



# SOCIAL DEVELOPMENT NOTES

ENVIRONMENTALLY AND SOCIALLY SUSTAINABLE DEVELOPMENT NETWORK



The Participation and Civic Engagement Team works to promote poverty reduction and sustainable development by empowering the poor to set their own priorities, control resources and influence the government, market and civil society institutions; and influencing governmental and private institutions to be responsive, inclusive, and accountable.

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## Enabling Environments for Civic Engagement in PRSP Countries

### A Theoretical Framework and Tool for Assessing the Environment for Civic Engagement in Bank-supported Programs

#### Introduction

It is now increasingly recognized that, alongside the state and the market, civil society is a critical factor in determining the level, pace and equity of a country's economic, social and political development. Civic engagement is the participation of private actors in the public sphere, conducted through direct and indirect interactions of civil society organizations and citizens-at-large with government, multilateral institutions and business establishments to influence decision making or pursue common goals. It is a process that organizes citizens or their entrusted representatives to "influence, shape and control public affairs and development initiatives, implementation and

resources."<sup>1</sup> Under the right conditions civic engagement can promote development and improve the economic and social conditions of the poor. How civil society can maximize its potential in alleviating poverty and promoting social accountability, and what types of laws, regulations, governance and cultural norms are needed to create the most conducive environment in which civil society operates, is less well understood.

#### From Handbook on NGO Law to Knowledge Tools

The Participation and Civic Engagement Group is implementing a project, "*Improving the Environment for Civic Engagement in Poverty Reduction*," whose aim is to contribute to a better

<sup>1</sup> Swarnim Wagle, Parmesh Shah, "An Issue Paper on Participation in Public Expenditure Systems," World Bank Note, <http://www.worldbank.org/participation/PEM.pdf>

"Jeff Thindwa, Carmen Monico and William Reuben prepared this Learning Note, based on information contained in two unpublished documents: The "Promoting Enabling Environments for Civic Engagement" proposal submitted to the Netherlands Consultants Trust Fund and the "Improving the Environment for Civic Engagement in Poverty Reduction" proposal submitted to the Norwegian Trust Fund. Use was also made of the draft document "Fostering An Enabling Environment For Civic Engagement In Service Delivery – A Note for the WDR 2004's Consideration".

understanding of the how the legal environment influences civic engagement, and to develop analytical tools to assist Bank TTLs in assessing this environment and identifying priorities for legal and policy reform. The scope of this work has been expanding beyond the initial focus on the legal dimensions, to include broader dimensions of the environment in which civil society operates, as enumerated below. The analytical framework and assessment tool that has been developed as part of the project were applied in a recent study of civic engagement in the context of decentralization in Senegal as part of an ESW, and will be further used in two pilot countries beginning April 2003. It is potentially adaptable to support analytical work linked to different Bank instruments and programs such as PRSP/CS, CDD, CAS.

The project builds on earlier Bank work going back to 1995 when the then NGO Unit commissioned the International Center for Not-for-Profit Law (ICNL) to develop a "*Handbook on Good Practices for Laws Relating to NGOs*" The objective was to make a contribution to improve the environment of NGOs. It was also a response to the expressed need of Bank staff to better understand the legal and regulatory environment in which NGOs operated, at a time when the Bank was increasing its collaboration with NGOs. NGO legislation and experiences from over 100 countries were compiled, and the Handbook remains an important source of information for NGOs, law reform practitioners, development agencies, and governments. A follow up project, "*Promoting Enabling Legal Environments for Civic Engagement*" was developed in July 2001 and financed through the Netherlands Trust Fund. It was based largely on the critiques and recommendations of civil society interlocutors who were consulted by the NGO Unit on the most

appropriate role for the Bank in promoting enabling environments for civil society. The project developed a) an analytical framework and a tool for assessing the legal environment for civic engagement, now in the pilot phase; b) a website for sharing knowledge and information on legal frameworks in client countries; c) a workshop for Bank TTLs on the assessment of legal frameworks in CDD operations. The project's orientation at the onset was towards application of the assessment tool in the context of CDD operations and social accountability activities. Consultations were made with country teams both, at HQ and in the field, to validate this project.

In 2002 another project-for the third phase-was approved for funding by the Norwegian Trust Fund, mainly to facilitate pilot testing and implementation of the assessment tool. Specifically, the project-- "*Improving the Environment for Civic Engagement in Poverty Reduction*"-- has the following objectives:

- To field test and refine the tool for assessing the regulatory environment for civic engagement in two countries, Albania and Honduras.
- To improve the methodology for building stakeholder capacities to assess regulatory frameworks for civic engagement (including for CDD operations and social accountability), identify key issues and constraints, and develop focus areas for legal and policy reforms.
- To promote learning and knowledge sharing among legal experts, NGO practitioners and Bank staff working on improving the regulatory environment in PRSP countries.

### **Box 1: The Legal Frameworks for Civic Engagement Website**

In addition to the operational and learning components, the project will maintain the “*Legal Frameworks for Civic Engagement*” topic page, currently hosted by the Development Gateway ([www.developmentgateway.org/civic](http://www.developmentgateway.org/civic)). Developed in 2001 under the second phase project (“*Promoting Enabling Legal Environments for Civic Engagement*”) and launched on January 28, 2003, the website is a key knowledge component of the project. It aims to increase awareness about conditions that encourage or impede civic engagement in promoting social and economic development. It also presents a practical opportunity for civil society, development practitioners, and policy makers to join an online community and to share knowledge. Members of the Civic Engagement topic page can contribute and exchange experiences and best practices, sharing their information and views with an international user community. An independent Advisory Group provides guidance on editorial issues, ensuring a broad representation of different viewpoints. The World Bank is collaborating with 11 key civil society organizations and the African Development Bank in operating the topic page. The Development Gateway Portal (<http://www.developmentgateway.org>) is a program of the Development Gateway Foundation, a not-for-profit Foundation based in Washington DC. For more information on the Foundation, visit: <http://www.dgfoundation.org>. For more information on the topic page, contact The Arias Foundation at: [info@arias.or.cr](mailto:info@arias.or.cr) or Carmen Monico at: [cmonico@worldbank.org](mailto:cmonico@worldbank.org)

### **Why Civic Engagement is Important in Poverty Reduction**

Civil society organizations (CSOs) are important actors in building necessary social consensus for economic reforms and long term development, in promoting effective governance by fostering transparency and accountability of public institutions (including combating corruption and ensuring poverty-focus of the budget), and in efforts to fight inequality and exclusion. But CSOs also have an increasingly critical role in the direct delivery of social and economic services, and in improving natural resource management and environmental protection through collective action. As recognized in the 2004 WDR, civil society groups can serve the poor by acting as *monitors*, *advocates*, and *providers* of social services.

### **Defining and Analyzing the Environment for Civic Engagement**

Yet performing these roles effectively depends upon the existence of an *enabling environment*. The “health” of this enabling environment, or how “enabling” it is, depends in large measure upon the extent to which certain external factors assist or hinder civil society in promoting the interests of the poor. These factors are the legal and regulatory framework, the political and governance context; socio-cultural characteristics, and economic conditions. Some of them are more actionable than others from the point of view of legal or policy reform interventions. These external conditions in turn influence specific “enabling elements” that are essential to the effectiveness of civil society as a key determinant of development. These enabling elements are the freedom of citizens to associate (A); their ability to mobilize financial resources to fulfill the objectives of their organizations (R); their ability to formulate, articulate and convey opinion (V); their access to information (necessary for their ability to exercise voice, engage in negotiation and gain access to resources) (I); and the existence of spaces and rules of engagement for negotiation and public debate (N). The ARVIN acronym synthesizes the complexity of multiple conditions that affect the ability of CSOs and governments to engage in public debate and in systems of social accountability.

**Box 2: The ARVIN Framework: A Way to Assess the Enabling Environment for Civic Engagement**

	<b>Legal and Regulatory Framework</b>	<b>Political and Governance Context</b>	<b>Socio-Cultural Characteristics</b>	<b>Economic Conditions</b>
Association	Freedom of Association	Recognition and accreditation policies and procedures	Social capital Gender barriers Illiteracy	Cost of legal registrations and accreditations Cost of convening meetings and forums
Resources	Tax systems, fund raising and procurement regulations	Government grants, private funds, contracting, other transferences	Social philanthropy (the culture of giving) History of associational life, Self-help and gap-filling	Size of and stresses in the economy unemployment Impact of economy on contribution by members Infrastructure and cost of communications
Voice	Freedom of expression. Media and ICT related laws	Political control of public media.	Communication practices (use of media by different social groups)	Fees associated with expressing views in media (ads vs. op-ed) Costs to present/publish/distribute views (petitions, newsletters, radio stations)
Information	Freedom of information. Rights to access public information	Information disclosure policies and practices. Ability to demystify public policy and budgets	Information networks, Illiteracy the use of word of mouth	Costs/fees for access to information
Negotiation	Legally established dialogue spaces (referendums, lobby regulations, public forums, etc.)	Political will. Institutionalized dialogues and social accountability mechanisms. Parliaments', and local and national governments' capacities to engage	Social values and hierarchies that set who can speak on what subject in what context and when	Bargaining power Impact of economic constraints on autonomy and advocacy

The enabling environment for civic engagement can thus be understood as a set of interrelated conditions that impact on the capacity of CSOs and other development actors to engage in development policies, strategies and projects at the national and local level in a sustained and effective manner. Indeed, a recent comparative study of legal frameworks for NGOs found that although other factors were also at work, "the more favorable the regime for nonprofit action, the more highly developed the nonprofit sector is."<sup>2</sup>

In addition, however, there are institutional and organizational dynamics within civil society itself that influence the ARVIN "enabling elements" and that must be, along with the external factors, the subject of analysis if the fullest scope of constraints to civic engagement is to be understood. These dynamics include such factors as accountability, representation, legitimacy, institutional and organizational capacities, self regulation, and institutional relationships among

<sup>2</sup> Lester Salamon, Stefan Toepler, "The Influence of the Legal Environment on the Development of the Nonprofit Sector", Working Paper Series No. 17,

civil society groups and between civil society groups and the state and private sector.

### **Project Approach and Methodology**

The project aims to engage stakeholders (Bank, government, civil society representatives, lawyers) in a process to identify constraints or limitations in the environment for civic engagement, on the basis of which they can articulate focus areas for improving the environment for civic engagement through specific legal and policy reforms. Each initiative will work with the relevant country team to define the scope of the work, identify sources of data and information, and articulate expected inputs and resources, outputs and outcomes. Early in the process, a stakeholder analysis will be conducted to identify the institutions and individuals associated with legal reform for civil society, or otherwise with an interest in the process and outcomes of analyzing the environment for civic engagement. The stakeholder analysis will be used as a basis for selecting participants to the first orientation workshop preceding the assessment process, and to identify interviewees and participants in the assessment process.

Applying participatory, qualitative and quantitative research methods, stakeholders will be engaged in assessing the legal environment for civic engagement based on the ARVIN framework and its comprehensive checklist of key questions. The process will employ a combination of individual interviews, focus group discussions, workshops and questionnaires (with open ended and closed questions). Complementing this will be detailed literature reviews and analysis which will include legislation, policy documents, parliamentary proceedings, academic papers and other relevant materials. An introductory workshop will be organized for selected participants at the beginning of the assessment. It will conduct a facilitated review of the scope, approach and methodology of the project. Participants will comment on the assessment process and make recommendations. The main output of the complete assessment process will be a stakeholder generated analysis of constraints in the legal framework, and a set of recommendations for legal and policy reforms.

### **Box 3: Assessing Civic Engagement: Decentralization in Senegal**

The value of the expanded methodology for assessing the environment for civil society was tested in a recent application in a study to identify constraints to civic engagement in the context of decentralization in Senegal. The methodology identified the important ways in which the external factors-legal, political, socio-cultural and economic-influenced the capacity of civil society and citizens (as the demand side of the decentralization) to associate, mobilize resources, gain access to information, participate in public forums and debates, and engage effectively with decentralization questions, local governance issues, and provision of basic services. The study identified important constraints to civic engagement. Among them were failures in information disclosure; widespread ignorance about laws and policies, and inaccessibility of information, exacerbated by the problem of pervasive illiteracy. It also established that mechanisms for citizens to engage with the state were not institutionalized, and in many instances were left to the discretion of government officials. Further, economic pressures were limiting the ability of CSOs to influence policies. The pursuit of funds was more urgent than engaging in policy dialogues, and CSOs were vulnerable to political cooptation. By far the most widely cited constraint of CSOs was inadequate financial resources. On a positive note, major CSOs were implementing projects aimed at increasing the demand for accountability and transparency of government, activities which they said urgently required financial and technical support. This study demonstrated the potential of the analytical framework and assessment tool to be applied in Bank supported programs where both supply and demand side impediments to civic engagement have to be identified, in order to promote specific remedial measures, be they policy reforms or capacity building interventions. The study will form part of an ESW on decentralization in Senegal.