Monitoring the Implementation of an Enabling Environment for CSOs

Black Sea NGO Forum

“Enabling Environment for CSOs: Towards a Strategy of Civil Society in the Black Sea Region”

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Overview of Presentation

1. What is an enabling environment for CSOs?
2. Why are enabling environment issues important for CSOs and other stakeholders?
3. Monitoring progress in the enabling environment:
   • CSO Platform for Development Effectiveness (CPDE)
   • Task Team on CSO Development Effectiveness and Enabling Environment
   • OECD / UNDP Joint Monitoring Team for Indicator Two (CSO enabling environment) in the monitoring framework for progress since Busan HLM
   • Other initiatives
4. What are the issues and challenges in monitoring the CSO enabling environment for CSOs?
What is an enabling environment for CSOs?

An enabling environment are the laws, policies, regulations and practices by governments and donors that create the condition under which Civil Society Organizations (CSOs) can maximize their contributions to development and other public goods.

**CPDE’s Framework for an Enabling Environment for CSOs**
(See Annex Two Slides for more detail)

1. Universally accepted human rights and freedoms affecting CSOs
   a) **Recognizing the rights and freedoms affecting CSOs** (right to freedom of association, right to freedom to peacefully assembly, freedom of expression)
   b) **The legal and regulatory environment** (implementing rights and freedoms affecting CSOs)
   c) **Rights of specific groups** (groups representing marginalized and vulnerable populations)

2. Policy Influencing
   a) **Spaces for dialogue and policy influencing**
   b) **Access to information**

3. **Empowering CSOs: Donor – CSO relationships**
Why is an enabling environment important for CSOs?

- Gives meaning to government recognition of **CSOs as independent development actors in their own right** (See Annex One Busan commitments).

- Creates the **necessary conditions for CSOs to carry on their activities** to fully realize their highly diverse goals and roles:
  - Provision of services;
  - Development and sharing of expertise;
  - Advocacy to improve public policy & empower the marginalized;
  - Human rights defenders; and
  - Sensitizing and educating citizens on public policies.

- Strengthens **CSO effectiveness as actors** promoting global and national public goods.

- Assures the public space for CSOs in **promoting transparency, effective public policy and accountability** among other government and private sector stakeholders.
Monitoring progress in the enabling environment (1)

Busan Partnership for Effective Development Cooperation (paragraph 22)
(2011 Busan High Level Forum)

Global Partnership for Effective Development Cooperation

Ten Indicators to Monitor Progress
(Indicator Two on Paragraph 22)

CSO Partnership for Development Effectiveness (CPDE)
- Working Group on EE
  * An Enabling Environment for CSOs: A Synthesis of Evidence since Busan
- Working Group on DE
  * Journey from Istanbul: Evidence on Implementation of Istanbul Principles

UNDP/OECD Joint Monitoring Team

Multi-stakeholder (CPDE, Donors Partner Countries)
Task Team on CSO Development Effectiveness and Enabling Environment
Review of Progress Progress on Civil Society-Related Commitments of the Busan High Level Forum

High Level Meeting of the Global Partnership
Monitoring progress in the enabling environment (2)

- Some initiatives independent of the Busan process monitoring CSO enabling environment in a human rights framework

  - UN Special Rapporteur Report on the rights to freedom of peaceful assembly and of association
  - Civicus 2013 State of Civil Society Report and EE Index; ICNL/Civicus Enabling Environment National Assessments; Civicus Index Rapid Assessments
  - ICNL Law Monitor, databank and country reporting systems
  - Annual and special reports from Amnesty, Human Rights Watch, and Transparency International
  - Front Line Defenders and Women’s Human Rights Defenders International Coalition
  - ITUC Annual Survey of Trade Union Rights Violations
  - Special studies / reports by academics, OECD DAC Donor Peer Reviews, and CSOs such as ACT Alliance or Reality of Aid Network Africa
  - Other country composite indices: Bertelsmann Transformation Index; Cingranelli-Richards Human Rights Dataset; USAID CSO Sustainability Index; Open Budget Survey Index; Economic Intelligence Democracy Index; Press Freedom Index; Media Sustainability Index; Freedom House Freedom of the Net Index; Reporters without Borders
What are the issues and challenges in monitoring the CSO enabling environment? (1)

**Political and conceptual:**

1. The goal is to **contribute positively to change at the country level**, particularly where enabling conditions are weak or deteriorating:
   - What monitoring processes and tools are most effective for this purpose?
   - Are global norms for an enabling environment useful for CSOs at the country level? Are they used effectively? What synergies can be improved between global/regional/country processes related to enabling environment?

2. Creating **consensus on the meaning of a CSO enabling environment** and the indicators for progress:
   - What is needed to build understanding and consensus among country CSOs, among government officials, politicians and media?
   - Are we focusing on civil society, or more narrowly on civil society organizations?
   - Can we work with the Global Partnership and its monitoring process at the country level to create this consensus?
What are the issues and challenges in monitoring the CSO enabling environment? (2)

3. Improving the credibility and legitimacy of the monitoring process affects the political credibility of the outcomes of the monitoring process and its impact:
   - How effective are multi-stakeholder processes? At the country or regional level?
   - What is possible in countries where CSO/state relationships have become severely dysfunctional and/or threatening?

4. The relationship between issues of CSO accountability and transparency and progress in an enabling environment for CSOs:
   - Can we demonstrate improvements in CSO mechanisms for accountability and transparency at the country level?
   - Is there knowledge / relevance for the Istanbul Principles for CSO Development Effectiveness at the country level? Can we demonstrate progress in implementation of these principles?
   - Will demonstrating progress in CSO accountability and transparency be sufficient to motivate progress in the provision of enabling environments?
What are the issues and challenges in monitoring the CSO enabling environment? (3)

Technical issues in monitoring progress

1. **Lack of existing country-comparable data** in key areas such as the implementation of laws and regulations or policy influencing roles:
   - Are there effective and not overly-burdensome ways to collect this data?
   - Is it realistic/feasible to do so in a multi-stakeholder way (to strengthen credibility and buy-in)?
   - Can data collection be based on common standards so that information is comparable between countries? But then what is the common standard for “access to policy influencing” for example?

2. The need to verify and improve the **credibility of data / analysis derived exclusively from CSO sources**:
   - Can CSOs demonstrate a consensus across the diversity of CSOs in the country and not just with those that have been most impacted?
   - Can CSOs build consensus through cross sectoral alliances, including influential media, academics, government officials?
What are the issues and challenges in monitoring the CSO enabling environment? (4)

3. Should we aim for a country-level **numeric representation of relative progress** in the CSO enabling environment?
   - Can we simplify the complex reality of the enabling environment for CSOs in a ranking score that both truly represents current conditions and is manageable?
   - How do we combine narrative analysis, CSO perceptions, existing data and indices in ways that accurately represent current conditions, while communicating the most important messages?

4. Undertaking **technical work through participatory methodologies** that builds consensus and addresses the political challenges in making progress on enabling conditions:
   - How do we develop solutions for technical issues that at the same time address the political challenges noted above?
Ways forward (1)

Supporting country/regional level monitoring and multi-stakeholder engagement on CSO enabling environment:

- Regional initiative such as this Black Sea Forum, creating multi-stakeholder spaces for discussion of enabling environment issues

- Country level processes supported by the CPDE’s Working Group on Enabling Environment (In 2014: Ivory Coast, Mozambique, Vietnam, Mongolia, Brazil, Colombia, Jamaica, Europe TBC)

- CPDE’s Working Group on CSO Development Effectiveness program on strengthening CSO accountability frameworks at the country level.

- Task Team on Development Effectiveness and Enabling Environment Voluntary Initiative 12 (Mexico High Level Meeting of the GPEDC)
  - Develop consensus on meaning of EE within GPEDC and assessing good practice at country level
  - Piloting multi-stakeholder processes and present lessons for ways to advance CSO EE in 3 or 4 countries
Ways forward (2)

- Making the link with the UN Post-2015 Sustainable Development Goals on governance and rights of association, speech and assembly (enabling conditions for implementing the SDGs).

- OECD/UNDP Joint Monitoring Team’s monitoring of Indicator Two and integration into country monitoring processes for the next High Level Meeting in 2016
  - Developing a questionnaire on EE to be implemented in multi-stakeholder monitoring processes at country level, in collaboration with CPDE and the Task Team VI-12.

- The Transparency and Accountability Initiative (T/AI), a donor collaborative study on Improving the measurement of Civic Space in international initiatives.
Ways forward (3)

- Civicus’ Civil Society Watch, new Civic Pulse Initiative and its Big Development DataShift for People-Powered Accountability (http://civicus.org/thedatashift/)

- The International Center for Not-for-Profit Law (ICNL), Article 19, CIVICUS, and the World Movement for Democracy (WMD) are jointly implementing the Civic Space Initiative (CSI) - http://www.wmd.org/projects/civic-space-initiative
Web Sources


Task Team on CSO Development Effectiveness and Enabling Environment: http://taskteamcso.com/
ANNEX ONE: Busan HLF4 Commitments to Enabling Environment

Paragraph 22 of the *Busan Global Partnership for Effective Development Cooperation*:

Civil society organizations (CSOs) play a vital role in enabling people to claim their rights, in promoting rights-based approaches, in shaping development policies and partnerships, and in overseeing their implementation. They also provide services in areas that are complementary to those provided by states. Recognizing this, we [donors and governments] will:

a) Implement fully our respective commitments to enable CSOs to exercise their roles as independent development actors, with a particular focus on an enabling environment, consistent with agreed international rights, that maximizes the contributions of CSOs to development.

b) Encourage CSOs to implement practices that strengthen their accountability and their contribution to development effectiveness, guided by the *Istanbul* Principles and the *International Framework for CSO Development Effectiveness*. 
ANNEX TWO:
CPDE’s CSO Enabling Framework

(1) Universally accepted human rights and freedoms affecting CSOs

a) Recognition of rights and freedoms affecting CSOs

Does a state recognize at the national level three universally recognized human rights and freedoms affecting CSOs?

Rights to freedom of association, freedom to peaceful assembly, and freedom of expression.

Are these rights and freedoms recognized in the constitution and basic laws?

Are there significant violation of these rights?
(1) Universally accepted human rights and freedoms affecting CSOs

b) The legal and regulatory environment governing CSOs’ exercise of their basic rights

A legal and regulatory enabling environment is one where the state’s laws, regulations and policies on civil society (at both the national and sub-national level) make it easy for civil society groups to form, operate free from unwarranted interference, express their views, communicate convene, cooperate and seek resources.

- Is there ease and access to (voluntary) registration?

- Are CSOs free to operate in law and in practice without excessive administrative burdens and/or government interference (harassment)?

- Are there legal or political barriers that hinder CSO’s ability to openly express its opinions, particularly critical of government policies?

- Are there legal, policy or political barriers to access (seek, secure and use) resources, including foreign resources, for CSOs?

- Can groups who gather openly criticize the government through peaceful protests or other forms of demonstrations?
c) Rights of specific groups representing marginalized and vulnerable groups

Evidence of discrimination in the application of laws, regulations and policies for particular groups that may advocate for policy change or represent marginalized and vulnerable populations.

- Are particular organizations (trade unions, human rights organizations, women’s rights organizations, organizations of indigenous peoples, LGBT organizations etc.) receiving less favourable treatment under legal regimes due to their specific activities and mandates?

- Are there examples of leaders and/or members of vulnerable organizations facing discrimination, harassment, arbitrary arrest or extra-judicial killings?
(2) Policy Influencing

a) Spaces for dialogue and policy influencing

The ability of CSOs to engage with government on policy concerns through dialogue and advocacy (with resulting impact) is an essential area for consideration of CSO enabling conditions. The degree to which there are institutionalized spaces for policy dialogue and fair and inclusive processes for government/CSO consultations are critical ingredients of democratic ownership of public policy.

- Are there inclusive and accessible processes for policy engagement (at all levels)?

- Are there institutionalized opportunities for CSOs to participate in public policy and decision-making processes?

- Are CSO inputs taken into account in policy outcomes? Are there accessible accountability mechanisms?

- Are there incentives to address capacity needs of all stakeholders in policy dialogue?
b) Access to information

Governments must put into practice principles and laws governing the full transparency and accountability for government priorities, strategies, plans and actions.

- Do CSOs have a right of access to relevant government information, by law and in practice?

- Is the process of obtaining relevant government information simple, timely, transparent and based on established procedures?
(3) Financing CSOs: Donor – CSO relationships

In many countries, donor policies and financing arrangements affect CSOs’ roles as effective, independent development actors. Financing modalities should enable CSOs to implement their own mandates and priorities and be relevant to a diversity of CSOs, respecting their different roles, capacities, constituencies and approaches.

- Are CSO funding mechanisms responsive to the programming priorities of CSOs?

- Are donors establishing transparent and consistent policies, with inclusive processes for CSO engagement on these policies and country strategies at all levels (headquarters and in partner countries)?

- Are CSO funding mechanisms reliable, transparent, easy to understand and disbursed impartially?

- Are there donor strategies to facilitate diversification of CSOs’ income sources?