ABSTRACT

Guidance and Good Practice on CSO Development Effectiveness and Enabling Environment

April 2019
ABOUT THE TASK TEAM

This document is offered by the multi-stakeholder Task Team on CSO Development Effectiveness and Enabling Environment (Task Team). The Task Team has around 30 active participants from three stakeholder groups: governments that provide development cooperation, partner country governments, and civil society organizations (CSOs) affiliated with the CSO Partnership for Development Effectiveness (CPDE).

The Task Team is dedicated to enhancing the ability of CSOs to effectively engage in development worldwide, by promoting enabling environments for CSOs to operate in and encouraging CSO development effectiveness, which entails the effectiveness, accountability and transparency of CSOs themselves.

Interested in reading more?

This Abstract is based on the Task Team’s full-length Guidance and Good Practice on CSO Development Effectiveness and Enabling Environment. The full-length document contains more detailed explanations and more examples (including sources). Download it from the Task Team’s website www.taskteamcso.com.

Disclaimer

This Abstract amongst others draws from research commissioned by the Task Team through its Secretariat at the International Institute of Social Studies of Erasmus University Rotterdam, as well as from the experience and practice of Task Team participants and beyond. The content of this Abstract does not necessarily reflect the views of ISS-EUR, individual Task Team participants or their institutions.

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INTRODUCTION

Civil society organizations (CSOs) are key actors in development that have valuable contributions to make. They play a multitude of roles - including in relation to humanitarian assistance, service-delivery, research and policy development, and pursuing accountability from governments and other stakeholders – all of which can significantly contribute to the realization of the Sustainable Development Goals (SDGs). CSOs are expected to play a critical role in implementing the SDGs and in monitoring their progress. It is therefore urgent that CSOs meaningfully and effectively engage in development processes. But what is needed for CSOs to be able to do so? This document offers some answers to that question. It is an abstract of the Task Team's Guidance and Good Practice on CSO Development Effectiveness and Enabling Environment.

What is the CSO enabling environment?
An enabling environment for CSOs can be said to exist when CSOs work in an environment that is favorable to CSO formation, operation and engagement in development processes. It is a broad multi-dimensional concept that comprises the “political, financial, legal and policy context that affects how CSOs carry out their work”.1

What is CSO development effectiveness?
CSO development effectiveness is concerned with what CSOs themselves can do to address their effectiveness, transparency and accountability in order to effectively engage in development. CSO development effectiveness is essentially the other side of the enabling environment coin.

Commitments on CSOs in development...

That CSOs are key contributors to development has been long-recognized. Also recognized is that with the right conditions in place, CSO contributions to development can be further strengthened. Over the last decade, international commitments have been made to this end, so that “CSO contributions to development reach their full potential”.2

Governments committed to provide an environment that is supportive of CSOs (CSO enabling environment), while CSOs committed to enhance their own effectiveness, transparency and accountability (CSO development effectiveness). Underlying these commitments is the recognition that CSOs are independent development actors that play various complementary roles in development.

... that contribute to the 2030 Agenda and the SDGs

The commitments on the CSO enabling environment and CSO development effectiveness are of fundamental importance for the SDGs. CSOs are included in the SDGs both as a means and an end of development.

As a means, CSOs are expected to contribute to implementing the SDGs - both individually and as part of the multi-stakeholder partnerships called for under SDG 17 - and to monitoring progress.3 As an end, the existence of a vibrant civil society can be considered part of SDG 16 on peaceful and inclusive societies.

What are CSOs
“CSOs can be defined to include all non-market and non-state organizations outside of the family in which people organize themselves to pursue shared interests in the public domain. Examples include community-based organisations and village associations, environmental groups, women’s rights groups, farmers’ associations, faith-based organizations, labour unions, co-operatives, professional associations, chambers of commerce, independent research institutes and the not-for-profit media”.4

FOUR WAYS TO STRENGTHEN CSO ENGAGEMENT IN DEVELOPMENT PROCESSES

CSOs can meaningfully and effectively contribute to implementation and monitoring of the SDGs if there is an environment that supports their various operations, while CSOs simultaneously work on their own development effectiveness, transparency and accountability.

This can be realized in four ways. Using a four-part framework, this document offers a quick introduction to the inter-related commitments on the CSO enabling environment and CSO development effectiveness. It explains what the commitments mean in practice for different actors. A limited selection of good practice examples is also included. The aim is to help raise awareness on the CSO-related commitments and contribute to a broader understanding of their practical implications.

Four-part framework

1. Multi-stakeholder dialogue
   - Speaks to: All development actors

2. Transparent, Effective and Accountable CSOs
   - Speaks to: CSOs

3. Official Development Cooperation with CSOs
   - Speaks to: Development cooperation providers (often referred to as ‘donors’)

4. Legal and Regulatory Environment
   - Speaks to: Governments, including of countries receiving development cooperation

Creating the right conditions for CSOs to meaningfully and effectively engage in the SDGs is a shared responsibility. This is reflected in the four-part framework: providers of development cooperation (also referred to as ‘donors’), partner country governments and CSOs all have a role to play.

Under each part, a number of areas of good practice are explained. Consider these as stepping stones towards progress...

What is needed for CSOs to meaningfully and effectively engage in the SDGs? This document offers some answers to that question.
PART 1

MULTI-STAKEHOLDER DIALOGUE

“We will engage in open and inclusive dialogue on development policies.”

(2008 Accra Agenda for Action, para. 13)

Introduction
Access to multi-stakeholder dialogue is an important part of the CSO enabling environment. When CSOs have such access, they are able to share their insights and experiences, offer alternative ideas, and influence development policies and processes. They can also use such access to bring to the table the voices of people that might otherwise be marginalized from broad development discussions.

Space for multi-stakeholder dialogue can be said to exist when CSOs can access and actively participate in multi-stakeholder dialogue fora that address the design, implementation and monitoring of development policies and planning. Such access should exist at national, regional and global levels. This section covers various areas of good practice including in relation to institutionalization, access, inclusion, and resources and capacity development. 5

PART 1

MULTI-STAKEHOLDER DIALOGUE

Stepping Stones

Institutionalized multi-stakeholder dialogue

Accessible multi-stakeholder dialogue

Inclusive multi-stakeholder dialogue

Resources and capacity development
Institutionalized multi-stakeholder dialogue

Multi-stakeholder dialogues on development policy and planning can exist in many forms. In many countries, it is not uncommon for governments to invite CSOs to participate in consultations or meetings. Yet for CSO engagement in multi-stakeholder dialogue to be meaningful, more is needed than holding ad hoc and issue-based consultations. Institutionalized dialogues are systematic. This means they take place regularly and are communicated in advance so that stakeholders can anticipate them. Wherever feasible, they should build on existing multi-stakeholder fora. Good practice furthermore calls for accountability in the form of feedback mechanisms on how stakeholders’ inputs are incorporated, or not, into policies, plans and programs.6

Accessible multi-stakeholder dialogue

Access to information. For multi-stakeholder dialogue to be accessible, it is important that relevant information (e.g. reports, participant lists or contact information) is provided in a timely manner and in an accessible language. Access to information more broadly, as part of the right to access information, is a key contributor to meaningful multi-stakeholder dialogue. This can be enabled through access to information laws.8 Stakeholders should be able to access information in a timely fashion with minimal costs and bureaucratic procedures.

Access to the table. Sometimes CSOs are invited to a multi-stakeholder dialogue but are unable to contribute. For CSOs to have real access, it is important that they can make interventions. This requires political commitment on the part of government actors to create designated spaces at the table for non-state development actors.9 At minimum good practice calls for scheduled interventions for CSOs. Better yet would be if CSOs are able to contribute on an equal footing.

Good practice: Accessible space for multi-stakeholder dialogue

Highlights: Formal CSO seat at the table; CSO participation in decision-making

Example: Appointment of a Non-Executive Co-chair of the Global Partnership for Effective Development Cooperation (GPEDC)

The GPEDC is a multi-stakeholder platform that seeks to advance the effectiveness of development efforts of all actors. While non-state actors have played a major role on its Steering Committee, since its establishment the GPEDC has been Co-Chaired by three Ministers. In 2017-2018, the GPEDC deliberated appointing a non-executive Co-Chair to represent, on a rotating basis, CSOs, trade unions, local authorities, parliamentarians, philanthropic organizations and business. This would offer an opportunity for non-governmental stakeholders to shape the agenda from a position of leadership. The non-executive Co-Chair would also be able to better facilitate inputs from non-state stakeholders and bring in additional expertise. In November 2018, the Steering Committee agreed to add a non-executive consultative Co-chair as part of a pilot running until July 2019. It was felt that this strengthens the GPEDC’s multi-stakeholder nature and places all partners on a still more equal footing. Based on agreement among non-state Steering Committee members, the first consultative Co-Chair position has been taken up by a representative from the CSO constituency.

Access to international and inter-governmental fora. It’s important for CSOs to have access to multi-stakeholder dialogues also in the framework of international and inter-governmental fora. CSOs have access to these multi-stakeholder dialogues when they can participate, make (scheduled) interventions, and submit inputs for inclusion in official documentation or through an official website. Another way to give CSOs such access is by including them in multi-stakeholder delegations, or by seeking their input in developing official government submissions or reports.

Good practice: Accessible space for multi-stakeholder dialogue

Highlights: Multi-stakeholder delegations; multi-stakeholder input into official reporting

Example: The Kingdom of the Netherlands’ Voluntary National Review (VNR) at the 2017 United Nations High-Level Political Forum (HLPF) (Netherlands)

At the 2017 HLPF, The Kingdom of the Netherlands presented its VNR on progress in implementing the SDGs. For the Netherlands, the national SDG report that was presented to Parliament provided the inputs for the VNR at the HLPF. The process of writing the national SDG report was very participatory. All Dutch citizens were invited to contribute through an online consultation. In addition, the Netherlands Ministry of Foreign Affairs, responsible for the coordination of the SDGs, invited civil society, youth, private sector, knowledge institutions and local governments to write the report together with the Dutch government. Stakeholders were asked to write their respective parts of the report through four representative organisations: Global Compact (representing private actors), Kaleidos (representing knowledge institutions), Partos (representing civil society) and VNG (representing local governments). The Kingdom also invited different stakeholders into their delegations. The Kingdom’s delegation was comprised of at least one Youth representative from each country (Aruba, Curaçao, the Netherlands and St Maarten) and the youth representative from the Netherlands presented part of the VNR presentation on behalf of young people across the Kingdom.

Inclusive multi-stakeholder dialogue

Good practice calls for multi-stakeholder dialogues to be inclusive of various development actors. This includes, but is not limited to; national and local governments, civil society, parliaments, the private sector and traditionally national and local governments, civil society, parliaments, the private sector and traditionally
marginalized groups. For CSOs, it’s important that selection criteria are transparent and that there is also broad outreach and participation of actors beyond the ‘usual suspects’, for example local CSOs outside the capitals.

**Good practice:** Inclusive Space for multi-stakeholder dialogue  
**Highlights:** Inclusive participation; broad-based outreach  
**Example:** National Economic Development and Labour Council (NEDLAC) (South Africa)

NEDLAC is a representative and consensus-seeking statutory body established through the National Economic Development and Labour Council Act of 1994. NEDLAC consists of representatives from government, organized labour, organized business and community organizations. Community organizations are represented by the South African Youth Council, National Women’s Coalition, South African National Civics Organization, Disabled People South Africa, Financial Sector Coalition and the National Co-operatives Association of South Africa. NEDLAC provides a platform for national level multi-stakeholder dialogue that strives to reach consensus on issues of social and economic policy and to make economic decision-making more inclusive, as well as promote the goals of economic growth and social equity. NEDLAC plays an important part of the policy and law-making processes in South Africa that seeks to complement Parliament’s legislative and policy processes through social dialogue. The Council considers all proposed labour legislation before it is introduced into Parliament as well as all significant changes to social and economic policy before it is implemented.

**Resources and capacity development**

Stakeholders have very different degrees of power or potential to contribute or engage meaningfully in multi-stakeholder dialogue. Resources and/or training opportunities to build the capacity of various stakeholders - including government, CSOs and development cooperation providers - can contribute to more meaningful multi-stakeholder dialogue. Training can cover participatory methods, communication, leadership skills, conflict resolution, negotiation and facilitation, as well as preparatory measures including stakeholder relationship mapping and analysis.

**Good practice:** Adequate resources and/or training opportunities for multi-stakeholder dialogue  
**Highlights:** Training opportunity for government representatives to engage with non-stake actors  
**Example:** Web-based course on “Strengthening Stakeholder Engagement for the Implementation and Review of the 2030 Agenda”

The United Nations Institute for Training and Research together with the United Nations Department for Economic and Social Affairs developed a web-based course on “Strengthening Stakeholder Engagement for the Implementation and Review of the 2030 Agenda”. The e-learning course was designed to help strengthen the capacities of Governments to engage in an effective and meaningful way with Major Groups and other stakeholders in implementation and review of the SDGs. Learning objectives included to map key national stakeholders, identify practical ways to engage with key national stakeholders, and develop long-term strategies for continuous stakeholder engagement. The course has been held twice already, first in 2016 and then in 2017. Since December 2016, a total of 22 countries presenting their VNRs in 2017 and 2018 have benefitted from the course.
PART 2

CSO DEVELOPMENT EFFECTIVENESS, TRANSPARENCY AND ACCOUNTABILITY

“The shared principles of transparency and accountability are relevant to all Global Partnership stakeholders including [...] civil society organizations”

(2016 Nairobi Outcome Document, para. 72)

Introduction
CSOs need to ensure their own effectiveness to be able to maximize their contribution to development, whether alone or in multi-stakeholder partnerships. Given CSOs’ envisaged role in SDG monitoring and pursuing accountability from other actors more broadly, it is also important that CSOs are able to demonstrate their own accountability and transparency.

CSOs face many different accountability relationships. This includes accountability towards the public and the governments in the countries in which they operate, as well as accountability to official providers (donors), private donors, boards, constituencies, beneficiaries, and each other.

This section focuses on what CSOs can do to enhance their development effectiveness, accountability and transparency. It first addresses self-managed CSO accountability mechanisms. It then covers good practice elements of ownership, results monitoring and evaluation, transparency and accountability, coordination and information sharing, all of which could be addressed collectively within CSO self-regulation or by CSOs individually.

Self-managed CSO accountability mechanisms

One way that CSOs can enhance their development effectiveness, accountability and transparency is by participating in a self-managed CSO accountability mechanism, sometimes referred to as ‘self-regulation’. These mechanisms, generally containing a number of standards that CSOs must meet to participate, are voluntary in nature and often address CSOs’ multiple accountability relationships. Successful CSO self-regulation mechanisms generally entail a consultative design process; public disclosure requirements; monitoring and verification of compliance; and some form of participant sanctioning in case of non-compliance.11

Self-regulation mechanisms can help advance CSOs’ collective accountability and send a signal – to public and private donors, governments, and the public – that the sector is credible and worthy of the public’s trust. It can also signal the individual accountability of each participating CSO.

Good practice: Self-managed CSO mechanisms to enhance CSO development effectiveness, accountability and transparency

Highlights: Global level self-regulation; consultative process; capacity development; monitoring mechanism

Example: Strengthening Accountability and Governance of NGOs (SAGON, Nepal)

One key objective of the NGO Federation of Nepal (NFN) is strengthening accountability and governance of NGOs in Nepal. Under SAGON (funded by the Swiss Agency for Development Cooperation), the NFN amended its voluntary Code of Conduct to reflect the IPs. The NFN translated the IPs into Nepali and integrated them into its NGO Governance Resource Book to create awareness of the IPs and to promote their uptake. NFN also undertook capacity development on the IPs and on NGO internal governance and management issues, with over 2,000 NGOs trained between July 2016 and 2017. It also established a hotline service in some Districts to counsel NGOs on demand.

5 Stepping Stones

Self-managed CSO mechanisms
Ownership
Results monitoring & evaluation
Transparency & accountability
Coordination and information-sharing
Ownership

Applying the principle of ownership can contribute to CSO development effectiveness. Ownership implies that CSOs’ initiatives are demand-driven and responsive to the priorities of the partners and constituencies CSOs collaborate with, serve or represent. The ownership principle applies at two levels: i) in the relationship between CSOs and ii) in the relationship between CSOs and the individuals, communities or constituencies they seek to serve or represent.

There are various ways CSOs can pursue ownership. One option is the human rights-based approach (HRBA) to development. As HRBA is rights-based, it is intended to avoid risks such as being supply driven (providing what is available rather than responding to real priorities). Another option is to use participatory approaches at all stages of a CSOs’ initiative. For example through constituency feedback mechanisms, whereby stakeholders offer feedback on a CSO’s intervention on an ongoing basis, allowing the CSO to adapt its program to better fit local priorities and context.

Good practice: Ownership
Highlights: Demand-driven and responsive; human rights-based approach
Example: ActionAid’s HRBA and Afghanistan Women’s Empowerment program (Afghanistan)

ActionAid applies 8 principles to guide their HRBA, including enabling people’s active agency as rights activists; monitoring and evaluating to evidence impact, and critically reflecting and learning to improve. In 2015 ActionAid held seminars to collectively analyse case studies of its HRBA application. A key learning was that while its HRBA principles are constant, strategies and tactics used must be adapted to context to always ensure a community-owned, people-led process. An example was from a women’s empowerment program in Afghanistan. ‘Reflect Circles’ were established as safe spaces for women to discuss issues relevant to them, learn to read and write, and run businesses. Agenda-setting and decision-making were done by Circle members. Over time, Circle participation by the poorest and most vulnerable women decreased as they struggled to participate while also meeting daily livelihood and unpaid care needs. The program adapted by supporting the Reflect Circles to develop Community-based Development Activity Plans for their villages, which included livelihood support and literacy programs to benefit the most marginalized women. The most vulnerable Circle members were targeted for livelihood generation activities thus meeting their immediate and most pressing needs, while also continuing the long-term approach to changing power dynamics and the pursuit of rights.

Results monitoring and evaluation (M&E)

M&E systems are key instruments for CSOs to demonstrate that their actions are leading to the changes sought. What CSOs’ M&E systems look like will vary. It will need to match the organization and program size capacity. CSOs likely also need to consider M&E requirements of their donors (covered in Part 3). The concept of ‘right-fit’ M&E is thus a useful way to think through M&E system design that is fit-for-purpose and appropriate for the CSO and its program(s). As for demonstrating their results, CSOs are encouraged to monitor and report not on activities, but on results at the outcome level.

Good practice: Results monitoring and evaluation
Highlights: Right fit M&E (global, country level); M&E for learning
Example: Innovations for Poverty Action (IPA) and the Goldlocks principles; TaluSalud (Guatemala)

The Goldlocks Initiative helps design and implement ‘right-fit’ M&E systems for a CSO. Established by IPA, its CART framework calls for M&E systems that are: Credible (collects high quality data and analyzes the data accurately), A ctionable (commits to act on the data collected), Re sponsible (ensures the benefits of data collection outweigh the costs), and T ransportable (collects data that generate knowledge for other programs). The IPA website offers tools for CSOs to develop their appropriate M&E strategies that take into account learning and accountability objectives. It includes case studies with M&E experiences and lessons from over a dozen CSOs working in provider and recipient countries.

Transparency and accountability

CSOs can enhance their transparency and accountability by making information available about the aid flows they receive and disburse and associated activities. At global level, they can do so by reporting to the International Aid Transparency Initiative (IATI) Standard. In addition, CSOs need to respond to the accountability requirements of their development cooperation providers, as well as to the national regulatory requirements in the countries in which they are registered and/or operate. However, CSOs need also to ensure that accountability to providers and governments does not come at the expense of accountability to the people CSOs seek to serve or represent locally.

Good practice: Transparency and accountability
Highlights: Global, national and local level transparency and accountability
Example: Tearfund (Kenya)

Tearfund is an international CSO that reports to IATI since 2015 and also aims for transparency and accountability at the national level. For example, in Kenya, Tearfund is registered with and reports to the relevant regulatory body, the NGOs Coordination Board. As part of a pilot to improve transparency and accountability at the local level, in one of its programs Tearfund introduced community notice boards. The location of each board was chosen during a consultative meeting with community members. They were managed by independent Beneficiary Reference Groups established as part of the program to receive and process queries, complaints and feedback from the community, working in close consultation with Tearfund staff. The boards also appreciated the type of information provided.

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Coordination and information sharing

CSOs can enhance their effectiveness by coordinating their actions with governments, amongst themselves, and with other actors. Coordination is especially important in social and humanitarian service provision to optimize impact, and avoid duplication of effort or gaps in coverage. In policy engagement, it can strengthen CSOs’ voice while reducing transaction costs. Overall, coordination and collaboration among CSOs gives opportunities for them to build on each other’s strengths to find creative solutions to development challenges. While CSOs are independent development actors, good practice calls for such coordination, especially when they are operating in public service arenas that are also purportedly government responsibility.

Information-sharing among CSOs and with other actors is another important way to ensure effectiveness. It is one aspect of transparency, but also serves as a passive means of coordination. Simply knowing what others are doing in a particular geographic or thematic area can and should influence a CSO’s decision on whether to intervene in similar areas. It can thus be a first step towards coordination, as well as sharing of lessons.

**Good practice:** Coordination and information sharing

**Highlights:** Coordination with government; CSO coordination; aid recipient country level self-regulation

**Example:** Konsil LSM Indonesia (Konsil) (Indonesian NGO Council)

As an outcome of the governance reforms in Indonesia in the late 1990s, the CSO sector grew considerably. Evidence emerged of ‘briefcase’ CSOs, while the Government was challenged to understand the full scope of the sector’s interventions. Development NGOs responded to the legitimacy and accountability challenge via a series of self-regulation initiatives. In 2010 these came together under a newly established umbrella, Konsil. Konsil is a CSO coalition with 107 members from across Indonesia.

The experience of Konsil members in coordinating with Government has been growing. For example, in responding to the 2005 Tsunami, staff of the NGO Pusat Kajian Perlindungan Anak (Center for Study and Child Protection) held regular coordination meetings with local government officials, sharing information on their work in the affected area. This amongst others helped to: avoid duplication with the work of other NGOs; ensure all displaced persons had equal access to humanitarian response interventions; and contribute to protecting NGO staff and volunteers in the field.
“DAC members’ policies and practice in engaging with civil society are part-and-parcel of an enabling environment for civil society worldwide.”

(OECD (2012), Partnering with Civil Society: 12 Lessons from DAC Peer Reviews, p. 7)

Introduction

How providers of official development cooperation (or ‘donors’) engage with CSOs – and administer their financial support to CSOs, as well as their broader, non-financial engagement with CSOs and other stakeholders on CSO-related issues.

This section begins with coverage of providers’ policies or strategies that offer an over-arching framework for their support to and engagement with civil society and/or CSOs. It continues to describe various additional elements of ‘good donorship’. This includes ways in which official development cooperation providers channel and administer their financial support to CSOs, as well as their broader, non-financial engagement with CSOs and other stakeholders on CSO-related issues.

Civil society/CSO policy or strategy

A fundamental starting point for ‘good donorship’ and for a relationship between a CSO and a provider, is having a civil society policy or strategy in place. Ideally, such a document does not regard CSOs simply as partners in implementation. Instead, it ideally also acknowledges the essential value of CSOs as independent development actors and the value of a strong pluralist civil society as ends in and of themselves. Good practice calls for such a CSO policy to be developed in consultation with CSOs from both provider and aid recipient countries. As regards content, at minimum, such a policy sets out a framework for providers’ support to and engagement with civil society, including the purpose, objectives and priorities. It may also address some of the elements of good practice below.

Good Practice: Civil society and/or CSO policy or strategy

Highlights: Coverage of CSOs as implementation partners (means) and intrinsic value of CSOs and a strong civil society; consultation in policy development; promoting CSO enabling environments

Example: Canada’s Civil Society Partnerships Policy (CSPP) for International Assistance (Canada)

Global Affairs Canada’s 2017 CSPP sets out Canada’s approach to enhancing effective cooperation with Canadian, international and local CSOs to maximize the impact of Canada’s assistance and foster a strong and vibrant civil society sector. The CSPP addresses both the development outcomes sought through CSO partnerships and ways to achieve them. Amongst other objectives, the CSPP strives to: facilitate a safe and enabling environment for civil society; foster CSO leadership in innovation; integrate the role of CSOs as independent actors through policy dialogue and support to a diversity of CSOs; establish more predictable, equitable, flexible, and transparent funding mechanisms; foster multi-stakeholder approaches, and empower women and girls and promote gender equality, consistent with Canada’s Feminist International Assistance Policy. Though critiqued for its short timeframe, a consultation process invited Canadian CSOs’ inputs through meetings and contributions. CSOs are also engaged in development of the CSPP implementation plan and in annual review meetings.

Funding mechanisms

Donors often fund CSOs for implementing projects with objectives that are defined by the donor. They can also fund CSOs for implementing projects with objectives that CSOs define themselves. Good donor practice calls for a balance between the two. Funding for projects with CSO-defined objectives respects CSOs as independent development actors, and enables effective CSO programming that is locally owned and demand-driven. Providers also need to strike a balance between support directed to specific sectors or themes (such as health or education) and support that is intended to strengthen an independent and diverse civil society as an objective of its own.

One way to support CSOs as independent development actors is through core or institutional funding. This is funding for an organization, rather than a program or project. But it’s not the only way. Key is that a funding mechanism allows CSOs to initiate and lead development initiatives independently, including pursuing priorities and approaches that may not align with those of provider or host country governments. The challenge of balancing support to CSO-defined objectives and provider-defined priorities can in part be addressed through mixed funding modalities.
Good practice: Funding mechanisms

Highlights: Balancing support for CSOs for CSO-defined objectives with support to CSOs for provider-defined objectives; multi-year funding; capacity development of aid recipient country CSOs

Example: Austrian Development Cooperation’s (ADC) mix of CSO funding mechanisms (Austria)

ADC supports CSOs to implement programs and projects. CSOs are supported both as: (i) contractors for direct implementation of ADC’s country, sectoral or regional programs; or (ii) co-funding partners for projects/programs based on CSOs’ own initiatives and themes, though in coordination with ADC goals and programs. As contractors, CSOs are funded, based on calls for proposals, for 100% of a project/program. Various instruments are available for co-funding CSOs as partners, wherein Austrian CSOs are supported to work in partnership and engage in capacity development with CSOs or other actors in aid recipient countries. Instruments include, amongst others:

- Individual Projects South and East: Two to three year funding for CSOs, with up to 65% funding available for CSOs working in ADC priority countries, and 25% in non-priority countries.
- Framework Programs: Three to maximum four year funding for CSOs’ programs with a clear strategic development objective and results focus, with up to 80% of a program in priority countries, and 70% in non-priority countries.
- Strategic Partnerships: Five year funding that builds on successful Framework Programs, also results-oriented but with greater flexibility for partners and thus more akin to institutional funding.

Good practice in funding also calls for support to strengthen the civil society sector, primarily but not exclusively in aid recipient countries. This can be done by directly supporting CSOs in and from aid recipient countries, by supporting their capacity development, and by making resources available for the wider civil society community, including informal movements and groups. To reach smaller, more nascent CSOs or non-formalized forms of civil society, providers need to be prepared to take calculated risks.

Good practice also calls for predictability in funding for CSOs, which can reduce the costs of frequent proposal development, while allowing CSOs to focus on program implementation and monitoring, and their relationships with those they serve or represent. Providers can create predictability through multi-year funding that covers three to five year durations or more.

Good practice: Funding mechanisms

Highlights: Risk-taking in CSO support; dialogue with CSOs

Example: Sida Pilot Project on Financial Guarantees

Sida is breaking ground in effective financial risk-taking with a pilot project testing a number of risk-sharing methods, such as providing financial guarantees. Traditionally, guarantees are used to reduce the risks that insurance companies take. Through payment guarantees, Sida guarantees the repayment of a loan to improve the borrower’s status. The guarantee means that Sida pays the guaranteed creditor (e.g. a bank) should the borrower fail to make his or her payment. In this way, the risk is shared between Sida and the actor providing the loan. The intent of the pilot-project is to adapt Sida’s Loan and Guarantee instrument so that it can be used by Swedish Framework Organization’s partner organisations working in aid recipient countries.

By guaranteeing the ‘investment’, Sida absorbs the risks the framework organizations might otherwise hesitate to take in partnering with more nascent CSOs or informal groups. This initiative is at an initial stage of development. Planning to co-design the pilot with two SFOs and a possible financial institution are underway, with the planning and designing of the project to be taken over by the framework organizations.

Result monitoring and evaluation (M&E)

Providers require monitoring and reporting, and sometimes evaluation, of the CSO programs they fund. This is necessary for them to meet accountability demands in their countries, including to demonstrate development results (at minimum) and value-for-money (often). Providers are encouraged to not only use M&E for accountability and compliance, but also for learning and reflection with CSOs. This, in turn, can increase the likelihood of achieving development results.

Good practice: Results monitoring and evaluation

Highlights: M&E for mutual learning; impact level M&E; promoting coordination and collaboration among CSOs

Example: Belgium Ministry of Foreign Affairs, Foreign Trade and Development (BE-MFA) approach to impact assessments

In its 2017-2021 program cycle, BE-MFA is implementing impact assessments of CSO programming as a knowledge management tool. In addition to understanding the impact of its investments, BE-MFA is aiming to build expertise on evaluation practices within the CSO sector while developing a joint knowledge base for mutual learning. To allow as much mutual learning as possible across Belgian CSOs, the assessments are organized by the Belgian CSO Federations, which represent the common interests of the whole CSO sector vis-a-vis the Belgian government. Steering committees for the assessments are composed of the Federations, the Belgian government, the CSO whose intervention is assessed, and other CSOs with similar interventions. This diverse composition aims to reinforce mutual learning with regards to impact assessments, which, up to now, remained a rarely used practice in Belgium.

Accountability and transparency

Sound M&E practices are key not only for providers to meet their accountability requirements at home, but are also central to advancing CSOs’ accountability and transparency. Providers need to be aware of the risk that their accountability requirements may end up substituting for CSOs’ accountability and transparency domestically in aid recipient countries. Providers have a role to play in promoting CSOs accountability in the countries in which they work. This includes encouraging
CSOs to meet the relevant regulatory requirements in country (including program and financial reporting) and implementing practices that strengthen CSO accountability to their clients, beneficiaries or constituencies (see Part 2: CSO Development Effectiveness, Accountability and Transparency). Providers themselves are encouraged to take a step toward transparency by making information on their CSO funding flows publicly accessible in the countries where they are funding CSOs, proactively sharing this information with national governments where sharing does not pose a risk to providers’ CSO partners.

**Administration cost**
CSOs often suffer a burden of heavy transaction costs responding to administrative and reporting requirements of multiple providers, who often employ different standards and methods. Providers are encouraged to minimize transaction costs through coordination of their CSO support and harmonization of their proposal formats, administrative and reporting requirements, and schedules. Ideally, administrative and reporting requirements would align with CSOs’ own systems and procedures. Providers can harmonize and coordinate their CSO support by pooling funds to a single CSO or to a CSO support mechanism. This can reduce transaction costs and avoid duplication of effort.

**Good practice:** Accountability and transparency
**Highlight:** Provider transparency at global and domestic levels

**Example:** DFID’s approach to transparency (UK)
DFID has been at the forefront of providers in the transparency movement. It was one of the key providers behind the establishment of the International Aid Transparency Initiative (IATI) which seeks to improve transparency of development and humanitarian resources. It was also one of the first providers to report to the IATI standard since 2012. All DFID’s CSO partners are required to report to the IATI Standard. Effort is underway within DFID to establish a way for data on their CSO partners’ programs with downstream partners in aid recipient countries to also be traceable within the IATI system, though further exploration and effort is needed to improve the quality and completeness of partners’ IATI reporting. DFID also publishes detailed information about its programs online at the Development Tracker website, inclusive of the business cases and progress reviews. A breakdown of spending is provided yearly in a Statistics for International Development report.

**Good practice:** Administration costs
**Highlights:** Reducing administrative and reporting costs through harmonized multi-provider support to a CSO at global level; dialogue with CSOs; promoting CSO enabling environments

**Example:** CSO Partnership for Development Effectiveness (CPDE)
Since 2009, providers have pooled their financial support to CPDE, a global CSO platform that implements a coordinated campaign for effective development. Providers’ support to the platform flows to a Manila-based CSO, IBON International, which manages the funds on behalf of the platform. All six providers contributing to CPDE in 2016 (Austria, EC, Canada, Ireland, Finland, and Sida) did so through joint support to two CPDE programmes. Providers’ contributions to the first program are administered under a common Memorandum of Understanding (MoU). While each provider also has a bilateral MoU with IBON, all providers receive the same proposal, annual financial report and audits. The second program is co-financed by two providers, each again receiving the same proposal and reports. According to a CPDE Program Manager this approach “allows us to focus on delivering results rather than be hampered by reporting requirements.”

**Dialogue with CSOs**
Providers can furthermore provide an enabling environment in their official development cooperation with CSOs by providing space for non-financial engagement with CSOs. This can serve pragmatic purposes, such as facilitating mutual learning, or tapping into CSOs’ knowledge and expertise. It can also build relationships of trust, respect, and understanding of each other’s constraints and comparative advantages. Ideally, such dialogue is institutionalized, with topics co-defined and reporting back on integration (or not) of input into provider policies and programs. Also important is that such dialogue takes place with CSOs both in provider and aid recipient countries.

**Good practice:** Dialogue with CSOs
**Highlight:** Institutionalized dialogue with CSOs at global level and in an aid recipient country
**Example:** United Nations Development Program (UNDP): Civil Society Advisory Committee (CSAC); Department of Public Information; Advisory Board (AB) (Kyrgyzstan)
In 2000 the UNDP established the CSAC to systematize consultation between UNDP and civil society actors at the global level. Meeting annually, the sixteen-member CSAC functions as the main institutional mechanism for dialogue between civil society leaders and UNDP senior management. Among other things, CSAC’s input has resulted in a strengthening of the civic engagement dimension of UNDP’s policies and programs, and greater collaboration with a broad range of civil society constituencies. In addition to CSAC, through its Department of Public Information, UNDP engages in dialogue with CSOs such as through weekly in-person briefings and an annual NGO conference.

The UNDP has also institutionalized dialogue with CSOs in some aid recipient countries. An example is the AB initiated in 2015 in Kyrgyzstan. Its aim is to enhance dialogue and partnership between UNDP and CSOs, and to develop recommendations that strengthen UNDP’s contribution to development in Kyrgyzstan. The 25-strong AB is co-chaired by the UNDP Resident Representative and a CSO. Half of its 24 CSOs are appointed from active CSOs and civil society leaders working in UNDP programs, and half are selected from a competition among CSOs.

**Public engagement in development partner countries**
Public engagement can help build public support for development cooperation, by building citizens’ understanding of how development cooperation can address development challenges, while building a sense of global citizenship and shared responsibility for a common future. At the same time, it addresses the issue of transparency as taxpayers in provider countries have a right to hear and engage in discussion about the rationale behind development cooperation and how results are achieved. Providers are encouraged to include in their strategy support for public engagement by and with CSOs.
Good practice: Public engagement in provider countries
Highlight: Support for CSO public engagement; mix of funding modalities
Example: Agence Française de Développement (AFD) development education (France)

AFD supports French CSOs to enhance their effectiveness in citizen mobilization. AFD allows CSOs to include public engagement in their development project/program budgets and maintains a mechanism of support specifically for development education projects. Such projects address information, education, or advocacy processes, aiming to promote understanding and ownership of international solidarity issues by publics residing in the ‘North’ (with priority to France). In one example, AFD supports the CSO Le Partenariat in operating the Gaïa Education Centre in Lille. The Centre seeks to educate and mobilize the public to contribute to a more human globalization with sustainable development for all. It offers a range of different educational activities: training courses for teachers, immersion workshops for children, educational kits, and sustainable development team games, amongst others. Moreover, since 2016, AFD has been charged by the French government to develop its own strategy in development education and set a program of actions that complement CSOs’ projects.

Promoting a CSO enabling environment in aid recipient countries

Providers are encouraged to incorporate the objective of strengthening the enabling environment for civil society and CSOs in their work. Providers can promote enabling environments in various ways, for example through programming in rights and democracy promotion, or in their policy dialogue with aid recipient countries. Such efforts need to be undertaken with a very good understanding of the context. How measured an approach is needed, will depend on the assessed “pushback risk”, potentially resulting in backlash against perceived policy interference in aid recipient countries.15

Good practice: Promotion of a CSO enabling environment in aid recipient countries
Highlight: Promoting CSO enabling environments; multi-pronged approach to funding; dialogue with CSOs

The EU Action Plan on Human Rights and Democracy strongly commits the EU to address threats to civil society space. It provides a comprehensive answer to closing space that mixes immediate interventions to defend human rights defenders and maintain funding flows with longer-term actions to safeguard legal frameworks, develop CSOs’ resilience and support international processes. The Plan reinforces complementary EU policies that commit to promote an enabling environment for civil society. The Plan’s key supporting instrument is the European Instrument for Democracy and Human Rights (EIDHR). An example of EIDHR support was in development of a law regulating the partnership between CSOs and public authorities in Brazil, Law 13.019/2014. The Law was drafted through a participatory process involving civil society, with strong leadership from the Government. The EU delegation in Brazil played a role in monitoring the process from the early stages; encouraging involvement of a broad swath of CSOs; funding and participating in a seminar involving international experts; supporting CSOs’ engagement with the media; and maintaining continuous dialogue with CSOs and their networks.
PART 4
LEGAL AND REGULATORY ENVIRONMENT

“We commit to accelerated progress in providing an enabling environment for civil society, including in legal and regulatory terms, in line with internationally agreed rights.”

(2016 Nairobi Outcome Document, para. 18)

Introduction

Governments have committed to provide an enabling environment for CSOs so that they can maximize their contribution to development.16 An enabling legal and regulatory framework is a key component of that commitment.17

The environment in which CSOs operate is very much influenced by government policies and actions. This section focuses on what governments can do – through laws, policies and regulations – to create an environment that is favorable for CSOs and supports CSOs in fulfilling their diverse roles in development. An enabling legal and regulatory environment can greatly contribute to CSO effectiveness in development, including with respect to realization of the SDGs.

The various elements of an enabling legal and regulatory environment are outlined below. These elements reflect generally accepted international standards and practices as regards CSO laws, policies and regulations. For both the elements and the good practice examples featured, it is recognized that what constitutes good practice is relative and that there may be gaps whereby enabling provisions on paper are combined with more restrictive implementation.

Respect and promote the fundamental freedoms of association, assembly and expression

The rights to freedom of association, assembly and expression are vital for CSOs. Rooted in international law through multiple international and regional18 treaties, these fundamental freedoms are crucial for individuals to be able to form and join CSOs, and for CSOs to be able to operate and fulfill their independent role. As such, these fundamental freedoms are the foundation for an enabling legal and regulatory environment. Based on these fundamental freedoms, CSOs amongst others have the right to form and operate, the right to communicate with both domestic and international partners, and the right to access resources.19 This is further covered below.

As a starting point, governments can establish an enabling legal and regulatory environment for CSOs by ensuring there are laws, policies and regulations that respect, protect and promote these freedoms - on paper and in practice. Alignment should be sought with both domestic and international partners, including with respect to regional standards. More specifically, the Guidelines lay down principles that strengthen and protect the rights to freedom of association and assembly – as called for by respectively articles 10 and 11 of the African Charter – with the aim of assisting States in developing appropriate legal frameworks and legislation. The Guidelines are offered as a starting point that can be complemented by new standards. The Guidelines were developed under the supervision of the Special Rapporteur on Human Rights Defenders in Africa. The process for their development involved a series of consultations conducted in various regions of the African continent.

Establishment of a legal framework for CSOs

CSOs benefit from a legal framework that specifically addresses CSOs and nurtures CSOs’ various roles in society. Such a legal framework can be established through laws, policies and/or regulations. One option is framework laws for CSOs that address issues of relevance throughout a CSO’s lifecycle. This includes issues such as establishment, registration, dissolution, governance, reporting and public benefit status. Framework laws are beneficial for CSOs, because they can create a secure and predictable setting for CSOs to operate in. Framework laws need to reflect the fundamental freedoms of association, assembly and expression. Framework laws should also apply equally to all CSOs, ranging from those engaged in service delivery to those engaged in advocacy.

Good practice:
Respect for and promotion of the fundamental freedoms of assembly, association and expression

Highlights:
Guidelines clarifying human rights standards

Example:
Guidelines on Freedom of Association and Assembly in Africa

The Guidelines on Freedom of Association and Assembly were adopted at the 60th Ordinary Session of the African Commission on Human and Peoples’ Rights (ACHPR) in May 2017. The aim of the Guidelines is to clarify and crystallize human rights standards. More specifically, the Guidelines lay down principles that strengthen and protect the rights to freedom of association and assembly – as called for by respectively articles 10 and 11 of the African Charter – with the aim of assisting States in developing appropriate legal frameworks and legislation. The Guidelines are offered as a starting point that can be complemented by new standards. The Guidelines were developed under the supervision of the Special Rapporteur on Human Rights Defenders in Africa. The process for their development involved a series of consultations conducted in various regions of the African continent.

6
Stepping Stones

Respect and promote fundamental freedoms of association, assembly and expression

Legal framework

Enabling CSO formation, registration and operation

Facilitating access to resources

Monitoring laws, regulations and policies and their impact on civil society

CSO engagement in drafting or revising CSO-related laws, policies and regulations

Example:
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**Good practice:** Establishment of a legal framework for CSOs  
**Highlights:** Simplified legal and regulatory framework for CSOs; enhanced registration procedure; and effective CSO engagement in the development and towards the implementation of a CSO framework law  
**Example:** Public Benefit Organizations (PBO) Act (Kenya)

In 2009, a number of Kenyan CSOs established the CSO Reference Group (CSO-RG) to develop a more enabling legal and regulatory framework for public benefit organizations that would help improve governance, accountability and transparency. The CSO-RG played a critical role in the drafting and passing of the 2013 PBO Act. After the PBO Act was signed into law, government made four attempts to pass a series of Amendments to the Act that were considered likely to be restrictive. The CSO-RG successfully thwarted the amendments through studies and awareness-raising on the effects of the amendments, organizing petitions and protests combined with strong social media presence; partnerships with CSOs, international organizations and providers; and dialogue with different actors within government including from the legislative and executive branches. The PBO Act – if implemented – is expected to provide a more enabling environment for PBOs. It would replace the existing NGOs Coordination Act (1990), while aiming to establish a single framework for all PBOs, as currently PBOs fall under a variety of different legal frameworks. The PBO Act would furthermore provide a more enabling environment through greater independence for the regulator, clarity of requirements, a more transparent and speedy registration process, and provisions for voluntary PBO self-regulation. The law is yet to be implemented.

**Enabling CSO formation, registration and operation**

Governments can create a favorable environment for CSOs, by making sure that the legal and regulatory environment facilitates – rather than complicates – CSO formation, registration and operation.

**Formation** - A legal and regulatory framework that is enabling for CSO formation allows associations, including CSOs, to freely come into existence based on the recognition that under the freedom of association, all individuals have the right to form, join and participate in an association.

**Registration** – A legal and regulatory framework that is enabling for CSO registration implies voluntary registration, only if the founders of a CSO so desire. Unregistered associations should be able to engage in a wide range of activities without being subjected to criminal or other sanctions. CSOs may however want to register themselves, for example because it gives access to particular benefits only conferred to legal entities, such as favorable tax treatment.

Important is that the process and requirements for CSO registration are clear, accessible and realistically attainable. Governments are encouraged to establish consistent procedures with quick decision-making and minimal fees. Simplified processes are also encouraged, for example by offering digital registration. Good practice also calls for a time limit for review, clear grounds in case of denial or dissolution, and an independent recourse mechanism. It is recommended that the decision-making authority rests with a single entity with a significant level of independence from government.

**Good practice:** Enabling CSO formation, registration and operation  
**Highlights:** Non-mandatory registration; attainable criteria for registration  
**Example:** Law on Freedom of Association in Non-Governmental Organizations (Kosovo)

Freedom of association is a constitutional right in Kosovo guaranteed by Article 44 of its constitution. It is further defined in Kosovo’s 2010 Law on Freedom of Association in Non-Governmental Organizations. Article 9 of this law stipulates that registration is voluntary. In practice, most organizations do opt to register, as legal entity status offers advantages such as eligibility to open a bank account and the ability to receive funding from abroad. The requirements for the establishment of an association are reasonable and attainable. A minimum of three physical or legal persons can establish an association while there are no requirements on initial capital or minimum funds.

**Facilitating access to resources for CSOs**

To be able to fulfill their various roles, CSOs obtain resources from a range of actors, from local community members to government and/or multilateral authorities. Soliciting, receiving and using resources are a crucial part of a CSO’s right to operate. Governments can promote access to resources through laws, policies and regulations that facilitate access and avoid undue restrictions. CSOs should be able to obtain resources - such as cash, transfers, loans or in-kind resources - from different sources, with no distinction between resources obtained domestically and abroad. Special requirements or approvals to receive foreign resources ought to be avoided.

**Operation** – A legal and regulatory framework that is enabling for CSO operations implies that CSOs are can pursue a broad-range of self-defined objectives, including non-partisan political work, both in law and in practice. To fulfill their various roles, CSOs need to be able to speak freely - online and offline - on various matters, including (proposed) legislation, state policies and practices and (candidate) state officials. Also key to CSO operation is access to information. This can be enabled by freedom of information laws, with clear and timely procedures, nominal fees, motivated decisions and possibilities to appeal.

An enabling environment for operations also implies that CSOs can regulate their own internal governance and affairs, with reasonable auditing or reporting requirements, if applicable. Government interventions ought to be minimized and undue interference abstained from. In short, a legal and regulatory environment that enables CSO operations refrains from creating limitations on CSOs’ scope of work, on their freedom of expression and on their self-organization.
Following the restoration of Iraqi sovereignty in June 2004, Iraq’s re-emerging civil society leaders worked with Iraqi government officials and international and domestic NGOs to advocate for the adoption of a new NGO law that would be more consistent with international law and best practices. At the time, the legal and regulatory environment was non-conducive. Amongst others, CSOs faced restrictions on obtaining funding. The Iraqi Amal Association (Al Amal) and the Coalition of Freedoms (CoF) in Iraq sought to improve the legal and regulatory framework. At federal level, a new Law on Non-Governmental Organizations went into effect in April 2010. The new law was a significant improvement upon previous laws and regulations, as well as a first draft of the law prepared by the Iraqi government in March 2009. The first draft prohibited Iraqi NGOs from receiving funding or affiliating with any foreign entity – including the UN and the International Red Cross/Red Crescent movement – without prior approval of the government. These provisions were removed in the final version. Overall, the new law eased restrictions on foreign funding and affiliation with foreign organizations, thereby enabling access to resources for Iraqi NGOs and allowing them to collaborate more efficiently with international partners.

Access to resources can be facilitated through laws, policies and regulations that enable CSOs to engage in fundraising, for example by allowing them to generate income by selling services and goods. Governments can also support CSO access to resources through favorable tax regimes. For example through tax exemptions, tax re-designations or tax measures that incentivize donations. Governments can also give access to resources by making available funds or goods and services, such as equipment and training, to support CSO initiatives.

Good practice: Facilitating access to resources for CSOs
Highlights: Non-discrimination between domestic and international funding
Example: New Law on Non-Governmental Organizations in Iraq and the Law on Non-Governmental Organizations in the Iraqi Kurdistan Region (Kurdistan)

Good practice: Enabling tax regimes through re-designation
Example: Tax re-designation (Romania)

Good practice: Facilitating access to resources for CSOs
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Good practice: Enabling tax regimes through re-designation
Example: Tax re-designation (Romania)

Good practice: Monitoring unintended impacts from other laws, regulations and policies
Highlights: Removing unintended barriers to access to resources
Good practice example: The Global Coalition of Non-Profit Organizations (NPOs) on FATF

The intergovernmental Financial Action Task Force (FATF) sets standards and promotes measures to amongst others combat money laundering and terrorist financing. FATF Recommendation no. 8 deals with the non-profit sector. For many years it characterized non-profit organizations as “particularly vulnerable” to terrorist financing abuse. This led to some CSOs being subjected to stricter controls than banks’ other clients and resulted in inappropriate restrictions on CSOs financial flows and operations, including delayed wire transfers, increased fees, termination of banking relationships and closing of accounts. Some governments also proceeded to adopt laws that restricted civil society and cross-border philanthropy. The Global NPO Coalition on FATF, a loose coalition of over 130 diverse non-profit organizations (NPOs) from 46 countries, successfully voiced its concerns. Recommendation no. 8 was significantly improved in June 2016 following sustained engagement with FATF to undo and prevent the unintended negative consequences. The revision removed the assertion that NPOs are “particularly vulnerable” to terrorist abuse. It introduced more nuanced language as well as language calling on states to respect the fundamental rights to freedom of association, assembly and expression. The Global NPO Coalition established a constructive relationship with the FATF Secretariat, Policy Development Group and the Evaluation Group for exchange of reflections and ideas. Despite this, the FATF process continues to negatively and unduly impact civil society in various states and Global NPO Coalition advocacy towards FATF and FATF member governments continues.

Monitoring laws, regulations and policies and their impact on civil society

The space for CSOs’ operations is constantly changing. Policies and actions undertaken by a multitude of different actors can have both direct and indirect influence on the space for CSOs in development processes, including in terms of legal and regulatory frameworks. There is merit on ongoing monitoring of the legal and regulatory environment to identify issues requiring attention. This includes unintended consequences from other laws, policies and regulations that are not necessarily specific to CSOs.

Highlights: Ongoing monitoring of CSO-related issues
Good practice: CSOs monitoring the legal and regulatory environment and initiating dialogue with government
Tool: Enabling Environment National Assessment (EENA)

EENA is an action-oriented and civil-society led research tool for CSOs designed to assess the legal, regulatory and policy environment for CSOs. It looks at how laws and regulations in relation to civil society are implemented in practice, and how they impact on civil society. It focuses on six core dimensions: ability of civil society groups to form, operate and access resources (all part of freedom of association); freedom of assembly; freedom of expression, and relations between civil society and governments. The EENAs are designed to create local ownership through use of primary and grassroots-level data, as well as through inclusion of different stakeholders and sectors of civil society. Findings are validated through a multi-stakeholder process with the dual purpose of: i) strengthening the capacity of civil society to advocate for an enabling environment, and ii) improving CSO-government relations. In 2013-2016, EENA was done in 22 countries. In 2017-2018, the methodology was revised to focus on monitoring of SDG 16.10 on fundamental freedoms and access to information and SDG 17.17 on effective civil society partnerships. Pilots took place in 4 countries (El Salvador, Indonesia, Armenia and South Africa). EENA is part of the Civic Space Initiative, implemented by CIVICUS in partnership with the Article 19, ICNL, and the World Movement for Democracy.
CSO-engagement in drafting or revising CSO-related laws, policies and regulations

Good practice calls for CSO engagement in developing or revising CSO-related laws, policies and regulations to help ensure that these are indeed supportive of CSOs in their full diversity. This includes laws, policies and regulations that may have become outdated, or have been found to be unintentionally inconsistent.

The engagement of CSOs in such processes is appropriate given that CSOs are the primary stakeholders.

**Good practice entails:** CSO engagement in drafting/revising CSO-related laws, policies and regulations

**Highlights:** Collaboration between government and CSOs in establishing a new legal framework

**Good practice example:** Legal framework for Civil Society Organizations (Brazil)

In Brazil, CSOs for many years faced challenges due to legal uncertainty, institutional instability, lack of transparency and limited control over the effectiveness of partnerships, including with the government. “Plataforma por um Novo Marco Regulatório das Organizações da Sociedade Civil” – an initiative from a group of CSOs representing more than 50,000 organizations, social movements and networks – aimed to create a new legal regulatory framework for CSOs. A new law regulating the partnership between CSOs and public authorities (Law 13.019/2014) was signed by the President in July 2014. The law was successful due to a number of factors, including civil society’s intensive engagement, with a coordinated advocacy approach through the plataforma. There were also broad consultations, with a working group of 7 ministries and 14 CSOs (7 acting and 7 substitutes) organizing public debates and bilateral meetings. Other factors for success were the strong leadership from the executive which identified this as a priority item, and cross-party support in both houses of congress.
This abstract began with the question: what is needed for CSOs to be able to meaningfully and effectively engage in development processes? The previous sections have established that the CSO enabling environment and CSO development effectiveness are part of the answer. Having these conditions in place contributes to an independent and vibrant civil society. This is not only a means, but also an end of development.

A Call to Action

Awareness-raising on the civil society-related commitments and what they mean in practice can help advance progress in their implementation at the country, regional and global level, supporting accountability among all development partners. Interested stakeholders are welcome to organize workshops to raise awareness and spark dialogue on these issues with the aid of this abstract or the Task Team’s full Guidance and Good Practice on CSO Development Effectiveness and the Enabling Environment. Task Team representatives may be available to participate or help organize such workshops on request.

The CSO-related commitments can also be used to inform SDG progress, with SDG 16 and SDG 17 lacking sufficient indicators. Notably, SDG 17 target 17 on partnerships with civil society has no indicator to date. Advances in CSO development effectiveness and enabling environment can help fill those gaps.

Readers are welcome to offer feedback and recommend additional good practice examples to the Task Team for possible future versions of the Guidance.
ENDNOTES


4 Transforming Our World: The 2030 Agenda for Sustainable Development, para. 39 and 79.


Accra Agenda for Action, para. 20 c.


Internationally, these fundamental freedoms are amongst other encompassed in the Universal Declaration for Human Rights (articles 19 and 20) and the International Covenant on Civil and Political Rights (articles 19, 21 and 22). Regionally, they are encompassed amongst others in the African Charter on Human and Peoples’ Rights (articles 9, 10 and 11), American Convention on Human Rights (articles 13, 15 and 16), the Arab Charter on Human Rights (article 28) and the European Convention on Human Rights (articles 10 and 11) as well as associated instruments such as the African Commission on Human and Peoples’ Rights resolution 5 on the Right to Freedom of Association and resolution 62 on the Adoption of the Declaration of Freedom of Expression in Africa.


