of these two phenomena is not merely the acceleration of the transformation of data into information and into action but the transformation of the entire process into a "seamless, iterative cycle".[137] The great potential of internet-based ICT initiatives is their potential "virality",[138] especially feasible when emotional narratives can be crafted.[139] This can result in media attention and pressure being brought to bear on governments, but more importantly further participation by citizens in discourse, in promoting knowledge and awareness and in increasing their government's accountability.[140] Successful ICT accountability initiatives may pay iterative dividends. The notion of "technologically savvy civic participation" may engage and unleash the energies of a new class of participatory reformers, including "traditionally disenchanted younger generations".[141]

As part of the post-2015 development agenda, governments and civil society should continue to explore ways in which ICT can yield wider and more diverse participation in public discourse.

131 UNDP, *supra* note 62: 20.
132 Kuriyan et al., *supra* note 120: 37.
133 Ibid.: 46.
134 UNDP, *supra* note 62: 28.
135 Kuriyan et al., *supra* note 120: 51.
136 Olabe and Kahn, *supra* note 124: 5.
137 Kuriyan, *supra* note 120: 6.
138 Ibid.: 38.
139 Ibid.: 40.
140 Ibid.: 51.
141 Ibid.: 43.

RESPONSIVENESS

Variously referred to by the terms 'access to services', 'e-service delivery' or 'government to citizen' (G2C), one class of initiative uses ICT to streamline the provision of services to the population.[142] Most commonly, these mechanisms create intermediaries to channel non-emergency citizen complaints to the proper authorities. Internet-based examples include SeeClickFix (USA and Canada), FixMyStreet (UK) and 311 Online (US).[143] There are also SMS- and voice-based mechanisms, such as Darsaja (Tanzania), which focuses on water supply issues, and TXT CSC (Philippines), which enable citizens to report instances of corruption to an independent commission.[144] TRAC FM (Uganda) blends radio and SMS through interactive surveys and the solicitation of comments, which are funnelled to appropriate government institutions and officials.[145] These mechanisms may generate data probative of government responsiveness to basic citizen demands. E-service delivery may also prevent corruption by promoting automated processes over discretionary bureaucracy.[146]

Governments may also boost responsiveness by improving the quantity and quality of data on which decision makers rely. The terms 'e-governance' or 'government to government' (G2G) are used to describe "the use of ICT to improve e-administration by digitizing back-office functions and linking government institutions".[147] Such initiatives can be particularly useful in the health sector. Initiatives such as e-District Project (India), Mobile Birth Registration (Liberia) and MOVE-IT (Ghana) streamline birth and death registration processes, improving the accuracy of population statistics.[148] ChildCount+ (Cambodia) and Maternal Death Review Monitoring System (India) improve data on infant and maternal health problems to enable informed problem solving.[149] Finally, mTRAC (Uganda) allows the government to stay on top of disease surveillance and medicine stocks through periodic reports sent by computer or mobile phone.[150] E-governance not only makes governments more efficient and better informed, it also promotes accountability for corruption by generating 'digital footprints' valuable for auditing official behaviour.[151] E-governance may also prevent corruption *ex ante* by limiting opportunities for bureaucratic discretion and interference.[152]

As part of the post-2015 development agenda, governments should promote citizen feedback and reliable data to diagnose and respond more efficiently to their constituencies' most pressing needs.

142 UNDP, *supra* note 62: 20.

143 Kuriyan et al., *supra* note 120: 42.

144 Ibid.: 46.

145 UNDP, *supra* note 62: 27.

146 Åke Grönlund, Using ICT to Combat Corruption, in Cecilia Strand (ed.), Increasing Transparency & Fighting Corruption through ICT: Empowering People & Communities, Spider ICT, Stockholm, 2010: 12–13, available at http://spidercenter.org/polopoly_fs/1.163640.1390315885!/menu/standard/file/Spider%20ICT4D%20series%203%20Increasing%20transparency%20and%20fighting%20corruption%20through%20ICT.pdf.

147 UNDP, *supra* note 62: 20.

148 ITU, *supra* note 122: 8–9.

149 Ibid.: 11–12.

150 Ibid.: 16.

151 Grönlund, *supra* note 146: 3.

152 Ibid.

OBSTACLES AND CRITICISMS

Despite potential benefits, there is a "need for stronger evidence of the quantitative and qualitative effects" of ICT on accountability outcomes.[153] Generally speaking, the success of an ICT accountability mechanism depends on a variety of contextual preconditions, broadly stemming from the legal and political environment and the technological infrastructure available. On the politico-legal side of the equation, government cooperation — for example, allowing for access to social media and free flow of information — is a critical determining factor.[154] Even in non-repressive regimes, the government may be averse to ICT projects for a number of reasons. Resistance may stem merely from a discomfort with technology reflective of the 'generational divide'.[155] Senior staff may fear erosion of existing bureaucratic hierarchies stemming from the decentralization of information channels.[156] Less senior civil servants may fear circumvention of their role as direct intermediaries to the citizenry.[157] Civil servants who acquire new responsibilities as a result of the initiative may simply resent this increased workload.[158] Where, for any reason, a government develops animosity towards an initiative, it could find ways of censoring or blocking content or restricting access.[159]

Government interference need not be deliberate but, rather, may be a symptom of the initiative itself. E-governance and e-service delivery initiatives require implementation and maintenance, which may simply relocate official discretion and opportunities for corruption (e.g. outsourcing service contracts).[160] Furthermore, the success of ICT initiatives depends not only on the will of the governing class but also that of the citizenry.[161] Where, for example, the benefits of a given mechanism are not readily apparent, or government obstructionism poses formidable challenges, accountability mechanisms may generate the perverse results of fostering democratic disillusionment among a populace.[162]

Depending on the type of ICT used, a programme may require significant infrastructural preconditions, such as widespread broadband access and ownership of devices, cooperation from technology companies, and high levels of both general and digital literacy among the population.[163] A sufficient technological infrastructure must also include robust security protections, particularly where databases contain sensitive data and personal information.[164] A major issue that arises in the literature, beyond mere feasibility, is that of 'digital divide': ICT initiatives may often serve to further alienate the poorest and least connected citizens who are indeed most vulnerable to the challenges these projects seek to address.[165] To the extent that ICT mechanisms primarily engage educated, linked-in and politically active segments of

153 ITU, *supra* note 122: 48. The issue is complicated by the indirect relationship between information-based ICT projects and ultimate accountability. On the one hand, critics cannot simply point to a 'lack of teeth' to demonstrate the ineffectiveness of a particular campaign. A deeper contextual analysis with a much longer timescale is required. On the other hand, proponents cannot simply point to increased availability of information to demonstrate a campaign's effectiveness (UNDP, *supra* note 62: 20).

154 Kuriyan et al., *supra* note 120: 50; UNDP, Democratic Governance: Open Government and People's Participation, Issue Brief, UNDP, New York, October 2013: 1, available at http://www.undpegov.org/sites/undpegov.org/files/OGP-Issue-Brief-print.pdf.

155 UN-DESA, Division for Public Administration and Development Management, Concept Paper, Developing Capacity for Participatory Governance Through E-Participation: Engaging Citizens in Policy and Decision-Making Processes Using ICTs, UN-DESA, New York, 2013: 1, available at http://workspace.unpan.org/sites/internet/Documents/CONCEPT%20PAPER%20e-Participation%2001.30.13.pdf.

156 UNDP, *supra* note 62: 30.

157 Ibid.

158 Ibid.

159 Kuriyan et al., *supra* note 120: 41.

160 Grönlund, *supra* note 146: 13.

161 Kuriyan et al., *supra* note 120: 6.

162 UN-DESA, *supra* note 155: 8.

163 Kuriyan et al., *supra* note 120: 50.

164 ITU, *supra* note 122: 48.

165 Kuriyan et al., *supra* note 120: 39.

society, they may indeed "perpetuate a cycle of elitist participation, which really only benefits the upper and middle classes".[166]

Relevant capacity concerns extend beyond the realm of citizen connectivity. No matter how committed a government may be to freedom of information, the collection and collation of meaningful data requires significant resources that the State may not have at its disposal.[167] Civil society may bridge the gap, but this presupposes the existence of a robust and technologically sophisticated civil society, another precondition whose absence may undermine ICT initiatives.[168] In short, to meaningfully contribute to accountability outcomes, ICT may require sufficient technological capacity not only at the level of citizen connectivity but also at the levels of civil society and state infrastructure.

Beyond capacity issues, decentralizing access to information may lead to fragmentation of efforts. For example, developing countries are struggling to maintain national health care strategies amidst the "proliferation of fragmented eHealth pilot projects within their territories".[169] The International Telecommunications Union (ITU) recommends that developing States establish centralized governance bodies to create an integrated strategy on eHealth.[170] Such re-centralization, however, risks undermining the benefits of circumventing inefficient bureaucratic discretion and interference.

All of these concerns demonstrate the importance of intelligent project design[171] and caution against the wholesale adoption of ICTs as accountability-enhancing tools.

166 Ibid.

167 UNDP, *supra* note 154: 1.

168 Kuriyan et al., *supra* note 120: 38.

169 ITU, *supra* note 122: 26.

170 Ibid.: 39.

171 It is important to note that even well-intentioned ICT initiatives may generate unintended consequences. For example, Reclamos (Chile) was designed to provide an online space for consumer complaints but ultimately ended up becoming "one of the biggest user-generated content websites in Chile", now primarily used for citizen lobbying of the private sector (UNDP, *supra* note 62: 26).

PART V

RECOMMENDATIONS FOR A POST-2015 GLOBAL ACCOUNTABILITY FRAMEWORK: STRENGTHENING CIVIL SOCIETY PARTICIPATION

This Part of the report extracts from Parts III and IV above some of the most effective practices and tools for civil society participation, and proposes a set of recommendations to guide the creation of an integrated global accountability framework for the post-2015 development goals. Since the High-Level Political Forum is likely to be the apex of such a framework, it is important to keep some key features of the Forum in mind:

- **The voluntary nature of the Forum:** While Members States will be encouraged to report, the reviews, as currently conceived, are likely to be voluntary.[172] The Forum, therefore, needs to be mindful of the incentives for participation and to orient itself accordingly.
- **A State-led process:** The reviews in the Forum are apparently to be led by ministers and other relevant high-level stakeholders.[173] As a result, the focus will largely be on State-initiated actions and policies, making the buy-in of national governments all the more important.
- **Differentiated contexts:** Because the SDGs are envisioned to cover developing, developed and middle-income countries, the Forum processes should be adaptable to different countries, contexts and other circumstances that may arise.

All international review bodies that seek to meaningfully engage civil society face a major challenge in the insurmountable and significant distance between the

172 United Nations General Assembly, *supra* note 19: para. 8(a).

173 Ibid.: para. 8(b).

review body and civil society. These challenges are particularly pronounced for the Forum, as the distance between the reviewing body (here, at the highest level) and civil society groups, communities and individuals who are arguably most impacted by the post-2015 development agenda (those living in rural areas in developing and least developed countries) is especially great. This report's recommendations thus focus on the institutions, intermediaries and tools that are likely, to some degree, to shorten this distance.

While the specific format of the Forum has yet to be elaborated, it is likely that the principal opportunities for civil society participation will occur in the context of: (i) agenda setting; (ii) dialogue and deliberation; and (iii) ongoing monitoring and reporting. The recommendations below are organized according to the actors to which they are directed (States, the UN system, CSOs) and are followed by a proposed checklist designed to ensure that an integrated accountability mechanism respects the principles of transparency, inclusiveness, deliberation and responsiveness.

RECOMMENDATIONS FOR THE STATE

Awareness of a State's commitments is a necessary precondition for gathering stakeholder input during the agenda-setting stage. While civil society networks could, in theory, generate awareness and mobilize national and local CSOs, they often lack the resources and access to do so.

- Because the SDG commitments will be made at the state level, and it is the State that will be under review, **initial outreach efforts should be made by the State to establish channels for participation by civil society**. These efforts should include press conferences, media campaigns (via radio, TV, print, web, SMS, billboards etc.) and informational meetings with civil society representatives (CSOs, NGOS, local authorities etc.). The government could also provide funding to civil society groups to perform outreach, with the potential to combine awareness-raising events with capacity-building events.

Civil society participation in agenda setting can be very costly and logistically difficult, but the returns can be significant. Actively seeking broad-based participation in the preparation of a State's report serves the dual purpose of collecting information and generating awareness.

- To ensure meaningful participation of civil society in the assessment of a State's practices or performance under a set of commitments, **the State should be required to establish broad consultation processes** with the aim of engaging relevant and diverse constituencies.
- Particular effort should be made to **reach out to, facilitate and encourage the participation of the poorest and most marginalized groups**.
- **Ongoing dialogue between the State and its constituencies should be maintained throughout the process of review and follow-up.** Where feasible, active outreach programmes should be established, including for purposes of enabling citizens living in remote communities to participate in the reporting process.
- **Consultations and outreach must not be merely pro forma.** This includes the requirement that citizens have access to state data, reports and other relevant documents with sufficient advanced notice and in open and accessible formats to enable them to process and analyse materials independently. Documents that summarize the outcome of the reviews and outline state commitments need to be widely disseminated. The establishment of other **enabling conditions**, such as adequate resources and the capacity to evaluate State-provided information and the ability to challenge state information without the fear of repercussions, is also crucial.

When the issues and information under review are seen as relevant, the commitment of all stakeholders to take the review process seriously is enhanced.

- **States should solicit input from stakeholders through a predictable and transparent process early on** that establishes what information is most relevant to different constituencies and which issues should be addressed.

One of the biggest barriers to incentivizing stakeholder participation is the concern that stakeholder input may, ultimately, be meaningless. Stakeholders must know that their input will carry some weight and trigger a response from the State.

- Through a deliberative and iterative process, **state and non-state actors should provide feedback on implementation of the agenda** and, in response to the feedback, continually (re)frame the agenda to help determine how best to address the identified problems.

A comprehensive **data collection and analysis strategy** ensures a holistic and inclusive snapshot, capturing issues and needs at the grass-roots level in promoting evidence-based policymaking.

- **Information** provided to and reviewed by national and regional coordinating bodies (pursuant to various existing accountability mechanisms) **should be used to supplement, verify or challenge information provided by the State** for the Forum.
- Additionally, **States should consider engaging independent, third party entities** (e.g. research institutions, think tanks, and external statistical bureaus) **to collect quality data from relevant stakeholders**, and should ensure that these entities are capable of employing a range of traditional methods such as focus groups, town hall meetings as well as more advanced ICT technology tools such as online platforms, polling, data collection, crowdsourcing etc.
- The strategy for data collection and analysis devised at the global and national levels should ensure that **data concerning different levels of groups, particularly the most underrepresented and the most marginalized groups** are taken into account.
- Civil society should be engaged to determine what information is collected and which issues are examined.
- **Interim progress reports** provide an extra level of accountability and learning. These should be submitted by the State, as well as by CSOs or CSO networks. Relevant stakeholders should provide feedback for the State's submission, but it is important that independent perspectives be retained by the submission of independent reports.
- States **should establish a national online platform that provides public access to all state and third party submissions and data analysis** (as well as raw data) for the Forum. The final state report as well as any recommendations issued by the Forum should also be made available, and its submission should be publicized.
- **States should disseminate outcome documents to federal, state and local government agencies and bodies as well as to the general public** via hardcopy and through the State's web portal.

RECOMMENDATIONS FOR THE UN SYSTEM

- The **governing bodies of the High-Level Political Forum should work with the UN system to build the capacity of States and national CSOs** as well as to devise standards and conditions and set the indicators and methods for data collection.

Clear guidelines for stakeholder participation make the process more predictable and user-friendly and thus increase the likelihood that stakeholders will participate, making the review process and contribution from independent CSOs meaningful. Procedural transparency of CSO participation at both global and national levels promotes consistency and uniformity in all reviews before the Forum and, at the same time, ensures and mandates the inclusion of civil society's participation in the Forum review.

- The **guidelines for Forum and ECOSOC review processes need to expressly include provisions on civil society's participation**, thereby making CSO participation part of the review process.
- The **guidelines should clearly set out information at each stage of review at which relevant stakeholders can provide** input and how input will be factored into the process. Assistance with the participation process envisioned in such guidelines should be made readily available, whether via civil society members serving as preceptors, civil society networks, the internet or other media sources. Input and data should be drawn from free and independent sources.
- Civil society's views on how best to enhance the effectiveness of its participation should be given paramount attention. In this regard, **draft versions of guidelines should be released in advance and subject to notice and comment**, to ensure that civil society has the opportunity to give its feedback and recommendation on how its roles and participation would best enhance the achievements of the SDGs and state accountability at the global level (in the Forum) and at the national level.
- Providing formal opportunities and support structures for Major Groups and other stakeholders to have **meaningful and timely exchanges with UN senior officials and governance bodies** reduces the distance between high-level decision makers and civil society. These exchanges — whether in anticipation of the Forum or as pre- or inter-Forum meetings and in global, regional and national workshops — should be included in the official programme for the Forum whenever possible. The Forum should seek to orchestrate issue-specific opportunities for exchanges that cut across conventional lines (e.g. Major Groups or geographic regions).
- Stakeholder **reporting on Forum proceedings and national voluntary presentations**, with a particular emphasis on dialogue relevant to stakeholder input, promotes transparency and augments access to the public. While the UN already live-casts and live-blogs high-level meetings, the Forum should build and promote a platform that provides real-time coverage of official stakeholder meetings and side events. The Forum guidelines should establish reporting guidelines and procedures together with CSOs that leverage this platform.
- In seeking to ensure that CSO inputs are not diminished as a result of time constraints during the Forum and the dilution of views through the collective position formed by CSOs through the Major Groups**, representatives of the Major Groups should be allocated with sufficient time to adequately present a summary of issues raised by all participating CSOs and the manner in which decision was reached** in the concluding position of the Major Groups presented during the Forum. Similarly, at the national consultative events or workshops, the opportunity for individual views of CSOs should be included at least in the documents presented during the events to allow States to consider the comprehensive views and recommendations by CSOs.

The mere creation of formal opportunities for feedback and deliberation is insufficient to ensure **meaningful** contribution from all stakeholders. In addition to the passive virtue of receptivity, the UN must engage in the proactive work of **capacity-building**. Steps must be taken to ensure that representatives of the Major Groups have access to sufficient information and data to effectively scrutinize practices. This entails work that goes beyond the initial design and elaboration of intergovernmental frameworks and engages with affected populations on a continuous and ongoing basis.

- A **voluntary fund** allows representatives from **least developed and developing countries** to participate in Forum sessions and side events. It is important for the Forum's voluntary fund to be as expansive as possible, covering travel costs of representatives, preparation of national reports and data collection and analysis.
- In addition to making funds available for regional meetings, the **Forum should establish strong linkages with existing regional bodies and meetings**. Guidelines should clearly articulate how information and outcomes of regional meetings feed into the Forum. Funds should be provided for stakeholders to participate in these other forums.

Wide dissemination of the outcome document and other relevant documents promotes awareness and provides the opportunity to initiate dialogue. Efforts to share the lessons of the outcome document with the broadest possible range of stakeholders should be informed by existing information-based accountability mechanisms, whether ICT-based or not. As part of the post-2015 development goals, efforts should be made to promote access to information by addressing obstacles to information sharing, and tailoring efforts at information dissemination in ways that respond to the possibilities and limitations of varying contexts. The lessons learned from such initiatives should inform the UN's approach to disseminating outcome documents, yielding efficient and context-appropriate strategies.

- Although the Forum is voluntary, and recommendations arising from the Forum are non-binding, **the outcome document should serve as a guiding document for the State which civil society can use to measure and monitor the State's (continuous) performance towards achievement of the SDGs**. Immediately following the adoption of the outcome document, the Secretariat should make all relevant documents — including national reports, supplementary reports, recommendations, and observations — publicly available. This could be done at the UN-DESA's new website (http://webapps01.un.org/nvp/home.action). The requirement on States to disseminate the outcome document should be included in the concluding statement of each Forum review.

RECOMMENDATIONS FOR CIVIL SOCIETY

- CSOs should hold **national press conferences** and use other forums (blogs, op-eds, town hall meetings etc.) to present their views on the Forum proceedings and the outcome document. When choosing appropriate media outlets, CSOs could usefully consider the range of different actors they seek to influence, including legislators, politicians, the judiciary and different segments of the public.[174]

174 Amnesty International, How to Follow Up to Treaty Body Concluding Observations, http://www.amnesty.org/en/united-nations/treaty-bodies/role-of-civil-society/recommendations.

- CSOs should also provide **an unofficial translation** of the documents in the national language so that they reach a larger share of the public. Support should be provided to CSOs for the creation of platforms and other mechanisms for collecting, disseminating and sharing with the State and citizens information about the performance of state agencies.
- CSOs should leverage their participation by **implementing training and dissemination** programmes to help public officials and citizens understand the outcome document.[175] This includes identifying the offices or agencies responsible for overseeing implementation. CSOs should be encouraged to take on the function of collating the research generated by the Forum and **maintaining an online archive**, which would be made accessible to the public for information and resources relevant to national report and implementation of the outcome documents.
- CSOs should ensure that the information and analysis they provide is based on **independent and diverse sources**.

MONITORING INITIATIVES — A MULTI-ACTOR TASK

The follow-up monitoring of the implementation of the recommendations in the outcome document is most effectively done at the national level. Both governments and CSOs could, jointly or separately, develop monitoring initiatives using traditional or ICT tools to monitor the implementation of recommendations. CSOs' monitoring could further be enhanced with collaboration and assistance from the Forum or UN agencies. The progress of implementation by States of the recommendations could be monitored through ICT tracking tools and published on national as well as UN/Forum web-based platforms. Such ICT monitoring tools could be developed by the Forum for adoption by all States under review, with the necessary assistance and capacity provided to the State or national CSOs. The implementation of national monitoring initiatives should also be included in the State's interim progress report as well as any subsequent follow-up review on the State's performance towards the SDGs.

Strengthening linkages to other UN bodies, agencies and programmes not only helps to mainstream the development agenda but also facilitates the provision of **technical assistance**. States should be incentivized to utilize existing networks and programmes to access the technical expertise they require to fulfil their commitments.

ACCOUNTABILITY THROUGH PARTICIPATION CHECKLIST

Transparency

- Is there awareness of the State's SDG commitments?
- Are there procedures for stakeholder participation in independent data collection, analysis and reporting? Are they easy to understand? Are they widely available?
- Who collects and reports on the data? Who coordinates data collection and reporting?
- Are the data published in open and accessible formats?
- Are the issues and questions raised able to capture the demand for information?
- Does the information disclosed adequately address the issues such as to allow for informed decision-making?

175 MESICIC Hemispheric Report, *supra* note 102.

- Are stakeholders aware of the state submissions to the Forum as well as any other relevant documents? Do they have access to them?
- Are stakeholders aware of opportunities for observation and/or participation in Forum?
- Are there formal procedures for dialogue and participation? Are they easy to understand?
- Are stakeholders able to follow the proceedings of the Forum?
- Are stakeholders aware of the outcome document of the Forum?
- Are stakeholders aware of the commitments and the indicators against which the State's progress was measured?
- How does the State monitor and report on its progress? Is the information easy to understand?
- Is the outcome document easily accessible?
- Are stakeholders able to collect and submit information to the State for monitoring the State's progress? Are the procedures for submission easy to understand?

Inclusivity

- Who knows about the State's commitments? Who does not?
- Who knows about the procedures for participation? Who does not?
- Do all stakeholders have an avenue to participate? How might stakeholders — and particularly the most marginalized groups — best be reached? What arrangements have been put in place to foster inclusive participation?
- Who is aware of and has access to the submissions to the Forum? Who does not?
- Who knows about opportunities to participate in Forum? Who does not?
- Who attends the Forum? How are they chosen? Who does not attend? What are the barriers to participation? How are stakeholders reached?
- Who is aware of the outcome document? Who is not?
- Who is aware of the State's commitments and the indicators against which they were measured? Who is not?
- What resources are required for collecting and submitting information? Who has access to these resources? Who does not?
- Who is involved in the implementation of the State's commitments? Who is not?

Deliberation

- How do stakeholders communicate with other state and non-state stakeholders? Are there networks (local, national, and regional) within which they discuss and deliberate?
- Do they engage with decision makers (national and international)? Within the Forum?
- Are stakeholders able to observe the Forum sessions? To intervene? To make statements?
- How are stakeholders selected to participate in the Forum?
- Do they have sufficient time to present their views?
- Do Forum Members attend stakeholder side events?
- How are divergent stakeholder views represented?
- What entity is officially responsible for coordinating the State's implementation of the outcome document? How often does it report on the State's progress? How often does it solicit feedback?
- What other entities are involved (formally or informally) in monitoring the State's progress?

Responsiveness

- Are decisions made based on stakeholder input?
- How will States provide feedback to stakeholders on their inputs?
- How do stakeholder inputs influence Forum outcomes?
- Are stakeholder perspectives cited when adopted (or not adopted)?
- Which inputs receive a response? What kind of response(s)?
- Which input does not receive a response? Why not?
- What happens to the information submitted by non-state actors?
- What happens when the State falls short of the benchmarks established for its progress?
- How does the State address concerns raised by non-state actors?
- How does the State reconsider and reshape processes and goals in light of stakeholder feedback?

Conclusion

Taking the High-Level Political Forum as its focal point, this report has drawn on existing global and domestic practices to suggest a range of ways to promote accountability and to propose some ideas for the design of an integrated accountability framework for the post-2015 development agenda. However, some of the strategies, intermediaries and tools discussed in this report are likely to test the limits of the Forum format. For example, any discussion of effective civil society participation in an international review mechanism presupposes a working relationship between a robust and independent civil society and the government. Likewise, any discussion of the effective utilization of ICT tools presupposes access to ICT. For many developing and least developed States, these two preconditions are lacking, sometimes severely. As a State-centred, non-binding mechanism, the Forum cannot cure these deficits; States themselves have to undertake the work required. What the Forum can do, however, is to increase the number, quality and impact of opportunities for civil society participation. Only through such participation can the Forum be truly global, not only in its implications but in its process.

However, selecting among the various accountability tools, whether traditional or ICT-based, is necessarily a context-specific process. Given the plurality of governance structures and citizen needs among nations, there can be no one-size-fits-all prescription for promoting domestic accountability worldwide. Nevertheless, steps must be taken under the auspices of the post-2015 development agenda to create opportunities for growth and innovation.

Finally, **we recommend that, as part of the post-2015 agenda, the UN should engage in proactive, context-specific efforts to recognize and address the opportunities for and the barriers to domestic accountability**. This work should include: (i) scrutinizing domestic legislative frameworks; (ii) empowering state and non-state stakeholders through open access to data and information; (iii) identifying and addressing technological preconditions and the digital divide; (iv) encouraging empirical study of the impact of various initiatives across contexts; and (v) fostering partnerships with both domestic civil society and ICT innovators.

ANNEX I

PEER REVIEW MECHANISMS AND PROCESSES

OECD DEVELOPMENT ASSISTANCE COMMITTEE (DAC) PEER REVIEW

The DAC[176] is a forum of bilateral donors who come together "to exchange experience and to address issues of common interest or concern".[177] The DAC reviews the development cooperation efforts and humanitarian assistance activities of each DAC member **every four to five years**, with the objective of improving the quality and effectiveness of development cooperation policies and systems, and to promote good development partnerships for better impact on poverty reduction and sustainable development in developing countries.[178] All DAC members are obliged to undergo DAC review and to serve as reviewers of other members.[179] A non-DAC member donor may participate as an observer in the review process with the prior agreement of the reviewed member and the examiners and with prior notification given to DAC.[180]

The OECD Secretariat designates five members to be reviewed and 10 members to serve as examiners each year. Factors such as size, complexity, language and

176 For a list of the 29 DAC Member States, see OECD, Development Co-operation Directorate (DCD-DAC): DAC Members, http://www.oecd.org/dac/dacmembers.htm#members.

177 OECD, DAC Information Note on the Peer Review Process for Peer Review Participants, OECD, http://www.oecd.org/site/peerreview/dacinformationnoteonthepeerreviewprocessforpeerreviewparticipants.htm.

178 OECD, DAC Peer Review Reference Guide, DCD/DAC(2013)19, OECD, Paris, 6 May 2013, available at http://www.oecd.org/dac/peer-reviews/DAC(2013)19_1.pdf.

179 OECD, *supra* note 69. The review is also open to non-DAC Member States subject to approval of DAC.

180 For guidelines on participation by observers in DAC review, see OECD, The Participation of Observers in DAC Peer and Special Reviews, DCD/DAC(2013)34, OECD, Paris, 24 October 2013, available at http://search.oecd.org/officialdocuments/publicdisplaydocumentpdf/?cote=DCD/DAC(2013)34&docLanguage=En.

geography of the development cooperation programmes are taken into account in matching examiners to each review.[181] Each review team consists of up to **two DAC members** serving as examiners and **three to four OECD Secretariat staff members**, including a humanitarian assistance expert (Review Team).[182]

The DAC review process is conducted in five stages over a period of six months:[183]

1. **Preparation and planning:** The reviewed member submits a **country memorandum**[184] and an annual statistical report, along with any supplemental materials (e.g. country strategies, country agreements, regular reports, evaluation reports, financial report summaries etc.), to the Secretariat. These documents are subsequently published on the OECD On-Line Information System (OLIS).
2. **Fact-finding, analysis and report writing:** The Secretariat undertakes **fact-finding missions** to the reviewed member's capital or headquarters of the national aid agency (capital mission) and to an aid-recipient country (field mission).[185] Even though there is no formal process for the involvement of civil society in the DAC review process, **civil society participation** is present in these missions where the Review Team has the opportunity **to engage with key stakeholders** in face-to-face meetings and collect information that would not otherwise be readily available (e.g. first-hand accounts from stakeholders). The Secretariat then draws on the findings from the memorandum and the missions, along with information from other sources (e.g. **key written documents, evaluations, audits, think tanks and media, NGOs** etc.) to produce a draft of the Secretariat report. A draft of the Secretariat report is then shared in advance with the examiners for comments and reviewed member for factual checking before posting on OLIS three to four weeks before the review meeting.[186]
3. **Peer review meeting:** The peer review meeting is conducted over a one-day event at OECD's Paris headquarters, attended by DAC members (but not including civil society participation), at which the examiners present the Review Team's findings and recommendations. The reviewed member is given an opportunity to present its response to the Secretariat's report, and to engage in a debate with DAC members. While the examiners take the lead, other DAC members are able to raise questions, offer comments and draw on their own experience in the course of the debate in the interest of mutual learning.
4. **Approval and publication:** The morning after the peer review meeting, an editorial session takes place, with comments from DAC members incorporated into the Main Findings and Recommendations for final approval by DAC members. The final form of the Main Findings and Recommendations and the Secretariat's report will then be posted on OLIS three days later. Four weeks after the meeting, the complete report will be launched at the reviewed member's capital through a press conference by the reviewed member together with the DAC Chair or the Secretariat to increase awareness and promote accountability of the reviewed member domestically. The

181 OECD, *supra* note 69: para. 5.

182 Ibid.; para. 8.

183 Ibid.: paras 10–25; See also OECD, *supra* note 177.

184 The memorandum must adhere to the guidelines in the DAC Peer Review Reference Guide, which focuses on seven dimensions: (i) towards a comprehensive development effort; (ii) policy vision and strategic orientations; (iii) ODA allocations; (iv) organization fit for delivering the development cooperation programme effectively; (v) delivery modalities and partnerships help deliver quality aid; (vi) results, transparency and accountability; and (vii) humanitarian assistance. See OECD, *supra* note 178: para. 16.

185 The capital mission constitutes mainly a fact-finding mission, while the field mission to the countries selected by the reviewed member is intended to allow the Review Team to gain an understanding of the way in which policies and implementation is carried out in the field and focuses on generic or system issues that are representative of the reviewed member's development cooperation. Both missions are arranged by the reviewed member.

186 The Main Findings and Recommendations are only posted on OLIS two weeks before the peer review meeting.

complete report will be placed on DAC's website along with a press advisory and subsequently published through the OECD iLibrary.

5. **Follow-up:** The DAC Chair, often accompanied by the Secretariat, carries out a **mid-term review** by visiting the capital of the reviewed member within 12 to 18 months after the review meeting to discuss implementation of the recommendations made by the DAC. Prior to the visit, the reviewed State provides relevant information on actions taken, or planned, based on the recommendations given during the review. Following the visit, a report is submitted to the committee.

UN UNIVERSAL PERIODIC REVIEW (UPR)

The UPR is a State-driven process under the auspices of the UN Human Rights Council (Council), which involves a review of the human rights records of all UN Member States with the ultimate aim of improving the human rights situation and addressing human rights violations as well as providing technical assistance to States to deal effectively with human rights challenges and to share best practices in the field of human rights among States and other stakeholders.[187]

All UN Member States are reviewed **every four years**. The UPR is in its second review cycle, with 42 States being reviewed over three UPR Working Group[188] sessions held in Geneva each year. Each state review is allotted three and a half hours in the form of an interactive dialogue[189] whereby three States, known as 'troikas', are selected to serve as rapporteurs for the particular state review.[190]

The UPR is based on three documents: a **national report** prepared by the State under review, a **compilation of UN information** on the State under review prepared by the OHCHR, and **a summary report prepared by OHCHR of information submitted by other relevant stakeholders**[191] (including NHRIs and NGOs).[192]

During the review sessions at the UPR Working Group, the troikas will take the lead, and any UN Member State can pose questions and make comments and/or recommendations to the State under review. Following the review, an outcome report is issued which provides a summary of the actual discussion containing questions, comments and recommendations. The reviewed State has the opportunity to make preliminary comments on the recommendations and choose to either accept or note them. The report then has to be adopted at a plenary session of the Council where the State under review can reply to questions and issues that were not sufficiently addressed during the UPR Working Group session and respond to recommendations that were raised by States during the review.[193] The UPR imposes States with the primary responsibility to implement the recommendations contained in the final outcome report of the previous cycle of the UPR. States are required to **report on their implementation** of recommendations that it accepted in the

187 OHCHR, Basic Facts About the UPR, Office of the U.N. High Comm'r for Hum. Rts. [OHCHR], http://www.ohchr.org/EN/HRBodies/UPR/Pages/BasicFacts.aspx.

188 The UPR Working Group consists of the 47 members of the Council.

189 OHCHR, Information and Guidelines for Relevant Stakeholders on the Universal Periodic Review Mechanism, OHCHR, Geneva, 2008, http://www.ohchr.org/EN/HRBodies/UPR/Documents/TechnicalGuideEN.pdf.

190 The selection of the troikas for each state under review is carried out through a drawing of lots following elections for the Council membership in the UN General Assembly.

191 Stakeholders are encouraged to provide submissions that fulfill the following characteristics: (i) Specifically tailored for the UPR; (ii) Contain credible and reliable information on the state under review; (iii) Highlight the main issues of concern and identify possible recommendations and/or best practices; (iv) Cover a maximum four-year time period; (v) Do not contain language manifestly abusive; (vi) Are no longer than five pages in the case of individual submissions, to which additional documentation can be annexed for reference. Submissions by large coalitions of stakeholders can be up to ten pages. Stakeholders are also encouraged to coordinate submissions and submit jointly (OHCHR, *supra* note 189: paras 9–13).

192 OHCHR, Universal Periodic Review: A Practical Guide for Civil Society, OHCHR, Geneva, July 2014: 2, available at http://www.ohchr.org/EN/HRBodies/UPR/Documents/PracticalGuideCivilSociety.pdf.

193 OHCHR, Basic Facts about the UPR, http://www.ohchr.org/EN/HRBodies/UPR/Pages/BasicFacts.aspx.

previous cycle **at the next review session**. At that time, States also report on achievements made and outstanding challenges and difficulties they face in advancing the human rights situation.

The UPR process provides for the participation of all "other relevant stakeholders" (which includes civil society and NHRIs) through three avenues. First, civil society actors and NHRIs can **submit information** on the State's UPR as well as on its follow-up to recommendations in the preceding review, which can be added to the 'other stakeholders' report which is considered during the review.[194] Second, other relevant stakeholders **may attend the review** in the UPR Working Group session, while not taking active part in the interactive dialogue.[195] Third, before the adoption of the outcome by the plenary of the Council, other relevant stakeholders will have the opportunity **to make general comments before the adoption of the outcome** by the plenary.[196] To promote participation by other stakeholders in the UPR, in 2008 the Council established the Voluntary Trust Fund for Participation in the UPR Mechanism to provide funding *inter alia* for official representatives from developing countries, in particular least developed countries, to travel to Geneva and present their report.[197]

The Council also encourages States to prepare the national report through a "**broad consultation process at the national level** with all relevant stakeholders"[198] and to implement the outcome of the review under a collaborative effort with the other relevant stakeholders.[199] While civil society participation in the UPR process at the national level is recognized as a key step in the process, there is no requirement for how they should be run or indicators for measuring their success in engaging civil society.

STATE REPORTING UNDER THE CONVENTION ON THE RIGHTS OF THE CHILD (CRC)

All States parties to the CRC are obliged to submit to the CRC Committee[200] **initial reports** on the implementation **within two years** of its entry into the CRC and thereafter, **periodic reports every five years**.[201] The state reports would provide information on "factors and difficulties encountered", "progress achieved", "implementation priorities" and "specific goals" for the future.[202]

The CRC Committee conducts the examination of state reports in one day (two meetings of three hours each) over three sessions held per year in Geneva.[203] An average of nine States are invited to present their reports at each session.[204] There are three stages to the state reporting, all of which include civil society's participation.

194 Human Rights Council Resolution 5/1, *supra* note 45: para. 15(c).

195 Ibid.: para. 18(c).

196 Ibid.: paras 29, 31.

197 The Voluntary Trust Fund for Participation in the UPR Mechanism also covers expenses relating to official representatives from developing countries, in particular least developed countries, to be a member of the troika, and preparation of the national reports (OHCHR, Voluntary Fund for Participation in the Universal Periodic Review, OHCHR, Geneva, 2 April 2008, available at http://www.ohchr.org/EN/HRBodies/UPR/Documents/NVVoluntaryTrustFundUPR.pdf).

198 Human Rights Council Resolution 5/1, *supra* note 45: para. 15(a).

199 Ibid.: para. 33.

200 The CRC Committee comprises 18 independent experts, who are each elected for a term of four years by States parties in accordance with Article 43 of the CRC. Members serve in their personal capacity and may be re-elected if nominated. See OHCHR, Committee on the Rights of the Child: Membership, http://www.ohchr.org/EN/HRBodies/CRC/Pages/Membership.aspx.

201 OHCHR, Convention on the Rights of the Child, art. 44(1), 1577 UNTS 3, OHCHR, Geneva, 2 September 1990.

202 CRC Committee, Overview of the Reporting Methods, para. 4, CRC/C/33, OHCHR, Geneva, 24 October 1994, available at http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G94/195/85/PDF/G9419585.pdf?OpenElement. States' reports should follow the guidelines for CRC reporting, which outline eight rights clusters: general measures of implementation, definition of the child, general principles, civil rights and freedoms, family environment and alternative care, basic health and welfare, education, leisure and cultural activities, and special protection measures. See CRC Committee, Treaty-specific Guidelines Regarding the Form and Content of Periodic Reports to be Submitted by States Parties Under Article 4, Paragraph 1(b), of the Convention on the Rights of the Child, CRC/C/58/Rev.2, OHCHR, Geneva, 23 November 2010.

203 OHCHR, Committee on the Rights of the Child: Monitoring Children's Rights, http://www.ohchr.org/EN/HRBodies/CRC/Pages/CRCIntro.aspx.

204 OHCHR, Committee on the Rights of the Child: Working Methods, http://www.ohchr.org/EN/HRBodies/CRC/Pages/WorkingMethods.aspx#a2.

1. **Pre-sessional working group meeting:** Prior to the CRC Committee meeting at which the state report is reviewed, a pre-sessional working group meeting is held to formulate a 'list of issues' which forms the basis of the priorities for discussion of the state report. In preparation for the pre-sessional working group meeting, the Secretariat prepares country-specific information compiled from UN bodies and agencies, NGOs and other competent bodies (such as NHRIs and youth organizations) for the pre-sessional working group. In this regard, civil society's participation assists the Secretariat in the formulation of the list of issues of the State under review, whereby individual NGOs or national coalitions or committees of NGOs may submit information to the Secretariat at least two months prior to the beginning of the pre-sessional working group meeting.[205] Based on the written information submitted, invitations are extended to selected NGOs to participate in a private meeting with the pre-sessional working group.

   Governments are required to respond in writing to the questions raised in the list of issues and submit any additional or updated information requested prior to the review session. This gives advance notice to the government to promote efficiency in dialogue during the review session and also provides an opportunity to consider questions relating to technical assistance and international cooperation.[206]

2. **Presentation of the report:** The reviews are conducted in open and public meetings of the CRC Committee attended by state representatives, relevant UN bodies and agencies, journalists, representatives of NGOs and any interested individuals.[207] **Two CRC members** will act as 'country rapporteurs' to lead the discussions during the review.

   The state delegation makes a brief introductory statement before the interactive dialogue begins. The country rapporteurs provides a brief overview of the state of children's rights in the concerned State party, and then CRC Committee members ask questions or make comments to which the state delegation may respond. Towards the end of the discussion, the country rapporteurs summarize their observations and may also make suggestions and recommendations. The presentation concludes with the state delegation making a final statement.[208]

   After the meeting the CRC Committee will, in a closed meeting, agree on written concluding observations, which usually contain the following aspects: introduction; positive aspects (including progress achieved); factors and difficulties impeding the implementation; principal subjects for concern; and suggestions and recommendations addressed to the State.[209] The concluding observations are made public on the last day of session during the adoption of the session report, by being posted on the OHCHR website. Once adopted, they are made available to the State and included in the CRC Committee's sessional and annual reports submitted to the UN General Assembly, through ECOSOC, every two years.[210]

205 NGOs can indicate if they wish the CRC Committee to keep their information or its source confidential (CRC, Guidelines For the Participation of Partners (NGOs and Individual Experts) in the Pre-Sessional Working Group of the Committee on the Rights of the Child, CRC/C/90, , OHCHR, Geneva, 7 December 1999: Annex VIII, available at http://www.ohchr.org/Documents/HRBodies/CRC/GuidelinesForPartners_en.pdf).

206 CRC Committee, Overview of the Reporting Methods, *supra* note 202.

207 Ibid.: para. 14.

208 Ibid.: para. 18.

209 Ibid.: para. 19.

210 Ibid.: para. 21. See also CRC, *supra* note 224, art 44(5)

3. **Follow-up to concluding observations:** States are required to **make the concluding observations widely available** domestically[211] and **provide written information on the follow-up measures** taken to address the issues of concern identified in the previous concluding observations in their periodic reports or during the constructive dialogue.[212] This obligation is explicitly spelled out in the concluding observations. The concluding observations are also disseminated to all relevant UN bodies and agencies and other competent bodies which might serve as a basis for discussions on international cooperation.[213]

STATE REPORTING UNDER THE CONVENTION ON RIGHTS OF PERSONS WITH DISABILITIES (CRPD)

States parties to the CRPD are obliged to submit to the CRPD Committee[214] on its national implementation of the rights enshrined in the CRPD **within two years** of its ratification of the CRPD and then **every four years**.[215]

State reports are publicly examined at CRPD Committee sessions, which are held twice per year in Geneva.[216] UN bodies and agencies and **all relevant stakeholders may attend**, including representatives of organizations of persons with disabilities, persons with disabilities and their families and other interested parties.[217] **Two members of the CRPD Committee** will act as country rapporteur on the review of each state report. Prior to the review meeting, the country rapporteurs will prepare a draft **list of issues** on the State's report.[218]

State reports will need to contain information specific to the implementation of the CRPD and provide information on follow-up measures taken in response to the CRPD Committee's previous concluding observations, focusing on: (i) the implementation of recommendations from previous reports; (ii) an "an analytical and result-oriented examination by the State Party" on additional steps towards implementation; and (iii) remaining or emerging obstacles to the full realization of the CRPD, as well as possible measures to overcome these obstacles.[219]

NHRIs and NGOs (international, regional, national, local) of persons with different disabilities have the opportunity to contribute to the review process by submitting information to the CRPD Committee. In the case of NHRIs, the CRPD Committee may designate focal points to foster the interaction with these entities, and in the case of NGOs information can be submitted by NGO coalitions or committees. DPOs can submit a suggested list of issues directly to the Committee and request a meeting to make an oral presentation of

211 OHCHR, *supra* note 201, art. 44(6).

212 Twenty-Fifth Meeting of Chairpersons of the Human Rights Treaty Bodies, Geneva, Switzerland, 24–28 June 2013, Other Activities of the Human Rights Treaty Bodies and Participation of Stakeholders in the Human Rights Treaty Body Process, UN Doc. HRI/MC/2013/3, 22 April 2013.

213 CRC Committee, Overview of the Reporting Methods, *supra* note 202: para. 25.

214 The CRPD Committee comprises 18 independent experts who are elected for a term of four years by States parties at the Conference of the States Parties. Members serve in their personal capacity and may be re-elected if nominated. See OHCHR, Elected Members of the Committee on the Rights of Persons with Disabilities, http://www.ohchr.org/EN/HRBodies/CRPD/Pages/Membership.aspx.

215 CRPD Committee, Working Methods of the Committee on the Rights of Persons with Disabilities, CRPD/C/5/4, OHCHR, Geneva, 2 September 2011: art. 3, available at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD/C/5/4&Lang=en (hereinafter CRPD Working Methods). The state report must follow the reporting guidelines. See CRPD Committee, Guidelines on Treaty-Specific Document to be Submitted by States Parties Under Article 35, Paragraph 1, of the Convention on the Rights of Persons with Disabilities, CRPD/C/2/3, OHCHR, Geneva, 18 November 2009, available at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2f2%2f3&Lang=en (hereinafter CRPD Reporting Guidelines); OHCHR, CRPD Committee: Questions and Answers, http://www.ohchr.org/EN/HRBodies/CRPD/Pages/QuestionsAnswers.aspx.

216 Ibid.

217 CRPD Working Methods, *supra* note 215: art. 3.

218 Ibid.: art. 11.

219 CRPD Reporting Guidelines, *supra* note 215: § A.5.3.

no more than 15 minutes to the CRPD Committee.[220] Based on the information received from the relevant stakeholders, the Secretariat will prepare a country file on each reporting State party, including country-specific information provided by specialized UN agencies.[221]

In this regard, the CRPD prescribes a process similar to that of the CRC, albeit with certain significant alterations. For the CRPD, while CSOs are invited to participate in generating the list of issues, their participation takes only the form of written submissions. There is no analogue to the CRC's Pre-Sessional Working Group at the CRPD Committee.

The review sessions on the state reports entail a constructive dialogue, with questions posed or comments made by the CRPD Committee to the State. NGOs that have submitted information are able to obtain accreditation to participate in the sessions and are able to make oral presentation to the CRPD Committee.[222] Although the presentation of the reports is public, NGOs may also request a private meeting and may also organize side events during sessions to provide further information to the CRPD Committee members.[223]

Following the review session, the CRPD Committee prepares the concluding observations comprising sections on introduction; positive aspects; factors and difficulties that impede the implementation of the CRPD; principal topics of concern; and suggestions and recommendations.[224] The adopted concluding observations will be transmitted to the State and made public on the last day of the session at which they were adopted, by being posted on the OHCHR website; they are also included in CRPD Committee's sessional and annual reports to the UN General Assembly through ECOSOC.[225] The concluding observations will also be made available to the UN bodies and agencies concerned and other competent organizations that wish to extend international cooperation.[226]

In following up on the implementation of the recommendations in the concluding observations, the CRPD uses national institutions to monitor States' actions and implementation of the recommendations in the concluding observations.[227] The CRPD Committee may appoint one of its members to serve as rapporteur to monitor the follow-up by the State. The rapporteur will establish a deadline not exceeding 12 months for the State to provide written information on the implementation of the recommendations in the concluding observations, whereupon the follow-up rapporteur will submit a follow-up report to the CRPD Committee within two months from receipt of information from the State.[228] The CRPD Committee members may also visit States, at the invitation of the government, with the aim of promoting the implementation of the CRPD.[229]

220 Presentations should focus on specific articles of the CRPD and incorporate the perspective of gender, age or other causes that affect persons with disabilities. Unless otherwise noted, DPO presentations before the CRPD Committee are public.

221 CRPD Working Methods, *supra* note 215: arts 22, 43.

222 Ibid.: arts 46, 48–49.

223 Ibid.: arts 51, 53.

224 Ibid.: art. 14.

225 Ibid.: art. 17.

226 Ibid.: arts 18, 77.

227 OHCHR, From Exclusion to Equality: Realizing the Rights of Persons with Disabilities, OHCHR, Geneva, 2007: 29–30, available at http://www.un.org/disabilities/default.asp?id=228.

228 CRPD Working Methods, *supra* note 215: arts 21–22.

229 Ibid.: art. 78.

AFRICAN PEER REVIEW MECHANISM (APRM)

The APRM was established in 2003 by the AU in the framework of the implementation of the NEPAD. The APRM entails periodic reviews of the policies and practices of participating States to ascertain progress being made towards achieving mutually agreed goals and compliance with agreed political, economic and corporate governance values, codes and standards as outlined in the Declaration on Democracy, Political, Economic and Corporate Governance.[230]

Membership of the APRM is voluntary and open to all AU Member States. The process of accession usually starts with a State's expression of interest to become a member of the APRM, which is then followed by the signing of a Memorandum of Understanding between the State and the APRM Forum at any of the biannual AU/APRM summits.[231] Upon becoming a member to the APRM, a State is subject to a base review **within 18 months** and then periodic reviews **every two to four years**. A typical review mission may take up to **two and a half to three weeks**, excluding the preparatory team meetings and the writing of the Country Review Report.

Actors

There are two levels of actors under the APRM — namely, at the continental level and at the national level. Three main bodies exist at the continental level.[232] The **APR Forum** is the highest decision-making authority of the APRM, comprising the Committee of Participating Heads of States and Government of the AU Member States that have acceded to the APRM. The **APR Panel** comprises five to seven eminent persons who are "Africans who have distinguished themselves in careers that are relevant to the work of APRM".[233] They exercise oversight of the APRM process, review members' reports and make recommendations to the APR Forum. The **APR Secretariat** provides technical, coordinating and administrative support services to the APRM. The **APR Team** is the country review team, which visits the country to review progress with the State's National Programme of Action (NPoA) and produces the APRM report on the State.

At the national level, States will put in place relevant national structures, which involves the participation of civil society to facilitate the effective implementation of the APRM. Typically, States have designated the following structure for the APRM:[234]

- a **National Focal Point** — a serving minister of the State — links the State and the APRM Continental Secretariat and the **National Commission/National Governing Council (NGC).** The National Focal Point appoints the NGC to carry out the day-to-day responsibility of managing the APRM process within the country. The NGC monitors the national implementation of the NPoA and prepares a six-monthly Progress Report and an Annual Progress Report for the APR Forum.[235] The NGC is autonomous from the government, and its membership comprises both state and non-state actors, including representatives of ministries, civil society, parliament, media, the private sector,

230 NEPAD, The African Peer Review Mechanism, NEPAD, Midrand, South Africa, 16 September 2003, available at http://aprm-au.org/sites/default/files/aprm_base_0.pdf.

231 Ibid.

232 APRM, Management Structure, http://aprm-au.org/management-structure; NEPAD, African Peer Review Mechanism: Organisation and Processes, NEPAD/HGSIC-3-2003./APRM/Guideline/O&P, NEPAD, Midrand, South Africa, 9 March 2003: para. 1.1, available at http://aprm-au.org/sites/default/files/aprm_onp_0.pdf.

233 APRM, APR Panel of Eminent Persons, http://aprm-au.org/apr-panel-eminent-persons.

234 APRM, The APRM National Structure, http://aprm-au.org/aprm-national-structure.

235 APRM, About APRM, http://aprm-au.org/about-aprm.

youth, women groups, persons with disabilities, marginalized groups, rural populations etc.;[236]

- a **National APR Secretariat** is established outside the government structure and supported by an independent budget. It reports to and provides technical and administrative support to the NGC; and
- **Technical Research Institutions (TRIs)** are appointed by the NGC to execute the APRM questionnaire, collate data and analyse and present the views of the general population.

Review process

The APRM follows a five-stage review process.[237] The time line for the review process varies considerably from country to country, but the estimated duration of each peer review from the start of Stage One and the end of Stage Four is between six and nine months.[238]

Stage One involves the preparatory process where the State submits to the APR Secretariat a completed **self-assessment questionnaire** (prepared by the APR Secretariat) on the four areas of the APRM (namely, Democracy and Political Governance, Economic Governance and Management, Corporate Governance, and Socio-Economic Development) and formulates a preliminary NPoA building on existing policies, programmes and projects. In completing the self-assessment questionnaire, States will conduct national consultations and nationwide validation exercises to validate the information contained in the questionnaire, which often involves civil society's input. The APRM does not prescribe how these events should be carried out. Most governments run media campaigns (via conferences, radio and television programmes, newspaper articles, jingles and leaflets) along with educational conferences, seminars and workshops. The APR Secretariat, during the same period, develops a **Background Document** on the State by compiling sources from national, subregional, regional and international institutions. With the information provided in the self-assessment questionnaire, the preliminary NPoA and the Background Document, the Secretariat draws up an **Issues Paper** that will guide the country review process.

In **Stage Two**, the APR Team will visit the State under review to carry out consultations with the government, officials, political parties, parliamentarians and representatives of CSOs (including the media, academia, trade unions, business, professional bodies). These consultations and briefing meetings are intended *inter alia* to provide an opportunity for the APR Team to interact with key stakeholders in the country, to discuss the draft NPoA the State has drawn up and to build consensus with the stakeholders on the steps that need to be taken to address the challenges; this information will then form the basis for the APR Team's recommendations on required improvements in the final draft NPoA.

Stage Three involves the preparation of the APR Team's report based on the findings of the country review visit as well as on the findings of the APR Secretariat prior to the visit. The State will have the opportunity to respond to the APR Team's report to ensure the accuracy of the information and to put forward its own views on how to address the identified shortcomings, including modifying the draft NPoA.

Stage Four begins when the APR Team's report is submitted to the APR Panel. The APR Panel reviews the report in accordance with its mandate and submits its recommendations on the report to the APR Forum. The APR Forum will then consider the report and the recommendations of the APR Panel to decide

236 In this context, membership of the monitoring body is diverse and representative to promote broad-based participation. See APRM, The APRM National Structure, http://aprm-au.org/aprm-national-structure.

237 NEPAD, *supra* note 230; AU/NEPAD, *supra* note 65; NEPAD, *supra* note 232.

238 Ibid.

what action to take in accordance with its mandate.

Stage Five involves making public the APRM Report six months after the review by the APR Forum. The Final APRM Report is then tabled formally and publicly in key regional and subregional structures such as the Summit of the African Union, the Pan-African Parliament, the African Commission on Human and Peoples' Rights, the Peace and Security Council and ECOSOC-AU, as well as the regional economic community of the region of which the country reviewed is a member. Stage Five completes the first cycle of the APR process for any particular country.

The NPoA is implemented after the peer review of a State and is monitored by the NGC, which will prepare progress reports for the APR Forum. The APR Secretariat will simultaneously monitor the State's progress and interact with the implementers of the NPoA to assist in capacity-building and resource mobilization.

Civil society participation

Civil society participation is a formal, significant feature of the APRM process, which is outlined in its constituent document. The APRM requires States to include in the NPoA[239] "**clear, time-bound commitments** on key governance and socio-economic development priorities over the next 3 years**, including the identification of key stakeholders for implementation, and the estimated budgetary implications and allocations**" [emphasis added].[240] It further requires an "outline on the **feedback mechanism established to keep local stakeholders involved in the process**, including efforts to disseminate information in an easily accessible and understandable manner" [emphasis added].[241] The Country Guidelines stipulate that "description of the capacity building and resource mobilization requirements for undertaking" the NPoA as well as an "outline on the implementation, monitoring and evaluation mechanisms" for the NPoA should be set out.[242]

MECHANISM FOR FOLLOW-UP ON THE IMPLEMENTATION OF THE INTER-AMERICAN CONVENTION AGAINST CORRUPTION (MESICIC)

The MESICIC is an intergovernmental body established within the framework of the Organization of American States (OAS) to evaluate and facilitate technical cooperation of States parties'[243] implementation of the provisions of the Inter-American Convention against Corruption (IACAC).[244] MESICIC is now in its fourth round of review.

The actors of MESICIC comprise: (i) the **Conference of States Parties**, which has the general authority and responsibility for implementing the MESICIC; (ii) the **Committee of Experts**, comprising experts appointed by each State party responsible for the technical review of the implementation of the IACAC; and (iii) the **Technical Secretariat**, exercised by the General Secretariat of the OAS, through the Department of Legal Cooperation of the Secretariat for Legal Affairs.[245]

239 NEPAD, *supra* note 230: para. 13.

240 AU/NEPAD, *supra* note 65: para. 33(d).

241 Ibid.: para. 33(f).

242 Ibid.: paras 33(f)-(g).

243 For a list of the 30 MESICIC States parties, see Organization of American States (OAS), What is the MESICIC, http://www.oas.org/juridico/english/mesicic_intro_en.htm.

244 Ibid.

245 Ibid.

The review process begins with the Committee of Experts selecting provisions of the IACAC whose implementation by the States parties shall be reviewed and determining the methodology and number of States that will present for review. The Technical Secretariat will then prepare the methodology and self-assessment questionnaire for the review for adoption by the Committee and disseminate the same to the States subject to review.[246] The Technical Secretariat will prepare a draft preliminary report based on the questionnaire completed by the State party and forward the draft preliminary report to the subgroup in charge of the preliminary review established by the Committee for its comments. States will have a chance to respond to the comments made by the subgroup before the Secretariat revises the draft preliminary report for the Committee.[247]

During the review of the State party's report at the Committee meeting, the subgroup shall briefly present the content and scope of the preliminary report before the State being reviewed makes its brief statement to the Committee. The Committee as a whole will then discuss the preliminary report and may make any specific changes or recommendations to the preliminary report as it considers necessary. Once the final version of the report is approved by the Committee, the Secretariat shall publish it on the MESICIC webpage.[248] At the end of a round the Committee shall adopt a Hemispheric Report,[249] which contains a summary of the results of the review.

The follow-up on the recommendations to the report will be considered in the next round of review in which a section entitled 'Follow-up on Recommendations' is included in the questionnaire "to enable the review of progress made in implementing the recommendations included" adopted in previous rounds.[250] The Secretariat will send each State, at least three months before the deadline for responding to the questionnaire, an individualized form clearly identifying the recommendations and measures concerned, so that States can report on progress, information and new developments in their implementation. The Committee will examine the progress, information and new developments in the country in connection with the relevant recommendations and measures, and will note those that have been satisfactorily considered and those that require additional attention from the State under review. The State shall also "refer to any difficulties that may have arisen in the process", "identify the domestic agencies that have participated in implementing the recommendations, as well as identify specific technical assistance or other needs connected with the implementation of the recommendations".[251]

The Committee of Experts may direct the subgroup to conduct on-site visits with the consent of the State under review, to monitor the implementation of the recommendations.[252] Additionally, at the first Committee meeting of each year, each State party shall submit a brief verbal report on the measures adopted since the previous year with respect to the recommendations made by the Committee and the difficulties it faced with respect to implementation.[253] The Technical Secretariat compiles the results of

246 MESICIC, *supra* note 27: arts 18–20.

247 Ibid.: art. 23.

248 Ibid.: art. 25.

249 Ibid.: art. 30.

250 Ibid.: art. 29.

251 MESICIC Committee of Experts, Methodology for the Review of the Implementation of the Inter-American Convention Against Corruption Selected in the Fourth Round and for Follow-up on the Recommendations Formulated in the First Round, SG/MESICIC/doc.289/11 rev. 2, MESICIC Committee of Experts, Washington, DC, 15 September 2011: 7, available at http://www.oas.org/juridico/PDFs/metod_IVronda_en.pdf.

252 MESICIC, *supra* note 27: art. 33. The MESICIC on-site visit guidelines require the submission of a proposal for the agenda of the meetings and the meetings with the representatives of state and non-state actors to be approved by the State beforehand. See MESICIC Committee of Experts, Methodology for Conducting On-Site Visits, MESICIC Committee of Experts, Washington, DC, 21–25 March 2011, available at http://www.oas.org/juridico/english/met_onsite.pdf.

253 MESICIC, *supra* note 27: art. 31.

progress made by States annually and issues an **Annual Report on Progress in Implementation of the Inter-American Convention Against Corruption** accompanied by a summary of progress achieved by all States in implementing the recommendations made by the Committee, together with the information provided by the States with respect to the progress and difficulties encountered in the implementation of those recommendations.[254]

The MESICIC codifies procedures for engagement by civil society in the review process. CSOs may present, through the Technical Secretariat, proposals on the preparation of the questionnaire, information related to the review or the implementation of the recommendations in previous rounds by the State and proposals related to the collective interest issues that the Committee of Experts has included in its annual working plan.[255] Documents submitted by CSOs are forwarded to the State under review and to the subgroup and are also published on the Anti-Corruption Portal of the Americas. The Committee may invite or accept the request from CSOs to give a verbal presentation of the information submitted within the framework of its meetings, as well as in informal meetings.[256] CSOs are also encouraged to carry out **training and dissemination programmes** to help public officials and citizens understand the content of the country report and the Committee's recommendations.[257]

254 Ibid.: art. 32. Note that an Annual Progress Report will not be prepared in years when the Hemispheric Report is prepared.

255 Ibid.: art: 34.

256 Ibid.: art: 36.

257 MESICIC, *supra* note 102.

ANNEX II

EXAMPLES OF LOCAL MONITORING MECHANISMS

E-SERVICE DELIVERY: USING ICT TO STREAMLINE THE PROVISION OF SERVICES TO THE POPULATION

SeeClickFix (USA and Canada)

http://en.seeclickfix.com/

SeeClickFix is a combined mobile application and web-based map interface that enables citizens to report and document non-emergency issues such as potholes in roads, traffic light signalling problems, garbage disposal and lack of road markings. Citizens receive email alerts with status updates on their problems and are able to see all problems reported in their neighbourhood on a map. Citizens may also opt to receive updates on issues reported in a particular geographic 'watch area', facilitating the exertion of group pressure on relevant public service providers. Although the programme is not a government initiative, information provided by the public has encouraged public authorities to monitor and respond to the complaints made through these sites.

Kiirti (India)

http://www.kiirti.org/

Kiirti is a platform initiated by eMoksha, a non-profit organization, which uses open source internet and mobile technologies to allow individuals or CSOs to lodge complaints and report and discuss any governance-related issues through SMS, email and web report. Through partnerships with NGOs and civic organizations, Kiirti provides independent access to a platform that collects data directly from citizens to be tracked, categorized, mapped and forwarded to the relevant

authorities. The scope of the programme is broad, and issues range from cleanliness and the environment to sexual harassment. Kiirti uses the Ushahidi platform to aggregate and visualize submitted reports. It also aggregates data from partner organizations that deal with civic complaints on the local level throughout India, integrating data from across platforms onto a single map that users can filter by location and topic. Kiirti does not deal directly with the government; rather, it provides a technological platform for civil society to function more effectively.

CheckMySchool (Philippines)

http://www.checkmyschool.org/

Check My School is a participatory monitoring initiative launched in 2011 to track the provision of services in public schools with the aim of improving service delivery in public education by promoting social accountability and transparency. It works on a blended approach by combining digital media and community engagement. Its digital media component comprises a website, social media and mobile technology, which allow people to share information and send feedback. Its community mobilization approach involves building partnerships with different stakeholders such as the school stakeholders (e.g. school principal, teachers, students), the local school board, the private sector, academics and government agencies. It pursues three major objectives: (i) validating official Department of Education data; (ii) monitoring the conditions of public schools and engaging community members in collaborative problem solving; and (iii) facilitating citizen dialogue and public access to accurate information. The programme is a 'joint social accountability undertaking' between the Affiliated Network for Social Accountability – East Asia Pacific (ANSA-EAP) and the Department of Education in Manila. The latter furnishes data on public schools, which is validated through on-site visits by 'infomediaries' recruited from civil society, and ultimately consolidated and published in a user-friendly online format. The pilot project in 2011 identified 231 problems in 84 schools requiring resolution. Typical problems included lack of classrooms, lack of textbooks, and facilities in need of repair.

TRAC FM (Uganda)

http://www.tracfm.org

TRAC FM is a platform initiated by citizens that uses radio and SMS to track citizen reports and collect citizen feedback. It is used by radio talk shows to engage their listeners by conducting surveys or polls during the programmes. Listeners can vote and air their voices through a toll-free SMS line and interact with the radio studio through real-time data visualization. TRAC FM combines radio, mobile, print and online media to allow listeners to engage in high-frequency monitoring of government service delivery ranging from the quality of education to the performance of traffic police.

E-INFORMATION: GOVERNMENT ACTORS PROVIDING INFORMATION TO CITIZENS

Infomex (Mexico)

http://www.infomexdf.org.mx

Infomex is a government online portal created to facilitate access of information to citizens under Mexico's Freedom of Information Act regime. Infomex allows citizens to submit freedom of information requests online which are tailored to particular interests and geographical locations to specific local, state and national government agencies. Records of requests made on the site and responses to them are kept, which allows users to analyse patterns and trends in agency responsiveness. Infomex also allows users

to appeal against decisions made by government agencies through the Federal Access to Information Institute (IFAI), thereby creating space for communication and a robust interaction in the provision of information between government and constituents. Citizens and civil society groups have used the access to information through Infomex to identify poor or ineffective policies, wasteful or abusive public spending and corruption, resulting in improved public-sector management and more efficient public spending.

INFORMATION-BASED CIVIL SOCIETY INITIATIVES: EFFORTS BY CSOs TO GATHER, CURATE AND DISSEMINATE INFORMATION TO CITIZENS

Voix des Kivus (Democratic Republic of Congo)

http://cu-csds.org/proects/event-mapping-in-congo/

Voix des Kivus is a monitoring and evaluation project funded by USAID and run by a group of researchers from the Center for the Study of Development Strategies at Columbia University to evaluate the feasibility of using decentralized data collection systems to generate representative information about events in inaccessible conflict areas in the Democratic Republic of Congo. The project used random sampling to select 18 villages in South Kivu and provided people in those villages with the ability to post accounts of events that affect their daily lives, such as disease outbreaks or attacks from rebel groups. To avoid replicating information and to ensure a balance of power, one phone is provided to the village chief, a second to the head of the village women's association and a third to someone elected by the village community. These phone holders acted as the representatives of their villages and were tasked with sending text messages on events in their villages. They were given extensive training on the system's operations, provided with a 'code sheet' and trained how to send SMS messages. The project leaders go through the SMS messages and translate them into data. The project applied 'crowdseeding' methodology to collect conflict event-data. Crowdseeding extends the concept of bounded crowdsourcing to produce a statistically representative sample with the possibility of collecting more information from more participants. It also provides the opportunity to select information from a random sample (as opposed to whoever participates, which is the case with crowdsourcing).

Dinero y Política (Argentina)

http://dineroypolitica.org/

Dinero y Política, initiated by the Citizen Power Foundation, a non-profit organization, uses interactive mapping to display donations made by organizations and individuals to a specific political candidate's campaign by aggregating real-time data with the servers of electoral authorities. Its purpose is to create transparency in political financing and to provide citizens with access to information on the source of funding of candidates, to understand the equity or inequity of resources available to competing political parties as well as to see how political parties are financed and the potential influence of candidates' decisions if elected to office.

Sithi (Cambodia)

http://www.sithi.org

Sithi is an online portal, initiated by the Cambodian Center for Human Rights, containing a single map-based database of human rights violations. Its objective is to equip CSOs and the professional human rights community in Cambodia with information and resources with the aim of encouraging greater

specialism and collaboration, as well as to increase awareness to mobilize action to protect and promote human rights in Cambodia. It receives funding from USAID, Asia Foundation, Open Society Institute, East West Management Institute, and the British Embassy in Phnom Penh. Its interactive map illustrates human rights violations, numbers of journalists killed, reported land conflicts, harassment of media, acid attacks and rape cases reported in the newspapers, and tracks development in Cambodia. Contributors include human rights activists, organizations and citizens from across the country.

ipaidabribe (India)

http://www.ipaidabribe.com/

ipaidabribe is an initiative by the Bangalore-based NGO Janaagraha to track bribe payment activities and tackle corruption. It seeks to harness the collective energy of citizens by using an internet-based platform to record the experience of citizens encountered with government officials or departments. Citizens are able to anonymously report on the nature, number, pattern, types, location, frequency and values of actual corrupt acts on the website, thereby providing a snapshot of bribes occurring across the city. It displays the bribe-related reports in two ways. First, the raw report contains results registered by individuals logging into the website, where they are able to select under headings 'I paid a bribe', 'I didn't pay a bribe' and 'I didn't have to pay a bribe'. A geographical and transaction analysis on the bribes paid, the amounts paid and averages can also be seen. Second, it provides analysis on the pattern of bribe payment activities, detailing government departments involved and the types of transaction. This analysis is submitted to the government to advocate for process change within the government.

E-GOVERNANCE: EFFORTS BY GOVERNMENT TO IMPROVE THE QUANTITY AND QUALITY OF DATA RELIED ON BY DECISION MAKERS

e-District (India)

http://deity.gov.in/content/e-district

e-District is the Indian government's initiative to provide its citizens with a seamless system of electronic service delivery at the district administration level through automation workflow, back-end computerization and data digitalization. It assists local government in issuing various types of certificates (e.g. birth and death certifications), licences (e.g. firearms licences), ration cards, disbursement of pensions, assessment of property and other government taxes, and provides a platform for utility and tax payments. For instance, in rural areas, government officers will collect birth and death data from health workers, village caretakers or heads of families and enter the information electronically, using the e-District system to issue the certificates. The objective is to ensure that the defined process of service delivery is adequately and quickly followed.

Mobile Birth Registration (Liberia)

Mobile Birth Registration was initiated under Liberia's first decentralized electronic birth registration and certification system effort under the Universal Birth Registration project, launched by the Liberia Ministry of Health and Social Welfare, in collaboration with UNICEF, the UNHCR, Plan Liberia and Crisis Management Initiative. The initiative uses mobile-phone technology to collect birth registration information in rural areas, which is then transmitted via global positioning response signal to the main registration service. This Mobile Birth Registration project has been implemented successfully in one county in Liberia and will be scaled up to other counties, allowing the printing of birth certificates in rural counties across the nation.

ChildCount+ (Cambodia)

ChildCount+ is an mHealth platform developed by the Millennium Villages Project which aims to empower communities to improve child survival and maternal health. The system develops and implements a two-way mobile-phone-based community health events reporting, feedback and illness alert system. It uses SMS text messages to facilitate and coordinate the activities of community-based health care providers. Using any standard phone, health care workers are able to use text messages to register patients and report on their health status to a central web dashboard that provides a real-time view of a community's health. The system monitors and manages follow-up on births and deaths, on pregnant women and newborn children, children under five years, and adult illnesses, such as tuberculosis, malaria and non-communicable diseases.

mTRAC (Uganda)

http://www.mtrac.ug/

mTRAC is an SMS-based reporting platform that enables health care workers to send weekly reports on disease surveillance, malaria case management and stock quantities of anti-malarial drugs, using a template of codes on their own mobile phones at no cost. The platform was launched by the Ministry of Health of Uganda in 2011 and is now fully integrated into its Health Information Management System. The primary focus of mTRAC is to strengthen disease surveillance and the national medicines monitoring system as well as to generate community action for improved health system accountability. The information is aggregated, tabulated and graphed onto an online dashboard and made available to the District Health Teams before the data are submitted to the Ministry of Health. The adoption of mTRAC has sped up the transfer, analysis and dissemination of health information from lower-level health facilities to the district and ministerial levels in Uganda. Data generated from these reports inform decision-making in real time, allowing district health teams and health centres to respond immediately to SMS alerts on notifiable diseases, sudden increases in malaria cases and drug stock-outs. Accountability and transparency are also improved through the implementation of a toll-free health service complaint hotline that allows community members to send SMS messages to report stock-outs or closed clinics.

E-PARTICIPATION: INITIATIVES THAT BUILD SOCIETY'S ABILITY TO INTERVENE IN PUBLIC DECISION-MAKING

ICT4GOV (Democratic Republic of Congo)

http://ict4gov.net/

ICT4GOV is an initiative of the Government of the Democratic Republic of Congo with the support of the World Bank Institute. It employs SMS messaging as part of its participatory budgeting work (to supplement other means of communication and forms of engagement with CSOs and local leaders). SMS messaging is used, among other things, for citizens to vote their preferences on public works via a pre-established number of options (e.g. reform, health centre, school); to communicate to citizens the status of different public works that have been selected (e.g. initiated, under execution, finalized); and for citizens to provide their feedback on the quality of projects that have been executed or are under execution. The results of the project showed that local governments changed the way in which they allocated funds, by addressing citizen's wishes to give priority to reserving parts of their budgets for investment spending and basic service provision for poor people, rather than allocating funds exclusively to salaries, equipment and administrative expenses. This participatory budgeting process has now been institutionalized in the Democratic Republic of Congo since April 2011 as a mandatory process for all local governments.

Map Kibera (Kenya)

http://www.mapkibera.org/

Map Kibera is an issue-specific online mapping platform designed to drive government to address issues faced by slum communities, at the same time as serving as a local information and media source for slum communities. It is implemented by volunteers going into the field with GPS devices to collect information about 'points of interest' such as health, security, education and water and sanitation. The data collected are uploaded onto Open Street Map with GPS coordinates and a description of the issue relating to the points of interest. Mapping may include surveys of the general features of the slum, such as pathways, clinics and water points. Using media resources, including online video, blogging and reporting on Ushahidi 'Voice' platforms, participants also provide a local news service to the communities and allow the local perspective to be showcased online.

dBrain (Korea)

https://eng.digitalbrain.go.kr/

D-Brain is an integrated web-based system implemented by the Government of the Republic of Korea. It provides the public with real-time analysis on the government's fiscal activities including budget formulation, execution, account settlement and performance management. The system enables policymakers, as well as the public, to easily access the necessary budget information to validate the accuracy and reliability of the budgeting records. This participatory budgeting tool allows central government, local governments, public institutions and the public to collaboratively decide on the allocation of resources and participate in nationwide fiscal decision-making. Citizens participate in the process of budgeting through internet surveys, an online bulletin board, a d-budget participation corner etc. DBrain also provides the public with detailed information on the government's expenditure on various major nationwide projects.

CGNet Swara (India)

http://cgnetswara.org

CGNet Swara is a voice-based portal which enables ordinary citizens to call in and record or listen to a short update of their situation or stories of local interest. Reported stories are moderated by professionally trained journalists using a web-based interface to review and verify the reports before they become available for playback online or over the phone. The system also alerts subscribers through text messages when a new report becomes available, which they can dial in to access. The objective of the portal is to give a voice to India's tribal communities who lack access to mainstream media outlets. It was launched as part of the Knight International Journalism Fellowship, a programme of the International Centre for Journalists.

ANNEX III

CASE STUDY OF AN INTEGRATED ACCOUNTABILITY MECHANISM: THE COMMITTEE ON WORLD FOOD SECURITY

According to a review of secondary literature and accounts of its functioning in practice, the **Committee on World Food Security** (CFS) provides a potentially useful example of a multi-stakeholder platform[258] that has established effective standards and procedures for civil society participation. The reformed CFS emphasizes five characteristics: (i) inclusiveness, (ii) "emphasis on …an on-going process rather than an annual event"; (iii) an "aspiration to be connected to the field and 'the reality on the ground'"; (iv) the full participation of CSOs and the Civil Society Mechanism (CSM); and (v) "links…between global proceedings and regional and country levels".[259] These characteristics are evident at all levels.

The CSM created an "autonomous and self-organized" space for dialogue and deliberation between civil society actors. It facilitates the participation of CSOs, NGOs and social movements in the CFS process, including input into negotiations, discussions, consultations and decision-making.[260] A Coordination Committee (CC) serves as the governance body for the CSM. It comprises 40 members (Focal Points) from 11 constituencies and 16 subregions. Additionally, the CC ensures gender and geographical balance. Each constituency and subregion decides the

258 While the CFS was established as an intergovernmental body, the CFS website describes it as a "**multi-stakeholder platform** [that] enables **all viewpoints to be considered** when deciding on concrete actions to address issues affecting food security and nutrition such as the economic crisis and the rising demand for food" (emphasis added) (Food and Agriculture Organization, Committee on World Food Security, Food and Agriculture Organization, http://www.fao.org/cfs/en.

259 Committee on World Food Security, A Guide for Civil Society, Food and Agriculture Organization, Rome, March, 2012: 25, available at http://www.iatp.org/files/CFS_Booklet_Final.pdf.

260 Ibid.: 40.

process it will use to select CC members.[261] The responsibilities of the CC and the procedures for decision-making are clear and easily accessible. For example, the CC "will determine which kind of decisions require consensus and which should be made through voting if no consensus emerges …decisions on this question will be taken at the outset of its operations and will be made public…silence will not be taken for consent…all divergent positions will be noted and reported".[262]

Indeed, the process of creating the CSM reflected the principles of transparency, inclusivity and responsiveness, which have been emphasized in this report as essential to accountability. Two initial drafts were widely circulated among CSOs and made available online for comments and input, with the decisions made by the drafting committee for each comment recorded and made publicly available. The resulting document "reflects the results of a broad consultation process by and among civil society organisations".[263] It should be noted that the more recent process of finalizing the CFS's Global Strategic Framework followed a similar process in which stakeholders could participate in online consultations and submit and view comments.[264] Such transparency and responsiveness during the drafting stage not only allows for stakeholder input but also promotes awareness and creates buy-in.

The CSM is supported by a robust institutional apparatus. The Bureau serves an administrative function — including directing the work of the High-Level Panel of Experts (HLPE) and carrying out tasks delegated from the Plenary — to ensure cooperation among actors at all levels. It comprises a Chair and 12 elected members (two from each region). [265] The Advisory Group provides input to the Bureau regarding the range of tasks delegated by the CFS Plenary.[266] The Advisory Group comprises representatives from key UN bodies and non-member CFS participants (e.g. CSOs, NGOs, research institutions, financial institutions, philanthropic institutions etc.).[267] The CC selects four of its members to serve on the Advisory Group.[268] The Secretariat is housed in the UN Food and Agricultural Organization (FAO) and supports the Plenary, the Bureau, the Advisory Group and the HLPE.[269] Finally, the HLPE is "an independent steering committee of 15 experts who provide advice on policy as well as technical and scientific issues".[270] It also convenes Project Teams for specific reports, drawing from a global roster of 120 experts.[271]

The opportunities for participation are extensive. Any stakeholder may participate in a CSM working group, submit evidence to the HLPE or submit input or comments to ongoing consultations on a number of key issues. Moreover, the Plenary, the annual meeting of the CFS, provides unprecedented access to

261 "It is suggested that each constituency/sub-region might establish a council of focal points representing the major organizations/networks in that constituency/sub-region and that members of this council might sit on the Coordination Committee in rotation for a period of 2 years each. The process of Coordination Committee member selection and outcomes will be documented and made available to all CSOs and others" (Civil Society Mechanism for World Food Security, Civil Society Consultation to the 36th Session of the Committee on World Food Security Final Report, Civil Society Mechanism for World Food Security, Rome, 2010: 9, available at http://www.csm4cfs.org/files/SottoPagine/78/cso_final_report_en.pdf.

262 Ibid.

263 Ibid.

264 CFS, A Guide for Civil Society, *supra* note 259: 44–45.

265 Ibid.: 36.

266 International Planning Committee for Food Sovereignty, The Reformed Committee on World Food Security: A Briefing Paper for Civil Society, International Planning Committee for Food Sovereignty, Bilbao, September 2010: 23, available at http://www.csm4cfs.org/files/Pagine/16/reformed_cfs_jbw_en.pdf.

267 Ibid.

268 Civil Society Mechanism for World Food Security, *supra* note 261: 8.

269 Committee on World Food Security, *supra* note 259: 38.

270 Ibid.

271 Ibid.

Participants. CSOs are included under the class of Participants, as distinct from Members or Observers.[272] Participants enjoy "rights more or less equal to those enjoyed by member states" — namely, the right to intervene in plenary and breakout discussions, approve meeting documents and agendas and submit and present documents and formal proposals.[273] Open to Members, Participants, and Observers, Plenary sessions host policy round-table discussion on specific issues related to food security. During the 2011 Plenary, representatives of 83 CSOs participated in these round tables, and, through the CSM, all of the background documents and final reports are available online.[274]

The reformed CFS has sought to strengthen linkages to local, national, regional and other UN bodies, not as a mere formality but to coordinate efforts. This has been achieved by bolstering the inter-sessional work into what is effectively an "all-year program of work"[275] facilitated by the Bureau and the Advisory Group. Civil society's role is not limited to the CSM, but CSOs are encouraged to continue to participate in shaping the policy agenda at all levels. At the national level, Participants (i.e. not Members) are strongly encouraged to initiate follow-up based on the CFS outcome document.[276] CSOs, even those that are not formal Participants, can participate in national events, such as such as hunger-mapping exercises, round tables or consultations with UN Country Teams, throughout the year. At the international level, CSOs can participate in FAO, the International Fund for Agricultural Development (IFAD) or World Food Programme (WFP) regional conferences that "feed in and are linked to the CFS".[277]

The reformed CFS is still in its infancy, but its efforts to become a multi-stakeholder forum that promotes effective civil society participation in the 21st century are laudable. While its thoughtful approach has yielded examples of model reforms, it may be difficult to maintain in the future the intent with which these reforms were instituted. Published in 2010, the report of the International Planning Committee for Food Sovereignty hypothesizes two polar extremes of the reformed CFS: "a dynamic, inclusive, action-oriented authoritative body" or "a confused and irrelevant body".[278] The former highlights how the CFS's "sheer normative power… derived from its inclusivity and multi-level linkages" enables it to translate civil society inputs into "policy outcomes" and "effective action".[279] The latter speaks to the challenges of consultation fatigue, wherein the CFS is "[o]verwhelmed by the sheer range of inputs it receives without having a clear idea of how to process them" and CSOs lose faith in the process.[280] Either extreme is improbable, but as the CFS evolves, it will need to continually recommit itself to achieving the former to avoid devolving into the latter.

272 Members are states that are members of the FAO and UN. Observers are actors other than those attending as Participants. These actors apply for Observer status and can be invited to speak by the Chair. Participants cover five categories: (i) representatives of UN agencies and bodies with a specific mandate in the field of food security and nutrition; (ii) civil society and non-governmental organizations and their networks with strong relevance to issues of food security and nutrition; (iii) international agricultural research systems; (iv) international and regional financial institutions, regional development banks and the World Trade Organization; and (v) representatives of private-sector associations and private philanthropic foundations active in the areas of concern to the Committee (International Planning Committee for Food Sovereignty, *supra* note 266: 17–20).

273 Ibid.: 19.

274 At the 37th Plenary session in 2011, there were three main policy round-table debates on: 1) How to increase food security and smallholder sensitive investment in agriculture; 2) Gender, food security, and nutrition; and 3) Food price volatility (Committee on World Food Security, *supra* note 259: 31.

275 International Planning Committee for Food Sovereignty, *supra* note 266: 21.

276 CFS Participants are encouraged to "consider in their respective governing bodies the outcomes of the CFS which are relevant to their own activities" (Ibid.: 22).

277 Committee on World Food Security, *supra* note 259: 47.

278 International Planning Committee for Food Sovereignty, *supra* note 266: 28–29.

279 Ibid.

280 Ibid.

ABBREVIATIONS AND ACRONYMS

APRM	African Peer Review Mechanism
AU	African Union
CC	Coordination Committee
CESR	Center for Economic and Social Rights
CFS	Committee on World Food Security
CRC	Convention on the Rights of the Child
CRM	Country Review Mechanism
CRPD	Convention on the Rights of Persons with Disabilities
CSD	Committee on Sustainable Development
CSM	Civil Society Mechanism
CSO	Civil society organization
DAC	Development Assistance Committee
DPO	Organizations for persons with disabilities
ECOSOC	Economic and Social Council
GMGSF	Global Major Groups and Stakeholders Forum
HLPE	High-Level Panel of Experts
IACAC	Inter-American Convention against Corruption
ICT	Information and communications technology
ITU	International Telecommunications Union
MDG	Millennium Development Goal
MESICIC	Mechanism for Follow-Up on the Implementation of the Inter-American Convention against Corruption
NEPAD	New Partnership for Africa's Development
NFP	National Focal Points
NGC	National Governing Council
NGO	Non-governmental organization
NHRI	National human rights institution
NPoA	National plan/programme of action
OAS	Organization of American States
OECD	Organisation for Economic Co-operation and Development
OHCHR	Office of the High Commissioner of Human Rights
OLIS	On-Line Information System
RCM	Regional Consultative Meeting
SDG	Sustainable Development Goal
SMS	Short Message Service
UN-DESA	United Nations Department of Economic and Social Affairs
UNDG	United Nations Development Group
UNDP	United Nations Development Programme
UNEA	United Nations Environment Assembly
UNEP	United Nations Environment Programme
UNGA	United Nations General Assembly
UPR	Universal Periodic Review

International Organizations Clinic, New York University School of Law
United Nations Development Programme