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Preparing for the 2014 Development Cooperation Forum
DCF GERMANY HIGH-LEVEL SYMPOSIUM

Accountable and effective development cooperation in a post-2015 era

Policy Brief
Civil society accountability: To whom and for whom?

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CSOs as development actors

Civil society embodies democracy as it manifests shared interests and aspirations of people who voluntarily organize themselves. Social solidarity is the basic framework common to civil society organizations (CSOs) in the purpose of their being and their actions.[i] As such, CSOs are 'a vibrant and essential feature in the democratic life of countries'[ii] as they 'facilitate people's claim to their political, civil, economic, social and cultural rights in a process of democratic development.'[iii] The relevance and diversity in the multiple roles played by CSOs is becoming more recognized, and more influential. These roles can be broadly divided into three dimensions: (1) promoting citizen participation; (2) ensuring effective delivery of development programs and operations; and (3) the social empowerment of particular groups and the realization of human rights, social transformation and democratic development.[iv]

This brief aims to illustrate how CSOs work on their own accountability as independent development actors through different initiatives at various levels. It also discusses challenges in promoting CSO accountability, and its relation to issues of enabling environment, more specifically, the roles played by other stakeholders in framing different mechanisms. The paper ends with key recommendations for the UN Development Cooperation Forum (DCF) given its importance as an arena for CSO advocacy on effective development cooperation, where discussions on how CSOs reflect and work on their own accountability and effectiveness as distinct development actors can also constructively take place.

Civil society engagements in official processes

Civil society has long been engaged with official processes; however, this policy space is not given easily and is rather a product of persistent assertion of CSOs' rightful place in development discourse. While primarily intergovernmental, the United Nations (UN) is forging strategic partnership with other stakeholders, among them civil society, to ensure participation in different areas of work, welcoming CSOs' engagement and encouraging an enhanced CSO role in national development efforts and the achievement of the Millennium Development Goals (MDGs). CSOs also engaged substantively as early as 2001 in the Financing for Development and follow-up process, where governments considered the multi-stakeholder involvement of civil society and the private sector as a core principle.[v] The UN ECOSOC DCF[vi] also engaged CSOs since its inception in 2005 in international discussions on trends in development cooperation, and provides a valuable opening for CSOs to engage in ECOSOC on an equal footing with UN Member States.

In the aid effectiveness process, it was in the 2005 2nd High-Level Forum (HLF) on Aid Effectiveness in Paris when CSOs were encouraged to participate, with only 14 CSOs present. The 3rd HLF in Accra, Ghana saw the enlarging influence of CSOs within the development cooperation discourse, and its outcome document, the Accra Agenda for Action, recognized CSOs as independent development actors in their own right.[vii] Over the next three years, the importance given to CSO voice was manifested as the broadly representative BetterAid CSO platform assumed an equal seat within the Working Party on Aid Effectiveness. At the 4th HLF in Busan, Republic of Korea, in 2011, the civil society

representative sat with ministers and donor representatives to chart ways forward for aid and the effectiveness of development cooperation.

Alongside this official recognition of civil society as independent development actors and opportunities for engagements, CSOs have acknowledged the importance of addressing their own effectiveness as development actors. CSOs have been challenged to demonstrate and improve the effectiveness in their own work, including influencing development cooperation policies.[viii]

CSO effectiveness and accountability

Among the accountability aspects that CSOs are often challenged with are: accountability to those that provide them with finance and legal status (donors, governments); accountability to their constituencies and beneficiaries; accountability to their own mission, values/ethics and staff; and accountability to fellow CSOs. This challenge led to the creation of the *Istanbul Principles for CSO Development Effectiveness.*[ix] The implications of these *Principles* for CSO practice was subsequently expressed in the *International Framework on CSO Development Effectiveness,* a global reference for effective development work for CSOs, appropriate to each country context.[x] Both the *Istanbul Principles* and the *International Framework* were recognized by all stakeholders in the Busan Partnership document (BPd)[xi] as guides that strengthen CSO accountability and maximize their contribution to development effectiveness.[xii]

The *Paris Declaration on Aid Effectiveness* focused on the mutual accountability (MA) of donors and developing country governments,[xiii] but Busan went further to include CSOs in the MA framework.[xiv] But acknowledging the accountability of stakeholders to each other unfortunately does not reflect the differences in their nature, orientation and relative power. Furthermore, the BPd does not assert a fuller notion of accountability, one in which all stakeholders have primary accountability towards the people they serve. The UN DCF, on the other hand, pushed for providing stronger voice of CSOs in mutual accountability mechanisms and international cooperation, and to routinely include CSOs in the governance of MA forums.

The High-Level Plenary Meeting on the Millennium Development Goals re-emphasized mutual accountability as important in improving aid quality and development impact. Other actors such as Southern partners, private philanthropic organizations and civil society organizations have also recognized the need for greater accountability in development partnerships, building on the call for ODA effectiveness in the Monterrey consensus. In this diversity of actors, finance flows and modalities, and in the context of determining a post-2015 development agenda, effective mutual accountability is seen as essential in the translation of global commitments to implementation at country-level.[xv]

However, surveys on mutual accountability conducted for the DCF provide evidence that CSOs are not adequately consulted in national accountability mechanisms.

Accountability to whom: Addressing the issue of CSOs' multiple accountability

The issue of CSO accountability is not only related to fiduciary and reporting requirements in a context of defending CSO legitimacy questioned by other stakeholders. CSOs are principally challenged to demonstrate their accountability to the people, especially the poor and marginalized, as constituencies for whom CSOs work. Some issues that motivate this orientation of CSO accountability include a need for the reduction of organizational bureaucracy and the increase of resources for in-country and grassroots civil society capacities.

Among the most important incentives for CSO accountability vis-à-vis their constituency is the issue of keeping public trust and legitimacy. This is critical to consolidate and increase citizen and donor support. In addition, organizational learning and knowledge sharing can be a direct outgrowth of effective CSO accountability. It can also help to strengthen CSO capacities to be responsive to the needs of their constituencies, as a basis for meaningful relationships between the CSO, the people they work with, and with other stakeholders engaged in development cooperation.

As distinct independent actors, the CSO sector operates in a different context of accountability than other stakeholders, such as government or the private sector. In the words of IBON International (2010):

> 'Of course, CSOs are not meant to represent the public as a whole organically; else they would be elected officials themselves and would belong to the public sector. CSOs are considered voluntary in character, represent their constituencies in expressing their rights to speech, or taking upon various causes and concerns in the interest of the general public. They are private individuals or organizations involved in public causes or interests and are thus not part of the private sector… CSOs must be accountable to all as genuine organizations… if they truly act in the interest of the public and their constituencies and not for some interest to capture the state as in a political party or to amass profit.'[xvi]

Thus, appropriate mechanisms for CSO accountability are those that correspond to their democratic principles and values, such as operational transparency (through tools such as reports, audits, monitoring and evaluation), consultation processes and open engagement, which are based on their commitment to the people they serve rather than merely complying with requirements. Such accountability mechanisms contribute to greater awareness of the actual work of CSOs, thus improving CSOs' reputation. They would be an important demonstration of the important roles of CSOs in development while confronting the realities of shrinking democratic spaces for these roles, especially in a growing number of Southern countries where reforms of outdated NGO laws are regulating CSO activities in ways that are highly restrictive and/or repressive.

Initiatives in promoting CSO accountability

The CSOs' *International Framework* looks at the different dimensions of CSO accountability, while also recognizing the differences in the nature of CSO legitimacy and transparency practices, in the context of the *Istanbul Principles*. It also points to the importance of a growing number of different voluntary initiatives of CSOs for self-regulatory frameworks, with peer review mechanisms implemented by CSO country platforms. Similar initiatives of various organizations have also emerged such as the International Non-Governmental Organization Accountability Charter (INGO Accountability Charter), an initiative of 25 international NGOs, which saw the need for a global, cross-sectoral code that reflected the values and priorities of the INGO sector.[xvii]

The INGO Accountability Charter seeks to (a) identify and define shared principles, policies and practices; (b) enhance transparency and accountability, both internally and externally; (c) encourage communication with stakeholders; and (d) improve INGO performance and effectiveness as organizations. In 2013, it launched a project that seeks to create a **Global Standard for Core CSO Accountability** by looking at six CSOs from each region that will exchange their expertise and experiences of implementing their own accountability standards.[xviii]

One World Trust (OWT) has created a database of different self-regulatory initiatives on CSO accountability in different countries and regions. The database goes beyond compiling the different initiatives to also offer descriptive and analytical information on how these initiatives have been implemented and affected the organizations involved.[xix] OWT, together with World Vision International (2010), also developed six principles for CSO regulation initiatives, including accountability to primary targets, transparency, respect for diversity and human rights. These principles also talk about the challenges met by different regional and international initiatives, but with special attention to the challenges that hamper implementation in Southern countries.[xx]

These initiatives are welcome opportunities in advancing the work on CSO effectiveness and accountability, but as pointed out by Dochas, the Irish NGO network, 'a global, one-size-fits-all standard will not work. The hard work of 'interpreting' this global framework [Istanbul Principles], and putting guidelines into practice, will have to be done country by country and within individual agencies.'[xxi] The problem with imposing a global standard for CSO accountability across countries is the applicability of these mechanisms to each country context. A study in Bangladesh for example reveals that '[a]ccountability for NGOs…with many different stakeholders, is clearly challenging. Likewise, the issues may be very different in a developing country where an NGO "conglomerate" comes to be seen as a threat to the legitimacy and authority of the government because of the wide range of services it provides and roles it plays.'[xxii] Some would argue that global standards on CSO accountability might not really reflect a context where organizations critical of their governments are violated or harassed.

Challenges to CSO accountability and effectiveness

Though there were clear efforts on addressing CSO accountability, '…[T]he great multitude of accountability requirements co-existing today also poses a challenge with regard to focus, comparability and ownership. The next great lever is to systematically bring together the leading actors in this field, agree on what is core to CSO accountability and leverage each other's impact in implementing it.'[xxiii]

While looking at implementing the *Istanbul Principles* guiding CSOs' operations globally, CSOs assert that CSO space and capacities for improving the effectiveness of their development cooperation are closely related to country contexts where minimum standards for an enabling legal, regulatory and policy environment for CSOs are evident. While there is much that CSOs can reflect and change in their development practice, the realization of the *Istanbul Principles*, including that of promoting transparency and accountability, cannot only depend on the internal capacity of CSOs. The implementation of these guiding *Principles* is very much affected by the environment where CSOs are operating. CSOs can only be effective as fully independent development actors, if there are no major legal, regulatory and policy hurdles to their existence and roles.

CIVICUS, in their 2013 *State of Civil Society Report*, building on case reports from CSOs around the world, reaffirmed that as much as CSOs are serious about their own accountability mechanisms, "external actors can interact with and hinder the steps CSOs take in these areas." Case studies in this report point to the impact of the lack of transparency and accountability on the part of the governments on CSOs' own attempts to advance their transparency and accountability. For example, "higher levels of corruption and poor governance in broader society make it harder to be transparent and work in accountable ways. Similarly, attempts at civil society collaboration may be stymied by laws and regulations that create barriers against them."[xxiv]

The CSO Partnership for Development Effectiveness (CPDE)[xxv] Working Group on CSO Enabling Environment has also documented cases of challenges to the CSO environment in different countries. Its 2013 *Synthesis of Evidence*[xxvi] on CSO enabling environment drew attention to the work of the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai. In a recent report he notes, "Civil society and those voicing dissent face some of the most significant challenges, unlike those who support official policies. …Repressive legislation, often shared between states, is becoming a threat to civil society as Member States make laws criminalizing or restricting this work."[xxvii] These growing restrictions include limits placed on the receipt of funds from international sources, with growing numbers of cases among African and Asian countries.

Among the legal impediments pointed out by the CPDE, which directly relates to CSO accountability, are the following:[xxviii]
1. Mandatory registration of organizations, rendering illegal any activities by unregistered CSOs, including smaller community-based organizations and informal associations [identified in 3 CPDE and Reality of Aid case studies (Zambia, Zimbabwe and Tanzania) and 4 additional countries noted by ICNL

(International Centre for Non-Profit Law) in its online database (Kenya, South Sudan, Ethiopia and Uganda)];

2. Unclear and/or multiple laws, and/or expensive and complex procedures for registering and governing CSOs. As a consequence, reports observe arbitrary and selective application of laws/regulations against certain organizations, significant barriers for smaller CSOs to register, and lengthy delays for successful registration and burdensome heavy reporting requirements; and

3. Institutionalization of politically motivated legal proceedings against members of CSOs, critical of official policies leading to arbitrary arrests and detention.

While violations are more persistent and far-reaching in highly polarized and authoritarian political environments, lesser legal and regulatory concerns were also recorded in more democratic country contexts, such as Canada or Kenya.[xxix]

Recommendations to strengthen CSO accountability

Improvements in practices and processes of CSOs in relation to their own accountability, or through global initiatives, have been documented by leading CSO networks and platforms regionally and globally. Given the importance of looking at CSOs' own values and principles, this work on civil society accountability and effectiveness needs to continue to improve and strengthen to address the challenges of the diversity of CSO actors, the limits of voluntary mechanisms and the increasingly difficult environments in which CSOs work. Given the impacts of the actions by different stakeholders on the CSO environment, multiple policy spaces need to be engaged with increased dialogue and understanding of the issues involved in CSO accountability.

The DCF provides an opportunity for CSOs to highlight their strengths and concerns, and engage at more equal footing with Member States and other stakeholders in a discussion on the role of different actors of development cooperation, in a post-2015 development agenda. Based on recent trends and challenges for CSO accountability discussed in this paper, below are some recommendations to further strengthen the support of CSO effectiveness, accountability and their enabling environment:

1. Support efforts on CSO accountability

Capacity development programs are necessary in helping CSOs to be more transparent and accountable in their operations, and also monitor accountability of other stakeholders. The DCF, and ECOSOC and the UN more broadly, can reinforce the accountability of CSOs by supporting CSO-led initiatives for context-specific implementation of *Istanbul Principles* and related guidance at the national and

organizational levels and giving emphasis to creating and improving capacities among CSOs to do so.

2.   Encourage the implementation of minimum standards for an enabling environment for CSOs

CSOs do not exist in a vacuum, and are affected by the context in which they work. The realization of different principles ensuring and promoting accountability and transparency also depends on the environment in which CSOs work. Thus, it is important that governments and other stakeholders provide this environment so CSOs can operate freely and more effectively, especially in the context of a post-2015 development agenda where institutions and stakeholders must pursue policies that promote greater democratic participation. This could be addressed at the 2014 DCF.

3.   Promote meaningful engagement of CSOs in development cooperation and accountability processes

There is a need to recognize and use independent CSO-generated evidence on development cooperation in official accountability mechanisms at country, regional and global levels. Governments must maximize the DCF as a venue to engage CSOs in examining lessons and interrogating development relationships, in support of an inclusive renewed global partnership for development post-2015. In pursuit of equitable development cooperation, discussions at the DCF are expected to accentuate the rich contribution and importance of including CSOs in different UN processes, and urge meaningful reforms in other multilateral institutions tackling development policies towards being more inclusive, more representative of and accountable to the needs and interests of the poor and marginalized.

4.   Advocate for transparency and accountability of all stakeholders

CSOs must indeed work to improve their transparency as an essential condition for accountability. But it is also important that CSOs' calls for transparency of state actors and accessibility of aid information are heeded for, among others, greater national government effectiveness. Further, CSOs should have access to the same information and materials as other participants in multilateral development policy discussions and negotiations. Civil society should have the opportunity for dialogue with relevant decision-makers. National parliaments, another core constituency at the DCF, have a role to play to provide such access to CSOs at country level.

5.   Push for strategic, equitable and sustainable partnerships

Partnership is not an option but a fundamental basis for development cooperation. Thus, the DCF should advocate, not just for partnership per se, but for strategic, equitable and sustainable partnerships that will be based on mutual trust, respect, equal participation and solidarity of all stakeholders. This kind of partnership will ensure that the diversity and plurality of views of different stakeholders will be respected and considered in development policies. They should be aligned to global efforts for a renewed global partnership for development in support of the post-2015 development agenda.

Endnotes

[i] IBON International. 2010. *Primer on the Development Effectiveness of Civil Society Organizations.* Manila: IBON Books

[ii] *Istanbul Principles for CSO Development Effectiveness*

[iii] The Advisory Group on Civil Society and Aid Effectiveness. August 2008. *Consultations on Civil Society and Aid Effectiveness: A Synthesis of Issues, Analysis and Proposals: A background paper*

[iv] Building on The Advisory Group's *Synthesis of Findings and Recommendations* (August 2007), the range of roles that CSOs play as distinct development actors cover any mix of the following:
   a. Mobilizing grassroots communities, poor and marginalized peoples to claim their rights;
   b. Monitoring government and donor policies and practices: holding national and multilateral development agencies to account through local knowledge, research, advocacy and alternative policies;
   c. Delivering services and innovative development programming;
   d. Building coalitions and network for greater civil society coordination, impact and global mobilization;
   e. Sensitizing citizens in aid-providing countries to global issues, and bridging regional or socio-cultural differences towards common goals; and
   f. Mobilizing and leveraging Northern financial and human resources in North/South CSO partnerships.

[v] In the 2002 Monterrey International Conference on Financing for Development governments enshrined multi-stakeholder involvement as a core principle of the UN FfD process. This principle has been maintained in the FfD follow-up process, including the Doha Review Conference on Financing for Development in 2008 and included full access by civil society to negotiations and the possibility for them to have scheduled interventions during proceedings.

[vi] UN Economic and Social Council Development Cooperation Forum

[vii] Accra Agenda for Action Paragraph 20 states that CSOs are independent development actors in their own right whose efforts complement those of governments and the private sector.

[viii] This led to the establishment of the Open Forum on CSO Development Effectiveness and the BetterAid CSO Platforms. BetterAid focused on policy reforms on the aid effectiveness agenda, while the Open Forum focused on the demonstration of CSOs' own commitment to effectiveness, and advocating for an enabling environment for civil society.

[ix] The Istanbul Principles is a set of mutually shared norms guiding the development work of CSOs worldwide. It is the product of the Open Forum for CSO Development Effectiveness from a three-year process of 70 national, regional and sectoral consultations all over the world.

[x] Open Forum on CSO Development Effectiveness website, www.cso-effectiveness.org

[xi] Busan Partnership for Effective Development Cooperation, the outcome document of the Busan High Level Forum, recognizes the Istanbul Principles and the International Framework on CSO Development Effectiveness in paragraph 22, b.

[xii] Development effectiveness, in relation to aid, is understood as policies and practices by development actors that deepen the impact of aid and development cooperation on the capacities of poor and marginalized people to realize their rights and achieve the Internationally Agreed Development Goals (IADG).

[xiii] IBON International. 2010. *Primer on the Development Effectiveness of Civil Society Organizations.* Manila: IBON Books

[xiv] Paragraph 35 of the BPd states that all stakeholders for development including CSOs 'will hold each other accountable for making progress against the commitments and actions agreed in Busan, alongside those set out in *Paris Declaration on Aid Effectiveness* and *Accra Agenda for Action*.'

xv *Briefing Note: United Nations capacity-building project to strengthen national mutual accountability mechanisms.* January 2013. Accessible at
https://www.un.org/en/ecosoc/newfunct/pdf13/ma_update(jan_2013).pdf
xvi Ibid.,pp 7-8.
xvii International NGO Accountability Charter website, http://www.ingoaccountabilitycharter.org
xviii *Global Standard for Core CSO Accountability Executive Summary.* INGO Accountability Charter. The project wanted to increase focus, comparability and ownership with regard to CSO quality assurance principles and processes. The project will also provide a global reference point to (a) help CSOs protect their political space in countries where CSO law is weak or repressive and (b) offer national governments and CSO bodies wishing to establish CSO accountability regulation – a globally recognized model standard to build upon.
xix One World Trust CSO Project Database, http://www.oneworldtrust.org/csoproject
xx *Responding development effectiveness in the global South.* One World Trust and World Vision International Briefing Paper Number 126, June 2010
xxi http://dochasnetwork.wordpress.com/2011/01/18/irish-ngos-adopt-istanbul-principles-to-raise-the-bar-on-development-effectiveness/
xxii Karns, M., T. Shaffer and R. Ghere.n.d.*The challenges of accountability for International nongovernmental and*
Civil society organizations. N.p.
xxiii International NGO Accountability Charter: Global Standard for Core CSO Accountability
xxiv CIVICUS: World Alliance for Citizen Participation. 2013. *The State of Civil Society 2013 Report.* Accessible at http://socs.civicus.org/?page_id=4289
xxv CPDE continues the work of BetterAid and Open Forum, including on CSO Development Effectiveness (CSO DE) and Accountability.
xxvi The CPDE Synthesis of Evidence is an on-going documentation of progress in the Busan commitment of promoting an enabling environment for CSOs. It is also the platform's contribution to the GPEDC Global Monitoring Indicator 2, on Enabling Environment.
xxvii Maina Kiai, "Sounding the Alarm: emerging threats to civil society and the need for a coordinated international response, " The High Level Event on Supporting Civil Society, New York, 23 September 2013, accessible at
http://www.ohchr.org/Documents/Issues/FAssociation/StatementCivilSocietyRoundtable23092013.pdf
xxviii See CPDE, *An Enabling Environment for Civil Society Organizations: A review of progress since Busan*, November 2013, accessible at http://www.ccic.ca/what_we_do/aid_dev_effectiveness_e.php
xxix In a survey of Canadian and US CSOs, "twenty-nine percent (29%) of respondents suggested that legal requirements were a significant barrier (including difficult application requirements and maintaining charitable status). Furthermore, several respondents felt that their ability to operate as legitimate development actors was either constrained or threatened." (Canadian Council for International Cooperation and Interaction, 2013. *Two Years on from Busan: Looking back, looking forward.* An analysis of a survey on the Istanbul Principles, Human Rights-Based Approaches to development and the Enabling Environment, A collaborative effort by Jared Klassen (CCIC), Suzanne Kindervatter (InterAction), Fraser Reilly-King (CCIC), and Brian Tomlinson (AidWatch Canada and the Working Group on the Enabling Environment of the CSO Partnership for Development Effectiveness), October 2013, page v, accessible at http://www.ccic.ca/_files/en/what_we_do/2013_10_29_CPDE%20_Report_of_Findings.pdf.)