Examining the relationship between sub-national structures and civil society organisations: is there evidence of innovative governance?
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Abstract
NGOs sometimes are involved in the process of providing public services, often providing services where the state fails or complementing those already being provided by the state. Like Public Private Partnerships (PPPs), these joint ventures between the State and non-private sector actors, illustrate the role and significance of civil society in providing, complementing or improving public services and, is viewed as an important component of social programme delivery. Civil society is known to come up with innovative and responsive programmes to meet the arisen needs of the communities that they serve and, need to work within the sub-national governance framework in order to (i) effectively implement their work, (ii) meaningfully reach out to their targeted population groups. However, in order for civil society to be even more responsive in addressing arising social needs, they need to be encouraged to operate in an outcomes-based manner which emphasises accountability to these two interest groups: the State and service beneficiaries. This is especially important because in terms of social programming and service delivery, civil society organisations often embark on the following activities: sensitising communities and raising awareness about policy, programmes and entitlements, facilitating the mobilisation of communities so that they can establish structures (or sit on existing structures) to actively participate in addressing social problems, helping communities to establish programme monitoring processes e.g. through the use of community score-cards as well as the use of Information Systems to map and monitor service delivery.

However, it is not just community groups that are involved in this manner because we have seen evidence that civil society organisations themselves, also sometimes sit on decentralised public programming structures that have been set up by the state at local (municipal), district and provincial level, a trend taking place across South Africa and the region, too. Therefore, as civil society organisations gradually morph into public service delivery entities in themselves, it is essential to study this trend and make recommendations about how best they can do so within a development and governance framework that facilitates increased accountability from civil society organisations to the state, as well as their service beneficiaries. This paper will therefore examine the relationship between sub-national structures and civil society organisations, and establish whether there is evidence of an innovative governance framework that can be documented. It is hoped this will contribute towards evidence of instances where there is a co-creation of space for governance innovation and partnerships.

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1. Introduction

There has been significant change in the civil society and governance space, some reflected in the change in terminology as well as the scope of work undertaken by civil society. Initially starting out as “Non-Governmental Organisations/NGOs and often seen as adversarial, anti-government institutions, these have now come to be known broadly as “non-state Actors (NSAs), Public Service Organisations (PBOs) or broadly, Civil Society Organisations (CSOs). This might be in recognition of the changing role that civil society now plays: often complementing the State in delivering public services. There is also increased acknowledgement that fast-tracked socio-economic development can be achieved through deliberate partnerships, particularly public-private partnerships, with co-implementation being the favoured approach for driving this. In a lot of countries therefore, civil society plays an active role in providing social services in conjunction with the State\(^1\).

With increasing globalization and issues transcending national boundaries\(^2\), there has been a growth of civil society in terms of numbers, but also in terms of the scope of work undertaken. Civil society organisations nowadays transcend the traditional political activist sector and, have morphed into agencies that operate in all sectors from the economic to the social, environmental, and scientific and international relations sectors\(^3\).

It can also be observed that CSOs are adopting more participatory, consultative and sustainable operating approaches\(^4\), often driven by an increasing focus on a ‘rights-based’ approach to programming that emphasises participation of stakeholders and accountability to service beneficiaries\(^5\). As a result, it is not uncommon to see that civil society from all sectors incorporate the following in their activities: sensitising communities and raising awareness about policy, programmes and entitlements; facilitating the mobilisation of communities so that they can establish structures (or sit on existing structures) to actively participate in addressing social problems\(^6\); working with communities to establish programme monitoring processes and demand accountability e.g. through the use of

\(^{1}\) Brief guide to corporate social responsibility: 2012:81.


\(^{3}\) UN Foundation. 2002:2.


\(^{6}\) Mishra, V.K. 2012:207.
community score-cards as well as the use of Information Systems to map and monitor service delivery; and direct service provision\textsuperscript{7}.

2. Theoretical concepts and notions

Sub-national structures can be identified in the manner in which they provide structures and avenues for redistributing power and resources. This is usually reflected in the state of \textit{decentralisation}. Decentralisation can be viewed in its narrowest sense i.e. that the State ceases to be the main role player and that other stakeholders are brought into the process of service delivery or, secondly in a broader sense, that relates to the devolution of power to different administrative, political and legal structures within a State. Both of these definitions have a significant impact on the manner in which civil society constitutes itself and plays a role in socio-economic development. The former implies that services traditionally delivered by the State are provided by other stakeholders e.g. private sector and civil society organisations whilst the latter involves a deliberate process of creating conditions that strengthen partnerships between the State and other entities and articulates each stakeholder’s deliverables, in a bid to improve service delivery e.g. to reach more beneficiaries, increase coverage of services or to increase accountability of political office bearers to a chosen constituency.

Due to the increasing involvement of CSOs in policy development, review and implementation, the nature of decentralisation makes it possible for sub-national governance structures or departments to obtain reliable information about population needs, which in itself leads to better planning, resource allocation and an improved accountability to specific target groups\textsuperscript{8}. Thus, the role of Civil Society is seen as that of providing networks\textsuperscript{9} as well as access to the public (organised common interest groups) to help identify problems, possible solutions and effective or responsive implementation plans\textsuperscript{10}. Conversely, civil society’s role is also seen as providing platforms to hold the State accountable and to guard against “the arbitrariness of the government”\textsuperscript{11} in terms of the decisions being made and their impact on population groups. Decentralisation therefore also provides opportunities for the public to have greater access to information around their local representatives and, to demand accountability from them\textsuperscript{12}. It can therefore be argued

\textsuperscript{7} Azfar, O. et. Al. 1999.
\textsuperscript{8} Ibid p14-15.
\textsuperscript{9} UN Foundation. 2002:4.
\textsuperscript{10} Azfar, O. et.al. .1999:14-20.
\textsuperscript{11} Mishra, V.K.2012:207.
\textsuperscript{12} Ibid, p15.
that decentralisation creates opportunities for a closer, more open and reciprocal relationship between the State and the public (via civil society).\(^{13}\)

### 2.1 Governance trends and the changing role of civil society

#### Decentralisation trends

Decentralisation trends in southern Africa have happened at 4 significant timelines\(^{14}\): during colonisation & pre-independence (1945-1960’s); during independence; during the structural adjustment programmes of the 80’s and 90’s and during the last millennium when MDGs and participatory and sustainable development approaches were adopted\(^{15}\).

Each of these times saw the role of civil society evolve, for instance during pre-independence, civil society was crucial for garnering political support for State independence from colonial rule, whilst the 1980s and 1990s saw a proliferation of ‘development agencies’ that worked mainly in policy reform and economic growth, hence their focus on vocational skills training, agriculture and food production, poverty alleviation, promoting industrialization and manufacturing industries\(^{16}\). The new millennium (2000 onwards), saw civil society in southern Africa focusing more on influencing policy and programming around sustainable socio-economic development, trade liberalization, human rights, governance and environmental issues\(^{17}\), partly due to increasing globalisation. Globalisation has changed the role of the State and allowed other stakeholders to take part in governance and service delivery although it has also sometimes led to asymmetric and incongruent power relations between the State and the public, and increased power among the private and civil society sectors\(^{18}\).

Decentralisation in southern Africa has also been characterised by:

1. Being deployed in parallel with existing governance systems e.g. traditional authority and leadership and as a result, there is a plurality of approaches to decentralisation\(^{19}\)

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\(^{13}\) Azfar, O. et.al.1999. See also Desse, F.2012:5-6.

\(^{14}\) Olowu, B.2001:7-12.

\(^{15}\) See Ribot, J.2001:8 and also Therkildsen, O.2001:1.

\(^{16}\) See Dickovick, J.T. and Riedl, R.B. 2006. Comparative Analysis of Structural Adjustment Programs in Southern Africa -with emphasis on Agriculture and Trade.

\(^{17}\) This is also evidenced in the number of agencies that exist to help promote and fulfil the targets set in the Millennium Development Goals (MDGs).

\(^{18}\) Ibid, p206.

\(^{19}\) SLSA.2008:1-4.
2. Operating within multi-tiered government and policy implementation systems e.g. national/federal level; district or provincial level; municipal or sub-district level and local ward or community level.

3. Focusing on operational partnerships in terms of promoting “the devolution and deconcentration of legal authority to sub-national governments and sub-national administrative units”\(^{20}\), which includes devolution of decision making powers around fiscal, administrative and sometimes even political decisions\(^{21}\).

Due to this structure and operating frameworks, decentralisation has helped Civil Society to improve its accountability, because stakeholders at various political levels are defined and the expectations from these are clearly laid out i.e. local government targets are clear for civil society organisations that are providing direct services. Decentralisation has also improved accountability avenues because sub-national structures provide opportunities for both upward and downward accountability to stakeholders. It can further be argued that, through decentralisation, effective collaboration between the State and civil society has helped to improve governance, even if competition and indeed even opposition to the Government sometimes characterise this relationship\(^{22}\).

**Public-private partnerships (PPPs) and opportunities for civil society involvement**

With increased globalization and broadening of governance as a result of government becoming smaller, decentralization, increased population demands and market failures, there has been an increase in state partnerships with the private sector and civil society. Defined\(^{23}\) as:

> “an agreement between the public and the private sector for the construction of public infrastructure or the delivery of a public service in which resources, risks and responsibilities are shared among both parties”.

Public Private Partnerships take various forms to serve different purposes, all of which create opportunities for CSO engagement in public service delivery, programme


\(^{23}\) UN Foundation .2002:2.
management and policy development. The UN Foundation (2002:5) identifies three main categories for participation:

- Operational partnerships (which may include service contracts, management contracts, concessions and divesture)
- Policy and strategy partnerships
- Advocacy partnerships

Civil society organisations are usually involved in operational partnerships, providing public services where the state fails or complementing those already being provided by the state. These joint ventures between the State and non-private sector actors illustrate the role and significance of civil society in helping to increase access to or improve public services. Civil society is known to come up with innovative and responsive programmes to meet the arisen needs of the communities that they serve and, often need to work within the sub-national governance framework in order to (i) effectively implement their work, and (ii) meaningfully reach out to their targeted population groups. However, in order for civil society to be even more responsive in addressing arising social needs, they need to be encouraged to operate in an outcomes-based manner which emphasises accountability to these two interest groups: the State and service beneficiaries. Sub-national structures provide the necessary governance framework to allow for this upward and downward accountability.

Civil society’s increasing role in providing social services or addressing political, economic and environmental issues, is a reflection of the devolution and redistribution of power. It is not necessarily reflective of a separation between the State and CSOs, but rather an illustration of a convergence because the two parties agree on how to collaborate and work jointly to achieve set objectives. Olowu (2001) terms this market decentralisation and it is commonly viewed as a significant component of public sector management.

2.2 Characteristics of relationships between sub-national structures and civil society organisations

Because CSOs operate at local and national level, the framework of sub-national structures is crucial for CSO functioning and is especially important for community-based CSOs which operate mainly at local level and are concerned with resource redistribution, local

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26 See Desse, F.2012:5.
accountability, citizen participation in development processes, and community strengthening. The current framework that exists (as illustrated in Figure 1 below), usually comprises of the national/federal level; the district or provincial level; the Sub-district level which includes municipalities, villages, towns or city councils; and the local level which comprises of the ward or community structures.

**Figure 1. Conceptual model**

Multi-level governance (MLG) implies that the State (federal) is not the sole stakeholder in developing or implementing policy. The existing models (as reflected in Figure 1 above), usually define MLG at national, regional and local levels and reflect an alignment to the political administration of a country i.e. sub-national governance tiers illustrate the appointment process of political representatives (and hence governance); and also the powers, roles and responsibilities held by office bearers (technocrats) and politicians at each level.

This model of multi-level governance also illustrates that decentralisation takes place at a political level across the spectrum at national, district and municipal levels and that partnerships are usually developed at a local government or municipal level because that is where direct service delivery and programme implementation takes place.

In southern Africa, this is the trend that defines sub-national structures along political boundaries at 4 levels: national, district/provincial, municipal and community levels, with

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29 Ibid.
legislative and policy development mostly taking place at national and district level; coordination at district level and policy implementation and service delivery taking place at district, municipal and community levels. Decentralisation in southern Africa is also characterised by horizontal sharing of power and redistribution of allocated resources\textsuperscript{31}, although devolution (ceding certain powers to other entities to allow them to implement policy) and delegation (assigning powers and responsibilities to other stakeholders in order for them to help realize set objectives) are common\textsuperscript{32}, depending on the socio-economic issues that are being addressed e.g. in the case of provision of health services such as maternal and child health (MNCH) services, States have devolved power to civil society organisations to help them provide MNCH services, within the framework of the law, but in the security sector, States employ civil society agencies to help them analyse trends and develop policy e.g. in the case of South Africa and the Institute for Security Studies (ISS)\textsuperscript{33}.

Sub-national structures also impact on the structure and nature of work undertaken by civil society organisations by influencing where civil society organisations operate i.e. national, regional or community level; how they operate and what they implement. Sub-national structures also provide conditions that enable civil society to work on social programming and service delivery (such as policy frameworks and targets for deliverables), as well as creating and promoting avenues for CSO accountability. Furthermore, sub-national structures provide frameworks and platforms for civil society (and broader public) participation in governance and this is reflected in how public representatives and civil society organisations themselves, sit on decentralised public programming structures that have been set up by the state at local (municipal), district and provincial level e.g. community and municipal forums, district advisory teams and national councils. Civil society therefore also exists as a \textit{sub-national actor or stakeholder}.

3. Case Reviews

Below are some examples of civil society/state partnerships in 3 southern African countries. Each example details the specific sector that the CSO operates in, the areas of collaboration with the State, the nature of the partnerships, and whether there is any innovation.

\textsuperscript{32} For more on devolution and delegation, also see USAID.2010:16-17.
\textsuperscript{33} \url{http://www.issafrica.org/about-us/how-we-work}
3.1 Example I: Primary Healthcare in Malawi

With limited resources and a crumbling public health system, The Government of Malawi has long partnered with civil society organisations in the provision of public health services. It is not uncommon to find that civil society organisations bring into the country health supplies, provide training and support to health personnel, as well as providing direct health services. A good example can be seen in the provision of maternal and child health services: partnerships between civil society organisations, traditional authorities and primary health care centres have resulted in lowered maternal and infant mortality rates34.

This collaboration was in response to the number of high home deliveries and low numbers of women accessing Ante-Natal Care services35. Being a country where tradition and custom is heavily observed, in a bid to promote healthcare deliveries and to reduce mortality rates, civil society organisations approached traditional leadership to develop a reward system to encourage women (and their male partners), to utilise Primary Health centres. Traditional leadership instituted fines for home deliveries and used their community meetings to raise awareness around at the same time, civil society organisations organised public meetings with health care officials and the public, to explain the health service charter to provide details of what services the public should expect to receive. By raising awareness and helping to constitute functional committees, Civil Society also facilitated, in this case, to access the Local Development Fund for community related health projects and worked with traditional leaders, the State and Communities to use the funds to build maternity waiting homes, where women who lived in rural areas that were far from the PHC, could go to in order to be closer to the healthcare centre36. Thus, the partnership has largely been operational and shows innovation in the sense that it has brought together 3 alternative spheres of governance (traditional authorities, local health teams and civil society), to provide services that are responsive to the needs of the public. Civil society has illustrated that it is possible to utilise the strengths of social systems (traditional leaders, their influential power and ability to influence behaviour), as well as regulated, formal power (the State), to collectively work together.

34 Norad. 2013. Local Perceptions, Participation and Accountability in Malawi’s Health Sector Report, pp50.
36 See reports from The Partnership on Maternal, Newborn and Child Health (PMNCH). http://www.who.int/pmnch/countries/malawi/en/index2.html as well as work by prominent organisations such as World Vision and Save the Children http://www.savethechildren.org/atf/cd/%7B9d6ebe-10ac-432c-9b00-6f913eb74e79%7D/NBH_FACTSHEET.PDF
3.2. Example II: Agricultural production and environmental conservation in Botswana

Being an agricultural economy with crops and livestock farming taking prominence, Botswana has a history of CSO participation in influencing and developing agricultural policy. A 2004 DFID report[^37] found that as early as the 1970s, civil society organisations were given roles in organising and commenting on the development of local agricultural strategies[^38]. Through consultations with community farmers and leading research, civil society was able to bring to the fore, issues of importance such as farmer’s need for support to increase access to markets; the increased need for farming implements in order to move from subsistence family oriented farming to commercial farming, as well as vocalising their need for seed capital to purchase farming equipment.

Civil society played a role in highlighting and, placing on the political agenda the administrative, fiscal and policy issues around farming and agriculture in Botswana[^39]. Similar examples of advocacy efforts by Civil Society working in the agricultural field that have led to policy reform, have been noted in Zambia, where civil society contributions to the Poverty Reduction Strategy Policy reflected better the needs of poor farming communities[^40], as well as in Mozambique, where civil society worked to raise awareness among local communities, of the review of land reform policies[^41]. The processes of raising awareness, mobilising communities and coordinating responses and suggestions for changes to be made to agricultural policy, are a good example of advocacy with the State. It is particularly innovative because the examples cited above did not necessarily involve antagonist approaches towards the State, but involved processes of (i) working with communities to raise their understanding of existing policy so that they could ‘voice’ their concerns and make suggestions; (ii) working within the framework of the law by reviewing existing or draft policy and making submission for alternative drafting or capturing of issues, through existing structures e.g. public commissions of enquiry, parliamentary submissions etc. Therefore, the advocacy approach and efforts towards engagement in policy review and development were innovative in that they illustrated civil society – state partnerships from local/community participation, to district and national levels.

[^37]: DFID 2004. Use of civil society organisations to raise the voice of the poor in agricultural policy.
[^38]: Ibid. pp9.
[^40]: Ibid pp 22.
[^41]: Ibid.
3.3. Example III: Community participation in local government budgeting and strategy development in South Africa

Like other countries in the region, South Africa has a defined policy framework to promote and facilitate the participation of the general public in public policy and administrative decision making. This includes public participation in budgeting, planning and policy development\(^\text{42}\).

In a report by the Gauteng Provincial Legislature (2012:358), it is noted that the State engages in Public Private Partnerships in order to “address service delivery gaps” by partnering with the private sector, non-governmental organisations and community based organisations. However, an analysis of the effectiveness of these partnerships and the opportunities provided for public participation in South Africa is mixed and sometimes even contradictory: often, when it comes to issues of access to health, water or education services, there have been regular demonstrations and legal bids instituted by civil society, to compel the State to provide these services, despite the existing policy and structures that promote public engagement. Notable are the access to ARVs case by Treatment Action Campaign (TAC)\(^\text{43}\), as well as the more recent legal and public campaign to improve access to quality education undertaken by Section 27\(^\text{44}\).

There have however, also been some positive successes, in these same sectors, especially in the involvement of communities in the budgeting and review of expenditure of local health centres. An example of this success lies in the work of a civil society organisation that focuses mainly on improving healthcare in rural settings\(^\text{45}\). The organisation adopts multiple approaches that involve: working with communities to sensitisise them around existing health policy and the patient’s rights charter (which explains the minimum care and services to be expected at a health centre); engaging with health workers (public representatives) and facilitating meetings with the public where service monitoring scorecards are developed jointly; providing training and support for health care workers, including safe spaces for them to discuss their challenges and work experiences, but also to improve their understanding of how and when to address or escalate issues that have been raised by the community\(^\text{46}\). The organisation also influences health budgeting by partnering with

\(^{42}\) For instance, the Local Government Municipal Management Act (MFMA) encourages public participation through budget submissions as well as contributions made to the Integrated Development Plan (IDP).

\(^{43}\) http://www.tac.org.za/community/node/2200

\(^{44}\) http://section27.org.za/2015/04/section27-welcomes-dbe-announcement/

\(^{45}\) See Rural Health Access Programme at www.rhap.org.za

\(^{46}\) Ibid.
community based organisations and working directly with district level health centres in
simplifying the way budgets are drawn up, sharing this information with communities, and
facilitating meetings for public input into budget priorities. It conducts research to monitor
budget allocation and expenditure, and most importantly, details the steps and avenues that
are available for the public to engage in the health budgeting process, where and when to
make submissions etc. and therefore demystifies the health budgeting process47. This
example illustrates innovative partnership in the manner in which sub-national structures
have been used to promote good governance through the active participation of citizens in
not only claiming services, but also in helping to develop, identify community needs and to
monitor implementation of policy.

4. Conclusions and discussion

From our case studies some eminent observations emerge:

- In state-civil society partnerships, political power and decision making often remains
  with the State while administrative power is sometimes ceded, albeit sometimes
  partially, to civil society, especially in cases where CSOs are providing direct public
  services. The balances attained between power and resource distribution vary per
country and in every situation.

- A crucial factor that is important for the success of State – civil society partnerships is
  meaningful public engagement and participation in the planning and implementation
  of processes and the existence of favourable legislative and policy frameworks are
  not enough: however, both the State and Civil Society actors decry the expense of
  conducting meaningful public participation, often stating the lack of adequate
  funding as an impediment to effective public participation48. Active public
  participation, however, is a crucial component of successful governance.

- Decentralization characterised by partnership with civil society to deliver services,
  often results in State bodies being more responsive in addressing needs of targeted
  populations and sometimes an improved downward accountability. However, the

48 For instance, see article by Guwa entitled Public participation in local government budgeting processes still wanting:
wanting.html. It is not only State representatives who decry the expenses associated with conducting meaningful public participation, often
stating the lack of adequate funding as an impediment to effective public participation. Civil Society has also been found wanting in this
area, for instance see the Norad.(2013) report entitled Local Perceptions, Participation and Accountability in Malawi’s Health Sector.
extent of ‘improved service delivery’ has been debated, especially since any progressive improvements are usually only enjoyed by specific target groups and not necessarily a benefit for the entire population\(^49\).

- Accountability levels of CSOs are low because they tend to focus on upward accountability to donors and not to downward accountability to stakeholders (beneficiaries)\(^50\). Because there is also little evidence of CSOs developing their programming and implementation targets in line with those set within the sub-national government frameworks, there is poor evidence of alignment with the municipal, district or provincial development targets. Civil society organisations also tend not to utilise sub-national structures to report on their progress or contributions to socio-economic development. Therefore, although sub-national systems exist and provide specific accountability frameworks, CSOs do not capitalise on this, although it may actually improve their governance and accountability.

- More examination needs to be done to determine the impact of civil society sustainability on relations with the state because this is sometimes unpredictable: those operating at local level might be funded by external donors, and as donor priorities change, CSOs might lose their funding, whilst those that are predominantly local and community based might have difficulties in raising sufficient funding from among the communities and local entities around them. Therefore, progress made in partnering with sub-national State agencies might not always be sustained because of uncertainties around the longevity of civil society organisations. Pursuing innovative ways of partnership and collaboration to maximise on the benefits provided by sub-national structures for not only service delivery, but also improving governance and accountability, may need to be prioritised by civil society organisations.

NGOs sometimes are involved in the process of providing public services, often providing services where the state fails or complementing those already being provided by the state. Like Public Private Partnerships (PPPs), these joint ventures between the State and non-

\(^{49}\) See Ribot, J. 2001:31
\(^{50}\) This is also noted in a recent research by Norad entitled Local Perceptions, Participation and Accountability in Malawi’s Health Sector Report 2013:14
private sector actors, illustrate the role and significance of civil society in providing, complementing or improving public services and, is viewed as an important component of social programme delivery. Civil society is known to come up with innovative and responsive programmes to meet the arisen needs of the communities that they serve and, need to work within the sub-national governance framework in order to (i) effectively implement their work, (ii) meaningfully reach out to their targeted population groups. Therefore, as civil society organisations gradually morph into public service delivery entities in themselves, it is essential that this be undertaken within a development and governance framework that facilitates increased accountability from civil society organisations to the state, as well as their service beneficiaries.

From the three case studies noted above, it seems that accountability is indeed a key factor to facilitate the trends of decentralisation and creating partnerships. Especially the way CSOs are able to provide specific accountability seems to be important. Our conceptual model assumed that partnerships with CSO’s are balanced with specific accountability frameworks. From the case studies the idea emerges that in practice it is not working like that. It is therefore recommendable to look more in depth at accountability frameworks for CSO’s. This paper does not specifically look at the accountability frameworks, however they seemed to be important. All of these would be interesting topic for further research.
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