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Evidence and lessons
from Latin America

REGIONAL EVIDENCE PAPERS

The Deficits in Horizontal Accountability in Argentina: A Tale of two worlds



Centre for the Implementation of Public Policies that promotes Equity and
Growth (CIPPEC) Argentina

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ABOUT THE ELLA PROGRAMME

ELLA, which stands for Evidence and Lessons from Latin America, is a south-south knowledge and exchange programme that mixes research, exchange and learning to inspire development policies and practices that are grounded in evidence about what works in varied country contexts. The programme has been designed and is coordinated by [Practical Action Consulting \(PAC\) Latin America](#), in line with the objectives agreed with the funder, the [UK Department for International Development \(DFID\), UK Aid](#). The [Institute for Development Studies \(IDS\), Sussex University, UK](#), supports on research design, methods and outputs. To learn more about ELLA go to our [website](#), where you can browse our publications this and other [development issues](#).

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SUMMARY

While there are some drawbacks¹ in specific countries, democracy has become the 'only game in town' in Latin America. The most unequal region of the world has succeeded in guaranteeing democratic rules region-wide. However, several weaknesses remain; among them, how to develop not only good institutions, but also institutional capacities that work respecting the law. This paper looks at the cornerstone of the institutional weaknesses in the region, namely, the executive-legislative relationship and horizontal accountability (HA). **What are the determinants of the low performance of horizontal accountability mechanisms in Latin America and especially in Argentina?**

In order to address this central question we studied a set of accountability mechanisms using a mix methods approach. The research is organized in two parts: the first explores definitions of horizontal accountability and its mechanisms and determines the extent to which HA mechanisms are useful fit for our case studies. The objective of this first part is to identify whether there is a gap between what is stated in law and what actually takes place, and what the consequences are for non-compliance. The second part aims to understand the determinants that help explain levels of low accountability.

So far there has been little research in Latin America that looks specifically at this question. What appears to be the case is that even though the region is making good progress in terms of institutionalizing democratic processes and improving social indicators, there is still much more to do to ensure better horizontal accountability outcomes. Specifically, the executive's answerability to the Legislative has only slightly improved during the last decade, and this is the case for the whole region. It is also the case that Latin America still lacks good quality data, and this affects not only the decision making process but also the oversight capacity of Congress.

In this context, Argentina appears to be an interesting case to conduct an in-depth analysis with a view to increase our understanding of the research question. This case is particularly relevant as Argentina is among the most developed countries in Latin America, but at the same time presents low levels of institutional capacity. Therefore, it may highlight specific factors that have blocked the development of accountability capacities, despite the existence of comparatively higher levels of economic development. The findings from the Argentine case may throw up important lessons for capacity building in other cases as well.

Horizontal accountability mechanisms at work in Argentina are relatively new. They were created as a result of the 1994 National Constitution reform. Some of them are meant to be used only in the exceptional case of a crisis (such as the impeachment of the President). But there are also some routine mechanisms that require the Executive to provide information about the government's plans and actions to the Legislative and for the latter to request answers and to exercise oversight over the Executive. This is the focus of our project.

The study shows that these HA mechanisms are working only partially and unevenly building up a tale of two worlds (the executive and the legislative). First, the Chief of Cabinet usually does not comply with the constitutional mandate to visit Congress once a month. Second, Presidents are not presenting good quality data in their inaugural speeches. And third, legislators are submitting thousands of questions to the Executive and receiving very few answers; when they do get answers, they arrive late or the content is not a useful input for oversight. The data we have collected and analysed suggests that there are several deficits in the horizontal accountability process between the Executive and the Legislative.

¹ Honduras 2009 and Paraguay 2012.

When trying to understand the causes behind this accountability deficit, we are faced with a combination of difficulties. To begin with, there are several problems related to the mechanisms' design, such as the absence of a deadline for answering a request for information approved by Congress. In addition, there are no consequences if HA mechanisms do not work correctly. For example, the Executive does not receive any sanctions for not answering a legislative request. The same is true if the Chief of Cabinet does not attend her monthly visit to Congress. Finally, there are some negative incentives derived from electoral rules that discourage legislative control.

Our policy recommendations are to strengthen the HA mechanisms through an improvement of *regulations, institutions and policies*. In terms of *regulations*, we recommend establishing processes to promote legislative coordination in order to reduce the number of topics that are covered during the Chief of Cabinet's visits to Congress and to set deadlines for the information requests from the legislative to the executive. In addition, new regulations should set stronger sanctions for situations in which the HA mechanisms are not followed. In terms of *institutions* and *policies*, we promote the strengthening of the statistics agency and the formulation of a government plan with the goal of increasing the available data and improving the quality of the dialogue between the branches of government. Similarly, we propose reforms to enhance the capacities of Congress. The number of Committees should be reduced to create incentives for greater specialization of the legislators on a few topics. This would generate technically better legislative proposals and re-organize the legislative agenda, and would also improve the quality of the requests for information.

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GLOSSARY

CIPPEC	Centre for the Implementation of Public Policies that promotes Equity and Growth <i>Centro para la Implementación de Políticas Públicas para la Equidad y el Crecimiento</i>
CONADEP	Disappeared Persons National Commission <i>Comisión Nacional sobre la Desaparición de Personas</i>
CONEVAL	Social Policy National Evaluation Council <i>Consejo Nacional de Evaluación de la Política Social</i>
CPMRC	Mixed Committee of Public Accounts <i>Comisión Parlamentaria Mixta Revisora de Cuentas</i>
GI	Global Integrity Index
HA	Horizontal accountability
IABD	Inter-American Development Bank
LAC	Latin American and The Caribbean
M&E	Monitoring and evaluation
NAO	National Audit Office
OBI	Open Budget Index
PRODEV	Program to Implement the External Pillar of the Medium Term Action Plan for Development Effectiveness
WB	World Bank

INTRODUCTION: FROM DEMOCRACY TO QUALITY INSTITUTIONS

In the early nineties O'Donnell stated that democratization processes involve two types of transitions (Mainwaring & O'Donnell, 1992). The first is a substantive transition: from previous authoritarian regimes to the emergence of democratic governments. The second is a qualitative transition, from a new democratic government to the effective functioning of a democratic regime. The challenge for this era is for political democracy to coexist with wider economic, social and cultural democratization.

Latin America has continued over time to enhance its democracies in many ways. The quality of both democracy and government performance has gradually entered the political agenda. Both are now issues that are taken seriously by society at large, and indeed both are discussed in the public arena. As Mainwaring underlines *"One of the important emerging challenges for improving the quality of democracy revolves around how to build more effective mechanisms of accountability. A widespread perception prevails in much of the region that government officials are not sufficiently subject to routinized controls by oversight agencies"* (Mainwaring & Welna, 2003).

Accountability as a core dimension of governance ensures that actions and decisions taken by public officials are held to account, so as to guarantee that government initiatives meet their stated objectives and respond to the needs of the community they are meant to be benefiting, thereby contributing to better governance and poverty reduction.

Accountability can refer to two dimensions also conceptualized by O'Donnell (1998): the means through which citizens, mass media and civil society seek to enforce standards of good performance on officials (vertical accountability), and the capacity of state institutions to check abuses by other branches of government, that is, the requirement for agencies to report sideways (horizontal accountability). There are different types of accountability linking different actors.

Horizontal accountability (HA) is all about checks and oversight, as well as surveillance and institutional constraints on the exercise of power. As a broad concept, it involves several ways of preventing and correcting the abuse of power. It opens up power to public inspection, forcing it to explain and justify its actions, with the possibility of sanctions when power is abused. Therefore, accountability carries two basic connotations: (i) answerability, the obligation of public officials to inform about what they are doing, and (ii) enforcement, that is, the capacity of oversight agencies to impose sanctions on power-holders who have violated their duties (Schedler, 1999).

The assumption for this study is that accountability exists when the actions taken by executive bodies are held subject to oversight from legislative authorities. Specifically, the focus of the research in this article is to identify the determinants of low horizontal accountability performance in the selected case studies, which in turn limit better policy outcomes in Latin America in general. Both the limited development of relevant norms regarding sanctions, and the gap between the discourse surrounding formal institutions and the actual practices of accountability, are some of the main deficits of democracy in many developing countries.

Therefore this research project explores i) the executive's own ability to be accountable for its actions ; and ii) the conditions under which legislative bodies succeed or fail in holding accountable public agencies of the executive.

The central question that guides this study is: **what are the determinants of the low performance of horizontal accountability mechanisms in Latin America and especially in Argentina?**

In this regard, we hypothesize that “the low performance of horizontal accountability in Latin America and especially in Argentina is explained by the interaction of two types of determinants: underdeveloped institutional capacities, negative incentives, and the interaction between them”.

In order to respond to the question and test the hypothesis, the study is structured in five sections.

First, we present the design and methods used for conducting the research. The design involves a triangulation of methods. We believe the mixed methods approach provides the right insight to understand the determinants of HA mechanisms. For the quantitative segment of the paper, we had to put together a series of datasets that allowed us to describe the patterns of performance of HA mechanisms. However, the quantitative analysis is not enough to understand the processes and motivations behind the patterns we see in practice. In order to comprehend in sufficient depth the mechanisms that operate throughout the HA processes, we carried out a series of interviews with legislators, Chiefs of Cabinet and public officials from both the executive and legislative branches. This triangulation allowed us to understand the incentives that legislators have to oversee the Executive (enforcement) as well as the incentives for the Executive to provide the information that was solicited (answerability).

Second, we provide some regional context to better understand the complexity of HA mechanisms in the Latin America region. This is done by a) presenting an extensive literature review, b) providing an approach with indicators to measure HA performance in the region and c) drafting an overview of existing institutional HA mechanisms in Mexico, Brazil, Chile and Argentina itself.

Third, we focus on the analysis of HA in Argentina by a) describing the existing HA institutional design, b) analysing how answerability is working mainly through the Chief of Cabinet visits to Congress, c) evaluating the performance of enforcement by looking at the roles of Congress in requesting information and overseeing the Executive through the General Audit and d) illustrating the whole scheme by a particular case that was relevant in 2014: the *Aerolíneas Argentinas* case.

Fourth, we discuss some of the findings and present some policy implications and recommendations derived from our study.

Finally, through the annexes, quite a big amount of data is presented that provides support to the text and our conclusions as researchers.

This paper is not about discussing the importance of accountability for democracies in Latin America. It is rather conceived as a study to assess the current performance of horizontal accountability institutions and mechanisms, and to **provide sound and concrete policy recommendations that can trigger change to further enhance democracy through better horizontal accountability institutions.**



Photo 1: [Macri being sworn in as President of Argentina in the Argentine Congress.](#)

Credit: Argentina Presidency of the Nation.

RESEARCH DESIGN AND METHODS

The specific objectives of the research can be grouped into three main ideas. First, determining the existence and extent of implementation gaps in horizontal accountability in Argentina. Second, reviewing some of the possible causes and institutional deficits affecting HA's development. Finally, proposing policy interventions to address the implementation gap as well as mechanisms for monitoring efforts towards improved horizontal accountability. The underlying assumption is that weaknesses in HA undermine better policy outcomes in Latin America. The central question that guides the research is: **What are the determinants of the low performance of horizontal accountability mechanisms in Latin America and especially in Argentina?**

In this regard, we hypothesize that **"the low performance of horizontal accountability in Latin America and especially in Argentina is explained by the interaction of two types of determinants: underdeveloped institutional capacities, negative incentives, and the interaction between them"**.

Studying Latin American democracies seems suitable as Latin American countries have a recent history of stable democratic regimes and most of the countries have incorporated new HA mechanisms to their Constitutions. However, there is almost no literature about how these mechanisms are actually working in practice. In this regard, we will present some data to describe the HA situation in the region. To do so, we will show present some proxy indicators that measure horizontal accountability. In terms of answerability, we look at the Inter-American Development Bank's (IADB) PRODEV Evaluation Tool and the World Bank's (WB) tool for the measurement of statistical capacity. And to review the enforcement capacity (of the Legislative), we use the Open Budget Index and the Global Integrity annual report. Thus, this paper will bring some light on HA processes and will help improve how these mechanisms work in our regional contexts.

As for the main case study, Argentina appears to be an interesting case for in-depth analysis. This is particularly the case because as Argentina is among the most developed countries in Latin America, but at the same time presents uneven levels of institutional capacity. Therefore, it may highlight the specific factors that have blocked the development of such capacities, despite the existence of comparatively higher levels of economic development than many other countries in the region. The findings from the Argentinean case may also suggest important lessons for capacity building in other cases as well.

The independent variables are institutional capacities and negative incentives. The dependent variable is deficits in horizontal accountability. The intervening variables are formal and informal institutions that influence accountability mechanisms and policy outcomes.

In order to address the central question we study four accountability mechanisms using a mixed methods' approach.² In order to explain the low performance of accountability mechanisms in the selected case studies, the research was organized in two stages.

Stage I was focused on establishing the level of horizontal accountability and deepening our understanding of the outcome variable. We describe de jure horizontal accountability institutions and mechanisms, and determine the extent to which these work effectively in our case studies. In order to do so, the study identifies the main horizontal accountability tools in the Constitution and law. It assesses whether the legislative branch effectively

² Mixed methods research recognizes the importance of traditional quantitative and qualitative research but also offers a powerful third paradigm choice that often will provide the most informative, complete, balanced, and useful research results (Johnson et al, 2007). It allows researchers to improve the accuracy and validity of the research findings, predict trends, add to knowledge base, measure change, help understand complex phenomena and both test and generate new ideas (Newman et al, 2003).

holds the executive accountable, and how government responds to legislative authorities concerning policy implementation, monitoring and evaluation.

Taking the normative framework as a starting point allows us to identify whether there is a gap between what the law states and what actually takes place, and if there are consequences, sanctions or punishments for non-compliance. That is, we look at i) who exercises horizontal accountability (state agencies), ii) what the exercise of horizontal accountability consists of (oversight, sanctions, impeachment), and the type of actions or omissions subject to horizontal accountability, (those that qualify as unlawful, and the consequences for not complying (punishment for not being accountable).

Stage II of the project aimed to understand the determinants behind the low levels of accountability. Specifically, the effect of independent variables (legislative/executive capacities and negative incentives) over the studied phenomena. In order to do so, both branches were disaggregated into three components: the members of each branch of government as individuals (government officials and legislators), political parties (in government and in Congress) and the organizational level (Chief of Cabinet, ministries and committees in Congress).

The Argentina case study focuses on **three mechanisms that are currently in place**: i) Reports by the Chief of Cabinet to Congress, ii) Congressional Information requests to the Executive, and iii) the approval of National Audit Office reports by Congress. The quantitative analysis of key indicators allows us to describe the relationship between these two branches of government and identify whether there is an implementation gap. Using several datasets created for this research project, we describe each mechanism and identify some determinants of its use. The qualitative section, using in depth interviews to key actors in the accountability process, signals some of the causes of the deficits and ways to improve the current situation. The strategic decision made was to interview a combination of current and former public officials and legislators, maintaining a balance between the party in power and the opposition parties (see Annex b). Finally, we analyze a specific case (the special report produced by the National Audit on *Aerolíneas Argentinas* in 2014 that received public attention in the media) to show how these mechanisms work together. In particular, we think that this is useful to verify the hypotheses and findings described in the other sections.

This study intends then to find out the weaknesses in horizontal accountability and trace their causes. The role of formal and informal institutions and their interplay is critical. The findings from this study will we think be helpful to other countries in Latin America who are striving to strengthen democratic governance.

REGIONAL EVIDENCE SYNTHESIS

A Literature Review of Horizontal Accountability in Latin America

For the intention of this project, horizontal accountability refers to “the existence of state agencies that are legally enabled and empowered to take actions that span from routine oversight to minimal sanctions or impeachment in relation to actions or omissions by other agents or agencies of the state that may be qualified as unlawful” (O’Donnell, 1998). Thereby, it implies the capacity state institutions have to check abuses by other public agencies and branches of government, or the requirement for agencies to report sideways (Bovens, 2007; Mihyo, 1986; Salih, 2005).

Oversight for the purposes of policy control is time-consuming, expensive, and difficult to perform. Even though there is a consensus that the legislative body should exert some level of control over the Executive, academics differ about its extent.

If we accept that there is some scope for horizontal accountability, we still need to ask: when does it actually take place? Formally, all countries in the Latin America region have passed legislation and established specialized independent units responsible for auditing public agencies, ensuring transparency, fighting corruption and requiring accountability concerning the results of policy implementation and the correct use of public monies (Osztlak, 2006:424). If some mechanisms of accountability are used –such as blocking part of the presidential agenda–, why does the legislative branch still not exercise effective oversight of the executive? The lack of consensus on this point drives us to carry out a more specific study, focused on the institutional conditions under which one could expect different levels of accountability and the capacities needed for its effective and efficient development. **Studies explaining weaknesses in horizontal accountability can be grouped into two broad types or hypotheses. The first one looks at institutions and the incentive structures constructed around them (Mainwaring & Shugart, 1997). The second one focuses on cultural factors and stresses the absence of a “culture of accountability”.**

While studying institutional arrangements that prevent horizontal accountability from taking place, several studies have centred on the number of parties and party discipline. The more fragmented the party system is, the less likely it will be for the president’s party to control a majority of seats in the legislature. Furthermore, if the parties are not disciplined, presidents may not have the power to translate nominal support into votes for their policies (Figueiredo & Limongi, 2008). A president who manages to stabilize a legislative coalition is better able to seek broader, long-term agreements, minimizing particularistic exchanges with legislators and governors, and neutralizing veto players. At the same time, a Congress that is more involved in policy decisions becomes co-responsible for the policies in question and thus possesses a greater ability to control the Executive. In the absence of stable legislative majorities, the Executive has to choose between negotiating laws on a case-by-case basis or eluding Congress and making decisions by administrative authority. As argued by Mustapic (Mustapic, 2000), in the first scenario, ad hoc arrangements can often be unreliable and expensive, while decisions resulting from the second case are likely to be unrepresentative and more easily contested. Either way, Congress is only loosely involved in policy debates and hence less able to implement effective accountability measures.

Something similar happens regarding horizontal accountability. Brazil is an example: lack of cohesion and heterogeneity in the party system resulted in presidents counting on a broad range of support and more solid governments, such as in the first Luiz Inácio Lula da Silva government (2002-2006), which experienced parliamentary commissions of inquiry and proposals for monitoring and control. Most of the commissions of inquiry during 2002-2006, and also in the second period of the Cardoso government, were made up of an alliance of parties; as was the case for 52% of the proposals for monitoring and control –an instrument that requires the opinion of a prosecutor. (Herrmann de Oliveira, 2009).

Furthermore, by identifying the electoral system as an independent variable, scholars have argued that systems which ensure parties’ control over the nomination of candidates also tend to ensure better party leadership control over of legislators. Yet, the basic assumption of this line of analysis – that legislators tend to be more disciplined when their chances of re-election depend on the control exercised by the party over the nomination process - does not hold. The revealing fact is that the rate of re-election of Argentine legislators is low (Jones, 2008; Jones et al, 2002; Rossi & Tommasi, 2012).

Concentrating on incentives, Spiller & Tommasi (2000) and Jones et al (2000) agree: legislators have scarce institutional incentives to build up the capacity of Congress to demand accountability from the Executive, limiting the body to a role of veto actor in its interaction with the Executive. Electoral rules limit incentives by placing the decision of legislators’ re-election in the hands of provincial governors or local party bosses more than district voters. This limits their ability to develop a professional legislative career and encourages the delegation of crucial political agreements to lateral agreements between the national executive branch and the provincial

governors. In Argentina, the re-election rate was only 17% from 1989 to 2003 (Stein et al, 2006). Moreover, the sheer number of commissions and the number of commissions per legislator at the Chamber of Deputies (45 commissions and 5 per legislator) probably results in inefficiency and lack of specialization (Llanos & Nolte, 2006).

Another type of incentive is the Congress' capacity to produce legislation which, following Llanos and Nolte, depends on the reach of the presidential veto (whether it is total or partial, and how many are needed for Parliament to repeal), the existence of topic limitations on the participation of Congress in the drafting of laws, the participation of Congress in determining budgetary expenditures, the possibility of Congress to reject the plan of the executive budget, the extent of presidential power to legislate by decree; and the President's power to call a referendum or plebiscite.

There are other formal rules whose application can be measured, such as the ones incorporated in the IPIL Index (Santos et al, 2014), which include the rate of exclusive initiatives, the ability to influence an item on the agenda, the majority required to amend an item on the agenda, the Presidents' capacity to force through emergency decrees, the way commissions are integrated, the prerogatives to avoid the involvement of the law commission in the treatment of legislative projects, the power of committees to influence such projects, the rate of symmetry of the bicameral system and the capacity of Parliament to convoke special sessions, among many others.

Besides this norm-based view of incentives, Helmke and Levitsky (2003) point out that executive-legislative outcomes cannot always be explained strictly in terms of constitutional design. For example, analyses of "neopatrimonial" democracies in Africa and Latin America have shown how unregulated private presidential control over state institutions may result in a degree of executive dominance over the legislative and judicial branches that far exceed that prescribed by the constitution. The authors classify informal institutions by the extent to which they co-exist with formal institutions. These 'complementary' informal institutions include the many norms, routines, and operating procedures that fill the gaps in the system and allow bureaucracies and other complex organizations to function effectively. Substitutive informal institutions are in turn employed by actors seeking to achieve outcomes that formal institutions are expected to generate, but have failed to do. Finally, competing informal institutions act in ways that are incompatible with the formal rules because to follow one rule, actors must often violate another, and this is typical in political cultures steeped in clientelism, patrimonialism and clan politics. This approach calls attention to the ways in which the interplay of formal and informal institutions may minimize or create gaps in horizontal accountability (Hyden, 2008; Radnitz, 2011).

In studying what motivates actors' behaviours, some scholars have produced a theory that distinguishes two logics – the logic of appropriateness and the logic of consequences (Rhodes et al, 2006). The argument is that actors choose to take certain decisions when they think it is appropriate and refrain from taking them when they sense that the consequences may be severe. To choose between alternatives follows an evaluation of the potential costs and consequences of compliance (March & Olsen, 1976). This explanation also follows the idea of incentives: when the consequences of deviation from the norm are severe, political actors have incentives to avoid the risk of not following the norm.

A second group of explanations states that accountability connotes not the relationship by which a subject is submitted by others to assume responsibility for his/her decisions, but the recognition by the subject that there is an obligation to respect certain rules which he/she voluntarily assumes without intervention from a third party. Oszlak (2003) argues that the sense of obligation forms part of the subject's values and culture. It is an element that tends towards the standardization of how subjects perceive each other, thus reducing uncertainty in personal interactions. Culture is composed of the way in which reality is perceived and categorized; existing beliefs regarding the capacity of certain instruments achieve objectives in an efficient manner, and the prevalent criteria to assess legitimacy of different actions. Therefore, accountability is not simply a matter of system design, but rather a cultural predisposition that should be assimilated by individuals in order not just to respond when being held accountable but to be accountable as a result of a moral imperative (Bovens, 2010; Oszlak, 2006).

Despite the extensive variation in the explanations of accountability, relatively little is known about what drives it. Specifically, little is known about the institutional conditions under which we would expect to see more or less accountability, or the capacities needed its effective development.

Our focus is on the routine mechanisms which make the Executive provide information about government plans and actions to the Legislative; and on the other hand on how the latter goes about requesting answers from the Executive. Therefore, we are not interested in mechanisms used in the exceptional case of a crisis (such as the impeachment of the President) but in routine mechanisms of exchange between the legislative and executive.

A Regional Overview: An Indicators approach to Horizontal Accountability in Latin America

Latin America is a vast and diverse region, covering countries with different levels of development. According to the **Social Progress Index** (Figures 1 and 2), the region is mostly located in the middle range of development. The Caribbean sub-region is the one currently facing the biggest challenges in terms of social progress, while the Southern Cone is where the most developed countries are concentrated.

Democracy is the most common regime in Latin America. What is more, with few exceptions, this form of government has remained strong in most of the countries of the region for more than 20 years. Over this period, there has been significant improvement in the performance of several social indicators. However the region still faces serious social challenges which it needs to address. An important proportion of the population is living in poverty (11.3%)³ and around half of the population is working in the informal economy (Inter-American Development Bank, 2013). Income inequality, even when it has decreased recently, is still so high that the region remains the most unequal in the world⁴. Another matter of great concern is that in the last 20 years violence and crime have peaked (Inter-American Development Bank, 2014).

Against this background, it is relevant to analyse how accountability mechanisms work. As there is no single indicator to measure our variable of interest (horizontal accountability) across countries, a set of indicators than can shed some light into different aspects of the horizontal accountability process will be introduced, that is, indicators grouped under answerability (executive) and enforcement (legislative). To review the first, we look at i) the existence and effectiveness of policies that allow for reporting processes which use robust data to feed into government results and ii) the existence of a strong national statistics system that can be accessed by multiple actors. Regarding the second, we look at i) the degree of legislative participation (in the budgetary process) and ii) the existence and effectiveness of key national level anti-corruption mechanisms, and the extent to which citizens can access them.

The IADB PRODEV Evaluation Tool (PRODEV) is a good proxy for the answerability of the Executive. The PRODEV tool evaluates five pillars of the public policy management cycle: Planning, budgeting, public financial management, programme and project management, and monitoring and evaluation (Armijo et al, 2015). As Table 1 shows, the region has made important progress in all these indicators. In particular, the global index shows an advance of 0.4 points during the last six year-time period. This level of progress is found in all the pillars, with the strongest improvement in the planning pillar and the weakest in the monitoring and evaluation (M&E) one. In addition, the study builds a transparency index which shows a similar trend. There was improvement during the 2007-2013 periods, but its magnitude lies below the average growth of the general indicator (0.3 and 0.5 points respectively).

³ Average population living in poverty for 2013. [Calculation made by the Inter-American Development Bank.](#)

⁴ The GINI coefficient for 2013 was 0.49. [Calculation made by the Inter-American Development Bank.](#)

REGIONAL OVERVIEW LENSES

HA aspect	Proxy indicators	Tools
Answerability (executive)	Existence and effectiveness of policies that allow for reporting processes with robust data to feed into government results.	IADB PRODEV Evaluation Tool
	Existence of a strong national statistics system accessed by multiple actors.	World Bank measurement for statistical capacity
Enforcement (legislative)	Legislative participation (in the budgetary process).	Open Budget Index
	Existence and effectiveness of key national level anti-corruption mechanisms, and the extent to which citizens can access them.	Global Integrity Report

When taking a closer look at the position of LAC countries, the regions' improvement in the general indicator responds mainly to a decrease in the number of countries with low levels of development in all the pillars (Table 2). Even when the implementation of results-based management tools was significantly enhanced in some countries, most of the region's indicator performance remained stable during the period. This might indicate that the capacity of the Executive to produce, collect and use data for policy decisions was not associated with an improvement in economic indicators.

Data seems critical for monitoring and evaluation processes; without information on the performance of programmes and policies implemented by the Executive, it is quite unlikely that the Legislative will then be able to exercise oversight. As Table 3 shows, the 5th pillar has three components: monitoring, evaluation and statistical information. In all three the region made some progress. However the evaluation component only progressed by 0.2 points in 6 years and overall the indicator shows a very poor performance. Unlike other indicators, Argentina faced a decline in this 5th pillar. As portrayed in Table 4, Argentina is below the average for the region and behind other countries with similar levels of socio-economic development. In addition, Argentina and Honduras are the only two countries with decreasing performance during the period 2007-2013.

Furthermore, the WB measurement of statistical capacity shows the same trend (Figure 3). While the region, on average, improved by 2 percentage points during the period between 2004 and 2014, Argentina is among the few countries that presents a decreased value. This declining trend in the country's performance is due to a reduction in the frequency of the periodic assessment of the statistical capacity indicator.

In sum, the data suggests that the Executive's answerability capacity was slightly improved during the last decade for the whole region. However, the region still lacks good quality data; this affects the capacity of making informed policy decisions. As there is insufficient data, the answerability capacity of the region is quite fragile and highly dependent on political will. Argentina is in this aspect below the LAC average, which could be explained by some of the accountability deficits detailed in the next section of the paper.

To analyse the legislative branch, we will take a look at the Open Budget Index (OBI) and the Global Integrity Report (GI). The Open Budget Index measures budget transparency, public participation in and oversight of the process. It is a composite measure based on answers to a set of 109 questions. These questions examine the amount of budget information available to the public through different related documents (International Budget Partnership, 2015). The data is compiled and each country is given a score between 0 and 100, which measures the Open Budget Index.

As shown in Figure 4, the region experienced a lot of progress over the last few years on the open budget measure. While in 2006 the average of the region was about 44 percentage points, in 2015 it had grown by 6 percentage points. This improvement in OBI positions in the region is just at the middle of the variable's distribution. While this advance is important, the region is only slightly over the world average and behind the developed countries (Figure 5).

If we take a closer look at the comparison between 2006 and 2015, we can see that Nicaragua and El Salvador are the countries showing the greatest progress during this period. Both countries improved their score by more than 25 points. Argentina, Ecuador and Mexico also performed well during this period, increasing their open budget index by 19 points for the first two cases and 16 for the last one. Finally, only two countries have small reductions in their indexes: Bolivia (4 points), and Peru (2 points).

As Figure 6 shows, several countries were making public only a minimum degree of budget information in 2006. However, by 2015 the situation improved and most countries can be classified as displaying more information about their budget processes. Argentina, Ecuador, El Salvador, Honduras and Nicaragua follow exactly this pattern and this to a large extent explains the improvement in transparency for the whole region. Bolivia is the only country portraying a decrease in performance. More than that, it is the only country where there is scant or no information available.

"The Open Budget Survey includes 11 questions to assess the degree of the legislature's participation throughout the budget process. The Survey measures this based on the legislature's access to research and its analytical capacity; its involvement in the budget process prior to the submission of the Executive's Budget Proposal; its scope to amend the Executive's Budget Proposal; and the extent to which the Executive can circumvent the legislature in making changes to the Enacted Budget during budget implementation. The greater the participation of the legislature as measured by these indicators, the more likely it is that it will be in a position to play an influential – and ideally constructive – role in the budget process" (International Budget Partnership, 2015). As shown in Figure 7, most of the countries lack strong legislature involvement. Only 36 out of 102 countries (36%) can be said to have an adequate level of legislative participation.

Latin America is not far from the world wide average (Figure 8). In 2006, four countries had weak legislative participation, another four a moderate one and only three countries presented strong legislative involvement. Comparing 2006 with 2015, we can see that Costa Rica, Honduras, Mexico, Nicaragua and Peru experienced improvement on the indicator and jumped at least one category. However, 60% of the sample did not experience any changes between the two measurements.

This implies that while there was an improvement in the information related to the budget process, there is still much more to do in order to strengthen the role of Congress in this process. Taking into account that participation in the budget process is one of the most important functions of Congress, having a low record in this domain could be taken as a sign of an accountability deficit in the region. In reality deficits in horizontal accountability are not only a common problem in LAC but also a persistent problem that has barely changed worldwide over the last few years.

A complementary picture of horizontal accountability can be seen in the Global Integrity Index (GI) indicators, a non-governmental organization that analyses governance and corruption trends around the world. GI produces an annual report to identify the existence and effectiveness of key national level anti-corruption mechanisms, and the extent to which citizens can access them. They recruit local researchers to produce national level reports and countries are classified using a scale from 1 to 100. The closer to 100, the better the global integrity index for that country is. The 2007 report presents data for a sub-group of countries in the LAC region, showing that they are slightly above the global average (71 and 67 points respectively). As in the case of other indicators, the LAC

region is above countries in Africa, Middle East and Asia and presents similar levels of development to Eastern European countries, but is more than 10 points below the developed countries of Western Europe and the U.S.

In the region, in 2007 Costa Rica presented the highest position in the Global Integrity Index with 79 points, followed by Argentina with 75 points (Figure 9). According to the Argentine report, the country has a strong legal framework, but the implementation of regulations is very weak. Looking at the components of the index, Argentina performs quite well in categories like civil society, public information and media (85 points), elections (79 points), anti-corruption and rule of law (83 points) and oversight and regulation (80 points). The opposite is happening with the administration and civil service dimensions and the accountability component of the index (63 and 57 respectively).

Argentina is not the only country in the region with low values in the accountability measure. However the performance in this indicator is four points below the mean for the region: Argentina has the worst performance among other countries of a similar level of development in the general indicator (Figure 10).

All these indicators suggest that even when the region is making a lot of progress in institutionalizing democratic processes and improving social indicators, there is still much more to do in terms of horizontal accountability. Argentina seems to be a part of a more general trend, with low levels of development in the various accountability measures. Against this regional background, this paper seeks to shed some light on the topic. If we can identify some of the determinants of the low level of accountability, we can identify ways to improve the current mechanisms and foster better accountability practices in Argentina.

Horizontal Accountability Institutions and Mechanisms in Latin America: zooming in on Mexico, Brazil, Chile and Argentina.

After looking at the big regional picture in terms of horizontal accountability performance, it is worth focusing on some countries that can be compared to our case study, Argentina, due to their similar development level (middle income countries) and institutional design. For these reasons, we take a close look at horizontal accountability mechanisms in Mexico, Brazil and Chile (Table 5) following the same core aspects of HA: answerability and enforcement.

As for capacities in the Executive Branch, Mexico is a pioneer country regarding evaluation. Ad-hoc evaluations can be tracked back to the 70s, and the systematic review and evaluation of policy has been routine since the late 90s. This led to the creation in 2005 of the Social Policy Evaluation National Commission (CONEVAL, *Comisión Nacional de Evaluación de la Política Social*) an autonomous institution whose purpose is to regulate, conduct and coordinate the evaluation of social development policies at the national level and create guidelines for the measurement of poverty (Castro et al, 2009). This suggests that the Mexican Executive has strong answerability capacities, and that the Legislature has the capacity to do good quality evaluations to control the actions of the government.

In the case of Mexico, the Chamber of Deputies is responsible for revising the budget. The time limits for this are constitutionally specified. The budget is presented on April 30th of the next year, and the Chamber's revision concludes on October 31st. Through the Superior Audit Office of the Federation, discrepancies between income and expenditures are revised and responsibilities determined. All the attributions and obligations of the Superior Audit Office are established in the Constitution: it investigates gross misconduct, monitors revenues, expenditures and debts, oversees federal funds administered by states and municipalities and carries out individual audits. The monitored institutions must specify what improvements they have made, the actions taken and justify improprieties identified by the audit then, the Superior Audit reports to the Chamber the observations,

recommendations and actions taken. The Head of the Audit Office is chosen by two thirds of the Deputies and can be re-elected once. It is also constitutionally established that each public federal entity must have an internal institution of control to prevent, correct and investigate acts and omissions. The secretary responsible for the internal control of the Federal Executive must be ratified by the Senate.

In the case of Brazil, the country incorporated M&E practices in the late 90s. In particular, Brazil implemented a set of results-based management tools that include the monitoring and evaluation of performance in the annual budget process. Brazil's model has three levels of evaluation that work in constant coordination: programme management, sector-based ministries and the Ministry of Planning (May, 2006).

In Brazil, although control institutions are responsible for conducting accounting and operational audits, the constitution gives the Federal Court of Accounts the prerogatives to establish fines and penalties in case of non-compliance as well as time limits to adhere to their obligations, as a way to expedite the process. At the same time, the Brazilian Constitution makes mention of the limited cases in which a State or the Federal District can be intervened. The Constitution also sets out that the counties have the obligation to monitor the institutions responsible for audit implementation.

In the case of Chile, the M&E system was coordinated by the Ministry of Finance in the Budget Office, mainly focusing on budget spend. In the Evaluation Department, six professionals started in 2000 to carry out evaluations. The system has evolved over the last 15 years and the Department is now in charge of analysing delivery areas in the results chain: processes, outputs, intermediate and final results; and the performance of government departments as well as specific public policies in terms of efficiency, effectiveness, economy and quality (Guzmán et al, 2014).

The role of oversight in Chile is executed by the Office of the General Comptroller of the Republic, a high level supervisory body. It is an entity that controls the legality of the administration's acts, and is autonomous from both the Executive and Legislative powers. The Controller is chosen by the President, with the approval of the Senate, and cannot be re-elected. Controllers audit legal, accounting and financial services. Constitutionally, their obligations include defining the legality or otherwise of Executive decrees and resolutions. They are responsible for the audit of decrees for expenditures that exceed the limit specified in the Constitution, and which are forbidden to proceed.

Constitutionally, the role of supervising the public sector in Argentina is stated in the 85th article. The technical competence for this is attributed to the National Audit Office (NAO), which has legal, management and audit oversight of both centralized and decentralized public activities. No further obligations, terms or responsibilities are mentioned in the 85th article, but rather have been defined through the enactment of a law (Law #24,156) approved before the 1994 constitutional reform. The president of the NAO is chosen by the largest party of the opposition in Congress.

An important routine mechanism allows the Legislative Branch to request information from the Executive. This exists not only in Argentina but also in Brazil, Chile and Mexico. In the latter three countries the regulations set deadlines by which the Executive power has to answer a request for information (30 days in Brazil and Chile, 15 days in Mexico). They are explicitly stated in the National Constitutions⁵ of those countries. Argentina, in this sense, is an exception. The Chilean case is also particular because the Regulations of the Chamber of Deputies and the Senate contemplate the "time of incidents", which legislators have to discuss current topics and request information about them from the authorities.

⁵ Brazilian Constitution (Article #50); Chilean Constitution (Article #52) and Mexican Constitution (Article #93).

Overall, it can be said that Argentina has de jure strong institutional linkages between the Executive and the Legislative. How do these mechanisms work in practice? It is not easy to empirically compare horizontal accountability across various countries, precisely because of the normative differences among them. Nevertheless, there have been some useful attempts. An empirical analysis comparing Brazil and Argentina with regard to requests of information was conducted by Barreiro Lemos (2006). Her work highlights three aspects of performance in this respect. In the first place, the countries are similar because fewer requests for information are made during electoral years, but Barreiro Lemos argues that this is nothing special: there is less legislative activity during electoral years in most countries. **Also, Brazil and Argentina are similar because, on average, more Senators introduce requests for information than Deputies.**⁶ Nevertheless, both countries are different because, according to Barreiro Lemos, Legislative control in Brazil is becoming more intense, while in Argentina her data shows that Legislative oversight is losing scrutiny powers.

An interesting comparison of the four countries can be found in the work of Palanza, Scartascini and Tommasi (2012), who built an index of Congress institutionalization that “reflects past investments by relevant political actors (...) guided by beliefs about the relevance of the institution” (Palanza et al, 2012). According to this index, Argentina shows the worst level of Congress institutionalization (1.5), followed by Mexico (1.7), Brazil (1.8) and Chile (2.3). Why is this so? In part, it is due to Argentinian electoral rules but it is also because Argentinian legislators are in office fewer years than their counterparts in the other countries. At the same time, they are members of more committees. Both conditions work against the specialization of legislators and, hence, diminish the extent of Congress institutionalization.

A CASE STUDY OF ARGENTINA

The institutional design of horizontal accountability in Argentina and the focus of this study.

The Argentine Constitution provides several horizontal accountability institutions and mechanisms. Most of them were introduced in the 1994 constitutional reform in order to counterbalance the fact that the national Executive’s constitutionally granted powers of legislation which are considerable and include Argentine Presidents’ capacity to sanction decrees (Bonvecchi & Zelaznik, 2012), the power of federal intervention over provincial authorities and the prerogative to structure a cabinet. The main institutions introduced in the reform are the Chief of Cabinet within the Executive and the National Audit Office, a Congress-based institution. Figure 11 presents these institutions and mechanisms of horizontal accountability.

Answerability Aspect Mechanism within the Executive

The Executive branch is responsible for the annual opening of sessions in Congress. Each year the President delivers the **State of the Nation report**. There, the President is expected to report on: the state of the nation, the reforms promised by the Constitution and on various measures which he or she deems necessary.

The figure of **Chief of Cabinet** (*Jefe de Gabinete de Ministros*) was introduced by the 1994 Constitutional reform as an instrument to counterweight presidential powers. According to the Constitution (article 101), the Chief of

⁶ In Argentina, the figures are 145 per Senator and 110 per Deputy for the period 1983-2013. In Brazil, 38 per Senator and 29 per Deputy for the period 1988-2004. Probably, there are fewer requests for information in Brazil because the Executive is obliged to answer all of them, so legislators only ask for information that they really want and not for credit claiming.

Cabinet is obliged to visit either Chambers of Congress, one and then the other, at least once a month, in order to inform on the latest actions of the government. This visit is mandatory during the period of ordinary sessions that takes place between March and November. In addition, he may be questioned if and a censure motion is put on the table (this requires an absolute majority vote of all the members of either House) or he may be removed (this requires an absolute majority vote by the members of both Chambers). Further, Ministers can be requested to testify to Congress based on the 71st article of the Constitution, which stipulates that “each Chamber can call Ministers with the objective of receiving the explanations and information it deems appropriate”.

Enforcement Mechanisms in the Legislature

The **National Audit Office** (NAO, *Auditoría General de la Nación*) provides technical assistance to Congress and is in charge of the external control of the national public sector. In other words, she is responsible for auditing the financial and managerial operations of the ministries, secretariats and other government bodies. The President of the National Audit Office is proposed by the largest opposition party group in Congress. The NAO’s directorate is composed of its President and six other General Audit Officers who are designated by Congress (three per Chamber, two representing the majority party group and the remaining officer representing the first minority party group). The NAO is expected to control the legality of public expenditures, their management, and carry out audits of the centralised and decentralised public administrations. It produces public reports presenting the results and findings of the audits and must provide a legal and financial audit report on each year’s budget spend. The NAO’s proposed plan of action for auditing the national public sector agencies, together with every audit report, are presented to a special committee in Congress, composed of both Deputies and Senators. The Mixed Committee of Public Accounts (CPMRC, *Comisión Parlamentaria Mixta Revisora de Cuentas*) is responsible for looking into the details of public sector finances and administration, and facilitates a fluid communication between Congress and the NAO. The NAO provides technical support for oversight by conducting audits, but it cannot impose sanctions or file a case in the criminal courts. Neither can the NAO force agencies to provide information. If irregularities are spotted, which suggest ill management or fraud, are found during auditing, all the NAO can do is report them to Congress. Then, it is the CPMRC’s prerogative to decide how to proceed. The CPMRC can adopt a series of measures that range from filing the report, requesting further information from the corresponding agencies, ordering an assessment of responsibilities and fiscal damage, and informing the anticorruption agencies or filing the case before the Criminal Court of Appeals.

Also, **Congress can make requests for information to officials of the executive branch**. This mechanism is regulated by Article 71 of the National Constitution and by the Chambers’ rules and procedures. The Argentine Constitution establishes that Deputies and Senators can send a request for information to the Executive in order to gain knowledge of government decisions, policies or a particular subject of interest. According to the law, the executive branch has no deadline to answer a request for information, and it is not sanctioned if the request is not answered at all. Chamber regulations offer shorter alternative mechanisms that allow for direct approval of the request for information without it having to be debated on the floor of the Chamber.

The **President can be subject to impeachment**. In that process, the Chamber of Deputies exercises the right to make accusations against the President, Vice-President, Chief of Cabinet, Ministers and members of the Supreme Court, before the Senate. Then, the Senate conducts a public trial in which the accused can be declared guilty by a two thirds vote of its current members (article 59). Impeachment results in the removal of the accused official from office and the right to exercise public office in the future once impeachment has taken place; he or she is still liable to be tried by ordinary justice. Unlike other countries in the region (like Brazil and Peru), no Argentine president has been impeached so far.

The **Ombudsman of the Nation** (*el defensor del pueblo de la Nación*) is an independent body, associated to Congress that exercises its functions in an autonomous manner, without receiving directives from external authorities. Its mission is to ensure that the rights, guarantees and interests expressed in the Constitution and existing laws are respected by the public administration.



Photo 2: [Argentinean Congress](#)

Credit: Casa Rosada (Argentina Presidency of the Nation)

Punitive Mechanisms the in the Judiciary

The **Public Prosecutor's Office** (*Ministerio Público*) has two main figures: the Attorney General of the Nation and the Ombudsman of the Nation. The Public Prosecutor's office is an independent body with functional and financial autonomy that seeks to ensure that Justice is exercised in accordance with the law and in the defence of the interests of society.

The specific procedures regarding the way in which information is exchanged between the Chief of Cabinet and legislators are laid down in the Rules of the Chamber of Deputies and Senate (see the appendix for more details). But some of the procedures related to the sessions are not strictly specified and this can lead to confrontation between different political blocs.

Among these several mechanisms and institutions of horizontal accountability, this study highlights only those that have to do with routine oversight, because the aim is to capture how horizontal accountability works in the day to day performance of the State administration, instead of looking at moments of political crises such as the use of impeachment.⁷ Furthermore, this paper studies HA mechanisms that depend directly on the Executive or the Legislature. We first look at the President's annual State of the Nation Report as an important liaison mechanism between the Executive and the Legislature. We also look at the role of the Chief of Cabinet. In particular, we are interested in their reports to Congress in which they inform on the progress made in public policies. Then, we analyse how legislative control is exercised through requests for information that the legislative body refers to the executive branch, asking for specific information. We also look at the reports sent to Congress by the National Audit Office (*Auditoría General de la Nación*), which is an autonomous audit agency that provides support to Congress for budget and management oversight. The National Audit Office is responsible for ex post control over budget execution, the legality of the spend and its management, as well as programme, project and operations evaluations.

Some literature (Mainwaring & Welna, 2003; O'Donnell, 1998) includes the ombudsman or the public prosecutor's office as agents of horizontal accountability. However these agencies do not have sanctioning authority and tend rather to represent social interests, putting these agencies at the limit between horizontal and vertical accountability.

A tale of the President's world: the Role of the Executive in accounting to the Legislative

The starting point of the analysis is the dimension of answerability, which is the obligation of the Executive to report to Congress. As there are several mechanisms currently in use for this purpose, we will focus on the only constitutional mechanism that was designed explicitly to fit this purpose: the visits of the Chief of Cabinet to Congress.

However, before moving to that particular analysis we want to give a general picture of the way the President communicates information to Congress. In order to do so, we want to highlight the Reports on the State of the Nation.⁸

Since the 1994 constitutional reform, regular legislative sessions take place between March and November. In the first session (March the 1st) the President reports on the State of the Nation. In practice, the head of the Executive uses this mechanism not only to describe the plans, projects and achievements of the government, but also to set the agenda of proposals and regulations for the coming legislative year. Even though this could be seen as a horizontal accountability mechanism, political actors tend to evaluate this speech as a vertical accountability tool from the President to citizens (Rodolfo Terragno, July 13th, 2015, Buenos Aires; Andrés Gilio, September 1st, 2015, Buenos Aires; Juan Manuel Abal Medina, September 9th, 2015, Buenos Aires).

Our analysis of 21 speeches, corresponding to the period 1995-2015 and delivered by five different Presidents within six constitutional mandates. It reveals a number of weaknesses in the quality of the reported data. First, Presidents tend to present an increasing number of qualitative indicators (Figure 12). Second, **our evidence suggests that there is a positive correlation between the amount of data presented in the speech and the time the President has in office.** This is not surprising as it can be expected that the first speech of a new president, with just 90 days in office, may be strongly based on future plans. Third, Presidents present more information on social variables (Figure 13). Ministries that work on social policy are not only relevant for society and the media, but also

⁷ More information about the impeachment process can be found in the book *Presidential Impeachment and the New Political Instability in Latin America* (Pérez-Liñán, 2007).

⁸ A deeper analysis on this topic can be found in appendix d.

tend to have strong datasets and monitoring systems. However, even when there is an increase in the use of data on social policy, Presidents tend to provide low quality data as most of the indicators are process indicators that account for the activities of the government, but do not show a causal link with changes in social and economic variables (Figure 14). In conclusion, this mechanism reflects that the existence of some institutional designs to promote the answerability does not imply per se the exchange of valuable inputs; the Executive tends to present the legislature with little and poor information.

There are no clear reasons why a president would decide to present low quality information. We could hypothesize that in the context of a weak evaluation culture there is no general knowledge of the difference between output and impact indicators. This would imply that products are generally considered to be the last link of the framework, where the assumption is made, for instance, that building schools has positive effects on educational quality or that giving instruments to hospitals improves health indicators. An alternative hypothesis is that the use of lower quality indicators may be related to the absence of better quality data. In this scenario, the increased number of indicators may derive from a greater awareness of the importance of accounting for the actions implemented by the Executive, but the absence of rigorous policy evaluations may make it very difficult for the Chief of Cabinet to use impact indicators. As a result, Presidents may simply report on activities implemented by the government while waiting for better information in the future. Lastly, the situation may also indicate a mix of these two hypotheses, with both cultural and institutional components affecting the selection of indicators presented during the speech. We hope to be able to work on these hypotheses in the near future.

a) Chief of Cabinet's visits to Congress

The main mechanism that is directly linked to answerability, at least in the Constitution, is the monthly visits of the Chief of Cabinet to the Congress. The Chief of Cabinet has the obligation to attend Congress once a month (alternating between Chambers) to give information about the state of the government and answer questions from legislators.⁹

For this study, we analysed the visits that occurred since the creation of the Chief of Cabinet institution in the constitutional reform of 1994 (1995-2015). During this period the Chief of Cabinet should have reported 179 times. However, the data shows that in 65% of the occasions, he did not attend (Figure 15), indicating the existence of a gap between the institutional design and the practice of horizontal accountability by the Executive to the Legislature. Thus, only in 35% of the cases was the constitutional mandate abided by, with greater participation in the Senate (Figure 16). As Figure 19 shows, the Chief of Cabinet reported almost 60% of the times to the Senate, while he only visited the Chamber of Deputies in 40% of the cases.¹⁰ The difference seems to be related to the Chambers' diverse organizational cultures, and the degrees of political affinity between the Chief of Cabinet and parliamentary majorities. Interviews tend to confirm this hypothesis (Rodolfo Terragno, July 13th, 2015, Buenos Aires; Andrés Gilio, September 1st, 2015, Buenos Aires; Juan Manuel Abal Medina, September 9th, 2015, Buenos Aires): the Senate has a system of formal and informal rules that promote dialogue. Applause, hissing and haranguing are forbidden in this Chamber, and this fosters more substantial discussion and better argumentation. The smaller number of representatives in the Senate and the resulting reduction in political fragmentation also allows senators to better focus the debate on the policies more than on politics. Finally, the combination of these two factors makes it possible to focus on particular topics during the visit and establish an effective dialogue between the powers. In contrast, former Chiefs of Cabinet (Rodolfo Terragno, July 13th,

⁹ The Argentine constitution establishes in Article 1: "The Chief of Cabinet shall attend Congress at least once a month, alternating between each House, to report on the progress of the government, notwithstanding the provisions of Section 71. He may be interpellated for the purpose of considering a vote of censure, by the vote of the absolute majority of all the members of either

¹⁰ This difference in proportions is statistically significant within a margin of 5%.

2015, Buenos Aires; Juan Manuel Abal Medina, September 9th, 2015, Buenos Aires) expressed that as the House was more chaotic the presentation was more a set up for the media than an actual dialogue between the two branches of government.

Only during Menem's government (Figure 17) was the number of visits greater than their absence 55.7%. This was followed by Duhalde and Kirchner, respectively. If broken down by political party, attendance is higher in Peronist administrations (55%) whereas during the *Alianza* administration, the only non-Peronist government of the period (which only lasted two years), the percentage was lower (33%).

When breaking down visits by year (Figure 18), 2014 was the one with the greatest number. This is followed by 1996, 1998 and 2004 respectively, years in which the number of visits to the Congress is greater than the absences. If the 20 years of analysis is divided into quartiles, it is noticeable that 40% of the visits took place in the period 1995-1999, whereas the lowest quartile is the third (2005-2009), with only 17.1%, followed by the second and the fourth. We believe that the first few years, the mechanisms might have worked better as it was one of the new features of the 1994 constitutional reform.

As expected, visits to Congress decreased 50% during electoral years. From the total stipulated constitutionally, visits during non-electoral years increased by 45.7%, whereas visits during electoral years fell by 23.6% (Figure 19).

If the data is analysed by Chief of Cabinet (Figure 20), the official with the best ratio of attendance is Jorge Capitanich during his second period in office, when he was absent just once in the whole year (July 2014). He is followed by Eduardo Bauzá, with 80% of the visits constitutionally stipulated. Among the Chiefs of Cabinet with the lowest numbers can be found: Aníbal Fernández during his second period, Sergio Massa and Chrystian Colombo (0%, 12% and 11% respectively).¹¹

So what we see is that even when the constitution establishes that the Chief of Cabinet has to visit the Congress, in most of the cases they do not comply with the rule. In order to understand why there is a gap, we analysed two sources of data. On the one hand, we carried out a multivariate analysis in order to observe whether some political or personal characteristics of the Chief of Cabinet are associated with complying (or not) with the constitution. On the other hand, we present evidence from interviews with key political leaders, as they provide information about the process and the informal mechanisms that might affect our dependent variable.

We move now to present a multivariate analysis of the determinants of the Chief of Cabinet's visits to the Congress. The exercise simply aims to observe whether the variation in the probability of reporting can be explained by personal and institutional characteristics. The dependent variable is whether the Chief of Cabinet reported or not each month. Several independent variables are included. We decided to focus our analysis on institutional and personal characteristics. We believe that institutional characteristics might have definite effects on the dependent variable as they might shape the incentives for compliance. First, among the political variables we consider whether there is an electoral year or not, and the size of the political party representation in both Chambers. We expect that electoral years will have a negative effect on the dependent variable because political leaders tend to focus more on the campaign and less on formal practices. We also expect that the President's party's representation in Congress will, most likely, have a negative effect on attendance. As the number of legislators from the President's party increases, we expect to see less pressure from Congress, and thus Chiefs of Cabinet will have fewer incentives to comply. Personal characteristics could also affect the decision of the Chief of Cabinet; as we cannot control for unobservable variables that might drive the decision (such as motivation and political commitment) a series of observable characteristics that could describe some aspects of the personality and

¹¹ Aníbal Fernández is the current Chief of Cabinet (in office since the beginning of 2015) of President Cristina Kirchner. Sergio Massa was in office from July 2008 to July 2009, he was also a Chief of Cabinet of the current administration. Finally, Chrystian Colombo was the last Chief of Cabinet of President Fernando de la Rúa. He was in office from October 2000 to December 2001.

political career of the Chief of Cabinet in question have been selected. Specifically, we included age, origin and previous political experience. Time in office is included because it might be expected that those who are new in the position might comply more with the rules. Finally, some economic and social variables are included as control variables (like level of poverty, level of economic activity, GDP¹² and social approval of the government)¹³.

Table 6 shows the results of six different estimates. We have tried different combinations of variables in order to test the robustness of our findings and to avoid multicollinearity among independent variables:

- The first model controls for election year.
- The second model adds political and economic context variables (party representation of the President and an estimate of economic activity).
- The third model incorporates personal characteristics of the Chief of Cabinet (age, place of birth, provincial experience).
- In the fourth model we try a different definition to measure the Chief of Cabinet's length of time in office. While the third specification is the total duration of the mandate, the fourth one measures the elapsed term.
- The fifth model includes the same variables as in the third case; however we use another estimate of economic activity. Finally, the last model adds new social controls, such as poverty, GDP and the government's image.

Several findings can be drawn from the estimations. To begin with, **Chiefs of Cabinet attend Congress less often during electoral years**. This variable is consistent along all the specifications and shows that on average, the probability of reporting is reduced 20% during those years. Surprisingly, political party composition does not seem to be statistically significant. The same happens with other context variables like government image and economic activity. Nonetheless, this effect could be related to the low number of observations.

Personal characteristics of the Chief of Cabinet do not show clear patterns either. The only variable that seems to be associated to the dependent variable is "origin". Several models suggest that **Chiefs of Cabinet coming from sub-national districts (provinces) tend to comply more (by 20%) with the constitutional mandate**. Other variables like age, previous experience and mandate length do not seem to affect the decision of attending and reporting to the Congress. Despite the weakness of these econometric models, the results indicate that there are no clear patterns of compliance. Thus, the decision to attend Congress may rely on non-observable variables and political factors that are not constant over time. Having an accountability mechanism that depends so much on personal will to the point where there are no clear patterns to predict compliance flies in the face of the constitutional mandate and weakens the designed accountability mechanism we have looked at.

The interview process with Chiefs of Cabinet and public officials brings some light to the decision criteria (Rodolfo Terragno, July 13th, 2015, Buenos Aires; Andrés Gilio, September 1st, 2015, Buenos Aires; Juan Manuel Abal Medina, September 9th, 2015, Buenos Aires; Mariano Montes September 9th, 2015, Buenos Aires; Maria Carolina Podestá August 27th, 2015, Buenos Aires). The interviews suggest that **the Executive usually does not feel that this mechanism is important, as in most cases the presentation is more a set up for the media than an actual dialogue**. Chiefs of Cabinet mention a couple of factors that act as negative incentives to comply with the constitutional rule. First, they state that setting a date for the visit is usually problematic. The agenda of both branches of government most of the time is not synchronized, and thus finding a good day and time for

¹² Level of poverty, level of economic activity and GDP could also have an effect on our variable of interest. We could expect that when the economy is doing poorly, the Executive needs to provide more explanations of their plans and policies. Thus we hypothesize that in those scenarios, the Chief of Cabinet will attend Congress more often.

¹³ We also expect to see an indirect relationship between this particular variable and the dependent one. We estimate that as the political approval of the government increases, the Executive feels less pressure to hold the legislative accountable.

the meeting is complicated. Second, when the two branches achieve an agreement on the date, the legislative branch tends to send too many questions. Both Chambers emit around 700 questions for each visit, covering an important array of policy areas and government decisions (from micro to macro decisions). In addition, as coordination between legislators is poor, some questions are repetitive and others cover topics that are outside the current policy agenda. This overwhelming number of requests needs to be answered in the short time period the Executive has to produce the report, implying that in some critical areas of the Chief of Cabinet's office the whole team needs to focus just on the report. Third, as the dialogue is always mediated by the political context, there are few opportunities to debate the substance of the policy problem. And finally, the executive does not feel that there are true disciplinary measures (institutional or social) if they do not comply.

Legislators partially agree with this vision of the Executive (Manuel Garrido September 3rd, 2015, Buenos Aires; Roberto Basualdo September 15th, 2015, Buenos Aires). In different interviews **legislators stated that the Legislature has a coordination problem evidenced by the number of questions that are sent to the Executive.** In addition, they also agree with the conclusion that the process to set the meeting requires ad-hoc agreements and has high transaction costs. Furthermore, they also believe that the regulation for the informative meeting is not very clear. Rules change all the time, making it hard to establish a protocol and practice. Finally, they state that the Executive usually sends the report with insufficient time for legislators to review it and prepare themselves for the meeting.

In conclusion, we can see that there are gaps in this horizontal accountability mechanism, but those gaps seem to be related not only to loopholes in the regulation but also to the low incentives from both sides to commit to this practice. Anecdotal evidence suggests that when Chiefs of Cabinet do comply, they are looking for media visibility whilst trying to avoid public criticism from social actors and opposition parties. However, a deeper analysis of these matters is required to test whether these statements are true.



Photo 3: [Legislators in Congress](#)

Credit: National Administration of Social Security in Argentina

A tale of the world of Congress: The Role of the Legislature in controlling the Executive

a) Congressional request for information

In this second part of the empirical analysis we look at the other side of the coin: the ability and effectiveness of Congress to perform oversight. The focus lies on a specific mechanism, namely, requests for information. This is one of the most direct control mechanisms since it enables Congress to ask the executive branch for information without the involvement of other institutions (for example, the NAO). The information requested ranges over a wide range of topics, without limits (unlike the NAO which is only concerned with topics related with state administration). Finally, they tend to target routine decisions of the executive branch, rather request than information regarding political decisions related to a crisis. This study seeks to understand the **role of requests for information in promoting (or not) horizontal accountability in Argentina**. To do so, we compiled a data set containing the official register of all legislative proceedings since the return of democracy in 1983 to June 2015. The data set provides systematic descriptive information regarding requests for information by legislators, their success in approving those requests and the rate and timing of the Executive's response. Furthermore, we analyse a set of variables which may affect the approval of information requests. These are: whether the sponsor is a Senator or an incumbent, the party label and province, the number of party groups signing the request (1 or more) and the electoral cycle. These hypotheses were tested using both quantitative and qualitative evidence through logistic regressions and interviews.

During the period under analysis (1999-2013),¹⁴ on average, there were 1,345 requests for information introduced and 469 (35%) approved each year. In all, only 21.8% of the requests of information introduced by legislator received an answer, with more than one year elapsing from the introduction to its response.¹⁵ A first look at the data suggests that information requests have not worked as a tool for keeping the Executive accountable. The average time elapsed between the submissions of requests and puts a question mark over the procedure's effectiveness as an oversight mechanism (Figure 21 on evolution of information requests since 1999). Also, the data shows that the total number of introduced and approved requests for information has been decreasing since 1997, and so is the number of those answered by the Executive branch since 2005.

Another relevant aspect for understanding the functioning of requests for information is who is sponsoring them and what kinds of sponsors have been more likely to get their requests approved and answered. In this regard, there are differences in performance between the two Chambers. While approximately 66.4% of the requests for information introduced since 1999 were presented by Deputies, only 43.5% of the approved ones came from that Chamber. On the other hand, while only 33.6% of the introduced requests were introduced by Senators, the Senate has had a higher participation in the approved ones: 56.5%. This dynamic seems to be mostly due to the fact that 257 Deputies can introduce more requests than 72 Senators, but the Chamber of Deputies only approves almost the same number of requests as the Senate.

In terms of party affiliation, opposition legislators have introduced 72.3% of the total number of requests and 74.2% of this total have been approved, which shows that this resource is being used, at least theoretically, to achieve its legal objective: controlling the incumbents. Since 2009 opposition legislators have had a higher average approval rate than incumbent ones, although both are decreasing. The decreasing trend in the number of requests for information is steeper for incumbent legislators and so is the approval rate, especially since 2003.

¹⁴ Because official records changed in 1998, complete information regarding requests from the Chambers to the Executive is only available as from 1999. It is also the case that requests filed after 2013 may not yet have reached the final step of the legislative procedure. Therefore, for requests for information, the analysis includes the 1999-2013 period only.

¹⁵ The average number of days elapsed from introduction to approval is 178, and between the approval and the answer from the executive branch (when it occurs) is about 360 (a calendar year).

According to the interviews (Roberto Basualdo, September 15th, 2015, Buenos Aires) this fact has to do with the level of party discipline achieved by the "Frente para la Victoria" (Front for Victory) during its 12 years in office (Figures 22 and 23). While requests for information enable legislators to request information from relevant officials directly about government decisions or actions regarding any topic related to public policies, evidence shows that approving a request for information is not easy and nor is receiving a response from the Executive. Even when the answer does arrive, it tends to come back quite late (Silvia Majdalani, September 22nd, 2015, Buenos Aires). The described patterns raise new questions: why are requests for information being used in this ineffective way? Is it a result of a deficit in the institutional design of the mechanism? Is it a matter of incentives? Or is it a consequence of the lack of capacities in both branches? In order to answer these questions, we did some statistical analysis and carried out a set of qualitative interviews.

The interviewed legislators argue that **control is not effective because answers tend to be very general and are seldom used as an input for new bills. It has more to do with legislators claiming credit, showing that they are doing something about the issues raised** (Roberto Basualdo, September 15th, 2015, Buenos Aires; Cornelia Schmidt-Liermann, September 24th, 2015, Buenos Aires; Silvia Majdalani, September 22nd, 2015, Buenos Aires).

Some features of the institutional design seem to contribute to the ineffective use of the mechanism as well. First, there is no deadline for the executive branch to answer a request for information and there is no sanction if the request is never answered. Also, the procedure for the exchange between the executive and the legislative offices dealing with requests of information seems to be a bit chaotic, delaying furthermore the process. The Directory of Parliamentary Relations (part of the Chief of Cabinet's office) sends responses to several requests for information all together on the same day, so answers to Congress do not come in a continual flow, but mostly in intermittent waves.

In order to understand who requests information and when those requests are approved and answered, there are several hypotheses. On the whole, we expect requests to have higher probabilities of being approved and/or answered when they are sponsored by (i) an incumbent legislator (the incumbent party usually chairs and/or holds a majority of seats in the parliamentary committees and the content of their request tends to be less "dangerous" for the President), (ii) very senior Senators, (iii) a Peronist legislator, due to the fact that this is the largest and best disciplined party group, and (iv) two or several party groups together. Moreover, we argue that (v) the electoral cycle matters: when presidential elections are close, the Executive branch does not want to be asked about situations that could potentially damage the President's image, and there is also a decrease in legislators' productivity as they face an electoral campaign. Because of these two reasons, it seems plausible that requests for information are less likely to be approved in the period close to elections. In addition, we hypothesize that (vi) legislators use this procedure mainly for credit claiming rather than for exercising oversight; the Executive branch also has no (positive or negative) incentives to provide answers. If we assume that opposition and incumbent legislators will try to approve a given quantity of requests each, we could expect that if each group controls one Chamber, then both could approve their feasible maximum, so (vii) requests would be more likely to get approved when the incumbent party holds a majority in only one Chamber. Finally, due to the centrality of provinces in Argentine politics, legislators from districts with more than five Deputies (constitutional minimum) seem to be in a better position to negotiate: we expect that requests for information are less likely to be approved when they are signed by a legislator of a small province (that is, with only 5 deputies).

These hypotheses are tested by a set of logistic regressions for the period 1983-2013. The dependent variable is coded as "1" if the request for information was approved/answered and "0" otherwise (Tables 7 and 8 present the results).

The results draw some conclusions about the determinants of requests' approvals. As expected, opposition legislators are less likely to get their requests for information approved than incumbents and their chances of

getting approval for their requests improve when the incumbent loses majority control over one of the Chambers. Nevertheless it is noteworthy to that, as mentioned above, since 2008 a steep decline in the approval of requests by incumbent party legislators has resulted in the reversion of this pattern. This trend seems to be one among other signs of stronger party discipline within the "Frente para la Victoria". Also, information requests have a higher probability of being approved when they are initiated in the Senate or by Peronist legislators. Although these three variables (incumbent, senator, Peronist) show independent effects confirmed by regressions, there is a certain relationship between them: since 1983, the Senate is controlled by the Peronist party, which was also the party in government most of the time. In addition, the number of party groups sponsoring a request matters. If there is more than one group, the request is more likely to be approved. There are incentives coming from the electoral cycle too: the probability of approval decreases when a presidential election approaches. The same effect is observed if the first signature of a request for information comes from a legislator from a small province that has only five Deputies (the minimum possible number).

What are the determinants of a request of information being answered by the Executive? Among the independent variables aforementioned, the only ones that exert an influence are related to incumbency, Peronist affiliation and Senators. Nonetheless, it is hard to determine the causes behind the decision of the Executive to answer some proposals and refuse others. According to the interviewees (Pablo Tonelli, September 15th, 2015, Buenos Aires), during the Alfonsín administration the Ministries were forced to answer by the General Secretary of the Presidency. Today, it is not clear how the Executive branch chooses the requests for information that it actually answers. It seems to be a rather bureaucratic and unstandardized procedure that works differently depending on the Ministry involved.

Qualitative information shows that weak rules have allowed most of the administrations to downplay the requests for information (Pablo Tonelli, September 15th, 2015, Buenos Aires). In addition, the Executive branch does not have either positive or negative incentives to take these requests seriously and, consequently, both branches of Congress develop few capacities to ask for information; and the Executive few capacities to provide answers which include relevant data. If legislators really want the data, they often make use of the Decree of Access to Public Information (Decree #1172, sanctioned in 2003).¹⁶ Although different offices do not always answer these requests, the fact that there is a deadline makes them answer more often than to the requests for information approved by Congress. This is another reason why legislators are leaving requests for information aside.

b) National Audit Office

In order to assess whether the NAO reports are working as an oversight tool for keeping the Executive accountable, we systematically analyzed the proceedings regarding the reports presented by the NAO in Congress between 1999 and 2014. The data shows that the majority of the reports were considered by the special Committee CPMRC (*Comisión Mixta Revisora de Cuentas*) and approved (78%) and that the average amount of days elapsed between introduction and approval is 151 (Figures 24, 25 and 26 on approval rate of NAO files and average days elapsed between its introduction and its approval). Nevertheless, **while these reports often provide evidence and raise awareness regarding flagrant irregularities, mismanagement and negligence in the public sector, their consideration by the CPMRC has seldom resulted in further administrative investigations or the filing of criminal cases against public officials.**

To understand why NAO reports fail to trigger further investigations we interviewed legislators in the CMRC and officials in the NAO. The interviewees argued that although the NAO is presided by an official proposed by the

¹⁶ This norm guarantees that any citizen (including legislators, according to jurisprudence) can ask for information and that the office to whom the request has been made is obliged to answer during the next ten days - with an optional extension of ten extra days-.

largest opposition party group (the UCR during the period under study), the CPMRC's composition follows Congress majorities and, therefore, most of the time it is controlled by incumbents. As a result, when the NAO reports irregularities in the management of public funds or agencies, the CMRC tends to delay proceedings by requesting further information from the involved agencies instead of promoting administrative or judicial investigations (Manuel Garrido, September 3rd, 2015, Buenos Aires; NOA technical staff who asked for confidentiality, September 4th, Buenos Aires). Therefore, institutional design in this case creates clear limits on the effectiveness of NAO as a horizontal accountability tool: while it has no powers to conduct administrative investigations, apply sanctions or file cases before criminal courts on its own, the CMRC (usually dominated by incumbent party majorities) has no incentives to build on its reports to hold the Executive accountable. In addition, technical staff at the NAO claim that since the NAO's directorate reflects Congress composition as well, sector managers are often designated because of their party affiliation, and this has an impact on the impartiality of some of the agencies' audit reports (especially in areas under managers who were designated by the incumbent party) (NOA technical staffer who asked for confidentiality, September 4th, Buenos Aires).

Faced with these limitations, opposition legislators have found alternative ways to use the reports and information produced by the NAO. The NAO's audit reports have been used by individual legislators as evidence to file cases in criminal courts. Also, legislators claim that, due to the ineffectiveness of the request for information procedure, they often ask the NAO for information instead and the answer they receive is quick and specific (Manuel Garrido, September 3rd, 2015, Buenos Aires; Pablo Tonelli, September 15th, 2015, Buenos Aires).

HA mechanisms in action: The case of the special report produced by the National Audit Office on Aerolíneas Argentinas in 2014

So far we have investigated how HA mechanisms should work how they are actually working and why there are some accountability deficits. We found that the mechanisms are included in the Constitution and there are some specific regulations. However, these regulations do not establish a detailed layout of the whole process. This leaves important room for manoeuvre between the two branches of government, which might also explain the development of informal institutions and practices.

Analysing the performance of the mechanisms in a particular institution could be useful to understand how all these processes work together. We selected the case of an owned state-enterprise, the flagship airline (*Aerolíneas Argentinas*). We think that this case could be useful to verify the hypotheses and findings we described in the last few pages. The case selection is justified on the basis of three arguments. First, the company was nationalized a few years ago (December 2008). This decision got a lot of media coverage and the opposition parties scrutinized the activities of the company very closely. As this is a relevant topic for the political parties, we think that this case might be useful to illustrate how HA mechanisms are working in practice. Second, during 2014 the National Audit Office produced a special report on the company. Finally, the release of the report in 2014 coincided with one of the Chief of Cabinet's monthly visits to Congress. This unusual event is also a great opportunity to identify whether complying with the formal aspect of the mechanism is enough to close the accountability gap.

In this case we will analyse 2014. That year Cristina Fernandez de Kirchner was in her 7th year in office and her coalition in Congress covered almost half of the legislators in each chamber (49% in the Deputies chamber and 47% in the Senate). During this non-electoral year, the Chief of Cabinet reported to Congress in eight opportunities, visiting each branch four times. As aforementioned, during the special session the Chief of Cabinet only addresses verbally some of the questions asked by the legislators. Thus not all topics are covered during the visit, leaving some of them for the written report. The issue of the public airline company *Aerolineas Argentinas* was debated on three opportunities. In those cases, legislators requested information on the economic sustainability of the

company and the overall performance of the company (passengers, routes, aircrafts, and employees, among other topics). In all the cases the Chief of Cabinet answered those questions. However there was one particular session where an interesting discussion about the mechanism emerged. In March, in the visit to the Senate, one senator asked for further clarification on some questions. The Chief of Cabinet provided further clarifications on those questions and that conversation led to a small debate in the Chamber about how this HA mechanism was working. Some legislators demanded a change in the procedures of the visit and said that it was taking too much time and was not achieving the desired level of accountability.



Photo 4: [Aerolíneas Argentinas Airplane](#)

Credit: J. Miguel Rodriguez

As shown by the interviews, even the legislators recognize that the unlimited number of questions and topics that can be discussed during the visit harm the effectiveness of the mechanism. Furthermore, the number of very similar questions asked by the legislators about the *Aerolíneas Argentinas* topic is a key indicator of the low level of coordination between the political groups.

This issue can be clearly seen in the only session in the Chamber of Representatives during 2014 where the topic of the company was discussed. That day the legislators asked 747 questions to the Chief of Cabinet, but less than 20 were related to the company. From those questions, around half were about the amount of subsidies that the company receives regularly from the federal government. This also indicates a low level of coordination among legislators and high level of dispersion of the topics that are treated during an informative meeting.

As for the President, she made some mentions of *Aerolíneas Argentinas* in her speeches. In 2014, Cristina Kirchner mentioned one indicator: the total value of the fleet in dollars. In 2015, nine indicators in her speech related to the company. In particular, she presented process and product indicators to show the performance of the company. Even when the president addressed some concerns raised by legislators during the Chief of Cabinet visits, it is unlikely that she selected the same indicators as the deputies as a way to reply to those questions. As the speech is seen as a mechanism to address society about what the government is doing, the indicators she chose might reflect more social and media questions related to the functioning of the company.

Requests for information were almost not used by legislators to ask about the company. Eight requests were introduced during 2014. This number is not different from the historical average (there about seven requests for information mentioning *Aerolíneas Argentinas* by year since 1984). The approval rate of requests for information about *Aerolíneas Argentinas* in 2014 (25%) is also similar to the average since 1983 (28%), but both of them are below the general average of approval of requests of information (33.5%) (Figure 26). Therefore, it is possible to see that legislators who are interested in this topic – and many of them are – look for some other way to obtain the information they seek. As we pointed out before, this happens because it is easy for the Executive branch to elude this mechanism of control, so the legislators have few incentives to use them.

Out of the eight requests for information introduced in 2014, two were approved. Both share two particular characteristics. First, none of them were signed by particular legislators, because they were introduced by the Special committee that links Congress with the NAO (*Comisión Parlamentaria Mixta Revisora de Cuentas*). Second, they asked for information about the *Aerolíneas Argentinas* accounts during several past years (2009 and 2011).

The Chambers did not approve other requests for information introduced by legislators. The non-approved requests were about more immediate topics, such as current accounting processes or the financial deficit registered by the company in 2013 according to public statements of its President Mariano Recalde. This fact shows that the time elapsed between the introduction of a request for information and its (eventual) answer is rarely casual: it is also important for the Executive branch. Requests about the administration of *Aerolíneas Argentinas* during 2009 and 2011 were introduced in 2014 and approved during 2015. What could the Committee do with this information given the time elapsed? One could think the information would not be relevant, but a NAO report about the administration of *Aerolíneas Argentinas* during 2011 and half of 2012 was critical¹⁷ in forcing Mariano Recalde to go to Congress (invited by the Committee on State Reform and Follow-Up of Privatizations) and present a defense of his work.¹⁸ So in this context the NAO reports played a role of horizontal accountability although there were no consequences for *Aerolíneas Argentinas*.

Overall, the *Aerolíneas Argentinas* case shows that some horizontal accountability mechanisms do work at times, but are not sufficient to produce consequences on the controlled agencies. When the Chief of Cabinet reports to Congress there is room to answer questions and engaged in debate about certain policies. However we can also see that the quality of the dialogue between the two powers is quite poor. The questions that are asked to the Chief of Cabinet tend to be shallow and repetitive, and the answers provided are not much better. In what refers to requests for information, the lack of incentives and lack of coordination between legislators, as well as the many days which elapse between the introduction of a request, its approval and (eventually) its response, are the reasons for the poor performance on this particular topic, not so different to other more general ones. NAO reports raise visibility but they are not enough to ensure consequences if performance is judged to be low. We think that the mechanisms can be improved and the next section will discuss some recommendations.

¹⁷ *Clarín*, November 5th 2014.

¹⁸ *Ámbito Financiero*, March 26th 2015.

DISCUSSION

In conducting this research our aim was to analyse how HA mechanisms are working in Argentina. In particular, we tried to determine the deficits and the reforms that would need to be implemented to overcome them. In most cases the levels of accountability are low due to inadequate regulations, institutions and policies. For this reason, we believe that the performance of horizontal accountability in Argentina can still be improved to help achieve better policy outcomes.

In terms of answerability, understood as the obligation of executive branch officials to inform on what they are doing, there is an accountability gap in the way the Chief of Cabinet's visits to Congress are conducted.

The gap cannot be attributed strictly to the political affiliation of the Chief of Cabinet or to the acting Congress majority. Nevertheless, data shows that the type of province from where the Chief of Cabinet is might be a cultural factor determining the extent to which he/she is pressed to comply. On the other hand, the politicians interviewed agreed that the current institutional design of the visits is inadequate for two main reasons. First the procedural design of the visits to Congress is not sufficiently structured to be efficient, and this leads to unstructured and uncoordinated questions coming from legislators. And second, there is no evidence of sanctions if the executive does not comply with its constitutional mandate.

With regard to enforcement, seen as the capacity of actors to impose sanctions on power-holders who have violated their duties, there is also an accountability gap since the mechanisms do not provide a system with sanctions for non-compliance.

First, it is hard to get requests for information approved in the Legislature due to the political interplay among the parties. Besides, when requests for information are approved by the Legislature there are no incentives to comply with the regulations as there are neither deadlines for the executive to answer the requests of information nor sanctions for not complying with the mechanism. Second, according to the interviews, the lack of capacities for HA seems to be a result of the absence of incentives rather than an independent variable. Third, even when audit reports provide evidence and raise awareness regarding flagrant irregularities, mismanagement and negligence in the public sector, they rarely result in further administrative investigations or criminal cases against public officers.

All in all, the study shows that the HA mechanisms are working only partially and unevenly through different government administrations. The Chief of Cabinet usually does not comply with the constitutional mandate of visiting Congress once a month, the Presidents are not reporting good quality data in their inaugural speeches and legislators are sending thousands of questions to the Executive and receiving very few answers. When they do get answers, they arrive late or the contents are not useful as input for oversight. The collected data and the analysis performed suggest that there are different deficits in the horizontal accountability process between the executive and the legislative powers.

Up to this moment, we can observe that the mechanisms which depend on the Executive do not seem to be affected by party fragmentation in Congress. Our findings seem to indicate that visits by the Chief of Cabinet to both Chambers do not seem to be more associated with whether it is an electoral period or not.

As mentioned before, studies explaining weaknesses in horizontal accountability can be grouped into two broad types or hypotheses. The first one looks at institutions and their relations with incentive structures constructed around them (Mainwaring & Shugart, 1997). The second one focuses on cultural factors and stresses the absence

of a “culture of accountability”. Even though we can’t deny the absence of an extended and shared culture of accountability, the low performance of horizontal accountability in Argentina seems to be mainly explained by the interaction of two types of determinants: underdeveloped executive and legislative institutional capacities (poorly designed rules for compliance), negative incentives (lack of sanctions in case of low or non-compliance), and the interaction between them.

Nevertheless, we believe that HA mechanisms have room for improvement and could be strengthened by establishing a new set of rules offering better incentives to comply with Constitution. We trust that the increase in the use of indicators and the compliance of written reports delivery by the Chief of Cabinet show that there are possibilities for going forward to a better use of the existing mechanisms.

For Latin America, this evidence suggests that countries are facing a complex set of problems that could explain the relative low level of HA. Also, this study indicates that transforming the current level of HA development will require not only improving the regulations, but also strengthening the institutions involved and the policies implemented by government. Only after the implementation of profound reforms in these three aspects, will it be possible for the region to improve the incentives, and thus foster the use of HA mechanisms. In the long run, better incentives will lead to a better functioning of HA mechanisms, which we believe is critical to strengthen Latin American democracies.

POLICY IMPLICATIONS AND RECOMMENDATIONS

Based on the empirical evidence presented, some recommendations can be made at different levels for both branches of government in the Argentinian HA institutional design. We find that reforms could take place in three different areas: *regulations, institutions and policies*.

In terms of *regulations*, we found that even when the Chief of Cabinet’s presence in Congress involves some regulations specifying how this mechanism works, the regulations are vague and ambiguous. For instance, it is not quite clear which branch of government is the one that sets the meetings and how the informative session should be held. In addition, we found that each Chamber of Congress has its own procedures to regulate the same mechanism, creating multiple, and sometimes contradictory, rules. Furthermore, as these regulations are vague, it is necessary to define specific rules each time the Chief of Cabinet visits Congress. As setting rules has high transaction costs, this creates a negative incentive to comply with the constitutional mandate. In sum, we believe that regulations should be strengthened in two ways. On the one hand, they should be harmonized between the Chambers and they should also be more specific. The regulation needs to promote coordination between groups of legislators in the Legislature, reducing the number of questions and topics to be covered in each visit. This would increase the incentives for the Executive to comply, as the cost of making and delivering the report would be reduced. In addition, a smaller set of questions and topics would allow for deeper analysis of the issues and would foster better dialogue on policies rather than politics. On the other hand, better regulation should establish sanctions if the executive does not comply.

In terms of *institutions*, it is important a national development plan or government plan be formulated. This would define the desired destination and the targets that the Executive aims to achieve during government. It would set the policy priorities and facilitate control by Congress as it could monitor the government in terms of tracking objective indicators. However, in order for a government plan to work as a road map, Argentina needs to improve its monitoring and evaluation policies. In order to do so, it is necessary to increase evidence-based

decision-making and to develop the capacities of the national statistics agency. If the country does not have strong statistical capacity to produce high quality and trustworthy data, it is quite unlikely that the Legislature will be able to hold the Executive to account.

The empirical evidence also shows that there is a lot of room for improvement in the control function of Congress, in general and – specifically - in what is referred to requesting information from the Executive. In terms of regulations, the mechanism could be improved if a deadline and an effective sanction system is established in case the Executive does not comply with the request. Legislators are interested in this topic and they could come to an agreement on a proposal, because a solid rule (as we have seen in the evidence) is vital to improve the performance of the mechanism.

Since 1983, almost 30 legislative proposals were introduced to establish a deadline by which the Executive is obliged to answer requests for information, ranging from 10 business days to 90. These legislative proposals also set sanctions if the Executive branch does not comply. Among the proposals, one was to communicate the non-compliance to the NAO, giving priority to the requests when the Chief of Cabinet visits Congress, and establishing “comminatory sanctions” according to the Code of Civil and Commercial Procedures. These proposals show that some legislators are trying to change the poor performance of the requests for information.

The control faculties of Congress could also be improved if Committees involved were always controlled by opposition legislators. Nowadays, not all of them are. This would mitigate the fact that opposition legislators face more difficulties to get their requests for information approved.

In terms of *institutions*, the specialization of legislators could improve the quality of legislative activity in general, and specifically the requests for information, but the electoral system is of no incentive for this. The Argentinian electoral system (proportional representation with closed lists) gives provincial leaders the power to decide who runs for re-election and who does not. Given that fact, legislators have fewer incentives to improve their public image by working on policies that benefit their constituencies, and more incentives to nurture a good relationship with provincial leaders. Provincial leaders, for their part, tend to rotate legislators in order better to control them, so developing a legislative career is very difficult in Argentina. Changing these electoral incentives might be complex (and perhaps not desirable for other reasons) but there are several reforms that can be pushed to enhance Congress performance. First, a structure with fewer Committees would set incentives for legislators to specialize on one topic. This would generate technically better legislative proposals and re-organize the legislative agenda (Tommasi, 2010). It would also improve the quality of the requests for information, because they will be more specific and accurate, with the effect that they will challenge the Executive more than they do nowadays.

Finally, at the level of policies, as proposed by Calvo (Calvo, 2014) a better dialogue between the two branches could be promoted by putting in place some routines to facilitate greater exchange of information and promote coordination of legislators and staff at lower levels.

In sum, implementing changes to the regulations, institutions and policies of routine HA mechanisms could improve accountability and answerability capacities and incentives in both branches of government. In the short run, these changes could improve the quality of the dialogue between Congress and the Executive and help ensure they speak the same language. This reform agenda will enhance horizontal accountability and, as a consequence, improve policy outcomes to better address some of the pressing needs of Argentine society.

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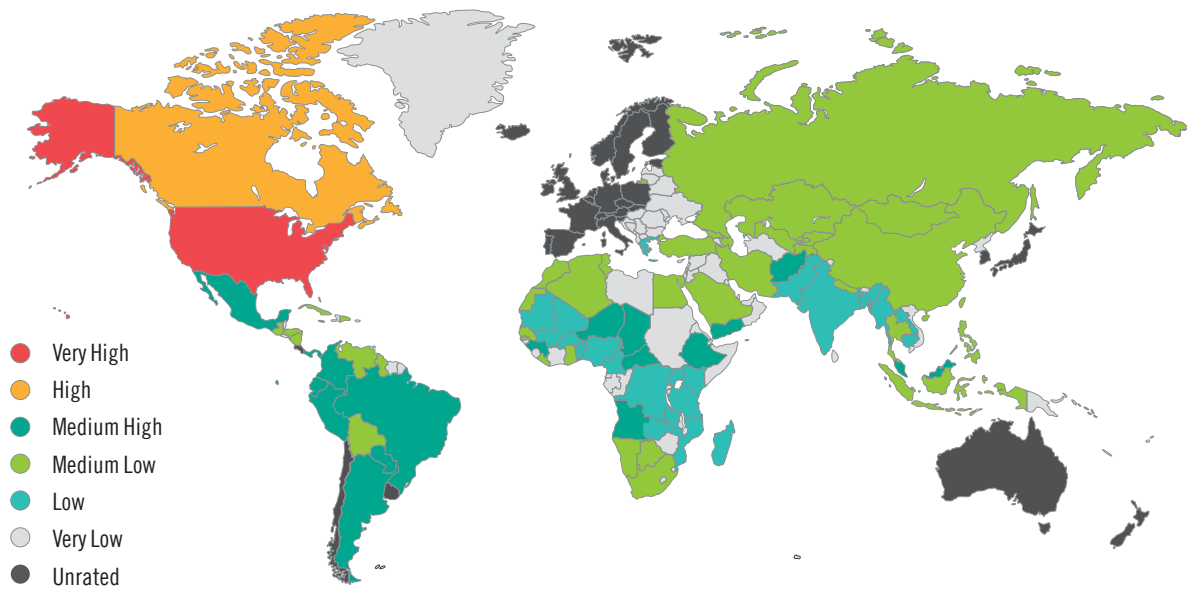
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ANNEXES

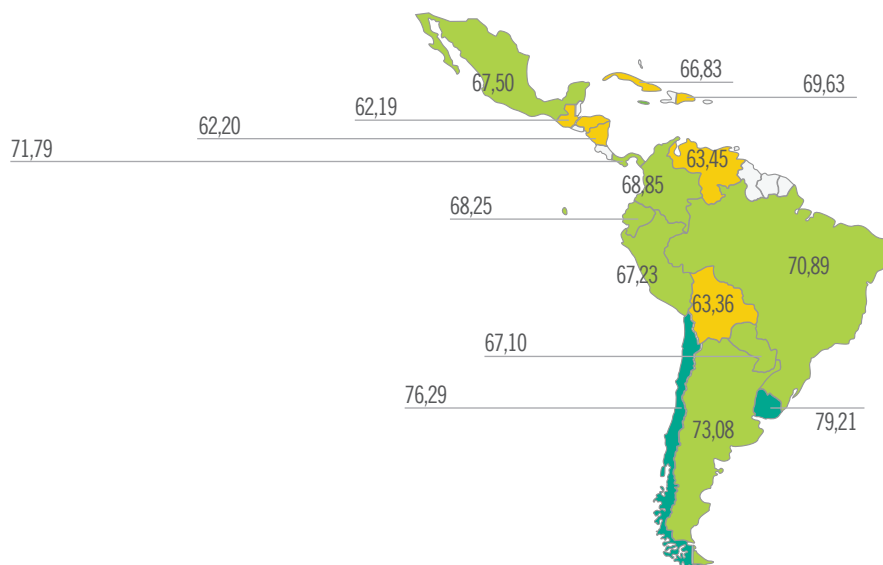
Annex 1: Figures

Figure 1. Social Progress Index (2015)



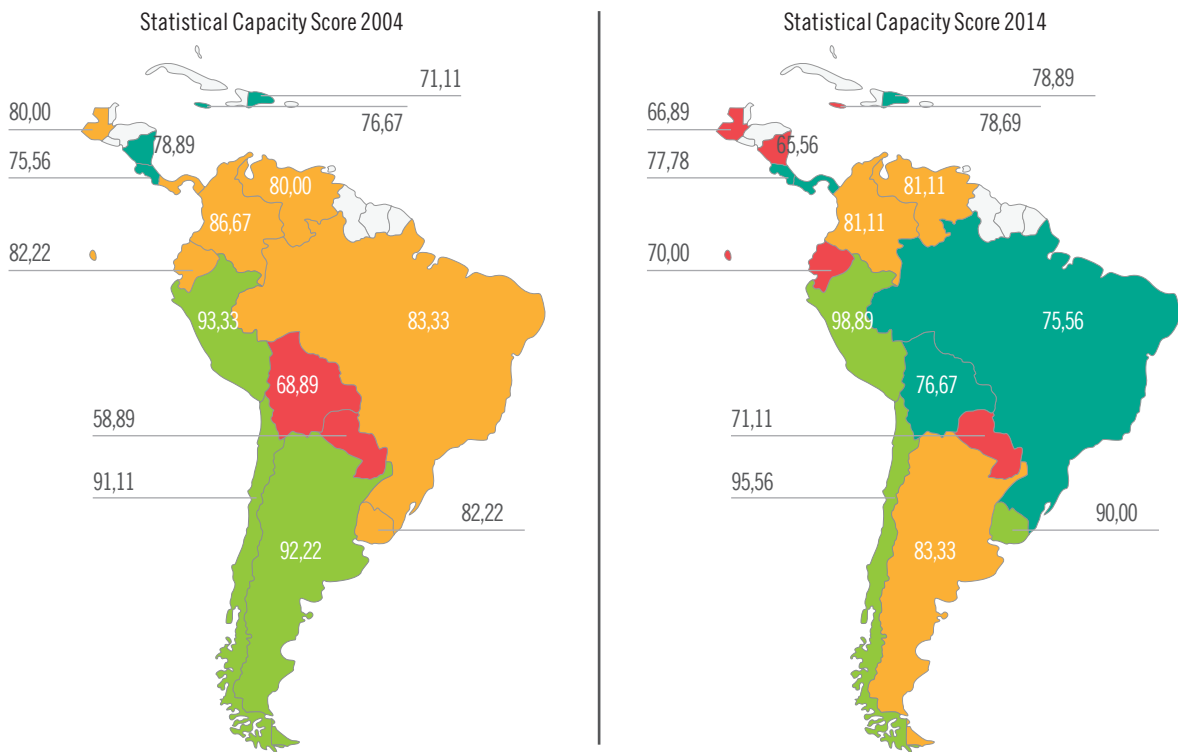
Source: (Porter & Stern, 2015:50)

Figure 2. Latin America-Social Progress Index (2015)



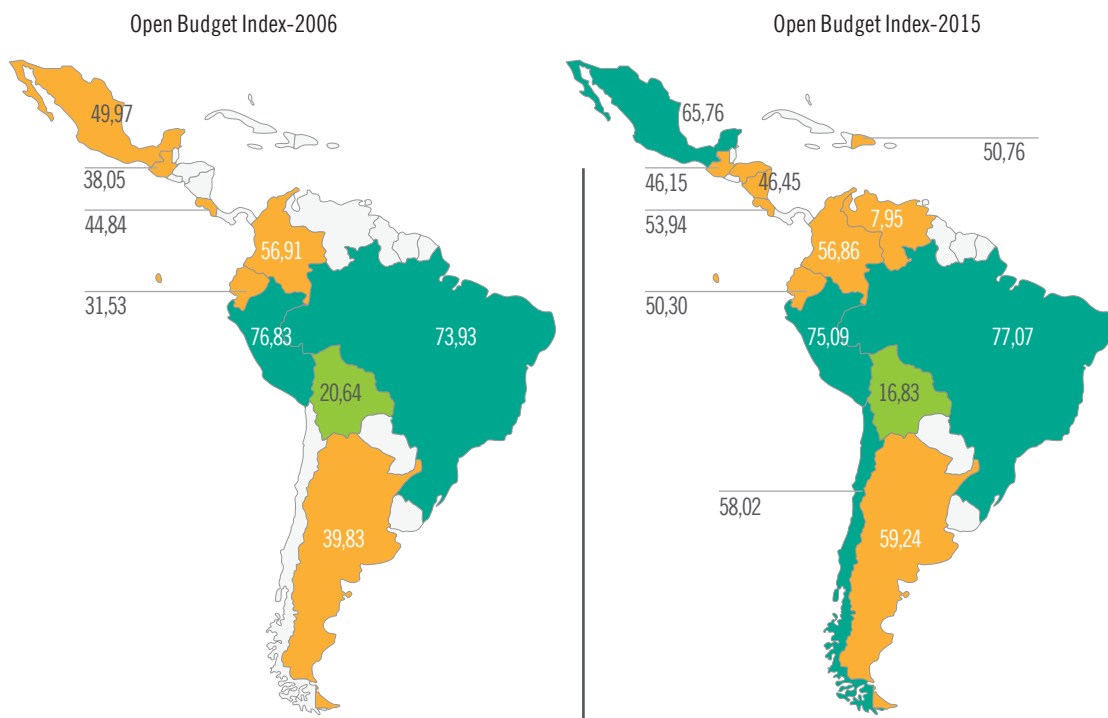
Own elaboration. Source: (Porter & Stern, 2015)

Figure 3. Statistical Capacity Score



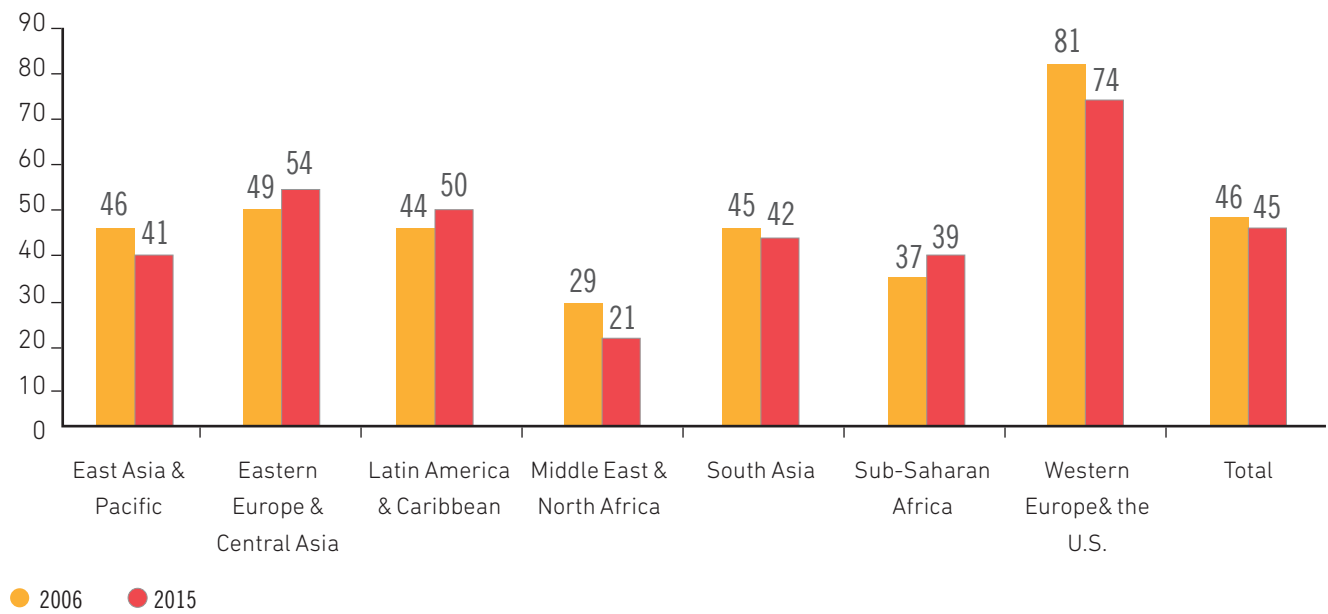
Own elaboration. Source: (The World Bank Data)

Figure 4. Open Budget Index- Comparison 2006-2015



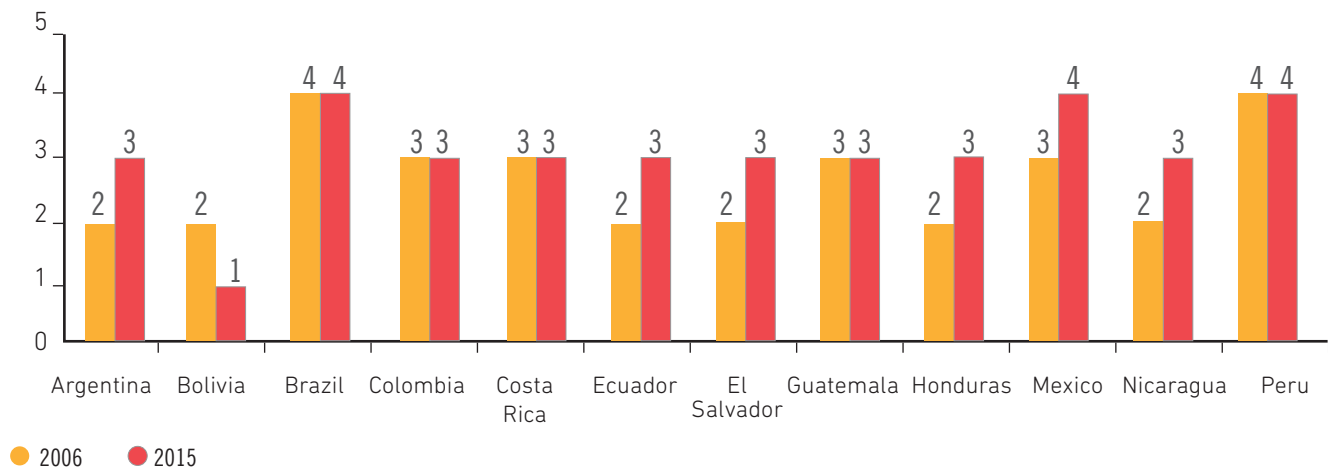
Own elaboration. Source: (International Budget Partnership Data, 2015)

Figure 5. Open Budget Index- Regional average



Own elaboration. Source: (International Budget Partnership Data, 2015)

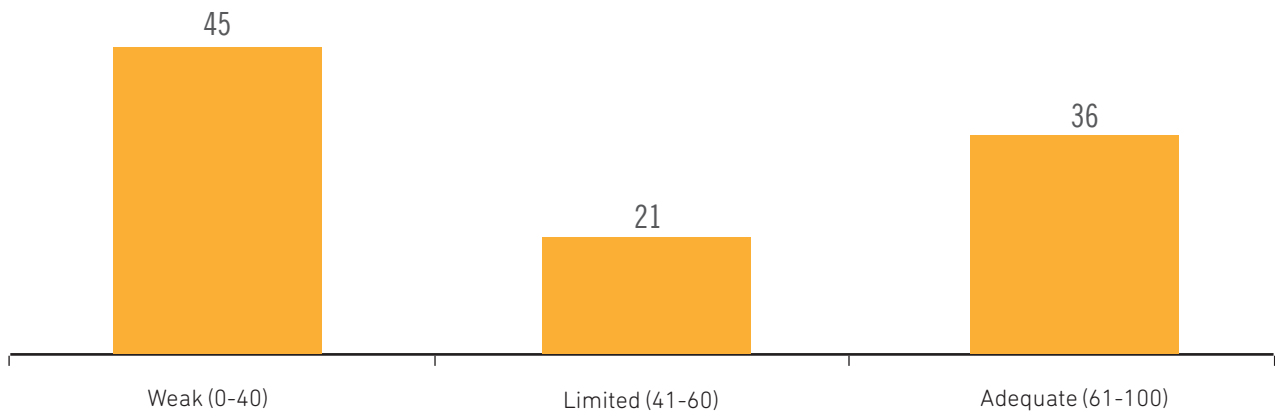
Figure 6. Open Budget Index- Categorical Analysis



Note: 1 Scant or no information = OBI score 20 or less; 2 Minimal information = OBI score 21 and less than 40; 3 Some information = OBI score 41 and less than 60; 4 Significant information = OBI score 61 and less than 80; 5 Extensive information = OBI score 81 or greater.

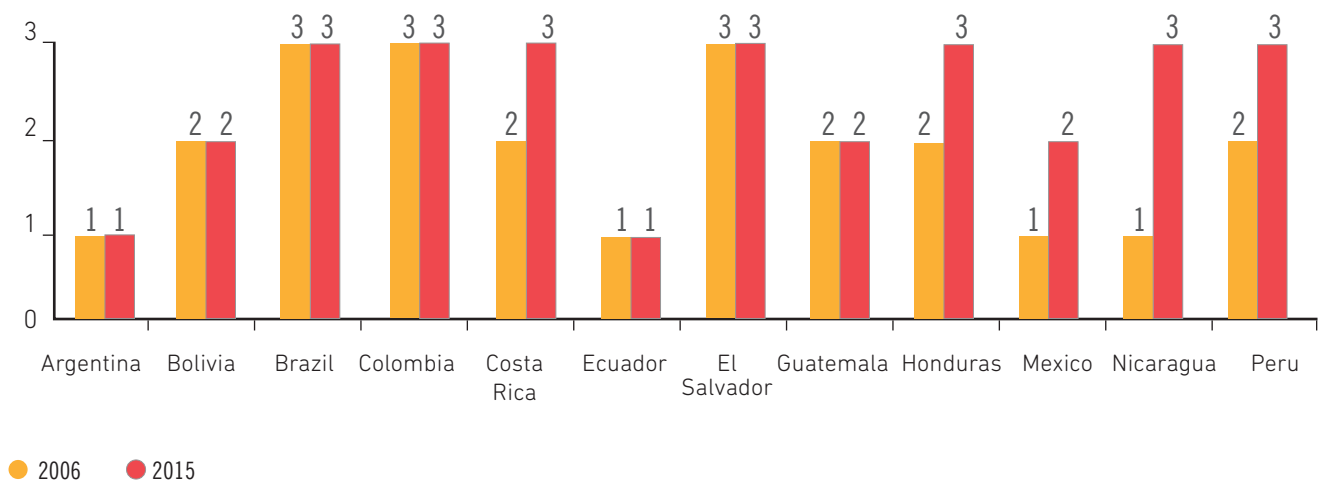
Own elaboration. Source: (International Budget Partnership Data, 2015)

Figure 7. Open Budget Index 2015- Legislative Strength



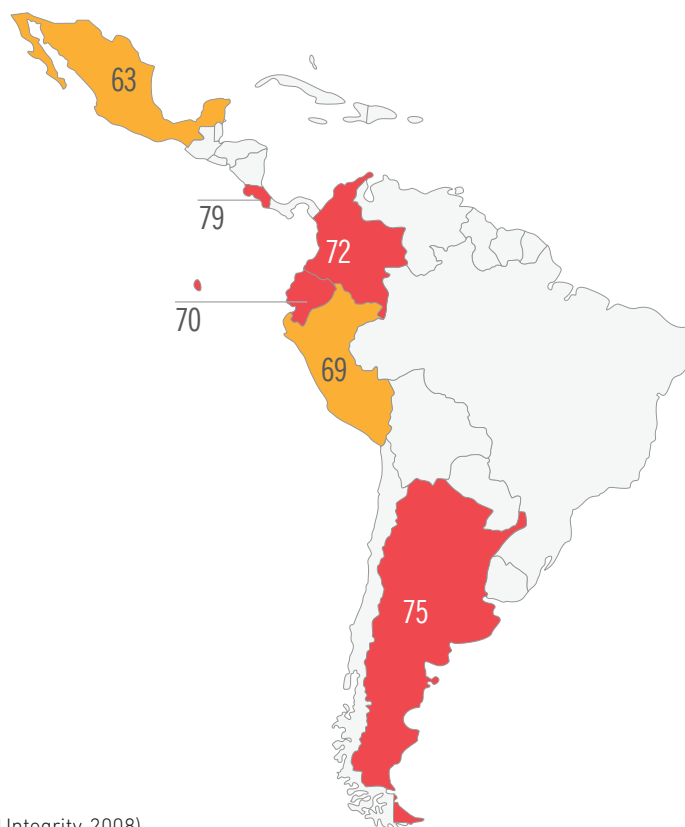
Own elaboration. Source: (International Budget Partnership Data, 2015)

Figure 8. Open Budget Index- Categorical Analysis of Legislative Strength



Note: Weak = OBI sub-score 33 or less; Moderate = OBI sub-score 34 and less than 67;
Own elaboration. Source: (International Budget Partnership Data, 2015)

Figure 9. Global Integrity Overall Index (2007)



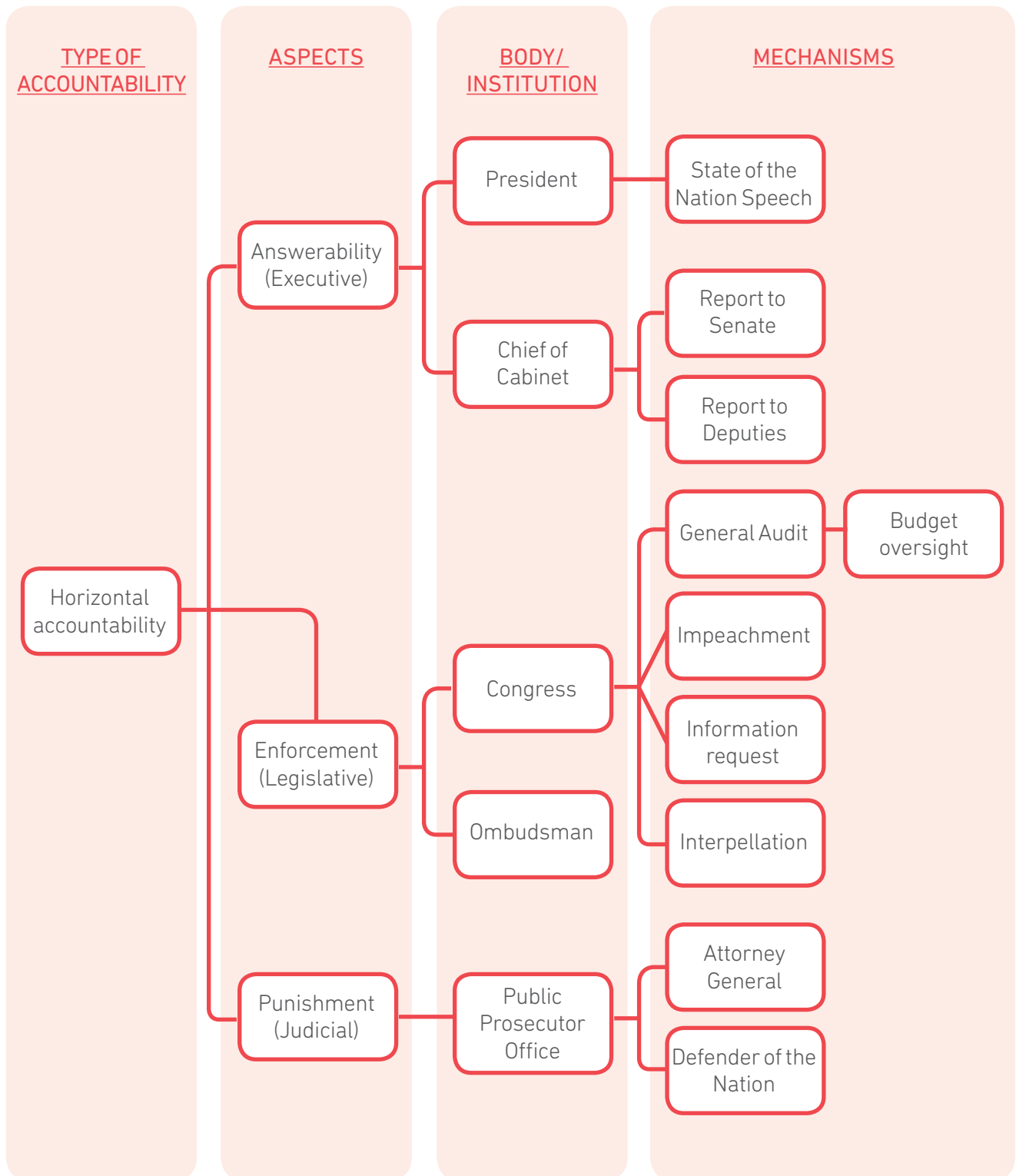
Own elaboration. Source: (Global Integrity, 2008)

Figure 10. Global Integrity- Government Accountability Index (2007)



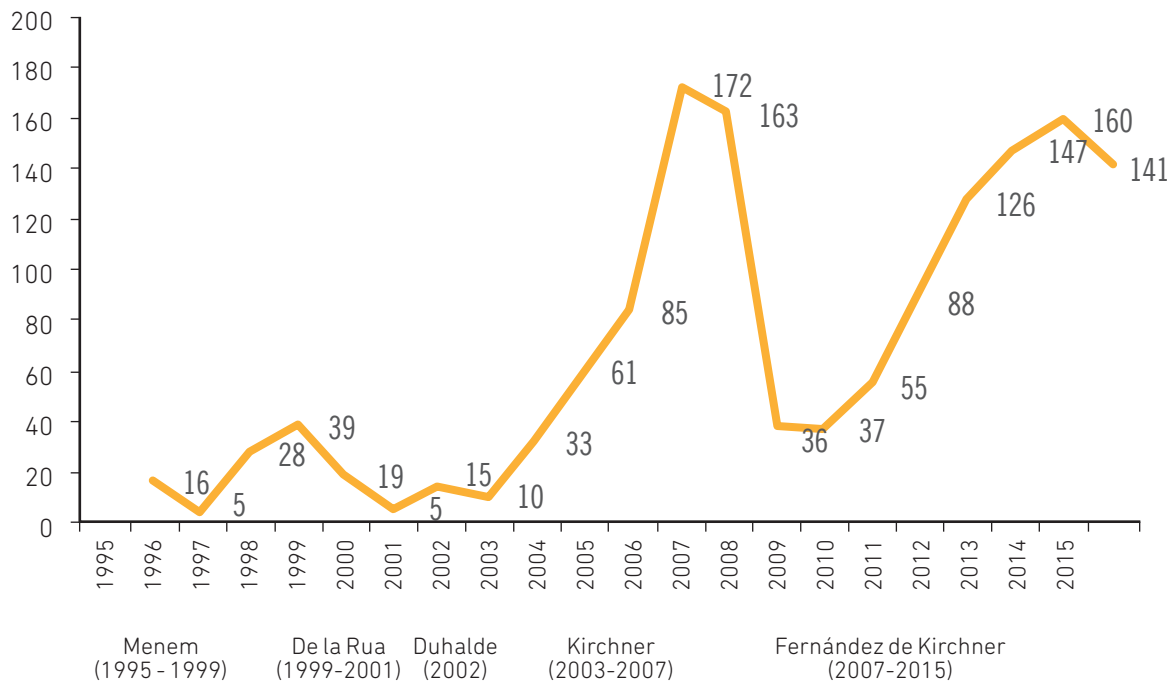
Own elaboration. Source: (Global Integrity, 2008)

Figure 11. Accountability Mechanism In Argentina



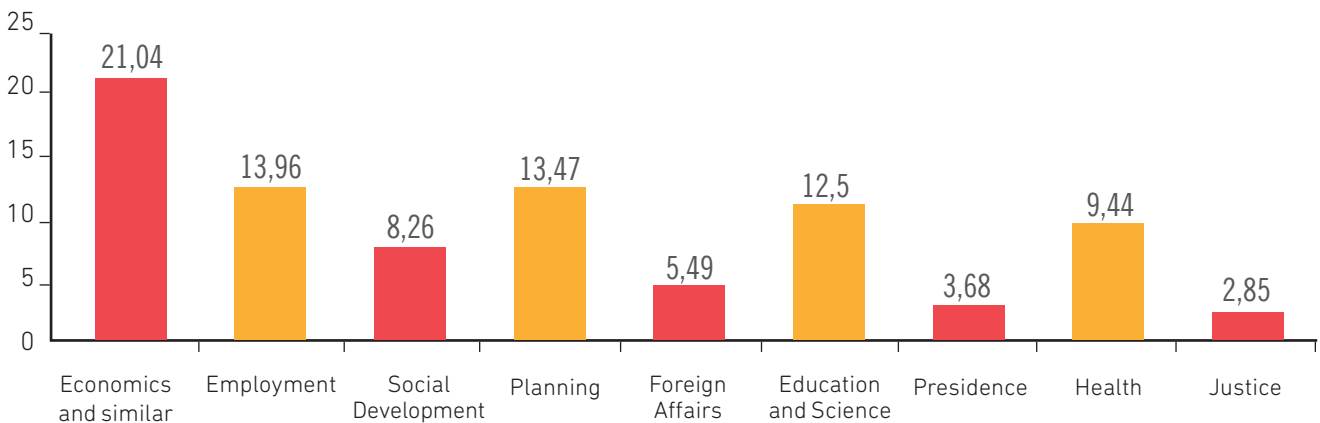
Own elaboration. Source: (Constitution of Argentina)

Figure 12. Evolution of the Number of Indicators By Speech



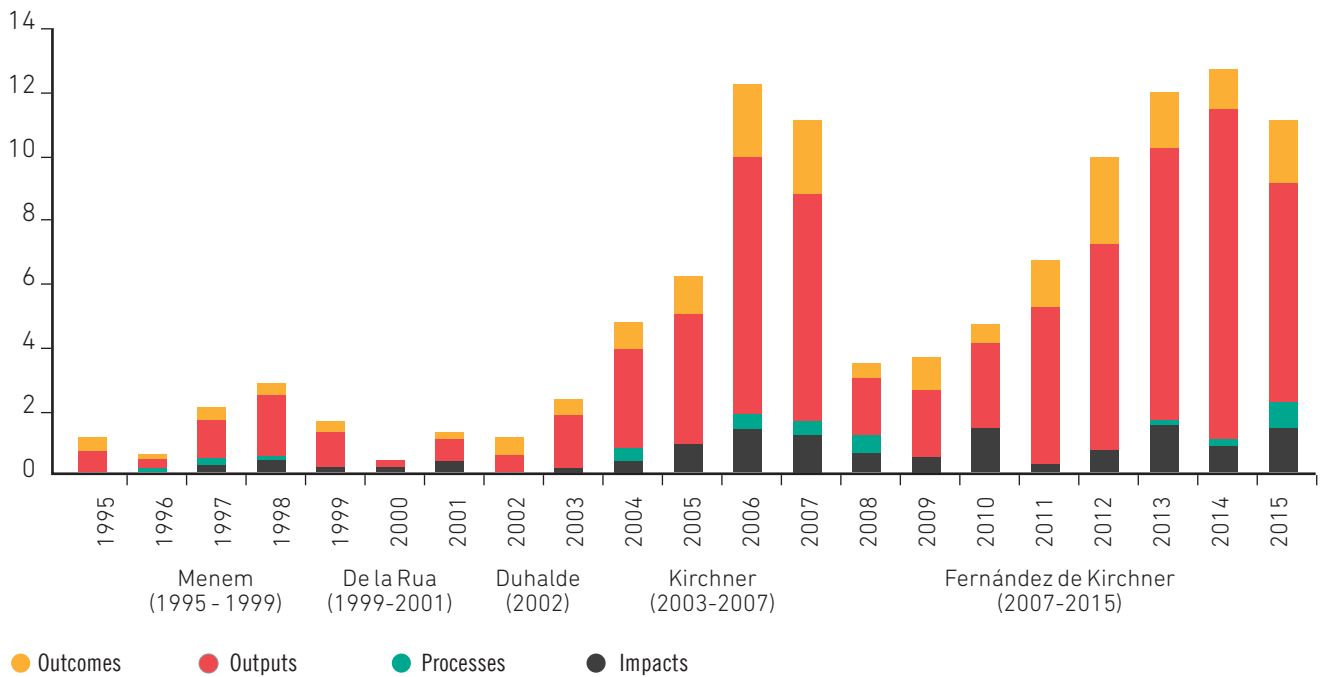
Source: (State of the Nation Speech available at <http://www.casarosada.gob.ar/>)

Figure 13. Indicators Used By the President (by policy area)



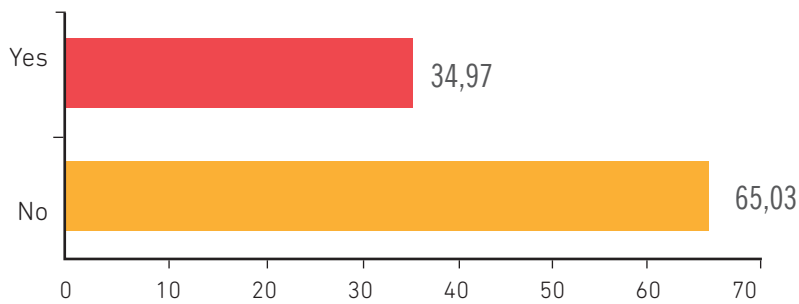
Own elaboration. Source: (State of the Nation Speech available at <http://www.casarosada.gob.ar/>)

Figure 14. Percentage and Type of Indicator by Year 1995-2015



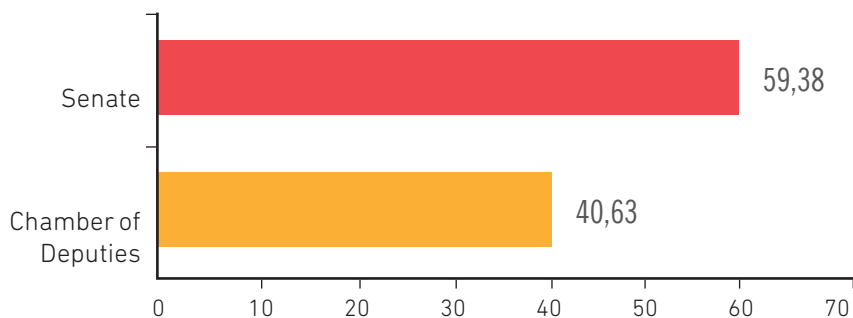
Own elaboration. Source: (State of the Nation Speech available at <http://www.casarosada.gob.ar/>)

Figure 15. The Chief of Cabinet Effectively Reported



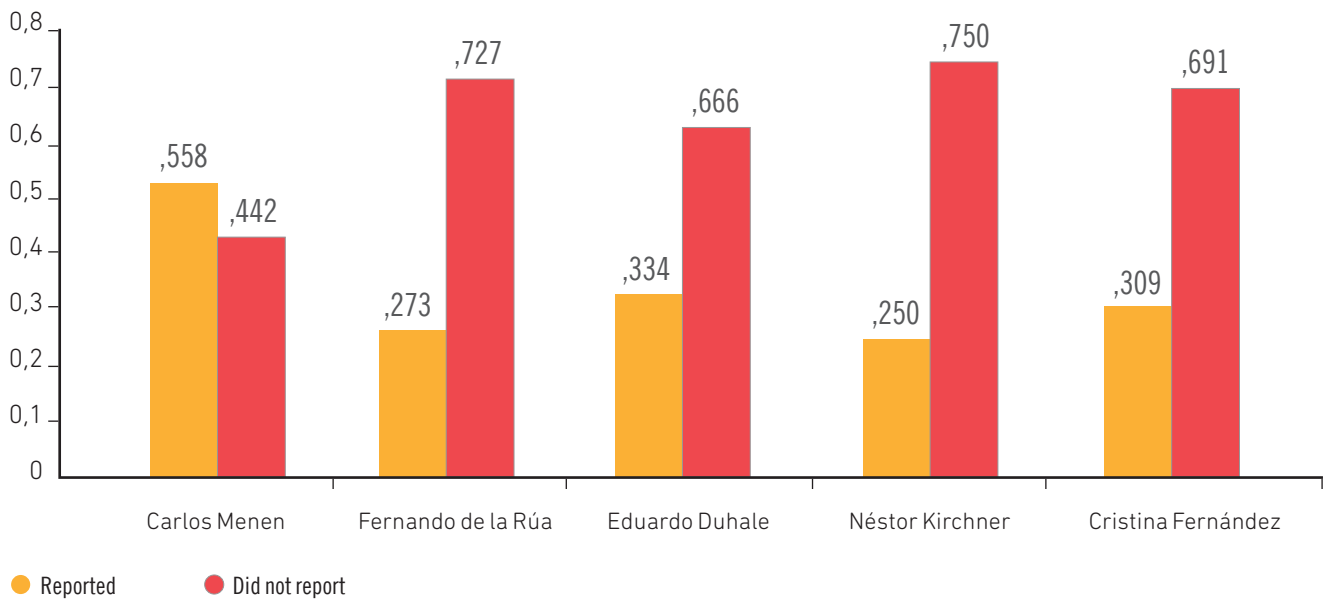
Own elaboration. Source: (State of the Nation Speech available at <http://www.casarosada.gob.ar/>)

Figure 16. Chamber Reported



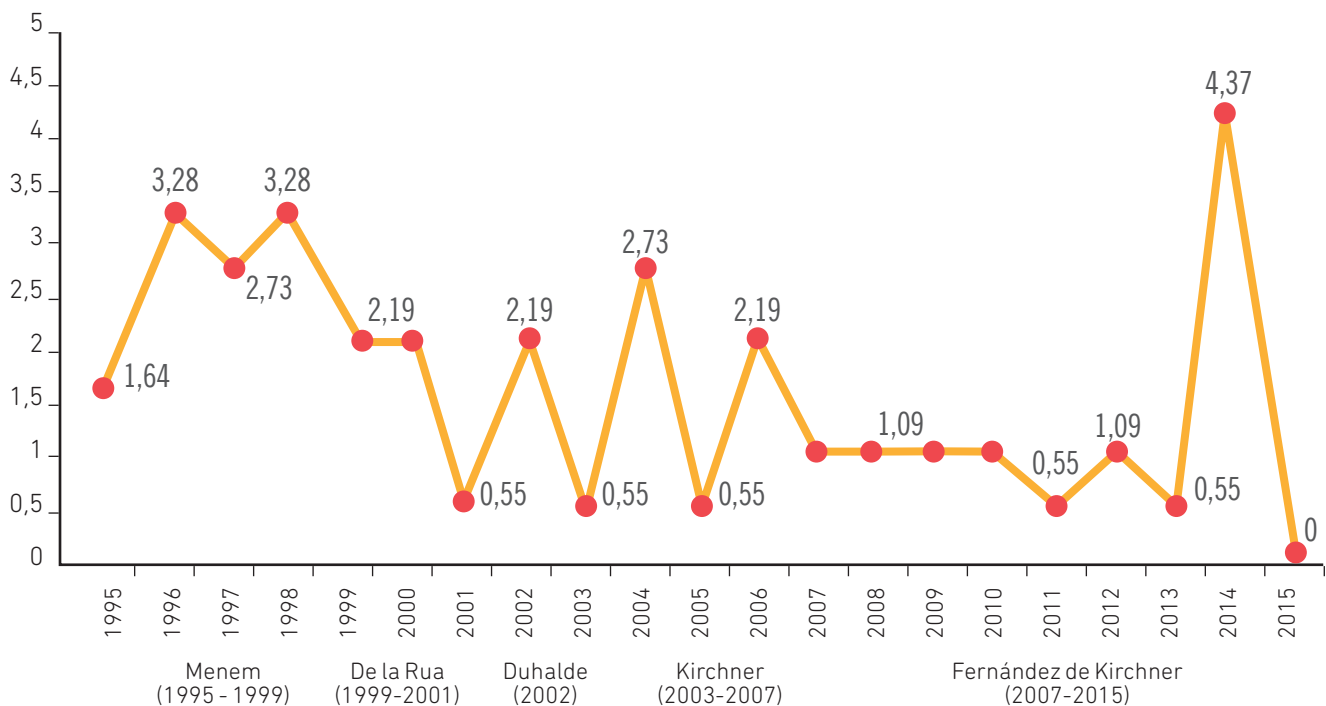
Own elaboration. Source: (report of parliamentary proceedings available at <http://www.diputados.gov.ar> and <http://www.senado.gov.ar>)

Figure 17. Reporting Rate (by president)



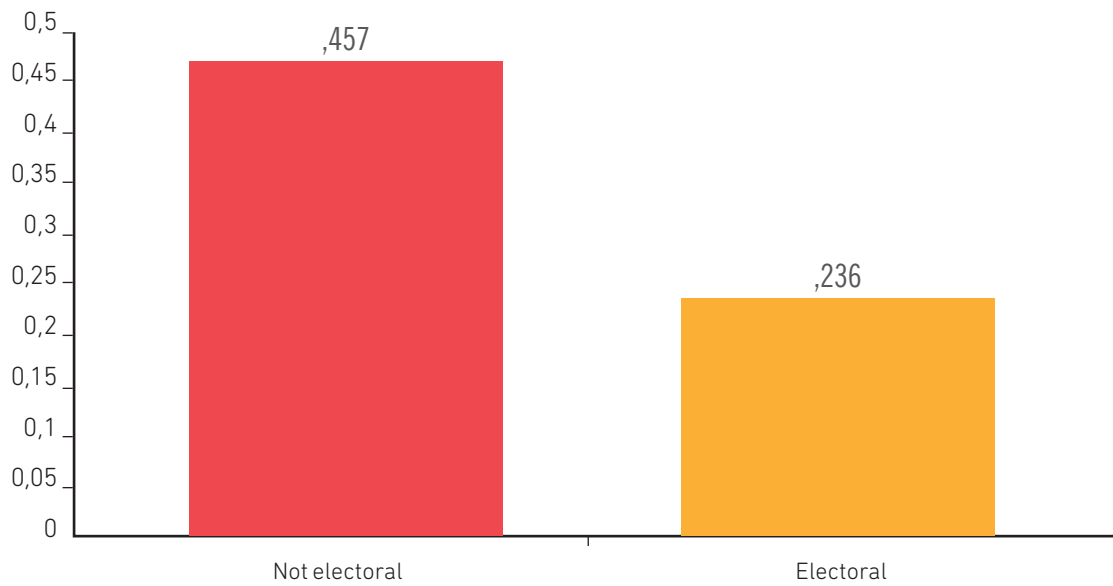
Own elaboration. Source: (report of parliamentary proceedings available at <http://www.diputados.gov.ar> and <http://www.senado.gov.ar>)

Figure 18. Average Visits (By Year)



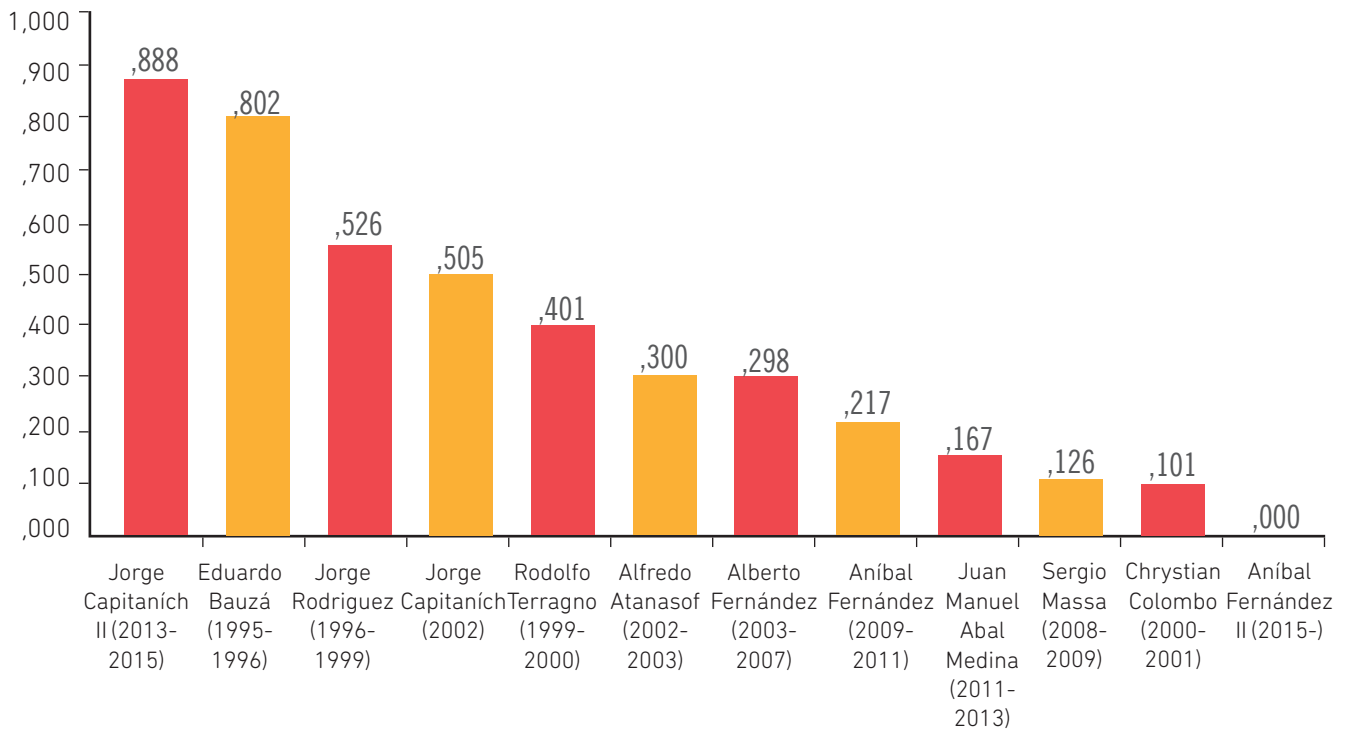
Own elaboration. Source: (report of parliamentary proceedings available at <http://www.diputados.gov.ar> and <http://www.senado.gov.ar>)

Figure 19. Visit Rate by Electoral Year



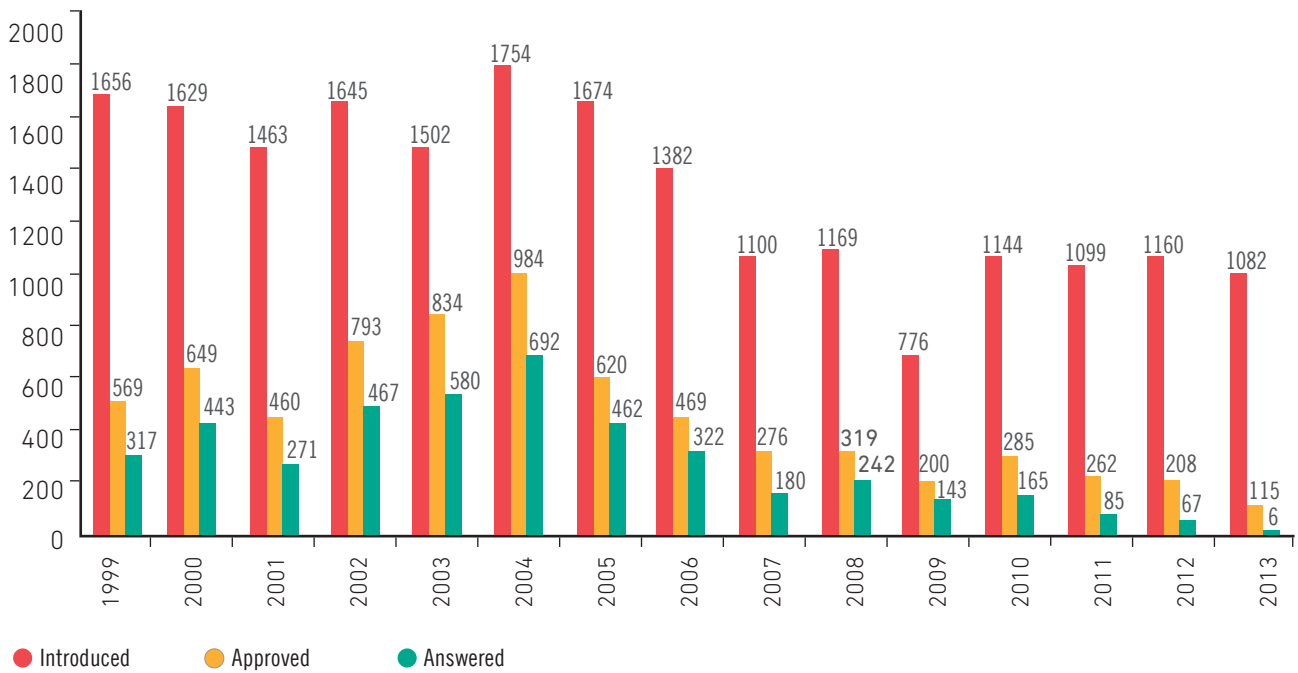
Own elaboration. Source: (report of parliamentary proceedings available at <http://www.diputados.gov.ar> and <http://www.senado.gov.ar>)

Figure 20. Relation Between Visits Done and Total of Visits Demanded By the Constitution



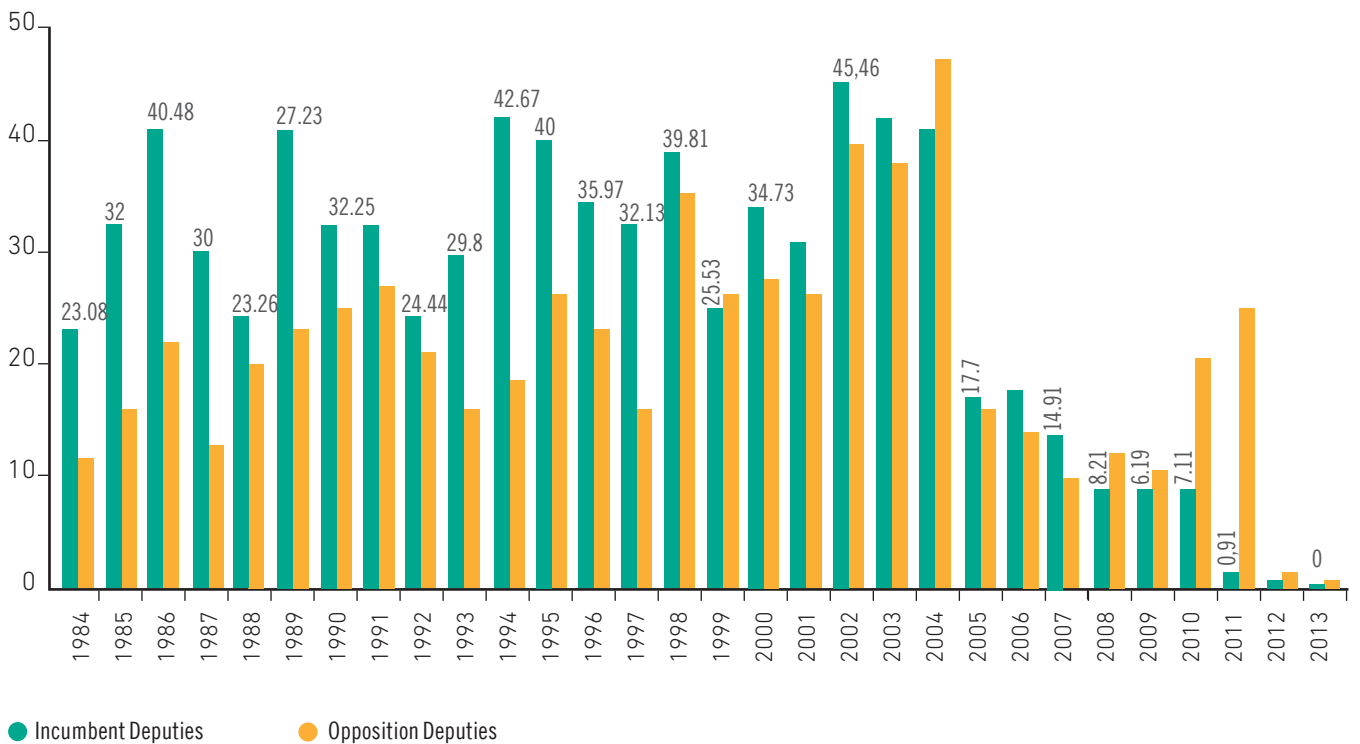
Own elaboration. Source: (report of parliamentary proceedings available at <http://www.diputados.gov.ar> and <http://www.senado.gov.ar>)

Figure 21. Introduced, Approved and Answered Requests For Information (1999 – 2014)



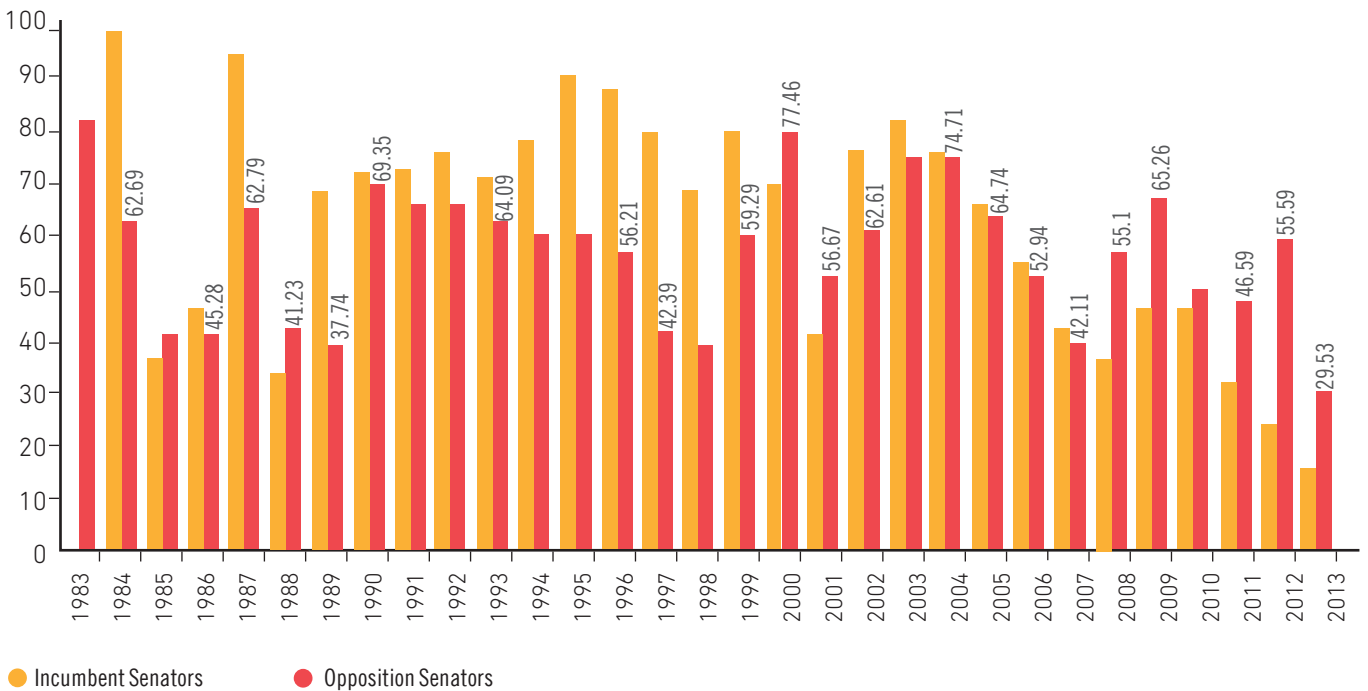
Own elaboration. Source: (Information office of the National Congress available at <http://www.diputados.gov.ar> and <http://www.senado.gov.ar>)

Figure 22. Approval Rates By Incumbent and Opposition Deputies (1984-2013)



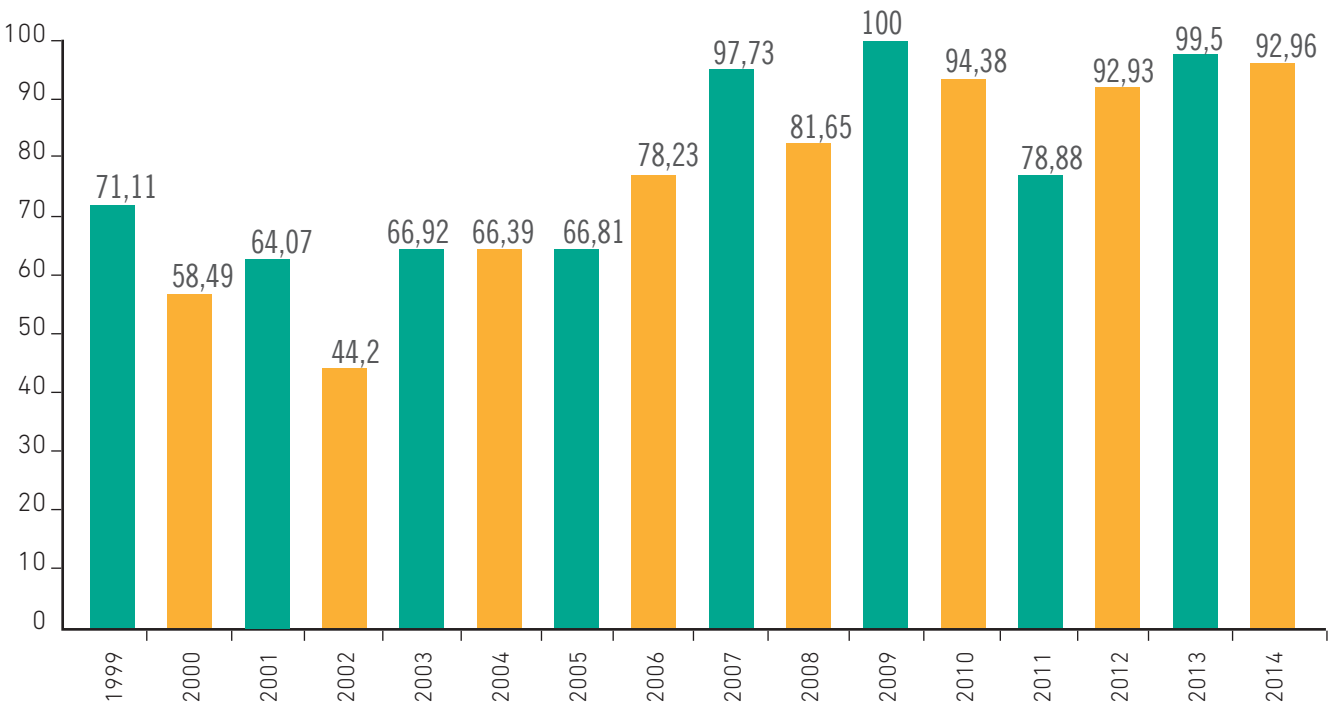
Own elaboration. Source: (Information office of the National Congress available at <http://www.diputados.gov.ar> and <http://www.senado.gov.ar>)

Figure 23. Approval Rates By Incumbent And Opposition Senators (1984-2013)



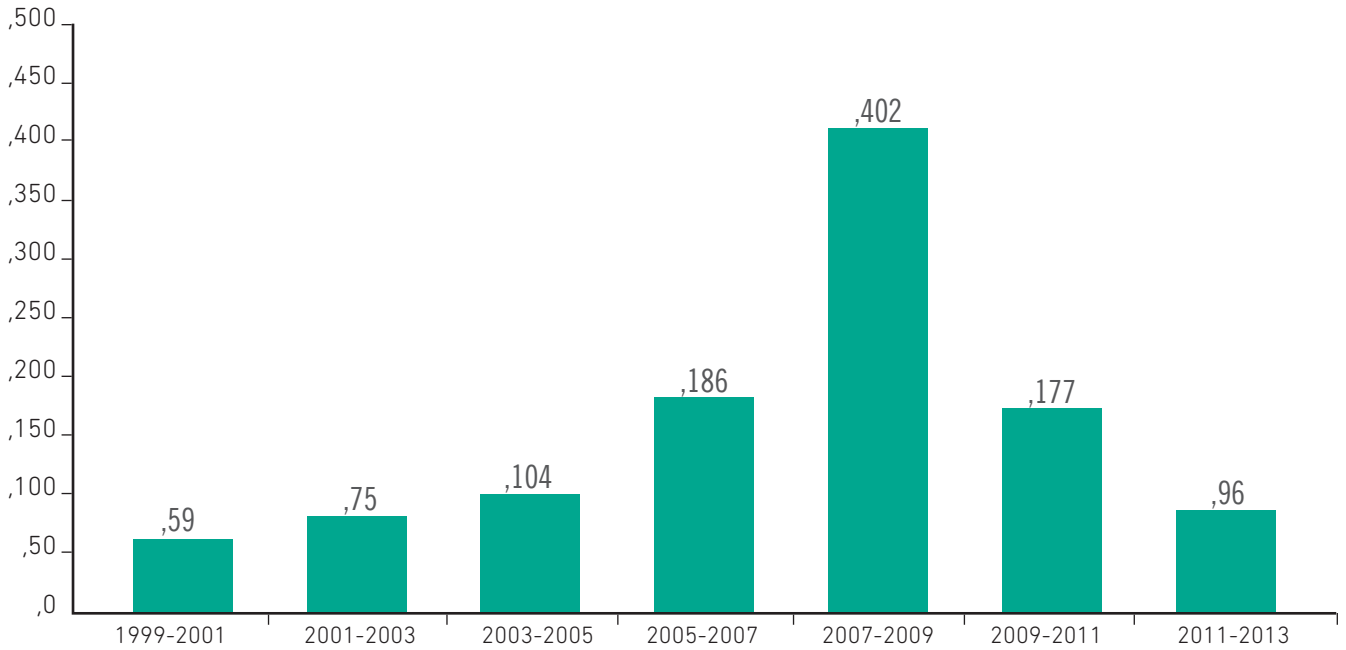
Own elaboration. Source: (Information office of the National Congress available at <http://www.diputados.gov.ar> and <http://www.senado.gov.ar>)

Figure 24. Approval Rate of NAO Expedients



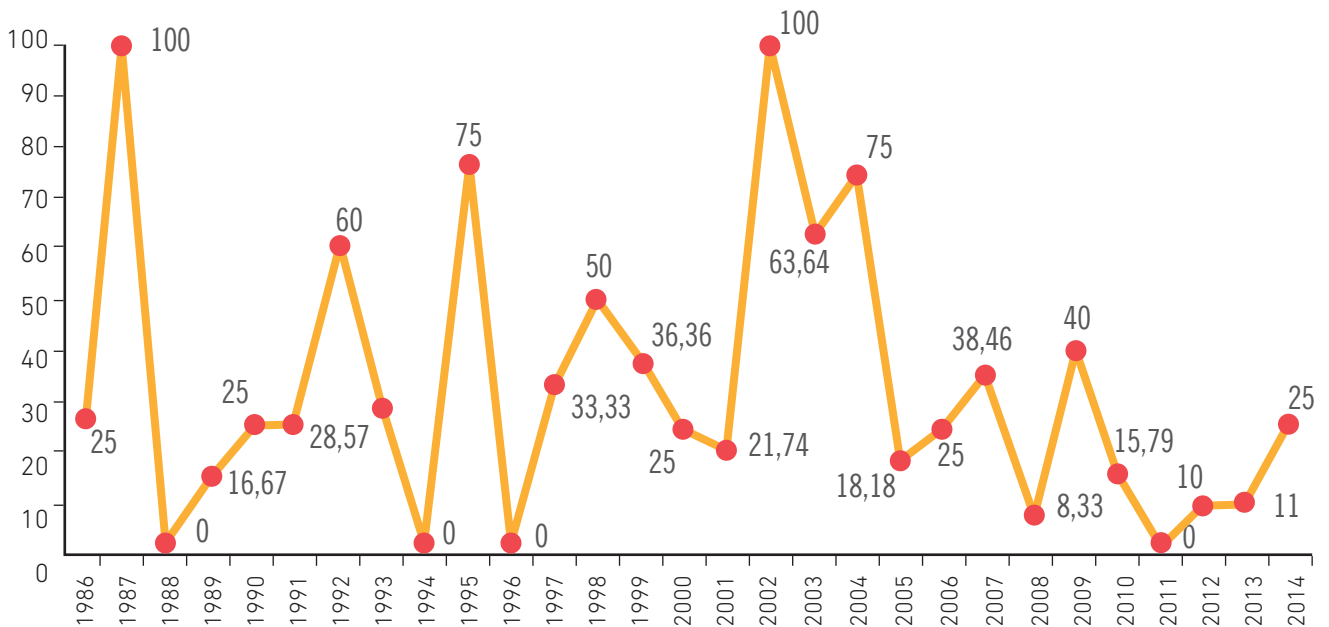
Own elaboration. Source: (Information office of the National Congress available at <http://www.diputados.gov.ar> and <http://www.senado.gov.ar>)

Figure 25. Average Days Elapsed Between Its Introduction And Its Approval (1983-2013)



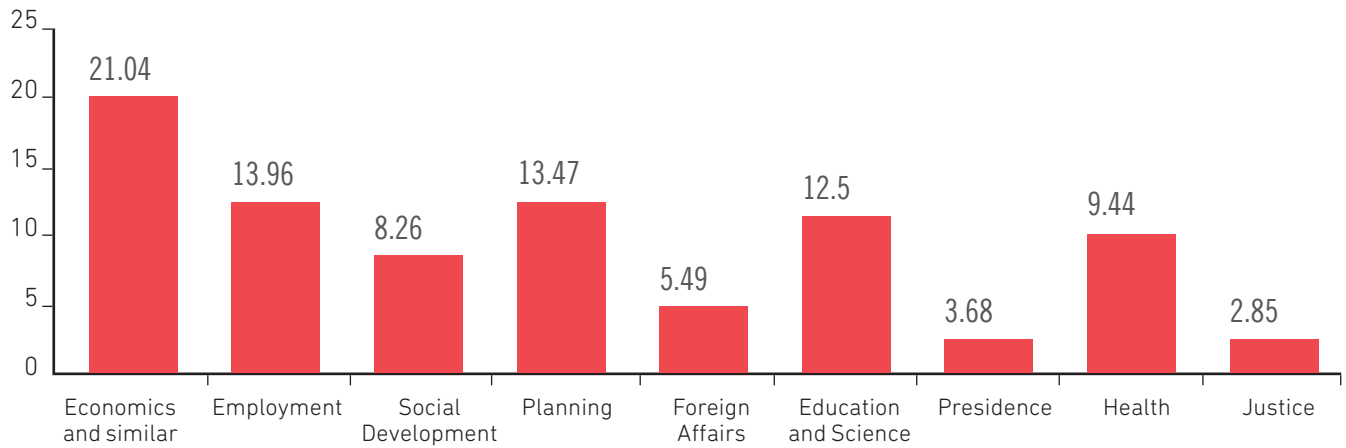
Own elaboration. Source: (Information office of the National Congress available at <http://www.diputados.gov.ar> and <http://www.senado.gov.ar>)

Figure 26. Introduced And Approved Requests For Information About Aerolineas Argentinas



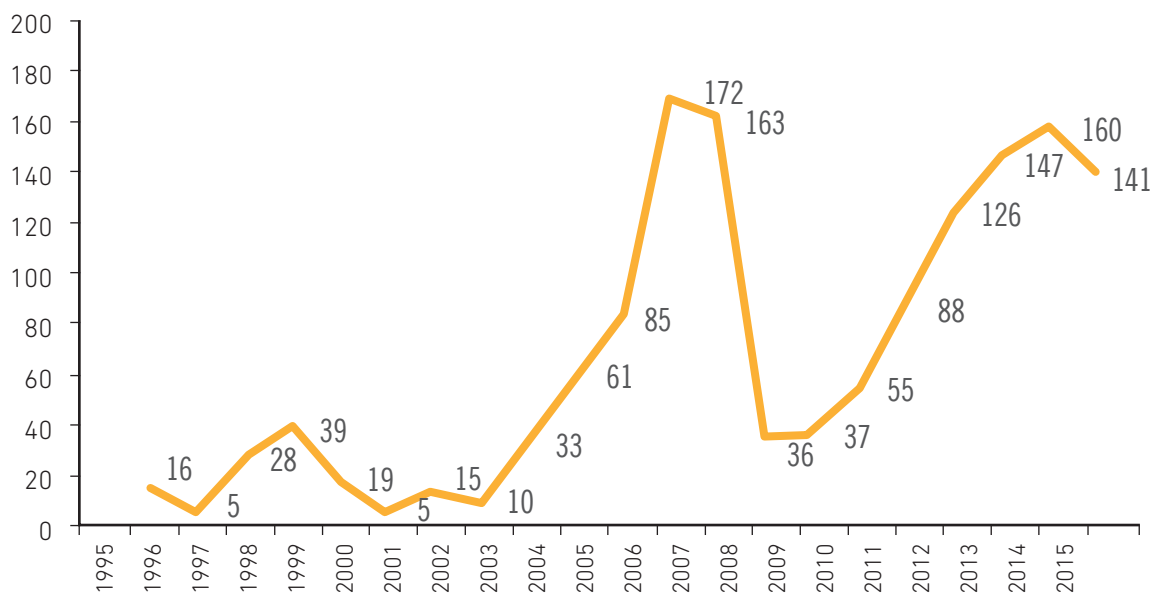
Own elaboration. Source: (Information office of the National Congress available at <http://www.diputados.gov.ar> and <http://www.senado.gov.ar>)

Figure 27. Indicators Used By the President (by policy area)



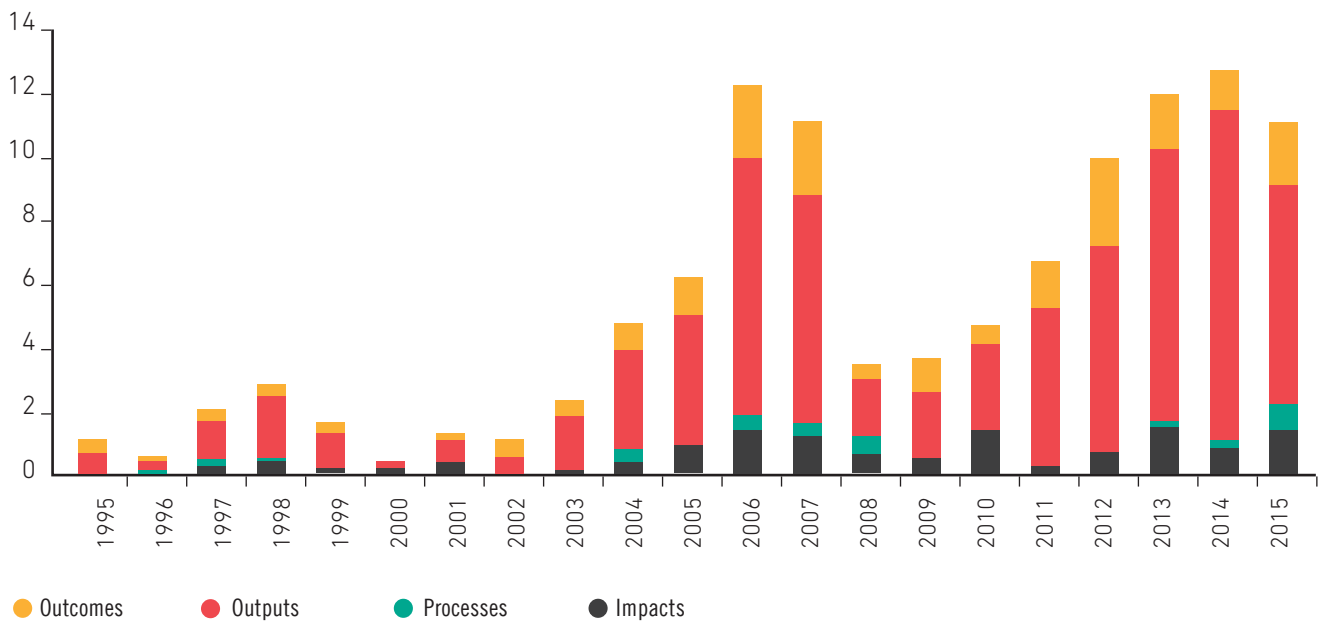
Own elaboration. Source: (State of the Nation Speech available at <http://www.casarosada.gob.ar/>)

Figure 28. Evolution of the Number of Indicators By Speech



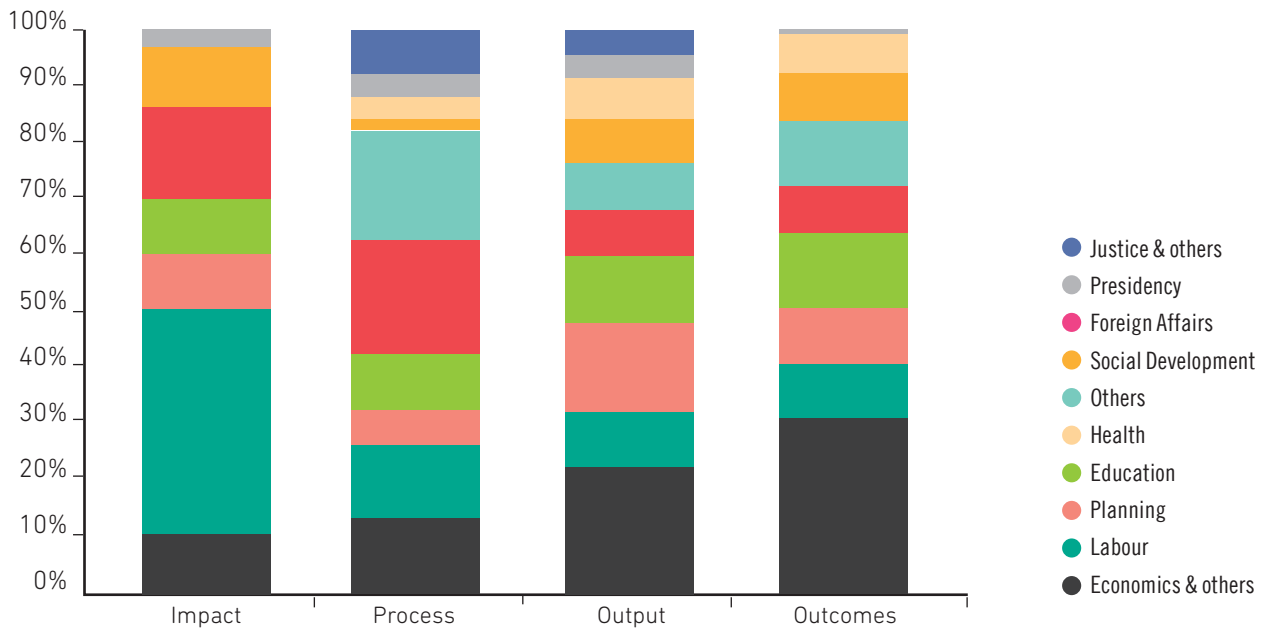
Own elaboration. Source: (State of the Nation Speech available at <http://www.casarosada.gob.ar/>)

Figure 29. Percentage and Type of Indicator by Year 1995-2015



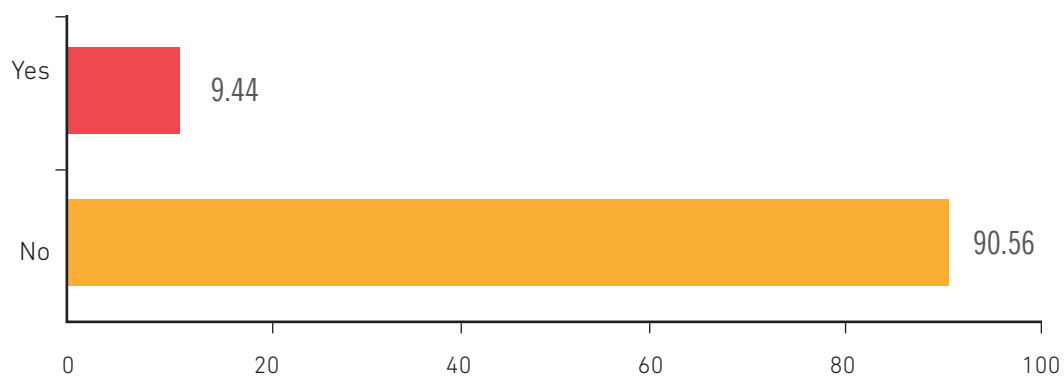
Own elaboration. Source: (State of the Nation Speech available at <http://www.caserosada.gob.ar/>)

Figure 30. Percentage and type of indicator by Ministry/Area



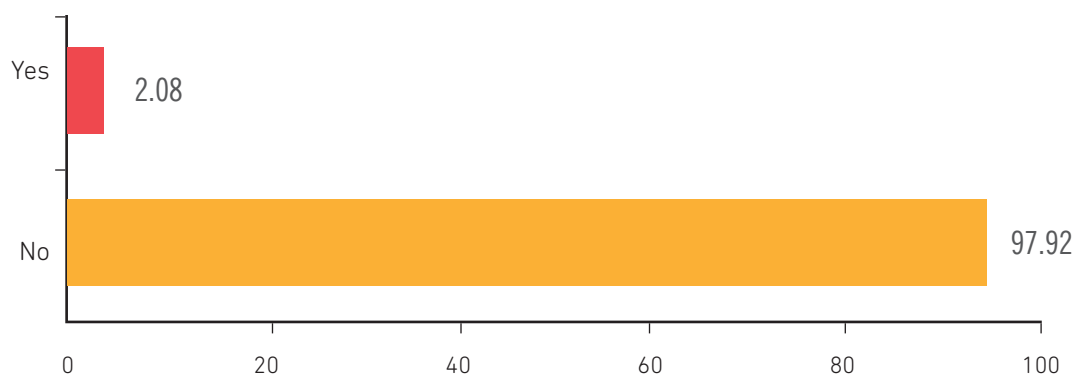
Own elaboration. Source: (State of the Nation Speech available at <http://www.caserosada.gob.ar/>)

Figure 31. Indicator Replicated from Previous Year



Own elaboration. Source: (State of the Nation Speech available at <http://www.casarosada.gob.ar/>)

Figure 32. Source of Indicator Cited



Own elaboration. Source: (State of the Nation Speech available at <http://www.casarosada.gob.ar/>)

Annex 2: Tables

Table 1. Managing For Development Results- General Evolution of Key Indicators

GpRD pillar	2007	2013	Variation
Results-oriented planning	2,3	2,8	0,5
Results-based budget	1,5	1,9	0,4
Public finance management	2,5	2,9	0,4
Programme & Project management	1,9	2,3	0,4
Monitoring & evaluation	1,6	1,9	0,3
General GpRD index	2,0	2,4	0,4

Note: to ease the reading of the chart, numbers were rounded up. The general index is the simple average of the five pillars. To make the samples of both periods comparable, Bolivia was eliminated from the 2007 data, as it did not participate in the 2013 measurements. The original score of the General GpRD index in 2007 was 1.9.

Source:(Armijo et al, 2015)

Table 2. Managing For Development Results- General Evolution of Key Indicators By Country

Score	2007	2013
High level	(4 countries)	(4 countries)
Score ≥3,0	Brazil	Brazil
	Chile	Chile
	Colombia	Colombia
	Mexico	Mexico
Medium level	(14 countries)	(18 countries)
Score <3 ≥1.5	Argentina	Argentina
	Barbados	Barbados
	Costa Rica	Costa Rica
	Ecuador	Ecuador
	El Salvador	El Salvador
	Guatemala	Guyana
	Honduras	Haiti
	Jamaica	Guatemala
	Nicaragua	Honduras
	Panama	Jamaica
	Peru	Nicaragua
	Dominican Republic	Panama
	Trinidad & Tobago	Paraguay
	Uruguay	Peru
	Dominican Republic	
	Suriname	
	Trinidad & Tobago	
	Uruguay	

Score	2007	2013
Low level	(6 countries)	(2 countries)
Score <1,5	Bahamas	Bahamas
	Belize	Belize
	Guyana	
	Haiti	
	Paraguay	
	Suriname	

Source:(Armijo et al, 2015)

Table 3. Monitoring And Evaluation Pillar

Score for the components of the Monitoring & Evaluation pillar	2007	2013	Variation
Monitoring & Evaluation	1,6	1,9	0,3
Monitoring of the governmental administration	1,6	2	0,4
Statistical information systems	2,7	3,1	0,3
Evaluation of the governmental administration	1,1	1,4	0,2

Notes: to ease the reading of the chart, numbers were rounded up.
Source:(Armijo et al, 2015)

Table 4. Monitoring And Evaluation Pillar (By Country)

Index for the Monitoring & Evaluation pillar per country in 2013 and variation since 2007	Score in 2007	Variation since 2007
Chile	4,6	0,2
Mexico	4,2	0,9
Brasil	4	0,1
Colombia	3,9	0,2
Costa Rica	3,4	0,4
Ecuador	2,3	0,6
Uruguay	2,2	1
Peru	2	0,9
Honduras	2	-0,3
AVERAGE	1,9	0,3
Dominican Republic	1,6	0,2
Guatemala	1,5	0
Suriname	1,5	0,2
Jamaica	1,5	0,9

Index for the Monitoring & Evaluation pillar per country in 2013 and variation since 2007	Score in 2007	Variation since 2007
Nicaragua	1,4	0,5
Haiti	1,3	0,2
Trinidad & Tobago	1,3	0,5
Panama	1,2	0,2
Barbados	1,2	0
El Salvador	1,1	0,5
Guyana	0,9	0,6
Bahamas	0,8	0
Argentina	0,8	-0,4
Paraguay	0,7	0,3
Belize	0,4	0

Source:(Armijo et al, 2015)

Table 5. Comparison of Institutions And Horizontal Accountability Mechanisms

Branch	Mechanism	Mexico	Brazil	Chile	Argentina	
Executive	State of the Nation	No*	Yes 02-15	Yes 02-15	Yes 03-01	
	National Development Plan	Yes	Yes (Plano Plurianual de Ação)		Not explicit	
	Chief of Cabinet	Chief of Cabinet's report to the Congress	Does not exist (Government Secretariat?)	Head of the Civil House	Does not exist (President's General Secretariat?)	
	Statistic Agency	Statistical reports	Yes	Yes	Yes	Yes
	Independent Evaluation Office	Monitoring and evaluation reports	Yes	Yes	Yes	No
Legislative	Congress	Legislative control institution	Superior Audit Office	Union Court of Accounts	General Comptroller of the Republic**	National Audit Office
	Ombudsman		Yes	No***	No	Yes****

Note: *Article 69 of the Mexican constitution states that during the session opening "the President will present a written report"

** Autonomous institution; neither Executive nor Legislative linkages could be found (Art 98 of the Chilean constitution)

*** Inside the Public Ministry there is the General Attorney of Citizens' Rights, which fulfills a similar role

**** Since December 2013 there is no Ombudsman

Own elaboration. Source: (Constitution of Argentina, Constitution of Brazil, Constitution of Chile; Constitution of Mexico)

Table 6. Determinants of the Report By the Chief of Cabinet At Congress

	(1)	(2)	(3)	(4)	(5)	(6)	
Political and economic context	Electoral year (d)	-0.221*** (0.068)	-0.242*** (0.071)	-0.249*** (0.072)	-0.241*** (0.073)	-0.246*** (0.072)	-0.291*** (0.100)
	President PJ (d)		0.269*** (0.086)	0.061 (0.233)	0.078 (0.229)	0.087 (0.221)	
	% President's coalition in Deputies		0.093 (0.708)	0.881 (0.769)	1.080 (0.789)	0.916 (0.764)	3.614 (2.761)
	% President's coalition in Senate		-0.612 (0.493)	-0.432 (0.492)	-0.558 (0.509)	-0.492 (0.489)	-2.437 (2.502)
	Industrial monthly Estimator (base 2006 =100)		-0.004** (0.002)	-0.003 (0.003)	-0.002 (0.002)		-0.022 (0.021)
	Synthetic indicator of building activity (2004=100)					-0.001 (0.002)	
	ICG (government image)						0.066 (0.112)
	GDP per capita (US\$ 2005)						0.000 (0.000)
	% of the population living with less than US\$2.5 per day						-0.026 (0.031)
	Characteristics of the CoS	Age of CoC			0.012 (0.009)	0.013 (0.009)	0.012 (0.009)
Provincial Experience (d)				0.268 (0.175)	0.227 (0.168)	0.222 (0.189)	0.318*** (0.092)
Coc from Metropolitan Area of City of Buenos Aires (d)				-0.192* (0.110)	-0.218** (0.095)	-0.222** (0.102)	-0.463 (0.452)
Mandate time elapsed					-0.000 (0.000)		
Mandate length				-0.000 (0.000)		-0.000 (0.000)	-0.000 (0.000)
Observations	183	180	180	180	180	108	
Pseudo R-squared	0.042	0.080	0.132	0.133	0.130	0.113	

Note: Probit model, reported to the congress as dependent variable. Coefficients show marginal effects. Robust standard errors in parentheses. *p<0.1 **p<0.05 ***p<0.01. (d) indicates change in dicotomic variable, from 0 to 1. Complete definition of the independent variables and sources are available in the following table.

Own elaboration

Source and definitions:

		Definition	Source
	Dependent variable: Visit of the CoS to Congress	1 if Chief of Cabinet visited Congress that month	Report of parliamentary proceedings available at http://www.diputados.gov.ar and http://www.senado.gov.ar
Political and economic context	Electoral year	1 if there are national elections that year	Administrative records
	President PJ (d)	1 if president if from the Peronist party	Administrative records
	% President's coalition in Deputies	Percentage of Deputies that are from the president's coalition	Anibal Perez Linan dataset
	% President's coalition in Senate	Percentage of Senators that are from the president's coalition	Anibal Perez Linan dataset
	Synthetic indicator of building activity (2004=100)	Estimator of the activity of the construction sector	INDEC
	ICG (government image)	Citizen's confidence in government	UTDT
	GDP per capita (US\$ 2005)	GDP per capita	World Bank
	% of the population living with less than US\$2.5 per day	Percentage of population under poverty	BID
Characteristics of the CoS	Age of CoC	Age of the Chief of Cabinet at the day he should visit Congress	Administrative records
	Provincial Experience (d)	1 if Chief of Cabinet had previous experience in local government (executive or legislative)	Administrative records
	Coc from Metropolitan Area of City of Buenos Aires (d)	1 if Chief of Cabinet is from the Metropolitan Area of Buenos Aires City	Administrative records
	Mandate time elapsed	Total number of days between the first day in office and the day that the Chief of Cabinet should have visit Congress	Administrative records
	Mandate length	Total number of days that the Chief of Cabinet was in office	Administrative records

Table 7. Determinants of Approval of Requests of Information

	(1)	(2)	(3)	(4)	(5)
Bill introduced by a Senator	0.37*** (0.005)	0.34*** (0.005)	0.34*** (0.005)	0.34*** (0.005)	0.38*** (0.005)
Bill introduced by an incumbent legislator	0.06*** (0.005)			0.08*** (0.005)	0.06*** (0.005)
PJ President	0.02** (0.01)	0.03*** (0.01)	0.01** (0.01)	0.01 (0.01)	0.01** (0.01)
Days left until next presidential election	3.4e-05*** (4.5e-06)	3e-05*** (4.6e-06)	3.2e-05*** (4.6e-06)	3.2e-05*** (4.6e-06)	3.3e-05*** (4.5e-06)
President holds a majority of seats only in one Chamber	0.09*** (0.01)	0.08*** (0.01)	0.08*** (0.01)	0.08*** (0.01)	0.09*** (0.01)
President holds a majority of seats only in both Chambers	0.02 (0.01)	0.002 (0.01)	0.002 (0.01)	0.001 (0.01)	0.02 (0.01)
Bill signed by more than one legislative party group	0.01** (0.007)	0.03*** (0.007)	0.02*** (0.007)	0.03*** (0.007)	0.01* (0.007)
Bill introduced by a PJ legislator		0.05*** (0.005)			
Bill introduced by a UCR legislator			-0.006 (0.005)		
Number of deputies assigned to the first signatory's province				-0.0002* (9.7e-05)	
Provinces that have five Deputies assigned					-0.05*** (0.006)
Constant	0.13*** (0.013)	0.11*** (0.013)	0.15*** (0.013)	0.14*** (0.013)	0.14*** (0.013)
Observations	38,829	37,378	37,378	37,514	38,829
R-squared	0.13	0.11	0.10	0.11	0.13

Note: Standard errors in parentheses *** p<0.01, ** p<0.05, * p<0.1

Own elaboration

Source: (Information office of the National Congress available at <http://www.diputados.gov.ar> and <http://www.senado.gov.ar>)

Table 8. Determinants of Response of Requests of Information

	(1)	(2)	(3)	(4)	(5)
Bill introduced by a Senator	0.71*** (0.05)	0.63*** (0.05)	0.54*** (0.05)	0.59*** (0.05)	0.69*** (0.05)
Bill introduced by an incumbent legislator	0.41*** (0.05)			0.31*** (0.05)	0.40*** (0.05)
PJ President	-0.07 (0.07)	0.08 (0.07)	0.01 (0.07)	0.02 (0.07)	-0.07 (0.07)
Days left until next presidential election	3.3e-03*** (5.3e-05)	3.8e-03*** (5.8e-05)	3.9e-03*** (5.8e-05)	3.9e-03*** (5.8e-05)	3.3e-03*** (5.3e-05)
President holds a majority of seats only in both Chambers	-0.09* (0.05)	-0.07 (0.06)	-0.08 (0.06)	-0.08 (0.06)	-0.09* (0.05)
Bill signed by more than one legislative party group	-0.04 (0.06)	-0.1 (0.06)	-0.18*** (0.06)	-0.13** (0.06)	-0.04 (0.06)
Bill introduced by a PJ legislator		0.33*** (0.05)			
Bill introduced by a UCR legislator			-0.02 (0.06)		
Number of deputies assigned to the first signatory's province				-0.002** (0.001)	
Provinces that have five Deputies assigned					0.09 (0.05)
Constant	-0.5*** (0.08)	-0.56*** (0.08)	-0.38*** (0.08)	-0.40*** (0.09)	-0.51*** (0.08)
Observations	8,498	7,262	7,262	7,361	8,498
R-squared	0.04	0.04	0.04	0.04	0.04

Note: Standard errors in parentheses *** p<0.01, ** p<0.05, * p<0.1

Own elaboration

Source: (Information office of the National Congress available at <http://www.diputados.gov.ar> and <http://www.senado.gov.ar>)

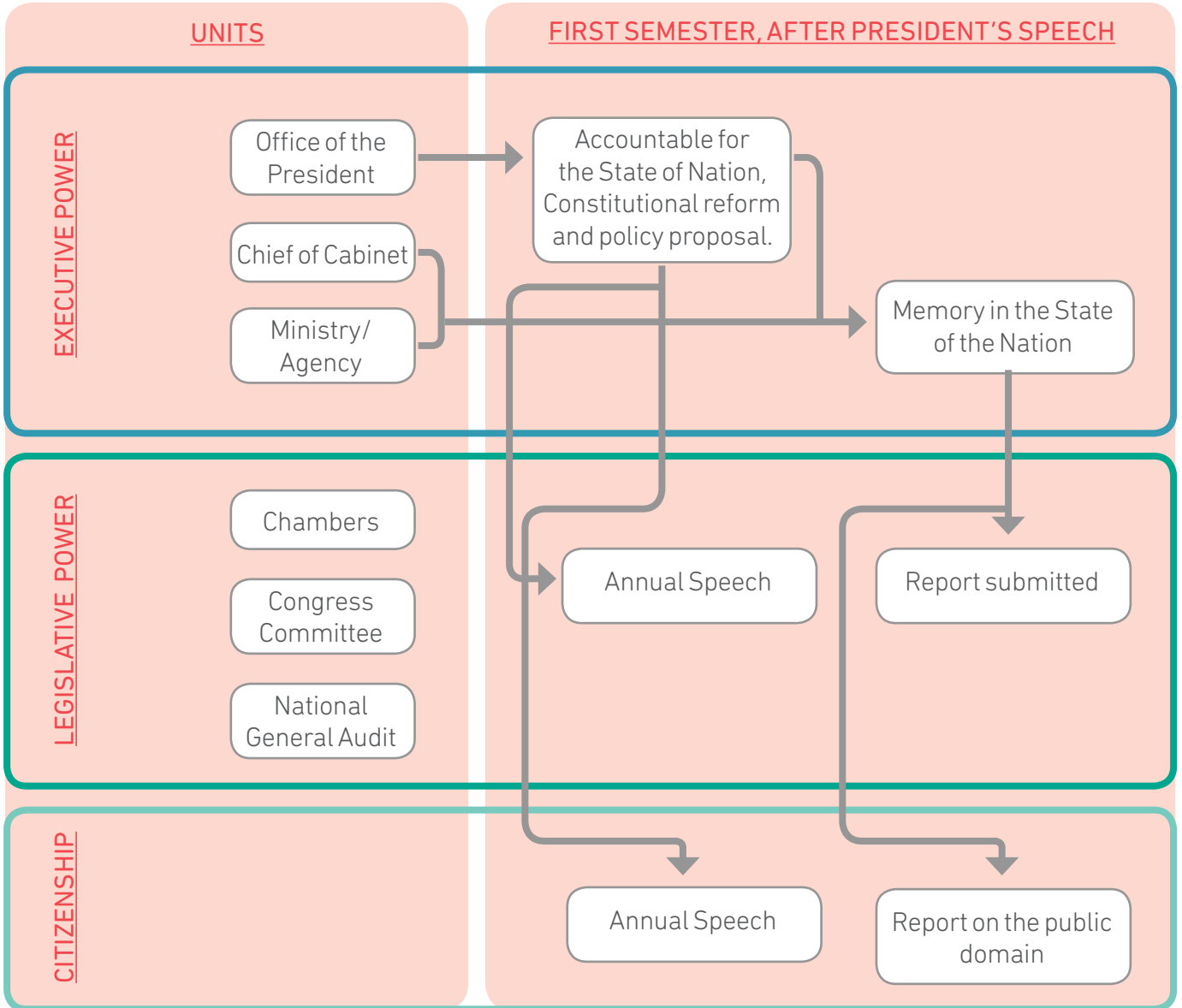
a. List of interviewees

Name	Position	Date
Rodolfo Terragno	Former Chief of Cabinet (December 1999-October 2000). Former National Senator (2001-2007) and National Deputy (1993-2001)	July 13th, 2015
Maria Carolina Podestá	Public official at the Chief of Cabinet department.	August 27th, 2015
Andrés Gilio	Former Under-Secretariat of Public Management and Personnel. Adviser of Juan Manuel Abal Mendina during his time at the Chief of Cabinet position.	September 1st, 2015
Martín Sánchez	He works at the NGA, following its expedients at Congress.	September 3rd, 2015
Manuel Garrido	National Deputy (member of the Comisión Parlamentaria Mixta Revisora de Cuentas de la Administración)	September 3rd, 2015
Juan Manuel Abal Medina	Former Chief of Cabinet (December 2011-November 2013). Current National Senator.	September 9th, 2015
Mariano Montes	Former public official at the Chief of Cabinet department.	September 9th, 2015
Emiliano González	Director of the Parliamentary Secretary at the Chamber of Deputies	September 11th, 2015
Roberto Basualdo	National Senator. He is one of the vicepresidents of the Senate.	September 15th, 2015
Pablo Tonelli	National Deputy. He spoke about the relationship between NAO and Congress in several meetings.	September 15th, 2015
Silvia Majdalani	National Deputy. She did several requests for information about the financial situation of Aerolíneas Argentinas.	September 22nd, 2015
Cornelia Schmidt-Liermann	National Deputy. She wrote several articles about accountability on different newspapers.	September 24th, 2015

b. Horizontal Accountability Processes

STATE OF THE NATION REPORT

Determinants of Gaps in Horizontal Accountability of Executive to Legislative Bodies in Latin America and Africa
 Article 99 (National Constitution) - Congressional sessions opening
 Article 100 (National Constitution) - Memory on the State of the Nation



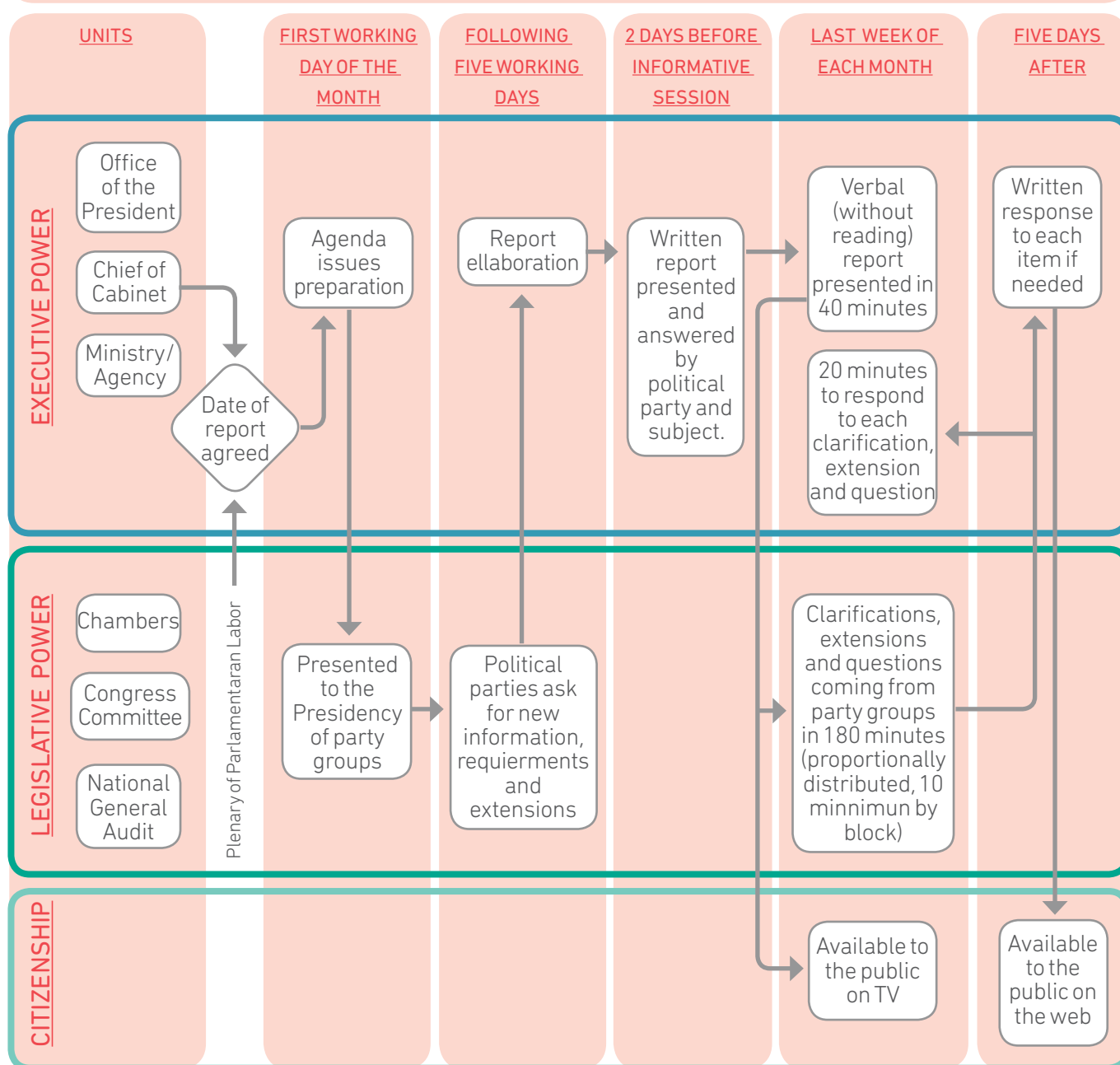
Own elaboration

Source: (Rules and processing of the National Congress available at <http://www.diputados.gov.ar> and <http://www.senado.gov.ar>)

Chief of Cabinet's Visits to Congress – Senators

In the chamber of Senate, process specifications can be found in articles 214 and 215 of the Rules. The session takes place during the last week of the month, and the topics to be presented are exposed by the Chief of Cabinet during the first working day of the month. After that, legislators have 5 days to ask for reports and extensions judged necessary. The Chief of Cabinet must deliver the report and written answers two days before the presentation. In this chamber, the minister has 40 minutes to expose. Then for a period of 180 minutes the blocs ask for specifications and extensions. The time is distributed by the number of senators of each bloc and cannot be less than 10 minutes. The Chief of Cabinet has 10 minutes to answer, or 10 working days to deliver a written answer in case of complex topics or lack of information when doing the presentation.

Determinants of Gaps in Horizontal Accountability of Executive to Legislative Bodies in Latin America and Africa
Article 101 Chief of Cabinet's informative session to the Legislative
Article 215 Senate regulations (2014)



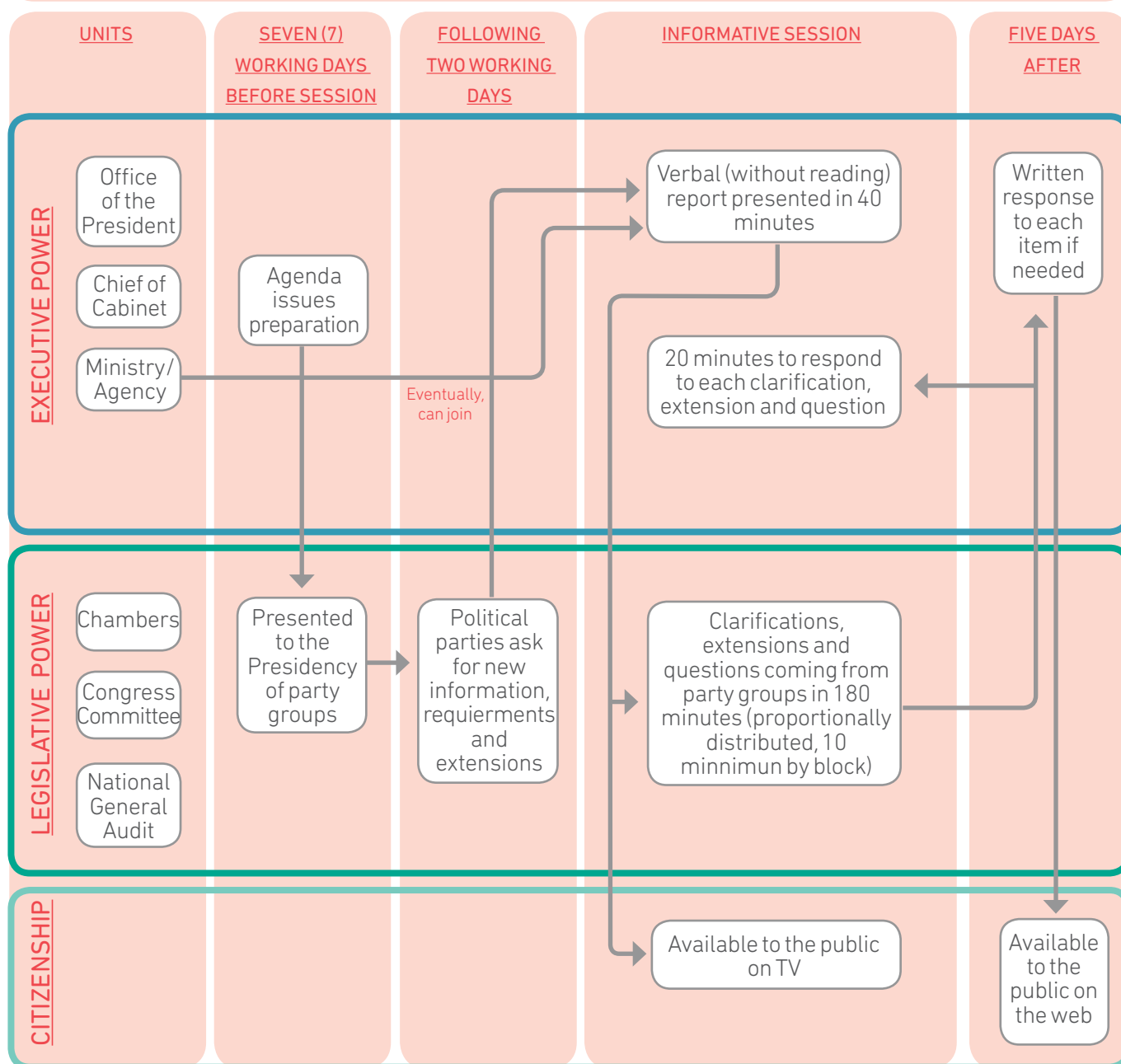
Own elaboration

Source: (Rules and processing of the National Congress available at <http://www.diputados.gov.ar> and <http://www.senado.gov.ar>)

Chief of Cabinet's Visits to Congress – Representatives

In the chamber of Deputies, the Rules establish that “the Chief of Cabinet will approach the presidents of each of the political groupings through the President of the Chamber with a letter requesting the topics to be addressed, with an anticipation of no less than seven working days”. After this period, during the two days after receiving the letter, deputies will ask for requirements, reports and extensions considered necessary. In article 202 it is explained that the Chief of Cabinet will have an hour to present the report, and after that there is a gap of 4 hours for each political grouping to ask for further specifications or extensions, in order according to the number of deputies in each grouping. The Chief of Cabinet has 20 minutes to answer, or can report back up to 5 working days afterwards, in case of complex topics or lack of information when doing the presentation.

Determinants of Gaps in Horizontal Accountability of Executive to Legislative Bodies in Latin America and Africa
Article 101 (National Constitution) - Chief of Cabinet's informative session to the Legislative
Chapter XXII Deputies regulations (2014)



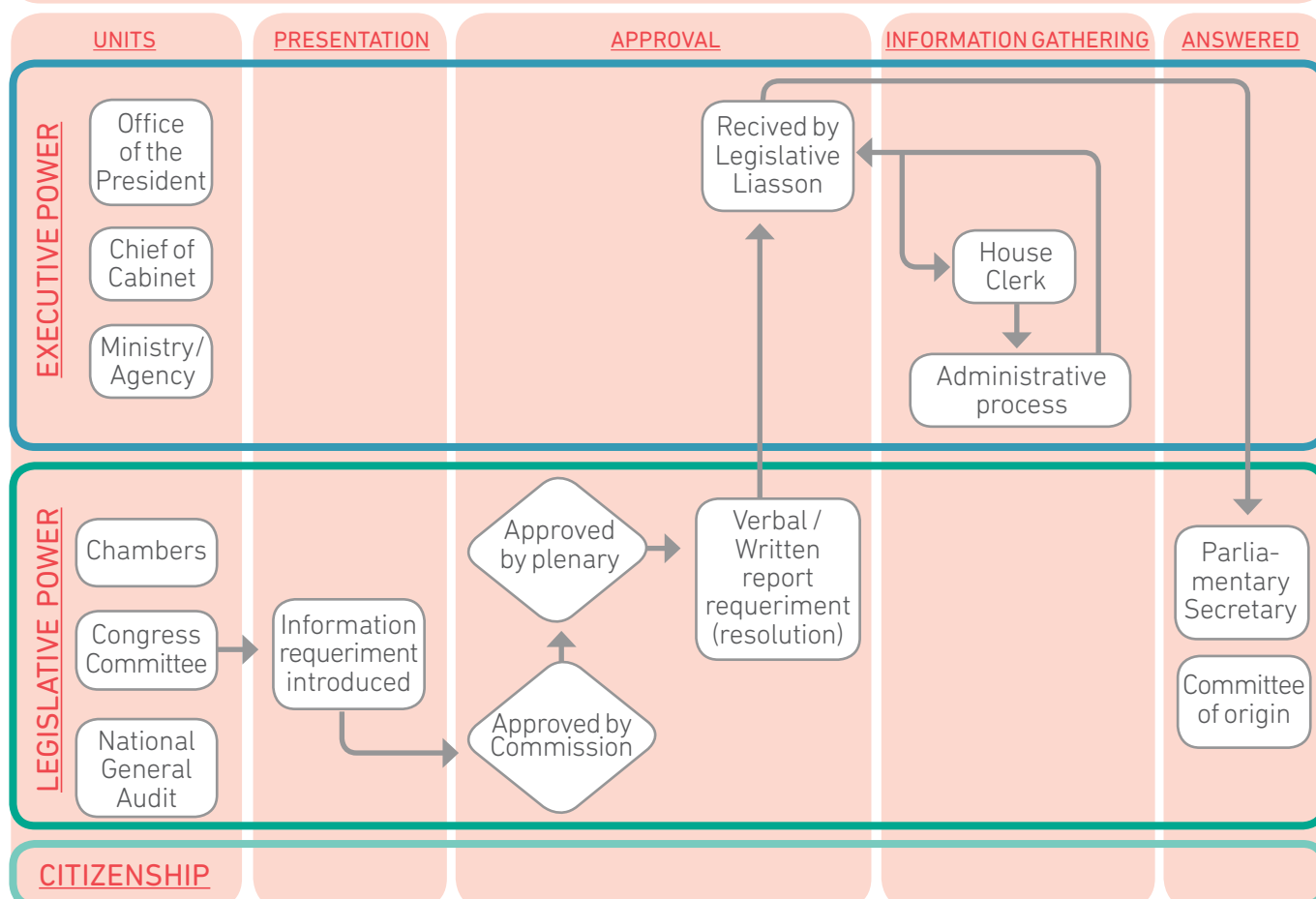
Own elaboration

Source: (Rules and processing of the National Congress available at <http://www.diputados.gov.ar> and <http://www.senado.gov.ar>)

Information request

In the Chamber of Deputies the requests of information are issued and approved as Chamber resolutions,²¹ while in Senate they are formalized as communication projects.²² Either the Chamber of Deputies resolutions or the communication projects in the Senate need only the approval of the respective Chamber to be sent to the Executive power. Nonetheless, the passage of these projects should work differently in the Senate than in the lower chamber as their partisan compositions are commonly different. In the Chamber of Deputies, an individual member or group can issue a written request for information. Once assigned to the corresponding committee (transfer is decided depending on the subject), if the request is approved there as a majority dictum²³ it will be passed to the floor of the Chamber. If it is approved by the Chamber, the request for information is sent to the Directory of Parliamentary Relations (which depends on the Chief of Cabinet) of the executive power by the Direction of Secretary (that depends on the Parliamentary Secretary) of the Chamber of Deputies. The Directory of Parliamentary Relations can decide to which area of the executive power the request should be sent (if it is necessary to do so). It could be answered or not. If it is, that Direction sends the answer to the table of receipts of the Chamber of Deputies. In the Senate, a Senator or a group of them can also present a request for information. There, unlike in the lower chamber, they need to achieve a more restrictive requisite to approve the request: the support of more than half of the Committee members.²⁴ Once achieved that, the request is sent to the floor of the Senate and, if it is also approved there, referred to the aforementioned Directory of Parliamentary Relations by the General Directory of Secretary (that depends on the Parliamentary Secretary) of the Senate. After that, the process is similar to the one in the lower chamber. The Directory of Parliamentary Relations can decide to which area of the executive power the request should be sent (if it is necessary to do so). It could be answered or not; that depends on the internal procedure of every Ministry, as the specificity of the potential contestation.²⁵ If it is answered, that Direction sends the answer to the table of receipts of the Senate.

Determinants of Gaps in Horizontal Accountability of Executive to Legislative Bodies in Latin America and Africa
Article 71 (National Constitution) – Executive Power accountable to Legislative Power
Chapter XXIII Deputies regulations



Own elaboration. Source: (Rules and processing of the National Congress available at <http://www.diputados.gov.ar> and <http://www.senado.gov.ar>)

²¹ Chapter XXIII, Regulation of the Chamber of Deputies

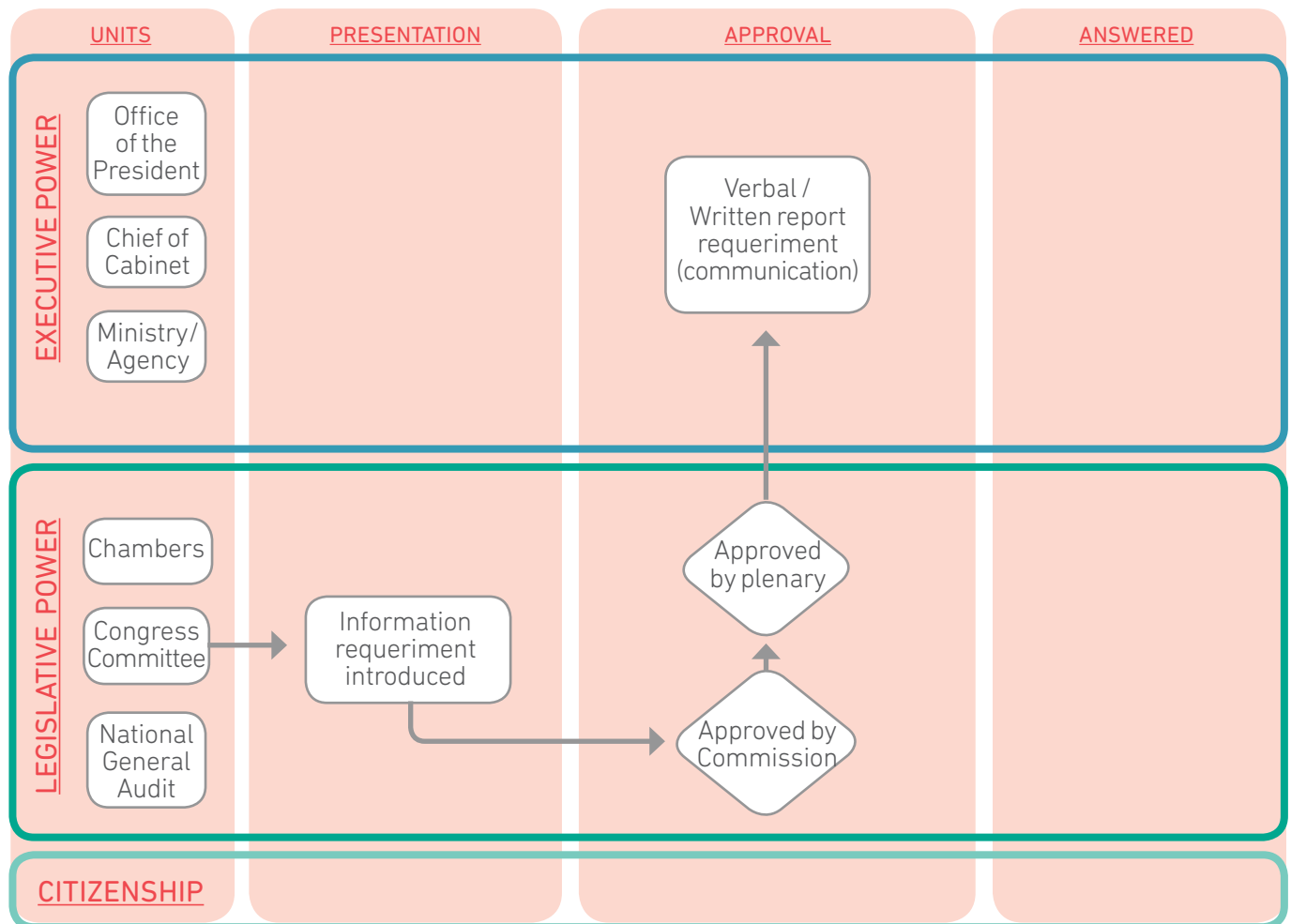
²² Article 130, Regulation of the Senate

²³ According to the Regulation of the Chamber of Deputies, the majority dictum is the one that has the signs of the simple majority of the present members (except in Committees whose Regulations say otherwise).

²⁴ Article 105, Regulation of the Senate

²⁵ Director of Secretary of the Chamber of Deputies Emiliano González and Senator Roberto Basualdo confirmed this fact in the interviews we had with them.

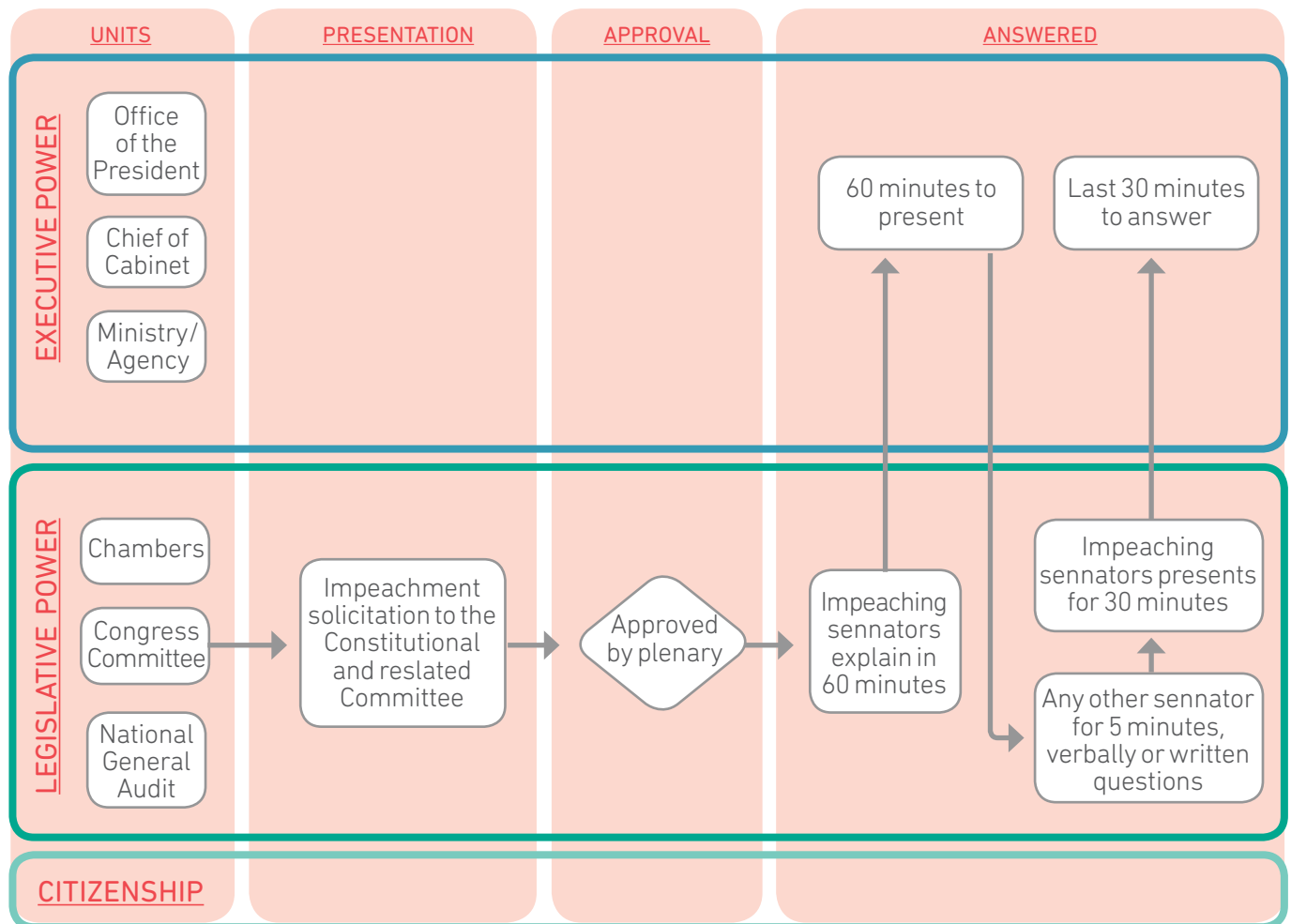
Determinants of Gaps in Horizontal Accountability of Executive to Legislative Bodies in Latin America and Africa
Article 71 (National Constitution) - Executive Power accountable to Legislative Power



Own elaboration

Source: (Rules and processing of the National Congress available at <http://www.diputados.gov.ar> and <http://www.senado.gov.ar>)

Determinants of Gaps in Horizontal Accountability of Executive to Legislative Bodies in Latin America and Africa
Article 71 (National Constitution) - Executive Power accountable to Legislative Power

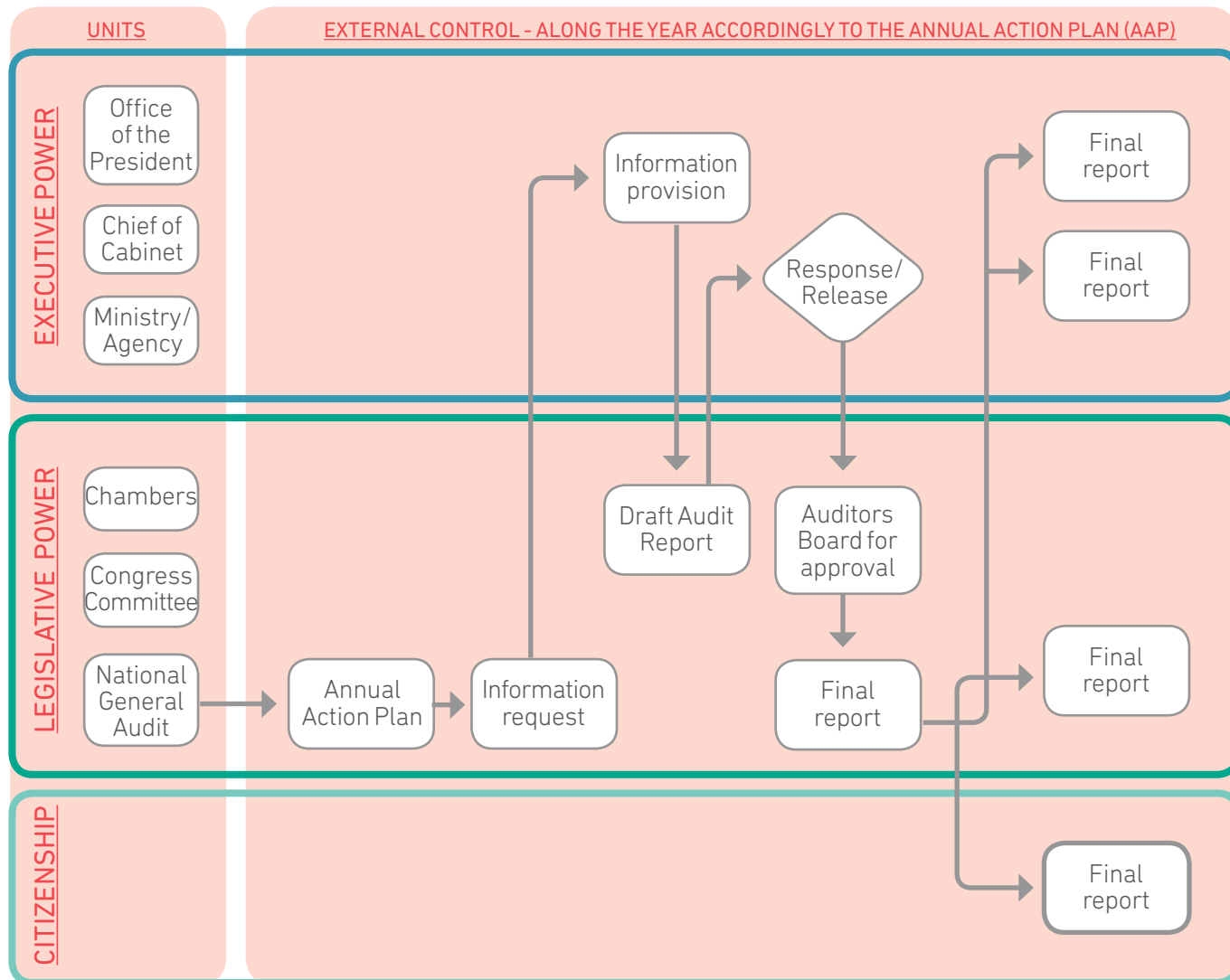


Own elaboration

Source: (Rules and processing of the National Congress available at <http://www.diputados.gov.ar> and <http://www.senado.gov.ar>)

National Audit Office

Determinants of Gaps in Horizontal Accountability of Executive to Legislative Bodies in Latin America and Africa
Article 85 (National Constitution) - National General Audit
Auditing process - <http://www.agn.gov.ar/informes/informes-paso-paso>



Own elaboration

Source: (Rules and processing of the National Congress available at <http://www.diputados.gov.ar> and <http://www.senado.gov.ar>)

c. Reporting on the State of the Nation

Since the 1994 constitutional reform, regular legislative sessions take place between March and November. March the 1st is the day when the president reports on the State of the Nation. In practice, the speech has been used to defend particular accomplishments and general management, either through a thematic agenda or through indicators demonstrating progress or setbacks in each of the areas identified as relevant. Moreover, the President uses this mechanism not only to describe the government's plans and projects, but also to set out the agenda for proposals and regulations that will help to achieve those objectives. According to interviews with former Chiefs of Cabinet, the mechanism in practice works more as a vertical accountability tool from the President to the citizenry.

Our analysis includes 21 speeches, corresponding to the period 1995-2015 and delivered by five different Presidents. The research shows that the institution is performing in accordance with the law: there is no gap in terms of the institutional design and practice for accountability by the Executive to the Legislative. The five democratic presidents gave the Report on the State of the Nation as per the Constitutional mandate.

Nevertheless, our study shows some weaknesses of the performance and usefulness of the mechanism and some variation across presidencies, especially regarding length,²⁶ content and use of qualitative and quantitative data.

First, the analysis of the whole universe of speeches shows trends regarding the topics that are typically addressed. Social issues seem to prevail among the five presidents: education, health, social protection, employment are always included in the Report (Figure 1).

Second, evidence shows that over the years Presidents have increased the use of quantitative indicators.²⁷ As shown in Figure 13, the use of indicators has been a growing and constant trend from 1995 until 2007: It then decreased in 2008 but has recovered over the last years. It is important to highlight that this decline in 2008 might be related to the change of President (It marked the beginning of the two mandates of Cristina Fernández). It can be expected that the first speech of the new President, with just 90 days of mandate, may be strongly based on future plans, while the last speeches may take into account the whole mandate.

When looking at indicators average by speech and president, Néstor Kirchner is the President who used the greatest number of indicators (120 by speech), followed by Cristina Fernández with an average of 98. The rest of the Presidents have used a smaller number of indicators.

Third, we analyse the quality of the information provided by the indicators. In order to do so, we classified indicators as process, output, result and impact. Impact indicators are the most sophisticated ones since they attempt to evaluate the effect of implemented policies on the quality of life of the population. On the other end of the spectrum, there are process indicators which account for the activities of the government, but they cannot show whether these activities really led to changes in social and economic variables. We find that despite the increase in the use of indicators as a tool for responding, their quality remains low. Only 9% of indicators are of impact. In contrast, 69% are output indicators (Figure 2).

During the period of analysis the use of impact indicators is always marginal. On the other hand, the use of output indicators usually grows at the same rate as the increase in the use of indicators in general. We could hypothesize that in a context of a weak evaluation culture there is little public understanding of the difference between output and impact indicators. This hypothesis would imply that products are generally considered to be the last link of the framework, assuming that, for instance, building schools has positive effects on educational quality or that giving instruments to hospitals improves health indicators.

²⁶ The average length of speeches is 106 minutes, being the longest the speech of 2015 (220 minutes) and the shortest the speech of 2003 (37 minutes).

²⁷ The total number of indicators used for the period 1995-2015 is 1.441, being the speech of 1996 the one with the least number of indicators (5) and 2006 the one with the most (171).

An alternative hypothesis is that the use of lower quality indicators may be related to the absence of better quality data. In this scenario, the increased number of indicators may show a greater awareness of the importance of accounting for the implemented actions, but the absence of rigorous policy evaluations may prevent staff from the Executive from providing impact indicators. As a result, Presidents may simply report on activities carried out by the government while waiting for better information in the future. Lastly, the situation may also indicate a mix of these two hypotheses, having both cultural and institutional components affecting the selection of the indicators presented during the speech.

These results are not surprising since social ministries are used to working with indicators to collect information on beneficiaries. Moreover, social policies usually have high visibility and are attractive for Presidents to report on. However, when looking at each particular ministry, the one that uses the greatest number of indicators is the Ministry of Economy and Production (Figure 3), matching with ministries that use data on a daily basis, and also with ministries that have high public and media visibility.

Fourth, there is a lack of continuity in the data used. One of the aspects to highlight is that just 9.5% of the indicators are repeated from one year to the following (Figure 4), and half of them are product indicators, whereas 26% of this fraction refer to impact indicators. From these, just a few are repeated over a long period of time, and it could be thought that these are specifically the indicators that the president highlights to defend the administration. Among the President's first speeches, the highlighted indicators were: "GDP growth" and "tax collection"; some years after, the most important ones were "rate of unemployment" and "education budget". Lastly, the most common indicators repeated over time were: "minimum wage", "level of reserves", "minimum pension", "number of netbooks given", "child mortality" and "relation transplant/hour".

Another finding has to do with the external validity of the data provided. Just in 2% of the total numbers of indicators analysed was the source of information mentioned (Figure 5), and from this fraction the predominant type of indicator is "product". Generally it links to an international organization such as FAO, the International Energy Agency, the IMF and the World Bank. Local sources mentioned are the Consumer price index, University Torcuato Di Tella, the Ministry of Agriculture, the provincial institute of statistics of Santa Fe, *Comisión Nacional sobre la Desaparición de Personas* (CONADEP), and the "national manufactured prices index". Interestingly, there is no explicit reference to the National Statistics Institution as an official data producer.

Last but not least, no critical or conclusive evaluation of government performance can be made based on the reports due to the lack of a plan against which to measure "the State of the Nation". This fact adds to the declining trust in official statistical data and puts a serious question mark on the quality of information provided by the President when reporting to Congress.

A former Chief of Cabinet, and current Senator, says that legislators do not see the State of the Nation Speech as a horizontal accountability mechanism and thus none of them use the information provided for their legislative activities. Interviews with opposition legislators about their perceptions of the performance of the State of the Nation in recent years show that the speech is not perceived as useful for their activities. They find Cristina Kirchner's speeches hard to follow because of their length and because they tend to focus on legacy rather than on future plans. Second, they tend to think that their voice will not be heard during the debates and passage of legislation, and therefore do not take the speech as a useful input to help determine their agenda as legislators.

In conclusion, the analysis shows that presidential speeches do take place every year as expected although the quality of the data is weak, but improving. More importantly, the fact that there is no national plan against which the speech can be measured seems to show that there is a deficit in the speech serving as an instance of horizontal accountability. Even when a greater use of indicators by the last presidents may show a changing tendency, this mechanism requires some changes to start functioning effectively as a horizontal accountability tool. In particular, M&E needs to be strengthened to improve the quality of the data reported and legislators need to start using the information provided.

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