

# Strategic Concept Paper: The Right to Just and Democratic Governance

AAI: International Governance Team

(final draft)

## List of Contents

|          |   |           |
|----------|---|-----------|
| <b>1</b> | <b>BACKGROUND AND PURPOSE</b> .....   | <b>2</b>  |
| <b>2</b> | <b>UNPACKING: JUST AND DEMOCRATIC GOVERNANCE</b> .....  | <b>2</b>  |
| <b>3</b> | <b>VALUES AND PRINCIPLES</b> .....  | <b>2</b>  |
| <b>4</b> | <b>JUST AND DEMOCRATIC GOVERNANCE: KEY WORK AREAS</b> .....   | <b>3</b>  |
| 4.1      | KEY WORK AREA 1: PEOPLE’S EMPOWERMENT, ACTIVISM AND SOLIDARITY .....  | 4         |
| 4.2      | KEY WORK AREA 2: POWER RELATIONS.....   | 5         |
| 4.3      | KEY WORK AREA 3: DEEPENING DEMOCRACY, VOICE AND REPRESENTATION .....  | 6         |
| 4.4      | KEY WORK AREA 4: PROVISION OF EQUITABLE, QUALITY SERVICE DELIVERY .....   | 7         |
| 4.5      | KEY WORK AREA 5: ELBAG - FINANCE, REVENUES AND EXPENDITURES .....   | 7         |
| <b>5</b> | <b>GOVERNANCE OBJECTIVES</b> .....  | <b>8</b>  |
| <b>6</b> | <b>GOVERNANCE AS CROSS-CUTTING THEME</b> .....  | <b>8</b>  |
| <b>7</b> | <b>GOVERNANCE AS A STAND ALONE THEME</b> .....  | <b>9</b>  |
| 7.1      | GOVERNANCE WORK AT LOCAL LEVEL. ....  | 9         |
| 7.2      | NATIONAL LEVEL.....   | 10        |
| 7.3      | WOMEN RIGHTS .....  | 11        |
| <b>8</b> | <b>FOUR CHALLENGES FOR GOVERNANCE WORK</b> .....  | <b>11</b> |
| 8.1      | CHALLENGE 1: ELITE POWER.....   | 11        |
| 8.2      | CHALLENGE 2: THE CAPACITY OF THE STATE .....  | 13        |
| 8.3      | CHALLENGE 3: RESOURCE CAPACITY – REDISTRIBUTION, TAX AND ECONOMIC<br>DEVELOPMENT.....   | 14        |
| 8.4      | CHALLENGE 4: CHANGE AND CONFLICT .....  | 16        |
| <b>9</b> | <b>APPENDIX: EXAMPLES OF GOVERNANCE RELATED ISSUES AND ACTIVITIES AT<br/>THE LOCAL, NATIONAL AND INTERNATIONAL LEVELS</b> ..... | <b>17</b> |

## 1 Background and Purpose

This document clarifies AA's International Governance Team's (IGT) approach to the theme 'Just and Democratic Governance'. It builds on the Strategic Plan 2006-2010 and anticipates issues that will be included in the forthcoming AA strategy which will be formulated during the early part of 2011. This paper is intended to guide governance work in the interim period until the new strategy is finalised.

## 2 Unpacking: Just and Democratic Governance

The JDG concept embraces three conceptual areas: Justice, Democracy and Governance. The AA 2006 strategy used a definition from the UN Human Development Report to define governance. This states that governance is "The exercise of power or authority - political, economic, administrative or otherwise - to manage countries' resources and affairs. It comprises the mechanisms, processes and institutions through which citizens and groups can articulate their interest, exercise their legal rights, meet their obligations and mediate their differences". This establishes governance as a process which is then qualified by the values implied by the words *Just and Democratic*. These were summarised in the 2006 Strategy Paper as '...the theory and practice of just and democratic governance rests on the pillars of participation, human rights, justice, democracy and accountability. Together these constitute the notion of rights-based, people-centred governance, based on the rule of law and principled on equity, justice and fairness.' The understanding of the term 'Just and Democratic' is further substantiated in the next section – Values and Principles.

## 3 Values and principles

Our governance work is informed by the Human Rights Based Approach and the list of key values and principles upon which our work is founded are listed below. These have been taken from a draft of the forthcoming AA publication: Human Rights Based Approach.<sup>1</sup>

- 1) Poverty is a violation of people's human rights and a terrible injustice. Poverty arises because of the marginalisation and discrimination associated with human rights violations. The poor are rights holders by virtue of being born and are entitled to the enjoyment of civil, political, social, economic and cultural rights – not as a favour or act of charity but as a right
- 2) In a HRBA we identify and address the structural (or underlying) causes of poverty. At all levels of society, the rich and powerful structurally deny the rights of the poor and excluded in order to get control over productive resources and build wealth. It is in the interests of the rich and powerful to dominate institutions including state structures and to use them to pursue their economic interests. In order to address poverty this power imbalance needs to be addressed.

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<sup>1</sup> This will be launched on 24 November 2010

3) Rights-holders' needs are related to specific rights. In a HRBA rights\_holders should be supported to understand that their needs are related to specific rights and assisted to identify and target the specific duty-bearer, or bearers, accountable for ensuring the realisation of those rights.

4) In a HRBA government and other duty bearers responsible for fulfilling specific rights must be held accountable by rights holders for the fulfilment of rights. The duty bearers responsible for each right should be identified, targeted and held to account.

5) Rights holders are at the centre of our HRBA – rights can be claimed and protected only when rights holders are organised and mobilised as a constituency, aware of their rights, and conscious of why their rights are being violated. Poverty is not the problem of an individual, and cannot be solved by an individual or by working with individuals.

6) AAI, supporters and sponsors stand alongside rights holders in solidarity, supporting them organise and advocate for their rights.

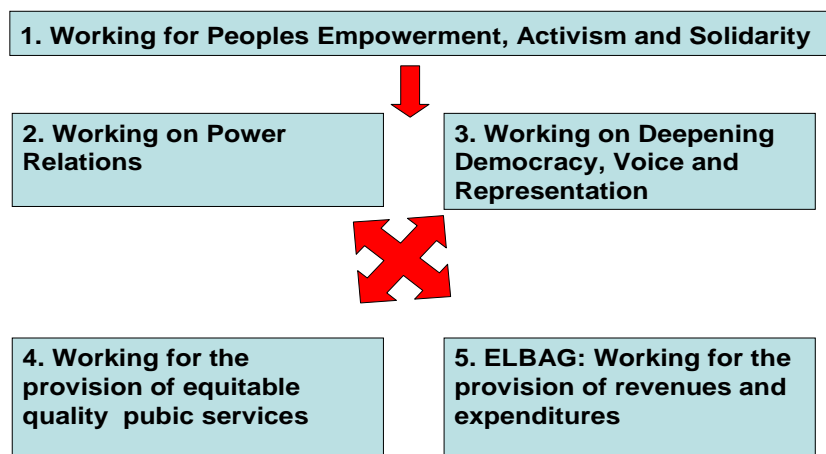
7) Women's rights are central to our HRBA. Through our work we aim to confront the domination of men over women and the inequality between men and women in access to services, resources and power.

8) In an HRBA, we think and act globally and locally. The roots of a human rights violation at the local level may lie elsewhere in a complicated and interconnected global system. In building our programmes and campaigns we need to be aware of how the local links with the national and global.

## 4 Just and democratic governance: Key work areas

In order to clarify our approach to working with Just and Democratic Governance, the five focus areas outlined below are proposed as key work areas.

### Key Focus areas for AA Governance Approach



People's empowerment and the role of civil society in promoting just and democratic Governance for women and men is acknowledged as a prerequisite for working in the four other areas which are intricately linked. All areas are important, but some areas are more difficult to work with than others.

Working to **improve the** quality and equity of government services can be a very important area that can **raise** living conditions immensely for poor people, but it does not directly address underlying and fundamental structural causes **of** poverty. Likewise, working with participatory planning and budgeting at **the** local **level** can improve local democracy and align **plans with** people's own priorities - within the available funding **framework**. **But this** does not challenge the **related** issue of equitable and relevant revenue collection and redistribution of resources **which will be necessary if immediate improvements are to be sustained**.

More fundamental issues **related to** working with representation and working on power relations and elites is often more difficult and risky, but **this type of work does** address more fundamental issues that **potentially can significantly influence decision making towards more** sustainable people centred development and social justice. Elite politics determine to a great extent the degree of voice that people have; the extent that funds are made available for people centred development; and hence ultimately the quality of services provided. These five interlinked areas represent, we believe, important areas for defining our governance work and in **each of these working areas the rights of women are essential and we should make sure that our focus is on how to achieve those rights**.

#### **4.1 Key Work Area 1: People's empowerment, activism and solidarity**

Democracy works when citizens have the capability to ask questions, seek accountability and participate in processes of governance. Empowerment (power within) is understood as "People's capacity to reflect on their situation and to make decisions about the issues that affect their lives; to be aware of their rights, responsibilities and the potential they have for influencing the enactment and enforcement of policies and laws to guarantee their rights and responsibilities.<sup>2</sup> The process of empowerment includes challenging deeply engrained beliefs and ideas about gender, class, caste, and race and of how the world works, in a careful and lengthy process of 'conscientisation' in which learning, and reflection are important elements."<sup>3</sup>

Activism (power to) is understood as the mobilisation of citizens to take action through peaceful forms of protest, research and investigation, advocacy and campaigning, while solidarity (power

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<sup>2</sup> The terms Power Over, Power With, Power To and Power Within are part of useful and widely used power analysis tool. See: VeneKlassen et al (2002:45) *A New Weave of Power, People and Politics*. Practical Action Publishing, Rugby UK.

<sup>3</sup> This working definition was formulated by participants attending the Consultative Workshop for the development of Accountability and Empowerment training courses at TCDC in January 2010. Participants were: AA, IGT and TCDC staff.

with) is understood as alliance and platform building, networking, conscientising and mobilising citizens and supporters and fund raisers, locally, nationally and internationally.

Empowered people, civil society organisations and social movements act as counterbalances to national and international undemocratic governance mechanisms. They also help to create an enabling political and policy environment where people, particularly the poor and excluded women and men, can seek accountability, claim their rights and participate in processes of governance. Action on these fronts plays an important role in enabling the use of political space by the poor and excluded. **We must make a special effort to involve women in these actions, as they may often be left out and thus the specific needs and demands of women are not heard and fought for.** The existence of these legitimate spaces for citizens and civil society institutions to question, to dissent peacefully, to develop alternatives is crucial. There must be spaces for critical engagement – where civil society can work to place checks on state power, private sector and power centres of international capital – particularly where the application of national law is not sufficient to hold governments, corporations and multilateral institutions accountable for their actions.

## **4.2 Key Work Area 2: Power Relations**

Our work already acknowledges the importance of working on power relations and elites. Much of our work is directed at exposing and countering abuses of power and demanding that political leaders and economic elites be held to account for their actions and that decision making processes are made more consultative, legitimate and transparent. In addition to this we should also focus on understanding how a given *political settlement* functions at all levels, international, national and local. We should distinguish clearly between national and international constraints and identify who are the key actors and what are their interests and why has a settlement formed in the way it has. We should examine where rents are primarily generated, how they are used for maintaining political power and the extent they are used for personal consumption or economic activity. **We should understand the driving forces behind elite interests and how different elite groups relate to each other** and identify progressive elements and change agents among the elites (e.g. women rights organisations and youth organisations – sometimes even some private companies) and forge strategic alliances with these groups.

This analysis can provide entry points for changing the nature of a *political settlement* in a more pro-poor 'rule governed' direction.<sup>4</sup> It will provide clues as to who are likely to be our allies. While, empowered citizens are essential for driving our work forward, alliances with other actors and progressive elites may be crucial for influencing and bringing about change. Influencing skills and knowledge about how political settlements transform and how social contracts can be made will be critical to this type of work.

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<sup>4</sup> The concept of the *political settlement* can be useful in helping us unpack these issues. A political settlement describes the types of informal as well as formal political bargains that can promote reform, development and poverty reduction – or fail to achieve any such progress (see section 8.1 for more detail).

We also need to carefully look at the nature of the state and realistically assess what state functions can be realised in terms of fulfilling, protecting and enforcing rights. This exercise would help us focus our work to ensure a level of ambition that better links demands to areas where there is some state capacity and political will to fulfil, protect and enforce rights.

### **4.3 Key Work Area 3: Deepening democracy, voice and representation**

In order to promote people centred development and confront elite power it is essential that ordinary people can be heard and that we can influence decision making. This can only be realised through demanding this right and establishing democratic forums and organisations where people's voice can be heard, for example involving people in forms of direct democracy. **To ensure that women's rights are fulfilled it is crucial that we secure the equal participation of women in these fora.**

It is important to recognize that democracy is an ongoing process of struggle and contestation, rather than the adoption of a standard institutional design.<sup>5</sup> There are many ways of engaging in democratic process – also many different levels. The least demanding of these is the voting process; however, political processes that take place between elections represent the 'space' citizens have for engaging with power wielders in day to day efforts to create more just and equal societies. We believe that democracy is a process through which citizens (women and men) exercise still more control over decisions which affect their lives, a process that is constantly under development. There are successful examples of participatory planning and budgeting in Brazil. We should, however, be aware of the issue of 'elite capture' even within democratic projects and institutions. Further, we should be mindful of the differences in contexts and history and move beyond one-size fits all approaches. What works in Brazil may not work in Asia. Therefore, we need to discuss how to deepen democracy in order to ensure this it is just and democratic **and gender equitable.**

Fundamental for deepening democracy is transparency and public access to information, so is freedom of association (incl. NGO legislation) and freedom of speech and freedom of the press (incl. community radio).

Recognizing the deficits in democracy we must consider carefully how and when to enter into democratic spaces, determining whether they are 'invited' or 'created spaces' and who is being allowed into the space (e.g. women & representatives of the marginalised). We should recognize that though participation is often necessary, it is not sufficient – and the spaces where civil society can enter do not necessarily allow any real influence. A key question is to ensure that our approaches go beyond just challenging power; we must ensure that they will lead to changes that consolidate democratic processes and secure real influence for poor marginalised women and men.

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<sup>5</sup> John Gaventa, Triumph, Deficit or Contestation? IDS working paper 264, 2006

#### **4.4 Key Work Area 4: Provision of equitable, quality service delivery**

Services such as health, education, security, justice, water and sanitation are essential for people centred development. Functioning basic services in particular play an important part in the realisation of women's rights. **Women are the primary users of social services and are therefore specifically affected when the services are not delivered according to the national standards for such services.** Improving service delivery is often an area around which citizens' empowerment and mobilisation can be initiated. There is a huge need for immediate improvements in services and tangible improvements can stimulate other forms of citizens' mobilisation and activism. Much of our cross-cutting governance work is focused on holding service providers accountable for the services they are mandated and obligated to deliver. This involves monitoring and documenting the performance of services in terms of quality and coverage and advocating for change, a process which is often rather long term.

In addition to the above, our governance work in this area needs to consider the importance of working for these improvements in the short term. This would require us to consider the viability of the state as service provider in the short term and whether there are other ways of improving services which do not undermine the role of the state as the overall duty bearer in the provision of services, for example the extent to which civil society or other providers should become involved in service provision. Equally there are also the issues of how we address lack of capacity and weak vertical accountability systems in service provision - however they are provided. Should we become more actively involved in these?

#### **4.5 Key Work Area 5: ELBAG - finance, revenues and expenditures**

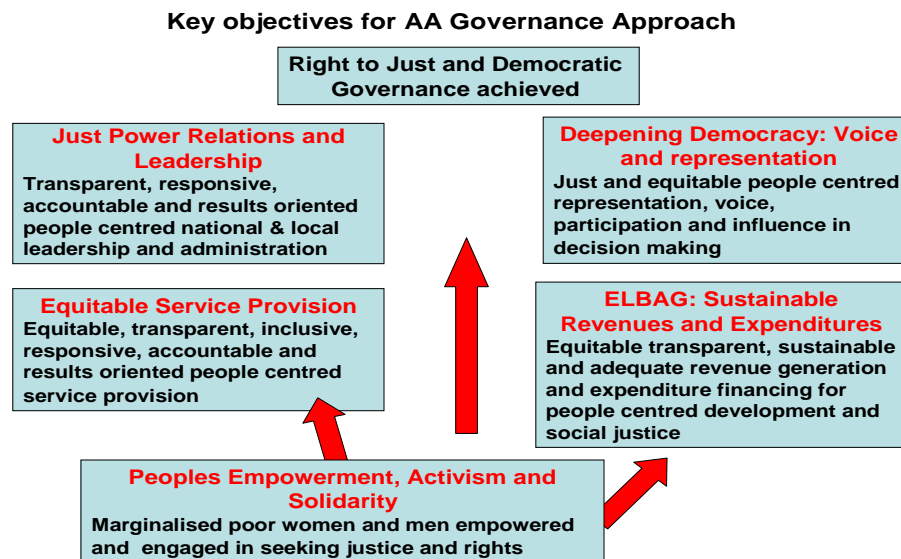
Abuses of elite power often manifest themselves in the manner in which state and other funds are administered, prioritised and allocated, so the challenge for our governance interventions is to demand transparency and insight into the way in which revenues, taxes and expenditures, land and resource ownership are organised and managed.

A major focus will be to hold authorities and private companies accountable for the finances that they control and expend. This will involve monitoring and tracking revenue and expenditure flows and demanding greater transparency. We already work with these issues through ELBAG which focuses on the expenditure side of state financing. In addition though, we should link our work on rights more closely to the funding necessary for their sustainable provision. This would include examining governance issues related to economic development, such as elite investment practice. Other important areas for our work in this field would be tax reform, the governance of natural and extractive resources as well as land ownership and a critical and focused approach to global factors which have a perverse and undermining effect on national and local economies. **Working with the ELBAG approach we focus specifically on gender budgeting and budget tracking in order to ensure that the needs of women are acknowledged and reflected in the budgets and that their and their rights are fulfilled.**



## 5 Governance Objectives

Each of the five governance focus or approach areas outlined above can be thought of as having an 'objective' which contributes to the overall objective or 'guiding star' of our work: *Just and Democratic Governance*. Tentative formulations are suggested in the diagram below.



## 6 Governance as cross-cutting theme

Governance is a foundation theme in a Rights Based Approach as rights and governance are closely linked. It is governance processes that are the means to fulfilling rights. In other words, the state must accept that it is the legal and principle duty bearer responsible for fulfilling people's rights and developing and maintaining the systems, procedures, rules and laws for ensuring that rights can be fulfilled justly and democratically. This is the essence of governance work and implies that governance is an important cross-cutting issue in all forms of work aimed at fulfilling rights.

Governance as a cross-cutting **approach** will be focused on empowerment (work area 1), how the state provides services (work area 4) and budget monitoring (work area 5). As a cross cutting theme, governance, on the one hand, focuses on empowering rights holders, not only in terms of **conscientisation, but also with the methods and tools that can enable them to engage with** the state and society at large. On the other hand **the** governance theme also promotes democratic monitoring and accountability work within other themes **as well as the compilation and development of** methods and tools (best practice examples) **that can inform** thematic work. The cross cutting work will not only relate to traditional sectors (such as health, education, justice, security, water/sanitation and electricity supply), but will also be relevant **in relation to** food security, land rights, credit for small farmers, violence against women, social protection, etc. In terms of specific

cross cutting governance work, **one focus area** will be on demanding and lobbying for functioning vertical accountability systems in the state's provision of services.

The five key governance focus areas outlined above can also be used as an analytical framework for understanding and planning cross-cutting governance work in connection with sector/thematic focused work. For example, at the local level in an AA Development Area, a particular group of rights holders may wish to see primary school education improved to nationally proscribed standards. From this starting point, the current level of service provision (and the duty bearers involved) can be assessed (focus area 4) as well as the budgetary and resource situation (focus area 5). Subsequently, the 'space' for citizen's voice and participation can be explored (focus area 3) as well as the power relations among elite groups who influence or have power over the issue in question (focus area 2). On the basis of this analysis, a plan of action can be drawn up for how this group of rights holders will go about holding duty bearers to account. This will involve plans which cover the empowerment of citizens, specific campaigns or actions that will be undertaken as well as plans for building solidarity and alliances with others (Cf. AAI's HRBA handbook).

## **7 Governance as a stand alone theme**

Stand alone governance programmes are programmes which are focused on specific governance issues. **Typically the type of issues focused on will contribute to securing rights which will have significance for rights holders across all or many sectors, not just one specific area, for example, generic reform of legislation on the Right to Information, tax, justice and decentralisation legislation.**

Based on a **thorough** analysis of the national context within the 5 working areas, a specific programme strategy **will** need to be developed. The strategy will define the concrete focus of **governance work** in relation to **the** need for change, **opportunities for carrying out work and likelihood of achieving** results.

### **7.1 Governance work at local level.**

In most cases it is possible to start work at the local level. Here political risks are often relatively low, the 'distance' between rights holders and duty bearers is closer, and the potential for immediate benefits and results **is** higher. One can for example work with empowerment (work area 1) and with monitoring and demanding quality services (work area 4). Experience shows that work within these areas can often yield quick results, and increase the understanding among rights holders of the fact that governance interventions can be an effective way of improving living conditions. A logical follow-up will be ELBAG work, where citizens start analysing budgets and questioning priorities and efficiency (work area 5).

It is often relevant to start by focusing on a specific sector (e.g. education), but a purely sectoral approach may easily result in too great a focus on a particular sector in relation to other sectors and thus distort local priorities and undermine a democratic process of setting local priorities across the whole development spectrum. This is one reason, why stand alone governance programs are important for ensuring a holistic approach to progress towards more just and democratic governance.

Work on issues of voice and representation (work area 3) at the local level is in particular possible and useful in countries which have a local governance structure. However, organising rights holders to claim space and engage the state representatives at the local level is always important and in the absence of a local government structure, people may decide to organise their own local representative structure.

Work at local level should also analyse and address power relations (work area 2.). At the local level the issue of elite power often mirrors that at the national level. Local elites will often be linked to national elites in terms of ethnicity, caste, religion or political relationships.

Working with power, voice and representation at the local level cannot meaningfully happen just within one sector, but must be organised through a stand alone governance programme that considers governance issues beyond the confines of specific concerns related to a particular sector. For example the issue of citizen participation in planning processes is not something just confined to the education sector; it is equally relevant for other sectors. Therefore, approaches to citizen participation need to be coordinated across sectors to ensure an equitable and cohesive approach to governance on this issue.

## 7.2 National level

Work with governance at the local level can yield immediate results and improve livelihoods and living conditions and it can promote participation in political processes, which in itself is an important human right. Real change and social justice can, however, not be obtained at the local level. Local struggles will unavoidably run into obstacles that stem from national structures (government and elites). For example, good decentralisation policies can provide more room for manoeuvre at the local level. Fiscal decentralisation and taxation policies that allow for local revenue collection can support people centred decentralisation. A legal framework for credit and social entrepreneurship can promote economic empowerment. Thus governance work at the national level that promotes decentralisation is important for establishing a legal and policy framework at the local level which citizens can use for working towards just and democratic governance.

Sector approaches at the local level may successfully be backed up by advocacy work at the national level for policy reform or budget allocation. But the framework that enables such work, i.e. access to information, provision of room for engagement and consultation in planning and policy

formulation, and the legal framework around free media, freedom of association (NGO policy), freedom of speech and participation are key stand alone governance interventions of paramount importance for a rights based approach. Work on the national budget, taxation and revenue collection, makes more sense if it is cross-sectoral, **as budgeting needs to be considered equitably across sectors and likewise** work on elite power and democratic representation at the national level makes no sense from a sector thematic **angle as the way power, especially informal power, is wielded impacts across most sectors, not just one in particular.** **In addition international links need to be considered. The Bretton Woods Institutions and IFIs often have a decisive effect on national policies. These effects are not confined to any one sector but affect the whole national framework. A stand alone governance programme is thus necessary in terms of considering negative impacts, ensuring transparency and developing both national and international strategies for addressing these issues.**

### **7.3 Women rights**

As indicated, both stand alone and cross cutting governance work should always have a specific priority on women's rights. In terms of realising rights, women are always disadvantaged in relation to men and often face specific gender related barriers often associated with patriarchal cultural practices. Generally, there are far fewer elected women's representatives which in practice often means that a focus on gender issues is neglected at the local level. Similarly, in spite of the fact that women often manage to achieve greater participation in governance, subtle processes may result in them being excluded when it comes to decisions about prioritisations and budgeting which tend to remain dominated by men. Similarly, accountability processes may be designed in ways which make it difficult for women to participate, for example complaints about local services may have to be registered at district headquarters which are located at a considerable distance from their homes. Women's work load is another bias factor in relation to participating in accountability work.

## **8 Four challenges for governance work**

### **8.1 Challenge 1: Elite Power**

Our values and principles make it clear that the main thrust of our governance work is to address power imbalances between elites and the poor (Values 2 and 4 in particular see page 2).

Elites control key areas in the state, the market and society arenas. Elites consist primarily of highly placed individuals in government (Political power), the market sector (economic power); the traditional sphere (e.g. chiefs, religious organisations and leaders - Traditional Power), and the social sector. The social sector spans a range of actors from NGOs, civic associations and charities to criminal organisations. Finally there is a category of International elites consisting of

INGOs, bi- and multilateral donors, international corporations and the Bretton Woods institutions (IMF, WB, WTO, IFIs etc). Common for all these groups is their ability to mobilise resources and exert influence through the power of their position and status.

Our governance interventions are addressed at these various power wielders and in terms of our values and principles, state power is crucial as it represents the overall national level power that has the 'legitimate right and mandate' to fulfil and enforce rights. The Duty Bearer – Rights Holder conceptualisation is central to our work here. In other words fulfilling rights requires the state to play a significant role in enforcing the rule of law and establishing a social contract. This has the effect of focusing the emphasis of much of our work at the national state level, which may restrict us from more systematically focusing on how aspects of the international context impact nationally, especially neo-liberal institutions such as the WB, IMF, IFIs and WTO. Our work needs greater clarity in terms of understanding and separating out the impact of both national and international elites.

We also need to recognise that the importance that our rights based approach attributes to the role of the state poses a challenge by the fact that the 'condition of the state' in many countries is fragile. Addressing this will be a long term process. In many countries, the state is a discredited institution and in some countries the state does not have any wide ranging authority. Some states are also compromised by criminal elites (e.g. drug barons) who exert considerable influence. We may need to critically examine our rights based approach in relation to how we perceive the state, the nature of elite power at both national and international levels and the goals we seek to achieve.

The concept of the '*political settlement*' can be useful in helping us unpack these issues. A political settlement describes the types of informal as well as formal political bargains that can promote reform, development and poverty reduction – or fail to achieve any such progress.<sup>6</sup> More simply put, a *political settlement* is a common understanding or agreement, usually between elites, that their best interests or beliefs are served by a particular way of organising political power.<sup>7</sup>

A number of different types of political settlement can be identified, but Khan's distinction between *rational settlements* with rule following adherence to formal institutions and *elite political settlements* characterised by power arrangements that are *not* aligned with formal institutions (i.e. the rules are made by and enforced by elite groups largely at their discretion) is useful. In contrast, rational political settlements are based on impersonal laws, rules and regulations which are enforced by independent institutions.<sup>8</sup>

In *elite political settlements* formal institutions do not operate according to their own stated rules, but rather by the exercise of personalized power. This category covers a wide range of governance forms ranging from military rule to elitist party competition in 'democracies', but what they share is

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<sup>6</sup> See: Chandhoke, Neera (2010) Some Reflections on the Notion of the 'Inclusive Political Pact': A Perspective from Ahmedabad. Crisis States Working Paper No. 71 (series 2).

<sup>7</sup> DFID/IDS et al (2010:11) The Politics of Poverty: Elites, Citizens and States.

<sup>8</sup> Khan M.H. (2010:52) Political Settlements and Growth-Enhancing Institutions. SOAS, London.

the fact that personal individual power plays an important role in how resources are allocated.<sup>9</sup> The significance of this for our work is that achieving the fulfilment of rights, by their very nature, requires rule governed political settlements. The universal, just and equitable nature of rights requires objective impartial institutions to *respect, protect* and *fulfil* them.

Our approach to working with governance rightly emphasises the importance of understanding power relations, and our work on influencing these relations is mainly focused on advocacy and protest directed at injustices and wrongs. If the foregoing analysis is correct, championing rights must also include strategies for influencing *elite political settlements* towards *introducing* more accountable and rule governed forms of governance. This will involve influencing elite bargaining processes. Doing this successfully requires us to be good at understanding how elite bargaining process work and how they can be influenced - they will always be very context specific, not only nationally but also at regional and local levels. Recent research provides some useful pointers which may help us with this task:

- 'Political Settlements' (or whatever similar term is used) are always crucial and underpin state, and state and society relations. Elites may change, but elites will always play a significant role in political outcomes and exclusionary politics will threaten political stability.
- Past history and informal institutions are always important to a political settlement and effective, accountable, public authority evolves through a political process of bargaining between elites and between the state and organised groups in society.
- Informal institutions and personalised relationships are pervasive, powerful and potentially able to deliver both detrimental and progressive outcomes in poor countries.
- Globalisation can and does create perverse incentives for political elites to perpetuate the fragility of states.<sup>10</sup>

What this implies is that in addition to focusing on injustices and unfulfilled rights, we also need to influence elites towards developing a more rule governed state that can generate its own resources for sustainable economic development which will allow people to escape cycles of poverty. These influencing processes may be uncertain, messy and at times at odds with some of our values, but nevertheless crucial for the success of our work.

## **8.2 Challenge 2: The Capacity of the State**

The review of AA's governance work observes that '*...the rights based approach often focuses mainly on the demand side while working with poverty and injustice requires actions from both the supply and demand sides.*' In the values and principles section an acknowledgement is made that duty bearers themselves may have limited capacity, '*... rights holders should be supported to*

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<sup>9</sup> Ibid p 47

<sup>10</sup> DFID/IDS et al (2010) The Politics of Poverty: Elites, Citizens and States

*understand that their needs are related to specific rights and assisted to identify and target the specific duty-bearer, or bearers, accountable for ensuring the realisation of those rights.'*

This requires unpacking. The message is that in addition to issues already raised, fulfilling rights is problematic when the state does not have the capacity in terms of resources and manpower to deliver on them. **Additionally duty bearers at the local level may in many respects be 'hostages' in a dysfunctional system that denies them the resources and training necessary for them to fulfil their duties. In this sense they can also be considered as 'rights holders' as they are denied the means of fulfilling their obligations.**

Our governance work tends to focus on the demand side and often assumes that state capacity will develop, either by political elites channelling more resources into capacity development as a result of 'demands' for rights, or by others who provide assistance (usually donors). These assumptions need to be tested and strategies developed which consider the balance of supply and demand side focus in our governance work and whether it is realistic to expect that specific 'states' will be able to deliver services within a reasonably short time frame. Recent research indicates that downward vertical accountability systems are a crucial factor in more successful service provision, which compliments upward demands. This could be a useful area for our governance work to explore.<sup>11</sup>

### **8.3 Challenge 3: Resource Capacity – Redistribution, Tax and Economic Development**

The fulfilment of rights is synonymous with a redistribution of wealth and the provision of equitable services. In terms of our governance work, the focus has been on actions intended to change policy or practice in relation to redistribution. Our governance work seems to have focused less on how the resources for implementing these changes can be equitably generated through economic development and taxation. We need to consider that many countries do not have sufficient resources to sustainably fulfil rights and cannot be expected to generate these resources in the short term. Our governance work should therefore consider what stance it should take in relation to revenue generation and economic development as they are essential to the sustainable fulfilment of rights.

AA's ELBAG approach has made useful contributions to monitoring budget expenditure, **including gender budgeting, and advocating for redistribution of social goods for poor women and men.** This initiative could be usefully extended to cover revenue generation and the tax system per se. In terms of resources, our governance work should perhaps consider how to incorporate some of the following issues into our work:

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<sup>11</sup> Booth, D. (2010) Towards a theory of local governance and public goods' provision in sub-Saharan Africa. Working Paper No. 13, African Power and Politics Programme.

- Taxation reform can be considered as a major political ‘state-building’ activity which can be conceived of in terms of rights. Tax reform can be an entry point to enhance political accountability and advocate for just and equitable tax systems.
- Limited tax capacity is often the deliberate result of elite bargains and political settlements (e.g. tax exemptions) and would therefore benefit from more targeted governance interventions.
- The exploitation of natural and extractive resources can both be an endowment and curse and much is determined by the revenue and rent sharing arrangements agreed among political and economic elites. Focusing on these ‘arrangements’ presents an opportunity for extending the scope of our governance work.
- Aid and loans can distort and undermine efforts to introduce social contracts based on a mutual relationship between citizens who pay taxes and a state that provides services and security, by way of the fact that aid and loan dependence negatively distort the reciprocal relationship between revenue and expenditure cycles at the national level. This is another potential entry point for governance work.

In terms of economic development, much of our governance work has tended to focus on injustices in two main areas. Firstly, exposing and combating various forms of corruption, nepotism and malpractice and secondly by focusing on the inherent biases of the international Bretton Woods institutions (IMF, WB WTO) and the negative impacts these have especially had in relation to the global south. The overall purpose of this work has been to advocate for greater adherence to a transparent rule governed regulatory environment. This approach is important, although the adoption of an effective and just regulatory environment is a long term, perhaps very long term, project, while the need for economic development is an immediate need. Our governance work should perhaps consider how to work on both the longer term and shorter term goals.

In terms of focusing our governance work on more equitable economic development it may be helpful to focus in greater detail on how elite power operates in terms of investment decisions. A political economy largely controlled by elite power, with limited regard for ‘rules and regulations’ has both beneficial and harmful effects in terms of investment that are very context specific. There is a considerable amount of research that confirms that these informal elite relationships can, and historically do, pave the way for the development of more rule based economic governance.<sup>12</sup>

The implications of this for our governance work are that in addition to fighting injustices, we also need to focus on understanding how our work can generate genuine political demands for types of investment that promote economic development and social justice.

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<sup>12</sup> Khan, M.H. (2010) Political Settlements and the Governance of Growth-Enhancing Institutions. SOAS, London and Khan, M.H. (2010) Good Governance and Growth in Africa: What can we learn from Tanzania? (with Hazel Gray), in Vishnu Padayachee (ed.) *The Political Economy of Africa*, London: Routledge 2010. pp. 339-56.



#### **8.4 Challenge 4: Change and Conflict**

Working for just and democratic governance and addressing power relations at all levels is a political process, not without the risk of incurring conflict, and we must recognise that conflict is often a necessary and constructive element of change processes. However, in societies with weak judiciaries and fragmented populations, it is all too easy for conflicts to escalate into violence and intimidation as power wielders attempt to further their own agendas and suppress the interests of rights holders. Security is a prerequisite for development and in addition to politically motivated violence, there are increasing levels of urban social violence which are also indicative of a break down of governance.

Violence can be perpetuated by elites who use it to preserve an unequal distribution of resources. Such elites may ally with criminal and violent groups 'behind the scenes'; they may also tolerate or even encourage routine abuses by state security forces; and may fail to deal with the sources of violence within society, and even gain from the illegal wealth accumulation which takes place through it. This creates a climate of insecurity which enables elites to offer despotic power as a solution, while preserving their privileged access to wealth and resources.

Although a key advocacy goal is to create opportunities for citizens groups to directly engage in policy processes, engagement does not always impact policy decisions in the end. Policy makers may construct these policy spaces to appear consultative and thus diffuse public criticism, but without any intentions of changing their agendas. However, successful cooperation also may take place. In any case it is crucial that we carry out a thorough risk analysis and a power mapping before starting activities so that we are aware of how our work may affect to be affected by conflicts, in particular violent conflicts.

## 9 Appendix: Examples of Governance Related Issues and Activities at the Local, National and International levels

The following pages contain examples of issues and activities relevant to governance work. The matrices are organised into Local, National and International categories. Each category is divided into a sections issues that are: 1) relevant in terms of analysis, and, 2) relevant in terms of activities.

The first example, below, is at the Local Level. The National and International levels follow. The bullet points in the matrices are only intended to be indicative and give an idea of what we might be focusing on in each area at each level.

### 9.1) Local Level Example - Analysis areas

| Analysis Area 1: Empowerment Governance Area (Local Level) |  |
|--|--|
| Examples of issues to analyze and assess                   | <ul style="list-style-type: none"> <li>• Internal power relations in <i>communities</i> are important factors that may present barriers for processes of empowerment, for example: men over women; elders over younger; land owners over landless; chiefs over marginalized members of communities</li> <li>• Internal power relations in <i>families</i>: Men over women: women are prevented from taking part in political sensitive activities due to patriarchal traditions and convictions</li> <li>• Culture and religion can hamper, (e.g. empowerment of dalits).</li> <li>• How can we encourage and sustain true people-driven empowerment? Are NGOs "advocating" for others – or at times more for themselves? Are Social Movements indeed driven by people?</li> </ul> |

| Analysis Area 2: Power Relations Governance Area (Local Level) |   |
|--|---|
| Examples of issues to analyze and assess                       | <ul style="list-style-type: none"> <li>• Abuse of power in Decision Making and power dynamics (local vs. national power relations)</li> <li>• Elite capture (Patron-clientism)</li> <li>• Gender power analysis (ensure that this starts from the household level)</li> <li>• Accountability channels/mechanisms</li> <li>• Leadership capacity and probity</li> <li>• Access to information</li> <li>• Citizens vs. state relations</li> <li>• Non-state actors</li> </ul> |

| Analysis Area 3: Voice and Representation Governance Area (Local Level) |   |
|---|---|
| Examples of issues to analyze and assess                                | <ul style="list-style-type: none"> <li>• Empowerment</li> <li>• Mobilisation</li> <li>• Women's participation in politics (including gender analysis and CARE economy issues that prevent access to political arenas)</li> <li>• Biased/limited representation &amp; participation with a special focus on women's rights</li> <li>• 'Spaces', opportunities for voice – frameworks/mechanism of voices and representations (review of civil and political rights)</li> </ul> |

|  |  |
|--|--|
|  | <ul style="list-style-type: none"> <li>• Social Movements as change agents</li> <li>• Deliberative and direct forms of democracy</li> <li>• Social movements</li> <li>• Accountability on non-state actors</li> <li>• Citizenship analysis (acting beyond the citizens and consider influx of migrations)</li> </ul> |
|--|--|

| <b>Analysis Area 4: ELBAG Revenues/Expenditure Governance Area (Local Level)</b> |   |
|--|---|
| <b>Examples of issues to analyze and assess</b>                                  | <ul style="list-style-type: none"> <li>• Budgets and fund flows (focus on inflow and outflows analysis)</li> <li>• Capacity assessments of local institutions</li> <li>• Gender budget tracking</li> <li>• Fiscal decentralisation (especially degree of fiscal autonomy at the local level)</li> <li>• Financial transparency and access to information</li> <li>• Allocations/priorities &amp; financial planning</li> <li>• Financial professionalism</li> <li>• Statistics and data availability (especially at the local level)</li> <li>• Revenue generation/collections systems and sources</li> <li>• Alternative revenues sources</li> <li>• Channels and space for financial accountability and monitoring including public hearing and dialogue</li> <li>• Fiscal and expenditure architecture - Mapping of financial/allocation and distribution control</li> <li>• Gender responsive budgeting including women specific and care economy analysis</li> <li>• Policies and laws on service delivery</li> <li>• Analysis of actors and people's roles in budgeting and other financial related planning processes</li> </ul> |

| <b>Analysis Area 5: Service Provision Governance Area (Local Level)</b> |   |
|---|---|
| <b>Examples of issues to analyze and assess</b>                         | <ul style="list-style-type: none"> <li>• Service Standards (quality/quantity), political commitments and obligations</li> <li>• Access and distribution of services for women and men</li> <li>• Access and use of information</li> <li>• Service professionalism capacity and leadership</li> <li>• People participation in service delivery – focus on agenda, distribution and space for people's participation</li> <li>• Public – private partnership Vs public-public partnerships</li> </ul> |

An important task in relation to the analysis will be to identify linkages between the five areas. For example, how do the interests and actions of local elites influence citizens' right to voice and representation? How do elite interests affect resource generation and allocation and how do these dispositions impact on service delivery.

After absorbing and assessing the analysis and identifying strengths, weaknesses, opportunities and threats, the next stage would be to plan a cross-cutting governance intervention for the particular sector. This plan should address interlinked issues within the five governance areas. The

matrices, below, highlight issues and strategies that might be relevant when putting together a governance implementation plan for a given sector or thematic area.

## 9.2) Local Level Example – Activity Areas

| <b>Activity Area 1: Empowerment Governance Area (Local Level)</b> |   |
|---|---|
| Examples of strategies that could be considered                   | <ul style="list-style-type: none"> <li>• Conscientization (political awareness)</li> <li>• Awareness raising,</li> <li>• Capacity building</li> <li>• Alliance building – Social movements</li> <li>• Mobilizing</li> <li>• Organizing</li> <li>• Action</li> <li>• Solidarity</li> </ul> |

| <b>Activity Area 2: Power Relations Governance Area (Local Level)</b> |   |
|---|---|
| Examples of strategies that could be considered                       | <ul style="list-style-type: none"> <li>• Accountability (evidence gathering) and database – including trend analysis</li> <li>• Power mapping analysis (including key power interests e.g. role of extractive industries and other large scale investments)</li> <li>• Exposure of malpractice (Legal recourse/campaigns/media)</li> <li>• Dialogue and advocacy</li> <li>• Issue of limited state capacity and capacity building (especially of local authorities). Investigate appropriate approaches to this problem for AA governance work.</li> <li>• Access and rights to information – documenting policy in relation to practice</li> <li>• Alliances and networking</li> <li>• Advocacy</li> <li>• Policy tracking (e.g. decentralisation/devolution)</li> </ul> |

| <b>Activity Area 3: Voice and Representation Governance Area (Local Level)</b> |  |
|--|--|
| Examples of strategies that could be considered                                | <ul style="list-style-type: none"> <li>• Empowerment/mobilisation<br/>Claiming/demanding space, voice &amp; participation for women and men</li> <li>• Social movements</li> <li>• Innovative approaches: Deliberative and direct forms of democracy</li> <li>• Advocacy and dialogue</li> </ul> |

| <b>Activity Area 4: ELBAG Revenues/Expenditure Governance Area (Local Level)</b> |  |
|--|--|
| Examples of strategies that could be considered                                  | <ul style="list-style-type: none"> <li>• Accountability (evidence gathering – budget tracking)</li> <li>• Gender budgeting (including formation of women's groups, UCW analysis, CARE economy)</li> <li>• Exposure (Legal recourse/campaigns/media)</li> <li>• Dialogue and capacity building</li> </ul> |

|  |   |
|--|---|
|  | <ul style="list-style-type: none"> <li>• Participatory budgeting</li> <li>• Tracking revenue and expenditure flows</li> <li>• Advocating socially just taxation</li> <li>• Building capacity of AA DAs to work on these issues.</li> <li>• Social audits</li> <li>• Mapping of people's participation in budget analysis and tracking Promoting peoples participation and control of revenue generation and expenditure.</li> <li>• Management of information systems for financial tracking</li> </ul> |
|--|---|

| <b>Activity Area 5: Service Provision Governance Area (Local Level)</b> |   |
|---|---|
| <b>Examples of strategies that could be considered</b>                  | <ul style="list-style-type: none"> <li>• Service performance assessment (quantity/quality)</li> <li>• Accountability (evidence gathering – social audits, score cards etc)</li> <li>• Exposure (Legal recourse/campaigns/media)</li> <li>• Dialogue - Identifying entry points with local government (inc. advocacy)</li> <li>• Capacity Building</li> <li>• Access and right to information – public and private service delivery actors analysis and RTI</li> <li>• Developing alternative service provision</li> <li>• Documenting experiences with PPPs</li> <li>• User committees forums and networks</li> </ul> |

### 9.3) National Level Example – Analysis Areas

| <b>Analysis Area 1: Empowerment Governance Area (National Level)</b> |  |
|--|--|
| <b>Examples of issues to analyze and assess</b>                      | <ul style="list-style-type: none"> <li>• Mapping of main poor or pro-poor social movements and civil society organizations, pointing out their demands, their resource mobilization, their fights, their enemies and their allies.</li> <li>• Identify the limits of the internal accountability, of the democratic decision making process and of the womens participation inside these national social movements and civil society organizations.</li> <li>• Identify the level of fragmentation (lack of dialogue, weak articulation, competition, etc) among these social movements and civil society organizations</li> </ul> |

| <b>Analysis Area 2: Power Relations Governance Area (National Level)</b> |   |
|--|---|
| <b>Examples of issues to analyze and assess</b>                          | <ul style="list-style-type: none"> <li>• Abuse of power in decision making (policy level)</li> <li>• Elite capture (grand corruption/policy bias – including political influence of criminal syndicates)</li> <li>• Accountability (inc. corporate accountability) channels/mechanisms</li> <li>• Impact of IFI's on national policy (IMF,WB, WTO)</li> <li>• Right to information (RTI) Law/policy analysis</li> <li>• State vs citizens – whole issue of citizenship</li> <li>• TNCs as a power source (esp. extractive industries).</li> </ul> |

| <b>Analysis Area 3: Voice and Representation Governance Area (National Level)</b> |   |
|---|---|
| <b>Examples of issues to analyze and</b>  | <ul style="list-style-type: none"> <li>• Election laws and processes</li> <li>• Legislation regarding citizens' rights to participation with a special focus on women rights</li> </ul> |

|        |   |
|--------|---|
| assess | <ul style="list-style-type: none"> <li>• Deliberative and direct forms of democracy at the national level</li> <li>• Social movements and CS coalitions at the national level</li> <li>• Parliamentary and judiciary accountability – collective responsibilities of legislators</li> </ul> |
|--------|---|

**Analysis Area 4: ELBAG Revenues/Expenditure Governance Area (National Level)**

|  |  |
|--|--|
| Examples of issues to analyze and assess | <ul style="list-style-type: none"> <li>• Revenues and taxation (inc. from extractive industries)</li> <li>• Budgets and fund flows (inc. off-budget allocations)</li> <li>• Financial transparency and access to information</li> <li>• Allocations/priorities &amp; financial planning</li> </ul> |
|--|--|

**Analysis Area 5: Service Provision Governance Area (National Level)**

|  |  |
|--|--|
| Examples of issues to analyze and assess | <ul style="list-style-type: none"> <li>• Service Standards, commitments and obligations from a national perspective</li> <li>• Right and Access to information (in relation to service delivery)</li> <li>• Service Professionalism (capacity and leadership) at national level</li> </ul> |
|--|--|

**9.4) National Level Example - Activity Areas**

**• Activity Area 1: Empowerment Governance Area (National Level)**

|   |   |
|---|---|
| Examples of strategies that could be considered | <ul style="list-style-type: none"> <li>• Promoting links and networks of local CBOs with national poor or pro-poor coalitions and social movements</li> <li>• Promoting national forums or arenas where the sectorial social movements and networks could interchange your agendas, identify common interests and promote common activities seeking democratize the state and promote pro-poor policies.</li> </ul> |
|---|---|

**Activity Area 2: Power Relations Governance Area (National Level)**

|   |   |
|---|---|
| Examples of strategies that could be considered | <ul style="list-style-type: none"> <li>• Accountability (bringing local issues to the national policy level)</li> <li>• National level exposure (Legal recourse, campaigns media)</li> <li>• Policy Dialogue (e.g. People centred decentralisation)</li> <li>• National campaigns (RTI, anti-corruption )</li> <li>•</li> </ul> |
|---|---|

**Activity Area 3: Voice and Representation Governance Area (National Level)**

|   |   |
|---|---|
| Examples of strategies that could be considered | <ul style="list-style-type: none"> <li>• National level CS coalitions and alliances</li> <li>• National level campaigns</li> <li>• Support women's participation in election and governance</li> <li>• Social movements (national context)</li> <li>• Innovative approaches: Deliberative and direct forms of democracy at the national level</li> <li>•</li> </ul> |
|---|---|

**Activity Area 4: ELBAG Revenues/Expenditure Governance Area (National Level)**

|   |  |
|---|--|
| Examples of strategies that could be considered | <ul style="list-style-type: none"> <li>• Accountability (evidence gathering – budget tracking at national level)</li> <li>• Exposure (Legal recourse/campaigns/media)</li> <li>• National level dialogue and campaigns</li> <li>• National income/VAT tax revenue analysis</li> <li>• National revenue generation analysis</li> <li>• National budget analysis (Pro-poor focus?)</li> <li>• Gender budgeting</li> <li>•</li> </ul> |
|---|--|

| <b>Activity Area 5: Service Provision Governance Area (National Level)</b> |   |
|--|---|
| Examples of strategies that could be considered                            | <ul style="list-style-type: none"> <li>• Accountability (collation of data at national level on governance issues in service delivery and provision)</li> <li>• Analysis of national standards in relation to int. rights and conventions</li> <li>• Exposure (Legal recourse/campaigns/media)</li> <li>• Dialogue</li> <li>• Right and Access to information</li> <li>•</li> </ul> |

### 9.5) International Level Example – Analysis Areas

| <b>Analysis Area 1: Empowerment Governance Area (International Level)</b> |  |
|---|--|
| Examples of issues to analyze and assess                                  | <ul style="list-style-type: none"> <li>• .Mapping of main poor or pro-poor social regional and international movements and networks civil pointing out their demands, their resource mobilization, their fights, their enemies and their allies.</li> <li>• Identify the limits of the internal accountability, of the democratic decision making process and of the womens participation inside these regional and international social movements and networks</li> <li>• .Identify the level of fragmentation (lack of dialogue, weak articulation, competition, etc) among these regional and international social movements and civil society organizations</li> </ul> |

| <b>Analysis Area 2: Power Relations Governance Area (International Level)</b> |   |
|---|---|
| Examples of issues to analyze and assess                                      | <ul style="list-style-type: none"> <li>• Abuse of power in internationally related decision making (inc. commercial contracting)</li> <li>• International codes of conduct / legislation for business / corruption</li> <li>• Transparency in international contracting (esp. extractive industries)</li> <li>• International Accountability channels/ documentation / reports</li> </ul> |

| <b>Analysis Area 3: Voice and Representation Governance Area (International Level)</b> |  |
|--|--|
| Examples of issues to analyze and assess   | <ul style="list-style-type: none"> <li>• International solidarity</li> <li>• CS representation in international forums countering IFIs.</li> <li>• International research in Deliberative and direct forms of democracy</li> <li>• International Social movements</li> </ul> |

| <b>Analysis Area 4: ELBAG Revenues/Expenditure Governance Area (International Level)</b> |   |
|--|---|
| Examples of issues to analyze and assess   | <ul style="list-style-type: none"> <li>• Corporate tax evasion</li> <li>• International Procurement procedures</li> <li>• International asset stripping</li> <li>• Comparative budget analysis</li> <li>• Gender comparative budget analysis</li> <li>• Comparative analysis of financial management of extractive resources</li> </ul> |

| <b>Analysis Area 5: Service Provision Governance Area (International Level)</b> |   |
|---|---|
| Examples of issues to analyze and assess  | <ul style="list-style-type: none"> <li>• International service standards, conventions and rights</li> <li>• Comparative analysis of standards</li> <li>• Gender comparative standards analysis</li> </ul> |

## 9.6) International Level Example - Activity Areas

| <b>Activity Area 1: Empowerment Governance Area (International Level)</b> |  |
|---|--|
| Examples of strategies that could be considered                           | <ul style="list-style-type: none"> <li>• Promoting links and networks of national poor or pro-poor social movements and civil society organizations with regional and international pro-poor networks and coalitions.</li> <li>• Promote pro-poor, peoples centered and south centered forums and arenas that increase the dialogue among movements, promote articulation and create JDG proposals and alternatives funded in womens right.</li> </ul> |

| <b>Activity Area 2: Power Relations Governance Area (International Level)</b> |   |
|---|---|
| Examples of strategies that could be considered                               | <ul style="list-style-type: none"> <li>• Evidence gathering and analysis</li> <li>• Exposure (Legal recourse/campaigns/media)</li> <li>• Dialogue</li> <li>• Demands for information and transparency</li> <li>• Targeted campaigns on specific issues</li> </ul> |

| <b>Activity Area 3: Voice and Representation Governance Area (International Level)</b> |   |
|--|---|
| Examples of strategies that could be considered  | <ul style="list-style-type: none"> <li>• Solidarity campaigns</li> <li>• Promotion of World Social Forum and South-South people's dialogue</li> <li>• International Social movements</li> <li>• International women's rights' organizations</li> <li>•</li> </ul> |

| <b>Activity Area 4: ELBAG Revenues/Expenditure Governance Area (International Level)</b> |  |
|--|--|
| Examples of strategies that could be considered  | <ul style="list-style-type: none"> <li>• Campaigns (e.g. Publish what you pay)</li> <li>• Extractive industries campaigns</li> <li>• International tax focus campaigns (highlighting good and bad practice)</li> </ul> |



| <b>Activity Area 5: Service Provision Governance Area (International Level)</b> |   |
|---|---|
| <b>Examples of strategies that could be considered</b>                          | <ul style="list-style-type: none"><li>• Promotion of alternative National Development Strategies (NDS) with a focus on social development.</li><li>• Campaigns to highlight good and bad practice in service delivery</li></ul> |