"THAT’S HOW THE LIGHT GETS IN"
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MAKING CHANGE

IN CLOSING POLITICAL ENVIROMENTS
No one said it would be easy.

2016 was a tumultuous period in much of the world. An increasing number of countries in the global north and south experienced dramatic shifts toward more reactionary and intolerant politics. In other countries these shifts were reinforced. This encroachment on civic space has been documented in over 100 countries, with journalists, activists, and citizens harassed or jailed for voicing opposition to those in power.

Although signs of regression in democratic practices have been widespread for several years, its consolidation has come in a shocking manner. Almost overnight our trusted champions of open government in Brazil, India, the Philippines, South Africa, and now the United States were replaced by regimes threatening to reverse years of progress in open data, vigorous citizen participation, and the promise of enhanced government accountability. Democracy is under threat the world over.

Of course, we should always expect progress to be uneven. While fighting for fiscal accountability, we have weathered numerous setbacks and regressions in many of the countries we work in, as well as a fair amount of lip service to open government. But we have also come to rely, perhaps too much, on what seemed an inevitable albeit gentle trend toward greater openness in government. Our collective fear is that, for at least the next several years, the overall trend will be sharply negative.

We had a long way to go even before this prospect of a downward spiral. Over the past 20 years, IBP has worked with hundreds of independent organizations the world over to pioneer models of open budgeting, where citizens and civic organizations play an informed and meaningful role in monitoring and influencing the public budget. Our ultimate goal is to ensure that governments make and keep commitments to maximize the contribution of public resources to transforming the lives of poor and marginalized communities. Too often, though, we have secured dramatic increases in public data and built strong organizations but have failed to transform these resources into greater accountability. The current context makes this task even harder: How do we advance fiscal accountability in an era of closing government?

The first point to make is that how we raise and spend public money will
become even more important in this new political environment. Inequality is a root cause of the current rightward shift in governance, and the budget is a government’s most powerful opportunity to drive public resources toward those who need them most.

But the budget process is also at the core of democratic practice — and the relationship between citizens and the government. While this process can and often does exclude citizens, it can also be a powerful bridge to help citizens move from disaffection to democratic engagement.

As growing evidence shows, broad public dialogue and debate over budget priorities can lead to better decision making, more widespread support for those decisions, and lower corruption and waste in public spending. Fiscal and governance crises over the past decades have not slowed the trend toward open budgeting. In fact they have enabled some of the greatest leaps in budget transparency and participation.

Our task is now more important than ever.

Against this background, we decided to go beyond a summary of our activities and accomplishments for our 2016 Annual Report to examine evidence of how to pursue fiscal accountability in a tougher political environment.

In these darkening days, we nonetheless see powerful instances of ingenuity and openings at both international and country levels. From the grassroots to global boardrooms — and in the interplay of the two — there is evidence of even stronger fiscal accountability work emerging. We aim to document some of these trends in this report.

In the campaign for open budgets and greater government accountability, there are many fronts. Sometimes popular mobilization presents the strongest strategic option. At other times, it might be to strengthen the powers of supreme audit institutions. The essays in this volume not only document potential individual points of engagement but also show the multidimensional nature of budget work and democratic engagement.

This complexity is a strength in these difficult times and presents opportunities for IBP, our in-country partners, and the many international organizations with which we are aligned.

So, where do we see light? The eight essays that we have collected in this volume, written by a combination of IBP staff members and partners, point

Our task is more important than ever.
to three areas of work where we see hopeful possibilities for movement toward greater fiscal accountability: refined political strategy, new spaces for impactful work, and new opportunities for powerful alliances. This holds even — or especially — in the environment we find ourselves facing.

**Refined Political Strategy**

There is significant acknowledgement among organizations working on fiscal accountability of the need to continually update our strategies in ways that push our work to be more nuanced and politically informed. If our efforts have taught us anything, it is that there is no short cut to changing the relationship between citizens and their governments. More impactful work in a tougher political environment will require careful attention to local contexts, taking into account political obstacles and unexpected opportunities. For example, as Nikhil Dey writes, a terrible drought in India has made the rural employment scheme vital to a government that otherwise sought to weaken it. Similarly, political violence in Kenya led to a significant decentralization process that has opened up new spaces for vulnerable citizens to contest the budget for people with disabilities.

Since our vision is a world in which the allocation and spending of public resources contribute to a more just and equitable society, we must more deeply understand and creatively respond to the political economy of public resource decision making and implementation. The root causes of poverty include powerful interests that have built social, political, and economic structures that concentrate wealth and privilege and exclude the poor and other marginalized groups. Further opening up budget processes in meaningful ways requires developing alliances and partnerships that build countervailing power, so that public resources are spent to address poverty and inequality. The stories in this report — such as the creativity shown by the Social Justice Coalition in fighting for decent sanitation for informal settlement dwellers in Cape Town — illustrate how powerful combinations of actors can shift the current political dynamics that have maintained the status quo.

**New Spaces for Impactful Work**

At least three new spaces are emerging as opportunities for impactful work on fiscal accountability. The first is work on tax. As Jean Ross notes, the role of taxes in perpetuating inequality and impunity, and specifically the prevalence of tax havens, illicit flows, and aggressive tax avoidance, have exploded onto the front pages of newspapers across the globe. At the same time, the Sustainable Development Goals have led donors to pressure countries to replace aid flows with domestic revenues. Although a considerable number of skilled campaigners work on international capital flows, in most parts of the world there is a gap between this global engagement and meaningful civil society participation in revenue debates at the country level. This is a huge opportunity — although it will face organized resistance — for organizations working on national budgets to complement their expenditure work with a greater focus on tax policy and incidence, and the enforcement of tax regimes.

A second area of work with great potential for impact is climate change finance. As Delaine McCullough writes, estimates of the funds that must be mobilized globally for an adequate response to climate change amount to hundreds of billions of dollars per year. If such mobilization is even partly successful, this will be an enormous opportunity for the foreseeable future to direct international and domestic funds to poor and vulnerable communities. The emerging opportunity is for expanded civil society engagement at the country level where IBP partners are strongest, and most able to work with environmental organizations, to ensure that sufficient funds are dedicated to and reach the most vulnerable communities.
The third new space for traction is work at subnational levels of government, with a focus on service delivery. Three of the essays focus in-depth on struggles for budget and service delivery accountability in India, Kenya, and South Africa. Each essay is a story of a hard political fight that is far from over. The gains are real, from saving the groundbreaking employment guarantee program in India to securing sanitation for informal settlement dwellers in South Africa. These campaigns are relatively recent and have far to go to secure significant systemic change, but they speak to the powerful connections and real gains that are possible at state and local levels, even while the national level of government might become more inaccessible.

New Opportunities for Powerful Alliances

We are encouraged by the emerging alliances between civil society budget groups and three other stakeholders in public budgeting. One of the consistent critiques of budget work has been the danger of elite capture, as skilled analytical groups connect more strongly with technocrats in the department of finance than with the real demands of poor citizens. The country stories in this volume clearly show that this is not inevitable. In India sophisticated mass-based protests, bolstered by sharp analysis by independent budget experts, protected the National Rural Employment Guarantee Scheme. In Kenya IBP’s work mobilized the disability community to secure greater funding and then fight to have a say in how those resources are used. What we find most significant about these stories is the informed participation by large numbers of community actors who understand the budget and budget processes. These are coalitions that can force even the most recalcitrant government to take notice.

A second opportunity for powerful, expanded alliances is between civil society organizations, including budget groups, and supreme audit institutions (SAIs). As Vivek Ramkumar writes, for several years now, IBP has supported CSOs seeking opportunities to complement or enhance the work of government auditors. The social audit work in India and beyond has received the most attention, but implicit collaboration between community groups and SAIs has taken many other forms, from fraud hotlines and community involvement in audit site selection, to the publication of popular versions of audit reports and audits jointly conducted by communities and SAIs. Usually this work has been driven by CSOs. What is new is the much greater openness and initiative emerging from the SAIs themselves. As audit reports gather dust on government shelves, more and more activist auditors are turning to partnerships with civil society to overcome their own constraints in encouraging government responsiveness.

Finally, Ann Blyberg’s essay highlights the courts as a third institution likely to become an even greater asset to civil society budget work in an era of closed government. Over the past decade, budget groups have often found that it is effective to operate as a “critical ally” of government, navigating independence and partnership with champions in government. Where opportunities for partnerships wane, civil society budget groups have been turning, as a last resort, to litigation to secure or protect gains. There is now a much greater body of knowledge and expertise within the budget and broader fiscal community on litigation. We anticipate that this will become an even stronger resource going forward.
We fully recognize the uncertainty of the path before us. But the optimistic lights that shine out from the essays, the progress that has already been made globally on fiscal openness, and the foundation of a powerful cross-country civil society community — buttressed by supporters within international institutions, governments, and the donor world — persuade us that a path toward progress will resume.

Warren Krafchik
Executive Director, IBP
New Opportunities
Ring the bells
that still can ring
Forget your
perfect offering
There is a crack,
a crack in everything
That’s how
the light gets in.

—Anthem, Leonard Cohen
The response to global climate change may be the biggest opportunity for the foreseeable future to direct public funds to poor and vulnerable communities. In December 2015, 195 countries joined the Paris Agreement under the United Nations Framework Convention on Climate Change, committing to dramatically reducing greenhouse gas emissions (“mitigation”) and protecting communities and vulnerable people from the impacts of climate change (“adaptation”). By the deadline of 7 October 2016, enough countries had ratified the agreement to allow it to enter into force as an international treaty “to strengthen the global response to the threat of climate change, in the context of sustainable development and efforts to eradicate poverty.”

As countries prepare for comprehensive climate action, they are also increasing the funding needed to implement actions toward meeting their commitments under the Paris Agreement. Estimates of the new funds that will be mobilized globally for an adequate response to climate change amount to hundreds of billions of dollars per year. If such a mobilization proves successful, it would generate a massive flow of funds into countries to address the impacts of climate change. If used right, they could also make major inroads into addressing poverty and inequality.

And why would IBP jump into this new area? Although funds will be coming from both international and domestic private and public sources, much of the climate change efforts will be managed by national and subnational governments through their domestic budgeting systems.
by national and subnational governments through their domestic budgeting systems. To ensure that the scarce resources invested in climate-related activities are spent most effectively and reach the intended beneficiaries — the people and communities most vulnerable to the impacts of climate change — with minimum leakages, transparency and accountability will be essential.

For instance, in the wake of Typhoon Yolanda, which ripped through the Philippines in 2013 and devastated families and communities, Social Watch Philippines (SWP) investigated how public funds were used in the reconstruction and rehabilitation effort in several communities. After successfully challenging the Department of Budget Management to release information on the reconstruction effort that it had not made publicly available, SWP conducted an expenditure tracking survey that found that by November 2015 only 8 percent of the 14,000 resettlement units that were to be built by March 2016 had been built and were occupied. Through careful analysis and external pressure, actions like those of SWP, that identify and publicize the failure of government to meet the critical needs of those whose lives are turned upside down by the impacts of climate change, are essential to ensure that public funds for such purposes are used effectively. Thus in 2016 IBP took two significant steps forward in investigating potential work around climate change finance accountability. The first was to partner with the UNDP’s Governance of Climate Change Finance Team to assess the climate change finance accountability ecosystems in four countries: Bangladesh, India, Nepal, and the Philippines.

IBP also established a partnership with the World Resources Institute (WRI) that links our fiscal accountability work with WRI’s environmental expertise, and our respective civil society partnerships in countries. This potentially powerful partnership aims to help strengthen the capacity of domestic accountability actors to ensure that climate change funds will be managed with full transparency and accountability in order to create sustainable futures, especially for poor and marginalized people.

What Have we Learned so Far?

The IBP-UNDP assessments in the four countries found that formal accountability systems and accountability ecosystems for climate change finance are, at best, still emerging. There are common weaknesses in the systems across countries, including a lack of national- and local-level transparency on the funds available to address climate change and how they are used; limited opportunities for citizens and CSOs to participate in climate-related planning, budgeting, and monitoring on the ground; and capacity issues hindering effective oversight from civil society, media, and formal oversight institutions. There were also signs that a lack of country ownership of donor-driven projects threatened the effective use of resources. It is important to note that these weaknesses are generally not specific to climate change, but instead a function of the public finance management and accountability ecosystem overall.

However, while strengthening weak core systems can often take several years, there are examples in each of the countries that point to work that CSOs already undertake with good impact on accountability, even if they do not...
have good access to formal processes or to information. These include the SWP’s tracking of typhoon reconstruction expenditures in the Philippines, analyses to identify the amount the government invests in climate change adaptation in India and Nepal, and CSOs helping local governments to draft project proposals for government adaptation funds in the Philippines.

Cracking Open Closing Contexts?

There are a number of factors related to action on climate change finance that point to its potential as an opening in the current trend of closing space for public engagement and accountability. First, the stakes of governments failing to use climate change funds effectively are high, with potentially devastating loss of life and massive economic costs. Those countries most vulnerable to the impacts of climate change, even those like Bangladesh that have seriously constrained most avenues of public scrutiny and engagement, will face increasing pressure from internal and external actors to open up and increase accountability. This and the factors described below, as well as the nascent CSO work identified in the country assessments, point to potentially substantial returns on investments in building the field of civil society climate change finance accountability work at this early stage.

Another important factor is that the global effort to address climate change is embedded in a formal process and structure established through an international treaty. Signatory countries (127 as of 3 February 2017) have committed to reaching specified mitigation and adaptation goals within a framework of transparency and accountability. In the countries IBP assessed, these commitments were translating into efforts, or at least legal frameworks, to make some climate change-related finance information available and to engage CSOs in planning processes, but there is still a long way to go. Engaging early on to ensure adequate transparency and public engagement as countries are developing their systems and processes has the potential to pay off in the long run.

Within countries, climate finance accountability work could dramatically expand the pressure on governments to open budget processes and ensure newly available resources reach those most in need. First, because of the cross-cutting nature of climate change action, particularly on adaptation, the issue has brought in a wide range of CSOs to pressure governments, including environmental groups, governance/transparency groups, and social movements. Second, for true climate change finance accountability, information and opportunities for participation must be available at the national and subnational level, at which projects and programs will be implemented. Given the urgency of the need to act on climate change, combined with the cross-cutting nature of the issue, there is the potential for accountability efforts around climate-related finance to increase momentum on broader public finance accountability.
Taxes Matter in Transforming Lives

JEAN ROSS, INDEPENDENT CONSULTANT

Since the IBP’s founding in 1997, civil society organizations (CSOs) have made substantial progress toward opening budgets and budget processes. But their ability to use budgets as a tool for transforming lives has often been constrained by a conventional paradigm in which the size of the budgetary pie is fixed and, when crisis hits, the default response is to cut spending rather than increase the revenues needed to support basic services.

The heart of the issue is that taxes provide the resources that governments need to meet the needs of their citizens. And, throughout most of the developing world, tax collections remain below that which is needed to support basic services and foster development. As civil society budget work has strengthened, activists increasingly find progress stymied by a lack of public resources and are forced to defend hard-fought gains during times of fiscal stress. By linking the two sides of the budget — expenditures and revenues — tax work can potentially transform debates over public services from what is possible within existing resources to what is needed to address poverty and inequality. Work around tax and other revenue issues may also expand the range of alliances across the fiscal and general transparency and accountability field, leading to a stronger collective voice and more powerful advocacy.

Against this backdrop, IBP surveyed the tax policy and advocacy landscape, particularly that in developing countries, to assess whether there

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was scope to strengthen civil society’s capacity to engage in efforts to build robust and equitable tax systems at the country level. With near unanimity, stakeholders ranging from donors to civil society partners and researchers saw a clear role for IBP. In addition to our strong partnerships across the developing world and capacity to participate in both high-level technical policy debates and civil society advocacy, IBP is able to place taxation in a broader fiscal justice continuum that deploys a full set of tools toward the goal of achieving a more equitable allocation of public resources.

While stakeholders envisioned a clear and important role for IBP, they also underscored the magnitude of the challenge. Though several of IBP’s partners have engaged in revenue-related work, most of our partners concentrate their efforts on transparency and public expenditures. Civil society work on tax in developing countries has been less focused on the “nuts and bolts” of country tax systems and more on global norms and standards around such issues as aggressive tax avoidance and illicit financial flows, or on particular aspects of domestic tax policy, such as natural resources or tax incentives. IBP’s experience in improving the structure of budgets, the availability of information to inform budget debates, and the opportunities for the public to participate in those debates is widely viewed as a natural complement to work on the overall framework of tax systems at the country level.

With regard to the context for such work, winds of change are in the air. Taxes and their role in perpetuating and mitigating inequality have risen to the forefront of global policy debates and have catapulted onto the front pages of newspapers across the globe. The Paris Climate Agreement and Sustainable Development Goals both emphasize domestic resource mobilization in generating the revenues needed to meet aggressive policy targets. Global exposés, such as the Panama Papers — along with the hard work of international campaigners like the Tax Justice Network, Oxfam, and Christian Aid — have shed light on the role of tax havens, aggressive tax avoidance, and illicit flows in diverting wealth (often generated by the exploitation of natural resources) from the economies of developing countries. However, despite the recent attention, a gap remains between the level of engagement in global policy debates and the level of meaningful civil society participation in revenue debates in most countries in the world.

Contributing to this gap, the mystique around tax often discourages civil society participation and, to the extent tax debates are conducted in public, they are dominated by elite interests with sophisticated expertise. Also, civil society already has had to fight for a seat at the table where budgets that affect health, sanitation, and other basic needs are discussed. Tax debates have traditionally been less open and are also more politicized and divisive than those over transparency or pro-poor spending policies, particularly when conflicts arise between the public interest and influential opposition. Thus engaging in work on tax will likely test partners’ ability to think politically and may require cultivating new allies and developing new strategies in order to succeed.

Challenging Work in Challenging Times

It may seem counterintuitive to take on new and challenging work at a time when the space for civil society engagement is eroding in many parts of the world. In fact, research shows that many of the most important
gains around budget work have come during times of crisis. Recent evidence suggests that increasing the transparency and accountability of tax systems can spark a broader national dialogue around governance that leads to reform, and that civil society engagement can play a critical role in making the link between domestic resource mobilization and greater accountability.

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Historically, debates around tax reform and taxation have focused on ensuring that there are funds to support the basic functions of government and create the context for economic growth. While the need for “more revenue, better spent” remains fundamental to human and economic development across most of the developing world, the structure of domestic tax systems has important implications for governance and the relationship between governments and their citizenry.

The connection between the two sides of the budget is also essential to a healthy democracy. Research suggests that taxation can produce a “governance dividend” when governments provide greater transparency and accountability in return for higher levels of taxation and tax compliance. Taxation can also instill a greater sense of ownership among citizens who feel empowered to make demands of their governments. However, this “virtuous cycle” is not inevitable. Tax policies that are equitable and well administered, and revenues that are spent to advance the public good, build strong bonds between governments and citizens. Those that are riddled with preferences and rely on arbitrary or coercive collection mechanisms undermine confidence in governance.

Civil society tax work can play a critical role in ensuring that the structure of tax systems promotes accountability and leads to a greater understanding of the role of government and the importance of effective governance. A civil society tax agenda builds off the core capacities that IBP and its partners have honed during the past two decades. Budget groups can increase public awareness by translating complex tax concepts and illuminating the connections between revenues and the services they provide. Collective advocacy efforts can take advantage of greater public awareness to help level the playing field and strengthen the public’s voice in policy debates that were previously the exclusive purview of elite interests. And a mobilized civil society can play an essential role in rooting out corruption and ensuring effective service delivery, creating a feedback loop that can boost support for higher levels of taxation and improved compliance with existing tax laws.
New Strategies
Defenceless under the night
Our world in a stupor lies;
Yet, dotted everywhere,
Ironic points of light
Flash out wherever the Just
Exchange their messages.
May I, composed like them
of Eros and of dust,
Beleaguered by the same
Negation and despair
Show an affirming flame.

September 1, 1939, W. H. Auden
The following is a tale of how when fighting for equity and social justice — or good governance and accountability — politics matters. When the political environment shifts, one step forward can quickly turn into two steps back without vigilance and an eye open for opportunities.

Under the two terms of the United Progressive Alliance (UPA), led by the Congress Party, development rights — to work, education, and the universal right to food, among others — were converted into specific legal entitlements. In addition, the framework of legal protection for farmers, women, and other marginalized communities was strengthened. Most significantly, laws like the Right to Information Act empowered people and their organizations to lead the fight for greater transparency and accountability in the use of public money through the budget.

In 2015 the political tides turned. Prime Minister Narendra Modi of the Bharatiya Janata Party (BJP) swept into power on promises of an economic policies that would support a free market was to be taken seriously. Would the UPA’s progressive programs, policies, and legal frameworks survive the ideological shift? There was good reason to ask this question. Soon after coming to power the new government began to threaten to revamp the entire framework, saying the new free market approach would encourage and enable the poor to realize their full potential and become a part of the “aspirational” and “empowered” middle class.

One of Modi’s primary targets was the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) — the world’s largest and most ambitious employment program that had provided wage employment to 100 million people, keeping them from hunger in
The government’s attacks on the social contract drove home the need for public participation, including monitoring spending, implementation, and outcomes of laws and programs.

difficult times. The response by Indians, led by social movements, provides a good example of how the political space created by some of these laws has helped protect the laws themselves — and the ideas that they represent.

MGNREGA was established in 2005 through a unanimous vote, including support from the BJP. Given this widespread political backing, the Modi government would struggle to repeal the Act, so instead it worked to undermine MGNREGA’s basic tenets.

It did this by trying to shift MGNREGA’s focus from providing employment to building infrastructure; restrict funding; and limit its scope to only the poorest blocks of the country. The BJP supported this assault on the scheme’s basic tenets with statements by right-wing economists urging the government to stop such “wasteful expenditure” (approximately USD 9 billion a year).

Clearly this was not the time to try to pass new laws or establish new programs. Civil society needed to defend what existed. The Indian Constitution became a rallying point for social movements and citizens groups, as they sought to remind the government of its duty to implement the current laws. The government’s attacks on the social contract drove home the need for public participation, including monitoring spending, implementation, and outcomes of laws and programs.

People fought back — largely using the provisions of the MGNREGA. By law, the benefits provided through the act are not limited by allocations made through the budget process, which helped prevent the government from completely starving it of funds. It is a “guarantee” that legally entitles up to 100 days of wage employment to any rural household seeking work. The law also establishes transparency and accountability mechanisms, such as social audits and an open and transaction-based information system, which enable people to identify and document implementation failures.

Given the widespread public support for MGNREGA, particularly among rural citizens, civil society and social movements knew that the most powerful response would be in the streets, rather than through allies within the halls of power. In one of the biggest civil society mobilizations the country has seen, just six months after the BJP came to power, thousands of poor people brought their protests to Delhi, announcing their resolve to protect their hard fought legal entitlements. The government’s attacks on social programs brought many CSOs and social movements together to fight to preserve the progressive policies that they had helped establish. “Save MGNREGA!” “Government money is our money — we won’t accept budget cuts!” These were the rallying calls.

The BJP undermined the very transparency and accountability laws that it had previously supported by steadfastly failing to follow existing laws.

The government responded with the stick. Civic space was severely curtailed. The BJP undermined the very transparency and accountability laws that it had previously supported by steadfastly
failing to follow existing laws, such as the Whistleblower Protection Act and the Independent Anti-Corruption Commission, the Lok Pal.

As the government continued to drag its feet on MGNREGA, civil society began petitioning the Supreme Court of India to enforce the implementation of the program “as per law.” This action helped strengthen and reassert democratic practice, not just for MGNREGA but for justice and freedom. Before the Court, the government repeatedly reiterated its commitment to implement the letter and spirit of the law, but MGNREGA’s transparency measures enabled activists to use the government’s own data to discredit its claims.

Throughout the street protests and court actions, incisive budget analysis by the Centre for Budget and Governance Accountability (CBGA), a longstanding IBP partner, played a critical supporting role. CBGA’s analysis helped to shape and strengthen the demands around MGNREGA in the context of overall fiscal space and other social sector programs in India, ensuring that these actions were backed by well-crafted arguments and the strongest evidence. The media also prominently covered a series of critical comments made in court. Facing pressure on all fronts, the government increased funds over the budget allocation for MGNREGA — an additional Rs. 9,000 crores (USD 1.5 billion) in one year. Thus the government was forced to acknowledge in real (i.e., budgetary) terms the value of the MGNREGA.

As the world faces a series of authoritarian rulers with little respect for democracy or social justice, there are lessons to be learned from the resistance of social movements.

Two years later, in the face of a devastating drought and amidst the tumult of an arbitrary and authoritarian decision to demonetize 85 percent of India’s currency notes, we find the Modi Government now having to turn to MGNREGA to alleviate widespread distress and dissatisfaction. The turn of events led the Minister of Finance and the Prime Minister to speak enthusiastically of their commitment to MGNREGA during the budget debates and even to try to take credit for changing it for the better.

MGNREGA has not been the only battleground. The ongoing struggle for justice, equality, and democratic freedom in India continues under increasingly challenging circumstances. But, the 10 years of institutionalizing the gains made, and working on its detailed implementation, has given people the confidence to assert their beliefs and occasionally turn a challenge into an opportunity. As the world faces a series of authoritarian rulers with little respect for democracy or social justice, there are lessons to be learned from the resistance of social movements. We must look for, and make, opportunities for creative engagement. There is neither the time nor the space for despair.
Following the 2007 post-election violence in Kenya, the country underwent a reform process that included the development and passage of a new constitution in 2010. The reforms included a major decentralization effort through the creation of a new two-tiered system of government that established 47 counties. Among other goals, the reform aimed to promote democratic and accountable governance, ensure the equitable sharing of national and local resources, and enhance the balance in separation of powers.

IBP’s Kenya team has sought to promote more open, inclusive, and equitable budget processes through multiple and reinforcing efforts at the national level and in several of the new counties. One area of work is to bolster and leverage local budget processes to maintain and enhance resources for service delivery. These efforts are reinforced by analysis, support, and advocacy at the national level to promote the functionality of county budget processes.

At the county level, IBP and its partners seek to support inclusive engagement in the budget process. Yet outcomes have been mixed, as there has been limited receptivity to CSO engagement by government actors. This has forced IBP’s civil society partners to learn and adapt their approaches, sometimes after investing significant time and effort in a seemingly promising avenue of engagement.

Such is the case with the work of IBP partner Kerio Center in Uasin Gishu to ensure resources in the county budget for persons living with disabilities (PLWD). In 2015 Kerio noted in their review of the budget estimates that there were no funds allocated toward services for PLWD. Separately, PLWD organizations were aware of...
the issue and took multiple actions to reach out to decision makers in the county executive branch and their members in the County Assembly.

As a result of this advocacy, the County Assembly held a town hall-style meeting to discuss the budget with the Uasin Gishu Disability Forum, an organized group of PLWD. Based on the outcomes of this meeting, the County Assembly allocated KSH 20 million (approximately USD 200,000) for programs and services for this population. This seemed like a great success for civil society, which had identified the gap in the budget, engaged government decision makers about the need for programs and services, and ultimately ensured substantial new resources for this underserved group.

However, after the initial meeting, neither Kerio nor the members of the Disability Forum heard anything further about how the funds were to be allocated. In order to prevent the county from spending these funds without proper consultations with PLWD, the Disability Forum decided to try to find a way to influence the process in the County Assembly. The group reached out to the Assembly through formal procedures, but never heard back.

After reaching out to assembly members through official channels and getting no response, the Disability Forum decided, with the support of Kerio Center, to proactively determine their own priorities for the KSH 20 million and present them to the County Assembly. They prepared and submitted a letter that included a detailed memorandum of the affected population’s proposals for how they wanted the money to be spent. Kerio assisted with the drafting of the proposals and letter, which included a detailed budget and outline of PLWD’s priority programs and activities. They never heard back from the assembly.

Getting no response from the County Executive, County Assembly, or the relevant county departments, the Disability Forum filed a case in the High Court of Kenya. They claimed that “by failing to subject the specific budgetary allocation to public participation and in particular consulting the Applicant/Petitioner there is grave likelihood of an infringement of constitutional rights of the Applicant/Petitioner.” This ongoing court case has yet to be resolved.

This case demonstrates the learning curve for organizations like Kerio Center and Disability Forum. They needed to learn about the entry points for influencing government actions, including the limitations of formal channels of engagement in budget processes. Equally important are the broader lessons Kerio has learned about engaging citizens at the county level. At this level of government, formal CSOs often have limited capacity and credibility, due to their lack of a real constituency. At the same time, broader interest groups (e.g., PLWD, farmers, youths, women, etc.) are also often

This story shows how uncertain progress on issues related to public resource governance can be. At first it appeared that the group of PLWD had won a clear victory when the County Assembly made the KSH 20 million allocation to support for this population. However, after the initial decision, the relevant county government stakeholders were unresponsive to the requests of the Disability Forum for participation in the process for determining how the funds would be spent. This story is still unfolding and there may now be openings emerging around this issue, likely due to the persistence of civil society groups.

This story shows how uncertain progress on issues related to public resource governance can be.
IBP and its partners are experimenting with new ways of engaging citizens, focusing on issues and groups with wider public support, and navigating the political dynamics that go along with it.

Weakly organized, if at all, or may have partisan connections. Such connections are often necessary to have any influence with decision makers, but can lead to charges of bias as well. IBP and our partners have had to navigate this challenging civil society landscape in our efforts to support democratic and inclusive public engagement in budget processes. Moving forward, Kerio plans to continue to engage at the grassroots level to organize and engage youths and other constituencies on key budget issues, particularly those that directly impact their lives.

Developing this level of engagement by civil society in Kenya’s new counties is challenging and resource intensive. In most cases, the broader public has low levels of education and civic knowledge. Furthermore, most membership- or community-based organizations lack basic capacities for engaging in complicated budget processes. Thus, in order to build a strong grassroots base or presence in a county that would enhance their political legitimacy and increase their influence, CSOs like Kerio need to have long-term strategies that deepen and widen their engagement, and build capacity across diverse kinds of groups in the civil society ecosystem in each county.

This discussion highlights the long road to opening up budgets in a way that allows for real citizen engagement and influence, and ultimately to more inclusive budgets and more effective public services. Formal processes exist, but the incentives and capacities for ensuring that they are open, inclusive, and meaningful are uneven, and indeed, often absent. Furthermore, civil society engagement is a complicated proposition, with formal organizations and constituency groups facing a number of capacity and credibility challenges. IBP and its partners are experimenting with new ways of engaging citizens, focusing on issues and groups with wider public support, and navigating the political dynamics that go along with it. This work to democratize budget processes will take time, but the experience of Kerio and other partners demonstrates that there is no shortcut.
Budgeting for Decent Sanitation in South African Townships

The Social Justice Coalition (SJC) is a social movement from Cape Town, South Africa. For the past two years, the SJC has used budget analysis and advocacy as a tool within a mass-based campaign for decent sanitation in informal settlements. IBP worked with the SJC to undertake research and analysis of Cape Town’s municipal budget in support of the broader advocacy campaign. Initial research in early 2015 focused strategically on those parts of the budget relevant to sanitation in informal settlements. Through that research we uncovered extremely low spending — less than 2 percent of the water and sanitation capital budget was going to informal settlements, even though informal households make up over 20 percent of the city’s population. Faced with this injustice, we began to view the budget process as a set of political moments and institutional processes through which the campaign could move.

The budget work became an important tactic centered on the need to shift power relations through sustained organizing in, and by, poor and working class communities. In doing so we learned some important lessons on using evidence, finding leverage, and building power.

Trying to Win an Argument is a Losing Strategy; Evidence Alone is not Leverage

Evidence, facts, and data can be seductive. During the first year of budget...
advocacy, SJC became embroiled in a war of attrition with the state over the “truth,” where winning the argument over the facts seemed like the goal.

There were no long-term plans for infrastructure in these communities, but rather a consistent use of law enforcement to contain the growth of informal homes.¹ This followed a difficult history of the struggle in South Africa against urban influx control during Apartheid and the rights of black African people to be part of the city.²

We thought that the City would change course when faced with such compelling facts of injustice. The pushback, however, was relentless. Cape Town Mayor Patricia de Lille used her budget speech to attack and mock the SJC as an organization driven by nefarious political agendas and self-enrichment.³ At every turn, the City obstructed, attacked, and undermined.

SJC countered each response, usually through more facts and evidence. By the end of 2015 we understood that we did not have the right leverage and that a fight over the “truth” was not going to take us any further. Trying to win an argument, without finding the leverage to actually challenge power, could never be a winning strategy.

Organizing is Messy and Unpredictable. Identifying Leverage is Crucial

Political organizing does not happen in a vacuum; there are many external pushes and pulls that influence the best way forward. Many planning tools can tempt one into simplistic logical frameworks of easily matching inputs, outputs, and outcomes. Things are not so linear in struggles for power, especially in contexts of deep inequality, spatial segregation, and historical injustice.

But this doesn’t mean that there is only chaos. On the contrary, strategy needs to be constantly interrogated, and we always have to find the best way in.

Things are not so linear in struggles for power, especially in contexts of deep inequality, spatial segregation, and historical injustice.

One rarely starts a campaign with a full understanding of every piece of the puzzle. In our case, the budget work during the first year was a wedge that pushed open the process. It helped us to systematically unlock a political and institutional understanding and space into which the campaign could move and build the leverage it needed.

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Sometimes finding the right leverage can be immediate. Other times it can take months or even years to build and comes through ongoing struggle.

This is where the power of evidence does in fact lie. First it provided the knowledge SJC needed to develop deep budget literacy education within the organization and our branches, allowing us to undertake meaningful mass organizing and uncover a deep injustice. Second, it helped us to better understand the target and was a building block in developing a political strategy to take the campaign forward.

By 2016 we had developed additional layers of the specific pieces of evidence needed to litigate against the City on its prioritization of temporary services in informal settlements. This will be the next step in the campaign.

The Campaign Forced the Political Agenda of Poor and Working Class People into Spaces of Power

Mass based campaigns can set a political agenda and disrupt institutions.

First, the City budget was largely uncontested prior to 2015. The SJC campaign pushed the mayor into a position where she had to actively defend the decisions of her administration and be held accountable.

Second, the political agenda of informal settlement residents penetrated formal spaces of power. In a situation where the voices of informal settlement residents are so marginalized and their distance from spaces of power so great, the importance of this cannot be overstated.

In the 2016 budget process, the SJC facilitated 3,000 submissions from informal settlement residents. There were also over 1,000 submissions that came independently from elsewhere in the City, including other poor and working class areas. To put this in perspective, in 2016 there were over 4,000 submissions to a municipal budget that had only 22 public submissions in 2014 — and most of those in 2016 were from ordinary residents, who engaged in an apparently complex public finance process through training provided by the SJC and the IBP. The submissions became the subject of heated political debate within the City Council, disproving the mayor’s frequent assertions that SJC members did not understand the budget and “should be given calculators.”

The Campaign Continues

A provisional review of the impact of the SJC campaign shows that allocations for informal settlement sanitation have started to slowly move upwards after years of stagnation. But at the heart of the campaign was placing the voices of informal settlement residents at the forefront of politics and, however imperfectly, reshaping those politics. This is, at least to me, one of the most important pieces of the story.

Sanitation made many issues around informal settlements tangible — tenure security, land injustice, racial inequality, and the severe barriers people face when trying to take part in the most basic decisions affecting their lives. These problems can seem so big and intractable, but they are deeply urgent. Now the campaign will be looking for the next wedge by which it can move and the layer on which it can build.

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4 SJC and others vs. City of Cape Town, (2016). The full set of court papers can be found here: http://www.sjc.org.za/resources
Rome was not built in a day
Opposition will
come your way
But the hotter
the battle you see
Is the sweeter
the victory now

“You Can Get It, If You Really Want It,”

—Desmond Dekker
In 2016 the Brazilian president was impeached in a sensational case that received global media attention. At the time, much of this attention focused on widespread allegations that the impeachment was related to corruption cases involving politicians from both the ruling and opposition parties. There was little public discussion on the substantive issue upon which the impeachment proceeding was based, which had been detected and revealed by the country’s supreme audit institution (SAI). In its audit of the Brazilian government’s 2014 accounts, the SAI had found that the government had used accounting tricks to underreport the budget deficit by billions of dollars, potentially violating the country’s fiscal responsibility law. The Brazilian Congress used the audit finding as the basis for impeaching the president.

This is not the first time that an audit report has brought down a government. In Canada, a 2004 audit report on the government’s misuse of public funds for a public relations program is widely credited with contributing to the electoral loss suffered by the incumbent party. Similarly, an audit report issued by the Indian SAI in 2014, on a questionable coal procurement contract, reinforced the image of the incumbent administration as corrupt. This view fed demands for accountability that became a rallying cry for opposition political parties, which ultimately led to the administration’s defeat in the 2015 national elections.

Nearly every country in the world has a functional SAI that is mandated with checking whether public funds are being managed properly and in line with sound financial management practices. SAIs go by different names and are frequently called...
office of the Auditor General (in Westminster systems), the Court of
Accounts (in Napoleonic systems), or the Board or Commission of Audit
(in parts of Asia and Latin America).

SAIs assess the proper use of public funds by conducting financial audits
that examine the legality of financial transactions and performance audits
that assess whether public funds have been used efficiently and effectively.
Audit reports issued by SAIs contain recommendations on how government
can improve financial management.

However, too often, governments are able to ignore audit findings with
impunity, especially when they do not face pressure to institute reme-
dial measures recommended in SAI reports. In most countries, SAIs cannot
sanction the government or compel the executive to take action based on
audit reports. Instead, the SAI submits its findings to the national legisla-
ture, which must then decide whether to take formal action in response.
While legislatures may have the legal authority to demand corrective action,
in practice they often fail to sanction their governments or require
recommendations to be implemented. Legislative inaction can be a result of
both partisanship based on the party affiliations of legislators and execu-
tives and a lack of understanding of the contents of technical audit reports.

The failure of legislatures to act on audit findings is frequently
compounded by SAIs’ own organiza-
tional challenges. SAIs often struggle
to communicate their work to external audiences or sustain the interest of the
media after a sensational headline has faded from view. And many SAIs insu-
late themselves from contact with the broader society, some fearing that any
association with civil society organiza-
tions (CSOs) will lead to charges from the government that audit findings
are biased and politically motivated.

As a result of weaknesses in legis-
latures and SAIs, audit reports
seldom receive the level of popular scrutiny that they deserve.

Fortunately, SAIs increasingly recog-
nize the need to engage with citizens. SAIs in Argentina, India, the Philip-
pines, South Korea, and Tanzania have established mechanisms for engaging
with citizens in creative and meaning-
ful ways. These include mecha-
nisms through which citizens can
report fraud, waste, and abuse via “hot lines,” suggest audit topics for review,
and participate in joint audit assign-
ments and social audits. Such forms of public engagement has the poten-
tial for transforming the way in which the public views the work of SAIs.

IBP believes that SAIs and civil soci-
ety organizations are natural part-
ners with overlapping missions to
promote accountability in the use of
public funds. Greater engagement
between SAIs and CSOs can be mutu-
ally beneficial. CSOs are sometimes
better placed than SAIs to imple-
ment communications strategies that
can pressure governments to take
remedial action on audit findings. In

In countries in which SAIs lack powers and resources,
CSOs can champion the need for independent and
empowered SAIs.
countries in which SAIs lack powers and resources, CSOs can champion the need for independent and empowered SAIs. CSOs can also use their expertise on social sector topics and their presence on the ground to share information on critical areas of government operations that merit audit scrutiny, and they can even collect evidence on problems in these operations.

In turn, audits conducted by SAIs can be useful for civil society. SAIs have a formal mandate to investigate government finances and their audit reports often cover government operations on social sectors. CSOs can use findings contained in audits of social sectors to demand corrective actions from governments on issues that they care about and that can yield impactful results on government service delivery on the ground.

The case for greater engagement between SAIs and civil society is also consistent with an emerging consensus among experts that improved accountability will require not only stronger state and non-state oversight institutions but also systems that promote better linkages among these institutions. Such engagement is particularly relevant in light of the shrinking democratic spaces around the world and the need for checks against government excesses. Profiling audit findings and the lack of remedial actions by governments could be a promising and cost-effective way to highlight the failure of governments to implement public-financed projects and to deliver services effectively. Such work can also be used to overcome legislative inertia on audits, and to expose government callousness in addressing these problems even after that have been flagged by independent audits.
How Social Movements Can Reenergize Budget Activism

BRENDAN HALLORAN, SENIOR FELLOW, STRATEGY AND LEARNING, IBP

India’s Integrated Child Development Scheme (ICDS) provides food and health care to more than 100 million children and pregnant mothers around the country, employing 2.7 million workers. The 40-year-old program is chronically underfunded and workers earn less than half the government’s minimum wage. Yet, in 2016 government decision makers at the national and state levels were planning draconian budget cuts that would further weaken the ICDS’ ability to deliver services. In Maharashtra, a state with the sixth highest malnutrition burden in the country, the planned budget for child nutrition was cut by 62 percent, down to 0.5 percent of the state’s total budget.

CBGA, a long time IBP partner, quickly identified and publicized the scale of the proposed cuts in Maharashtra and across the country. At the national level, massive protests by ICDS workers already had the government back on its heels. In Maharashtra IBP partner SATHI helped bring a wider movement of health organizations — the Right to Live campaign — to join with the state’s ICDS workers union to analyze the cuts and plan joint actions. SATHI and other CSOs played a less visible support role, while the workers staged a massive protest in Mumbai. Maharashtra’s Finance Minister agreed to reverse the cuts, and nearly all funding was restored in the next parliamentary session. While the immediate crisis was averted, ICDS funding is still inadequate, its workers continue to be exploited at low wages, and there are continuing threats to privatize the program, despite court rulings to the contrary.

In South Africa our partner the Social Justice Coalition (SJC) has organized an expanding campaign to convince the government of Cape Town to invest in sanitation infrastructure that meets the needs of residents of poor communities.

SATHI and other CSOs played a less visible support role, while the workers staged a massive protest in Mumbai.
— and allows them to live with greater dignity — while also cutting costs in the long term. The government has consistently resisted these demands, and singled out the SJC for criticism. But the group has persisted, mobilizing its members to participate massively in the city’s own participatory budget process, which had previously been dormant and barely used. Thousands of residents have submitted budget requests, and SJC forced the government to take these demands seriously. In its latest move to force the city government to listen to its own citizens, the SJC is pursuing litigation.

The clear lesson from these cases is that there is rarely a shortcut to realizing rights and achieving tangible improvements for the poorest and most marginalized people. Neither the openness gains over the past decade nor the more recent restrictions on civic space have changed the fundamental fact that entrenched social and economic exclusion are deeply rooted in unequal power relations and sustained by status quo institutional systems. Meaningful steps toward more inclusive and effective governance means going beyond openness to navigating and reshaping politics. In the words of Daron Acemoglu and James Robinson, authors of the book *Why Nations Fail*:

“Making institutions more inclusive is about changing the politics of a society to empower the poor — the empowerment of those disenfranchised, excluded and often repressed by those monopolising power.”

For IBP and our partners, this presents a great opportunity, particularly in the increasingly challenging contexts in which we work. In both cases above, IBP was able to support engagement that combined sophisticated budget analysis with multi-pronged engagement strategies focused on enabling and leveraging collective citizen action on a significant scale. In both cases, the objective was to shift specific policies, funding for child nutrition and for dignified sanitation in informal communities, but more than that, it was about changing politics by building countervailing citizen power. Neither fight is over, but both have the potential to not only get a policy “win” but also to build a movement that democratizes the relationship between government and some of its most marginalized people.

According to a comprehensive study of over 100 cases of citizen engagement by John Gaventa and Gregory Barrett, “while people may engage with the state in a variety of ways, associations and social movements are far more important vehicles for gaining development and democratic outcomes than perhaps has been previously understood.” The experiences of IBP in India, South Africa, and elsewhere reinforce this message. Indeed we have seen it play out over the course of modern history, from the women’s suffrage movement to the influence of labor unions on working conditions in the U.S. and Europe, to the social-media and people power of Tahrir Square. But it has also happened in a thousand smaller and less visible ways, as people have organized in cooperatives, savings groups, and cultural organizations. All of these forms of more spontaneous and more durable organizing and mobilizing have a role to play in make our societies and governments more democratic. As the famous observer of America’s fledgling democracy, Alexis de Tocqueville, put it, “The task of preserving political democracy, then, consists in creating countervailing forces not controlled by the state, which would involve citizens in the public sphere.”
In some ways, the closing of civic space and the increase in intolerant politics has rejuvenated citizen action. In countries across the world, people are looking for new ways to organize and are raising their voices. Despite clear evidence for the efficacy of people’s organizations and movements, we shouldn’t romanticize them. Such organizations and movements are very difficult to grow and sustain and are not the “magic bullet” for accountable governance. People, particularly from marginalized groups, face significant barriers to collective action and many protests fizzle out or fail to produce sustainable change. Nevertheless, the experiences of IBP and our partners, as well as many other organizations around the world, demonstrate the promise of bringing together different kinds of organizations and movements, from formal NGOs with specific technical capacities to more fluid mobilizations to cooperatives and unions. There is much to be learned about how to work most effectively together and leverage different tactics and capacities, but IBP is committed to exploring these questions and deepening our engagement with a more diverse set of citizen organizations and movements. Our experience, and an increasing body of evidence, tells us that if our work is to contribute to more inclusive governance and development, we need to better harness the collective action and mobilization of citizens to strengthen a vibrant ecosystem of organizations and movements that really brings power to the people.
“The courts are one of the few institutions that has stood up to autocracy,” says Duncan Green, Oxfam Great Britain’s Senior Strategic Adviser. 1 Debatable though this assertion may be, it has proven true in enough contexts that a strategy of accessing courts warrants serious consideration by civil society budget groups, particularly as an increasing number find themselves working in ever more constrained public spaces. In recent years many CSOs have appealed to courts for access to information from governments under Right to Information laws. Where a smaller number of CSOs are breaking ground is in looking to the courts when they want to challenge the government’s budget policies and practices — for example, around such issues as underspending on social programs or discrimination in spending. Courts have agreed to hear a good number of the cases and, in many, have ruled in favor of the civil society claims.

Yet while it would be tempting to encourage all budget CSOs to incorporate a legal component into their advocacy strategies, accessing courts can be resource intensive and time consuming. This is why CSOs generally go to court only as a last resort, when all appeals through normal administrative channels have failed, or the government is so insensitive to public opinion that direct engagement would be pointless. Even in these cases, however, a decision to go to court should be made only following some careful thought. A recent publication by the Overseas Development Institute (ODI) discussing a 2008 ruling by the Supreme Court

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of Bangladesh provides some useful pointers for civil society to consider.2

Based on its research, ODI maintains that legal action must meet some minimum conditions to have a real chance of improving outcomes for poor people: there needs to be a progressive legal framework in place, a sympathetic judiciary, and access to legal advice and assistance. Experiences of IBP partners to date around cases involving the public budget seem to bear this out.

A case pursued by the Asociación Civil por la Igualdad y la Justicia (ACIJ) in Argentina was based on a provision in the constitution of the City of Buenos Aires that guarantees the right to education to all children from the age of 45 days. In response to challenges relating to the shortage of space in schools and the resulting long waiting lists, particularly in poorer neighborhoods, the municipal government maintained that it did not have sufficient funds to build and staff enough classrooms to fulfill its constitutional obligation. ACIJ provided evidence to the court that over the course of several years the government had not only consistently underspent its infrastructure budget but had disproportionately directed the funds it had spent to wealthier neighborhoods. The court ruled that the government had violated the children’s right to education and ordered it to construct the necessary classrooms to eliminate the waiting lists.

The Indian Supreme Court provides the most compelling example of the power that a sympathetic judiciary has to change people’s lives. When the government of Rajasthan refused to release emergency stores of food in the face of widespread starvation, it was taken to court, with petitioners charging that the government was violating the right to food of people in that state. The case ultimately landed before the Supreme Court, which ordered the national and state governments to fully fund and effectively implement a series of programs, some that deal directly with food (such as school food programs), and others related to people’s capacity to provide adequate food for themselves (such as work programs). The Court has maintained supervisory powers over the case since 2001, issuing a series of interim orders and appointing commissioners who monitor and analyze government compliance with the Court’s orders.

Duncan Green has said, “The law will remain an essential weapon in the armoury of activists around the world…. The challenge will be to build bridges between legal activism and other efforts to influence the system, since the two worlds are often divided by impatience, different theories of change, or the chasm of language.” Indeed, many lawyers are allergic to the arrays of numbers in public budgets, but over the past decade there has been a growing appreciation among public interest lawyers of the centrality of public budgets to many of their issues of concern. This has been matched with a willingness to learn the jargon as well as the technical, legal, and political issues surrounding budgets. It was public interest lawyers, for example, who brought the Right to Food case to the Indian Supreme Court described above. And, in South Africa, the public interest Legal Resource Centre

was instrumental in a case that the Treatment Action Campaign (TAC) brought to the Constitutional Court that challenged the government’s failure to spend funds on antiretroviral medicines (ARVs) and drugs to prevent the transmission of HIV from the pregnant mother to her child.\(^3\)

Courts have traditionally been reluctant to intervene in budget-related matters out of a misplaced belief that all budget decisions fall solely within the legislature’s ambit. CSOs that have managed to overcome this reluctance to win favorable decisions, often then face the hurdle of ensuring that the government complies with the court’s orders. In the Argentine case mentioned above, the government started dragging its feet in complying with the court-supervised agreement it had reached with ACIJ. After a couple of years of trying to get full compliance through agreed channels, ACIJ adopted a multipronged effort to pressure the government. This included lobbying the Minister of Education, going to the media, and launching online petitions designed to put some muscle behind ACIJ’s efforts to get the legislature to ensure adequate funding for education. The effort was effective in persuading the government to fully carry out the agreement.

Indeed, the most effective strategies for ensuring that litigation will have a positive impact on the lives of the poor seem to be those that link court action with grassroots mobilization. An undoubted key to the success of the Treatment Action Campaign (TAC) case was the large-scale, dramatic demonstrations that TAC was able to call on a regular basis. Courts are not immune to the pressure such mobilization generates through media attention that, in turn, provokes public outrage and broad-based calls for action. This is good news for IBP partner the Social Justice Coalition (SJC), which filed a case in court in the fall of 2016 as part of its ongoing campaign to improve basic sanitation services in informal settlements around the city of Cape Town. As in the TAC case, the SJC litigation will be bolstered by an intensive effort to mobilize residents and engage the media over the years.

As public space narrows in countries around the world, and appeals to government agencies and to legislators become more challenging and often ineffective, going to the courts may also be more difficult. A previously progressive legal framework, for example, may be repealed and replaced with weaker guarantees. Nonetheless, as CSOs continue their search for creative and effective ways to advance the rights of those they represent in an ever more hostile environment, it is essential to remember Duncan Green’s wisdom. Courts, as a separate branch of government, often act out of a conviction as to their own autonomy and importance, and provide redress where none is otherwise available.

IBP also has offices in Cape Town, South Africa; Mumbai, India; and Nairobi, Kenya; as well as staff based in Brazil and the U.K.

For more information, contact us at info@internationalbudget.org or visit internationalbudget.org

Designed by Michael Kristof of Kristof Creative