CSOs and the Post-2015 Development Goals: An enabling environment for CSOs

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DEMISE OR REINCARNATION? Perspectives on Canada's Role in International Development

CSO Post-2015 Agenda

Put human rights at the fore-front, moving a development agenda from one of charity to one of justice,

Based on pre-existing human rights legal norms, standards and political commitments to which governments have already agreed.

- Should be designed as a tool to empower and enable people to hold governments and all stakeholders to account
- People as the subjects of rights, not the object of development.
  - Give priority to all forms of discrimination and diminish inequalities, including socio-economic inequalities
  - Specifically and comprehensively support women's rights (gender based violence, sexual and reproductive rights, the care economy, control over productive resources, participation in decision making)
  - Tackle the drivers of inequality, poverty and ecological devastation at the global level
  - Ensure that the private sector at a minimum does no harm (regulation and oversight, respect rights and environment)
  - Ensure an enabling environment for empowering civil society, protect rights defenders, legal regime, access to policy processes and decision-making.

Slide 2
Report (June 2013) of the High Level Panel on the Post-2015 Development Agenda: Transformative Shifts

1. **Leave no one behind:** “We must ensure that no person — regardless of ethnicity, gender, geography, disability, race or other status — is denied basic economic opportunities and human rights.”

2. **Put sustainable development at the core:** “We must make a rapid shift to sustainable patterns of production and consumption, with developed countries in the lead. We must act now to slow the alarming pace of climate change and environmental degradation, which pose unprecedented threats to humanity.”

3. **Transform economies for jobs and inclusive growth:** “A profound economic transformation can end extreme poverty and promote sustainable development, improving livelihoods, by harnessing innovation, technology, and the potential of business.”

4. **Build peace and effective, open and accountable institutions for all:** “Freedom from violence, conflict, and oppression is essential to human existence, and the foundation for building peaceful and prosperous societies. We are calling for a fundamental shift — to recognize peace and good governance as a core element of wellbeing, not an optional extra.”

5. **Forge a global partnership:** “A new spirit of solidarity, cooperation, and mutual accountability must underpin the post-2015 agenda. This new partnership should be built on our shared humanity, and based on mutual respect and mutual benefit.”

High Level Panel Report (June 2013):

Twelve Development Goals

1. End **extreme poverty** by 2030
2. Empower girls and women and achieve **gender equality**
3. Provide quality **education** and lifelong learning
4. Ensure **healthy lives** (infant deaths, vaccinations, maternal mortality, reproductive health, HIV/AIDS)
5. Ensure **food security** and good nutrition
6. Achieve universal access to **water and sanitation**
7. Secure **sustainable energy**
8. Create jobs, **sustainable livelihoods**, and equitable growth
9. Manage **natural resource assets** sustainably
10. Ensure **good governance** and effective institutions
11. Ensure stable and **peaceful societies**
12. Create a global enabling environment and catalyze **long-term finance**

Six crosscutting issues to be addressed: peace, equality, climate change, urbanization, youth and sustainable consumption and production patterns.
High Level Panel Report: Strengths & Challenges

**Strengths ...**
- Focus on ending extreme poverty; A goal on women’s empowerment and gender equality;
- Linking success in ending extreme poverty with tackling climate change and sustainability;
- Call for renewed global partnership; Common goals for all with differentiated responsibilities; Call for conference in 2015 building on 2002 Monterrey Consensus for an integrated finance for the Agenda.
- Acknowledges CSOs: “Civil society should play a central, meaningful role but this requires space for people to participate in policy and decision-making. This means ensuring people’s right to freedom of speech, association, peaceful protest and access to independent media and information.” (Indicators on right to assembly and freedom of expression;

**Challenges ...**
- A goal on extreme poverty, but no human rights framework for the Goals and no goal on inequality, (although some targets that are relevant to inequality).
- No outline of roadmap linking transformative issues to the 54 targets for achieving the goals – Repeated use of “should”, but little direction for actual time-bound commitments.
- No targets for financing: Reaffirm 0.7%, no targets for assisting poor developing countries on adaptation to climate change and no plans on emissions reduction for rich countries.
- Mention of the importance of an enabling environment for CSOs, but targets are vague under only goal 10: ensure good governance and effective institutions. Potential to elaborate further (10b) – See Busan process and the CPDE Working Group on Enabling Environment Framework

Lessons from the Process and Outcomes of the Busan Partnership for Effective Development Cooperation

**Multi-stakeholder partnership, fully inclusive of civil society and other development actors.** Partnerships have an instrumental value in achieving development goals, but also an intrinsic value (build social capital, trust, democratic practice and accountability).

**In Busan all stakeholders agreed:**
- Acknowledgement that catalytic role of development cooperation is shaped by human rights norms inform all actors actions, but complementary but differentiated responsibilities (particular for middle income providers of international assistance).
- **Principles for effective development:** 1) Country ownership of development priorities; 2) Focus on results that have lasting impact on ending poverty and reducing inequality; 3) Inclusive development partnerships involving different but complementary roles of actors; 4) Transparency and accountability to each other.
- These shared principles will guide our actions to: Deepen, extend and operationalize the democratic ownership of development policies and processes.
- **Reducing gender inequality** is both an end in its own right and a prerequisite for sustainable and inclusive growth.
- Recognize the intrinsic value of CSOs as development actors, not as tools for advancing development efforts of others (government and the private sector).
- Obligation of other actors to create an enabling environment for CSOs based on human rights standards to maximize the development impact of CSOs
Applying the lessons from Busan to Post-2015 Agenda

Global civil society platform / Task Team on CSO Development Effectiveness and Enabling Environment advice to the UN High Level Panel on Post-2015 Agenda (Bali, March 2013):

An effective United Nations framework for implementation on the Post-2015 Development Goals must include the following:

- **Reaffirm CSOs as independent development actors in their own right** and the importance of multi-stakeholder policy dialogue, including implementation of an enabling environment for CSOs that maximizes their contribution to development;
- **Clarify how the many inputs received from CSOs and other actors will be given meaningful consideration** in elaborating the Post-2015 Agenda;
- **Communicate a clear step-by-step roadmap for consultation and inclusion** leading to high level multi-stakeholder dialogue as follow-up to the Report of the High Level Panel and the Special UN General Assembly in September 2013;
- **Explore ways to ensure those most affected by poverty and exclusion have opportunities to voice their perspectives** and influence the outcomes; and
- **Commit to multi-stakeholder, consensus-based space for face-to-face multi-stakeholder dialogue, including engagement in decision-making** for the 2015 Development Goals.

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A Global Framework for a CSO Enabling Environment
(See Annex, slides 12 – 17, for details)

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

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

3. **Donor – CSO relationships**
A Canadian Perspective ...

- An increasingly disabling environment in Canada within which to discuss a new post-2015 development agenda (see the Canadian contribution to the CIVICUS State of Civil Society 2013 Report)
  - Politically motivated attacks by government on Canadian CSOs (KAIROS, CCIC, Environmental Organizations)
  - Systematic defunding of policy focused CSOs in Canada
  - Impact of funding modalities on Canadian CSOs – Will there ever be a general Call for Proposals? Requests for specific CSOs to submit proposals.

A Canadian Perspective (continued) ...

- On the Post-2015 Agenda, no official Canadian government positions or public engagement
- Canada not on the Steering Committee of the Post-Busan Global Partnership, low level commitment to the United Nations, highly instrumentalized current Canadian aid agenda focusing on Canadian interests
  - But,
    - Important acknowledgement of the ODA Accountability Act as a framework for Canadian international cooperation by the Auditor General and by the new legislation for the new merged Department.
    - Continued participation by CIDA and DFAIT in work of the Task Team on CSO Development Effectiveness and Enabling Environment and the Council of Democracies on enabling conditions in developing countries.
    - Possible CIDA strategy for engaging civil society as development actors.
    - Possible follow-up High Level Panel consultations in Canada.
    - Influencing the platforms of the Canadian political parties for an election in 2015 heightened by interest by opposition parties in the merger of the mandate of CIDA in the new Ministry.
A Canadian Perspective (continued) ...

Priorities for the Canadian international CSO community:

1. Closely monitor and continue to influence the merger of CIDA into the new Ministry of Foreign Affairs, Trade and Development, promoting the ODA Accountability Act as the framework for determining Canadian development priorities;

2. Develop a focused CSO foreign policy agenda for post-2015 to influence political party platforms in 2014/15

3. Create and socialize a body of evidence related to the current (dis)enabling conditions and the contributions of Canadian CSOs as development actors

4. Deepen, expand and increase our investment in dialogue with Canadians on Canada’s role in the world post-2015

5. While contributing from our unique roles as individual organizations, agree to work closely together on shared messages, with leadership from CCIC and Provincial Councils.

ANNEX: A CSO Enabling Framework:
(1) Universally accepted human rights and freedoms affecting CSOs
   a) Recognition of rights and freedoms affecting CSOs

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

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

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

   Are there significant violation of these rights?
A CSO Enabling Framework:
(1) Universally accepted human rights and freedoms affecting CSOs
b) The legal and regulatory environment governing
CSOs’ exercise of their basic rights

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

- Is there ease and access to (voluntary) registration?
- Are CSOs free to operate in law and in practice without excessive administrative burdens and/or government interference (harassment)?
- Are there legal or political barriers that hinder CSO’s ability to openly express its opinions, particularly critical of government policies?
- Are there legal, policy or political barriers to access (seek, secure and use) resources, including foreign resources, for CSOs?
- Can groups who gather openly criticize the government through peaceful protests or other forms of demonstrations?

Slide 13

A CSO Enabling Framework:
(1) Universally accepted human rights and freedoms affecting CSOs
c) Rights of specific groups representing marginalized and vulnerable groups

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

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

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

Slide 14
A CSO Enabling Framework:
(2) Policy Influencing
a) Spaces for dialogue and policy influencing

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

- Are there inclusive and accessible processes for policy engagement (at all levels)?
- Are there institutionalized opportunities for CSOs to participate in public policy and decision-making processes?
- Are CSO inputs taken into account in policy outcomes? Are there accessible accountability mechanisms?
- Are there incentives to address capacity needs of all stakeholders in policy dialogue?

A CSO Enabling Framework:
(2) Policy Influencing
b) Access to information

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

- Do CSOs have a right of access to relevant government information, by law and in practice?
- Is the process of obtaining relevant government information simple, timely, transparent and based on established procedures?
A CSO Enabling Framework: (3) Donor – CSO relationships

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

➢ Are CSO funding mechanisms responsive to the programming priorities of CSOs?
➢ Are donors establishing transparent and consistent policies, with inclusive processes for CSO engagement on these policies and country strategies at all levels (headquarters and in partner countries)?
➢ Are CSO funding mechanisms reliable, transparent, easy to understand and disbursed impartially?
➢ Are there donor strategies to facilitate diversification of CSOs’ income sources?