

CIVIL SOCIETY AND AID EFFECTIVENESS

ISSUES PAPER

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Advisory Group on Civil Society and Aid Effectiveness

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List of Acronyms

AE	Aid Effectiveness
AG	Advisory Group
CCIC	Canadian Council for International Cooperation
CEDAW	Convention on the Elimination of all Forms of Discrimination Against Women
CIDA	Canadian International Development Agency
CS	Civil Society
CSO	Civil Society Organization
DAC	Development Assistance Committee
DFID	Department for International Development
ICNL	International Center for Not-for-Profit Law
ICCPR	International Covenant on Civil and Political Rights
INGO	International Non Governmental Organization
INTRAC	International NGO Training and Research Centre
MFA	Ministry of Foreign Affairs
NGO	Non Governmental Organization
ODA	Official Development Assistance
OECD	Organization for Economic Cooperation and Development
PBA	Program-Based Approach
PETS	Public Expenditure Tracking System/Survey
PRSP	Poverty Reduction Strategy Paper
SWAp	Sector-Wide Approach
UDHR	Universal Declaration of Human Rights
UNDP	United Nations Development Program
UNRISD	United Nations Research Institute for Social Development

Summary and Questions for Consultation

1. This Issues Paper is a continuation of work begun in section V of the Advisory Group's Concept Paper. It explores five sets of relationships that condition the contribution of civil society organizations (CSOs) to development and points to the aid effectiveness issues that arise in each case, with a view to stimulating discussion on those issues.

2. The Concept Paper and the Issues Paper are meant as companion documents intended to provide guidance and focus for consultations on civil society and aid effectiveness being promoted by the Advisory Group on Civil Society and Aid Effectiveness (AG).

3. In its Concept Paper, the AG describes its mandate using an outcomes-based perspective. Three desired outcomes are identified:

- Better understanding and recognition of the roles of civil society organizations (CSOs) as development actors and as part of the international aid architecture, and engagement of CSOs in general discussions of aid effectiveness (recognition and voice)
- Improved understanding of the applicability and limitations of the Paris Declaration for addressing issues of aid effectiveness of importance to CSOs, including how CSOs can better contribute to aid effectiveness (applying and enriching the international aid effectiveness agenda).
- Improved understanding of good practice relating to civil society and aid effectiveness by CSOs themselves, by donors and by developing country governments (lessons of good practice).

4. The AG invites participants to address each of these outcome-areas. Documentation to guide the discussions regarding the first two outcome areas can be found in sections III and IV of the Concept Paper.

5. The Issues Paper picks up where the Concept Paper left off, and focuses on "relationships" as a common thread for exploring the issues, as we strive to define what constitutes good practice in matters of civil society and aid effectiveness. The aim of this paper is to identify some of the key challenges facing CSOs and other stakeholders in ensuring that the contributions of CSOs to development are fully realized. The paper addresses the following five sets of relationships:

- Between CSOs and their primary constituents (the people they serve or represent)
- Between and among CSOs at country level and beyond
- Between Northern and Southern CSOs specifically
- Between CSOs and developing-country governments
- Between donors and CSOs.

6. What follows are a number of questions intended to guide discussions on the quality of these relationships. Although the number of questions is quite large, these can be taken as a menu from which to choose.

Key Questions

Relationships between CSOs and their primary constituents

- 1) What characteristics of CSO operations enhance or limit their representativity and their effectiveness as agents of social change, from the perspective of poor and other marginalized groups?
- 2) What strategies and systems might CSOs implement, for maximum development effectiveness, to:
 - a) Ensure that their programs are locally-owned and driven by local priorities
 - b) Strengthen their various accountabilities
 - c) Prioritize conflicting claims of accountability?
- 3) What could donors do to facilitate the implementation of such strategies and systems?

Relationships among CSOs at the country level and beyond

- 4) What are some ways for CSOs at country level and beyond to organize and structure themselves in networks and coalitions to enhance their effectiveness as advocates and representatives? What are some of the strengths and weaknesses of existing structures and mechanisms?
- 5) Based on examples of CSO success, or lack of it, in working together more programmatically, what lessons can be derived about the conditions that helped or hindered those efforts? How might such collaborative efforts be enhanced to further aid effectiveness principles of importance to CSOs?

Relationships between Northern and Southern CSOs

- 6) What distinctions can be made between Northern and Southern CSOs with regard to the roles that they play in development? How might those roles best complement each other?
- 7) What reforms would Southern CSOs like to see in the way that Northern CSOs work with them? What are some examples of positive Northern-Southern CSO relationships from which lessons could be drawn? What opportunities and constraints do Northern CSOs perceive for improving their practices as effective donors?
- 8) What are the advantages and disadvantages of relying on Northern CSO affiliates operating in country to deliver programs in the South?
- 9) What is the feasibility and desirability of more collaborative models of Northern-CSO support for CSO development programs in the South? What are some examples of good practice in this regard? How might models of improved coordination and harmonization be implemented without losing the benefits that come from face-to-face interaction and access to the specialized expertise and different viewpoints that different Northern CSOs might have to offer?

Relationships between CSOs and developing-country governments

- 10) What are some examples of good practice in providing an enabling environment for CSOs as effective development actors (legislation, regulatory framework, fiscal arrangements, access to information, protection of civil and political rights)? What

roles might donors play in supporting the establishment of an enabling environment for CSOs in developing countries?

- 11) To what extent are the roles of CSOs and of elected bodies complementary or competitive in different countries and regions?
- 12) How are CSOs currently organized in different countries and internationally to engage with governments and donors in policy dialogue? Are there ways in which they could organize themselves, or in which they could be supported, to engage more effectively? What could Southern governments do to create a more favourable environment for constructive engagement in policy dialogue?
- 13) What adjustments could be made in donor practices to enable CSOs and parliaments to engage more effectively in reinforcing the accountability of developing country governments and donors?
- 14) Looking at the division of labour between CSOs and government, in which cases does a separation of efforts make the most sense? In which cases would enhanced collaboration be desirable, for example in the context of SWAps or other development programs intended to be relatively comprehensive in scope, and how might such collaboration be promoted?

Relationships between CSOs and donors – donor models of support

- 15) Considering that much donor support is currently channelled through Northern CSOs, should a greater share of funding be channelled directly to Southern CSOs, and if so, under what conditions? How could the advantages of North-South CSO partnerships be maintained?
- 16) In specific countries and regions, what is the current balance between responsive and more targeted or strategic forms of intervention, including more directive funding, core funding or program funding, and capacity development initiatives? Does this balance seem about right, or could alternative approaches be recommended? What are examples of good practice in terms of support models of different types?
- 17) What features would models of donor support need to have in order to decrease the costs of uncoordinated, project-based funding while addressing the multiple and diverse needs of civil society in an increasingly strategic way? What are good examples of this at the country level?
- 18) What sorts of results-management approaches and systems can best allow CSOs to strengthen their various accountabilities, and to accommodate conflicting claims of accountability for the greatest development effectiveness? What could donors do to facilitate the implementation of such approaches and systems?
- 19) How might CSOs and other stakeholders “tell the story” of civil society’s contribution to development in a more convincing way?

I. Introduction

7. This Issues Paper is a product of the Advisory Group on Civil Society and Aid Effectiveness (AG) and complements the AG's Concept Paper.¹ These two papers are intended to provide focus and common purpose for the various AG consultations on civil society and aid effectiveness that will take place over the coming months.

8. The AG is organizing five regional multi-stakeholder consultations in Africa, Asia, and the Americas between September and November 2007, and two CSO-only consultations in Brussels and Johannesburg. These will be followed by an international conference scheduled for February 2008, and the Accra High Level Forum on Aid Effectiveness in Sept. 2008. Complementary consultations are being organized at the national level in a number of countries.

9. The specificity of the AG process is that it is a multi-stakeholder initiative focused on the issue of civil society and aid effectiveness. Other consultation processes with different emphases will also take place, outside the AG's ambit, in the run-up to Accra. These include a parallel CSO process that will culminate in the organization of a CSO Forum on aid effectiveness prior to the Accra High Level Forum, and the official consultations being organized by the Working Party on Aid Effectiveness under the OECD-DAC. The involvement of some AG members in the organization of these other consultations will help to ensure that there is some commonality of purpose and complementarity among these various processes.

10. In its Concept Paper, the AG describes its mandate using an outcomes-based perspective. Three desired outcomes are identified:

- Better understanding and recognition of the roles of CSOs as development actors and as part of the international aid architecture, and engagement of CSOs in general discussions of aid effectiveness (recognition and voice)
- Improved understanding of the applicability and limitations of the Paris Declaration for addressing issues of aid effectiveness of importance to CSOs, including how CSOs can better contribute to aid effectiveness (applying and enriching the international aid effectiveness agenda)
- Improved understanding of good practice relating to civil society and aid effectiveness by CSOs themselves, by donors and by developing country governments (lessons of good practice).

11. The Concept Paper lays the groundwork of a shared conceptual and analytical framework. In defining its subject matter, it adopts a broad view of civil society, not limited to the world of non-governmental organizations (NGOs) whose missions are explicitly and uniquely developmental in character. It thus includes as well such CSOs as farmers' associations, professional associations, community-based organizations, women's organizations, environmental groups, independent research institutes, universities, faith-based organizations, labour unions, and the not-for-profit media among others.

¹ Advisory Group on Civil Society and Aid Effectiveness (2007). "Concept Paper: Civil Society and Aid Effectiveness", http://ccic.ca/e/docs/002_aid_2007-06-12_cso_sae_concept_paper.pdf or at <http://web.acdi-cida.gc.ca/cs>.

12. In terms of the three AG outcomes above, the Concept Paper focuses primarily on the first two (see sections III and IV of that paper). In section III, it reviews the various roles played by CSOs, both as development actors and as part of the international aid architecture. These roles are seen to underpin the legitimacy of claims by CSOs to a voice in discussions of aid effectiveness and in policy dialogue more generally.

13. Section IV of the Concept Paper takes the Paris Declaration's five principles of aid effectiveness - local ownership, alignment, harmonization/coordination, managing for results, and mutual accountability - as reference points, and suggests how these principles may need to be enriched in order to address issues of aid effectiveness from a civil society perspective.

14. The aim of this Issues Paper is to identify some of the key challenges facing CSOs and other development actors in ensuring that the contributions of CSOs to development are fully realized. Contributors to the AG processes are invited to help us define what constitutes good practice in addressing these challenges.

15. As argued in section V of the Concept Paper, it is not possible to cover all aspects of aid effectiveness as part of the AG process. Considering the character of the AG process as an international multistakeholder process, it has been decided to focus on the quality of relationships between and among various categories of stakeholders.

16. This Issues Paper considers five sets of relationships:²

- Between CSOs and their primary constituents (the people they serve or represent)
- Between and among CSOs at country level and beyond
- Between Northern and Southern CSOs specifically
- Between CSOs and governments
- Between donors and CSOs.

17. The objective is to identify and address relationship issues that will enable CSOs and other stakeholders to better pursue all types of development results, including those associated with crosscutting themes such as the promotion and protection of human rights, gender equality and environmental sustainability.

II. Relationships between CSOs and primary constituents

18. Many CSOs operate in an inclusive and participatory manner that is conducive to local ownership and mutual accountability with respect to the people they serve or represent (their "primary constituents"). Participation has been a fundamental principle of the CSO community for decades, as CSOs learned from their on-the-ground experience that higher impact, sustainable outcomes require local ownership.

19. Questions arise, nonetheless, about the extent to which CSO development interventions are "demand-driven" or "supply-driven," about the true nature of CSO linkages to the poor and marginalized, and, for civil society as a whole, about the degree of representativity upon which its legitimacy is based. In practice, one observes considerable variation in the extent to which CSOs actually and effectively involve poor people in decision-making processes or promote their

² These five sets of relationships align fairly closely with issue topics identified in earlier efforts by the AG. Prior work by AG members and others on these issue areas has been incorporated into this paper.

empowerment and participation (MFA Norway 2006:19; Chapman and Wendoh 2007). Some empirical studies suggest that relative to other aid channels, aid to CSOs is effective in reducing poverty due to CSOs' links to and targeting of the poor and vulnerable (Masud and Yontcheva 2005, Gilles and Yontcheva 2006), but only limited systematic evidence is available on this question (UNRISD 2000).

20. The same concerns with local ownership and mutual accountability apply when CSOs are engaged as representatives of particular social groups or interests in policy dialogue with government, or in holding governmental bodies or aid donors to account. The issue is a crucial one, since the legitimacy of CSOs in these capacities rests to a large extent on the nature of its own relationships with their primary constituents.

21. Relationships between CSOs and their primary constituents are highly variable because organizations differ in terms of the values, institutional culture, and accountability structures that govern them. Important differences are likely to exist also in the capacity of primary constituents to express their needs and demands and to enforce accountability. Furthermore, where aid funds flowing from outside sources through CSOs are involved, those CSOs acquire a degree of independence that may work against their accountability to primary constituents. CSOs' accountability relationships with primary constituents thus vary considerably from case to case.

22. At the same time, CSOs themselves face a power imbalance with donors and governments to whom they are also accountable. CSOs face a web of accountability, with lines running in four directions: upwards to institutional and private donors and governments, inwards to their own staff and mission, horizontally to other organizations with which it may be working, and "downwards" to primary constituents (Kovach et al 2003). This raises questions about which of these accountability relationships tend to predominate, and to what extent CSOs are inclined to favour their accountability relationship to more powerful stakeholders versus beneficiaries and others with less clout (Brown and Jagadananda 2007:17)?

23. There may be some important differences in this respect between membership-based CSOs, such as a farmers' association, a professional association, or a chamber of commerce, which involve a representative structure of governance, and non-government organizations (NGOs), which are likely to have a board of directors, but whose clients are not also its members.

24. The issue of CSO relationships with primary constituents thus raises important empirical as well as theoretical questions. From an aid effectiveness perspective, a number of questions might usefully be addressed as part of the AG consultative process:

- What characteristics of CSO operations enhance or limit their representativity and their effectiveness as agents of social change, from the perspective of poor and other marginalized groups?
- What strategies and systems might CSOs implement, for maximum development effectiveness, to:
 - ensure that their programs are locally-owned and driven by local priorities
 - strengthen their various accountabilities
 - prioritize conflicting claims of accountability?
- What could donors do to facilitate the implementation of such strategies and systems?

III. Relationships among CSOs at country level and beyond

25. This section focuses on how CSOs are organized to perform the various functions that they have taken on. When looking at the landscape of CSOs in a country, it may be useful to first enquire into the types of CSOs that predominate, the extent to which different social groups are represented, the functions they perform, and the areas of strength and weakness, establishing the lay of the land, much along the lines that the CIVICUS civil society index has pioneered (CIVICUS 2006).

A. Collaboration for advocacy and policy dialogue

26. Of particular importance, in terms of CSO effectiveness, are the ways that different CSOs are organized to work together for advocacy work and policy dialogue. CSOs may combine efforts in different ways, through membership-based platforms or umbrella organizations, or through looser forms of networking. Such efforts can serve to aggregate multiple CSO voices and more effectively bridge the divide between policy makers and those at grassroots level (Perkin and Court 2005:5). The degree to which these mechanisms represent the full range of diverse interests and voices will be critical to their legitimacy in this respect.

27. Coordination can also take the form of strategic consultations to share information on specific issues and develop joint strategies to address them. An important question here is the ability of country-based CSOs to tap into international networks and organizations, to strengthen their ability to address national or international policy issues.

28. With reference to particular countries or regions, what are some ways for CSOs at country level and beyond to organize and structure themselves in networks and coalitions to enhance their effectiveness as advocates and representatives? What are some of the strengths and weaknesses of existing structures and mechanisms?

B. Projects and programs

29. Important questions can be raised, as well, about the ability of CSOs to coordinate and harmonize their development efforts along the lines advocated by the Paris Declaration, which encourages greater use of program-based approaches. The ability of CSOs to organize and to avoid undue duplication or dispersion of effort is a subject that requires exploration.

30. Experience in this regard varies considerably from country-to-country. In some cases, one finds large CSOs that are capable of organizing their work on a programmatic basis, by themselves or in collaboration with others. At the other extreme, one finds a plethora of smaller community-based organizations that may work in only one community on a small number of projects. The latter may be very effective at mobilizing community efforts and in managing limited resources for maximum impact, but questions arise about the sustainability of those results, about coherence with wider development agenda, about the ability to learn from other experiences, and about the high transactions costs involved. What models of good practice can be identified that strategically combine the advantages of decentralized or community-based efforts with those of a larger programming perspective?

31. Questions need to be asked also about the impact of the aid regime itself on the ability of civil society to engage in more programmatic approaches. CSOs manage different sources of income and must compete with each other for access to funding, and while competition is of obvious value in promoting institutional performance, it also tends to discourage collaboration.

Would it be possible to envisage models of competition for funding that are better adapted for encouraging programmatic, more collaborative, approaches? Based on examples of CSO success, or lack of it, in working together more programmatically, what lessons can be derived about the conditions that helped or hindered those efforts? How might such collaborative efforts be enhanced to further aid effectiveness principles of importance to CSOs?

IV. Relationships between Northern and Southern CSOs

32. As pointed out in the AG's Concept Paper, Northern CSOs act both as donors in their own right, and as channels for official donor funds. However, they differ from official donors, by virtue of their operational engagement with partners in the field, and of the specialized expertise that they often bring to the table.

33. A distinction can be made between Northern CSOs that work in partnership with Southern CSOs, and those that operate their own programs in developing countries and have their own affiliates and offices in those countries, which may be independently registered, and have their own decision-making mechanisms.

A. Partnership, local ownership and mutual accountability

34. Northern-Southern CSO relationships of the first type are often described as "partnerships." Indeed, Southern CSOs value their relationship with Northern CSOs for reasons other than the access it provides them to financial resources. Among the features of North-South CSO relationships that may be valued are the following (Chapman and Wendoh 2007:31):

- Access to support for building up their own capacity
- Opportunities for international exposure, networking and dialogue
- Access to specific competencies or information
- Bonds of Solidarity
- Moral and political support.

35. Considerable literature exists on the characteristics of effective and equitable partnerships, and the degree to which Northern CSO-Southern CSO relationships embody these characteristics. Sometimes, Northern CSOs go to great lengths to pursue such relationships, which include features such as the following (Brinkerhoff 2002, Chapman and Wendoh 2007:34, Fowler 2000, Tomlinson 2006:19):

- A long-term perspective based on a shared vision and dialogue around each party's development objectives and philosophies
- Responsiveness to Southern CSOs priorities and alignment with Southern CSO systems and procedures
- Respect of differences and diversity, honesty and transparency
- Mutual trust and knowledge sharing
- Negotiated terms of mutual accountability.

36. At other times, Southern CSOs may find themselves on the receiving end of a power dynamic in which the Northern CSO imposes certain conditions, or aspects of its own philosophy and approach, and the Southern CSO may be treated more as a recipient than a partner. Accountability is necessarily shared even in these cases, because responsibilities are shared, but these shared responsibilities are not necessarily negotiated within a framework of mutual accountability. The situation is further complicated when Northern CSOs act as channels of official development assistance, since this may require that they deliver on the development priorities and accountability requirements articulated by donors, which they then pass on to their Southern CSO partners.

“Partial partnerships”

The authors of recent review of Norwegian CSO relationships with Tanzanian counterparts, characterized existing relationships as “partial partnerships” (Chapman and Wendoh 2007:15). Both groups of CSOs felt that further efforts were required. While a number of participating Norwegian CSOs had established principles of partnership, they had not necessarily figured out how to implement these, nor provided staff guidance on how to do so. Moreover, there was little discussion between the Northern CSOs and their Southern CSO counterparts of what partnership meant for them and how it might better be pursued.

37. Some Southern CSOs make special efforts to negotiate partnerships with Northern CSOs that are more conducive to local ownership and mutual accountability. Indeed, some are very selective in their choice of Northern CSO partners, although this is admittedly a luxury in resource-poor environments where access to donor funding is a fundamental requirement for Southern CSOs to operate. Ultimately, the problem resides in the inherent power imbalance of aid relationships (Chapman and Wendoh 2007:34).

38. Recent evidence indicates a number of trends pushing in the direction of even more uneven Northern-Southern CSO relationships. These include the following:

- Increasingly prescriptive donor funding to Northern CSOs (sector and geographic restrictions on the type of development initiative that donors will support or requirements for alignment with government priorities)
- Increasingly prescriptive Northern CSO funding to Southern CSOs
- Greater emphasis on quick and demonstrable results
- Greater one-way accountability from Southern CSOs to Northern CSOs, centred on the use of funding (Chapman and Wendoh 2007:iii-iv, Agg 2006, Pratt 2006).

39. Participants in AG consultation processes are invited to discuss the following questions about the nature of North-South CSO partnerships:

- What distinctions can be made between Northern and Southern CSOs with regard to the roles that they play in development? How might those roles best complement each other?
- What reforms would Southern CSOs like to see in the way that Northern CSOs work with them? What are some examples of positive Northern-Southern CSO relationships from which lessons could be drawn? What opportunities and constraints do Northern CSOs perceive for improving their practices as effective donors?

B. Northern CSOs with affiliates in country

40. Northern CSOs are increasingly present and influential in many developing countries (Rocha Menocal and Rogerson 2006). This results in part from the decentralization of donor operations,

which has led more Northern CSOs to establish offices in developing countries in order to maintain their competitive position (Agg 2006). Southern CSOs seeking direct financing from donors are increasingly concerned by the competition for resources from Northern CSOs (Rocha Menocal and Rogerson 2006:20).

41. Arrangements in which Northern CSOs have their own offices or affiliates and manage their own programs in developing countries raise obvious questions about local ownership, and the extent to which such arrangements might undermine domestic institutions in the country. Northern CSOs usually have readier access to resources and networks than domestically-based CSOs, and as a result, they can easily draw skilled staff away from other organizations and priorities in much the same way as the parallel project implementation units frowned upon by the Paris Declaration..

42. On the other hand, Northern CSO affiliates in developing countries are often semi-independent CSOs in their own right. Although the advantages enjoyed by these affiliates can be seen by domestic CSOs as an unfair advantage, these advantages can play to the advantage of CSOs' primary constituents, and might help to reinforce the institutional base of CSOs in a country where these might otherwise take much longer to develop.

43. Participants in AG-sponsored consultations are invited to reflect upon the place of these Northern CSO in the CSO landscape in different countries and regions. What are the strengths and limitations of this model and what measures might be taken either to enhance the contribution of such organizations to development and better align them with domestic priorities and systems, or to level the playing field so that domestic CSOs capable of making a qualitatively different type of contribution are also encouraged to emerge and thrive?

C. Coordination and harmonization

44. Questions arise, also about the coordination and harmonization of Northern CSO support for the work of Southern CSOs. For some Southern CSOs engaged in multiple partnerships with Northern CSOs, each with different specific accountability requirements, the transaction costs may become burdensome, just as they are for Southern governments receiving aid from large numbers of bilateral donors. This suggests that models of improved coordination and harmonization may be in order for Northern CSOs, just as they are for official donors. This could involve the harmonization of administration and financial management procedures and timelines, or joint approaches to funding of Southern CSOs and their development programs.

45. There is a distinction to be made between harmonization of support for a particular Southern CSO and support for civil society writ large in a particular country. In the latter case, the concept of harmonization is not likely to have the same relevance, because the needs of civil society are so diverse that there can be no single civil society "project" or program for a country as a whole. From this perspective, a diversity of Northern CSOs with their varied values, philosophies and practices is likely to be best equipped to reach a broad diversity of Southern CSOs. However, even in that case, there is likely to be considerable room for enhanced information sharing, collaboration, dialogue and coordination.

46. Participants in AG-sponsored consultations are invited to enquire into the feasibility and desirability of more collaborative models of Northern-CSO support for CSO development programs in the South, and to point to examples of good practice in this regard. What constraints impede the adoption of more harmonized models and how might those be overcome? How might

models of improved coordination and harmonization be implemented without losing the benefits that come from face-to-face interaction and access to the specialized expertise and different viewpoints that different Northern CSOs might have to offer?

V. Relationships between CSOs and developing country governments

47. This section considers relationships between CSOs and governments. This covers a number of topics:

- The enabling environment for CSOs as determined by government policies and regulations
- Opportunities for engaging in policy dialogue, and prevailing practice in that regard
- Working relationships between CSOs and government in the delivery of social programs and initiatives.

A. Enabling Environment

Legislation, regulation and taxation

48. Not all countries enjoy a favourable environment for civil society to operate and thrive in their work and in their relationship with governments. Participants in AG consultations are invited to compare notes and to help identify what constitutes good practice in this area.

49. A functioning legal and judicial system that ensures the right to organize, the rights to expression and information, and the right to participate in public affairs is an important part of this enabling environment. The rights of CSOs to operate and function freely can be defended on the basis of governments' obligations to protect and promote the rights of expression, peaceful assembly and association, amongst others, as guaranteed under the International Covenant on Civil and Political Rights (ICCPR) and other multilateral and regional treaties. Beyond the civil and political rights recognized in these conventions, the international human rights framework includes economic, social and cultural rights that are often of specific concern to CSOs. Governments across the world have also agreed to protect and promote rights of specific groups under covenants such as the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) and the Convention on the Rights of the Child (CRC). By 2007, all States had ratified at least one of the seven core treaties, and 80% had ratified four or more, suggesting that the international human rights framework is a potentially powerful and legitimate enabling tool for CSOs.

50. CSO regulations are sometimes put in place to control rather than enable, such as to restrict CSOs' access to aid funds, or to curtail their work where their actions and voice are perceived as challenging government decisions or ideology, or where certain CSOs are seen as political opponents to government. Indeed, there is today a "growing regulatory backlash against NGOs in many parts of the world" (Mayhew 2005). In September 2006, the International Center for Not-for-Profit Law (ICNL) reported that over the past five years, nineteen countries had enacted or proposed new laws that would in some way restrict the activities of civil society (ICNL 2006).

51. In recent years, national security and counter-terrorism agendas have also led to restrictions on CSOs abilities to exercise their rights (Moore 2006, INTRAC 2007, Howell et al 2006), while new reporting and financial requirements placed on Northern CSOs are affecting the terms of their Southern CSO partnerships (Tomlinson 2006).

52. However, sound regulations governing CSOs can play a positive role, by helping to ensure that CSOs are held legally and financially accountable, thus contributing to the safeguard of public resources used by CSOs (including aid funds).³ Accountability measures through government regulation can thus complement efforts by CSOs themselves to self-regulate their activities and to establish appropriate review mechanisms (UNDP 2007, Wild 2006).⁴

53. Through the existence of a legal framework, registered CSOs can also secure benefits such as tax exemptions of various sorts. In many countries, contributions to registered CSOs are tax deductible, or give rise to tax credits. Such mechanisms help to put the whole of civil society on a sound funding base.

54. Participants in AG-sponsored consultations are invited to consider the following questions:

- What are some examples of good practice in providing an enabling environment for CSOs as effective development actors (legislation, regulatory framework, fiscal arrangements, access to information, protection of civil and political rights)? What lessons can be derived from these different experiences?
- What roles might donors play in supporting the establishment of an enabling environment for CSOs in developing countries?

B. Policy dialogue

55. Opportunities for CSOs to engage in policy dialogue vary considerably from country to country. This may be due to differences in the capacity of CSOs themselves to intervene and add value, or to different degrees of openness on the part of government to this sort of dialogue.

56. Questions are often raised about the legitimacy of CSOs as representatives of the public interest, in comparison to elected bodies such as parliament. However, a vibrant democracy requires mechanisms for concerned citizens to engage in ways that go beyond casting one's vote in elections. CSOs provide such opportunities. As noted earlier, the legitimacy of CSOs as interlocutors depends very much on the nature of their relationship with primary constituents. However, they derive legitimacy in other ways as well, through rights-based claims, from appeals to values of justice and fairness, and from the expertise and experience that they bring to the table (Van Rooy 2004).

57. CSOs provide a reference point for elected representatives who need to consult with their constituencies. They also provide a mechanism through which social groups can organize and present their views. Indeed, it is often through elected bodies such as parliament that CSOs are most successful in having their view heard and acted upon. From this perspective, elected bodies and CSOs are not so much alternative vehicles for democratic representation as complementary ones (ActionAid/CARE 2007:5).

58. Although the Paris Declaration focuses on the specific role of CSOs in the design and monitoring of a country's overall Poverty Reduction Strategy, CSOs may engage with elected bodies and government executive bodies at various levels, and policy dialogue thus encompasses a vast menu of possible interventions. By way of example, specialized CSOs, such as those in the education or health sectors, are most likely to engage with ministries specializing in the same

³ As seen for example with the United Kingdom's Charities Commission.

⁴ Brown and Jagadananda (2007). describe a number of interesting examples of CSO self-regulation.

area, and may engage not only at the national level but also at decentralized levels of the public administration. CSOs engaged primarily in community development, for their part, are most likely to intervene at decentralized levels, although they might join forces with other CSOs or umbrella organizations, to engage in policy dialogue at higher levels. Policy dialogue also takes place at international and regional levels, and numerous international CSOs exist precisely for that purpose, engaging in issues relating for example to aid levels and the aid architecture, debt relief, environmental sustainability, and international trade.

59. Also noteworthy is that the expression “policy dialogue” covers a wide range of representational functions, including discussions on legislation and policies, budget allocations, and monitoring of results from the implementation of government policies and programs. Interest is growing in mechanisms for ensuring enhanced CSO participation in public expenditure monitoring and independent assessments of development outcomes, and specialized CSOs, such as Budget International, have emerged to help build up capacity to strengthen the ability of CSOs and elected bodies to better perform some of these functions.

60. Consideration of how the role of CSOs in policy dialogue might be enhanced requires an understanding of some of the constraints presently faced by CSOs in carrying out these functions. Some of the barriers that can be identified include the following:

- Capacity limitations on the part of CSOs, governments and elected bodies such as parliaments
- Poor quality or unavailability of statistical data
- Limited, or delayed, access to policy documents or other public information
- Limited opportunities for ongoing substantive discussions, as opposed to pro forma consultations at a late stage
- Resistance to CSOs as independent assessors and monitors.

(Christian Aid 2001, DFID 2001, Hermele 2005, Lister and Nyamugasira, 2003, Moore, 2006, Tjønneland and Dube 2007).

61. Participants in AG-sponsored consultations could usefully consider to what extent the roles of CSOs and of elected bodies are in fact complementary or competitive in different countries and regions. How are CSOs currently organized in different countries and internationally to engage with governments and donors in policy dialogue? Are there ways in which they could organize themselves, or in which they could be supported, to engage more effectively? What could Southern governments do to create a more favourable environment for constructive engagement in policy dialogue?

Donor practices and policy dialogue under PRSPs

62. The Paris Declaration suggests civil society participation (commitments 14, 47, 48) as a way to “strengthen public support,” as well as to promote domestic accountability between states and citizens. Evidence suggests that PRSP processes have helped open new policy space for CSO influence (Booth 2003), particularly with second generation PRSPs (ActionAid/CARE 2006).

63. Still, issues arising with regard to CSO and parliamentary participation and debate in these processes raise questions about the degree to which PRSPs are genuinely locally and democratically owned by the public, and about how to ensure a voice for the poor in processes intended to be of benefit to them.

64. Ironically, the increased involvement of donors at the policy level and in negotiations over PRSPs, direct budget support operations or SWAps, can itself undermine democratic debate over these processes, due to increased upward accountability to donors, and an approach often involving closed door negotiations on critical policy issues directly between donors and developing country governments (Tomlinson 2006:16, OECD-DAC 2007, ActionAid/CARE 2006). Economic conditionalities that accompany aid and loans, despite their massive influence on the people of aid recipient countries, are often not subject to the rigours of domestic accountability, as they are externally established (Reality of Aid 2004, Rocha Menocal and Rogerson 2006).

65. What adjustments could be made in donor practices to enable CSOs and parliaments to engage more effectively in reinforcing the accountability of developing country governments and donors?

C. Working in partnership with government

66. A third area of interaction between CSOs and government is in the implementation of development projects and programs, where CSOs can add value in a number of ways. On the one hand, CSOs may operate in areas not covered or not well covered by government programs, filling gaps that government may not be able or willing to fill and reaching out to neglected communities, or social groups. Alternatively, CSOs may simply be more effective at providing certain services than the government. CSOs also have a comparative advantage in providing innovative, cost-effective approaches to service delivery or introducing new types of services, such as micro-credit.

67. In all of these cases, the relationship between CSOs and government may evolve over time, with CSOs initiating a particular category of activity, then turning to government to take over or to support the scaling up of those activities once they have proven their value. CSO programming can thus anticipate and influence government priorities and government's response to these priorities over time. The level of cooperation and coordination of particular CSOs with government is also likely to grow over time, as these CSOs demonstrate their capacity and grow in size.

68. Such CSOs may begin to engage with governments as contractors, on a competitive basis, to provide particular services. In doing so, they compete with the private sector, but may derive certain advantages by virtue of the expertise derived from their role as CSOs, or by virtue of the social values that they bring to the table. On the other hand, many CSOs do not have the financial flexibility to operate on a fee-for-service basis in the absence of advance payments, or to absorb the risk of delayed payment that often accompanies government contracts (Mundy et al. 2007).

69. CSO involvement as contractors or co-implementers with government can interfere with their independence as watchdogs of the public good, because CSOs may be reluctant to take a critical stance when government controls the purse strings (ActionAid/CARE 2006). However, close collaboration with government also bring with it new opportunities to influence government priorities and how they are addressed (Lindenfors 2006).

70. Participants in AG-sponsored consultations are invited to enquire into the division of labour between CSOs and government. In which cases do they see a separation of efforts making the most sense? In which cases would enhanced collaboration be desirable, for example in the

context of SWApS or other development programs intended to be relatively comprehensive in scope, and how might such collaboration be promoted?

VI. Relationships between CSOs and Donors – Donor Models of Support

71. Although considerable support for the work of CSOs in developing countries finds its source in the fundraising activities of Northern CSOs, a large part of it comes also from official donors, who may channel funds through CSOs from the donor country, through international CSOs, or directly to CSOs working in the host country. Donors providing such support must address a number of strategic questions, the answers to which will condition the effectiveness of that support in generating development results.

72. In this section, we group these questions into the following categories:

- The balance of support to Northern and Southern CSOs
- Responsive vs. more comprehensive or strategic approaches
- Donor coordination and harmonization
- Accountability for results

A. The balance of support to Northern and Southern CSOs

73. Official donor flows channelled to or through CSOs may take a number of forms. Much of it is channelled through donor-country CSOs, who administer these funds directly in developing countries, or who enter into partnerships with Southern CSOs. Various mechanisms also exist for channelling funds directly to CSOs in developing countries. These include the use of local funds, institutional support for host-country organizations, or direct funding of projects and programs. Such efforts may be undertaken by individual donors, or they may involve a consortium of donors.

74. Although data are not available to determine the shares of donor support corresponding to these various mechanisms (Tjønneland and Dube 2007:13), the bulk of it appears to take the form of transfers to and through Northern or International CSOs. Some of this is for development education programs in the North, or for international programs of NGOs such as Human Rights International or the International Union for the Conservation of Nature, but most of it involves Northern CSOs and INGOs implementing programs in the South either directly or in collaboration with Southern CSOs partners.

75. This observation raises questions about the advantages and disadvantages of channelling funds in this way through Northern CSOs, and whether the former outweigh the latter. These are highly complex questions, not reducible to simple presumptions about the desirability of channelling aid directly to Southern CSOs whenever possible. We offer the following considerations as points of departure for discussions of this subject.

76. For Southern CSOs, partnerships with Northern CSOs may offer a range of advantages, including:

- Access to supplementary resources from its Northern CSO partner (financial and non-financial)

- The value of having a trusted intermediary that understands the donor's policies and accountability requirements and can take on some of the negotiations and reporting obligations
- Opportunities for knowledge-sharing and sharing of ideas
- Opportunities for networking and policy engagement at the international level.

77. For donors, one of the advantages of supporting CSOs based in the donor country may be as a way of consolidating an institutional base back home, capable of raising additional resources for development, engaging in development policy dialogue, and establishing sustainable partnerships with CSOs in developing countries and internationally.

78. Donors may also see value added in the roles that Northern CSOs can play in any of the following ways:

- As trusted intermediaries who have advantages to offer in terms of specialized expertise and connections with Southern partners
- As organizations capable of delivering results in a cost-effective way, based on a strong record of experience and professional expertise
- As organizations that are better placed than donors themselves to engage in capacity development processes involving long-term, hands-on relationships with Southern partners.

79. In terms of disadvantages, questions need to be asked about the relative costs of adding a layer of intervention between donors and Southern partners, about the dispersal of aid funds that may result when large numbers of Northern CSOs are involved, and about the possible loss of local ownership. Although donor allocations to Northern CSOs can be justified for any number of reasons, a case can be made that Northern CSOs benefit from an unfair advantage due to their proximity to donors, their ability to speak the donor's language, and the political weight that they carry.

80. In the face of so many competing considerations, one approach may be to at least level the playing field by adopting measures such as the following:

- Carefully exploring the most cost-effective ways of engaging citizens and building up a CSO institutional base for development in the North
- More systematically and carefully weighing different options for direct funding of Southern CSOs
- Taking measures to promote capacity development among Southern CSOs
- Establishing new mechanisms for channelling resources directly to Southern CSOs
- Identifying mechanisms for encouraging North-South partnerships in which Southern partners have a greater voice from the start.

81. As we argued, there are both advantages and disadvantages to channelling donor funds through Northern CSOs. We would like to hear from participants in the AG consultations about how they perceive the balance of these advantages and disadvantages to be. Should measures be taken to promote a greater share of funding to be channelled directly to Southern CSOs, and if so, under what conditions? How could the advantages of North-South CSO partnerships be maintained?

B. Responsive vs. more comprehensive or strategic approaches

82. A second dominant aspect of donor funding for CSOs is the emphasis on responsive, competitive, models of funding. As Lavergne and Wood argue (2006), there is a case to be made for responsive mechanisms. Responsive mechanisms can be used to identify opportunities that otherwise would escape attention. In this respect, they operate as a sort of market mechanism for ideas. Responsive funds are also a way of channelling small amounts of funds for development purposes, where small amounts of funding can be combined with self-help efforts in cost-effective ways. This is appropriate in areas of activity where resources are particularly scarce or where donor funds can be used as a lever to mobilize complementary funds or resources at the community level. In contrast to activities that can be programmed and replicated on a large scale, responsive funds often involve support for one-off, or niche activities that have a particular strategic value. Often such initiatives are well suited for testing, developing or piloting new or innovative approaches.

83. However, to recognize the value of responsive programming is not to suggest that more comprehensive or strategic approaches should not be considered. There may be considerable value, for instance, in looking at how civil society is evolving in a country and identifying ways of reinforcing the sector as a whole. Individual CSOs, likewise, could be more strategic in their development interventions and could invest in building up their own capacities, if they had access to core or program funding on a longer-term basis. At the sector level, greater efforts to integrate CSO initiatives into SWAs could yield dividends in terms of greater coherence and effectiveness.

84. Examples of investments that deviate from the responsive, project-based mode of support might include the following:

- Capacity development initiatives, core support, or program support in favour of specific CSOs (Kaplan 2000, Hailey and James 2006, Lavergne and Wood, 2006)
- Investments in an improved enabling environment or in the creating and operations of CSO umbrella organizations
- Support for networks and peer learning among CSOs, both within and across borders.

85. A related question concerns the extent to which support for CSOs should be expected to align with developing country government priorities or with a donor's own sector or thematic priorities. Where such alignment is considered important, donors may hesitate to provide core support or unrestricted funding for CSOs to implement their own initiatives (Pratt 2006, Agg 2006, Wallace and Chapman 2004). However, CSOs are not just a means through which donors and governments can advance their own plans and priorities. As we have seen, CSOs can help to fill important gaps, and are best viewed as legitimate development actors in their own right. There is thus a balance to be struck between models of support that are responsive to CSO priorities and initiatives and those aimed at encouraging CSOs to implement government or donor-identified projects and programs.

86. The search for balance extends also to the choice for donors of whether to fund Southern CSOs directly, or to do so through government channels. There is, to date, limited evidence of substantial amounts of aid being channelled to CSOs through the intermediation of government (ActionAid/CARE 2006, Tjønneland and Dube 2007), but this option is often evoked in donor discussions of aid effectiveness and country ownership. However, access to funding at arms-length from government is important for CSOs to secure their financial sustainability and

operational autonomy, and may be particularly important for CSOs engaged in advocacy work or policy dialogue. Whether the use of government channels is appropriate depends on considerations like the following:

- The objectives being pursued (e.g. support for advocacy work and policy dialogue is more likely to require independent funding)
- The independence of government funding programs from political interference
- The general quality of government-CSO relations in a country
- The availability of alternative sources of independent funding for CSOs – either nationally or internationally – to satisfy a diverse range of needs.

87. This discussion suggests a number of important questions for donors to consider regarding the balance to be achieved in different forms of support to CSOs. In specific countries and regions, what is the current balance between responsive and more targeted or strategic forms of intervention, including core funding or program funding, and capacity development initiatives? Does this balance seem about right, or could alternative approaches be recommended? What are examples of good practice in terms of support models of different types?

C. Donor coordination and harmonization

88. While donors have made considerable efforts to coordinate and harmonize their support for government development programs over the course of the last decade or so, much less progress seems to have been made regarding support for CSOs. Yet country-level CSO support mechanisms are perceived as having particularly high transactions costs, in light of the relatively small budget share CSO funding represents in the context of increasing aid budgets overall, with staff feeling they have insufficient time or resources to deal with them (Gunarsson 2006, Pratt 2006). Civil society organizations, too, can feel over-burdened by the demands of managing multiple projects, each with its own reporting format, schedules, and financial management requirements.

89. This is leading donors to explore mechanisms for joint CSO funding arrangements and for improved methods of donor coordination and harmonization in support of CSOs. An example of this is recent research supported by the Nordic + initiative on donor models of support for civil society, to explore these questions, based on empirical work in six sample countries (Bangladesh, Ethiopia, Guatemala, Tanzania, Zambia, and Zimbabwe) (Scanteam 2007, various). This research is helping to identify a wide range of mechanisms currently in use, and options for further harmonization along the lines of the more successful of these. Examples of joint funding arrangements include the pooled funding

The Foundation for Civil Society

In 2001, DFID launched the Civil Society Program in Tanzania designed to provide small and medium-sized grants to CSOs. By 2003 the program had evolved into The Foundation for Civil Society, a multi-donor funded non-profit company, governed by an independent Board. The Foundation supports CSO activities in policy, governance, advocacy strengthening, and safety nets, all with the aim of support CSO engagement in poverty reduction efforts as set out in the Government of Tanzania's national development strategy.

arrangements established by donors in Tanzania under the umbrella of The Foundation for Civil Society, and donor support for large Bangladeshi NGOs such as BRAC and Proshika.

90. The general trend identified under the Nordic + initiative is towards increased use of modalities making use of core funding, joint funding and intermediation of funds by specialized

organizations (Scanteam, August 2007: 4). While these trends all point to success in adopting more harmonized approaches, a few issues have been identified for consideration by this, and previous research (ActionAid/CARE 2006, Agg 2006, Pratt et al 2006, Scanteam 2007-various, Tjønneland and Dube 2007), including the following:

- Pooled funds themselves often provide relatively short-term, project-based funding, with CSOs required to respond to donor priorities as reflected in the fund's parameters and criteria. This form of donor collaboration does not necessarily lead to greater coordination of CSO interventions themselves.
- To move from a strictly responsive to more strategic funding approach might require a more hands-on approach, best achieved through a range of mechanisms, and some division of labour to take the lead in different areas.
- Harmonization can bring with it a loss of flexibility, making it more difficult to respond to emerging ideas and limiting the diversity of options and choice for CSOs.
- Harmonization of efforts in the form of core support or program support to key CSOs is likely to benefit only a small number of usually well-established organizations. Nascent CSOs and grassroots initiatives are not necessarily reached through such mechanisms.

91. Pooling of donor funding for CSOs may help to reduce transactions costs, and may lead to improved allocation of resources. However, the wide range of needs that needs to be covered may call for some division of labour among donors and other stakeholders to ensure that different needs can be addressed in differentiated ways. This is likely to require a range of different approaches. In exploring this question, participants in AG-sponsored consultations may wish to enquire into the features that models of support should have in order to decrease the costs of uncoordinated, project-based funding, while addressing the multiple and diverse needs of civil society in an increasingly strategic way.

D. Accountability for results

92. A fourth issue area worth exploring is that associated with the use results-based approaches to reporting and accountability, as called for in the Paris Declaration. A first challenge here is to ensure that accountability for results to donors does not undermine CSOs' accountability for result to their primary constituencies. While in theory a results-based approach provides continuous opportunities to learn, adjust and improve, donors often approach monitoring, evaluation and reporting primarily as mechanisms to ensure compliance with donor conditions and reporting requirements. As a result, civil society organizations may find themselves restricted in their ability to be genuinely responsive to the timelines, expectations and learning processes of those to whom they are accountable on the ground (UNDP 2007:16; Mahon 2002:142; CCIC 2005).

93. It is now well accepted that mutual accountability between CSOs and their primary constituents can be supported by results-based approaches that:

- Are sensitive to local partner conditions and timeframes
- Allow for uncertainty
- Are participatory and leave room for non-linear forms of causality
- Value qualitative results
- Are used as a learning tool to continuously improve performance (CCIC 2005:2, Lavergne, 2002).

94. The challenge, therefore, is to use results-based approaches in ways that reconcile donor needs for accountability with the requirements of downward accountability and responsiveness to changing realities and understanding on the ground that are fundamental to aid effectiveness. What sorts of results-management approaches and systems can best allow CSOs to strengthen their various accountabilities, and to accommodate conflicting claims of accountability for the greatest development effectiveness? What can donors do to facilitate the implementation of such approaches and systems?

Results-based approaches for mutual accountability

There is a growing body of practice in results-based approaches to assessing CSO performance that seek to capture change processes, and stress learning with and accountability to primary stakeholders. This “new generation of performance management approaches” includes those from Keystone on social and environmental impacts (Bonbright and Batliwala 2007:12 and www.keystonereporting.org), from the International Development Research Centre on outcome mapping (Earl et al 2001 and www.idrc.ca), or from the story-based Most Significant Change Method (Davies and Dart 2005).

95. Another, and no less fundamental, challenge for all stakeholders involved is how to “tell the story” of civil society’s contribution to development in a convincing way. It is relatively quite easy to determine that individual CSO projects have resulted in immediate development benefits, and to measure or describe those benefits, but it is much more difficult to assess the overall impact of support to CSOs in a broad area of intervention, or for a country as a whole. Such an assessment is not only an intellectual challenge, but also an organizational one, since it would require a collective effort at sector or country levels. Yet it is fundamental to securing greater recognition of civil society’s role in development, as we seek to do under the AG’s mandate. How might CSOs and other stakeholders “tell the story” of civil society’s contribution to development in a more convincing way?

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