



## Summary

This Policy Brief is based on the International IDEA Discussion Paper ‘Sanctions, Rewards and Learning: Enforcing democratic accountability in the delivery of health, education, and water, sanitation and hygiene’. It provides key information on the role of sanctions, rewards and learning in generating democratic accountability.

The Policy Brief aims to provide guidance to decision-makers based on the review of existing political enforceability mechanisms, showcasing country experiences and highlighting the strengths and challenges of different enforcement mechanisms and their ability to support fairer and more citizen-oriented service delivery.

## About International IDEA

The International Institute for Democracy and Electoral Assistance (International IDEA) is an intergovernmental organization with a mission to support sustainable democracy worldwide.

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# Sanctions, Rewards and Learning: Fostering effective mechanisms to enforce accountability

When public officials are held accountable through democratic means, service provision is likely to be faster, more inclusive and sustainable and support the stabilization of the political system (International IDEA 2016). International IDEA has identified three dimensions of democratic accountability: Answerability, Responsiveness and Enforceability. Answerability measures the extent to which a government carries out its duty to explain and justify its decisions and indicates officials’ capacities and willingness to take responsibility for their action. Responsiveness refers to the extent to which public officials consult with and listen to citizens or their representatives before a policy or law is approved, so that the decision-making reflects citizens’ views. Lastly, enforceability refers to procedures that implement the formal or informal consequences that duty bearers and government officials face. Enforceability is a key principle to motivate those in charge, for example politicians, authorities or companies that provide the service, to comply with rules and regulations, to take citizen concerns seriously and to take decisions that are transparent and comprehensible.

The potential of democratic accountability to ensure the provision of public services in an efficient, effective and inclusive way is largely dependent on the ability to credibly enforce sanctions, generate appropriate rewards and effectively provide opportunities for learning. These mechanisms have proven to increase the responsiveness of decision makers as well as their adherence with regulations and norms (International IDEA 2016). Table 1 summarizes examples of legal, political, and social types of sanctions, rewards, and learning.

While sanctions are often referred to as adversarial accountability (since they foster an oftentimes difficult relationship between actors), effective accountability can also come from mutual learning among duty bearers and claim holders as well as through incentives of positive rewards – these mechanisms are referred to as cooperative accountability. The likelihood that an accountability relationship will improve through dialogue, adjustment and reciprocal arrangements is at the heart of the debate between adversarial and cooperative accountability.

**Table 1. Types of democratic accountability enforcement mechanisms: sanctions, rewards and learning**

| Mechanism        | Legal   | Political   | Social   |
|------------------|---|---|--|
| <b>Sanctions</b> | Censure, dismissal, indictment, conviction, penalty fees  | Electoral processes and negative election results. Voting out of office | Bad reputation, media repercussions, loss of credibility |
| <b>Rewards</b>   | Promotion, awards and prizes, monetary incentives such as commissions or bonuses  | Re-election, reappointment, renewal of contracts                        | Good reputation, increase in credibility                 |
| <b>Learning</b>  | Legislative overhaul based on lessons learned from long-term political projects, reviews of compliance with current legislation | Knowledge about process and human rights                                | Citizenship, social cohesion                             |

While much research exists on the effectiveness of sanctions and rewards, the mechanism of learning has often been neglected in research as well as in practice. International IDEA aims to close this gap and at the same time analyse the functioning of all three mechanisms as a unit and under the scrutinizing light of democratic principles and values. This has revealed that in order to be successful, enforceability mechanisms in all three forms need to be inclusive, provide options for citizens’ input; and address accountability in a sustainable way that encourages steady, tangible improvement even in times of changing political alliances and leadership.

**Achievements and trends so far**

**Sanctions**

Sanctions have a mixed record of effectiveness as mechanisms of accountability. There is considerable evidence to support that sanctions help improve service delivery, but more research is needed on whether these gains are sustainable and inclusive in a way that empowers minorities and under-represented groups of society. Governments and service providers respect sanctions if they are credibly imposed by a clear legal framework, and are coupled with the presence of effective and impartial institutions. To illustrate how sanctions can

support accountability in service delivery the Every Student Succeeds Act (ESSA) provides an interesting example. Adopted in the United States of America in 2015, the Every Student Succeeds Act succeeded the No Child Left Behind Act (NCLB) of 2001. The NCLB act’s aim to achieve higher standards of accountability was mainly pursued through a set of strict sanctioning mechanisms. If a state failed to comply with federal accountability norms, the federal systems could impose legal sanctions as outlined in table 1, such as budgetary restrictions or the implementation of a supervising guardian who would take control over school decision making from the head master. A practical shortcoming of NCLB was the lack of possibilities to adjust sanctions to context specific solutions that address local needs and concerns. Accordingly, the main change from NCLB to ESSA is that schools and districts will have to set their own definitions of which schools require intervention; what constitutes “failing”; and then use locally developed, evidence based interventions in the bottom 5 percent of schools and in schools where less than two thirds of students graduate (U.S department of Education, 2015).

**Rewards**

Whether through market oriented schemes or political incentives, case studies show that politicians and



Democratic accountability help States (governments) not only to provide better services, but also to facilitate the fostering of political legitimacy by encouraging citizens' voices and public participation.

service providers can be incentivized to embrace accountability and view their relationship with service users as mutually beneficial. In Cambodia the role of contracting non-governmental organizations (NGOs) in the delivery of health care was seen as a way to quickly improve services and improve district level management. The contracts and contract extensions depict legal rewards for the NGOs, as identified in table 1, whilst their involvement also induced a level of oversight as they can function from a perspective outside the governmental *modus operandi* (International IDEA, 2016).

### **Learning**

Learning occurs when good accountability practices in one service sector diffuse to others or when different actors, such as public officials, learn from each other's experiences. While much research exists on the effectiveness of sanctions and rewards, the mechanism of learning has often been neglected in research as well as in practice. Learning as a key mechanism has the ability to increase awareness, particularly on the rights of marginalized groups. This is important especially in countries where governments have failed to provide social services, since accountability becomes a critical component of asserting citizens' human rights to health, education and basic public goods (International IDEA, 2016). For example, in 1995 Mexico decided to pool previously split resources together in order to collaborate on improving national health care. By initiating active collaboration with non-governmental actors, social learning mechanisms between the involved authorities were utilized to improve the Mexican health care provision. Continuous cooperation

and regular briefings contributed to the learning effect of knowledge sharing between the involved actors. Combining NGO's expertise on how to work with marginalized groups and the government's ability to reach remote rural areas led to a general improvement of services as well as an increased awareness of human rights, as indicated in Table 1 under political learning. Further, the institutionalization of this collaboration and connected learning mechanisms means that the increase in coverage is likely to be sustainable.

### **Policy options and recommendations**

As outlined in the International IDEA Discussion Paper on sanctions, rewards and learning, it is essential to introduce or improve existing enforcement mechanisms. In doing so, it is of importance to acknowledge the complicated interplay between sanctions, rewards and learning, including the space, will and capacities of political actors and citizens to think, discuss and turn to action. Additionally, the respective accountability enforcement mechanism, formal and informal, is not only highly complex in itself but also shaped by external factors and the context they are applied in, including whether there is actually space to voice dissenting opinions and propose reforms.

The following recommendations follow from International IDEA's research and knowledge of general developments in the field:

1. National and local governments and authorities should aim to ensure public support of enforceability mechanisms, ideally prior to their introduction, for example by

International IDEA has developed different resources in relation to democratic accountability in service delivery, including a citizen-centered assessment framework, *Democratic Accountability in Service Delivery: A practical guide to identify improvements through assessment*, which can be customized to address specific needs and is designed to be implemented by local actors.

In the Philippines, the assessment framework was utilized to gain insight into accountability in delivering disaster relief services after Typhoon Haiyan, the assessment was concluded in 2016. Additionally, International IDEA provides extensive country level support and works with various actors on supporting political actors and institutions, and aims to strengthen the capacity of women and men for democratic political participation and representation; effective oversight; and democratic accountability.

supporting participatory decision making processes.

2. National governments should establish or strengthen oversight bodies that are capable of imposing consequences for failed accountability.
3. In order to be successful, enforceability mechanisms in all three forms need to be inclusive, provide options for citizens' input, and address accountability in a sustainable way that encourages steady, tangible improvement even in times of changing political alliances and leadership – this can for example be achieved by cross-party collaboration.
4. Decision-makers should implement a combination of combined Sanctions, Rewards and Learning strategies, as these seem more effective than isolated initiatives. A combination of mechanisms address the issue from different angles and is more likely to be supported by a diverse base of stakeholders.
5. Decision-makers with the support of service providers and citizens should enhance cooperative accountability mechanisms by broadening opportunities for sharing knowledge and by establishing institutionalized peer networks as well as collaborative monitoring and evaluation schemes.
6. National and local authorities, including oversight bodies, need to calibrate mechanisms of sanctions, rewards and learning in a highly context specific manner. In order to be sustainable, these mechanisms need to reflect realistic possibilities, sector requirements as well as long-term versus short term deliverables. One choice that needs to be made is the decision between offering a rewards scheme based upon individual benefits or a scheme appealing to department and/or community benefits.
7. If the enforceability mechanisms lack force and reliability they will slowly be disregarded. Institutions need to standardize a code of conduct and strictly enforce related standardized sanctions. The public perception of these mechanisms is likely to improve proportionally with the perceived efficiency as well the involvement of citizens – for example through official complaint mechanisms. ■



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