



**“Danish support to good governance – Effective and accountable public sector management, Background Analysis” and “Effective and Accountable Public Sector Management, Strategic Priorities for Danish Support to Good Governance”**

*Comments by the International Department of the Danish Institute for Human Rights, 16 April 2007*

We consider the strategic documents to be comprehensive and thorough with regards to identifying areas where the Foreign Ministry can add value.

As follow-up to the conference at which the strategy was presented, we take the opportunity to provide some comments and suggestions to both the strategic documents. The comments and suggestions are formulated in bullet points rather than in narrative for easier overview.

**General comments and suggestions**

- It could be clearer that the point of departure for both documents is to improve the situation for the ordinary citizen.
- The connection between institutional reform and legal/law reform could be described more in detail. It is mentioned several times that the legal framework should be in place, but in our experience this will often be the consequence of the reform efforts, when it is decided what type of accountability mechanisms should be established, what the criteria should be for complying with the constitutional values, etc.
- As mentioned at the conference when the strategy was presented, we believe that the strategy includes important points on supporting participatory democratic processes as part of public reforms. We believe that it could be emphasised more that such reform processes should be based on a nationally defined value-base, defined through a participatory process with its outset in the Constitution, applicable international human rights documents, cultural and political history and traditions, etc. The participation should both include participation within the relevant public institutions so ownership to the reform processes is secured inside the system, and with civil society, academia and other relevant organisations and institutions to secure that the reforms gain confidence, ownership and build on the social needs and context of the country in question. This way a basis for citizen accountability is established.
- A firm value-base reflecting human rights, democratic principles, etc. should also, in our opinion, be the foundation for the partnership between the state and donor in question. It is mentioned that reforms should take place in a ‘context’ of human rights etc., and this may cover the same, but a common, agreed value base provides for useful indicators on the partnership and that formulation could be considered.
- We believe that the importance of ‘running business’ of the public sector could be mentioned – the necessity for supporting the ongoing (support) activities alongside the reform efforts, to ensure that the system is not undermined when the reform is finalised, donors pull out, and the public sector hence destabilised.



## Comments to the two documents

### **(A) “Danish support to good governance – Effective and accountable public sector management, Background Analysis”**

#### *General comments:*

- We would suggest that corruption be clearly defined as a criminal offence.
- When describing Danish experiences, references are to experiences in supporting reforms as a donor only and not to proper Danish historic experiences. Without suggesting any kind of ‘model export’ – quite the opposite – it could be considered to take the historic Danish experiences of establishing accountability mechanisms and securing openness and access to information into consideration, including the difficulties encountered in these processes.

#### *Specific comments:*

- 5.2 (“Anti Corruption”, “Concepts and definitions”): it is mentioned that corruption should be approached understanding corruption as a symptom of much broader governance problems, including co-existence of competing accountability and value systems. While we agree that corruption should be understood as a symptom, we believe that the existence of competing value systems should be tackled explicitly in the paper, stating that a common value-base must be agreed for public sector reform to be carried out (as mentioned above under “General comments”).
- 7.2 ‘budget process challenges matrix’: we would suggest that a challenge to all of the categories is to have sectors to think as such, i.e. to have sector institutions coordinate and consolidate their budgetary (and strategic, tactic and operational) planning, especially the justice sector. Hence, systems for coordination of planning and execution are needed, including systems (manuals etc.) for developing a common language. This is due to the fact that securing an acceptable percentage of the national budget for e.g. the justice sector requires that sector to present a consolidated sector budget reflecting the functions of the sector, while at the same time respecting and reflecting the inherent independence and impartiality of the justice sector institutions.

### **(B) “Effective and Accountable Public Sector Management, Strategic Priorities for Danish Support to Good Governance”**

#### *General comments:*

- As mentioned by one of the panellists at the conference, an interesting and important accountability challenge to be mentioned would be that of donors – especially in relation to the coordination problems that have existed and are being dealt with in OECD/DAC. How will the donor performance be monitored and accounted for?
- Also in this document, we would suggest that corruption be defined clearly as a criminal offence.

#### *Specific comments:*

- p. 8: “context of human rights” – it could be considered to mention criteria for when that is considered to exist or formulate it as a shared value-base.
- p. 21: “5. Danish capacity for governance support” – as the word “Danish” is used, relevant experience from Danish organisations and institutions could be included.