Using Citizens’ Charter to Exact Local Accountability for Human and Social Development

A Paper for the NAPSIPAG Annual Conference 2006
University of Sydney, Australia, December 4-5, 2006

Theme: Innovation, Policy Transfer and Governance: How can they best contribute to human and social development?

Prepared by

Magdalena L. Mendoza
Fellow, Development Academy of the Philippines
Introduction

In September 2000, member states of the United Nations have come together to affirm commitments towards addressing poverty and all forms of inhumanity. Countries throughout the globe have collectively pledged a commitment to the Millennium Declaration, commonly known as the Millennium Development Goals (MDGs), as a strategy to break the chain of poverty and eliminate the worst forms of human impoverishment by 2015. The overarching goal is to cut extreme poverty by half between 1990 and 2015 and eliminate the worst form of human deprivation—hunger. The other targets include achieving universal primary education; promoting gender equality; reducing child mortality; improving maternal health; combating HIV/AIDS, malaria and other diseases; ensuring a sustainable environment; and developing a global partnership for development, as a means to achieve the abovementioned goals.

Two factors are likely to affect the 2015 desired outcomes. The first one is supply, that is, the amount of public investment on MDGs and the second is, the demand or pressure from those who are deprived of access to quality basic social services and economic resources for the duty-bearers to fulfill their obligations.

There is no fixed formula on how public investments on MDGs should be made. The United Nations earlier proposed the 20/20 Initiative as a framework for determining the minimum spending by governments and donors on MDGs. The 20 percent to be allocated by national governments is formulated on the basis of the human expenditure ratio benchmark which may need to be in the vicinity of 5 percent of GNP if a country wishes to perform well in human development. As far as the 20/20 record is concerned, the Philippine track record shows that the national and local governments, except for a few provinces and cities, have always fell short of this benchmark. The severe fiscal constraints that the country has to content with in recent years had constricted the flow of resources for MDGs. While social services continue to receive high priority in allocation, it is not totally spared from budget cuts in times of fiscal crunch or when exogenous variables come into play. As Manasan (2006) noted, the reduction in the national government’s fiscal position during the past years at the expense of productive expenditures like health and education. The latest report of the Asian Development Bank, UNDP and UNESCAP cite the Philippines along with Indonesia, Pakistan, Papua New Guinea, Lao PDR, Cambodia, and Myanmar, among the countries falling behind the millennium targets.

Nevertheless, the country’s economic planners are optimistic that the Philippines will achieve at least six out of the eight MDG targets.
According to the National Economic and Development Authority, there is a high probability of achieving the targets on poverty\(^1\), dietary energy requirement, gender equality in education, child mortality, HIV/AIDS and malaria, and access to safe drinking water. However, the country needs to exert efforts to meet the targets for nutrition, maternal health, participation and cohort survival rates in elementary education, and access to reproductive health services (NEDA, 2006). Recent estimates place the cumulative MDG resource gap from 0.8 to 1.2 percent of the country’s GDP for the period 2007-2015 (Manasan, 2006).\(^2\) To bridge this gap, the government pledges to seek additional funding, clarify priorities for investment, and reform the budget. The national government is also strengthening the commitment of local government units as direct providers of basic social services and executor of poverty-alleviation programs. One can only hope that these commitments would materialize but then, this is just the supply side of the story.

Commitments to human development become credible through public investments since the budget is the concretization of the country’s development goals and priorities. Yet, poverty reduction specialists argue that eliminating poverty requires not just transferring assets to the poor, but also making information available to them so that they can meaningfully participate in the development process and more importantly, demand their rights.

As Adam Smith wrote centuries ago, information is the great leveler. A free market, he thought, is unable to function if information is withheld or limited to a select few. In the same way, imperfect information reinforces poverty. As observed by investigative journalist Sheila Coronel (2001), “The reality today is that wealth and power are increasingly being derived from the control---and production---of knowledge. The information-rich countries are also those which are wealthy and powerful. Global disparities in wealth are reflected in the wide gap that separates the information-endowed from the information-deprived. Within countries, the line that sets rich and poor apart is also a knowledge divide.”

The MDGs consists of the most compelling human needs. These are basic rights to development. But the poor cannot assert their rights if they don’t know what these are. If they are unaware of the laws and procedures for availing themselves of their entitlements or of the

\(^1\) The proportion of the population living below the subsistence (food) threshold declined from 24 percent in 1991 to 14 percent in 2003. On the other hand, the proportion of population living the below the overall poverty threshold went down from 45 percent in 1991 to 30 percent in 2003 (Manasan, 2006).

\(^2\) At the local government level, the cumulative resource gap ranges from PhP10 billion (high GDP growth rate) to PhP11 billion (low GDP growth rate) in 2007-2015 (Manasan, 2006).
mechanisms they can use to remedy their deprivations, then they will always remain poor (Coronel, 2001). Information is power. To provide the poor with information is to empower them. As Balisacan (1999) would attest, the rate of poverty incidence falls by three percent for every one percent improvement in functional literacy. People with education have wider access to information about livelihood and job opportunities, hence are able to improve their economic welfare.

Access to information has also been useful in seeking redress for social inequity and correcting long-standing grievances. As experienced in some countries, civil society organizations (with access to information) have been able to demand an accounting of public funds and check the ineptness and corruption of those who rule over them (Coronel, 2001). Transparency in governance is built on free flow of information while accountability requires freedom of information.3

**The right to information**

Freedom of information is a fundamental right. An informed citizenry is an effective counterpoint to state power.

The right to information is increasingly recognized in many parts of the world through enactment of specific legislations. Accordingly, Sweden set the trend. In 1776, the Swedish Parliament enacted a law that required disclosure of official documents upon request. The United States passed its Freedom of Information Act in 1967. Belize enacted such a law in 1994, Ireland and Thailand in 1997, Israel in 1998, South Africa, Bulgaria and the United Kingdom in 2000 and Japan in 2001 (Coronel, 2001). The Parliament of India is the latest to enact a Right to Information Act in 2005. Civil society groups consider it a major milestone in journey towards transparency in governance and an important tool in the fight against corruption. Under the terms of the Act, any citizen of India may request a department of the Central Government, State Government or public sector company or bank for information on almost any question related to the department or company's functioning. The government body is expected to comply within thirty days, failing which the officials responsible for non-compliance face financial penalties and, in persistent cases, jail terms (Right to Information Act 2005).

---

3 Accountability is 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. Transparency means that decisions taken and their enforcement are done in a manner that follows rules and regulations.
The Philippines has no information law, but the Philippine constitution guarantees the right to information. Article 3, Section 7 of the 1987 Philippine Constitution states that, “The right of information on matters of public concern shall be recognized. Access to official records, and to documents, and papers pertaining to official acts, transactions, or decisions, as well as to government research data used as basis for policy development, shall be afforded the citizen, subject to the limitations as may be provided by law.” This constitutional provision is self-executory and government must enforce it even without an implementing law (Chua, 2001).

The right to information, however, is not absolute. There are exceptions and restrictions imposed such as those cited in Republic Act 6713, or the Code of Conduct and Ethical Standards for Public Officials and Employees. According to this law, citizens can be denied access to information when these conditions exist: (1) the information record or document must be kept secret in the interest of national defense or security or the conduct of foreign affairs; (2) the disclosure of information will endanger the life and safety of an individual; (3) the information, record or document falls within the concepts of established privilege or recognized exceptions provided by law, settled policy or jurisprudence; (4) the information is of personal nature and its disclosure will result in unwarranted invasion of personal privacy; and (5) the premature disclosure of information may lead to significant financial speculation in currencies, securities, or commodities, or endanger the stability of a financial institution, in the case of a regulatory agency or financial institution or frustrate implementation of a proposed official action, in the case of a department, office or agency.

The law makes it a duty of officials to provide information to the public. As such, the implementing rules emphasize that: (1) government agencies must make public documents accessible to, and available for, inspection by the public during working hours; (2) requests for information may be made either in writing or verbally, and must be acted on within 15 working days; (3) the rules clearly designate the persons who may sign in the absence of the authorized signatory; the official next in rank, the officer-in-charge, or the person authorized to sign for the absent signatory; (4) to avoid delay, the need for more than three initials or signatures on any written action or decision, is discouraged. Citizens may lodge complaints with the Civil Service Commission and the Office of the Ombudsman. Citizens may also seek legal remedies and ask the court to order the government agency concerned to release the information. The good news is that the Philippine judiciary tends to rule in favor of the citizen’s right to know (Coronel, 2001). The Supreme Court’s practice is to shift to agencies the burden of showing that the information being sought is not of public concern. This has created a
legal atmosphere that makes it easier for journalists to assert their right to information. But citizens, especially the poor have not been able to effectively use such power and make government account for its failure to address the most compelling of their human needs. The lack of demand or pressure from those who are deprived of their basic needs due to lack of information is the weak side of the MDG equation.

Equipping citizens with information through Citizen Charters

The Citizens’ Charter, which specifies entitlements and legally protects the basic rights and freedoms of all citizens, can arm the poor with vital information that they can use to demand their rights and exact accountability from government. The Citizens’ Charter is a proactive manner of matching the services of a public agency with the needs of its citizens. The program involves setting and measuring service standards of basic government services, feeding forward the information to the citizens, and offering remedies when service guarantees are not met.

The Citizens’ Charter was first introduced in the United Kingdom. John Major’s Conservative Government initiated the Citizens’ Charter in 1991. It required every public organization to define its customers and create its own charter. Each charter lays down guaranteed performance levels for each aspect of service and corresponding penalties for deficiencies in providing it. Organizations are encouraged to offer redress to customers if they fail to meet their standards. They must also have systems to deal with complaints. In 1997, the incoming Blair Labour Government reviewed the Charter program, revamping it in 1998 as Service First. The new program emphasized effective consultation, meaningful standards, closer relationships between related service providers, updated principles and re-invigorated awards scheme. One of the Service First initiatives is the People’s Panel. The panel consists of 5,000 representative citizens, who are surveyed and consulted about service delivery improvement. Members have been consulted about a range of issues, including electronic service delivery, the ministerial appointment process and country-of-origin labeling for food (www.servicefirst.gov.uk).

Canada is also one of the pioneers in establishing a Citizen’s Charter. But what the Canadian government issued is the Canadian Charter of Rights and Freedoms which legally protects the basic rights and freedoms of all citizens. The Canadian Charter lays out citizen responsibilities, freedoms, rights and means to get involved in community activities. Unlike the British Citizen’s Charter, the

---

Footnote:

4 Citizen Responsibilities include: (a) vote in elections, (b) help others in the community, (c) care for and protect Canadian heritage and environment, (d) obey Canada’s laws; (e) express opinions freely while respecting the rights and freedoms of others, (f) eliminate discrimination and injustice. Freedoms include:
Canadian version feeds forward to the citizens their rights (entitlements) and obligations (duties). This pattern is most suitable in protecting the rights contained in the MDGs.

The idea of a Citizen’s Charter has been replicated by more than a dozen countries. (See Figure 1 for a sampling of countries with Citizen’s Charter or equivalent instruments.) In the United States, the Clinton administration’s 1993 executive order requiring agencies that dealt directly with the public to create customer service standards is said to be inspired by the British Citizen’s Charter. Within Asia, worth mentioning is the Client’s Charter of Malaysia which was introduced as early as 1993 to upgrade efficiency and effectiveness of Malaysian public service. The Malaysian government’s drive towards excellence and quality in the public sector, by means of written commitment to provide services and output according to set quality standards, served as the impetus of the Client’s Charter. Adaptation of the British experience is evident in India where most subnational governments have made it a point to issue their respective Citizen’s Charters.

Australia introduced the Service Charters in 1997. The Service Charters aimed at improving the responsiveness and quality of service the public can expect from Commonwealth agencies. They are designed to help identify customers’ needs and meet those needs with professionalism. Similar to other models, Australia has also established Awards for Excellence to provide recognition for the achievement of agencies and provide incentives to continue to improve the quality and efficiency of service delivery. One innovation in Australia is the development of Service Charters for policy functions. The inclusion of policy activities in the Service Charters opens another window to raise transparency in government policy formulation and execution. This is another feature of a Citizen Charter that is very relevant in the case of MDGs since the MDG targets are very sensitive to government policies e.g. budget allocation, regulation of service providers, etc.

The Citizen’s Charter has also been promoted in African states. A rights-obligations approach is adapted in the case of African Public Service Charters. While there are different degrees of emphasis, the African Service Charters reflect four types of concerns. The first is the government’s demand for loyalty and commitment to, and effective

(a) freedom of conscience and religion, (b) freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication, (c) freedom of peaceful assembly, (d) freedom of association. Rights include: (a) democratic rights, (b) mobility rights, (c) legal rights, (d) equality rights, (e) minority language education rights, (f) official languages of Canada. Means of getting involved: (a) join a community group such as an environment group, (b) volunteer to work on an election campaign for a candidate of their choice; (c) help neighbors, (d) work with others to solve problems in your community, (e) become a candidate in election.
implementation of, its policy. The second is the civil or public servant’s demand for political neutrality and fair employment conditions and practices. The third is the customer’s desire for satisfaction and constantly improved service delivery standards. The fourth is the average citizen’s (including taxpayer’s) preference for arrangements that promote high ethical standards—particularly integrity, accountability, transparency and related values—in the conduct of public business. In this instance, the Public Service Charter will necessarily consist of a Citizen Charter, a Customer Service Pledge, a Leadership Code, and a Public Service Professional Code of Conduct (Balogun, undated). If adopted for MDGs, this means issuing a charter that will not only legally protect the entitlements of the poor and oblige the state to fulfill its duties, but will also impress obligations of claimholders and the expected conduct and quality of service of duty-bearers in fulfilling these rights.

In sum, more than just matching the services of a public agency with the needs of its citizens and offering remedies when service guarantees are not met, the Citizen’s Charter addresses the asymmetry of information between the government and the citizens, between rights and obligations, between negligence and accountabilities.
Using Citizen’s Charters to fulfill the MDGs

Undoubtedly, if the core idea of Citizens’ Charter were to be adopted in the promotion of the MDGs, lagging countries like the Philippines would have an easier task delivering on their commitments to priority human development needs. With information, the poor can assert their right to development and seek administrative (and perhaps even legal) recourse for government’s negligence of duty and/or poor service delivery.

In the Philippines, the concept of Citizen’s Charter was first adopted by local governments. Three cities pioneered their charters: Naga City, Marikina City and Davao City. Six cities are now preparing their charters under the DAP-British Embassy Project on Improving Public Service Delivery, Transparency and Accountability in Local Governance through Citizen’s Charter.

Naga City has developed its Citizens Charter to make its transactions very transparent to the public. Basically a guidebook, the Naga City Citizens Charter explains to its citizens the step-by-step procedure for more than 150 government services, including the information on the requirement and who is responsible at the city hall and how long the transaction is going to take. Marikina City has come up with its own Citizen’s Factbook. It spells out the services provided by the city government, the processes and fees to be paid for these services. For its part, Davao City issued a Citizen’s Transaction Manual.

While Naga City and Marikina City provide models of an LGU citizen’s charter, the DAP-British Embassy project set different benchmarks in developing a Citizen’s Charter. These include: (a) specification of services provided; (b) for each service, the entitlement of the user, service standards; (c) procedures, costs, charges; (d) contact list; (e) statement of guarantee for level of service offered; (f) suggestion and complaint procedures; and (g) remedies available to the user for non-adherence to service standards. These benchmarks raised the bar of transparency requirements from local governments. True enough, while the six pilot cities were enticed to prepare a Citizen’s Charter for the purpose of profiling their cities and promoting their services, the Citizen’s Charters of the six pilot cities are evolving as a transparency and accountability enhancement too for their constituents. Once these are made available, these cities become accountable to their constituents and clients for the promises they made. An ideal version of the Citizen’s Charter would be that one that would clearly spell out MDG entitlements and obligations of every citizen in which the poor will assess the delivery of basic services on the basis of the following (Balogun, undated):

- Clarity in the definition of eligibility
- Access to the product or service
- Timeliness/promptness of delivery
- Simplicity of service delivery procedure
- Convenience of hosting facilities and of service delivery perimeters
- Courtesy and politeness of service delivery agents
- Accountability for actions or omissions
- Provision for fault-reporting and rectification
- Adequacy, reliability and clarity of information
- Offer of choice
- Assurance of security, dependability and confidentiality
- Cost-effectiveness/economy of operation/value for money
- Transparency of actions.

When that happens, the Citizens’ Charter would become a valuable instrument to raise accountability and assure the quality of delivery of basic public services especially of those that are devolved to local government units. The national government policy of disengaging itself from funding devolved functions (such as basic health and other social services) means that the accomplishment of MDGs rest heavily on local governments. Local governments have greater flexibility and more elbow room in finances than the national government but they are inadequately spending for poor households. The accountability measures built-in the Citizen’s Charters could pressure local governments to prioritize allocation and enhance accountability for social and economic services which are critical to poverty alleviation and human development.
References


Right to Information Act of 2005 (India).