

2016 Global Synthesis Report

CSO Partnership 
for Development Effectiveness



State of Development Cooperation: Checking the Core of Effectiveness

2016 Global Synthesis Report

**State of Development Cooperation:
Checking the Core of Effectiveness**

CPDE Global Synthesis Report 2016

State of Development Cooperation: Checking the Core of Effectiveness

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Abbreviations and Acronyms

AAA	Accra Agenda for Action
ACNUR	Agência da ONU para Refugiados
ADB	Asian Development Bank
AFRODAD	African Forum and Network on Debt and Development
ALBA	Bolivarian Alternative for the Americas
AMP	Aid Management Platform
APCI	Peruvian Agency for International Cooperation
APRODDAS	Association for the Promotion of Sustainable and Social Development
AWG	African Working Group
BCN	Central Bank of Nicaragua
BDS	Boycott, Divestment and Sanctions
BIMSTEC	Bay of Bengal Initiative for Multi - Sectoral Technical and Economic Cooperation
BPP	Bureau for Public Partnership
BRICS	Brazil, Russia, India, China and South Africa
BUSINESSMED	Union of the Mediterranean Confederations of Enterprises
CBF	Cameroon Business Forum
CC	Constitutional Court
CCIMA	Cameroon Chamber of Commerce, Industry, Mines and Crafts
CDP	Communal Development Plans
CEDAW	Convention on the Elimination of all Forms of Discrimination Against Women
CIMC	Consultative Implementation and Monitoring Council
CPDE	CSO Partnership for Development Effectiveness
COEECI	Coordinadora de Entidades Extranjeras de Cooperación Internacional
CONCORD	Confederation Europeene des ONG d'urgence et de developpement
COSADER NGO	Collective for Food Security and Rural Development
CRS	Creditor Reporting System
CSDP	Community and Social Development Project
CSO	Civil Society Organization
CSR	Corporate Social Responsibility
CWCP	Common Working and Collaboration Platform
DAC	Development Assistance Committee
DARP	Development Assistance and Reform Platform
DDC	District Development Committees

DFID	Department for International Development
DGF	Democratic Governance Facility
DoPT	Department of Personnel and Training
DRC	Democratic Republic of Congo
EAR	European Agency for Reconstruction
ECOFAC	Ecosystemes Forestiers d’Afrique Centrale
ECOSOC	Economic and Social Council
EIDHR	European Instrument for Democracy and Human Rights
ESAL	Entidades Sin Ánimo de Lucro
ESCWA	United Nations Economic and Social Commission for Western Asia
ESF	Environmental and Social Framework
EU	European Union
EXIMBANK	Export Import Bank of China
FARC	Fuerzas Armadas Revolucionarias de Colombia
FCRA	Foreign Contribution Regulation Act
GAD	Decentralized Autonomous Governments
GDP	Gross Domestic Product
GESP	Growth and Employment Strategy Paper
GICAM	Inter-professional Grouping of Cameroon
GIZ Deutsche	Gesellschaft für Internationale Zusammenarbeit
GNI	Gross National Income
GPEDC	Global Partnership for Effective Development Cooperation
GRUS	Bolivian Partner Group for Development
HDI	Human Development Index
HIPC	Highly Indebted Poor Country
HLM2	Second High Level Meeting
HLPF1	First High-level Political Forum on Sustainable Development
HRBA	Human Rights-Based Approaches
IADB	Inter-American Development Bank
IAFS III	Third IndiaAfrica Forum Summit
IATI	International Aid Transparency Initiative
IBP	International Budget Partnership
IBSA	India, Brazil and South Africa
ICC	International Criminal Court

ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICT	Information and Communication Technologies
ICSO	International Civil Society Organization
IDC	International Development Cooperation
IDH	Direct Tax on Hydrocarbons
IDP	Internally Displaced Person
ILO	International Labor Organization
IMF	International Monetary Fund
IMN	Islamic Movement of Nigeria
INGO	International Non-governmental Organization
INITER	Nicaraguan Institute of Territorial Studies
INTOSAI	International Organization of Supreme Audit Institutions
IPs	Istanbul Principles
IRD	Index of Regional Development
ISMP	Higher Institute of Public Management
ITEC	Indian Technical & Economic Cooperation Programme
JICA	Japan International Cooperation Agency
JNNURM	Jawaharlal Nehru National Urban Renewal Mission
LAIF	Latin America Investment Facility
LDCs	Least Developed Countries
LGBT	Lesbian, Gay, Bisexual, and Transgender
LoC	Lines of Credit
MDB	Multisectoral Development Bank
MDGs	Millennium Development Goals
MDRI	Multilateral Debt Relief Initiative
MFA	Ministry of Foreign Affairs
MFPED	Ministry of Finance, Planning and Economic Development
MINATD	Ministry of Territorial Administration and Decentralisation
MINEPAT	Ministry of Economy, Planning and Regional Development
MINREX	Ministry of External Relations
MPC	Multi Partner Committee
MR2	Second Monitoring Round
MTEF	Medium-Term Expenditure Framework

M&E	Monitoring and Evaluation
NATO	North Atlantic Treaty Organization
NDB	New Development Bank
NDP	National Development Plan
NDDC	Niger Delta Development Commission
NEWSAN	Society for Water and Sanitation
NGO	Non-governmental Organizations
NIMES	National Integrated Monitoring and Evaluation Strategy
NPDP	National Participatory Development Programme
NPO	Non-profit Organizations
NRM	National Resistance Movement
NUA	New Urban Agenda
OECD	DAC Development Assistance Committee of the Organization for Economic Co-operation and Development
ODA	Official Development Assistance
ODF	Official Development Finance
OGP	Open Government Partnership
OPENGOV	Open Government
OPM	Office of the Prime Minister
OSSAP	MDGs Office of the Senior Special Assistant to the President on the Millennium Development Goals
OSCE	Organization for Security and Co-operation in Europe
PA	Palestinian Authority
PAID	Pan-African Institute for Development
PASC	Programme d'Appui à la Société Civile
PASOC	Programme d'Appui à la Structuration de la Société Civile
PCA	Prevention of Corruption Act
PD	Paris Declaration
PDVSA	Petróleos de Venezuela, S.A.
PEAPs	Poverty Eradication Action Plans
PGAI	Platform for Aid and Investments
PLO	Palestine Liberation Organization
PNG	Papua New Guinea
PpR	Presupuestopor Resultados
PRSP	Poverty Reduction Strategy Paper

SCAAP	Special Commonwealth Assistance for Africa Programme
SDGs	Sustainable Development Goals
SENPLADES	National Office for Planning and Development
SETECI	Technical Secretary of International Cooperation
SME	Small and Medium Enterprises
SNAEF	National Trade Union for Education and Training
SNV	Netherlands Development Organisation
SSC	South-South Cooperation
STEP	Subsidized Temporary Employment Programme
SUNAFIL	Superintendencia Nacional de Fiscalización Laboral
SUNAT	Superintendencia Nacional de Administración Tributaria
SWC	Social Welfare Council
SYNDUSTRICAM	Cameroon Industries Trade Union
TFP	Technical and Financial Partners
TWG	Technical Working Group
UJAS	Uganda Joint Assistance Strategy
UN	United Nations
UNCAC	United Nations Convention Against Corruption
UNDAF	United Nations Development Assistance Framework
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHCR	United Nations High Commissioner for Refugees
UNMIK	United Nation Interim Mission in Kosovo
UNRWA	United Nations Relief and Works Agency for Palestine Refugees in the Near East
VAT	Value-added Tax
VDC	Village Development Committees
VIPFE	Vice-Ministry of Public Investment and External Financing
WB	World Bank
WCF	Ward Citizens Forum
WFP	World Food Programme
WTO	World Trade Organization
WWF	World Wildlife Fund

Executive Summary

Building upon the Global Synthesis Report (SR) 2015 baseline stocktaking on the state of Development Cooperation, CSO Enabling Environment, and CSO Development Effectiveness, the SR 2016 seeks to gauge, at the country-level, the status of the Unfinished or Core Business. These are the commitments made from the First High Level Forum in Rome (HLF-1) to the Paris Declaration on Aid Effectiveness (HLF-2), the Accra Agenda for Action (HLF-3), and the Busan Partnership for Effective Development (HLF-4). The findings can be summarized as follows:

Democratic Ownership

- Large-scale corruption in recipient countries are heightening the perception of fiduciary risks associated with ODA to Government. This is leading to sharp drop in the share of programmable aid (which, by default, tends to use country Public Financial Management (PFM) systems and country results framework).
- Donors' interests still considerably determine ODA allocation choices.
- In some countries, CSOs have contributed to the strengthening of democratic ownership and community-based responses to social problems.
- War and corruption are significant challenges to the advancement of democratic national development planning in the Middle East and North Africa and in fragile states.

Results Focus

- Donor priorities significantly affect development results.
- The governance and political context in many countries fosters strong biases against development outcomes consistent with human rights, i.e., they systematically fail to address poverty and inequality.

Inclusive Partnerships

- Flat-lining and in some countries declining ODA have increased CSO vulnerability.
- Gains in fundamental freedoms are jeopardized. Several governments around the world continue implementation of new restrictive regulation grounded in mistrust and suspicion of CSOs as perceived by ruling elites and driven by foreign interests. As a result, CSOs operate in shrinking space often constrained by limitations on access to information.
- There is little evidence of multi-stakeholder dialogue in 17 of 48 countries examined in the global synthesising research (2015-2016).

Transparency and Accountability

- There exist significant transparency issues with many governments. Combined with the lack of progress in terms of CSO enabling environment, which is important for citizen participation, mutual accountability and accountability to development beneficiaries remains weak, especially in fragile states.
- Accountability in some countries remains unidirectional with government influenced by donors (e.g., through technical cooperation). Donor accountability, however, remains weak to governments and to citizens.

Introduction

The CSO Partnership for Development Effectiveness (CPDE) is currently implementing a three-year programme entitled: 'Civil Society Continuing Campaign for Effective Development'. The programme aims to make concrete contributions to global development by promoting development effectiveness, through concrete CSO action, utilizing a mix of approaches in policy advocacy, engagement, outreach, and capacity development at global, regional, sub-regional and national levels.

The Global Synthesis Report (SR) 2016 is one in a series of efforts to take stock of the progress in implementing effective development cooperation in the global regions and sectors. The SR presents country case studies from the different regions and sectors, which will serve as evidence for anticipated engagement at the Second High-Level Meeting (HLM-2) of the Global Partnership for Effective Development Cooperation (GPEDC).

Thematic Focus and Background

Building upon the SR 2015 baseline stocktaking on the state of Development Cooperation, CSO Enabling Environment, and CSO Development Effectiveness, the SR 2016 seeks to gauge, at the country-level, the status of the **Unfinished** or **Core Business**. These are the commitments made from the First High Level Forum in Rome (HLF-1) to the Paris Declaration on Aid Effectiveness (HLF-2), the Accra Agenda for Action (HLF-3), and the Busan Partnership for Effective Development Cooperation (HLF-4).

The SR 2015 baseline report painted a mixed picture of the progress since towards the Busan targets. It revealed mounting challenges on the development cooperation arena, which had knock-on effects on CSO development effectiveness. Also revealed were examples of inspiring resilience and reinvention of community-based strategies. Both of these are summarized below (see in particular the section on 'Inclusive Partnership').

Anticipation has heightened following the controversial Addis-Ababa Action Agenda (AAAA), criticized by some as a backward step from previous commitments (discussed further below), and the new Sustainable Development Goals (SDGs), which, though short of the transformative agenda that many hoped for, still represents meaningful improvements over the narrow focus of the Millennium Development Goals (MDGs). Fundamental questions arise here. To begin, has the 2014 High-Level Meeting of the GPEDC in Mexico succeeded in reviving enthusiasm for the development effectiveness commitments? If the answer to this is affirmative, then to what extent are these commitments being translated into action at the country level? To what extent, moreover, are they 'fit for purpose'?

The SR 2016's assessment of country progress throughout the past year of implementing the development effectiveness priorities offers some guidance in tackling these questions. It also offers valuable context to aid in the interpretation of the GPEDC Progress Report (PR) 2015/16, which will be discussed throughout.

Research Approach

The SR 2016 maintains an organization consistent with SR 2015 to facilitate the comparison and emphasize trends/changes in the country situations of those who contributed in the last

year. While the SR 2016 focuses on the Core Business issues, it relates primarily to issues in CSO Enabling Environment and CSO Development Effectiveness (the thematic focal areas of the SR 2015). Hence, some of the returning contributors provide, in the SR 2016, updates concerning the national status of these issues, while expanding to address other issues in relation to the present state of the Core Business.

Table 1.
Countries of Returning Contributors (in Bold)¹

Country			
Bolivia	Ecuador	Nepal	Peru
Cameroon	India	Nicaragua	Tunisia
Colombia	Kosovo	Nigeria	Uganda
Czech Republic	Kyrgyzstan	Palestine	
Dem. Rep. Congo	Lebanon	Papua N.G.	

Contributors were not required to follow a strict framework or fixed measurable indicators to frame their reports – all of which are works in progress. Some based their contribution on existing case study narratives drawn from desk research, secondary sources or interviews with key individuals. Consistent with the 2015 report, particular attention was given to: (1) the legal and regulatory framework in their country; (2) the political context; (3) the governance context; (4) the socio-cultural context; and (5) the socio-economic context.

This approach is distinct from that of the GPEDC's PR 2015/16, based on the second monitoring round of indicators related to the Busan Commitments, which will be released concurrently with the SR 2016. The distinct approaches allow the two reports to complement each other. Both have the 2015 GPEDC targets as their common point of reference.

While the PR 2015/16 is designed to provide a global indicator-by-indicator analysis based on country-level data received from more than 80 countries participating in the second round of monitoring, the SR 2016 is targeted at assessing how conditions at the country level affect CSOs' engagement with the Busan Commitments. Because it is linked to a specific monitoring methodology, the PR 2015/16 is sometimes challenged in going beyond a strictly quantitative description of country data. The SR 2016, on the other hand, is based on relatively detailed qualitative reports from a number of countries deliberately selected to generate a geographically representative sample. This sampling method and the specific focus on CSOs allow the SR 2016 to provide a deeper context analysis and insight from 'on-the-ground experiences'.

The contributors provided their analyses of the present state of Core Business using the framework established in 2011 by the four Busan principles for effective development cooperation:

1. Democratic Ownership
2. Results Focus
3. Inclusive Partnerships
4. Transparency and Accountability

1 Apart from those countries bolded in Table 1, the SR 2015 included non-returning contributors from the following countries: Albania, Germany, Guatemala, Kenya, Mozambique, Paraguay, Spain, Vietnam and Zimbabwe.

Summary of Findings

Democratic Ownership

Clarifying the Principle of Democratic Ownership and Some of Its Challenges

The Busan principle of democratic ownership should be related to the following two questions. Firstly, does there exist a coherent set of development priorities, expressed in part through the establishment of functioning country systems, which are respected and supported by development cooperation partners? Secondly, are these country priorities sufficiently context-specific, resulting from open and democratic processes?

The Busan Partnership is intended to mark a move towards positive answers to these through actions to 'deepen, extend and operationalise democratic ownership of development policies and process',¹ an effort in which CSOs are recognized as playing an essential role. The Busan Partnership also commits governments and donors to provide an enabling environment for CSOs,² and the Istanbul Principles in turn direct CSOs to 'support the empowerment and inclusive participation of people to expand their democratic ownership over policies and development initiatives that affect their lives, with an emphasis on the poor and marginalized'.³ Because they play this role, CSOs can bring unique insight to the assessment of the state of democratic ownership. Their insight is valuable here particularly since the data-gathering process for the indicators related to this principle reserves no significant space for CSO input.⁴

Furthermore, the CPDE SR's qualitative data can bring to the foreground issues important for the interpretation of the indicators. For instance, details relevant to Democratic Ownership from the SR 2015 yield explanations for the GPEDC PR 2014's findings for its Indicator 9, which measures the quality and use of developing country public finance management (PFM) and procurement systems.

The GPEDC PR 2014 identified no progress on the quality of country systems, and mixed progress on their use. The CPDE SR 2015 provides context here and helps to explain the questionable progress in strengthening domestic PFM systems as, in part, a reflection of the heightening perception of fiduciary risks associated with ODA to governments. This perception of risk relates to instances of large-scale corruption in some recipient countries, which threaten democratic ownership and serve as an important reason for the drop in the share of programmable aid (which, by default, tends to use country PFM systems) in total ODA. In these countries, such corruption cases involving large sums of public resources have cast serious doubts on the recipient governments' commitment with PFM reforms.

Yet it remains clear that problems on the recipient side are only part of the picture. The decline in programmable ODA, at the same time that it is an effect of a democratic ownership deficit (i.e., corruption), is also a cause. This is because, with the appropriate government prioritisation,

1 OECD (2011), §12.

2 Ibid., §22(a).

3 Open Forum for CSO Development Effectiveness (2010), §3.

4 Data drawn from GPEDC (2015a).

ODA can serve as a tool to tackle existing poverty, stop impoverishment and sustain social welfare gains. Part of this involves capacitating the marginalised in claiming their political, civic, economic, social and cultural rights, which is important for democratic ownership. Social welfare gains are more sustainable and priorities are more likely to remain appropriately focused if they are demanded from the ground up⁵ (as discussed in the 'Results Focus' section).

It is clear that, because ODA can play such an important role in poverty reduction, the commitments to increase the quantity of aid (to meet ODA levels of 0.7% of donor-country GDP reaffirmed in the Addis Ababa Action Agenda) and improve its quality (untying it and increasing its availability as budget support) remain high priority. The needs, moreover, for sustainable solutions and to ensure that results framework are adaptable and 'fit to purpose' should signal the importance of maintaining and/or establishing democratic ownership in which the beneficiaries of development are empowered as development actors and claimants.⁶

Key Findings in this Report for Democratic Ownership

Despite some apparent progress in the matter of ownership over the decade resulting from the widespread relaxation of conditionalities that followed the Paris consensus, the CPDE SR 2016 is consistent with the SR 2015 in its identification of challenges to fulfilment of the Busan Commitments. The evidence from the 48 countries assessed in both reports continues to point to the two aforementioned factors (one on recipients' side and the other on providers' side) that might be halting progress in the indicators:

- A series of instances of large-scale corruption in recipient countries are heightening the perception of fiduciary risks associated with ODA to Government. This is leading to sharp drop in the share of programmable aid (which, by default, tends to use country Public Financial Management (PFM) systems and country results framework).
- Donors' interests still considerably determine ODA allocation choices.

Most recipient countries assessed have been experiencing falls in real ODA disbursements, in varying degrees, since 2010. In some of them, particularly in Africa, there have been sharper declines in the volume of programmatic ODA to governments. The report from Ecuador, however, provides some reason for optimism and an example of how the degree of democratic ownership factors into the management of results in challenging times.

Box 1. Democratic Ownership Helps Ecuador to Cope with Crisis Even as ODA Falls

Ecuador has seen ODA disbursements drop at an annual average of 5% only to hit its lowest-ever level in 2015. Shortly after this, in April 2016, an earthquake with a Richter scale magnitude of 7.8 struck Ecuador leaving over 28,000 affected households, more than 80,000 displaced persons, and a total of US \$3,334 million in losses. While foreign aid played an important role, the focus of government and civil society efforts was on the launching of an internal emergency-aid campaign that proved to be highly successful. Coordination and harmonization between the government and the CSOs in the wake of the earthquake was such that the previously stark dichotomy between the two sets of actors receded into the background.

⁵ For the CPDE stance on an HRBA, see CPDE (2014). See also The Reality of Aid (2011).

⁶ Democratic ownership bears an important relationship to mutual accountability (see the 'Transparency and Accountability' section). This understanding is consistent with the GPEDC Monitoring Advisory Group's recommendation that mutual accountability be elevated to the status of an overarching indicator.

Most of the reports foreground the crucial role of CSOs in sustaining public attention to the poor, marginalised, and victims of disasters and human rights abuses, and dialoguing with governments to develop responses and provoke positive changes.

However, reports from the Middle East and North Africa region (MENA) show glimpses of what are, along with the issues of fragile states in general, some of the greatest challenges for the development effectiveness agenda.

Box 2. War and Corruption Hinder National Development Planning in MENA Region

The MENA region has become the stage to one of the most unstable political settings in the world. While war and violence rages on in Syria, Yemen, Libya, Iraq and Afghanistan, other regional countries apparently at peace, such as Lebanon, are actually hanging on the intricate and fragile equilibrium of a deeply polarized political spectrum.

The report from Lebanon points to significant challenges for democratic country ownership. The country does not yet have a comprehensive national plan for sustainable development aligned to democratically determined priorities. Moreover, there is active marginalisation of some segments of the population (e.g., Palestinian refugees face discrimination, CSOs doing work on LGBT issues are harassed) that should be clear priorities for development work. The report adds, 'Recent economic investment programs continue to adopt more pro-market and pro-free trade measures; no reform is undertaken to strengthen employment generating sectors. This reflects strong adherence to economic growth as an indicator of development in Lebanon, and explains the continuous adoption of short- or medium-term socio-economic policy choices'.

It is important also to keep in mind that by 2030 poverty is expected to be concentrated in fragile states and/or sub-Saharan African countries,⁷ and many of this Report's contributor countries – Uganda, Cameroon, the Democratic Republic of Congo, Nigeria, and Palestine – stand out as some of the most notable and alarming examples. In this context, need for democratic ownership should be reaffirmed especially in these situations where aid often has significant political implications (see Box 7 on ODA in Palestine).

Recommendations for Democratic Ownership

- Strengthen efforts to maximise civil society's 'engagement in and contribution to development'.
- Strengthen commitment to funding long-term, as opposed to short-term, and national development programmes.
- Ensure greater inclusion in monitoring efforts on increasing effective development cooperation with subnational governments, parliaments, CSOs and other non-state partners.
- Strengthen the Busan commitment to making public resource allocations to gender equality and women's empowerment. Expand this to cover all relevant and potentially vulnerable groups (e.g., LGBT).

7 Kharas and Rogerson (2012).

Results Focus

Clarifying the Principle of Results Focus and Some of Its Challenges

The measure of results focus should be the degree of achievement of the sought-after results, i.e., development effectiveness. The Busan Partnership states: 'Our investments and efforts must have a lasting effect on eradicating poverty and reducing inequality, on sustainable development, and on enhancing developing countries' capacities, aligned with the priorities and policies set out by developing countries themselves'.⁸

The question of how funding gaps preventing the achievement of these overarching goals can be filled is critical once it is admitted that not all financing modalities will be equally consistent with the overall SDGs target of reducing poverty. Whereas some modalities will directly boost economic growth, other modalities will more effectively target the poor and reduce inequality. Traditional ODA's potentially positive social bias, as suggested in the 'Democratic Ownership' section, can target the poor in the short term, while structurally addressing growth and inequalities in the long term. This is why, in spite of the persistent need for improvements in the way it is delivered, ODA will remain a critical tool even if the availability of alternative sources of financing continues to increase.

In the run-up to the September 2015 SDGs launching Summit in New York, representatives from around the world gathered in Addis Ababa seeking to reach an agreement on a renewed financing for development (FFD) framework suited to the post-2015 era. The result was the Addis Ababa Action Agenda (AAAA), which, over the next few years, will serve as a global milestone for the entire resource mobilization effort required by the ambitious stakes of the SDGs. A results focus here begs the obvious question: Can it deliver?

Whereas the UN proclaimed it a 'ground-breaking agreement', a large part of the public reaction to the document contained scepticism and disappointment. The CSO Financing for Development Group summarizes this in a statement:

The outcome document of Addis Ababa presents no new financial commitments aside from a standard reinstatement of existing aid commitments. This includes the failure both in scaling up ODA and in ensuring new and additional ODA. The language pertaining to debt, trade and systemic issues is for the most part a retrogression from the agreements made in Monterrey in 2002 and Doha in 2008. The private finance section also misses a critical opportunity to highlight safeguards, standards and accountability measures over public-private partnerships and private finance schemes such as blended finance.⁹

Much of the negative public reaction was focused on the rejection by western governments of the plan to create an intergovernmental tax body under the auspices of the UN (with proportional country representation in setting rules and policies), or at least the reform and democratization of the UN Committee of Tax Experts.

Developing countries are those most affected by illicit financial flows, tax evasion and avoidance and transfer mispricing by large corporations from the West and, to an increasing extent, from middle-income countries as well. A global effort to tackle the tax dodging behaviour of these

⁸ OECD (2011), §11(b).

⁹ Sengupta and Muchala (2015).

corporations would have constituted a monumental step towards a sustainable solution to the structural fiscal deficits in the countries that are resource rich, yet remain poor. The failure to take this step was all the more cause for outrage in recognition of the fact that most of these countries would not be in such need of aid if transnational corporations complied with the payment of their fair share of taxes.

Meanwhile, the AAAA has provided little in the way of guidance towards the much-discussed ambition of moving from ‘billions’ to ‘trillions’ in development finance. Real ODA in 2010 (perhaps the peak of the post-Paris enthusiasm) was US\$127.5 billion and this value has largely remained unchanged in the last five years.¹⁰ Furthermore, despite widespread agreement then about some of the desired results, the progress in actually aligning donor priorities towards them remains highly questionable.

The GPEDC PR 2015/16 reports that nearly all participating countries in the monitoring round have adopted a country-led results framework. Yet it also reports a frequent failure to move from stated plans and priorities to results-based budgeting and implementation using these frameworks. The PR 2015/16 moreover provides no information about the quality of the frameworks. It similarly has nothing to say about the extent of democratic ownership over them. Furthermore, the fact that developing country governments are involved in donor evaluations only half the time clearly points to the quite serious gaps remaining among development actors in terms of results focus.

Key Findings in this Report for Results Focus

While the indicators for results focus provide some sense of donor alignment to country frameworks, they are silent on the nature of that alignment.¹¹ This is important to consider as donors can sometimes exert sufficient power to influence these frameworks to varying degrees. In the case study presented in the report from Uganda, there is some indication that influence of this kind played a role in the demise of the country’s democratically owned poverty reduction efforts. This also suggests biases against particular development priorities.

Box 3. Donor Priorities a Factor in the End of Uganda’s Poverty Eradication Action Plans

Poverty Eradication Action Plans (PEAPs) represented a shift emphasising ‘national ownership and moving away from the originally donor driven model of a Poverty Reduction Strategy Paper’. This shift appears in part due to civil society influence in the form of the National Resistance Movement, key leaders of which focused attention on poverty in the countryside. Apart from a shifting political climate (‘changes in the ministry of finance’), one factor that contributed to the end of the PEAPs was the increasing move towards ‘new aid modalities that emerged, as with “Paris Declaration” approaches such as donor harmonisation, which sometimes gave the impression that donors were “ganging up” on Government with a strong and apparently unified perspective on issues’.

Providing further indication of biases against certain priorities, many of the contributors report that CSOs that do work on human rights-related areas face particular discrimination. While this is addressed below in the ‘Inclusive Partnership’ section in the context of CSO enabling environment, it is also important to consider here in a results focus lens, as ODA disbursement trends in Nepal make clear.

¹⁰ Tomlinson (2016a).

¹¹ The GPEDC Monitoring Advisory Group has, however, proposed that the indicator be adapted to measure the modality of alignment.

ODA in Nepal is observed in the report from that country to be insufficiently aligned with the priorities and thematic pillars identified by the national plan. Although the ‘Social Development’ pillar of this plan (which received 40.55% of disbursements during the 2012–15 period) is undoubtedly valuable, the distribution among the rest of the pillars is worth considering. This, in particular, is because the lowest percentages of ODA were distributed to the pillars of ‘peace, rehabilitation and inclusive development’ (3.57%), and ‘good governance and human rights’ (4.02%), which clearly represent necessary focal areas for efforts to advance towards the SDG targets.

This attention to human rights in particular should be cause for concern because the human rights framework is, among its other benefits, a valuable tool in ensuring that aid is used for developmental purposes. In fact, the commitment by all development actors to human rights-based approaches (HRBA), as promoted by the CPDE and as referenced in many of the CPDE SR 2016 reports, can also make much needed contributions from a results focus standpoint. For instance, it can help close the focus gap mentioned above by fostering greater consistency among partner priorities, and bring clarity to the definition of results. Related to this, it can help ongoing efforts to expand the focus from how aid is *delivered* to how it is *used*.¹²

The report from Nigeria illustrates the need for this consistency, clarity and attention to on-the-ground impact.

Box 4. Donors Use ODA to Secure Profits in the Niger Delta

In Nigeria, aid to the oil-rich Niger Delta for instance is said to be aimed at fighting poverty and environmental pollution, but this is widely known to be little more than ‘red-tape’. Companies such as Shell and Halliburton have long been operating in the area and engaging in practices that clearly violate international laws and best environmental practices. The overriding objective of ODA in the Niger Delta is mainstreaming peace in the region so that multinational oil companies can safely move in to extract crude oil both onshore and offshore.

This suggests that donor interests converge with those of transnational corporations, both collaboratively exerting influence to sustain a political context in which corporate violation of international laws is permissible. In the absence of democratic ownership, crucial development resources may be undemocratically guided by configurations of powerful interests towards development outcomes that systematically fail to address poverty and inequality.

It is important to note that this misuse of ODA occurs in Nigeria at the same time as government has implemented legislation that discriminates against the LGBT community, which has in turn provoked the suspension of ODA by some donors. That the country’s context is one of already declining ODA – a potentially valuable social resource – should provide some guidance for a consideration of solutions. For instance, it is clear that human rights should not be used purely as criteria for punitive measures (e.g., the suspension of ODA). This may diminish resources sustaining institutions that are crucial in effecting changes necessary to enable and/or persuade governments to meet their obligations as duty-bearers (e.g., protect LGBT rights), as well as resources potentially available for capacitating marginalised rights-holders, which is a crucial element in leading institutions towards behaviour consistent with human rights.¹³

¹² For a discussion of these ideas in the context of the Paris Declaration, see Foresti, Booth and O’Neil (2006).

¹³ This is discussed briefly in relation to mutual accountability in the ‘Transparency and Accountability’ section.

Recommendations for Results Focus

- Strengthen commitment to human rights-based approaches to development and ensure focus on results consistent with these approaches, including decent work, gender equality and women's rights and environmental sustainability as the core operating principle of any aid and development policies.
- Strengthen donor focus on poverty eradication and sustainable development.

Inclusive Partnerships

Clarifying the Principle of Inclusive Partnerships and Some of Its Challenges

HLF-3 and HLF-4 have left a valuable legacy in their recognition of a wider range of development actors than preceding High-Level Fora. Notably, non-state actors were recognized as full and equal participants in development processes. Accordingly, the principle of inclusive partnership sets standards for relationships between all development actors. The Busan Partnership states: 'Openness, trust, and mutual respect and learning lie at the core of effective partnerships in support of development goals, recognising the different and complementary roles of all actors'.¹⁴

The CSO dimension of 'inclusiveness' had already landed onto the Aid Effectiveness priorities several years before (taking on pronounced form in the 2008 Accra Agenda for Action and later in the 2010 Istanbul Principles for CSO Development Effectiveness). There was undeniable progress thereafter at both the country and global levels in terms of inclusiveness of civil society and multiple interest groups in aid/development effectiveness dialogue platforms. Yet, widespread concerns linger over the effectiveness of CSO engagement in the policy-making process.

In fact, the mixed picture generated by the PR on Indicator 2¹⁵ is a realistic portrayal of notable progresses in terms of 'enabling institutional frameworks' amid dubious effectiveness and impact. CSOs are the core subject of the CPDE SR 2015 and the report builds upon this portrayal with a further evidence-based assessment of the state of CSO development cooperation, enabling environment and development effectiveness.

- Development Cooperation: Over the past decade ODA has remained a key force behind the strengthening of CSOs. It is therefore no wonder that the flat-lining of ODA since 2011,¹⁶ and the ODA decline reported in the countries of some CPDE SR contributors together with the severe shortage of funding that ensued, brought to surface the institutional weakness of CSOs. Such weaknesses have in turn made them increasingly vulnerable to powerful vested interests, whose agendas often clash with those of civil society (see Box 3 and Box 7 for striking examples).
- Enabling Environment: In spite of national constitutions being generally permissive with regard to the exercise of the fundamental freedoms, recent democratic gains could be in jeopardy. This is because several governments across the developing world move towards

14 OECD (2011), §11(c).

15 Indicator 2 measures whether civil society operates within an environment that maximizes its engagement in and contribution to development.

16 Tomlinson (2016a).

reinstating a host of new restrictive regulations grounded in mistrust and suspicion towards CSOs increasingly perceived by the ruling elites as driven by foreign interests.

- CSO Development Effectiveness / Results Focus: In spite of a broadly harsh background, there is growing evidence of a civil society that is in many countries increasingly self-aware and clever in its strategies. Nevertheless, a cross-cutting country cases' analysis seems to indicate a pattern: strong temporary/circumstantial (rather than permanent) CSO coalitions are proving more effective for they combine different technical expertise and lower the risk of co-optation (of civil society leadership). On the other hand, multi-stakeholder policy dialogue platforms (where already established) are consistently proving ineffective in ensuring that CSO views and recommendations are incorporated and properly followed-up in the policy and decision-making processes.

These 2015 findings are largely consistent with the conclusions of a much broader 2016 Report commissioned by the CPDE aiming to thoroughly assess progress in the four dimensions of the GPEDC Indicator 2. The Report is clear in confirming:

- Space for Multi-stakeholder Dialogue: Multi-stakeholder dialogue arrangements have increasingly been implemented, though gaps remain for some countries. There is, for example, little evidence of multi-stakeholder dialogue in around 17 of the 48 countries examined in the CPDE SRs. Another major problem lies in the effectiveness of such platforms: where already established, their effectiveness is often seriously constrained by limitations in public access to information.
- Legal and Regulatory Environment: Although constitutional recognition of rights/freedoms of association, assembly and expression prevails, there is a global trend of 'shrinking civic space' for civil society organizations with a growing surge of unreasonable government restrictions in laws, regulations and practices.

Overall, the room for multi-stakeholder engagement is clearly seen to be tightening. Unsurprisingly, the country reports for the CPDE SR 2016 produce no evidence contradicting this observation. While policy dialogue between governments and traditional ODA providers remains strong, the engagement of other actors, and particularly the CSOs, is mired in barriers of all sorts ranging from legal to political.

Key Findings in this Report for Inclusive Partnerships

Five years forward, inclusive development partnerships, the core principle of HLF-4, remains in practice elusive across the developing world. Post-Busan efforts, which were aimed at implanting the 'inclusiveness' principle through post-Paris donor-government policy dialogue structures, appear to have been unable to address the ineffectiveness problem of the established multi-stakeholder mechanisms. The CPDE SRs suggest that part of the problem is that the functioning of those post-Paris structures remained somewhat rigid and failed to bring formerly 'peripheral' development actors (such as CSOs, Private Sector, Parliamentarians) to the core of the traditionally donor-government conversation.¹⁷

In fact, the two rounds of CPDE SRs and the GPEDC PRs seem to unanimously point at two common features of these multi-stakeholder mechanisms:

¹⁷ See Box 3 above for an example from Uganda.

- They are mostly one-off meetings rather than regular consultations.
- One or more actors (civil society, parliamentarians, non-traditional providers, the private sector) are invariably not engaging (in some cases deliberately).

Moreover, the providers' contribution to enabling environment for CSOs has been shrinking (see the report from Cameroon), particularly in terms of funding modalities, but also in terms of CSO involvement in setting provider policy priorities. Establishing effective multi-stakeholder policy dialogue forum involving CSOs, private sector, parliamentarians and non-OECD DAC donors is proving to be difficult and there is concern that the window of opportunity for such efforts will be closing.

The issues reported in the contribution from Colombia touch upon particular problems related to CSO enabling environment that are quite widespread. Its description of state repression of CSOs also gives some context for interpreting the GPEDC PR 2015/16 findings that only 67% of CSOs report to government on their finances and programming.

Box 5. Challenges for Colombian CSOs

Legislation in Colombia related to the creation of Regional Councils dealing with Planning, Peace, Social Policy and Civic Participation is the result of attempts at facilitating multi-stakeholder dialogue.

Yet, there remain serious 'obstacles that risk CSO's value offer, the implementation of the Istanbul Principles, and therefore their existence over time'. These include government efforts to merge the social and business sector reflected in CSOs facing business-like tax policies and government treatment of CSOs 'as operators or contractors rather than development partners.'

Risks for human rights advocates 'including the lack of safe complaint channels and limits on the right to social demonstration, and the increasing criminalization of CSOs under the new National Police Code' are also major issues. CSOs face security risks: 'When information is released there are high probabilities CSOs become subject to pressure, persecution or extortion by illegal actors present in the territories'.

Recommendations for Inclusive Partnerships

- Ensure that Mutual Assessment Reviews include and are fairly influenced by all stakeholders, especially those from marginalised groups (e.g., the assessment includes criteria important for these groups).
- Promote the effective development cooperation framework at the level of the countries and local communities, which are the most affected by the sustainable development challenges.

Transparency and Accountability

Clarifying the Principle of Transparency and Accountability and Its Challenges

The Busan Partnership identifies transparency as a tool for accountability. It further asserts: 'Mutual accountability and accountability to the intended beneficiaries of our co-operation, as well as our respective citizens, organisations, constituents and shareholders, is critical to

delivering results'.¹⁸ There are at least two classes of accountability identified here: mutual accountability and accountability to the intended beneficiaries and others affected.

Practices of mutual accountability in partnerships involving CSOs and the private sector are partially assessed under the principle of inclusive partnership. It is therefore important to emphasize here whether this *mutual accountability* among development actors is effectively ensured by the appropriate mechanisms at the levels of national and international governance.

Since the Paris Declaration, mutual accountability has implied, for recipient countries, a commitment to strengthening the role of parliaments and reinforcing participatory approaches to policymaking, monitoring and implementation – and it is, therefore, closely related to the principle of democratic ownership. The framework of mutual accountability is understood to be applicable inter alia between donors and governments, between governments and citizens, and between development beneficiaries and donors.

The second class of accountability, *accountability to the intended beneficiaries and others affected*, relates to the question: Are these mechanisms open to and responsive to violations of people's rights? This follows from the proximate relation between human rights and development results. Another necessary question here: Is the quality of transparency sufficient to empower people to utilize these mechanisms effectively?

As is clear in the principle of inclusive partnership, the Busan Partnership recognizes people as both development actors and intended development beneficiaries. Both classes of accountability must be responsive to people's needs. This responsiveness is a vital measure of the principle of transparency and accountability that must be considered alongside the GPEDC indicators. The fact that, in many countries, CSOs have become part of national accountability frameworks suggests that CSO input is highly relevant to efforts to measure this principle.

Key Findings in this Report for Transparency and Accountability

Mutual accountability is supposed to be strengthened through the practice of Mutual Assessment Reviews. Unfortunately, the PR 2015/16 reports no substantial progress on this front, emphasizing a clear need for greater inclusiveness and transparency in these reviews. This is a sentiment with which many of the CSO reports concur.

The reports point to transparency issues with their governments generally, but particularly concerning development cooperation. Some refer to the Open Budget Initiative of their country governments in an attempt to communicate the extent of the problem, while indicating especially the lack of information about donors.

Many of the reports also point to the close relationship between an enabling environment and the ability of citizens to hold governments and donors accountable for development outcomes. This important relationship is evident in the report from India, which brings attention (parallel to the biases in development priorities discussed in the 'Results Focus' section) to some of the possible dangers of biased accountability practices.

18 OECD (2011), §11(d).

Box 6a. India: Biased Technical Cooperation Fails to Consult Impacted Citizens

‘India’s technical assistance program (as a recipient) has a lot of private sector participation and huge bias, which also involves encroaching upon good agricultural and forestlands in any new infrastructure project. ADB and JICA are funding small to big hydropower and road projects especially in the northeast state of Manipur. These projects promote more business in mining and oil exploration where huge secrecy is maintained. No consultation and participation with the indigenous people are done who are impacted mostly in the form of displacement. There is also an increasing tendency to promote the design and implementation of PPPs (public-private partnerships), ignoring people’s rights and priority.’

Problems with technical cooperation have in fact been increasingly remarked upon (outside of the SR) in other countries as well due to the tendency of donors to exert influence through technical cooperation and shape development priorities through legislation and governance reform. For this reason, it is also disconcerting that DAC statistics do not fully account for technical cooperation in ODA, which may hinder accountability efforts.¹⁹

To return to India, however, a message from that country report well worth attention is the stark contrast evident between the government’s accountability standards towards, on the one hand, donors and the private sector, and on the other hand, towards the CSO community. The latter manifested itself in the country with great emphasis in recent legislation. It is through the comparison of the two standards that the biased nature becomes apparent, keeping in mind the ‘huge secrecy’ permitted in the mining and oil exploration sector reported in Box 6a above.

Box 6b. India: Biased Lokpal Act Fails to Hold Private Sector Accountable

The Lokpal and Lokayuktas Act (2013) is an anti-corruption act. However, it does not include private companies registered under the Companies Act of 2013, instead focusing on CSOs. There are fears that this may further encourage private sector bribery.

It is also worth noting in this context that India has ratified the United Nations Convention against Corruption, which means that the government has committed ‘to prevent corruption involving the private sector’.

Moreover, ‘the idea of the Lokpal has always been welcomed by the civil society organizations’. It states further that ‘CSOs are only demanding to bring the private sector under this important bill to reduce the bribery’ and that ‘there is a need to bring transparency to all the institutions irrespective of their affiliations’.

As the above-mentioned case of Colombia shows (Box 5), biased accountability measures can sometimes be indicative of underlying agendas in conflict, among other things, with the SDG ‘leave no one behind’ agenda and the development priorities as enshrined in the human rights framework. In such a context, it is all the more worrying that, despite progress in transparency in terms, for example, of increasing availability of information through the International Aid Transparency Initiative (IATI), measured by GPEDC Indicator 4, significant challenges remain in terms of the sufficiency and accessibility of this information for citizens seeking to use them for accountability purposes. This is clearly reflected in some of the SR reports (e.g., the report from Bolivia).

¹⁹ The Reality of Aid (2016), p. 8.

All of this is to say that, while the development cooperation framework of mutual accountability is supposed to be applicable, as stated above, between donors and governments, between governments and citizens, and between beneficiaries and donors, the strongest accountability link remains that between donors and governments, and is still in many cases far from mutual. The report from Palestine, a country in which aid represents in some years up to 46% of GDP, provides one of the most striking examples of unidirectional accountability.

Box 7. Consequences of Donor Political Influence over 2006 Palestinian Elections Persist

'In 2006, after democratic elections resulted in a Hamas win in the Palestinian parliament, there was a near total boycott of the Palestinian Authority (PA) by donors. This had a widespread effect on the Palestinian population, since an estimated 6-7 people subsist on the salary of each PA employee. After a period of reassessment, donor aid that year actually increased over previous years. It was redesigned as humanitarian rather than development aid and diverted through international organizations over which donors had more direct control. Over time, donors built parallel institutions to enable them to directly control aid (e.g., Temporary International Mechanism; PEGASE), and predictability increased. In this way, predictability of aid is directly linked to political conditionality.'

As discussed in the 'Results Focus' section, the commitment by all development actors to a human rights-based approach (HRBA) would help to de-politicize development cooperation by creating a greater consistency between actors in terms of results focus. This would also make sense given the fact that most donor and recipient countries have already made commitments in the form of ratifying certain human rights standards.

There are clear lines of compatibility between mutual accountability, accountability to development beneficiaries, and a human rights framework. A high degree of compatibility also exists between an HRBA and the commitment to a greater enabling environment for CSOs, which should be committed to capacitating people in the claiming of their rights. This compatibility should also be pointed out for the development effectiveness agenda in general. Under an HRBA, rights are recognized to be held by all human beings. Stronger commitment to this in the upcoming Nairobi outcome document could represent a step towards more effective accountability practices that avoid the above-mentioned biases, and their alarming consequences.

Recommendations for Transparency and Accountability

- Promote integration of human rights in accountability practices and promote the inclusion of citizens and development beneficiaries in accountability practices.
- Establish shared standards of transparency for situations in which donors invest in private enterprises.
- Establish standards for identifying and consulting with affected communities and appropriate grievance mechanisms.
- Ensure that technical cooperation empowers non-state actors, such as CSOs working towards people-centred development outcomes.
- Ensure that the relevant publicly available information is accessible to all communities (e.g., translated into the appropriate languages and formats).

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Country Reports

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Transparency, Social Participation, Democratic Ownership and Aid Conditionality in Bolivia

Unión Nacional de Instituciones para el Trabajo de Acción Social (UNITAS)

Juan Luis Espada Vedia

I. Introduction

The post-2015 development agenda, outlined in 17 Sustainable Development Goals (SDG), requires the formation of a consensus between the various public and private sector actors regarding resource allocation. Efforts towards building this consensus should continue, so that the structure becomes more effective. The accomplishment of the SDGs also requires the promotion of an open debate on the structural conditions that reproduce the development model in Bolivia, since up to now, this has not managed to respond to historical social demands (the fight against poverty and inequality, inclusion, integration, etc.).

In the Busan declaration, this challenge was already considered to a certain extent, when it suggested a shift from aid effectiveness to development effectiveness. This is the kind of relation that has to steer our high-level forum commitments, monitoring and review processes. We cannot untie the cooperation effectiveness for development debate from structural evaluation of the limits of a development model based on economic accumulation. And it will be equally vital to know if the contributions arising from international cooperation have disrupted economic structures, which could make us believe that social results can be sustainable.

If we try to look to the middle-term future, this suggests that the State will pay attention to agreements and commitments from high-level forums as a way of ensuring resources for its country, motivated by a fiscal balance shift. Between 2006 and 2013, Bolivia registered a positive balance in public finances (a surplus). However, since 2014, it has registered increasing fiscal deficits, due primarily to the drop in resources from hydrocarbon exploitations¹. This scenario is an opportunity to demand greater engagement in development effectiveness commitments. Even with the minimal information available, it is safe to say that little has been advanced in some of the Busan principles, while in issues such as enabling environment for Civil Society Organizations (CSOs), there have been serious setbacks.

We must highlight that the State maintains an aggressive policy of external debt, to the point where, on the 6th of October 2016, it was announced that China would grant a credit of US\$4.858 million — a figure which represents 76 percent of the external debt balance until December 2015. Moreover, ODA flows can be extended within the framework of the SDG. In a moment of fiscal prosperity these flows reached an annual average of \$ 420 million; if that trend is continued, there will be significant resources for the post-2015 development agenda.

In a scenario where the mobilization of external resources is not a long-term debate, we must make sure to achieve the necessary conditions so that those resources have an impact on development challenges. In this sense, state actors and private sector actors, together with CSOs, must assume a proactive attitude so that the Busan principles and other high-level commitments are implemented.

1 The falling oil prices meant that the General State Budget registered a decrease of 33 percent on Direct Tax on Hydrocarbons (IDH) collection; this fall is predicted to be greater because the real price of oil was lower than the estimated price registered in the State Budget for the first semester of the year. Furthermore, we must indicate that the collection of the IDH represents a quarter of the tax collection. Along with the value-added tax (VAT) these taxes represent half of the tax collection.

This document does not seek to assess all the components and commitments expressed in the different high-level forums on aid effectiveness, but to highlight those aspects or conditions that require our attention in the short-term, and that would contribute to dialogue, debate and recommendation processes to ensure that the mobilization of external resources responds to strategic needs of the people and to the full development of economic, social and cultural rights.

II. Transparency for Development Effectiveness

The complexity of development — the fight against poverty, inequality, and for social and economic inclusion, sustainability, etc — requires a strategic dialogue between public and private sectors and CSO actors, as the foundation of any democratic system. In that sense, a strong social actor equipped with information and analysis will be able to have a qualified participation in the design, implementation and reformulation of public policies aimed to ensure effective social transformations.

Within this framework, ensuring political transparency and accountability (which is the responsibility of every development actor) is a central component for democratic debate on the direction of public policies. In the Paris Declaration (PD) it was agreed that donors would have “to provide transparent and complete information in due time on the aid flows with the aim to enable country authorities to present complete budget reports to their MPs and citizens.” The Accra Agenda for Action (AAA) goes further, stating that the responsibility for transparency, accountability and information access lie with all development actors (public and private).

In the case of Bolivia, we may declare that:

1. **There is a need to diversify international initiatives for international cooperation transparency.**

Mutual responsibility to improve the transparency of information on Official Development Aid (ODA) allows us to reduce the information bias some by some actors. As it happens in Bolivia, international initiatives are the ones providing aid flows information. The use of only one channel when accessing information is not convenient, because restrictions on its presentation could already be in place.

The International Aid Transparency Initiative (IATI), is increasingly becoming a benchmark. This initiative seeks to ensure better access to information on aid disbursements, making such data more intelligible, timely, and easier to find. If we look at the Bolivian case, however, we note that the registries within the IATI are still limited. Only 23 donor entries exist and none of the non-traditional donors, such as China and Venezuela, are included (IATI, n.d.a). On the other hand, access to information is not clear, and the type of information released has a general format and it is not easy to comprehend (IATI, n.d.b). It is understood that the main concern is to include all the official development aid actors. Then we will need to evaluate the quality of the information and the relevance or restrictions needed for some of this information. Only in this way we will be able to determine if CSOs are allowed to access the whole development cooperation information.

In parallel, other bodies such as Inter-American Development Bank (IADB) have opened information channels indicating financing numbers by countries. However, documents describing financing and operational specifications are not always available, and depends

on each project. The Bolivian Partner Group for Development (GRUS)², another initiative in Bolivia aiming to improve international cooperation transparency, has 23 cooperation members. This space must be promoted, in order to systematize and gather information on resource flows brought to Bolivia by its members, as well as ensure basic documentation that allows us to understand resources management by the State. Moreover, promoting this space will lead to the implementation of the Busan declaration with respect to the strategic role of CSOs in development. This will mean that dialogue processes with the government should be accompanied by civil society consultations.

2. The official information from the State does not prioritize trends and conditions of official development aid.

The creation in 2009 of the Ministry of Transparency and Fight Against Corruption led to a series of initiatives³ for a greater transparency in the public sector and the fight against corruption. Nevertheless, depending on the kind of information released by the public sector, information is not timely, systematic, or of good quality. This is because the lack of detail does not facilitate the evaluation of public policies from a different perspective. Concerning international cooperation information, data or documents are not available to the public through massive information systems. For instance, in the Vice-Ministry of Public Investment and External Financing (VIPFE), information on external funding agreements (VIPFE, 2011) and information on the terms and conditions of these agreements and its development impact do not exist. In addition, information is outdated. The data available is from 2001-2010. If we further look at the Vice-Ministry's website, we can identify two annual reports on international cooperation and funding, but the last report found is from 2012 (VIPFE, 2014). Most probably, this information could be available by written request. However, this could lead to a discretionary use of information sharing since this information could be sent or withheld depending on the applicant. In order to avoid this, it is advisable to publish this information on the relevant public authorities' websites.

In this sense, public administration transparency evaluation initiatives from different perspectives warn us of information restrictions. For instance, the Open Budgets Initiative from the International Budget Partnership (IBP) measures transparency, taking into account information availability on budgets within the international good practices framework⁴. In its last report, Bolivia was given a 17/100 mark. In order to improve these results, simple actions such as making budget documents available to the public could be taken. Implementing these international good practices is only the first step to achieving the desired levels of transparency. Nevertheless, they do help when dealing with the challenge of understanding State's role in development.

In light of the above, it is necessary to establish rules and conditions so that the government reports on the ODA situation, and enacts legislation to make this information available in public reports. Likewise, law on external resources management and implementation (Supreme Decree No. 29308, 2007) should include components for transparency and access to information. This would provide a legal tool so that development actors can better engage with and understand development aid.

2 The donor community created the Bolivian Partner Group for the Development (GRUS) in 2006.

3 The Approval of the National Policy for Transparency and Fight Against the Corruption, Law of Social Participation and Oversight, the Accountability promotion, creation of Transparency units in public institutions, the creation of MY PLATFORM

4 International guidelines present in this survey, consider OECD's best practices for budgetary transparency, the International Monetary Fund (IMF) fiscal code of transparency and the Lima Declaration by The International Organization of Supreme Audit Institutions (INTOSAI).

III. Democratic Ownership in a Limited Enabling Environment

The Busan declaration recognizes CSO's capacity as independent development actors. In this light, one of the main commitments of donors and partner countries is to ensure an enabling environment so that CSOs' contributions to development are maximized. This amounts to the creation of a suitable legal, political and economic environment to improve civil society engagement in national development processes, to allow CSOs to fully exercise their rights, and for the effectiveness of public policies. A genuinely democratic government should ensure the following: freedom of association and assembly, legal recognition that facilitates the work of CSOs, right to freedom of expression, freedom of movement, mobility rights, right to act free of unjustified state interventions; and the right to look for and receive the necessary resources to fulfill their development role. Only under these conditions can CSOs maximize their contribution to development. Nevertheless, CSOs have experienced political, economic and institutional vulnerabilities in some countries, as a result of policy changes and restrictions implemented by governments.

Bolivia is an exceptional case of a regulatory framework that restricts the freedom of action of CSOs who are critical of the government's role, especially those that are pushing for public policies that fight against poverty, inequalities, and enable integration and sustainable development. The Bolivian government's administrative and political requirements show their intention to control, align and subordinate NGOs to national authorities. This limits CSOs' political and management capacities. For instance, this intention can be seen in the orientation of the 351 Act and the Supreme Decree 1597. The first provision requires, as a condition for granting legal personality, that the organization contribute to economic and social development. The second provision indicates that the organization's legal personality can be revoked when it does not comply with sectorial policies and/or rules.

According to UN Special Rapporteur Maina Kiai, these provisions "restrict CSO's right to freedom of association set forth by national and international law" (Kiai, 2015). He also indicated that "there are some unclear concepts in Bolivian legislation such as 'social and economic development contributions' and 'policies and/or rules in the sector'." In theory, every human right case should be considered as contributing to social and economic development, but there is no guarantee that Bolivian civil servants will have the same interpretation. The same could be applied to the concept 'sectorial policies', undergoing constant changes and impossible to objectively document. These provisions leave too much ground "for power abuses and arbitrary interpretation by civil servants" (Kiai, 2015). "[The] law seems to seek to obstruct the work of associations who do not support Government's social and economic development structure. However, right of association is also applicable to those associations who disagree with Government's line of action. In fact it is here where the compliance with this right is key" (Kiai, 2015).

The Constitutional Court has recently ruled in favor of the controversial 351 Act (the Ombudsman brought an action of unconstitutionality against this Act and its regulations, supported by the United Nations Special Rapporteur on Freedom of Association, Speech and Peaceful Assembly, Maina Kiai, through an Amicus Curiae presented to the Constitutional Court). Similarly, there are other examples warning us of the State's attitude, such as the case of the right to assembly of Indigenous Peoples in their own territories and the Isiboro Secure TIPNIS National Park (Alianza Regional, 2014)—this shows State intervention in an indigenous demonstration against the construction of a highway passing through their ancestral territories.

The cases explained above are examples of limitations on freedom of speech and association, which hinder the implementation of the Busan principles.

IV. Inclusive Partnerships: Limitations on Social Engagement.

The Busan declaration establishes a crucial shift in the way we see ODA, which states, “Aid is only part of the solution for development... It is now time to broaden our focus and attention from aid effectiveness to the challenges of effective development (Busan Declaration 2011).” This shift gives importance to necessity of ensuring the active and adequate participation of CSOs and other public and private actors in policies and mechanisms aiming to ensure a comprehensive, sustainable and inclusive development.

In view of the foregoing, it is vital to recognize that:

1. Rules have been established, we just need political will.

Like other partner countries, Bolivia has promoted a framework to foster CSO's engagement in development agenda policies. For instance, some articles of the Constitution promote social participation; *Ley Marco de Autonomías y Descentralización* (Autonomies and Decentralization Act) ensures their engagement in regional policymaking; and the Social Participation and Control Act⁵ states in its Article 8 that civil society participation in the design, implementation and evaluation of public policies should apply not only to the regional but also to the national level. Furthermore, earlier this year the 777 Act was passed, which establishes a planning system for reform in Bolivia, including social participation. Clearly, there is a legal framework which promotes CSO inclusion in governance.

However, the existence of a regulatory framework configuring participation spaces for CSOs does not necessarily ensure the full engagement of these actors. According to two UNITAS reports on this issue⁶: (i) development strategies have not considered wide multi-stakeholder consultation processes; (ii) there has not been a change in social engagement on ODA, although there are some initiatives such as one from the EU where there is a true consultation effort. However, this is not the usual way of acting of both donors and the state; (iii) annual planning forums become a space for information about what has been done, but not a space where strategies can be adjusted or aligned with those of CSOs; (iv) there exists selective consultation behavior applied in some public policies; and (v) consultations do not respond to systematic CSO participation processes, because they are sporadic.

From all of the above, it is understood that some bodies have publicly declared themselves as being against consultation processes, decreasing the value of social participation (UNITAS, 2016).

2. The generation of social engagement spaces and partnerships is crucial.

CSOs have promoted political dialogue processes on key development issues, managing to improve civil society understanding of the scope and limits of the current development model from different perspectives. These include the creation of NGO networks and/or platforms⁷, and regional blocs, as well as national and international platforms created for a specific purpose.

5 In Article 3, it reads “Promoting and strengthening different forms of Social Participation and Control by social sectors and/or labor organizations, neighborhood, national and indigenous peoples councils, intercultural and Afro-Bolivian communities on the drafting, monitoring, implementation and evaluation of national public policies, in accordance with their own organization and their rules, proceedings and management methods”.

6 Please see: i) UNITAS, *Efectividad del Desarrollo en Bolivia: un proceso en gestación*, 2011, La Paz-Bolivia; ii) UNITAS, Segunda Ronda de Monitoreo de la GPEDC, Bolivia Indicador 2, 2016, La Paz-Bolivia.

7 Plataforma de ONG Nacionales, PROCOSI, ASONG Cochabamba, Coordinadora de la Mujer, CPMGA, Católica por el Derecho a Decidir, Alianza por la Solidaridad, Comunidad de Derechos Humanos, Capítulo Boliviano de Derechos Humanos Desarrollo y Democracia, Colectivo del Concejo de Educación de Adultos, Plataformapor la ciudadanía y la democracia, Red de Instituciones Privadas de Desarrollo Social, Plataforma boliviana frente al cambio climático. Plataforma de redes bolivianas, LIDEMA, Redeschaco, Consorcio de Agencias Humanitarias, Red PCCS, AIP, among others.

V. Conditionality in Development Funding

The quest for a comprehensive, equitable, sustainable and inclusive development agenda brought about the recognition that development financing cannot include economic requirements, since this limits the results sought at the country level. The Busan Declaration recognizes that more efforts should be devoted to untying aid, because this generates “opportunities for local systems for the procurement of goods, the development of business activities and job and resources creation in developing countries.” Several studies have shown that tied or conditioned aid tries to impose the purchase of national goods and services, hindering the multiplier effects on the recipient country and their local development processes. Likewise, regarding technical cooperation, it was noted that a percentage of this technical cooperation is aimed to cover personnel expenses from the country providing cooperation services.

In the case of Bolivia, there is a need to:

1. Improve access to information covering aid, cooperation or credit terms.

Documents attached to cooperation agreements between the Bolivian government and other international bodies and countries are not available to the general public via massive information systems. The adoption of legislation has become the information medium for cooperation agreements entered into by the State. Nevertheless, only articles covering the approval of these agreements are disseminated, and the framework agreement is not included, which is, according to Bolivian legislation, the legal instrument regulating the contractual agreement between the Republic of Bolivia and the financial institution or donor country, establishing rights and obligations.

In order to understand the direction of our government’s relation with other states and cooperation agencies, access to these documents is vital. At present, cooperation frameworks with governments that are not considered as part of the traditional cooperation countries (such as China, Korea, Vietnam and India) have been established. But in many cases, a systematic evaluation of these agreements cannot be performed. This lack of information prevents us from assessing the progress and setbacks in the face of the decrease in conditioned aid.

2. Stop the ongoing practice of tied funding.

The little information available shows that in some cases, tied aid remains an actual practice. For instance, in 2012, the Bolivian government got a loan on concessional terms to purchase helicopters through financing by The Export Import Bank of China (EXIMBANK). These helicopters, however, had to be purchased from a Chinese company. Furthermore, it was stipulated that a preferential loan that China granted to Bolivia in 2004 (for under 250,000 million Yuan) should be devoted to the purchase of Chinese equipment and machinery.

The Supreme Decree No. 2574 (DS2574) was passed on 3 November 2015, which authorizes the procurement of works, goods and services under specific proceedings and conditions for the implementation of projects to be funded with Loan Agreements entered into between Bolivia and EXIMBANK. In Article 2, Paragraph III, it stipulates that the companies hired have to be one of the following: (i) majority shareholding companies from natural or legal persons from the People’s Republic of China, established in their country of origin or in the

Plurinational State of Bolivia; (ii) joint accounts or temporary associations established between national companies and majority shareholding companies from natural or legal persons of the People's Republic of China. Furthermore, the Decree sets out further provisions relating to the Mutún Steel Company and the national electrical company, allowing them to apply their direct or foreign recruitment regulations under the DS 2574.

The above is only a sample of some of the financing channels the country is using, leaving many unanswered questions regarding its contribution to the national economy since they are leaving many national private actors on the outside. Similarly, projects implemented by Chinese companies that violate national workers' labor rights, such as the Sinohydro case, have been identified (CEDLA, n.d.). To broaden the scope of these requirements, the government and cooperation actors should make specific financing agreements, framework agreements, and any other document explaining financing management and features available to the public.

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Beyond an Enabling Environment for CSOs: Enhancing Multi-stakeholder Collaboration for Effective Development Cooperation in Cameroon

Africa Development Interchange Network (ADIN)

Martin Tsounkeu

I. Introduction

A. Background

In 2015, the era of the Millennium Development Goals (MDGs) ended. However, many African countries were still presenting an alarming poverty index. Sub-Saharan Africa, for instance, reduced poverty levels from 56.5 percent in 1990 to 48.4 percent in 2010, a 14 percent reduction; but it was well below the MDG target of 28.25 percent.

The Sustainable Development Goals (SDGs), adopted by the United Nations in 2015, serve as the new framework for global development. The related “2030 Agenda”, with 17 goals and 169 targets, also appears as a global reference. At the first High-level Political Forum on Sustainable Development (HLPF1) held last July 2016 in New York, UN Member States reaffirmed and pledged “that no one will be left behind in implementing the 2030 Agenda for Sustainable Development.” They also reaffirmed that “eradicating poverty in all its forms and dimensions, including extreme poverty, is the greatest global challenge and an indispensable requirement for sustainable development.”

Among the means of implementation for the 2030 Agenda, three key aspects must be of primary consideration: financing, technology, and industrialization. This enhances the relevance of the Global Partnership for Effective Development Cooperation (GPEDC), embedded in the Busan agreement, forming a global area of interest. In fact, the 2030 agenda underlines the necessity to “develop quality, reliable, sustainable and resilient infrastructure, including regional and trans-border infrastructure, to support economic development and human well-being, with a focus on affordable and equitable access for all” and to “promote inclusive and sustainable industrialization.”

Owing to lessons learned from the MDGs, a strong global partnership and effective development cooperation is highly needed. In fact, Official Development Assistance (ODA) from developed countries increased by 66 percent in real terms, between 2000 and 2014, and reached US\$135.2 billion (United Nations, 2015, p. 9). However, ODA to Africa is projected to remain low during the period of 2015 to 2018, averaging around US\$47 billion annually (UNDP, 2015). Meanwhile, the drop in the global poverty level was largely uneven, as sub-Saharan Africa’s poverty rate did not fall below its 1990 level until after 2002. The region continued to lag behind, even though the decline of poverty had accelerated in the decade before 2015, when more than 40 per cent of the population in sub-Saharan Africa still lived in extreme poverty (United Nations, 2015, p. 17).

In that global context, the CSO Partnership for Development Effectiveness (CPDE) three-year program, entitled “Civil Society Continuing Campaign for Effective Development,”

aims to make concrete contributions to global development by promoting development effectiveness, through concrete CSO action, utilizing a mix of approaches in policy advocacy, engagement, outreach, and capacity development at global, regional, sub-regional, and national levels.

In this line, the 2016 Global Synthesizing Research takes stock of the progress in the implementation of effective development cooperation across various regions and sectors around the world. As end-line research, it features country case studies from the different regions and sectors, to provide evidence for the CPDE's stances in the anticipated engagement at the Second High Level Ministerial Meeting of the GPEDC. The case study for Cameroon was undertaken immediately after the second Monitoring Round (MR2) exercise of the Busan commitments, under the GPEDC framework, conducted with a view towards the coming Second High Level Meeting (HLM2) in Nairobi, Kenya.

B. Research Objective

Building upon last year's Synthesis Report on the state of development cooperation, the CSO enabling environment, and CSO development effectiveness, the 2016 Synthesis Research seeks to gauge, at the country-level, the status of the Unfinished or Core Business — this refers to commitments arising from the First High Level Forum in Rome, the Paris Declaration on Aid Effectiveness, the Accra Agenda for Action, and the Busan Partnership for Effective Development.

These commitments include:

- ending policy conditionality;
- fully untying all forms of aid and implementing demand-driven technical assistance;
- using country systems as the first option;
- addressing the unpredictability of aid flows;
- adhering to the highest standards of transparency and accelerating efforts to fully implement the IATI component to the common standard to enable the publication of timely, comprehensive and forward-looking information, as well as improve open data access and use of gender-disaggregated data at country level in line with the Open Government Standards;
- strengthening the accountability of all development actors from donors to CSOs to the private sector;
- operationalizing inclusive mechanisms, including access to justice at country, regional and global levels, and establishing multi-stakeholder processes and social dialogue;
- addressing fragmentation of development flows through ad hoc global reporting efforts; and
- realizing the commitments on democratic ownership, gender equality and accountability made in Busan and reaffirmed in Mexico.

II. GPEDC Implementation in Cameroon

The post-Busan GPEDC implementation in Cameroon has regularly been assessed by the government, through the Ministry of Economy, Planning and Regional Development (MINEPAT), and civil society, through the CPDE national focal point and other initiatives.

A. Legal and Regulatory Framework in Cameroon

Laws and regulations in Cameroon cover numerous aspects of development cooperation, as does the set of national development strategy frameworks. In addition to the fundamental rights guaranteed by the Constitution, there are regulations for a CSO enabling environment and the private sector contribution to development. Meanwhile, relationships with foreign partners are based on institutionalized formats.

Freedom of association, assembly and expression is recognized and respected in the Cameroonian Constitution and, more broadly in policy frameworks, laws and regulations. In fact, the preamble to the Constitution of 18 January 1996 took over most of the provisions of the Universal Declaration of Human Rights on civil liberties for individuals and groups.

There are a number of legal and regulatory instruments relating to an enabling environment for CSOs, including the 90/053 law on freedom of association, the 1992 law on cooperatives and Common Initiatives Groups, and Law 99/014 regulating Non-Governmental Organisations (NGOs). By law and in practice, CSOs can pursue self-defined and diverse objectives such as human rights and good governance. They can regulate their internal governance and business. In some cases, they are required to submit a declaration to the competent authorities before holding certain public events. The environment actually enables the creation, registration and operation of CSOs. Grounds for refusal of registration and withdrawal of status are clear, and procedures for appeal exist.

There are national policies and practices to actively promote the improvement of CSOs' operational environment and maximize their role in development. Such policies have been supported by the European Union through two successive programmes, PASOC and PASC¹, as well as the thematic program for non-state actors of the European Instrument for Democracy and Human Rights (EIDHR). There are no legal or regulatory constraints or practical obstacles that limit CSOs' capacity to search, secure, and use financial, material and human resources. Legal or policy incentives to promote the mobilization and financial sustainability of CSOs are, however, reserved to a specific category: NGOs as defined by Law 99/014. But CSOs are not totally protected against unwarranted interference. They may sometimes face harassment if they are perceived as a political threat by the government.

The internal capacities of CSOs in Cameroon are also insufficient, justifying a need for capacity building, and a need for access to information, which is generally a challenge. The special status of 'NGO' in Cameroon — which by law is a step after the status of 'Association', and is in some cases required for better operations — is generally difficult to obtain, due to administrative bureaucracy. The National Trade Union for Education and Training (SNAEF) and the Association for the Promotion of Sustainable and Social Development (APRODDAS) have been in negotiation with the government for the adoption of a law on trade unions, which is yet to be passed. In reality, with respect to the law, no one is marginalized; the problem

¹ The PASOC (Programme d'Appui à la Structuration de la Société Civile) implemented from 2009-2011 was followed by the PASC (Programme d'Appui à la Société Civile) from 2012 to 2015.

lies in the enforcement of these laws, as implementation is hindered by inertia on the part of government officials and lack of awareness of their own rights on the part of the public.

B. Governance Context

The public governance context in Cameroon has evolved over time, shaped by various factors. Economic and social governance challenges are tackled in many ways, through public and private initiatives.

1. The government and inclusive partnerships

State governance in Cameroon used to be strongly centralized until the decentralization era which began in 2004 with the institution of relevant laws: Law No. 2004/17 on the orientation of decentralization, Law No. 2004/18 stipulating rules applicable to councils, and law No 2004/19 on rules applicable to regions. These laws provide councils with resources to mobilizing options for local development, through decentralized cooperation. They transfer competencies to local councils in some domains. Decentralization is further regulated by Decree No. 2011/1116/PM, whilst inclusive partnerships and cooperation is governed by a comprehensive legal framework, including, among others, law N° 2006/012 which regulates partnership agreements (COSADER, 2015, pp. 18-22).

Economic governance is presently guided by Vision 2035², with a ten-year national planning process embedded in the 2009 Growth and Employment Strategy Paper (GESP) as the first stage. It places emphasis on infrastructure construction, relying on the assistance option of development partners like China³. The extent to which Cameroon's national planning considers development partners' orientation falls in line with the national planning style, as regards national budget financing. The procedure allows funding of part of the budget through ODA, without necessarily specifying the source. Financing sources are generally prospective and get confirmed, according to the outcome of related negotiations.

The economic crisis that affected Cameroon for almost two decades (from the mid-eighties onward) came with a lot of challenges. The major ones were the high index of protracted poverty (40.2 percent in 2001, 39.9 in 2007 and 37.5 in 2014), and the alarmingly high level of corruption and mismanagement in public administration (AFRODAD, 2010, p. 33). A number of anti-corruption measures were taken, including the creation of a national anti-corruption body with units in various ministries and the launch of operations to track corrupt officials⁴.

2. CSO accountability, transparency and participation

The CSO landscape in Cameroon is diverse and there are still many challenges hindering overall engagement in development policies and the monitoring of development practices. CSOs actively participate in the monitoring and follow-up of public policies, but generally on a self-sustained basis, with a number of obstacles linked to public bureaucracy and failure to enforce existing legislation. CSO engagement in official multi-stakeholder dialogue mechanisms with government and other stakeholders has been in progress over the years, as a result of personal efforts and insistence on the part of CSOs, but it is limited. A greater political will, plus action on the part of other stakeholders,

2 The national long term strategic vision of a Cameroon, an emerging democratic country united in its diversity by 2035.

3 The Lom Pangar hydropower dam was planned with the initial clear prospect of Chinese funding.

4 The "Operation Epervier" tracked and sent many public officials, including former Ministers and a Prime Minister to jail.

such as the concrete allocation of public resources, would allow a more meaningful CSO engagement.

Generally, accountability to cooperation suppliers is better implemented by CSOs than their internal organization. They should adjust their own internal practices towards greater effectiveness, accountability, transparency, and communication (Istanbul Principles), including about reporting to the government on their funding sources and activities for development, and on vertical and horizontal collaboration among themselves. Internal CSO capacity building would do a lot for that kind of upgrade, at all levels. Existing mechanisms to facilitate coordination of programming between CSOs, or with other development actors and collaboration to maximize impact and avoid duplication of efforts should be enhanced.⁵ An institution like the Economic and Social Council, which is much too quiet now, could serve as a framework for this level of capacity building, in addition to other existing support⁶ for CSOs.

CSOs participation in development is important in many areas including support to communities and public policy monitoring. However, formal and systematic inclusion in national policy design and implementation is still mitigated. It is, however remarkable that the GPEDC Second Monitoring Round was characterized by a clearly expressed willingness on the part of the Cameroon government to involve civil society, even though, at the same time, there was reluctance to accept a focal point for trade unions. The Cameroon CSO experience was unique, because the CSOs focal point designated by the Government was the same as the one chosen by civil society. This is an encouraging sign of convergence, indicating a possible narrowing of the collaboration gap between the government and civil society.

C. Political Context

In Cameroon, the overall context within which various stakeholders interact has some peculiar characteristics. There are a large number of registered stakeholders, but with just a few in command or operation. At least 291 political parties and around 3,000 CSOs are registered, but less than 10 political parties are represented in Parliament or hold an elected mandate. Women hold 13.9 percent of the National Assembly and 21 percent of the Senate (MINEPAT & UNDP, 2013, pp. 12-13; CCIMA, 2015). As a result, even though all cooperation agreements go through the Parliament for ratification, it is not certain that a serious scrutiny for authorization, considering citizens' perspective, is effective. In fact, the actual capacity of parliamentarians, senators and other elected officials, like mayors, to exercise their power within their respective institutions may sometimes be limited.

In the field of cooperation, a national multi-partner committee has been set up to try to coordinate and harmonize development cooperation. The committee is co-chaired by the Secretary General of the Ministry of Economy Planning and Regional Development (MINEPAT) and the coordinator of the UN System. It is open to all multilateral and bilateral development partners, and occasionally brings in civil society — but in a very timid and unstructured manner that does not allow full and effective contribution. Nevertheless, providers are generally hinged on the promotion of an enabling environment for CSOs in their cooperation

5 The consultation platform that brings together CSOs involved in development activities in Local Councils; the Network of Traditional (paramount) Chiefs for forest protection and exploitation of non-timber forest products in Africa; The network of associations for the Promotion of Women and marginalized populations (the "Cameroon Women in Leadership and Development").

6 Program to accompany CSOs to enhance their relevance and to increase their efficiency at the Ministry of Territorial Administration and Decentralisation (MINATD).

format. They generally make it a precondition that the government includes CSOs in related processes.

However, there is a limited space for multi-stakeholder dialogue on national development policies. Regarding consultation, around 88 percent of Cameroonian civil society acknowledges that they are consulted by the government in the design, implementation and monitoring of national development policies. For instance, CSOs were involved in discussions for the preparation of the Poverty Reduction Strategy Paper (PRSP) and for the Growth and Employment Strategy Paper (GESP). This is also generally the case for activities funded by external partners. Such consultations happened for the MDG Review and the formulation of the Post-2015 Development Agenda. The National Participatory Development Programme (NPDP) promotes this at local level during the formulation of Communal Development plans (CDP) by involving minority groups.

However, CSOs are usually just invited to participate in seminars and workshops. Their inclusion is neither systematic nor clearly pre-defined with a published schedule. In addition, CSOs' contributions are not always taken into account by the government in final decisions. Traditionally, marginalized groups are not included in these processes. Cameroonian authorities do not have the culture and capacity to work in synergy with CSOs, especially when it comes to involving the most marginalized populations. Many initiatives are limited to elites and politicians.

The situation is improving, thanks to CSOs' work. Among others, the recent initiative on an institutionalized dialogue for implementation of the SDGs, conducted by the CSO African Working Group (AWG)⁷ through ADIN, has resulted in the creation of the Common Working and Collaboration Platform (CWCP), a space of dialogue between the government, CSOs and other stakeholders. In the framework of the CWCP, the creation of a specific collaboration platform with CSOs by the Ministry of External Relations (MINREX) is being emulated by other Ministries and public institutions⁸.

D. Socioeconomic Context

The economic and social impact of development cooperation in Cameroon could be measured by observing economic performances in time, and the actual level of national welfare. The poverty level in Cameroon stood at 40.9 percent in 2010 (UNDP & MINEPAT, 2012), dropping minimally to 39.7 percent in 2014 — this indicates that, overall, the positive impact is not significant. The state of the infrastructure network in Cameroon has also remained stagnant, in relation to the real needs of the country, despite over fifty years of cooperation with traditional donors. The country inherited an unsustainable level of debt and had to go through the Highly Indebted Poor Country (HIPC) process for recovery. However, implementation of the new national development strategy after the PRSP has spurred some economic growth, albeit less than what was targeted by 2015⁹.

1. The state of official development cooperation

In Cameroon, the national legal and regulatory framework, complemented by international commitments signed by the country, provide useful guidelines for inclusive partnership

7 Programme "to position CSOs to play an active role in the SDGs implementation process in Cameroon and Tanzania, supported by the Commonwealth Foundation (London)."

8 The Ministry of Youth and Civic Education, the National Statistics Institute and the Ministry in charge of Higher State Control and Audit.

9 The 6 percent average economic growth anticipated in the Growth and Employment Strategy Paper (GESP) was not met in 2015. The performance scored stood at half the projections around 3 percent.

and thus for development cooperation. However, there is still no specific standalone aid policy or strategy reference. There has been work to elaborate such a document¹⁰, the outcome of which was technically approved in 2012 pending high-level political endorsement. Joint Partnership reviews are common at bilateral and multilateral levels through the Multi Partner Committee (MPC).

The GPEDC second round monitoring (2016) revealed the following results:

GPEDC Indicator	Percentage
Country Results Framework Utilization (Indicator 1a):	78 percent
Annual predictability (indicator 5a):	40 percent-56 percent
Medium term predictability(indicator 5b):	76 percent
Budgeted ODA (Indicator 6):	25 percent-32 percent
Country systems utilisation (Indicator 9b):	37 percent

Source: Cameroon national spreadsheet for the GPEDC 2nd round monitoring (MINEPAT, National Coordinator)

This indicates that there are still efforts to be made to achieve full alignment by all development cooperation providers. Paradoxically, the UN system, despite regular consultation with the government (UNDAF), seems to be the least compliant with the use of national systems (as shown in Table 1 and Figure 1).

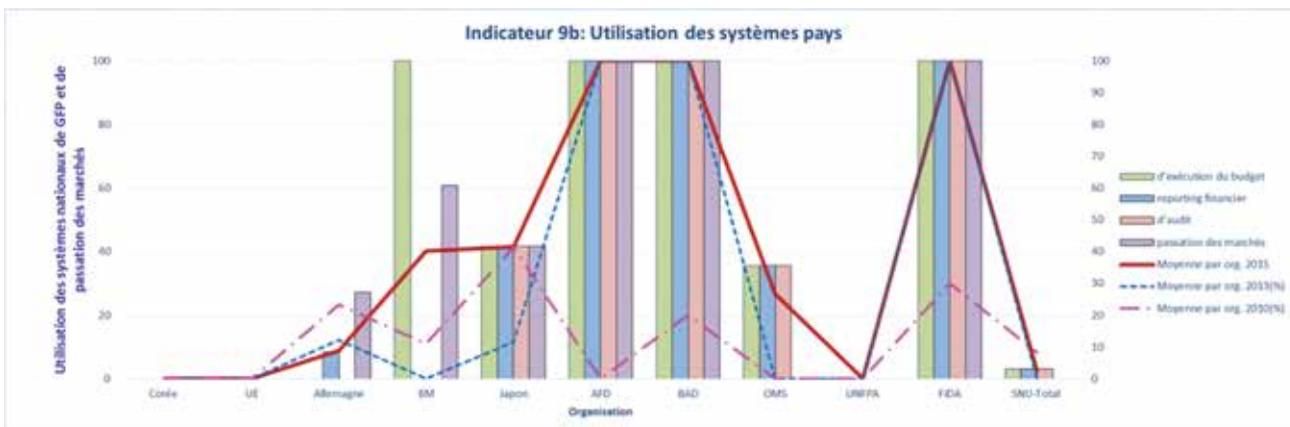
Table 1
Providers data on utilization of national systems by development providers

	Budget execution	Financial reporting	Audit	Procurement	2015 Average	Moyenne par org. 2013(percent)	Moyenne par org. 2010(percent)
Korea	0	0	0	0	0	0	
EU	0	0	0	0	0	0	
Gemany	0	8	0	27	9	12	0
World Bank	100	0	0	61	40	0	0
Japan	42	42	42	42	42	12	23
AFD	100	100	100	100	100	100	11
AfDB	100	100	100	100	100	100	41
WHO	36	36	36	0	27	0	0
UNFPA	0	0	0	0	0	0	20
IFAD	100	100	100	100	100	100	0
SNU-Total	3	3	3	0	2	0	0

Source: Cameroon national spreadsheet for the GPEDC 2nd round monitoring (MINEPAT, National Coordinator)

10 A 2012 version of the Development Partnership Strategy Paper (DSPD) can be consulted online (minepat.gov.cm.)

Figure 1
Utilization of national systems by development providers



Source: Cameroon national spreadsheet for the GPEDC 2nd round monitoring (MINEPAT, National Coordinator)

2. Citizen inclusion in development cooperation process

It appears from the 2nd GPEDC monitoring on indicator 2 (CSOs enabling environment) that official development cooperation partners, to a certain extent (54 percent), do converse systematically with CSOs on their policy or development programming. They involve CSOs in defining the policies and programs that they support, through information, sensitisation or evaluation workshop, and thematic consultations. These consultation processes are institutionalized, inclusive and accessible, but they lack feedback mechanisms showing how contributions from different stakeholders have been taken into account.

However, from CSOs' perspective, cooperation providers do not have a comprehensive policy for civil society. In addition, they do not offer a combination of funding mechanisms that take into account the objectives defined or identified by CSOs, final beneficiaries, or the Cameroonian government. As a result, funding for CSOs is not reliable neither is it transparent, easily accessible nor impartially disbursed. Administrative policy requirements and plotting are neither standardized nor harmonized between providers. Multiple requirements discourage CSOs hence funding is becoming increasingly rare.

3. Private sector participation in growth and development

The private sector is prepared and willing to communicate and interact with government, even though its profit-maximizing rationale sometimes hinders good communication and information reliability. Cooperation between the two sectors for economic development is nevertheless improving. The private sector has realized that engaging with government provides other opportunities to expand trade and growth.

The private sector is well-structured and considered legitimate. It has the ability to coordinate and harmonize different groups (Cameroon Business Forum), a certain level of power of influence over public authorities, and a willingness to invest time and money in collaboration with public partners. It can freely engage in the most attractive business models.

The private sector takes an active interest in executing public-private projects, thanks to its expertise. But there is need for a more proactive public leadership through institutions like the public procurement regulatory authority, which can blacklist ineffective contractors.

The effectiveness of this cooperative work is still hampered by the fact that there is no permanent constructive and mutual dialogue between the government and the private sector. As it is, the “Cameroon Business Forum” (CBF), a space where the private sector and the government exchange views to improve on the business climate, seems more like an apparatus put in place to meet certain exigencies from external partners. CBF resolutions are hardly implemented. There is a need for the CBF to be reorganized to have a permanent structure and authority in terms of implementation and monitoring.

It should be acknowledged that the government is progressively showing confidence and understanding vis-à-vis the private sector, as well as political will to communicate more¹¹. But coordination at various levels concerning the specific needs of the private sector is still lacking. A better-organized CBF, with support from the Parliament, could do much in facilitating the process of dialogue, stimulating political will and narrowing the gap of trust between the public and private sectors. There is presently no one championing the course for social dialogue in Cameroon, except for a few civil society organizations or professional associations like the Inter-professional Grouping of Cameroon (GICAM) or the Cameroon Industries Trade Union (SYNDUSTRICAM).

Financing instruments and adequate logistics capacity are lacking, leading to an inability to support the public-private dialogue. Those that exist are not properly used or do not have noticeable effectiveness, due to operational difficulties (such as high pressure from administrative oversight institutions) and inadequate operational procedures to address the rigorous constraints of the private sector. For instance, the SME Bank experienced a difficult start of its activities, as it took a few years from the legal creation to the operational phase, due to bureaucracy. Meanwhile, the organ in charge of the Business Competitiveness is not visible and crucially lacks needed resources.

E. Sociocultural Context

Information access for development cooperation in Cameroon is a serious challenge. The government communicates through news media or at meetings to which CSOs are invited. But when it comes to CSOs trying to obtain information on request, things get complicated. Legal provisions on access to information are not correctly enforced. The culture of secrecy and confidentiality tend to prevent the disclosure of public information by state structures. The available online information on existing government sites is generally not up to CSOs’ expectations. There are few exceptions, though, such as cooperation with the AIDS-Malaria-TB Global Fund, the financing of feedback activities of civil society, or the promotion initiative in Cameroon for civil society access to information by the International Governance Institute.

There are resources or training opportunities for capacity building of all stakeholders (including government, CSOs and cooperation providers) to start a constructive multi-stakeholder dialogue. This is mostly through activities, programs or projects supported by external partners such as the Programs Business Analysis Improvement, the program for improvement of the Competitiveness of the Agro-pastoral Family Farms funded by the French cooperation (C2D), the National Participatory Development Program (NPDP) funded by the World Bank, and other programs supported by the German Cooperation, the EU, WWF, ECOFAC, CARE INTERNATIONAL, SNV¹² and the Pan-African Institute for Development (PAID). Some domestic actors like Africa Development Interchange Network (ADIN) or the Higher Institute of Public Management (ISMP) provide training for CSOs.

¹¹The Prime Minister, Head of Government, hence presides over the Cameroon Business Forum.

¹²WWF : World Wide Fund for nature; ECOFAC: Ecosystemes Forestiers d’Afrique Centrale (Central African Ecosystems); SNV: Netherlands Development Organisation

III. Conclusion and Recommendations

There has been progress in post-Busan development cooperation in most of the aspects of the core business in Cameroon, because of a comprehensive legal and regulatory framework. Democratic ownership is an evolving fact and the trend is towards a greater focus on results, while inclusive partnerships are growing better and stakeholders are improving on transparency and accountability. But a lot still needs to be done to fast track full implementation of the commitments to ensure better results in terms of: factual enforcement of existing instruments; information sharing, capacity building, and financial support for CSOs; and private sector contribution.

A number of recommendations can be considered going forward in GPEDC implementation in Cameroon:

- The specific allocation of resources for a structured capacity building of stakeholders, and skills transfer or exchanges between CSOs involved in the GPEDC, to enhance their development work as well as their full inclusion in the multi-stakeholder dialogue on development cooperation;
- The categorization of CSOs by thematic area, plus the sharing of an updated directory with the government and Technical and Financial Partners (TFP), so that CSO contacts by category and thematic areas are permanently available for any inclusive consultation, or invitation to public dialogue; their voice must be taken into account.
- The strengthening of the legal framework, with specific and comprehensive legislation on information sharing for development cooperation — particularly with regards to access to information for CSOs and the private sector, to make data available in a timely manner. The information accessed by stakeholders must be updated instantly and posted on the websites of the government and other state structures; other aspects of improvement in the area of legislation include the need for a trade unions law and the harmonization of codes of ethics for civil society;
- The establishment of mechanisms that allow better public funding for CSOs as stakeholders in effective development processes; or that allow direct funding by development cooperation providers, based on specific criteria; there must also be an extension of legal exemption benefits and aid to all categories of CSOs, as well as advocacy on the implementation of all legal provisions related to CSO funding;
- The systematic publication of CSOs' strategic and operational plans, as well as their annual balance sheets;
- An increase in the number of civil society representatives in dialogues with development cooperation providers, and better communication of the requisite procedures to access these bodies;
- With a view to improving monitoring mechanisms for Busan commitments at the country level, there must also be allocations of substantial public resources to the CSO monitoring process, to also encompass the setting-up of a national, sustainable, and functioning system for monitoring, evaluation, and accountability, with an effective and inclusive framework and institutionalized multi-stakeholder dialogue features.

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Colombian Civil Society: The Campaign for Development Effectiveness Continues

Colombian Non-Governmental Organizations Confederation (CCONG)

Liliana Patricia, Rodriguez Burgos, Luz Angela and Ramirez Ruiz

I. Introduction

The Colombian NGO Confederation (CCONG), as a national CSO platform, is a focal point of the CSO Partnership for Development Effectiveness (CPDE) in Colombia. The CCONG has participated in the processes and actions under the Global Partnership for Effective Development Co-operation, in particular, during its Second Monitoring Round¹.

Currently, as a co-responsible actor, CCONG engages in the program “Civil Society: A Continuous Campaign for Development Effectiveness,” which aims to “take stock of the progress on implementation of effective development cooperation in different territories and global sectors.” This research will provide evidence towards the second Ministerial High-Level Meeting-2016.

Colombia has committed itself to promoting the work carried out among several development actors, including the government, civil society, the private sector, and multilateral bodies. With the signing of the Peace Agreement between Colombia and the Fuerzas Armadas Revolucionarias de Colombia (FARC), the Colombian national government must build an economic and financial agenda which ensures that international financial resources will be targeted towards actions where the agreements are honored, leading to a sustainable peace. Being able to identify the current situation (possibilities and obstacles) faced by CSOs in Colombia will allow us to strengthen the value of civil society, so that it can co-responsibly fulfill its social and political role and contribute to a change in public policies.

Being development actors, working alongside governments and other social actors, is a commitment that we take very seriously.

This international study aims to identify cases, conditions, developments and challenges in the fulfillment of the High Level Forum commitments in Rome — the Paris Declaration on Aid Effectiveness, the Accra Agenda for Action, and the Busan Partnership. Colombia’s results respond to the analysis, reflection and consultations presented by CCONG in diverse studies and knowledge-sharing processes.

II. Outcomes

A. Adoption and implementation of Istanbul Principles on Value Offer

The broad and diverse universe of the Non-Profit Sector (ESAL²) in Colombia is comprised of around 200,000 formal organizations (registered with public and private bodies), which takes the lead in various sectoral, regional and population issues contemplated in a wide range of Sustainable Development Goals - SDGs (Confederacion Colombiana de ONG (CCONG), 2016), especially the ones relating to Education, Health, Human Rights, Democracy and Peace Consolidation.

1 Second Monitoring Round - Indicator 2: http://ccong.org.co/ccong/documentos/segundo-monitoreo-de-los-compromisos-de-cooperacion-eficaz-al-desarrollo_620

2 As they are called in Colombia (Entidades Sin Ánimo de Lucro)

We are committed to achieving positive and sustainable change through: creativity; the implementation of the holistic, multi-sectorial and multi-stakeholders approach; the appropriation of non-traditional working methods which value peoples’ knowledge and traditions to find solutions to their own issues; and the implementation of alternative technologies and sustainable processes in local development which strengthen decentralization. This is in line with the role of civil society in Colombia, and gives the sector advantages and opportunities for the management of SDGs in various communities and territories.

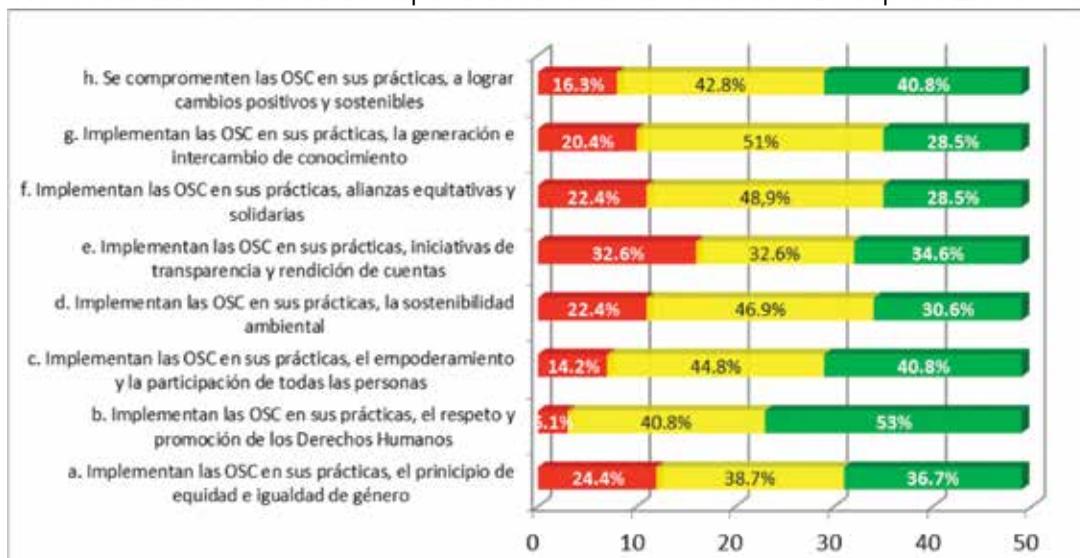
Issues such as sexual and reproductive health, political participation, gender rights, equal employment and fair wages discrimination, and legalization of abortion have been actively discussed in the public sphere, putting pressure on the government to act. Consequently, the government has taken small first steps in policymaking and budget allocation to ensure the protection of the complete range of basic rights.

CSOs, however, do not realize that the Istanbul Principles are implicit in their value offer and principles. As a matter of fact, when responding to the question of “Are you familiar with the principles established in International Agendas?” (See Chart No. 1), results reveal:

- A lack of knowledge on international framework and commitments;
- Short-term practices and relations between the State and international cooperation agencies (projects instead of processes, resource allocation), which compromise the implementation of principles of development effectiveness;
- The appropriation by cooperation agencies and funders of knowledge, social innovation and alternative technologies produced by CSOs and communities (protected by WTO copyright regulations), which have stripped and stagnated technical, pedagogic and methodological capacities that are the foundation of sustainable development in different territories; and
- Unequal competitive conditions, as compared to private and international cooperation sectors (executing their own resources or public resources), which jeopardize CSOs’ technical, political and financial sustainability.

Chart 1

Are CSOs familiar with the Istanbul Principles and the International Framework for Development Effectiveness?



Source: CCONG, March 2016, On-line survey for the Second Monitoring Round – Global Partnership.

B. Transparency and Public Social Accountability (RSPC³)

Over the past few years, a significant number of CSOs have been developing transparency practices regarding their value offer, adopting processes such as the “Public Social Accountability” implemented by the CCONG, and the drafting of Ethics or Good Governance Codes.

CSOs consider public social accountability the strength that differentiates them from other social actors. This includes the adoption of rules on conflict of interests; commercial and monetary relation with the public and private sector; information confidentiality and privacy; ongoing learning, information systematization and management; the consolidation, self-assessment and monitoring systems which have enabled CSOs to build trusted environments among beneficiaries, communities, governments, donors and funders; and the innovation of practices of self-regulation and co-responsibility for development.

Nevertheless, limitations arise when implementing Public Social Accountability, which are reflected in:

- Security risks. When information is released there are high probabilities CSOs become subject to pressure, persecution or extortion by illegal actors present in the territories; and
- Elimination by the government and international agencies of financial resources allocated to the internal strengthening of CSOs. This leads to limited transparency and accountability, since CSOs need technical and financial resources to implement its monitoring systems and result dissemination.

C. CSO Enabling Environment

Development Effectiveness is understood as the adoption of all the legal, institutional, technical and financial actions necessary to achieve the eradication of poverty, reduction of inequalities, sustainable development and the strengthening of democracy, as a result of the co-responsible and joint work among different actors (governments, private sector, international cooperation agencies and civil society). For that matter, government must ensure that all the actors enjoy an “enabling environment” to fulfill their development and political role, in order to be co-responsible in their search for effectiveness.

In Colombia, regulatory and legal development, which aims to ensure these rights, have been acknowledged together with the fact that most of this legislation has been the result of civic participation. Legislation related to the creation of Regional Councils dealing with Planning, Peace, Social Policy and Civic Participation is a good indication of this.

The value of the current “Havana Agreements” has also been stressed. In the six points agreed upon, the relevance of citizens and its organizations as actors and leaders in territorial consolidation with sustainable peace has been highlighted.

Nevertheless, there are a series of obstacles that risk CSOs’ value offer, the implementation of the Istanbul Principles, and therefore their existence over time, especially:

- The permanent, political and administrative insistence on the assimilation of the social sector into business sector. This is reflected, among others, in the payment of an annual registry renewal; inspection, monitoring and control procedures; tax reform proposal

3 Acronym in the original Spanish

which seeks the elimination of the Special Tax Regime protecting this sector; and constitutional reforms that deepen the CSO-State relation, considered much more as operators or contractors rather than development partners;

- The concepts and declarations from citizen bodies established to plan processes which are “non-binding” and therefore “with no impact” or non-mandatory in programmatic and public budgeting decision-making;
- The absence of policies for “CSO Promotion and Consolidation”. In addition, the creation of a Public Resources Fund intended for participation, managed by the Ministry of Interior, does not have transparent procedures for accessing the funds;
- The institutional fragility, reflected in factors such as the high rotation of contractors, low levels of internal planning, absence of processes and procedures that allow to bring transparency and awareness to the relation State-CSO, and lack of incentives for social control and citizen oversight;
- The presence of risks for Human Rights advocates, including the lack of safe complaint channels and limits in the right to social demonstration, and the increasing criminalization of CSOs, under the new National Police Code (National Police and Coexistence Act, 2016) enabling the blatant violation of civil and political rights of Colombians;
- The lax implementation of the Right to Public Information Act and outdated institutional portals, written in technical language, without standardized processes and procedures. Furthermore, the international strategy known as “Open Government” does not raise “the binding” character of the recommendations submitted to the Government and further perpetuates “the problem of confusing interactions, where the government informs the citizen, with true spaces for participation, where citizens’ opinions and concerns are translated into changes in a genuine and transparent way” (Open Government Partnership, n.d.);
- The limitation of Governments’ Accountability Process to monologues, wherein the governors “set the conditions, express themselves using technical words, very far from citizens’ reality; participation of social actors is limited; and agendas do not establish reasonable timeframes for ideas and knowledge exchange, complaints and questions (CCONG & EU, 2014)”;
- The scourge of corruption as the main obstacle to guaranteeing CSO rights, as organizations (whether for profit or not) are increasingly being created in response to political interests. Their life span is directly related to government terms (4 years). The quality and standards of the goods, services and products they provide are being contested by its beneficiaries, their rendering mechanisms, and public monitoring and oversight units. This is reflected in the figures measuring corruption at the national and international level (Transparency International, n.d.); and
- The right to Social Control and Citizen Oversight, which is limited by factors like the opacity in public information; absence of public and cooperation resources; lack of a quality technical monitoring for quality of goods and services; and “the low impact in the improvement of governmental practices regarding results achieved and recommendations put forward by CSOs” (CCONG & EU, 2014).

D. Fulfillment of International Agenda Commitments

Colombia is now considered a “middle-income country,” which limits international cooperation processes while upgrading the country to South-South cooperation⁴ provider status.

This encouraged CSOs to diversify its sources — to innovate and improve its value offer by focusing on strategic sectors and topics; establishing partnerships and sustainable and lasting networks with other CSOs and the private sector; promoting voluntary work; and maximizing the use of information and communication technologies (ICT). In spite of this, obstacles hindering CSOs’ development and political role are reflected in various practices, such as:

- The fact that stated prerequisites for CSOs to access public funding require, for the management of the agreements with governments, *quid pro quos* oscillating between 10 percent and 30 percent of the total amount, along with the ban on establishing management costs and unforeseen expenses. These requirements do not apply to the private sector (companies), who do not have *quid pro quos*, and they are procured with management, unforeseen costs, taxes, and profit; everything is paid for;
- Competition under conditions of inequality with the national and international private sector, who have the financial capital backing them. In public procurement, requirements are increasingly hard to achieve and strange;
- The modality (increasingly frequent) consisting of the provision of public resources through “agreements” with international cooperation agencies (for example, the United Nations System), which are not put under public procurement regime, and have intermediation rates going between 12 percent and 25 percent. Besides, they do not have the administrative structure needed to advance “sub-contracting” processes, and they recruit CSO professionals (using the service delivery modality, which is worth highlighting that it is not decent work), therefore debilitating NGOs and ESAL’s technical capacities;
- New forms implemented by some cooperation agencies to execute cooperation recurses directly, operating equally under the modality of “subcontracting” with CSO professionals; and
- The concentration of agreements on South-South cooperation at the government level. In cases where CSOs have financial leverage possibilities it is restricted to practice identification, and does not include support and exchange in the field.

III. Conclusions and Recommendations

Monitoring and follow-up processes have a significant value, since they allow time for reflection and analysis of the processes and results managed by all social actors in accordance with their responsibilities. This becomes the starting point for collective action: reinvention, reformulation and innovation.

⁴ South-South Cooperation (SSC) is understood as the interaction between two or more developing countries, in order to reach individual or collective goals, through knowledge, skill, resource and technical exchange.

Under these principles, the monitoring of findings have led us to formulate the following conclusions and recommendations.

1. CSOs in Colombia are wide and diverse, representing various sectoral, demographic, and territorial interests. They interpret their value offer to sustainable development in a holistic, multi-stakeholder, and multi-sectorial way. This sector resists equivalence to the private sector by seeking social innovation, and through respect for collectively built wisdom and knowledge; it balks at becoming a mere “public resources and cooperation operator”, at corruption, and at disappearing as a political and development actor in the territories.
2. CSOs in Colombia foster and promote “political dialogue” as the main instrument to reflect, analyze and report on obstacles and limitations on the civic space. These government impositions — limitations to access public and international cooperation resources, exorbitant administrative and institutional procedures, and high levels of corruption — curtail the rights and hamper the enabling environment necessary for CSOs to play their political and development role. Such restrictive norms and legislation hinder the fulfillment of national and international commitments.
3. CSOs in Colombia have accepted their role as co-responsible sustainable development actors; most notably, in the consolidation of territories with sustainable peace. To do so, the eight Istanbul Principles will be incorporated in their value offer, and will focus on four roles/strategic actions:

Role 1: Pedagogy and Education for Peace Advocacy

Role 2 Monitoring and follow-up on the “Havana Agreements”

Role 3: Participation and advocacy in National and Territorial Public Policies

Role 4: Reinvention of collective action to safeguard CSOs’ civil and political rights in Colombian democracy (Enabling Environment).

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Unfinished Core Business in the Czech Republic

Czech Forum for Development Cooperation (FoRS)

Daniel Svoboda

Summary

The Czech Republic, a relatively small donor country and a recent member of the Development Assistance Committee of the Organization for Economic Co-operation and Development (OECD DAC), accomplished a transformation of its Official Development Assistance (ODA) system in 2012. Yet the commitments on ODA quality and quantity have not been met. Political support for ODA remains low. In addition, while official documents proclaim the eradication of poverty and inequality as an explicit priority, ODA efforts are still influenced by economic and other interests.

The national CSO platform Czech Forum for Development Cooperation (FoRS) has become a respected partner of Czech institutions and other stakeholders. It closely cooperates with various NGO structures in the Czech Republic and abroad. FoRS members advocate for the fulfillment of development commitments by the Czech government and other actors, and participate in shaping ODA and related policies through monitoring and direct engagement in strategic consultations. In 2011, they adopted their own Code on Effectiveness. However, they still face funding constraints, procedural barriers, and internal problems related to limited capacities.

This study reflects the key issues related to the Czech ODA, as there are no major problems with exercising the fundamental CSO rights in the Czech Republic. The main focus is on progress regarding the enabling environment for CSOs, and on emerging constraints and challenges in CSO development effectiveness over the past two years.

I. Introduction

The position of the Czech Republic as a development actor has changed fundamentally over the last 27 years. Formerly Czechoslovakia was a donor country in the so called "Eastern Bloc." With the end of the Communist era, the Czech Republic as a transition country remained an aid recipient until 2006. Today, the Czech Republic is again a donor — it is the 34th richest country in the world, according to the World Bank¹, and the 28th country, with very high human development, according to the Human Development Report 2015².

However, these achievements are not fully reflected in the country's binding development commitments.

The core advocacy issues concern the key principles of the Global Partnership for Effective Development Cooperation (GPEDC) established in Busan in 2011 and confirmed in Mexico in 2014. FoRS fully supports CONCORD key messages for the 2nd High Level Meeting of GPEDC in Nairobi³ to accelerate the implementation of Busan commitments, with a particular focus on:

- **Democratic ownership** of development interventions and inclusive participation;
- **Promoting equal partnerships and shared responsibility for development results**, including support for implementation of the Istanbul Principles and other voluntary mechanisms;

- Commitments to enable CSOs to exercise their roles as independent development actors, with a particular focus on an **enabling environment**, consistent with agreed international rights, that maximizes the contributions of CSOs to development;
- **Transparent criteria and long-term predictability** of development cooperation; and
- **Improved access to development funding**, including simplified and results oriented management and reporting tools.

II. Legal and Regulatory Framework

All fundamental CSO rights are reflected in the Czech legal framework, and mechanisms exist to implement them on the ground, including the people's participation or right to information. However, in the field of ODA, there are serious procedural barriers and financial constraints, mainly due to the modest ODA budget and the one-year funding scheme, dependent on annual approval of the State Budget.

The Act on Development Cooperation and Humanitarian Aid (2010)⁴ defines eradication of poverty as the main goal, and identifies the roles and responsibilities of different state actors. The accomplished transformation of the Czech ODA system in 2012 concentrated the responsibilities under the Ministry of Foreign Affairs (MFA). However, other governmental authorities still have influence: in particular, the Ministry of Finance and the Ministry of Interior.

The Development Cooperation Strategy of the Czech Republic 2010-2017⁵ specifies the objectives and principles, geographical and sectoral priorities, and aid modalities.

At the beginning of 2016, the MFA, supported by FoRS, prepared a document on increasing the ODA budget and on the new Development Cooperation Strategy in the post-2017 period. Although this proposal for a predictable increase in the ODA budget — in accordance with the commitment to reach 0.33 percent of Gross National Income (GNI) until 2030 — was not accepted by the Government, an increase in the allocation of funds was approved in the new 3-year ODA plan⁶. In line with this, the ODA budget would increase from 0.12 percent of GNI in 2015 to 0.15 percent of GNI in 2019, including an increase of bilateral and multilateral aid and humanitarian assistance. However, the proposed budget is inflated by increasing costs for refugees' agenda, and other questionable programs such as peace and civil missions with unclear development aspects.

The new Development Cooperation Strategy is under preparation, and FoRS actively participates in cross-sectoral consultations. Our aim is to highlight the development effectiveness principles, with democratic ownership, sustainable development results, transparency and predictability in focus. The territorial and sectoral priorities were already set by the Government, while the discussion about the development principles and aid modalities has just started.

From 2017, the Czech legal framework should allow direct contributions to the target groups in partner countries. However, the initial proposal of this aid modality led to the discovery of significant gaps related to transparency and mutual accountability. Some efforts to bypass Czech CSOs and interfere in their long-term partnerships were also observed. For instance, without giving explicit reasons, the Czech Development Agency disapproved the continuation of several ongoing projects; instead, a direct donation to the partners was considered. The development projects in concern have been prepared in a participatory way and with shared

responsibility of partners. Replacing these partnership projects and partnership schemes by “corrupting” one of the partners by direct grants without any accountability for an appropriate use of the provided funds undermines the principles of democratic ownership and shared accountability for results. Such approaches cannot bring any positive impact.

Overall, the Czech legal and regulatory framework does not promote predictability of development cooperation and mutual accountability for results. FoRS participates in strategic consultations and advocates to ensure improvement in these areas. For fully untied aid, FoRS supports either Calls for proposals for applicants from the partner countries (with similar requirements on results, and monitoring and evaluation in place, like for the projects of Czech CSOs) or core funding in specific cases (e.g. support to national platforms, multi-actors processes, etc.). However, no new financial mechanism was approved yet and core funding does not work in the Czech Republic either.

III. Political Environment

In 2008, the Council for Development Cooperation was established as a multi-stakeholder coordination and advisory body for the Minister of Foreign Affairs. FoRS has an observer position in the Council and it is actively engaged in its Working Groups. FoRS also has its representatives in several committees of the Czech Government Council for Sustainable Development, which was reconstructed in 2014. By the end of 2016, a strategic document “Czech Republic 2030” should be completed, also reflecting the 2030 Agenda for Sustainable Development and its main principle of “Leaving No One Behind.”

For example, thanks to FoRS contribution and support at MFA level, the statements on the inclusive engagement of citizens and civil society actors, and on an enabling environment, were strengthened in the EU Council Conclusions on a New Global Partnership for Poverty Eradication and Sustainable Development after 2015⁷. This was also reflected in the 2030 Agenda for Sustainable Development⁸.

In May 2013, the Czech Republic became a member of the OECD DAC, which was declared a big political success and a confirmation of positive progress. This increased the prestige of the Czech Republic and strengthened its commitments to aid quality and transparency, including the commitments set in the Accra Agenda for Action, the Busan Partnership and other international agreements.

These commitments, however, have not been fully met. Moreover, there are no explicit road maps to fulfill them. Some positive steps have been taken to improve coordination and harmonization with other donors, such as involvement in Joint EU programming or attaining observer status in the European Network of Implementing Development Agencies (www.eunida.eu).

There is still a need to improve publishing of Czech ODA data. An important step was the foreseen accession to the International Aid Transparency Initiative (IATI) in 2015, which was the deadline donors set for themselves in 2011 at the fourth High Level Forum on Aid Effectiveness. However, the Czech Republic has not joined the IATI yet. The CSOs are able to access information from governmental institutions, including data on financial flows according to the OECD DAC standards. But the available information is not sufficient and some data are provided only in a consolidated form, with no disaggregated information on crucial indicators (e.g. per gender, diverse actors or target groups). Publish What You Fund, the global campaign for aid transparency, assessed the transparency of Czech aid as “poor”

in 2013 and 2014. The 2014 Report (the last report where the Czech Republic was included) states that “the performance of Belgium, the Czech Republic and France is particularly disappointing as they have all published ambitious or moderately ambitious implementation schedules, but have yet to begin publishing information on all current activities to IATI”⁹.

Since 2008, FoRS has regularly published its Czech AidWatch Report¹⁰, evaluating the ODA in the past year with the aim of spurring discussion with other actors. Annually, there are also workshops on ODA issues in the Czech Parliament. Still, only a few political leaders advance development policies and practices that address the structural causes of poverty and inequality. The current approach focuses more on economic growth and pro-export policies, and since 2015, also on the ongoing migration crisis.

FoRS acknowledges the important role of the private sector in development, as a potential source of job opportunities, income generation, new investments, knowledge transfer, and capacity building. Nevertheless, the primary goals of ODA should be poverty and inequality eradication. These goals cannot be met by economic growth alone. The engagement of the private sector and other actors must follow the cross-cutting ODA principles (good governance, respect for environment and for human rights including gender equality) and the development effectiveness principles (ownership, transparency, inclusive partnership, and shared responsibility for results). Since 2014, FoRS has worked in cooperation with the private sector, especially with the Platform of Entrepreneurs for International Development Cooperation (www.ppzrs.cz), to promote this approach. In June 2016, for instance, FoRS and the Platform prepared a joint proposal on correcting reporting templates for bilateral projects. However, the proposal was not accepted by the Czech Development Agency.

Overall, while inclusive participation in policy dialogue is ensured, the political support for fulfilling the development commitments is limited.

IV. Governance Context

The Czech Republic’s cooperation with six priority countries — Ethiopia, Cambodia, Zambia, Bosnia and Herzegovina, Georgia and Moldova — should be defined by multi-annual programs. Projects in other countries reflect the priority needs in several generally defined sectors. The MFA prepares an annual implementation and financial plan for the disbursement of bilateral ODA, with an outlook for the following two years. These plans are negotiated within the Council for Development Cooperation.

For 2017, the allocation for bilateral cooperation in partner countries implemented by the Czech Development Agency is US\$16.08 million. Other budget lines include grant programs for NGOs, regions and universities (US\$3.00 million), program for expert exchange (US\$1.04 million), and administration costs (US\$1.26 million).

The MFA has a separate budget of US\$6.04 million for cooperation with other state institutions, for small grant schemes at the Embassies, for cooperation with international organizations or for coordination, including evaluations. This budget also includes a donation to Afghanistan (US\$1.67 million).

A budget of US\$2.21 million is allocated for the Transition Promotion Program, established at the MFA as a financial instrument for supporting democracy and human rights, in light of

the Czech transition experience. The allocation for humanitarian aid is US\$5.42 million. The budget for governmental scholarships is US\$4.71 million.

The budget for other forms of bilateral cooperation (including refugees' costs, peace and civil missions, direct budget support, new financial instruments, and ad hoc support in crisis regions) is US\$41.67 million, and the budget for multilateral cooperation US\$145.83 million.

This means that only 13.04 percent of the ODA budget is used for bilateral and transformation projects and 2.38 percent for humanitarian aid. Meanwhile 64.17 percent is allocated for multilateral aid, and the remaining 20.41 percent goes to other activities beyond the bilateral ODA plan. FoRS calls for a significant increase of the budget for bilateral and triangular projects.

The governance of ODA programs is still not satisfactory. While there has been significant progress in the quality of the evaluation system, there are still gaps in other stages of the project cycle. The requirements on project design and reporting are not consistent; the appraisal criteria are not clear; and there is low predictability of funding for multi-year projects. The system of one-year grants within a fiscal year complicates the implementation of development interventions and reduces their impact. Some ongoing projects have been stalled, waiting for annual funding for up to nine months at a time. The occasional budget cuts for approved projects then challenge the principles of good governance, effectiveness and transparency. The new guidance system for institutional competencies and project cycle management has not been completed yet.

A clear example of this trend is a recently released template for project proposals, which does not include any remark on outcomes and impacts. In spite of proclamations which privilege a results-based orientation in the management of these projects, the template focuses primarily on activities. There are also inconsistent requirements for project monitoring and reporting. This approach has been also criticized in recent evaluations. To address this, FoRS prepared new templates for all stages of the project management cycle, but there has been no response from the Czech Development Agency yet.

In 2011, FoRS adopted its Code on Effectiveness, with five key areas linked to the Istanbul Principles: grassroots knowledge, transparency and accountability, partnership, respect for human rights and gender equality, and accountability for impacts and their sustainability. The Code is intended to help FoRS members enhance the effectiveness of their operations. FoRS members agreed that breaching of "key indicators" (e.g. corruption) could result in exclusion from FoRS.

FoRS members carry out an annual self-assessment according to indicators for each principle. The FoRS Secretariat monitors the results and reflects learning needs in capacity-building plans. The findings are then shared at the FoRS General Assembly. In addition, peer-learning was introduced in 2013, whereby peers share their experience, assess progress, provide mutual feedback, and devise a plan of action. A similar concept — a CSO Effectiveness Awareness Check — was adopted by the CPDE.

Overall, there is good cooperation between FoRS and governmental partners at the policy level. At the implementation level, however, there are problems in transparency and predictability. FoRS calls for improved access to development funding and for simplified and results-oriented management and reporting tools. FoRS members acknowledge their part of shared responsibility for development results, while also acknowledging the responsibility of other development actors, including the state institutions and private sector.

V. Socioeconomic and Sociocultural Context

Czech development policy is framed by a focus on the complex causes of poverty and inequality and respect for diverse cultural, social and political contexts. Yet on the operational level, different issues are reflected: power relations, economic interests, and recently, security issues.

ForS highlights the importance of grassroots knowledge, democratic ownership, and genuine partnerships across sectors and across borders as essentials for sustainable development. Educational, social, environmental, infrastructure and other projects implemented in cooperation with various actors should complement each other and enhance their impacts and sustainability. The Busan declaration on the Global Partnership has not yet led to systematic support for joint projects carried out by CSOs, private companies, public sector and other actors.

There is also insufficient political and financial support for in-depth research on development issues or for enabling CSOs to conduct such research (on the other hand, there is an increase in the funding for feasibility studies and the creation of business-to-business relations within the private sector).

Even the advocacy or policy activities carried out by CSOs are being questioned. Some politicians challenge the role of CSO sector in general. For example, some state institutions proclaim they do not need any CSO advocacy in Parliament, as they can directly meet parliament members and discuss all topics. However, such communication is often impossible due to the political barriers between coalition and opposition parties. Another impediment is the fact of frequent changes in the occupancy of executive positions, and thus a limited institutional memory. These constraints can be effectively overcome by a multi-perspective dialogue with CSOs.

Though fundamental CSO rights and freedoms are well-recognized, some minority groups, including small NGOs, do not have access to national or European funding due to restrictive eligibility criteria, excessive administrative requirements and the need to strictly follow the governmental priorities. For these reasons, some CSOs are already leaving the ODA sector.

Overall, there is low flexibility in aid modalities to reflect the emerging needs and opportunities in diverse cultural, social and economic contexts. Access to funding is further complicated by increasing bureaucratic barriers. Genuine support for multi-sectoral partnerships is missing.

VI. Conclusions

We appreciate a number of positive achievements in Czech development cooperation. Yet many challenges remain in ensuring development effectiveness and equitable and inclusive partnerships between CSOs and other development actors.

Developments over past two years, since the previous Synthesis Report¹¹, are summarized below.

A. Challenges

2014	2016
ODA is endangered due to short-term political and economic interests	The situation has been even more complicated due to migration and security issues; however, the ODA budget should gradually increase from 2017 onwards
An intention of the Czech government to access IATI in 2015	No progress so far
Engagement of FoRS in global discussions on development effectiveness	Significant progress since 2014, including active engagement in new working structures of CONCORD and CPDE
Further use of the FoRS Code on Effectiveness	The monitoring was adjusted, and similar approach was adopted by CPDE
Lack of policy documents reflecting Accra, Busan and Mexico commitments on development effectiveness	Only a slight progress thanks to active engagement in preparation of the 2030 Agenda for Sustainable Development and of the foreseen strategic document "The Czech Republic 2030"
There are no stated commitments of the private sector	No progress
Limited budget for ODA and no plan to reach the related international commitments	Significant but insufficient annual increase by 0.01 percent ODA/GNI from 2017 to 2019
Relatively good access of CSOs to policy engagement is hindered by limited knowledge, lack of capacity and financial constraints	The situation has worsened due to narrowing priorities of the funding schemes
Further improvements of the evaluation system are needed	Significant progress, including foreseen guidelines for evaluating cross-cutting principles; major improvements are needed in planning and monitoring
There is space for political dialogue but the impacts are limited	Significant success is a consensual Czech position towards Sustainable Development Goals, and partial success in modest increase of ODA budget

B. Lessons

To enhance development effectiveness, principles from 2014 practices remain valid in 2016. The way forward must rest on open and fair relationships, peer learning, a willingness on the part of all stakeholders to build their capacities, and sufficient allocation of resources.

CSOs must engage actively in global policy debates, and present their demands jointly with their own commitments.

A new lesson is the importance of private actors and their platforms as strategic partners in ensuring development effectiveness.

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Global Synthesis Report 2016: The Democratic Republic of the Congo

Programme de renforcement des capacités des organisations de la société civile dans la prévention et la gestion des conflits en Afrique Centrale (PREGESCO)

Georges Tshionza Mata

I. Introduction

The Democratic Republic of the Congo (DRC) signed the BUSAN Partnership for Effective Development Cooperation adopted in Busan on 1st December 2011, at the fourth High Level Forum on Aid Effectiveness held in South Korea. This Global Partnership follows on from the Paris Declaration (2005) and the Accra Agenda for Action (2008), whose results in terms of impact on socioeconomic development remained mixed despite major investment. Civil Society organisations (CSOs) in the DRC are an integral part of this process.

An initial study supported by Reality of Aid was carried out in 2014 to measure the effectiveness of a favourable environment for CSOs within the framework of their role in development effectiveness. This study aimed to raise awareness of development actor commitments to development (State, PTF, Private Sector and CSOs) regarding the place of Civil Society in the global partnership, in line with the Paris Declaration and the Busan New Deal.

In this paper, with the support of IBON International, PREGESCO focuses on the following aspects: legal and regulatory framework, governance context, political context, socioeconomic context, and sociocultural context. Each of these aspects is analysed through the following indicators: democratic ownership, focus on results, inclusive partnerships, transparency, and empowerment.

This study involved all participants in the multi-stakeholder partnership for development effectiveness. The methodology used in this research is analytical. For fifteen days, from September 12 to 30, 2016, this research is also conducted in combining the three following techniques: desk research, interviews and focus group discussions.

Among the ten individuals contacted, three of them are the representatives of technical and financial partners, two are the representatives of the state, and five are civil society leaders. Finally, we note that four women (40 percent) and six men (60 percent) comprised that group of interviewees.

II. Democratic Ownership

A. Legal and Regulatory Framework

In the Democratic Republic of the Congo, the NPO Act (Law No. 004/2001 of 20 July 2001, laying down general provisions applicable to non-profit associations) that governs CSO activities grants no option in terms of NPO and citizen participation in governance and development initiatives. Specifically, it does not set CSO categories. The implementation

measures of this act, passed in 2001, are still lacking. In this sense, there are still conflicts of responsibilities between sector-specific ministries and the Ministry of Justice that awards legal status when it comes to CSO recognition.

In order to obtain legal status, the set rate is US\$145, but in reality, CSOs are often obliged to pay more in the administrative processes. These are the administrative barriers to obtaining documents/permits that represent a huge challenge for CSOs. More specifically, for organizations falling under the category of CSOs concerned with human rights, legal status is not easily obtained.

B. Governance Context

The conditionality policy is no longer current, but there is a type of loan/gift linked to operating mining resources or using INGOs from donor countries as implementation agents. Furthermore, development partners do not resort to national systems and the very few who do, only do so occasionally. Recourse to national systems is never the first choice.

C. Political Context

In the DRC, the questioned stakeholders stated that the different types of aid received are not fully aligned to the needs of the country.

Meanwhile, around 40 percent of the technical assistance is centred on the country's requirements, although there is still approximately 60 percent that is not based on country demand.

D. Socioeconomic Context

CSOs currently attain funding through project bid mechanisms. These CSO funding mechanisms often fail to take CSOs' programmatic priorities into account. Instead, the priorities of donors or INGOs, who are their intermediaries, are taken into consideration.

E. Sociocultural Context

Most stakeholders consulted within the framework of this report believe that donors have little respect for the cultural context where CSOs intervene, in the adoption of their policies. They often impose their own procedures, which are out-of-step with the local sociocultural realities.

III. Results Focus

A. Legal and Regulatory Framework

In principle, current legislation is favourable to development results based on rights. Due to a poor consideration of CSOs' roles by most policymakers, as well as the failure to implement applicable laws, this does not help attain development results.

B. Governance Context

Without external intervention, there is no sufficient margin for manoeuvring at the policy and system level to be able to define, aim to attain and assess development results. These interventions take the form of financial aid or of technical support in terms of providing

expertise. For example, organising multi-stakeholder monitoring and evaluation meetings for multi-sector or sector-specific programmes is always the responsibility of the technical and financial partners.

C. Political Context

The stakeholders in the DRC deem that private sector or donor interests still weigh heavily in the balance to define the results framework in relation to a still fragile state. Consequently, CSO and citizen interests are not represented enough in the results framework for policies and sector programmes in the country.

D. Socioeconomic Context

The measures aimed at dealing with the structural causes of poverty and inequality effectively encourage development cooperation, since they are drawn from the expectations of the local population. In order to ensure certain changes, results must actually appear in the long-term. Nevertheless, the stakeholders contacted within the framework of this report consider that results are never attained due to bad governance in implementing these measures.

E. Sociocultural Context

Cronyism is a serious sociocultural hindrance, the main obstacle hindering the effectiveness of project results. The stakeholders consulted also mention corruption. For the latter, we welcome the alignment in the parliamentary session in September 2016 to review the draft law authorizing the ratification by the Democratic Republic of the Congo of the *Convention de l'Union Africaine sur la prévention et la lutte contre la corruption* (Convention of the African Union on the Prevention and Fight against Corruption).

Monitoring and evaluation processes could enable a large enough margin of manoeuvring on the ground and ensure adaptation to the local setting, where the reports arising from such processes are actually used.

IV. Inclusive Partnerships

A. Legal and Regulatory Framework

The discrimination experienced by national CSOs is evident, despite international partnership agreements barring such practices. Also, ICSOs are valued higher than national CSOs both by the government and by international cooperation institutions.

B. Governance Context

In contrast with the government, which has implemented inclusive multi-stakeholder dialogue frameworks, donors themselves have been less inclined to set up inclusive processes to facilitate CSO participation in strategic development initiatives at all levels.

In practice, however, the inclusive mechanisms implemented by the government are problematic. The government struggles with inclusiveness at the national and international level, and even more so at the regional and local level.

C. Political Context

Insofar as CSOs are systematically involved in the participatory processes of identifying needs, and in the monitoring and evaluation of public policies in the DRC, the role of CSOs is deemed important in drafting public policies relating to political institutions, the private sector, and other development stakeholders.

However, taking part in these different stages does not always ensure that decisions made by other development stakeholders are in line with the expectations of the population as expressed by CSOs.

D. Socioeconomic Context

When identifying needs, measures are put forward by the local population themselves to ensure participation in implementation and, thus, in the success of development activities. Once this stage is over, however, the decisions taken fail to ensure adequate participation of poor and marginalised populations in the partnerships, on an equal footing with regard to other development stakeholders. This causes much frustration amongst the local population.

E. Sociocultural Context

Development actors do not really respect the different cultural, social, and political standpoints of the organisation they work with. The government is notorious for being uninclined to work on a basis of common understanding of standards and obligations in terms of human rights.

V. Transparency and Empowerment

A. Legal and Regulatory Framework

The contacted stakeholders unanimously consider that current international regulations do not represent an obstacle for transparency and empowerment. On the contrary, if all stakeholders actually implemented them, the regulations could be of considerable help in strengthening transparency and empowerment.

B. Governance Context

In the DRC, the Digital Management Platform for Aid and Investments (PGAI) has been put in place, demonstrating a sincere intent to respect the strictest transparency regulations and speed up efforts to fully apply the IATI element on common standards, with a view of enabling the timely publication of comprehensive and prospective information. The aim is to improve open access to data and enable the use of sex-disaggregated data at country level, in line with Open Government Standards.

C. Political Context

The main efforts made can be summarised as follows: first, the implementation of sector-specific multi-stakeholder dialogue frameworks and, second, the establishment of multi-stakeholder dialogue in setting out budget guidelines when the government is drafting the budget law. These efforts have strengthened the responsibility of all development actors, including CSOs, donors, and the private sector.

However, there are no repercussions whether or not development results are attained. Once parliament votes on the government budget, the government implements it without taking into account the priorities set out in the multi-stakeholder dialogues. Hence, at this level, their impact can be deemed as mixed.

D. Socioeconomic Context

Donors should, in principle, provide the government with budget forecasts for their activities over the next 3 years, in line with the Short- and Medium-Term Expenditure Framework (MTEF). Unfortunately, nothing has been done in this sense. Therefore, there is no predictability at all in the country.

E. Sociocultural Context

Despite the adoption of the Open Access to Information Act in March 2016, information on development processes are neither accessible nor adapted to the different cultural and linguistic realities of the country. They are all in French and not in local languages, which means they are not accessible to many citizens, despite there being media broadcasting in the national languages.

This state of affairs could be addressed with the adoption, hopefully within this year, of the draft law on access to information. With its passage, we would be the 114th State to have this law, in a year which has been marked by four major events:

- The 25th anniversary of the first law on freedom of information, covering Sweden and Finland;
- The 25th anniversary of the adoption of the Windhoek Declaration on the principles of press freedom;
- The first celebration of the International Day for universal access to information by UNESCO;
- The beginning of a 15-year cycle for the implementation of the new Sustainable Development Goals (SDGs), with access to information as the 10th target of goal 16 of the SDGs.

VI. Conclusions and Recommendations

An analysis of the context of implementation of the principles of development effectiveness at the country level shows that very little progress has been made in the DRC between 2014 and 2016. On the contrary, the country has remained static. Some reforms launched are even left without being finalized at the parliamentary level. The executive has not continued the efforts of transparency that it undertook a few years prior. Instances of muzzling civil society have become more frequent. In such an environment, it is difficult not only to reassure development partners but to move towards the achievement of the SDGs.

The following recommendations are suggested to improve development effectiveness in DRC:

A. In Terms of Democratic Ownership

- Take measures to implement Law No. 004/2001 of 20 July 2001, laying down general provisions applicable to non-profit associations.

- Define responsibilities between line ministries and the Department of Justice, granting legal personality in recognizing CSOs to end conflicts of powers between the two branches of government.
- Take steps to improve the acquisition of legal personality by CSO concerned with the defence of human rights.

B. In Terms of Results Focus

- Strengthen and sustain the national monitoring and evaluation system for development results in implemented policies.

C. In Terms of Inclusive Partnerships

- Enhance citizen monitoring of policies and actions, to ensure they comply with the expectations of the people as expressed by CSOs.

D. In Terms of Transparency and Accountability

- Conduct advocacy/lobbying in the Senate, to complete the legislative process leading to the final adoption of the proposed law on access to information.
- Systematize budget predictability by all partners.

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A Debate on the Ecuadorian Civil Society Organizations' Role to Support Development Effectiveness and Democracy in an Emergency Context

Observatorio de la Cooperación al Desarrollo en Ecuador (OcdEcuador)

Camilo Molina, Patricio López, Carla Celi and María Sol Pazmiño

Summary

This document will discuss development effectiveness in the Ecuadorian context over the past year, focusing on the role of civil society. Firstly, this research discusses an overview of the political context, in relation to the current government situation. The paper presents an assessment of the past 10 years, under the Rafael Correa administration, and the prospects of the February 2017 presidential elections. Secondly, this paper analyzes the economic situation and challenges in Ecuador due to two unexpected issues: the drastic change in a national economy dependent on international oil prices, and the adverse impact of the April 2016 earthquake. Next, the paper looks at international development cooperation trends and the performance of various sectors in the country over the last two years. There is a discussion of the principal challenges in ensuring an enabling environment for CSOs, focused on two relevant milestones: CSO participation in several initiatives to get humanitarian aid to the people affected by the April earthquake; and CSO proposals at the New Urban Agenda in the UN Habitat III conference. Finally, the paper presents its conclusion and recommendations regarding the relevance of CSOs and the continuing contradictions in civil society practices in Ecuador.

I. Introduction

The situation of development effectiveness cooperation in Ecuador last year revolved around two factors.

The first one concerns political context. The year 2016 began with debate concerning a set of reforms to the 2008 Political Constitution, approved by the National Assembly in December 2015. This focused on the possibility of indefinite reelection, to take effect during the 2017 presidential elections. This proposal generated a high level of debate and even protest actions. The central issue was the possibility of the reelection of current President Rafael Correa, in office since 2007, although Correa said he would not act upon this option. Thus, 2016 appears as a strategic electoral year, where the continuity of the "Citizen Revolution" model is the key issue at hand.

As Correa prepares to leave office, with a new leader to be elected within his political movement (the dominant Alianza PAIS), there are partisan concerns that the end of the Correa era means that the Alianza PAIS will lose its course with a new leader. Also, the "win decade" — as his own administration calls the period of Correa's governance — is closing with major economic destabilization and setbacks, directly affecting the question of who will be President of Ecuador from 2017 to 2021.

The other factor influencing development effectiveness over the past year is the destruction left by the April 2016 earthquake. The earthquake, with a magnitude of 7.8, left 663 dead and

almost 29,000 people in official shelters. In early May, the National Office for Planning and Development (SENPLADES) published the results of their investigation: over 28,000 affected households, more than 80,000 displaced persons, and US\$3.334 million in losses, of which 67 percent would be assumed by the State, mostly due to damage to households and productive social infrastructure (Olmedo, 2016; Ospina, 2016). The emergency generated a sense of unity in the Ecuadorian community, causing civil society organizations and state institutions, among others, to mobilize an emergency-aid campaign. Due to this urgency, according to a CSO network, a false dichotomy emerged between the government and the civil society: civil society could not act on their own, yet neither could the government pretend to contain their actions (FOROCOMUNES, 2016).

II. Economic Context

What seemed to be the basic issue of the year (candidacies and elections), was suddenly altered by an unexpected and drastic change in the national economy.

The fall of international oil prices had an impact on Ecuador's economy, far beyond the common cyclic behavior of commodities. In this case, it was sustained by multiple conditions: the over-supply of oil in the world; the industrial operation of fracking technology, especially in the US; and the expansion of renewable energy sources through the world. The result was an "energy threshold" for international markets (higher oil prices promote production of fracking-oil, and lower prices discourage it), and a declining tendency which seems to be permanent, although very slow (Agnihotri, 2015; Hinckley, 2015). In the short run the result was a drastic fall of international prices: from historical upper levels of around \$140 per barrel West Texas Intermediate (WTI) in 2008, to historic lower levels of around \$30 per barrel (WTI) in January-February 2016 (VV.AA., 2015; Banco Central del Ecuador, 2016).

For Ecuador, this event has been significant. Apart from the fact that oil remains the country's main export (representing 35 percent of total exports in 2015, a decline from 43 percent in 2000), the national oil income sustains around 14 percent of the gross income of the Central Government (2015). The fall in oil prices resulted in a reduction of resources for public policies (Banco Central del Ecuador, 2016) and in general, the recession of the national economy. According to the Economic Commission for Latin America and the Caribbean (ECLAC), the projected growth of GDP will drop to -2.5 percent this 2017, while for IMF, the projected economic growth in 2016 and 2017 will be an average of -4.4 percent (Ahrens, 2016). The government estimate is -1 percent.

This scenario has forced the national government to carry on a notorious adjustment plan which includes slashing public investment and expenditure, maintaining trade restrictions, tax increments, and eventually, more external debt. In 2015 and 2016, the nation issued US\$9 billion in sovereign debt bonds (Diario El Universo, 2016), and increased its borrowing from China — this September, the national government agreed on a new loan of US\$1.5 million with the China Development Bank (Diario El Comercio, 2016), triggering multiple questions about sustainability and transparency.

The above was combined with the second great economic change: the continued appreciation of the US dollar. Since 2013, that currency has increased its value by around 30 percent in front of a selected currency basket (VV.AA., 2015), which is greatly problematic considering Ecuador has adopted US dollar as its official currency since 2000. So, this appreciation directly affects the purchasing power of the entire nation, especially as its neighbours (Colombia and Perú) have ratified particular trade agreements with the US and with the European Union (EU). This disparity has propelled an abundant leakage of dollars from Ecuador to Colombia, through borderline commerce, enough to justify temporary protective commercial restrictions from Ecuadorian State; the measures were justified in front of WTO, but were problematic while the same Ecuadorian State was negotiating a commercial agreement with the EU at the same time.

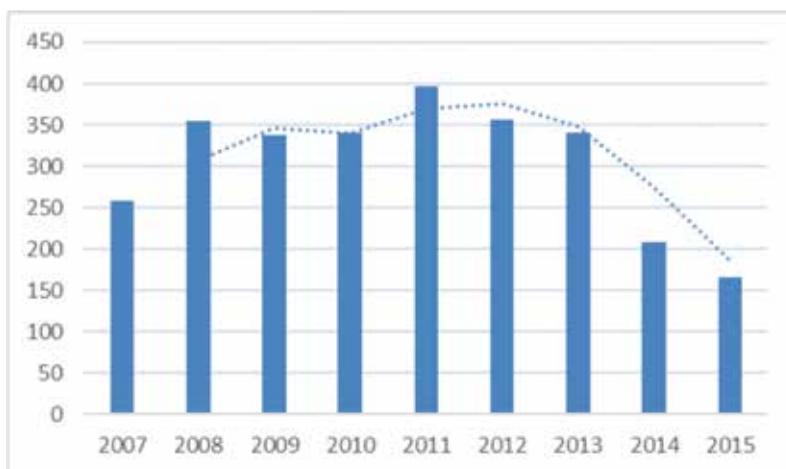
At present, the Ecuadorian government has accelerated negotiations with the EU, and it is expected to ratify an agreement by the end of the year. That could be considered good news despite the fall in oil prices, the imminent adjustment program, and the country's not-so-good economic prospects (Banco Mundial, 2016) — all in the context of a complex political scenario, primarily the country's upcoming Presidential elections in February 2017.

III. Development Cooperation Trends

The Ecuadorian government approaches International Development Cooperation (IDC) as a strategic mechanism aimed at propping up the implementation of national public policies, considering its resources as a part of the fiscal effort of public investment in favor of *buen vivir* (included in national planning and public finances). The IDC is managed by the Technical Secretary of International Cooperation (SETECI), even though there are plans to change this model, as the coordination office of the Minister of International Affairs. Credits, loans (LAIF / concessional) and tied aid fall under the competency of the Ministry of Finances. In addition, the IDC is considered as a support mechanism for Decentralized Autonomous Governments (GAD), especially regarding the decentralization of IDC management competency. Its strategic alignment specifies priorities such as changing the productive matrix, promoting Ecuadorian human talent, and supporting scientific and technological advancement, as pillars of development that require the contribution of public and private international institutions (SETECI, 2014, 2016).

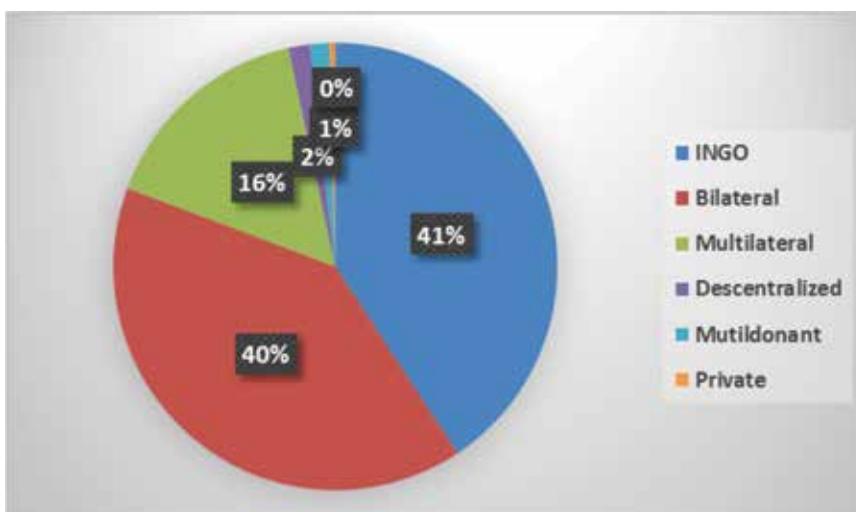
IDC has been decreasing in Ecuador since 2011 because of the global economic crisis, reduced ODA flows in the region, and Ecuador's classification as a middle-income country (MIC). During the 2007–2014 period, the average amount of disbursements was around US\$348 million per year, with an annual cumulative average rate of 2.7 percent (SETECI, 2014). However, since 2010, there has been a consistent trend of decline. Until 2013, IDC inflows fell at an annual average of 5 percent only to hit the lowest-ever level in 2015 (US\$166,577,513), 20 percent less than 2014 (US\$208,143,133), and 52 percent lower than 2013 (US\$340,607,231) (SETECI, 2014). Whereas inflows are expected to have surged as a result of the post-earthquake emergency mobilization, the latest official IDC data has yet to become public.

Figure 1
Ecuador: Development Cooperation Trends. Source: SETECI, db2016



In Ecuador, IDC had a principally bilateral source from 2011-2013 (42 percent), followed by International NGOs (27 percent), and multilateral sources (27 percent) (SETECI, 2014). In 2014 -2015, INGO increases as the principal one with 41 percent (US\$121,277,379), with bilateral at 40 percent (US\$119,104,245), and multilateral at 16 percent (US\$47,403,491) (SETECI, 2016).

Figure 2
Ecuador: Development Cooperation sources. Source: SETECI, db2016



The most important bilateral sources for 2014-15 are Germany with 44 percent (US\$52,305,096), China with 19 percent (US\$22,249,553), the US with 9 percent (US\$ 11,018,112), Belgium with 8 percent (US\$ 9,522,348) and Italy with 5 percent (US\$5,370,763) (SETECI, db2016). The multilateral sources are: the UN with 41 percent (USD\$43,891,758.95), the EU with 19 percent (US\$20,482,740), the Inter-American Development Bank with 17 percent (US\$18,462,049), the US with 11 percent (US\$11,574,300 targeted for humanitarian aid projects with the UN, ACNUR and WFP) and the Andean Foment Corporation-CAF with 3 percent (US\$3,718,677).

By INGO, the top source countries are: the US with 41 percent (US\$56,211,405 especially for projects managed by Children International and ChildFund), the UK with 15 percent (US\$20,479,537 highlighting projects managed by the International Plan), Spain with 9 percent (US\$12,285,243), Canada with 5 percent (US\$7,391,579) and Germany with 4 percent (US\$5,655,298). Registered NGOs executed 38 percent of the total of IDC for the 2014-15 period (US\$143,995,924)¹, Local NGOs had 19 percent (US\$72,480,494)², and CSOs executed 9 percent (US\$32,304,399)³. That means a cumulative of 67 percent of the total execution of IDCs fell to NGOs and CSOs (Cfr. SETECI, db2016).

Gathering all sources, the principal donors are: the US with 22 percent (US\$82,905,916), Germany with 15 percent (US\$58,011,776), the UN with 11 percent (US\$ 44,414,627), the EU with 6 percent (US\$24,074,376), Spain with 6 percent (US\$23,606,536), China with 5.94 percent (US\$22,249,553), the UK with 5 percent (US\$20,646,581), the IADB with 5 percent (US\$18,462,049), Belgium with 3 percent (US\$14,397,159) and Canada with 3 percent (US\$10,481.900).

IV. CSO Milestones

To understand the principal challenges hindering CSOs development effectiveness over the past year, it is important to focus on two relevant milestones.

The first milestone concerns the action and debate about CSO democratic ownership in the implementation of initiatives to deliver humanitarian aid to the people affected by the April 2016 earthquake. The earthquake spurred massive mobilizations on the part of CSOs and the Ecuadorian public in general (Ospina, 2016). This is unprecedented, particularly due to the fact that the organizational culture in Ecuador is still considerably fragile. While a powerful and vibrant collaborative tradition can be found in some areas and especially in the Andean rural areas, anomie and an individualist culture prevail in cities and agricultural regions of the coast, which are largely dominated by the agro-export business and commercial capital (Ospina, 2016).

The earthquake caused severe structural damage to the cities of the coast region, and it was the trigger for civil society to actively work to improve conditions in their communities. The campaign of humanitarian aid in the region has forged a stronger and more unified society within Ecuador. Indeed, the Ecuadorian government and institutions have confronted challenges and obligations in critical moments, but now there is a more active civil society animated by solidarity and experience, prepared to manage the work that remains to be done in the zones damaged by the earthquake, or to respond to other critical circumstances that may occur in the future (Diario El Telegrafo, 2016b).

The president of Ecuador defined civil society as the whole of organizations and citizen institutions that act as mediators between the people and the government. According to this position, Ecuador has an overabundance of NGOs, some of which are accused of having been created without democratic legitimacy and through political irresponsibility. It also stated that civil society enriches discussion and decision-making processes. Essentially, however, the actors with democratic legitimacy and political responsibilities are the ones that should make

1 Principally from projects of USA (USD 59'269,415), United Kingdom (20'584,696) and associated to United Nations programs (USD 18,228,692)

2 Projects from UN (13'538,037), USA (13'026,842) and Spain (9'066,952)

3 Especially associated with UN programs (USD 12'772,612), USA (USD 10,736,186) and Spain (USD 3,412,84)

the final decisions (Diario El Telegrafo, 2016a). It is also important to mention, according to Milton Luna, coordinator of the CSO network Social Contract for Education, that “the role of civil society is not to replace the government, but to contribute with intelligence in the proposal, following and monitoring of policies.”

The second major CSO milestone concerns the debate and processes around Habitat III. In October 2016, Quito City was the headquarters of Habitat III, the UN conference on housing and sustainable urban development, which is held every twenty years. Ecuador was elected this time due to its position as one of the first countries to speak about urban revolution and as a pioneer in incorporating a ‘Right to the City’ clause in its last constitution (2008). Principal CSO actors have been active in this respect, recognizing their crucial role in the construction of their cities by creating strategies that will lead to effective results (Olmedo, 2016). CSOs from all over the country are subscribing to both the volunteering and inscription of this major Conference, as an initiative to inspire themselves and stand united as a community, working towards the development of Ecuador’s cities.

Principal CSO actors are tasked with actively promoting efforts to build inclusive cities. In that way, they have to involve themselves in the legislation of policies for urban areas, and craft a strategy that will have effective results.

It is important to highlight the advances made in incorporating CSO input in the New Urban Agenda (NUA). The Planning Committee for Civil Society outlines the role of CSOs in land management through possibilities for effective participation in planning, construction and management. This is protected by the 13th General Principle from the Vancouver Declaration, which states the right and obligations that all people possess in participating, individually or in-group, at the elaboration of political implementations and programs related with human settlements (UN, 1976 in Olmedo, 2016).

Nevertheless, in the consultative process of Ecuador, the missing element in the working agenda was civil society as a strategic actor in the urban planning process (Olmedo, 2016, p. 10). It is important to highlight that from civil society, an alternative group called Habitat Resistance 3 emerged. It is a network for the discussion and building of alternatives from CSOs and territories, underlying the above mentioned right to have a city. More than a thousand CSOs and representatives from the academe conducted an alternative forum to discuss the vision of a modern model of the city, including heritage protection and opposition to conflicts, towards countering the dominant neoliberal model of urban development.

V. Conclusion

This complex political-economic framework, and the aftermath of the April 2016 earthquake, have altered the workings of international cooperation in Ecuador. Suddenly, it has regained importance and potentiality as a necessary component in overcoming the economic recession and its sociopolitical impact on the country. Nonetheless, this renewed although circumstantial partnership faces deep challenges, primarily a conflict-ridden political scenario and weakened CSOs.

In this way, the recognition of the CSO’s enabling environment is still open to debate, especially in reference to their role in the democracy building and the development support. Even though CSOs have had a major role in the reconstruction efforts after the earthquake, there is also a tension about the apparent dichotomy between civil society and the State. For some

positions, like Ospina's, the pronouncement of the President reinforced vertical and statist conceptions, emphasizing government regulatory actions as the reference for cooperation contributions, and viewing itself as the major social representative. Following this approach, President Correa stated that it was himself — as the leader and political manager of the country — who represented civil society.

The importance of the CSO role means that they must participate actively in the processes by which the State initiates the drafting of public policy, the coordination of international cooperation, and the establishment of alliances. This is the key to improving development effectiveness, gaining expertise and developing CSO capacities. There must be mutual learning to achieve development objectives.

Finally, while the earthquake did significant damage to the country, it also brought a sense of unity. Humanitarian aid flowed in, and it helped to expand and legitimize the role of civil society in Ecuador. In addition, Habitat III CSOs continues to expand the reach and influence of CSO, fueling innovation and development in Ecuador. Next February, the political situation may change; whatever happens, it is crucial that the incoming government be prepared to take the lead without destabilizing the current positive direction CSOs are taking.

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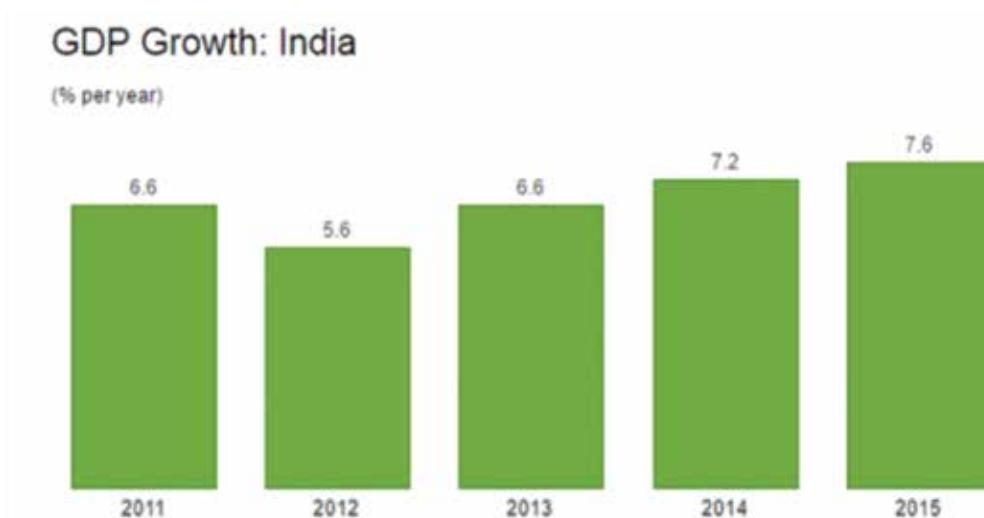
Civil Society Continuing Campaign for Effective Development: India's Case

Voluntary Action Network India (VANI)

Jyotsna Mohan Singh

I. Introduction

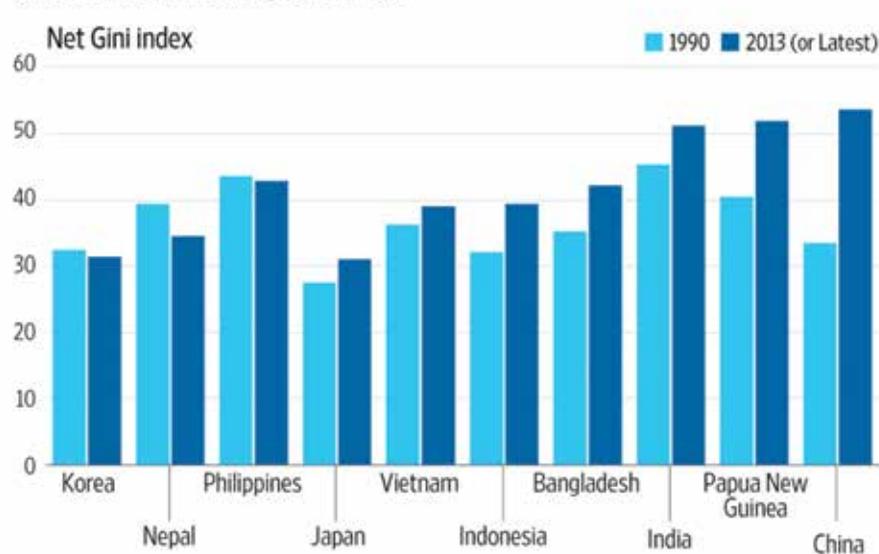
India is the world's fourth largest economy, with a Gross Domestic Product (GDP) of US\$1.2 billion, and its recent growth and development has been a significant achievement. Six and half decades after gaining independence, the country has brought about a landmark agricultural revolution that changed the nation, from being a grain importer into a global agricultural hub and an exporter of food.



According to the Asian Development Bank (ADB): "Economic growth in India is expected to stay high in Fiscal Year 2016 (ending 31 March 2017) on the strength of robust consumer demand from a general increase in wages that offsets a slowdown in investment. Inflation and the current account deficit are broadly in line with earlier forecasts. The enactment of legislation to allow a national value-added tax was a milestone reform that will create a much more integrated and productive economy. Ongoing efforts to restructure bank balance sheets to revive lending and reduce excessive leverage at large corporations are setting the stage for a recovery in investment spending likely to drive growth higher in FY2017."¹

Still, India is dependent on huge investments to create jobs, housing, and infrastructure, which are part of the country's aspirations for development. After all, the country still houses one-third of the world's poor. And many of those who have recently escaped poverty (53 million people from 2005 to 2010) are still highly vulnerable to falling below the poverty line. In fact, due to population growth, the absolute number of poor people in some of India's poorest states actually *increased* during the last decade.

1 Asian Development Outlook 2016 Asia's Potential Growth. India_%20Economy%20_%20Asian%20Development%20Bank.html

Chart 1: **HIGHLY UNEQUAL INDIA**

Source: Manas Chakravarty. (2016, May) "Just how high is income inequality in India?" http://www.livemint.com/r/LiveMint/Period2/2016/05/23/Photos/g_capital-account1_web.jpg

India's Gini coefficient is one of the highest in the Asian region and among the world's developing countries. However, the Gini coefficient is on rise over the last two and a half decades mainly on account of rising inequality between urban and rural areas as well as within urban areas. Inequity in all dimensions, including region, caste, and gender needs to be addressed. Poverty rates in India's poorest states are three to four times higher than those in the more advanced states.

The World Bank states, "While India's average annual per capita income was \$1,410 in 2011—placing it among the poorest of the world's middle-income countries—it was just \$436 in Uttar Pradesh (which has more people than Brazil) and only \$294 in Bihar, one of India's poorest states. Disadvantaged groups will need to be brought into the mainstream to reap the benefits of economic growth, and women—who 'hold up half the sky'—empowered to take their rightful place in the socioeconomic fabric of the country" (World Bank, n.d.).

The fostering of higher levels of education and skills training is critical to achieving prosperity in a rapidly globalizing world. However, while primary education has largely been universalized, learning outcomes remain low. Less than 10 percent of the working-age population has completed a secondary education, and many secondary graduates do not have the knowledge and skills to compete in today's changing job market.

Improving health care is equally important. Although India's health indicators have improved, maternal and child mortality rates remain high and, in some states, are comparable to those in the world's poorest countries. Of particular concern is the nutrition of India's children whose well-being will determine the extent of India's much-awaited demographic dividend; at present, an overwhelming 40 percent (217 million) of the world's malnourished children are in India.

The country's infrastructure needs are also massive. One in three rural people lack access to an all-weather road, and only one in five national highways is four-lane. Ports and airports

have inadequate capacity, and trains move very slowly. An estimated 300 million people are not connected to the national electrical grid, and those who are face frequent disruptions. The manufacturing sector — vital for job creation — remains small and underdeveloped.

In the context of such massive socioeconomic contradictions, India lacks a clear-cut official development assistance (ODA) policy. Much of the aid received by India is bilateral, depending on the need and requirements of the recipient countries in the areas of infrastructure development. This is very unlike the structured OECD model where decisions over the direction and purpose of aid are well defined.

II. Post-Busan Developments: An Enabling Environment for Indian Civil Society

Initially, Brazil, China, and India participated in the Busan discussions as ‘active observers’. However, as the meetings progressed, their participation decreased and they became ‘less active observers’ and less interested in how the partnership was developing. Mexico and Korea had already been absorbed into the Organisation for Economic Co-operation and Development (OECD) machinery, but the BRIC countries (Brazil, Russia, India and China) continued to keep their traditional distance from Development Assistance Committee (DAC) processes, being very reluctant to engage in the post-Busan Global Partnership.

A. Transparency and Accountability

As one of the largest democracies in the world, India has been credited with managing the same with great success, and has been a model for many other countries. However, it has its own problems. Looking at the country’s huge population, characterized by extreme diversity in class, culture and ethnicity, it is clear that the nation is going through a period of turmoil. This is especially true with regard to the country’s relations with its neighbors Pakistan, Bangladesh, Nepal, and China. The increasing insurgency from countries like Pakistan and China and huge unaccounted foreign fund transfers to some organizations in India has further fueled funding irregularities, tightening the existing laws such as in the Foreign Contribution Regulation Act (FCRA). Apart from this, there is a huge confusion within the government about the exact nature of CSOs due to an outdated registration system where any organization — be it a CSR foundation, companies, or big educational, religious, and health institutions — are registered as CSOs.

The **Lokpal and Lokayuktas Act, 2013** (the Lokpal Act), is an anti-corruption Act enacted by the Indian Parliament which “seeks to provide for the establishment of the institution of Lokpal to inquire into allegations of corruption against certain public functionaries and for matters connecting them” (Lokpal and Lokayuktas Act, 2013). The act extends to whole of India, including Jammu and Kashmir, and is applicable to “public servants” within and outside India (GKToday, 2014).

Once implemented, all foreign and domestic-funded CSOs will be under the scanner of Lokpal, initiating enquiries against them in the event of their involvement in corruption under various sections of the **Prevention of Corruption Act, 1988 (PCA)**. As mentioned above, the law is yet to define ‘public servant’ so it is assumed that, both the CSOs and their top executives will have to file details of income and assets before the proposed anti-corruption body. Also, as per the recently released rules by the Department of Personnel and Training (DoPT), CSOs receiving more than Rs 1 crore (US\$150,000) as government grant and donations above Rs 10 lakh (US\$15,000) from foreign countries will be under the ambit of the Lokpal. However, there

is a need for a clear cut definition by PCA on 'a defined set of actions' of NGO officers and employees that can be considered as corruption, prosecuting for offences.

However, as per the new amendment and change in subsequent rules (September 2016), the proactive public disclosure of assets and liabilities of public servants by the government will become optional.

The CSOs are also arguing that the Lokpal Act does not include private companies registered under the Companies Act 2013, which may give rise to private sector bribery. There is a need to bring transparency to all the institutions irrespective of their affiliations since 'India has ratified United Nations Convention against Corruption and, as per its provision, it is the duty of the government to take measures "to prevent corruption involving the private sector" (PTI, 2016). The idea of Lokpal has always been welcomed by the civil society organizations except the provision of public disclosure of assets by the individual board members and seeking the clear cut definition of 'public servants'. Once the definition is clear, it will be good to be under scrutiny as corruption cannot be overruled by CSOs, private sector or the government. The CSOs are only demanding to bring the private sector under this important bill to discourage the bribery. The CSOs are doing their own bit on advocacy with the public apart from negotiations with the government for a better Lokpal provisions.

B. Legal and Regulatory Framework

In the year 2010, the **Foreign Contribution Regulation Act (FCRA)** was passed. The context of this bill was the grimness of the country's 'law and order situation,' and the need to control the 'foreign hand.' Many organizations expressed their concern about the impact of FCRA registration renewal on long term projects if it comes up for approval in the fifth year. No donor will sign a project if the organization's FCRA registration is coming up for renewal. To accommodate this concern, a provision allowing for renewal in the fourth year, i.e., one year prior to the due year, has been allowed.

Another contested area is the grounds for rejection. Any organization which has a political objective in its by-laws or is found in practice to have a political objective can be denied FCRA registration. The second clause relating to habitual indulgence in public protest could also lead to being denied FCRA registration. This aspect has high potential for misuse. However, the new FCRA rules have very clear terms for appeal.

In another development in mid-2016, the Ministry of Home Affairs has decided to amend the regulation by stipulating that all organizations maintaining Foreign Contribution Regulation Act (FCRA) accounts should be linked to the core banking facility. This move came as a result of the government's effort to conduct close monitoring. The new notification also states that the government can access an organization's funds through the core banking system, but only with consent from the concerned organization.

The move comes considering the fact that the Amnesty International India got foreign funds under the prior permission category at least thrice, which has made the government jittery. This has become an issue since many foreign CSOs working in India have been regularly subjected to close scrutiny due to the nature of their work, which mostly concerns right-based issues — a subject on which CSO intervention is not welcomed by the Indian government. There are around 33,000 CSOs which were registered under the Foreign Contribution Regulation Act. However, many of them do not have their FCRA accounts in banks with core banking facilities.

The home ministry now requires that all FCRA-registered NGOs must have their accounts in either nationalized banks or in a few private banks which have core banking facilities.

C. Inclusive Partnerships and Results Focus

As discussed in a recent paper (Mohan, 2015), the Federation for Indian Development Cooperation (FIDC) was established in January 2013. The idea was to have a forum for exploring various facets of development cooperation, which would also seek to draw upon India's own experience through a platform amalgamating civil society, academicians, the private sector, and the Ministry of External Affairs in India.

The FIDC aims to encourage detailed analysis of broad trends in South-South cooperation (SSC) and contextualize Indian policies by facilitating discussions across various subject streams and stakeholders based on theoretical and empirical analysis, field work, perception surveys, and capacity building needs. At the domestic level, the FIDC has worked towards raising the awareness about various dimensions of the development cooperation policies through seminars, discussion meetings, and publications, and focused on sectoral analysis in the areas of agriculture, health, education, human resource development, infrastructure projects, environment, gender and humanitarian assistance. This is considered a big step towards extending olive branch to civil society of India, which has been struggling to combat continued shrinking spaces.

At the international level, the engagement of India (just like the other BRICS countries) with the Busan principles has been limited. This limited engagement seems to be deliberate and ideologically-driven. Because of the high level of domestic poverty and inequality that still persists, BRICS countries argue that they cannot be expected to carry the same responsibility as traditional donors. Their domestic economic drivers do not allow them to untie their aid so easily and their limited capacity does not allow them to report their development co-operation to the standards of the OECD–DAC countries.

In fact, southern emerging economies like India, China, Brazil, and South Africa subscribed to the provisions of the Busan outcome document on a 'voluntary basis,' and they underline the 'differential' nature of their commitments. The exact nature of these differential commitments is uncertain, but it is clear that for political reasons the major Southern powers will not accept the DAC's approach, systems and standards' (Besharati, 2013). Actually, it was need for a 'home' for SSC that led to the formation of IBSA (India, Brazil and South Africa) in June 2003 and later BRICS (Brazil, Russia, India, China and South Africa) in 2006. BRICS is an alternative forum for standing up to the dominant communities shaping the world policies and ignoring the BRICS bloc is ignoring the turn of the history as acknowledged by Mr. Shashi Tharoor, MP and Chairman, Parliamentary Standing Committee on External Affairs.

Whilst pursuing very different development policy approaches, all the BRICS countries insisted on getting engaged with other developing countries in horizontal partnerships of mutual benefit, exchange, friendship, and solidarity (rather than being tagged as donors).

D. Democratic Ownership

New Development Bank

The BRICS New Development Bank (NDB), formally established in the year 2015, is now up and running. In its first year of operation it has approved US\$911 million in infrastructure

and energy projects within the BRICS countries. The Bank's first tranche of projects includes various energy investments, including rooftop solar, wind, electricity grid expansion, and hydroelectric development in each of the five BRICS countries. It has also recently approved and published a set of 14 institutional policies, including an Interim Information Disclosure Policy and an Environmental and Social Framework which, despite its limitations, allow a better understanding for outsiders on how the Bank works.

Also, to avoid Chinese domination of the NDB, in the first six years the presidency has come to India, with Brazil and Russia scheduled for the next decade, with five years each. India was among the first four countries to get a loan from the newly established BRICS (Brazil, Russia, India, China, and South Africa) New Development Bank (NDB) which gave a \$250 million funding to Canara Bank for a renewable energy project' (Manning, 2015).

The Bank officials now plan to scale up by adding additional member countries, allowing financing outside of the five BRICS countries, and expanding operations to include lending to the private sector. The NDB has proven in the very first project for clean energy that unlike the ADB and IMF its priorities are different. It has adopted robust institutional and operational policies in their first year of operations. The Goa Declarations also lauded the efforts of NDB, which could someday be transformed into an multi sectoral development bank (MDB).

"The Board of the NDB approved the first set of projects worth US \$811 million for renewable energy projects — one each in Brazil, India, China and South Africa — and a separate \$100 million project for Russia, later" (Roul, 2016). The bank is establishing credibility by promoting clean and green infrastructure rather than "eradicating poverty" as espoused by the World Bank and ADB. The Environmental and Social Framework (ESF) of NDB was approved in March 2016 which allows respective country policies as priority to govern the loan projects. It was highly criticized by the civil society groups, as the ESF was not a product of consultation with civil society. However, the bank acknowledges that NDB would be the first MDB which categorically mentions protection of "human rights" in its ESF.

It will be interesting to see the growth and progress of NDB in the future as the Bank is preparing to launch projects in some Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation (BIMSTEC) countries like Bangladesh, Myanmar, and Sri Lanka, it will require pumping of heavy development finances to cater to the Asian region itself, let alone the entire southern regions. Also, the progress monitoring of development finance needs to be assessed as to where the finance is coming from apart from expenditure reports of each project. Civil society consultation and integration in the project will only add transparency though it is also understood that it is too early to expect more at the very early stage.

III. India's Development Cooperation (2015-16)

India's development cooperation has not changed significantly in recent years, and remains focused on grants, aid, lines of credit (LoC), and ITEC training. Many development projects in infrastructure, hydroelectricity, power transmission, agriculture, education, health, industry and other sectors, as prioritized by the host governments, were implemented in Afghanistan, Bangladesh, Bhutan, Myanmar, Maldives, Nepal, Sri Lanka, and other countries. In South East Asia, Central Asia, Africa, and Latin America, bilateral projects in Information and Computer Technology (ICT), small & medium enterprises, and archaeological conservation were undertaken.

India also hosted 'the Third India-Africa Forum Summit (IAFS-III) from 26-30 October 2015 to give a new thrust to the age-old partnership between India and Africa. Heads of State and Heads of Government of 54 African Nations participated in the Summit. The vision document entitled 'Delhi Declaration 2015' and the India-Africa framework for Strategic Cooperation outlined a multi-faceted strategy for dovetailing the India growth story with Africa's Agenda 2063 to spur mutual resurgence. The Summit placed development cooperation at the heart of the India-Africa partnership, unveiling US\$10 billion in Lines of Credit for a host of development projects over the next five years and a grant assistance of \$600 million. DPA played an active role during the Summit as bilateral discussions were conducted in the sidelines on various projects being undertaken in Africa with Indian assistance. Extension of Lines of Credit (LoC) on concessional terms to other developing countries has been an important instrument of India's external development assistance. Over the years, 226 LoCs aggregating US\$ 16,898.23 million have been allocated to different countries in various sectors, of which US\$ 8,705.21 million have been allocated for African countries and US\$ 8,193.02 million for non-African countries.

The extension of LoCs on concessional terms to other developing countries has been an important instrument of India's external development assistance. Over the years, 226 LoCs aggregating US\$ 16,898.23 million have been allocated to different countries in various sectors, of which US\$ 8,705.21 million have been allocated for African countries and US\$ 8,193.02 million for non-African countries. During 2015-16, over 8360 civilian training slots were offered to 161 partner countries in a wide range of disciplines under the Indian Technical & Economic Cooperation (ITEC)/Special Commonwealth Assistance for Africa Programme (SCAAP). Around 500 civilian trainings were offered under the Technical Cooperation Scheme of the Colombo Plan for Cooperative and Economic Social Development in Asia and Pacific (Ministry of External Affairs, 2016).

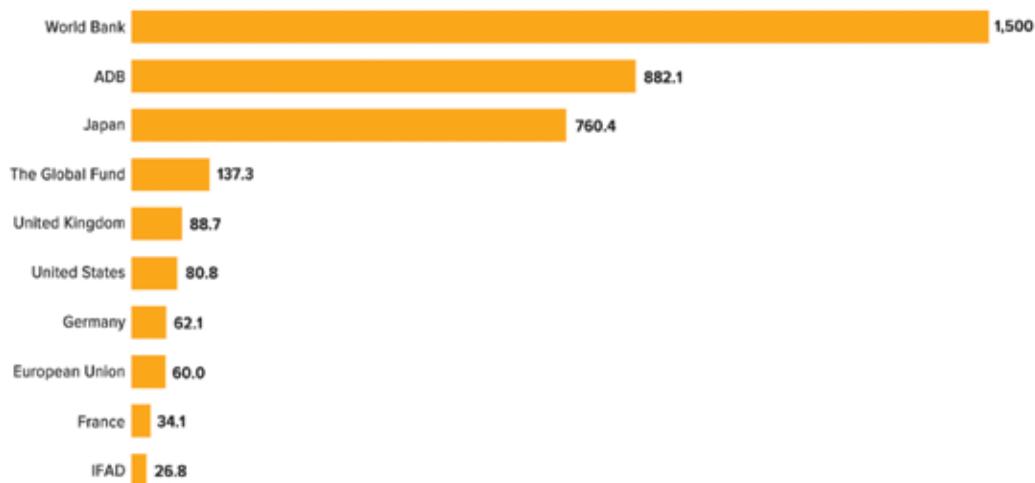
India As a Recipient

India has also been a huge aid recipient apart from being a donor. It was the sixth largest recipient of foreign aid (official development assistance) in 2011 and continues to be one of the highest recipients. According to the data on the World Bank's website, it received \$3.2 billion in 2011, \$1.6 billion in 2012, and \$2.4 billion in 2013. The top donors have been the following: World Bank, Japan, Germany, Asian Development Bank, United Kingdom, France, Global Fund (to fight AIDS, tuberculosis and malaria), United States, and European Union (The Logical India, 2015).

Apart from this, India is also recipient of bilateral aid and loans from Asian Development Bank (ADB), the Department for International Development (DFID) of the United Kingdom, and German development cooperation through KfW. The goals of World Bank support to urban development include removing constraints on urban growth centers caused by inadequate infrastructure and improving the delivery of piped water, sanitation, and urban development and the financial sustainability of urban services. ADB and the World Bank collaborate on improving water supply and sanitation through the Water and Sanitation Program. DFID supports poverty alleviation and capacity development and will continue to focus on inclusive growth through microfinance, livelihood improvements, and urban reforms over the period 2012-2016 in selected states, including Bihar, Madhya Pradesh, and West Bengal. DFID also supports the urban basic services component of the Jawaharlal Nehru National Urban Renewal Mission (JNNURM), executed by the Ministry of Housing and Poverty Alleviation.

ADB collaborates with DFID in support of capacity development in Kolkata and Madhya Pradesh, with similar collaboration proposed in Assam. JICA is active in developing tourism infrastructure in Maharashtra and Uttar Pradesh. It is considering support for developing Buddhist circuits in Bihar and plans to assist urban projects in Assam and Kerala. JICA is a key partner of urban mass transport through its flagship support of the Delhi metro. In addition, JICA is active in water supply and sewerage treatment, providing project-tied aid in the form of soft loans at a lower rate for environmental infrastructure (Asian Development Bank, 2011).

Top donors to India, 2014-15 IN US\$ MILLION



Source: Anna Patricia Valerio. (2015, March). "Top donors to India." Devex.com <http://neo-assets.s3.amazonaws.com/news/Top-donors-to-India-2014-15.jpg>

India's development cooperation is demand driven and meant to be for mutual benefits engagements with its recipient countries. Viewed in this perspective, India sees no contradiction in being a major beneficiary of ODA for its own development effort, even as it provides aid to other developing countries in a spirit of South-South Cooperation. India also does not see its contribution to the development of other Southern countries as diminishing its own prospects for alleviating poverty since its economic assistance programs are mutually beneficial partnerships; they can, in a longer term perspective, enlarge India's prospects by creating bigger trade and investment opportunities. The gap between India's foreign aid spending and receipts has widened in recent years, the total assistance that India receives from its donors remains far from meager. According to the 2013 figures from the Organization for Economic Cooperation and Development, India received \$2.4 billion in net ODA, making it the 14th top recipient that year (Valerio, 2015).

The foundation of NDB is based on the concept of South-South cooperation, which gives more importance to development effectiveness. However, though NDB is doing some good projects on green development, monitoring expenditure will be important to see the impact. Also, India's technical assistance program (as a recipient) has lot of private sector participation and huge bias which also involves encroaching upon good agricultural and forest lands in any new infrastructure project. ADB and JICA are funding small to big hydro power and road projects especially in the north east state of Manipur. These projects promote more business in including mining, oil exploration where huge secrecy is maintained. There has been no consultation with, nor the participation of, the indigenous peoples who are affected mostly

in the form of displacement. There is also an increasing tendency to promote design and implement PPP (public and private partnership) ignoring people's rights and priority.

There should be demand-led capacity development corresponding to the needs of the community. Also, there is a need to avoid technical cooperation as soft conditionality. Deploying local and regional expertise should be alternatively developed in order to provide more employment and building country ownership. Apart from this there is a need to focus on skill and knowledge transfer, and to respect and implement human rights on principles of accountability.

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Unfinished/Core Business for 2016 CPDE Global Synthesizing Research

Kosovar Civil Society Foundation (KCSF)

Taulant Hoxha

I. Introduction

The development of civil society is necessarily linked to the wider societal context in which it operates. In Kosovo's case, the country has experienced radical changes in its recent history—in the last 30 years, Kosovo has gone from being a socialist autonomous province, to a territory of the state of Serbia, to a territory administered by a UN mission, to an independent country. At the same time, economically it has transitioned from a socialist economy to a market economy. Its governance has also been messy. In the 1990s, formal state institutions had governing power but not a democratic mandate, and thus were rivaled by parallel institutions which were more democratic, but had little power. In the 2000s, power resided in international community, and these leaders were not directly accountable to the local population, while democratic elections produced political structures with little actual power. And from 2008 to the present, the democratic processes have given way to institutions with power. In all these processes, civil society played a key role, though its very form and function has changed as much as Kosovo's state of affairs.

During 1990s, Kosovo was experiencing a regime which was both discriminatory and exclusive to majority of Kosovo's population. Workers were laid off due to their ethnicity; education was no longer provided in the native Albanian language; and much of the local population was deprived of other basic human rights. To counter this situation, parallel state institutions were built, which functioned more as symbols of resistance than as actual governing powers. Civil society was also mostly organized in line with this symbolic resistance towards the failures of the regime. CSO activities ranged from the provision of health care, to the monitoring of human rights violations, to humanitarian relief, to grassroots mobilization of people for different causes. Often, civil society, political structures, and parallel institutions overlapped. In any case, both civil society and domestic politics were organized against "The Other" – in Kosovo, this referred to the Serbian state institutions which were repressing the rights of the Albanian population. In addition, the vast majority of funding for civil society came domestically. All of these factors contributed to a civil society which was perceived as authentic.¹

However, the political situation soon deteriorated into an armed conflict with a massive human toll, which in turn resulted in NATO intervention. By July 1999, Serbian authorities were removed. The international community, in the form of United Nation Interim Mission in Kosovo (UNMIK), took over Kosovo.

Given the decade-long tensions arising from ethnic conflicts, warfare and destruction, the international community's aid was focused heavily on humanitarian relief, refugee

¹ For more on the issue civil society during 1990s, please see Howard Clark, *Civil resistance in Kosovo*, Pluto Press, 2000 and United Nations Development Programme, *Civil Society and Development: Kosovo Human Development Report 2008*.

resettlement, reconstruction, and ethnic reconciliation. International NGOs and funds to provide such activities were ushered in. The availability of funds resulted in a boom of local NGOs. By 2004, more than 2,300 NGOs were registered — although not all of them were active — compared to around 65 NGOs during the 1989-1999 period (Pula, 2005).

In comparison to the 1990s, the post-war civil society looked very different. In the absence of The Other, the 1990s civil society structures started disintegrating or shifting their operations; whereas, in the wake of this different context, a 'new' civil society quickly organized itself around the abovementioned areas. But most importantly, in the abundance of foreign funds and the focus of donors on providing short-term grants for different projects, local NGOs also developed an entrepreneurial spirit (Pula, 2005). Many NGOs were driven more by available funds than by their missions, thus highly reflecting a donor-driven agenda. In general, while civil society in the 1990s was organized against The Other, the post-war civil society became more of an instrument for channeling the international funds.

In 2008, after a gradual shift of governance competencies from UNMIK to the Kosovo Government, Kosovo declared its independence. Though this event did not change the ground situation radically, conceptually it marked the beginning of a new period. Kosovo was no longer governed by a UN administration which was not accountable to the people of Kosovo, but by its own democratic institutions. Furthermore, Kosovo was no longer a post-war zone, but an independent country. As such, the focus of international community and donors changed to state-building, democratization, and economic development. In response to the new situation, civil society changed its focus once again. Given the still-fragile institutions and the weak economy, the same priorities still persist today. However, in comparison to the 1990s and post-war periods, civil society now is characterized by being in the process of development, with respect to the needs and the issues of the Kosovo society.

A closer look at Kosovo's history will show that the periods of development are not as clear-cut as the delineations mentioned in this introduction, but for clarification purposes, it helps to conceptualize these periods in this manner in order to see and understand the trend of development of Kosovo's civil society.

II. Democratic Ownership and Aid

The donor driven agenda mentioned in the previous chapter is not entirely the fault of international community, donors, or NGOs. Another very important factor is the democratic deficit. NATO intervened to prevent a raising human toll, but it had no mission regarding the political status of Kosovo. A resolution (Resolution 1244) was passed in the Security Council of UN to establish an interim civil presence, but with no clear vision of the future of political status of Kosovo. Essentially, UNMIK was "effectively tasked to engage in state-building without statehood" (Zaum, 2007). Therefore, UNMIK had all the power of policy-making in Kosovo, but its members were not elected by the people of Kosovo; nor was UNMIK directly accountable to the people of Kosovo. As such, the process of state-building and policy-making became a top-down process, and civil society had little to no genuine involvement in the policymaking process (Government of Kosovo, 2013). With the policymaking door closed, it was natural for many NGOs to turn to other types of initiatives and projects.

State-building was not an easy process. Modern institutions had to exercise authority based on legal documents. To make it possible to exercise their authority, UNMIK declared that it would function based on laws prior to NATO intervention. However, because of the oppressive

nature of the regime of the 1990s, laws made during that time were not acceptable to people of Kosovo. Therefore, UNMIK declared these laws to be invalid and inapplicable (UNMIK, 1999). The legal infrastructure became the laws prior to the start of the oppressive regime, before the abolition of autonomy for Kosovo in 1989. However, these laws were outdated, belonging to a time when there was a one-party system and a socialist economy. This presented a huge issue for the exercise of authority for UNMIK (UNMIK, 1999).

Whatever institutions Kosovo inherited in 1999 were pretty much inadequate for the situation in which the country now found itself. In addition, those existing institutions had very little data for proper policy analysis. Basic information such as population size, birth rate, and migration rate were all missing. Therefore, it soon became apparent that Kosovo would have to build almost completely new formal institutions. To do so, UNMIK would have to 'produce' much more regulations. In the meantime, during 2000/2001, elections were held and Kosovo's institutions (government and a parliament) were formed. The democratically elected institutions did not have a great deal of competencies in the beginning, for it was UNMIK who had everything under control. However, over time, more competences were transferred from UNMIK to Kosovo institutions.

As competencies were transferred, there was a need for the official establishment of more formal institutions, based on laws passed by the Kosovo Parliament and secondary legislation from other Kosovar authorities. But the newly established institutions themselves did not have enough capacities. Thus, foreign aid was of utmost importance in state-building. Furthermore, UNMIK itself was composed not only of UN staff but of staff from other agencies. For example, of the four pillars that UNMIK consisted of, pillar one — Humanitarian Affairs — was run by the United Nations High Commissioner for Refugees (UNHCR); pillar three — Institution Building — was run by the Organization for Security and Co-operation in Europe (OSCE); and pillar four — Reconstruction — was run by the European Union (EU). In addition, other foreign aid agencies, such as United States Agency for International Development (USAID), United Kingdom's Department for International Development (DFID), and Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) were also involved directly by funding UNMIK staff members and projects.

From 1999 to 2007, European Agency for Reconstruction (EAR) alone has invested 1.1 billion euros.² U.S. Government assistance programs, on the other hand, have invested almost 2 billion dollars in Kosovo from 1999 to 2014. Other agencies have also contributed greatly, although exact figures are missing. By comparison, Kosovo's entire Gross Domestic Product was 2.5 billion dollars in 2001, although it grew to 7 billion dollars by 2013 (World Bank, n.d.). Considering the sheer amount of foreign investment in Kosovo's institutions, and the great power that the international community had in Kosovo, it can legitimately be argued that these institutions were almost entirely built from aid.

Therefore, in the context of commitments from the First High Level Forum in Rome to the Paris Declaration on Aid Effectiveness, the Accra Agenda for Action, and the Busan Partnership for Effective Development, Kosovo is a special case. That is because commitments such as ending policy conditionality, fully untying all forms of aid and implementing demand-driven technical assistance, and using country systems as the first option do not have the same meaning in Kosovo as they have in other countries. In Kosovo, domestic institutions were built by and continue to evolve with the help of aid. While policies were not exactly conditional, they were

² European Agency for Reconstruction, Key data on 26/09/2008, <http://ec.europa.eu/enlargement/archives/ear/kosovo/kosovo.htm>. Last accessed: 02 October 2016.

put in place by foreign aid; and country systems were more or less built by foreign aid and are now also used based on the conditions, implicit and explicit, of those who gave foreign aid.

III. Programming and Funding Sustainability

CSOs in Kosovo are still dependent on foreign funds for their daily activities. This has been an issue since 2005 (Besnik, 2005) and continues to be an issue today. Although more precise data are missing, a survey conducted by Kosovar Civil Society Foundation (KCSF) found that in terms of amount, 99 percent of all funds were foreign funds (KCSF, in press). However, the same survey, not weighing organizations by their annual turnover, found that in 2013, some 70 percent of the funds of CSOs were foreign. That figure further decreased in 2015 to 48.3 percent. This implies that the smaller organizations are relying less on the foreign funds. Although the overall picture remains bleak, this trend shows some level of improvement.

In addition to dependence on foreign funds, CSOs are also plagued by short planning times. Only 10 percent of the CSOs plan for more than 2 years ahead, while the vast majority of CSOs (60 percent) plan for a period of 6 to 12 months (KCSF, in press). Moreover, when donors were asked to evaluate capacities of the CSOs, they evaluated CSOs to have the least capacity— and by a wide margin — for strategic planning. That comes as no surprise considering that short term projects are still the most prevalent projects that CSOs have. Around 66 percent of CSOs receive funding for short-term projects (of less than a year), while only 38.9 percent receive funding for more long-term projects (longer than 2 years), and 22 percent receive institutional grants (KCSF, in press).

Considering this context — the high reliance on foreign funds, the short – term planning, and most importantly the low strategic planning capacities — concerns have been raised regarding agenda setting, given that foreign donors are less likely to know local needs. According to the same study, 35 percent of donors stated that they invite CSOs to participate in the process of programming of funds regularly, while another 15 percent stated that they only do it occasionally. However, 81 percent of these donors usually invite only the same CSOs they already work with. Looking the issue from the other side, only 29 percent of CSOs reported that they received invitations to participate in consultations about the programming of funds (KCSF, in press).

With such a low percentage of donors consulting local CSOs, there is a real concern that the local priorities are not taken sufficiently into consideration in their agenda. Moreover, there is an incentive issue that might systematically overlook local priorities. Given that donors mostly consult organizations that they already work with, it is natural for CSOs to consider the issues they work on as most important, thus pushing donors to fund these fields. Similarly, many donors take into consideration the results of previous projects — usually research reports — as an input for programming. Yet, research reports give information only about the field researched; as such, entire other fields could be overlooked. For example, CSOs have exhaustively discussed the ‘energy’ topics in Kosovo. However, these discussions have almost always focused exclusively on the electricity sector, while completely ignoring the heating and cooling sector of energy which has a notorious effect on the already degraded forests.

Finally, donors usually invite what they perceive as the more professional CSOs to discuss programming of funds and discussions are conducted in a language foreign to the Kosovars populace. Both of these factors have worked to prevent organizations that deal typically with marginalized groups to be part of programming discussions. Hence, they are unable to lend

voice to their priorities in the formation of the country's development agenda (Muhamet Arifi, personal communication, September 30, 2016).

IV. Legal and Regulatory Framework

Freedom of association is a constitutional right, guaranteed in Article 44 of the Constitution of Kosovo and defined in the Law 04/L-57 on Freedom of Association of NGOs. The legal framework allows for exercise of the freedom of association without the need to officially register an organization. Whereas, if an organization is to be registered, it has the option of registering as an *association*, which is membership-based, or *foundation*, which is capital-based (although still no requirement of initial capital). Limitations on the freedom of association apply only in cases of discrimination based on gender, race, ethnicity, religion, sexual orientation, or disability. The procedures for establishment of an organization are fairly easy and free of charge. Legally, a list of three founders is required for establishment of an association, whereas only one founder or testament is required for establishment of a foundation. A response by the NGO registration department is provided within 60 days of application. Typically organizations prefer to be registered so as to benefit from the legal entity (being able to open a bank account, for example), and the vast majority of organizations are registered as associations (KCSF. 2016). Yet of the 8,112 national organizations and 456 international or foreign organizations registered in Kosovo as of April 2016, only around 1,500 organizations are estimated to be active (KCSF. in press).

Generally the legal framework forbids public authorities from interfering in the work and activities of NGOs, with the exception of Article 18 of the Administrative Instruction GRK–No: 02/2014 on Registration and Functioning of NGOs — this article allows the NGO Department to suspend the operation of NGOs upon the written request and justification of an authorized security institution. Should the activities of an NGO be justified as against the constitutional order of Kosovo or international law, then it may be suspended for a maximum of one year. However, this provision is not in line with primary legislation, given the fact that suspension is not a legal category and is also done by an administrative unit rather than the courts (KCSF. 2016). Despite requests from civil society to repeal this provision, 27 NGOs were suspended between 2014 and 2015 under this rule for the duration of one year (KCSF, in press).

In addition to the freedom of association, freedom of assembly is also a constitutional right, as per Article 43 of the Constitution, and the Law 03/L-118 on Public Gatherings guarantees all Kosovar citizens the right to organize and participate in public gatherings. A prior notification is required for public gatherings to be organized. Generally, there have been no major issues during these assemblies, with the exception of protests organized by opposition political parties, which have often turned violent. Based on Article 40 of the Constitution, the freedom of expression is also guaranteed to all, and can be restricted only in cases of violence or racial, ethnic, or religious hate enticement. As with the freedom of assembly, there have been no major issues with the exercise of this right by civil society activists, although there are frequent reports of pressure on journalists and media (KCSF, 2016).

The tax environment for organizations is not very different from businesses. NGOs are required to submit an annual financial report to the Kosovo Tax Administration, and are obliged to pay taxes such as income tax, or tax on property or rent. In addition, NGOs are also required to pay pension contributions to all employees, typically 5 percent by the employer and 5 percent by the employee. Some tax benefits — typically related to economic activities — are applied to NGOs which have the status of a Public Benefit Organization. However, to maintain this

status, an NGO has to submit both a narrative and financial report annually. In cases where an organization has an annual turnover of more than 100,000 euros, the organization is also required to submit an external audit report. Due to small benefits and ambiguous provisions on tax benefits, only 247 organizations had this status in 2015 (KCSF & ECNL, n.d.).

The legal framework in Kosovo requires the involvement of CSOs and the public in decision-making at all levels of governance, with the exception of the Assembly of Kosovo, where the involvement of CSOs is optional. In addition to the general constitutional requirements, the Rules of Procedures of the Government require public consultations for all draft policies/laws, with adequate and timely information to be provided by the proposing authority, as well as feedback on the consultation results. Moreover, in April 2016 the Government adopted the Regulation on Minimum Standards for the public consultation process, which presents a systematic basis for public consultations from agenda-setting to experts' involvement to general public consultations, with specific requirements for each of the steps. This regulation will enter into force by January 2017. However, the practice is still unsatisfactory, as many of the policy-making processes do not meet the requirements of the applicable legislation. More than half of the surveyed CSOs (58.2 percent) hinted at issues with publishing draft-laws and policies, and only half of the surveyed CSOs (51 percent) stated that their organization had been invited to a public consultation by public authorities (consulting meeting, written consultation, round table discussion, etc.). Only 23 percent of CSOs said that they had been regularly invited to consultations (KCSF, 2016).

The worst situation in the legal framework has to do with funding from state authorities. Currently, there are no regulations on planning, distribution, implementation, and monitoring of state funds for civil society. The state usually funds CSOs through the budgetary categories of subsidies. For a subsidy to be disbursed, the only legal requirement is approval by the head of the institutions, typically mayors or ministers (Pozhegu, 2014). Some progress is expected next year, following a decision from the Government in May 2016 on a general model on public funding for CSOs and the initiative to draft a regulation on public funding for CSOs in September 2016 (Taulant Hoxha, KCSF, personal communication, September 28, 2016).

Overall, Kosovo's laws facilitate the participation of CSOs and the people in governance and development initiatives, although the practice thereof is still unsatisfactory. Moreover, registration procedures are straightforward and do not hinder CSO registration. However, there are concerns regarding the tax environment and state funding for CSOs — more specifically, the virtual lack of any difference between regular businesses and NGOs when it comes to tax reporting, and the lack of regulation with regards to CSOs' state funds.

V. Conclusion

In conclusion, many radical changes have happened in Kosovo in the past 30 years. These changes are reflected in the structure of civil society as well. The 1990s were characterized by an authentic civil society, but one orientated towards an outside oppressor. This changed when the social and political situation transformed after the war. The incoming foreign funds for the post-conflict society, in combination with the lack of opportunities to directly participate in policy making, allowed civil society to return its focus to internal issues, but with the ensuing loss of its authenticity it had during the 1990s. Although much about Kosovo has changed during these years— including the declaration of independence, democratization, and institution building—civil society has yet to fully transform into an independent agenda-setting actor while remaining internally focused.

Some data already indicate that civil society is diversifying its funding sources, and as such, regaining its authenticity. Furthermore, while aid funds have greatly contributed in building institutions, they have also complicated the issue of aid conditionality towards institution and state-building. Hence, with the state-building process coming to its conclusion, the commitments of the Busan Partnership for Effective Development should be taken more seriously. However, there are still lingering concerns that donors are dominant in setting the agenda.

Lastly, the legal framework generally facilitates CSO and peoples' participation in governance and development initiatives. Yet there are numerous issues with state funding and tax environment that should be improved. Addressing these issues will further help with the diversification of funding sources and lead to the continuing growth of CSOs in Kosovo.

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Taking Stock of Progress: Evaluating the Implementation and Effectiveness of Development Cooperation Policies in Kyrgyzstan

Public Fund Legal Perspective

Farida Abdylbaeva

I. Introduction

Within this research an attempt was undertaken to review, through an analysis of the interaction of development partners in the Kyrgyz Republic (KR), the peculiarities of the formation of democratic ownership in the country, the development of an inclusive partnership, and issues of strengthening transparency and mutual accountability of development actors. This research looked at the legal and regulatory framework, partnership strategies, treaties and agreements between the government of the Kyrgyz Republic and aid providers, and sought to establish practical solutions in the area of development. Desk research and expert interviews with state officials, representatives of the business associations, CSOs, and local authorities were also conducted.

The multi-stakeholder consultations on the discussion of development strategies of the Kyrgyz Republic Accra Agenda For Action recognizes parliaments, governments, CSOs, research institutes, media and the private sector as “development partners.” It is stressed that traditional actors – governments and donors — will engage with them in open and inclusive dialogue on development policies at the country level.

Eight years since the adoption and recognition of these statements, the situation in Kyrgyzstan remains troubled. The main participants in the process of development discussions of policies and programs remain to be the government of the Kyrgyz Republic and aid providers, or so-called “Development Partners” (donors who are providing official assistance to the country). A culture of equal and inclusive participation for development actors has not been developed in Kyrgyzstan, and there is still no organizational platform for discussion of development priorities. It is interesting to note that in one of the major country documents — the National Strategy of Sustainable Development of the Country, which is a State document where main directions for the political, and socioeconomic development of the country are formulated — it is recognized that an “increase of the level of public trust to the authorities” depends on a “high level of partnership of state bodies with organizations of civil society”; it is also stated that “it became imminent to design a relevant program of successful cooperation” (Kyrgyz Republic, 2013a).

This formulation was adopted by the National Council on Sustainable development of the Kyrgyz Republic, created by the decree of the President of the KR on 24 November 2012, with consultative and coordination functions during decision-making and implementation of the strategic document of sustainable development (Kyrgyz Republic, 2016a). Unfortunately, stated intentions to create successful cooperation programs, and progressive views on the role of the civil society — which in our case includes not only CSOs, but also the private sector, academic and religious circles, etc — are enacted only on paper. To look at this body, 12 out of 25 members are high level state officials, seven are members of the Parliament, one represents CSOs, three members are from the private sector, one member is an independent

expert, and one is a member of the council on business development and investments under the Government of the Kyrgyz Republic. It is clear that the structure of the body itself characterizes the attitude of authorities on the issue of equal participation of interested parties in the development and discussion of State development policies — we see an obvious majority of state officials.

Even if the structure of this body looks more or less good in terms of participation of various parties (state and non-state, although not in a good proportion), in reality the Council is not a working mechanism for the engagement of development partners in multi-stakeholder consultations.

First of all, the selection procedures on non-state members raise many questions because the Council was formed without publicity or media announcements. The public should have been presented with a clear set of criteria, rules, and information about setting up the Council, and the same should be widely disseminated among interested parties. However, there was no developed feedback mechanism. There is no information on dates and on agenda of consultations, and either no information or no publications are available on the Council's decisions.

Any meeting with the Council requires passing certain procedures, in particular, written explanation of goals of the meeting on a company's letterhead paper, detail on what questions will be raised, description of the organization and how answers will be used. After detailed description of the abovementioned points, the Councils take a month to reply. It is obvious that this is not the most effective way of communication with interested parties who want to take part in discussion of development programs. We have to state that recognition of CSO as an equal participant of discussion of development programs at the global level doesn't mean their real recognition at the country level.

II. Implementation of Commitments on CSO Capacity Building

Progressive international agreements in the area of development effectiveness highlighted the importance of creating enabling environment for CSOs. That also means increasing the capacity of CSOs to ensure their equal and full participation in discussions of partnership strategies and development strategies. At this stage, the government of Kyrgyzstan is not taking any actions towards increasing the capacity of other participants, despite the necessity for full and effective participation in consultations to ensure effective development. Development partners/donors, in comparison with the government, provide more significant support to CSOs and the private sector, through programs supporting civil society and business. But, unfortunately, it still does not mean the consideration of CSOs as equal partners with enough capability to participate in the decision-making process, on par with the state and donors. Accordingly, most AAA and Busan commitments still have not been implemented. Any progress in this issue will depend on development partners/donors making the following changes:

- involve CSOs, the private sector and other development participants at the formulation stage of partnership strategies, with the government committing to take their recommendations into account;
- involve other development actors in the monitoring of both State and donor's programs, and ensure the effectiveness of formal consultations by enabling the participation of CSOs and other development actors at all levels: in the planning stages of the program/project; in the monitoring stage of the implementation of projects/programs; and in the assessment stage of the results. This kind of genuine consultation would strengthen the capacity of development actors on a regular basis. The essential input in this regard

is the realization of the principle of “right to initiating for CSOs,” which entails the consideration of civil society recommendations in the decision-making process;

- ensure that genuine (not merely formal) and systemic (not merely episodic) consultations are held, to strengthen the responsibility of all development actors and stimulate the growth of their capacity for full participation in decision-making processes.

In Kyrgyzstan there are certain platforms which can be used for multi-stakeholder consultations. For example, the Coordination Council of Development Partners of the Kyrgyz Republic (CCDP) was set up in 2004 to improve various flows of information among donors, state institutions and CSOs. Yet the CCDP remains passive in terms of interaction with civil society, limiting it to participation in official events of the government.

The other important issue is conditionality of official development assistance (ODA) provisions for Kyrgyzstan. In an interview, an officer of the State said that they disagreed with the requirement that they sell their income-generating company because of World Bank conditions. Recently, the public was shocked by scandals regarding crippling and unfavorable terms of aid from China, whereby 70 percent of credits would go towards purchasing Chinese raw materials, 70 percent of the labor force was supposed to be Chinese, and under no condition did Kyrgyzstan have a right to challenge any credit issue in courts. The public is usually unaware about these issues, uninformed about the political and economic conditions which accompany ODA and credit agreements.

Case: Civil Movement for Development Effectiveness and the CCDP

The coalition Civil Movement for Development Effectiveness of Kyrgyzstan is a CSOs’ platform established in Kyrgyzstan in 2013 for discussion of development policies. This Platform periodically interacts with state bodies and aid providers in multilateral framework. The Platform always invites CCDP to the consultations. However, at present CCDP has yet to participate in any of these consultations due to the difficulties in getting approval from all members. Hence, the main weak side of the CCDP is that it has an amorphous structure, and doesn’t have strong rules and procedures of communication with other actors.

Certain members of the CCDP, such as the World Bank, the Asian Development Bank, the UNDP, and the EC episodically hold consultations to discuss the results of their programs and strategies. But it is difficult to consider them as effective communication platforms for multi-stakeholder consultations, for the following reasons:

- usually, during these consultations, the private sector and local authorities are not represented, which means that their views and positions are not known during the discussions of the issues;
- there is a lack of clear procedures for CSO involvement in multi-stakeholder consultations, which is why crippling and unfavorable terms of aid from development partners is accepted by the dependent government;
- there is a lack of access to information about partnership strategies/aid that are in the drafting process;
- the majority of the relevant information is not translated into Russian and Kyrgyz languages for the benefit of the public;

- there is no feedback mechanism for CSOs, parliament, the private sector, and local authorities, which would give space for suggestions and recommendations; and
- provincial NGOs don't participate in these processes, leaving input and decisions to central and national CSOs.

An interview with a representative of a provincial NGO based in Osh city, Kyrgyz Republic

Q: Does the government conduct consultations with CSOs at the local level during the development, implementation, and monitoring of national programs and policies?

A: The consultation process may exist at the national level, but at the local level it almost does not exist. Even if there were some instructions from the central governance to the local level they do not organize consultations because they do not recognize their importance. Anyway, we are not informed about such consultations.

III. Democratic Ownership: Political and Economic Context of Kyrgyzstan

The constitution of the KR states that the Kyrgyz Republic wields full state power within its territory, independently implementing its own domestic and foreign policies (Constitution of KR, Art. 1), and that this power arises from the mandate of the people of Kyrgyzstan (Constitution of KR, Art. 2). The legal and regulatory framework of the country is in principle democratic. It has all features of an independent and democratic country that allows citizens to take part in governance. In practice, however, there has been a gradual move towards more authoritarian policies, and Kyrgyzstan is losing its achievements in the area of human rights and democracy. Regressive drafts of existing laws have been initiated, and there is a growing negative context for organizations which seek to protect and uphold human rights.

In particular, the so-called "Foreign Agents" bill, periodically initiated by the pro-government parliamentarian parties, has two effects: a narrowing of the channels by which CSOs are funded by international donor organizations, and an increase in government control and regulation of civil society. Under the draft of the law, NGOs are recognized as "foreign agents" (in Kyrgyzstan, the term is widely known as a foreign spy, traitor) if the organization meets several criterion: it is established in the Kyrgyz Republic, it is financed from abroad, and it participates in political activities. The bill provides a very broad definition of "political activity": "participation in the organization and conduct of political campaigns in order to influence the adoption of the state authorities to take decisions aimed at changing the state of their policies, as well as in shaping public opinion for such purposes" (Article 1, Draft Law of the Kyrgyz Republic "On amendments and additions Amendments to Certain Legislative Acts of the Kyrgyz Republic").

In addition to this, the bill requires that CSOs report to the Ministry of Justice of KR, which gives to Ministry the right to interfere in the internal affairs of any NGO, and decide whether the NGOs activities are in compliance with their mission or not. The Ministry may also suspend CSO activities for a period up to 6 months, as well as mark all of its materials as belonging to "foreign agents." It can halt the financing of various local NGOs, and exclude them from the register of branches and representative offices. To get public support for such limiting provisions, the government accompanied discussion of the bill with an aggressive propaganda campaign against human rights defenders, portraying the latter as "grant eaters" as lobbyists for foreign interests.

Despite the fact that this draft law was declined by the President (under public pressure), there is still plenty of anti-human rights rhetoric in public spaces. There is a growth of distrust and a rising negative attitude towards NGOs which protect human rights, strengthened by nationalist and populist politicians and marginal formations. The President of the country, in

his public speeches, repeatedly made scurrilous accusations against human rights advocates, charging them with “working off payments of their foreign proprietors.” Discrediting the role of civil society and alienating them from the processes of decision-making leads to the exclusion from government of various sectors of society whose interests are advanced primarily by CSOs. In this climate of general distrust, the implementation of the joint activities of the State and CSOs remains questionable.

Kyrgyzstan still has features of a transitional economy, caused by a weak system of state governance unable to lead the country towards sustainable development. A rating of the competitiveness of economies places Kyrgyzstan at 108th place, and in the World Economic Forum rating of countries’ involvement in international trade, the country is in 109th place among 138 countries (World Economic Forum: The Global Competitiveness Report 2016–2017). In June 2016 the state debt of the Kyrgyz Republic reached 271.3 billion soms (US\$4 billion), or 54.9 percent of GDP, out of which 93.4 percent is an external debt. For the external debt service in 2016, the Kyrgyz Republic allocated 29.2 billion soms. In 2017 the country will spend 20.2 billion soms on debt. However, according to unofficial information, the country’s external debt exceeded the critical level of 70 percent of the GDP.

In comparison, the government allotted 15 billion soms (around 218 million US\$) for healthcare, 28 billion soms (around 407 million US\$) for education, and 2.8 billion soms (40.7 million US\$) for recreation, sports, culture, and religion. The national budget shows that the bulk of aid flows go to covering the government budget deficit, state investments, and debt service expenses. Around one-third of the national budget depends on external influences such as development banks, and the external debt continues to increase despite the lack of any concrete vision or strategy for how to maximize and eventually pay back the loans. However, the law “On Government and Non-Government Debt of the Kyrgyz Republic” found that external debt should not exceed 60 percent of GDP, as the exceeding of the fixed threshold poses a serious threat to the economic security of the country. MPs and CSOs criticize the government and development banks because of continuing hidden negotiations on new loans without assessments of the effectiveness of previous credits and real needs of the country. The scale and conditions of ODA provisions to Kyrgyzstan remains a subject of discussion between the Kyrgyz Republic and aid providers, without the participation of other development actors. As a result, we have a weak government, dependent on aid providers and the critical level of external debt, for the payment of which the government will reduce spending on social needs of the population.

IV. Transparency and Mutual Accountability of Development Participants

According to the Corruption Perception Index of Transparency International¹, Kyrgyzstan is ranked 123rd out of 167 countries, alongside such countries as Gambia, Guatemala, Lebanon, Madagascar, Kazakhstan, and Timor-Leste (Transparency International, n.d.). According to state officials, the main causes of corruption are: a weak judiciary system, the presence of corrupt officials at high levels of government, a culture of impunity for these corrupt officials, irrelevance of good performance in promotion and career development in the government, and the weakness of the public control and interaction with CSOs (CAI Consulting, 2014). Despite admissions from officials that lack of interactions with CSOs caused the rise of corruption, the effective mechanisms of the involvement of civil society in the fight against corruption still have not been developed. Quite understandably, the corrupt governance system impacts on the index of citizens’ trust of the State. According to the data of the National Statistical Committee

1 Global research and accompanying rating of countries of the world on the index of corruption extend in a state sector. Calculated by the procedure of the international nongovernmental organization Transparency International.

of the KR, during the last three years, the level of citizens' trust of the State did not rise above the low index of 19 percent (National Statistic Committee, 2016a).

It is obvious that the high level of corruption in the country and a culture of impunity, failing to hold corrupt officials accountable, hinder transparency in the work of all development actors in the republic. It would be logical if, in advancing transparency and mutual accountability standards, CSOs played a leading role as a progressive force in society. But corruption and the weak governance system in the country bars the effectiveness of development work by civil society and other sectors. For example, the active dissemination of the clichés "foreign agent" and "foreign grant eaters" in society leads many CSOs to hesitate in publishing their budgets on their websites, because of possible attacks from politicians and non-formal organizations. Nevertheless, out of all development participants, CSOs still take the lead in cultivating transparency and accountability, promoting by example and actively advocating for increase of transparency and accountability of state bodies.

Currently, Kyrgyzstan's CSOs need to develop and adopt common transparency standards in accordance with Istanbul Principles, because high levels of transparency and accountability will ensure a high level of trust and a good public image for CSOs. The main responsibility in the provision of transparency and mutual accountability is that of the State, which is in charge of developing an enabling environment for CSOs and the private sector. Eradicating corruption, increasing the responsibility to the people, and the enactment of transparent and effective systems of state governance will lead to progressive changes in all areas of life in Kyrgyzstan.

V. Recommendations:

- There must be recognition of CSOs, the private sector, parliaments, trade unions, local authorities, and academic circles as equal and equally valuable development actors with a right to a voice during the decision-making process, as a condition for improving development effectiveness.
- Multi-stakeholders' consultation mechanisms must be institutionalized, providing for the equal participation of all development participants in the processes of planning, implementation and monitoring of state strategies and partnership strategies of aid providers.
- The government of the KR and aid providers should assist the capacity growth of other development participants, towards building constructive formats for the discussion of development policies.
- The development of an enabling environment for CSOs is an important condition to increase development effectiveness, strengthening the human dimension of development from the perspectives of vulnerable and marginalized groups.
- The government should adopt the most progressive international practices in the fight against corruption, widely engaging with civil society and strengthening judicial reforms in the law enforcement bodies.
- Aid providers need an understanding and a practical realization of the principles of accountability as applied to all stakeholders in the development process. This should not be limited only to receiving complaints and recommendations, but include joint assessment of aid results. And the first step in ensuring accountability and transparency is ensuring access to full information about these programs, in a language accessible to the people of Kyrgyzstan.

- CSOs need to develop their own transparency and accountability mechanisms, in close collaboration with provincial and global initiatives on transparency increase. CSOs must also widen platforms on the discussion of transparency and accountability within civil society itself.
- Development participants need to develop in-country standards of strategic, equal and sustainable partnership, based on mutual recognition and trust, capable of becoming a strong basis for cooperation in the domestication of the post-2016 agenda and the Sustainable Development Goals (SDGs).

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The Status of the Core Business in Lebanon

Arab NGO Network for Development (ANND)

Bihter Moschini

I. Introduction

Lebanon is one of the 162 countries which have endorsed the Busan Partnership for Effective Development Co-operation, but not the Paris Declaration and Accra Agenda for Action. Lebanon is not part of the Global Partnership Monitoring Framework¹, a framework that takes stock of four agreed effective development cooperation principles, namely: ownership, focus on results, inclusive partnerships, transparency and accountability. Full commitment to these four principles would require enabling data, securing access to information and providing an enabling environment for democratic ownership. While the data and information availability and accessibility would require firm adherence to transparency and strong country systems, the latter would require a legislative and regulatory framework for all development actors to be able to engage in policy-making process effectively and efficiently. Another requisite would be a participatory, inclusive dialogue at diverse levels (national, sub-regional, local), to discuss the issues at stake for development (such as socio-economic policies, trade and investment, and aid, among others).

Given this background, this report will try to provide an assessment of the status of the Core Business in Lebanon. It will present the current legal, governance, political, socioeconomic and sociocultural contexts in Lebanon to frame the report. This report is prepared by the Arab NGO Network for Development (ANND). ANND is engaged in the Development effectiveness process, from Rome (2003), Paris (2005), Accra (2008) to Busan (2011), highlighting the need to revisit the current model for development practice; to address the root causes behind the failure to achieve sustainable development levels and to ensure the genuine implementation of the aid effectiveness principles including the ownership and mutual accountability. ANND stresses on the need for CSOs effectiveness and efforts for the realization of an enabling environment for civil society as independent development actors in their own right, and promotes the implementation of the Istanbul Principles (IPs).

II. Legal and Regulatory Framework

The Lebanese Constitution enshrines civil and political rights. The legislative framework on an enabling environment, particularly regarding the freedom of association, reveals a positive picture. Nevertheless, there remain several gaps in the implementation of this framework, barring the full enjoyment of these freedoms by all in Lebanon without any discrimination.

For instance, there remain groups deprived of the freedom of association, such as Palestinian refugees, although they are the subject of serious development concerns in the country. Another example is labor: trade unions and syndicates do not fall under 1909 Law, and are

1 This monitoring framework presents the state of play of the four agreed effective development cooperation principles, namely ownership, focus on results, inclusive partnerships, transparency and accountability. It was endorsed in June 2012 in the final meeting of the Working Party on Aid Effectiveness and aims at enhancing the mutual accountability and promoting country-level dialogue between development partners. Where available, this monitoring framework is country-led and based on developing countries' own data and information systems adopting a multi-stakeholder approach.

subject to a strict authorization regime established by the 1946 Labor Code. Strict supervision and control hinders the formation of trade unions, and political interference hampers both their formation and operation (ANND, 2015). Although Lebanon applies a liberal notification system, there are restrictions, as notifications are sometimes refused by the administration and/or delays occur for authorities to hand back the notification receipt. Furthermore, associations which deal with “problematic issues” such as torture prevention for CSOs or LGBT CSOs face investigations preventing and delaying their formation (ANND, 2015). Furthermore, the law distinguishes between the freedom to form associations and political parties, and the formation of syndicates and unions. The former requires only a notification, while the latter requires authorization. Accordingly, the application to form a union is submitted to the Ministry of Labor which consults with the Ministry of Interior. Moreover, laws in force require that unions’ activities remain permanently monitored and supervised by the Ministry of Labor. Civil Society partnerships with public institutions are limited to service delivery. Many ministries sign service contracts with CSOs on an annual basis or for certain defined activities. Development initiatives consider civil society participation on an ad-hoc basis. Thus, it is often limited, focused on implementation rather than planning and programming. The social dialogue among diverse stakeholders remains limited too, as there is an absence of structured dialogue mechanism. National Committees formed are ad hoc, temporary, and without a legal status. Appointments to these Committees do not follow clear criteria to ensure inclusiveness and independence.

On the other hand, as noted by an in-depth study on enabling environment in Lebanon by ANND (ANND, 2014), the culture of cooperation and networking between CSOs exists but faces challenges. Several initiatives take place like joint coalitions and campaigns, but remain temporary and with limited scope, or happen only when competition for funding among the groups hamper efficiency and sustainability. In the end, access to financial resources is key for civil society enabling environment; however, local and national CSOs receive only a small percentage of funding allocated to Lebanon. As the Ministry of Social Affairs describes, “some national NGOs are able to compete with international agencies on funding, but they are in the minority and that access to funding needs to be expanded” (International Council of Voluntary Agencies [ICVA], 2014). In relation to the funding, it is important to note that although commitments to donors require CSOs transparency through regular donor reporting, the 1909 Law already requires CSOs to publish their budgets and balance sheets as well to ensure financial transparency.

Civil society work on and cooperation with private sector intensify as well, given that the new development agenda – Agenda 2030, gives the private sector a crucial role as a development actor. On that subject, ANND has organized recently a regional workshop on business and human rights, in coordination with Arab Trade Union Confederation and BUSINESSMED (main representative of the private sector that reflects the interest of 22 Confederations of Enterprises around the Southern and Northern Mediterranean Countries). Such initiatives bring together actors from different sectors and become an occasion to elaborate on the contribution of social dialogue to improve human rights compliance.

The paralyzation of Economic and Social Council (ECOSOC) in 2005 inhibits any social dialogue in the country and limits public debate, transparency, and inclusiveness in public policy. The ECOSOC was supposedly intended to form a platform for different stakeholders’ advisory role on different economic and social policies. Moreover, Lebanon limits the right to seek, receive, and impart information. The 2009 draft law regarding access to information presented by Lebanese CSOs to the Parliament has yet to be ratified. All of these result in further gaps in ensuring transparency and information-sharing for democratic ownership and restricts the ability of civil society to monitor public policies.

The legal and regulatory framework in Lebanon does not support development effectiveness, since it undermines the rights-based approach to development. For instance, in terms of addressing poverty eradication, the National Poverty Programme aims to increase the income of poorest sectors, thus targeting only specific segments of society. Such an approach is neither comprehensive nor rights-based. It can barely address the intergenerational transfer of poverty. The rights-based approach is absent in several other sectors as well, resulting in the continuous violation of social and economic rights; for instance, regarding the right to decent employment, the right of access to proper public transportation, and rights to energy, social protection, and urban planning, among others.

Overall, the lack of a comprehensive national plan for sustainable development aligned with democratically determined priorities is a core challenge in Lebanon. Once adopted – and if it actively engages all development actors and addresses the root causes of social and economic violations using a rights-based approach – a genuine national development plan could provide the core framework for coherent and complementary policies in Lebanon².

In this context, partnerships building on equality, transparency, mutual accountability, and inclusiveness established between local and international actors give added value. They could ensure the engagement of local communities in development projects. Nevertheless, in the Lebanese case, donors dominate the established partnerships. Thus, the equality principle is hampered. Moreover, accountability is one-way: only from local actors to donors. The private sector also plays a significant role in development, but without any safeguard mechanism to ensure that public rights will prevail against private interests and to protect development outcomes in public-private partnerships.

III. Political and Governance Context

Lebanon has a confessional system: state institutions and governance in Lebanon are based on the partition of power between the different confessions. The decision-making process can easily be paralyzed due to disagreement between the confessional leaders. This leads to political instability and hampers any possibility of adopting democratic ownership, thus challenging development effectiveness. There has been a presidential vacuum in the country since November 2014, and Lebanon has not had a public budget since 2005. Furthermore, given the lack of a unified Civil Code, different communities organize their own civic regulations; thus, the Lebanese do not enjoy equal rights. This system limits transparency and weakens political participation and accountability.

Continuous dependency on foreign aid has also further exposed Lebanon to policy conditionality, limiting the needed policy space for a rights-based policy design. Unfortunately, despite concerns raised by civil society groups on policy conditionality, and despite the violations of the Lebanese's right to development, Lebanon continues with the same approach. This reflects the weak influence of CSOs on policy-making, as well as the overall weakness of CSOs as a development actor.

Lebanon recently re-launched the World Trade Organization (WTO) accession negotiations. On this subject, ANND issued a statement arguing that the accession to the WTO is a strategic

² There is currently an inter-ministerial committee working with the Office of the Prime Minister (OPM) on a national strategy for sustainable development, based on the Agenda2030 and SDGs. Its work is also not transparent and participatory.

issue that requires the adoption of a comprehensive economic and development vision. Given the vacancy of the presidency and the paralysis of other institutions, there is a lack of discussion and negotiation of the issue on a larger scale (ANND, n. d.). Similarly, the General Confederation of Lebanese Workers expressed its fear and opposition to the negotiation process. However, these concerns did not reflect in Lebanon's strategic decision-making, since there are no inclusive policy processes. There is also a lack of measures adopted by international institutions to enhance social dialogue, and a lack of structured consultation with civil society.

The public administration is inefficient. It has not been reformed since the Lebanese war in 1999, and corruption is rampant and well-documented. Moreover, the judiciary system is not efficient, especially in trade and financial cases. It is also burdened by charges of corruption. Indeed, the transparency records of Lebanon are not promising: in terms of corruption perception, Lebanon rated 123/168 in the 2015 Transparency International report. The country fails to provide a strong mechanism for enhancing transparency and strengthening the accountability of all development actors. Under partnership agreements signed (i.e. with the European Union) or through donor requirements on foreign aid, accountability of the local actors (i.e. civil society) is sought and certain initiatives are implemented, yet there is no shift towards ensuring mutual accountability within frameworks for development effectiveness.

IV. Socioeconomic Context

Lebanon adopts a rentier economic model which favors investments in real estate, financial markets and banking sectors. This model does not enhance productive cycles nor ensure equitable redistribution of income. Indeed, the inequalities in the Lebanese society are a key challenge to be addressed, and require several reforms on key policies including taxation and social protection. For instance, the adoption of indirect taxes hampers equality in Lebanese society. The gaps in wealth have widened, with 53.3 percent of the population outside any structured health coverage system, and 65.5 percent of the labor force not contributing to social security. Only half of the Lebanese population are covered by social protection. Vulnerable groups, women in particular, are experiencing discrimination; and refugees (Palestinians and Syrians) are largely excluded from the system. Furthermore, continuous political crises and instability in Lebanon weakened the state and decreased its ability to ensure the full enjoyment of the economic and social rights of the Lebanese people.

Recent economic and investment programs continue to adopt more free market and free trade measures; no reform is undertaken to strengthen employment-generating sectors. This reflects strong adherence to economic growth as an indicator of development in Lebanon, and explains the continuous adoption of short or medium-term socio-economic policy choices.

The same approach is clear within the long established partnership between Lebanon and the European Union. The Action Plan describing the programming priorities set for Lebanon³ in this partnership lists the following as short and long-term priorities: securing the market economy, providing an enabling environment for foreign direct investment, developing further measures for private investment, and ensuring WTO accession. While the push for continuity in the neo-liberal economic model for Lebanon is clear, it should also be noted that there were no inclusive consultation process by which the Lebanese people agreed to these 'national' priorities. Civil society was consulted at a later stage, but only after priorities

³ The priorities listed are among the 2013-2015 Action Plan, whereas the new Action Plan and the partnership priorities set for Lebanon is not public yet, and follows a revision alongside the new European Neighborhood Policy launched in November 2015.

had already been identified, often during the implementation and monitoring phases. It is therefore no surprise that after nearly a decade of implementation, the partnership did not provide the best development results for Lebanon. ANND's advocacy work at the national and EU level raises these issues and calls for a structured dialogue with genuine inclusion of civil society voices. ANND believes that such action would support the achievement of real ownership, ensure constructive outcomes, and avoid ad-hoc thematic and disconnected short-term partnerships.

V. Socio-cultural Context

Lebanon has a vibrant and experienced civil society. CSOs have long played various roles at the national level, including service provision, and the documentation and monitoring of human rights at the national, regional, and international levels. Nevertheless, they continue to face lack of trust and biases regarding their capacities. Most development actors (state and non-state) adopt a selective approach in engaging civil society in relevant spaces (i.e. consultations). Furthermore, monitoring and evaluation of the local capacity (by donors and international organizations) is based on standards and parameters not adapted to the local context.

Following the civil war, and given the recent Syria crisis, Lebanon has a long history of international assistance (technical and financial), mainly for reconstruction and infrastructure support. Nevertheless, local capacity is not empowered through these operations. In most cases, international development actors, including international non-governmental organizations, come and implement their programs in the country with only a limited interaction with local counterparts. Capacity-building, empowerment, and direct access to funding are lacking in the way they engage local community and civil society. Partnerships should be strengthened, with assurances that each partner is treated as an equal, to ensure that the process is transparent and inclusive.

Case study

Assessing the Core Business in Lebanon: The Syrian refugee crisis

An assessment of Lebanon's effective development cooperation would not be complete without tackling the current Syria refugee crisis and its impacts on the country. Lebanese Prime Minister Tammam Salam identified the humanitarian issues caused by the Syrian refugee crisis as one of the greatest challenges to development in the country, during his speech at the UN Conference on Sustainable Development in September 2014 (Salam, 2015, September 26). Nevertheless, it should be noted that Lebanon faced the Syria crisis while itself struggling with structural problems.

Over one million refugees are now registered in the country. Several challenges to effectively address the crisis remains. First of all, the legal status of Syrians is ambiguous; the lack of protection exposes them to discriminatory practices and human rights violations. There are no comprehensive plans to tackle key issues like accommodation and housing policy as well as livelihood programs. Moreover, basic needs including shelter, food, water, sanitation, healthcare, schooling and other services remain unaddressed, which in turn increases Lebanon's dependency on aid. Indeed, given the magnitude of the crisis and the weak national system to address it, the need for international assistance and aid is clear. Yet, the international actors' interventions should be based on the core principles of aid principles — namely, ensure country ownership and use of country system, inclusive partnerships, mutual accountability and transparency.

In terms of international assistance, when the international community convened in London (2016) in a conference entitled "Supporting Syria and the Region,"⁴ Lebanon presented a paper (Republic of Lebanon, 2016, February 4) related to the latest developments and the implications of the Syrian crisis. This paper articulated Lebanon's planned response to the Syria crisis;

4 on February 4th, 2016

however, these plans were not elaborated in-depth at the country level with the participation of all development actors, weakening the strength of the country's strategies to address development needs and necessities. In fact, ANND considers that the Lebanese government plans as announced in London Conference —geared towards job creation through Subsidized Temporary Employment Programme (STEP) and the small and medium-sized enterprises (SME) sectors' development support —will not bring effective outcomes, unless they become part of a more comprehensive and sustainable development approach. This in turn would necessitate that Lebanon consider its response to the Syria crisis as a further push towards ensuring multi-stakeholder dialogues at the national level. This can serve as an occasion to establish inclusive, transparent, and participatory processes to engage all relevant development actors.

At its current stage, the prioritization of 'strategically selected sectors' (transport, energy, water and sanitation, environment, solid waste management, and public services) serves as an initiative that would support the urgent national-level infrastructure needs of Lebanon. But it does not ensure a rights-based approach ensuring sustainable development for refugees and host communities. What is needed is a long-term approach to the crisis of Syrian refugees. This requires that efforts at humanitarian assistance be focused on the socioeconomic stabilization of both the Syrian refugees and the host communities. It should be noted as well that "the effectiveness of the current programs of humanitarian aid, consisting of cash assistance, food vouchers, e-cards, is thus highly questionable in a medium-term perspective, even if they are currently alleviating the sufferings of the most vulnerable population" (ANND, 2016).

The international community, meeting in London, pledged further support to the region. But it must be taken into consideration that the State and non-State donors and implementing agencies are not meeting their pledges. The funding requirements of Lebanon stand at \$1,902,410,103, and Lebanon has only received 41% of this, amounting to \$775,314,067 (United Nations High Commissioner for Refugees, n. d.). It should be kept in mind that unpredictability of this support is another factor challenging the adoption of any long-term strategy. Furthermore, the access of local actors to this funding is also problematic. Development actors, mainly international organizations, implement programs without engaging and empowering local communities and civil society. On the other hand, political instability in the country and lack of effective accountability mechanisms, together with corruption and lack of transparency, provide an additional excuse for international actors to avoid using the country system as the first option.

VI. Conclusions and the way forward

This report tried to assess the status of Core Business in Lebanon and highlighted several gaps in democratic ownership, rights-based development policies, inclusive partnerships, and transparency and accountability. ANND reaffirms the two main challenges identified by UN Economic and Social Commission for Western Asia (UN ESCWA) (El-Baba, 2015) as central to these gaps: the absence of a national integrated development plan and the lack of up-to-date data. Both are prerequisites for effective development cooperation.

In this context, to ensure full adherence to Busan Principles, Lebanon should⁵:

- Revisit social and economic policies to ensure their alignment with the rights-based development approach. A new and comprehensive approach to address inequalities, unemployment, poverty reduction, and social marginalization ought to be adopted. This includes a shift to productive economy, enhancing inclusive growth that generates jobs. This requires reviewing trade and investment policies so as to diversify the job market, and adopting a tax system that stimulates local productivity
- **Prioritize the principles of transparency, accountability, and inclusiveness in its policy-**

⁵ These recommendations were identified by ANND as key to address key challenges in addressing the Agenda 2030 as well and were included in the Spotlight Report.

making and implementation. Ensuring accountability of all involved parties necessitates monitoring the business sector, whose development role has increased. There is a need to develop a regulatory framework for business. Enhancing transparency and inclusiveness necessitates the active role of the Economic and Social Council, and the inclusion of all the relevant stakeholders in the policy-making process.

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CSOs, Aid Governance and the CPDE in Nepal

NGO Federation of Nepal (NFN)

Daya Sagar Shrestha

I. Core Business vis-à-vis Country Context

After the promulgation of a new constitution in 2015, the prolonged transition from the unitary and centralised monarchy-dominated system is transformed into a federal democratic system of governance. The national aspirations, as reflected in the constitution — to build an equitable, just, inclusive and prosperous society based on the principles of equality and inclusiveness — is the basis for democratic governance system. The salient features of the constitution in relation to civil, political, social and economic rights are encouraging. Some of the salient features of the constitution are: constitutional supremacy, republic state, separation of power, three tiers of governance structures, inclusive representation at all levels, secularism, constitutional bodies to address the issues/rights of so far excluded and/or neglected groups of people, and people's representation in the government through periodic democratic elections.

Nepal's governance system has been redefined by the new constitution, but there is a need to promulgate several laws in order to implement the constitution fully.

Nepal is a party to several international human rights instruments including the ICCPR, ICESCR, CEDAW, and ICC, among others. The government has tried to mobilize resources, through the civil society actors, for the development of the country and people, which was also vividly reflected in the policy and budget document of the government of Nepal (Ministry of Finance, 2016, p. 107).

These provisions at the policy level are conducive for the establishment and functioning of civil society at large. However, the implementation and/or enjoyment of several of these provisions have yet to be seen in the lives of the people who fought for democracy and human rights for so long.

As per the constitution of the country, governance is segregated at the federal, provincial/Pradesh, and local levels. Each level exercises executive, legislative and judiciary powers through distinct arms. The legislative body is elected through periodic elections which are an exercise of the democratic rights of the people. Inclusive representation is ensured. The executive power lies with the council of ministers elected by the federal parliament, whereas the head of the state is the president elected by the members of the federal parliament and the Provincial parliaments (Pradesh Sabha), as defined by federal law. The

Some facts of development cooperation in FY 2014/15

- Total development cooperation was US\$ 1.13 billion
- Share of ODA in national budget was 20.05 %
- World Bank was the top ODA provider (US\$188.122 million)
- Health sector was the largest sector receiving ODA (17.41%)
- Grant dominated the total ODA disbursement (58%)
- Channeling of ODA through the on-national budget was 65%
- Aid portfolios remains reasonably fragmented
- Project support covers 60% of total ODA
- Central development region continues to receive the largest amount of ODA (28 %)
- Kathmandu was the top district to receive ODA (32.8%)
- Only about 45 % of aid was spent

Source: Development Cooperation Report 2016, MOF/GON

judiciary is independent and competent to exercise judicial deliberations. However, several provisions of the new constitution have yet to come into effect.

In recent years, the government of Nepal has tried to be transparent and accountable to its constituencies, in terms of making ODA information available through different channels, including a marginalised groups of society. In this regard, they are accountable to the people in need.

II. ODA Disbursement Modality and Country Governance

Foreign aid or ODA comprises a significant chunk of the country's national budget. While almost 20.05 percent of the total annual budget of the country was complemented by ODA in FY 2014-15, that figure was a decline from 26 percent in FY 2010-11 (Government of Nepal, 2014: p.2). On average, ODA contributed about 20 percent of the annual budget over last five years (Ministry of Finance, 2016, p. 1). Despite the declared foreign aid policy adhered to by the Government of Nepal in terms of ownership and alignment (Government of Nepal, 2014: 6-7), discrepancies in aid flows, not respecting the policy coherence, were observed at least over the last three fiscal years (2012-13, 2013-14 and 2014-15).

Table 1 and Fig. 1 shows that, of the total ODA received in FYs 2012-13, 2013-14 and 2014-15, the project support¹ has received the highest attention. Around 58 percent of the budget was disbursed through this modality (Ministry of Finance, 2014, 2015 and 2016). The next highest allocations went to program support (17.78 percent)² and sector-wide support (16.58 percent)³. The situation has not improved over the years. For instance, because these modalities promote use of country system and country mechanisms, the government encouraged the mobilization of aid through on-budget/program support and sector-wide support — but huge amounts of the aid (60.66 percent) received in 2014-15 fiscal year was instead channelled through project support that operates on a stand-alone basis. Of the total ODA disbursement of US\$1,020.73 million, the program support was 17.16 percent, whereas the sector-wide support was 13.70 percent of the total aid received during the 2014-15 fiscal year.

Table 1
ODA disbursement as per assistance modality (FY 2012-13, 2013-14 and 2014-15)

Assistance Modality	FY 2012-13		FY 2013-14		FY 2014-15		Average of 3 years	
	Amount (million USD)	percent	Amount (million USD)	percent	Amount (million USD)	percent	Total amount (million USD) of 3 FYs	Av. percent disbursement of 3 FYs
Program support	223.8	23.31	137.5	13.27	175.17	17.16	536.47	17.78
Sector wide support	159	16.56	201.4	19.43	139.82	13.70	500.22	16.58

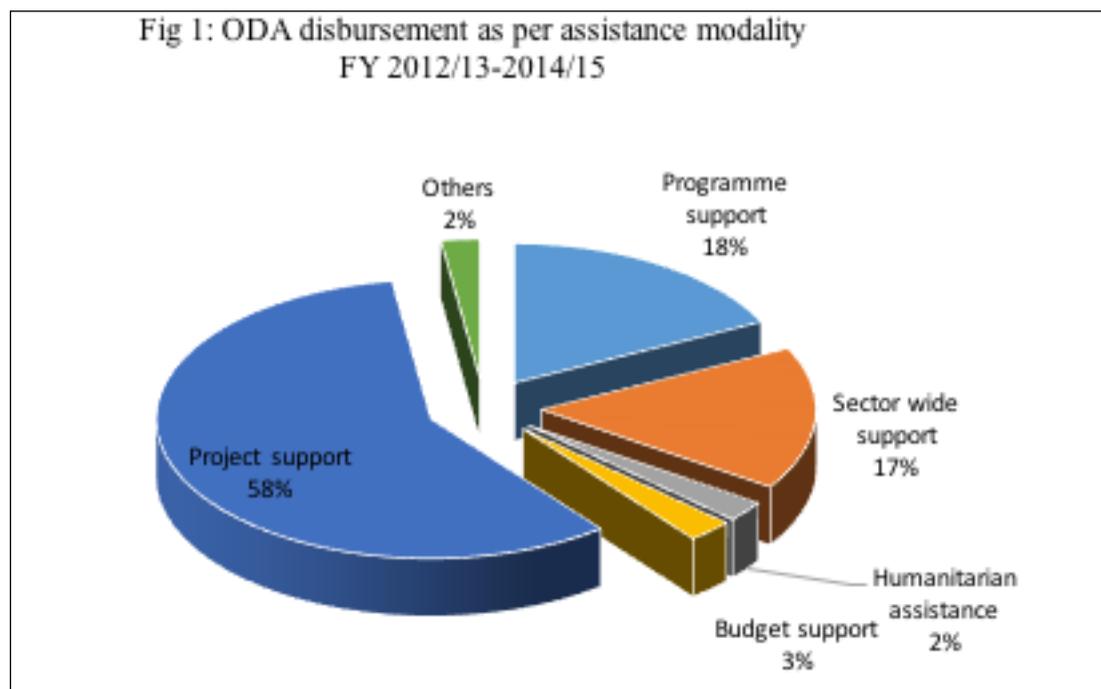
1 Development projects that operate on a stand-alone basis, or which are coordinated to a certain extent but do not meet the criteria for a program-based approach or Sector Wide Approach.

2 Program support has the following characteristics: Leadership by the host country or organization, a single comprehensive program and budget framework, a formalized process for donor coordination and harmonization of donor procedures for reporting, budgeting, financial management and procurement and efforts to increase the use of local systems for program design and implementation, financial management, monitoring and evaluation.

3 A specific type of program based approach covering a whole sector. This refers to the common approach of implementing a program led by the government under the support of various development partners within a common and joint funding arrangement.

Humanitarian assistance	19.3	2.01	5.3	0.51	47.9	4.69	72.50	2.40
Budget support	8.7	0.91	50.43	4.87	20.45	2.00	79.58	2.64
Project support	522.4	54.42	618.3	59.66	619.2	60.66	1759.90	58.33
Others	26.7	2.78	23.5	2.27	18.19	1.78	68.39	2.27
Total	959.9	100.00	1,036.43	100.00	1,020.73	100.00	3,017.06	100.00

Source: Ministry of Finance, 2014, 2015 and 2016



Source: Ministry of Finance, 2014, 2015 and 2016 (figures rounded)

In FY 2013-14, the modality of assistance based on aid disbursement was not much different. For example, it is seen that US\$ 618.3 million (60 percent) was delivered through project support, US\$ 201.4 million (19 percent) through sector wide approach, US\$ 137.5 million (13 percent) through program support, US\$ 50.43 million (5 percent) through budget support, US\$ 5.3 million (1 percent) through humanitarian assistance, and US\$ 23.5 million (2 percent) through others (Ministry of Finance, 2015, p. viii)

III. Issues of ODA Alignment with the Country System and Democratic Governance

ODA was not aligned with the different development priorities and thematic pillars defined by the government of Nepal under their 13th Plan (2013/14-2015/16)⁴. Over the last three

⁴ The ODA allocation analysis is based on different development pillars/policy clusters as defined in the 13th development plan which are social development, infrastructure development, macro-economic policy and economic development, good governance and human rights, peace building and inclusive development, cross cutting and the ones not aligned with the 13th plan.

fiscal years (2012-13, 2013-14 and 2014-15), 40.55 percent of the total aid flow was disbursed merely to the Social Development pillar, whereas the Infrastructure Development pillar, Macroeconomic Policy and Economic Development pillar and Good Governance and Human Rights pillar received 27.56 percent, 20.88 percent and 4.02 percent, respectively. Meanwhile, 1.61 percent of ODA was not aligned with the Three Year Plan. Moreover, the aid flow by different donors was highly fragmented, increasing transaction costs as well as reducing impacts or results (Ministry of Finance, 2016, p. 18-21).

Table 2
State of ODA alignment with the country's policy and priority

Sectors/pillars	FY 2012-13		FY 2013-14		FY 2014-15		Average of 3 years	
	Amount (million USD)	percent	Amount (million USD)	percent	Amount (million USD)	percent	Total amount (million USD) of 3 FYs	Av. percent disbursement of 3 FYs
Social development	374.6	39.02	399.92	38.58	449.14	44.00	1223.66	40.55
Infrastructure development	266.7	27.78	266.43	25.70	298.58	29.25	831.71	27.56
Macroeconomic and economic development	200.5	20.89	255.25	24.62	174.41	17.09	630.16	20.88
Good governance and human rights	40	4.17	50.58	4.88	30.65	3.00	121.23	4.02
Cross cutting	11.8	1.23	18.12	1.75	24.19	2.37	54.11	1.79
Peace, rehabilitation and inclusive development	44.4	4.63	46.32	4.47	17.08	1.67	107.80	3.57
Not aligned with Three Year Plan (TYP)	22	2.29			26.72	2.62	48.72	1.61
Total	960	100	1,036.62	100	1,020.77	100	3,017.39	100

Source: Ministry of Finance, 2014, 2015 and 2016

The above discussions demonstrates that country system is not fully respected and democratic ownership for aid planning, results-focused aid flows, inclusion and participation, and transparency and accountability on the part of development partners are not satisfactory.

IV. CSOs' Participation from the Perspective of Effective Development

The government as well as its development partners have realized the need for CSO participation in the overall development of the country. There are 254 INGOs (SWC 2016) and 39,759 NGOs (Karkee & Comfort, 2016, pp. 1-2) registered with SWC — that is why a significant amount or about 10 percent of the ODA in FY 2014-15 (Ministry of Finance, 2016, p. 11) was channelled through INGOs (Ministry of Finance, 2014, p. 2, Ministry of Finance, 2016, p. xii).

But, some INGOs are raising funds within the country from earmarked funds of bilateral and multi-lateral agencies. Also, some INGOs are directly working at the local level, which violates international commitments. Their working styles and accountability are becoming issues for debate in the country.

The CSOs active in Nepal complement or supplement the development efforts by the government and other development actors, and are hence considered important partners for positive change. But more importantly, CSOs engage in influencing policy in the national and international arena, monitoring policy and programs/ projects implemented by different actors, and working as a pressure group. They generally subscribe to the framework of the rights-based approach for development, and ask other development actors to follow the same. However, their level of performance and effectiveness in development support, as well as capacity for policy influence, has itself been partly influenced by the factors discussed below.

A. The Legal and Regulatory Framework

Other than the constitution, there are different legal frameworks which regulate the functioning of CSOs in Nepal. Some are quite old, making it difficult for them to accommodate the current needs and aspirations of the civil society, such as the Association Registration Act of 1977 (Association Registration Act 2034) and the Social Welfare Council Act of 1992 (Social Welfare Act 2049). Other, more contemporary laws include the Development Cooperation Policy 2014 (Ministry of Finance, n.d.), and other guidelines which allow both the Nepali and international CSOs to get legal registration and affiliation, and gain access to resources within and outside the country for human rights, humanitarian support, environmental conservation and socio-economic empowerment of the people. Nepali CSOs have to be registered with the respective District Administration Office and get affiliation (though this is not mandatory) with the Social Welfare Council, whereas international CSOs have to enter into mutually binding agreements with the Social Welfare Council, which will grant permission for their activities in the country.

However, these regulatory requirements for CSOs are slowly being tightened. For example, as per the Development Cooperation Policy of 2014, the CSOs are required to submit their project proposals (if supported by foreign organizations) and get endorsement from the Project Analysis and Facilitation Committee coordinated by the Ministry of Women, Children and Social Welfare. The CSOs are also required to coordinate with sectoral Ministries while developing projects. These provisions are very impractical for CSOs (Part-2, clause 2.9). In the meantime, the Development Cooperation Policy Implementation Committee is not inclusive since there is no provision to include representatives from CSOs, although some may be invited on ad hoc basis (Ministry of Finance, 2014, p. 17). The policy has even restricted national CSOs from accessing the resources earmarked by international agencies. Because not-for-profit companies—which have recently been increasing in number and in scale of operations in Nepal—also enjoy equal access to development aid, CSOs become deprived of resources.

Contrary to the spirit of the constitution of Nepal, different guidelines and instructions have been set in place by the government to bar or reduce the independent and uninterrupted functioning of CSOs, and to isolate them from other actors. The government and local authorities are imposing different requirements to fulfill in relation to project and program implementation by CSOs. For instance, provisions that require prior approval from SWC and the Project Analysis and Facilitation Committee (inter-ministerial body coordinated by Ministry of Women, Children and Social Welfare), and the requirements to coordinate with the concerned sectoral ministries by CSOs while prepare project documents are some evidences.

In the meantime, the CSOs are also required to coordinate with and get approval from respective District Development Committees (DDCs) and Village Development Committees (VDCs)/Municipality for the implementation of the approved projects (Ministry of Finance, 2016, p. 5). Other requirements to which all Nepali NGOs must adhere include: consent from the District Administration Office, and reporting back on a regular basis, among others. This increasingly shrinks the space for free functioning of CSOs.

B. Political and Governance Context

In general, the political environment of the country is conducive for civil society. The political environment is a democratic multi-party/pluralistic political system, and a federal republic governance system, conducive to different political ideologies as well as presenting avenues for people's participation. Given that, however, at present there are some problems hindering NGOs in different parts of the country, due to technical barriers created by the smaller political parties and organised groups. Bureaucratic hurdles also impede several CSOs. For example, it was not possible to commence any sort of development activities in Tarai region during the general strikes and border blockades (Sep 2015 to Mar 2016) called by the Madhesh-based regional political groups and their affiliates. Hence, some political parties opposing the current constitution are posing potential threats for smooth operation by the civil society. Similarly, the recent procedures followed by the Social Welfare Council for approving project applications, undertaking monitoring, and the requirement for preparing several reports are taking a significant amount of time away from project implementation.

Due to the absence of elected representatives in the local government bodies for fourteen years, there have been some difficulties experienced by CSOs engaged in improving/strengthening local bodies' governance and implementing grassroots activities. The government has tried to mitigate the representational gap by introducing the concept of a Ward Citizens Forum (WCF), which has been instrumental in supporting the government (especially Ministry of Federal Affairs and Local Development –MoFALD) in inclusive and needs-based planning, implementation and monitoring of the developmental activities. However, they are not strong enough to exert required pressure on the government due to several reasons.

C. Socio-economic and Cultural Context

Nepal is one of 48 Least Developed Countries (LDCs), as defined by the United Nations. About 21.6 percent people of the total population live below the poverty line (Ministry of Finance, 2016, p. 109). However, among the Dalit population, nearly 42 percent of them live below the poverty line (based on the sharing in a high level national dialogue on SDG, 22 Sep., 2016). The GDP of the country is mainly dependent on agriculture and labour remittance. Agriculture contributed 31.6 percent to the GDP in 2014-15 FY (Nepal Sarkar, 2016, p. xiii), which has decreased recently, whereas the contribution of remittance to the GDP during the same FY was about 28 percent of the GDP (Ministry of Finance, 2016).

According to the census of 2011, the total population of the country is 26,494,504. Nepal is a country of diverse ethnicity (125 caste/ethnicities) and multiple dialects, with 123 languages spoken as a mother tongue (Central Bureau of Statistics, 2012, p. 4). This type of diversity also asks for different types of cultural identities. Due, partly, to the political system of the country that lasted until 2006, certain groups had enjoyed relatively more powers and opportunities than the others. Therefore, to promote the status of the groups that had been historically neglected, the current constitution has made special provisions for “positive discrimination” towards the growth and development of neglected groups and cultures.

Even though women outnumber men (the ratio was 94.2 males per 100 women, as per the 2011 census), women are systematically discriminated against, in every aspect of society. Traditionally, the power relationships of women and men are differently constructed. The Dalit, which constitute nearly 14 percent of the population, are another group that has been systematically excluded and marginalised. Another similar case is the people of Madhesi and Janajati (Indigenous peoples) communities that constitute a significant proportion of the population.

Several CSOs, including the members of the respective communities that are organized into formal groups or networks, are mainly concerned with responding to the need for essential services and protecting human rights of those who are marginalized and have little to no access to opportunities.

V. Conclusion and recommendations

This paper illustrates that the ODA flow from the development partners of Nepal has not been aligned with the fundamentals of effective development cooperation, despite a commitment from all partners to respect the principles of effective development.

The government of Nepal has fallen short in spearheading and demanding compliance with the agreed-upon framework for ODA flow. Effective engagement of the government of Nepal with the development partners is thus necessary.

The new policies/guidelines or circulars put forward by the government in terms of mobilizing civil society vis-à-vis ODA are detrimental to the free functioning of CSOs in the country. So, there is an urgent need to enact a civil society bill as per the spirit of the constitution, to facilitate the smooth functioning of civil society.

There is a firm realization that civil society engagement is critical to holding the government and development partners accountable to the people and the constituencies they represent. For this, the appropriate capacity-development of CSOs needs to be undertaken.

CSOs must also be accountable to their respective constituencies (internal as well as external) in terms of mobilizing all available resources, including ODA.

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Nicaragua en route to Strengthen Peace, Free Dialogue and Social Justice

Coordinadora Civil

Luisa Molina and Marilea Reynosa

I. Introduction

Nicaragua is the second poorest country in Latin America, with the greatest territorial extension in the region. It has a population of 6.1 million. 50.6% are women and 42% are young women. About 60% of the population is under 25 years of age, and 51% are of reproductive age (between 15 and 49 years of age).¹

Currently, and until 2025, it will go through a period of demographic transition. Defining a youth investment strategy would be an opportunity to help the country towards development. However, according to the V Regional Report on Central American States, Nicaragua is missing out on this opportunity, since it does not have a development strategy with a national vision formulated and agreed upon by the different development actors in the country.

Achieving development requires the re-establishment of the rule of law and the return to a democratic and institutionalized system, so that the state can impel a development strategy and ensure that development cooperation is more open to collaboration among various sectors. Such moves will be a first step to ending poverty and inequality, and achieving social justice.

Despite various obstacles in Nicaragua hindering the achievement of effective development cooperation, women's organizations, together with the Gender Committee of the *Coordinadora Civil*, are engaged in forging partnerships between international cooperation agencies, governments and the private sector (small and medium enterprises), and in pursuing a dialogue, which allows horizontal relationships with key development actors.

The **Gender Committee of the *Coordinadora Civil* (Civil Coordinator)** has continued to work on actions agreed upon at the Multi-Stakeholder Forum with Better Aid, and follow up the results from regional consultations together with Open Forum, so as to strengthen democratic ownership and other Istanbul Principles² inside the Civil Coordination Office and with different partners.

We have taken into account new, challenging realities such as: political and economic sustainability, encouraging participation and effective mobilization, and developing communication strategies and new channels to forge partnerships and solidarity with development cooperation.

II. The Legal and Regulatory Framework³

There are fears that Nicaragua could be undergoing a total dismantling national institutions since there is no genuine independence of the powers of the State. The legal/regulatory

1 "Managua, Nicaragua: Profile." <http://www.cisas.org.ni/node/103>

2 "FAN1Rome." Civil Society Helpdesk. https://webgate.ec.europa.eu/fpfis/mwikis/aidco/index.php/FAN1_Roma

3 Ambiente habitante para la sociedad civil en Nicaragua- un análisis jurídico-político

reforms in Nicaragua have generally led significant restrictions of political rights and to a less favourable environment for CSOs. Aside from a growing prosecution and criminalisation CSOs are facing tighter and tighter restrictions in accessing cooperation funding, among them the elimination of tax exemptions and the obligation that every funds channelled to CSOs must be approved by the government.

Yet, some improvements in terms of gender perspective legislation can be noted. Since 2007, numerous laws have been passed which aim protect and uphold women's rights: the Law on Equal Rights and Opportunities, which guarantees and promotes equality and equity in the enjoyment of human rights social, civil, political, economic, and cultural differences between men and women; the Ongoing Parental Responsibility Act and Materna, which determines the equal responsibility of the father and mother; the *Ley de Protección a la Familia de Partos Múltiples* (Law on Protection of the Family of Multiple Births); the Law Creating the Purchase Fund for Gender Equality Earth; And Law 779, the Comprehensive Law against violence against women, among others.⁴

Nicaragua is country under a one-party rule and an authoritarian system, with all powers subordinated to the Executive. The original structure of Nicaragua's Constitution (1987) remains intact. Nevertheless, until 2014, twelve (12) partial Amendments have been made as well as two Supreme Court Judgements declaring unconstitutional one of these reforms. These constitutional changes have eroded social rights of citizens, organisations and social sectors, as well as undermining the compliance with agreements and international commitments such as: Paris Agreements, Accra Agenda and Busan agreements⁵, unknown to most stakeholders.

Some examples are the 840 Interoceanic Canal Concession Act; Sovereign Security Act; 181 Act - Code Military Organization, Jurisdiction and Social Welfare; Criminal Code Reform Act, Justice and Fiscal Fairness Act, among other Laws. All of them were amended and some of the articles jeopardize democracy, freedom of speech, social stability and national sovereignty apart from deepening wealth inequalities all of which directly affect citizen participation, CSO and social movements.

Despite this positive legal framework, there are problems in ensuring the development of good practices like promoting the comprehensive development of sectors, small and medium producers, and women producers. The exception is the private sector, which benefited from exonerations under the Justice and Fairness Act.

III. The Economic Context

Official Development Assistance has been key to Nicaragua's relative macroeconomic stability and GDP growth. In the official information on international cooperation from 2002 to 2011, it is remarkable that, despite the downward trend in cooperation compared to official development aid figures in the post-conflict reconstruction era, official development aid in Nicaragua remains one of highest in the world per capita in developing countries⁶.

4 La Voz del Sandinismo. "Government has created legal framework to restore the rights of women." <http://www.lavozdelsandinismo.com/nicaragua/2010-10-20/gobierno-ha-creado-marco-legal-para-restituir-los-derechos-de-las-mujeres>

5 Agencia de Cooperación Internacional de Chile. "4th High-Level Forum on Aid Effectiveness." http://webcache.googleusercontent.com/search?q=cache:http://www.agci.cl/attachments/article/620/busa_foro_eficacia_ayuda.pdf

6 <http://es.slideshare.net/FMaradiaga/la-cooperacin-internacional-en-nicaragua-balances-y-perspectivas-2009201>

The country is still at the top of cooperation strategy agendas in Central America, despite the current international financial crisis, keeping its place in providers' cooperation budgets.

The current government prioritizes partnership and cooperation, as established under the Paris Declaration on Aid Effectiveness.

In this sense, when speaking about international cooperation in Nicaragua, rather than a subject of public policies per se, we are dealing with the country's strategic interests. For instance, poverty alleviation strategies recognize international cooperation as a key component⁷.

External cooperation targeting socioeconomic development and ODA received by Nicaragua in 2015 were higher than they were eight years before, when the Government of Ortega-Murillo began, and since then it has been channeled towards the fight against poverty, according to the BCN (Central Bank of Nicaragua)⁸.

Nevertheless, the prospects that government bodies depict in terms of economic prosperity, state cooperation sustainability, development impact on the commitments in education, healthcare, social, environment, gender equity, and equality remain a far cry from reality on the ground. The massive flow of resources hasn't been adequately allocated in pro-poor investment and as a result poverty levels and inequality remain unusually high to South American average. The gap between the national average income and the average income among indigenous communities is catastrophically high.

This disappointing performance coupled with a notable lack of accountability and weak institutions has apparently led to some "donor fatigue" and aid volume is already starting to decline due to cuts from the Budgetary Support Group, the European Union and the Millennium Challenge Account. International cooperation (United States and Europe) has been affected indeed by the lack of accountability and weak institutions, for example: the case of Petroleos de Venezuela (PDVSA)⁹ with regards to Venezuelan cooperation, an oil commission detected lack of accountability and presented this case in a clear document. TUMARIN is a company of hydroelectric power in Nicaragua, built by Queiros Galvao of Brazil is another example of the lack of transparency of funds Venezuelan cooperation.

In response to a declining bilateral aid from traditional North Providers, the Government of Nicaragua seems to be turning its focus to alternative sources and the country's cooperation matrix now highlights PETROCARIBE¹⁰ protocol and multilateral banks cooperation (IADB, WB). The interests of CSOs are not represented because they are oriented in favor of the so-called ALBA¹¹ companies, which are controlled by the family of the government leader. Government deals with parties and private sector actors are generally promiscuous, detrimental to the national interests and only favourable to favour big businesses, big companies, and transnational companies.

7 Carlos Bernheim. (2014, August). "Lost objetivos del milenio." La Prensa.com <http://www.laprensa.com.ni/2014/08/25/opinion/208981-los-objetivos-del-mile>

8 La Voz del Sandinismo. (2016, May). "Cooperacion externa oreintada al desarrollo socioeconomico de Nicaragua." <http://www.lavozdelsandinismo.com/economia/2016-05-20/cooperacion-externa-orientada-al-desarrollo-socioeconomico-de-nicaragua>

9 PDVSA (Petroleos de Venezuela company, corporation)

10 Initiative by the Government of Venezuela with the aim of creating an alliance that is that the Caribbean countries to buy Venezuelan oil under preferential payment.

11 The Bolivarian Alternative for the Americas (ALBA) is an integration model of the Peoples of the Caribbean and Latin America, created by Comandante Hugo Chavez Frias instead of (FTAA) Free Trade Area of the Americas.

IV. CSOs and Development Effectiveness

The government's approach to development cooperation issues does not reflect the effective recognition of citizens and CSOs as development actors. The development cooperation consultation mechanisms in place in Nicaragua are merely tokenistic and they bring no concrete results: CSOs are barely able to track development cooperation flows and therefore, they have no room to influence the resources allocation.

Whilst Nicaragua is formally a subscriber of the Busan Outcome document, CSOs remain un recognized as relevant players public policymaking together with public institutions, private sector and other development actors. Therefore, the government has itself become the main stumbling block for development effectiveness dialogue in the country. Levels of transparency are so low that CSOs often lack data and information for any substantial analysis and this limitation is a major constraint to policy advocacy engagement.

With the onset of the international economic crisis and the decrease in cooperation funds, a redefinition of cooperation took place due to changes in regional and thematic spheres as well as the emergence of new democracies. The emergence of new post-liberal regional political projects are reshaping the Latin American reality, giving greater relevance to social policy. But the experiences of the ALBA countries have yet to be fully evaluated.

On the other hand, the mechanisms of centralization by the government to be executors of their own resources led to a situation which further aggravated the sustainability of CSOs, because they could no longer compete for those funds on an equal footing with the government.

Since Busan, where participation of companies as a civil society actor able to utilise development cooperation resources was legitimised, government and private sector have been the main funds recipients, resulting in an unfair competition with CSOs which are independent of government and private enterprises, yet have broad experience in social and economic policies. This has resulted in the closure of some independent CSOs that promoted citizenship building, integral development, and citizen participation.

Whilst CSOs are left aside, government and private sector meet and agree on businesses (most of them linked to the President's family) that completely ignore the strategic interests of the country and do not take into account the environment impact. Economic policies benefitting transnational companies have led to environmental deterioration of ecological reserves, including those recognised as national and international heritage sites, such as Bosawas and Indio Maíz. Nicaragua's average temperature rose 0.7 degrees Celsius over the past five years as a result of climate change, the Nicaraguan Institute of Territorial Studies (INITER) has reported. Becoming the country with greater environmental degradation in Central America.

Nicaragua experiences an excessive control in development cooperation which does not allow us to know if the resources are being allocated to tackle the structural causes of poverty and inequalities, the end of corruption, cooperation priorities and control mechanisms put in place by the government.

With regards to government and private sector partnerships, they are agreed upon with no strategic planning behind and without taking into account the ecosystem, affecting water resources (polluted waters), groundwater and soil depletion, and there is not a national strategy in place to use, preserve and collect water in the short or medium-term.

Working with the Committee on the Environment of the *Coordinadora Civil* (Civil Coordinator), composed of volunteers from various territories, we decided to forge a partnership called *Plataforma Nacional por el Agua y la Vida*, where we meet with small and medium producers in order to create, preserve and manage water resources.

V. Conclusions

Agreements, commitments and covenants established and contracted in worldwide summits between civil society, the government, and the private sector have not been fulfilled.

In Nicaragua, the failure to fulfill such agreements means that the goals agreed upon have not been achieved, and the challenges faced by development actors, especially CSOs, have not been overcome. The priorities remain: inclusive multi-stakeholder dialogues; implementation of development planning, programs and strategies to improve development cooperation coordination; greater flexibility in cooperation mechanisms, models and visions; and the recognition by the government of civil society as a key actor in development.

There must be further genuine reflection and analysis of the practice of development cooperation effectiveness in Nicaragua, focused on finding the best ways to reduce poverty and inequality and achieve comprehensive development.

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Status of the Unfinished Business in Nigeria

Africa Network for Environment and Economic Justice (ANEEJ)

Rev. David Ugolor and Leo Atakpu

I. Introduction

The population of the Federal Republic of Nigeria is estimated at 171 million (National Population Commission, n.d.), with an annual growth rate of 3.2 per cent, which provides a potential for the population to double by 2035. Nigeria has a young population base aged 0-15 years old (45 percent) and 15-34 years (30 percent). Women account for 49 per cent of the total population.

The country's economic outlook has been promising, with a steady growth of 7- 8 percent for the period of 2010–2015. Agriculture contributed about 40 percent to the Gross Domestic Product (GDP), and over 60 percent to employment. Other major sectoral contributors to GDP are wholesale and retail trade (19 per cent), and oil and natural gas (15 per cent). Oil and gas revenues account for over 90 per cent of export earnings and 80 per cent of total government revenue. Manufacturing remains poorly developed, contributing less than 5 per cent to GDP in 2011 (National Bureau of Statistics [NBS], 2012).

Despite this economic outlook, its national wealth, and its ranking as the seventh leading oil-producing country in the world, its HDI of 0.459 means it ranks 156th out of 187 countries (UNDP, 2011). Nigerian Vice President Yemi Osinbajo said that 110 million Nigerian live below the poverty line of less than USD1 per day.¹

Nigeria is the largest African contributor to peacekeeping missions. However, Nigeria is hampered by inadequate infrastructure, governance challenges, lack of incentives and policies to promote private sector development, and poor access to quality basic education and health services — these factors threaten progress and fuel public grievances, which amplify political unrest, as well as ethnic and religious tensions. Other factors heighten the risk of escalating unrest: the abovementioned high poverty rate; the large population of unemployed and underemployed youth (42 percent of those between the ages of 15-24); and increased insecurity in the North East as a result of the Boko Haram insurgency.

To bridge the gap in financing its annual budget, Nigeria relies on external aid, particularly now that there is sharp decline in the price of crude oil in the international market. According to the OECD's Aid at a Glance data, the total net official development assistance (ODA) provided to Nigeria by the members of the OECD's Development Assistance Committee (OECD-DAC) in 2014 amounted to US\$2.476 billion, a decline from US\$2.515 billion in 2013, but an increase from US\$1.912 billion in 2012 (OECD, 2016). Despite exiting the Paris and London Debt Club, Nigeria is still dependent on external loans to finance development, particularly in the face of greater challenges of insecurity from Boko Haram and dwindling oil revenues forcing an economic recession, which the government and people are currently grappling with. The country has had to resort to more borrowing to finance its annual budget. Nigeria's public debt stock is put at

¹ The Vice President, Yemi Osinbajo made the disclosure during an event hosted by the President of Ghana, Mr. John Mahama, on Africa and Sustainable Development Goals on the sidelines of the African Union meeting in Kigali, Rwanda (2016). <http://dailypost.ng/2016/07/16/110m-nigerians-are-living-in-poverty-osinbajo/>

US\$61.447 billion, with the external debt rising to US\$11.261 billion, while the local debt stood at US\$48.740 billion, as of June 30, 2016 (Debt Management Office).

Nigeria has been largely tagged as a “corrupt” nation by developed nations.² But ironically, in spite of the Busan commitments, the huge resources of the country that were stolen and stashed in western countries are still being held back. Efforts by the new government under Muhammadu Buhari (which has launched a war on corruption) to repatriate such looted assets, worth billions of dollars, is not yielding the desired results, leaving the commitments largely unrealized.

It is against this background that we attempt in this report to review Overseas Development Assistance to Nigeria with respect to democratic ownership, focus on results, inclusive partnerships, and as transparency and accountability of actors within the premise of Accra Agenda for Action (AAA), Paris Declaration (PD), and the Busan as well as Mexico commitments.

II. Democratic Ownership

A. Shrinking Enabling Environment for Civil Society

On the surface, it does seem that existing laws do not hinder civil society and people’s participation in governance. The democratic space appeared to be opening up, and more laws such as the Fiscal Responsibility Law and the Public Procurement Act which were enacted in 2005 by the Federal Government are being applied by most state governments to promote and entrench good governance practices in the polity.

According to Obiagu C, E. (2015), however, recent developments in the legal regime of non-profit organizations in Nigeria may present severe threats to the operational space and political legitimacy of CSOs. Within the last year, three legislative proposals emerged at the National Assembly, all aimed at increasing the regulatory framework of CSOs and other voluntary entities in the country. Before then, the Presidency established a special office to liaise with CSOs. Similar offices are also established by a number of state governments. The National Assembly, and some State Houses of Assembly, have set up standing legislative committees on CSOs and donor agencies, some of them having direct linkages with CSOs, especially NGOs working on governance, livelihoods and law reform. With a multi-layer registration system for CSOs³, including those working in rural grassroots level, there is an emerging environment of political crowding and institutional suffocation of NGOs in Nigeria.

B. Sexual Orientation and Gender Identity

Nigeria’s criminal and penal codes punish consensual homosexual conduct with up to 14 years in prison. Sharia penal codes in many northern Nigerian states criminalize consensual homosexual conduct with caning, imprisonment, or death by stoning. In March, a court in Nasarawa State sentenced two men to two-year prison terms for having sexual intercourse, and in September an Abuja court sentenced a man to three months in prison for sodomy.

² Nigeria is the 136 least corrupt nation out of 175 countries, according to the 2015 Corruption Perceptions Index reported by Transparency International.

³ CSOs are required to register with the Corporate Affairs Commission, with such extensive documentation and fees as commercial business enterprises. In addition, and unlike businesses, they will also register with relevant state ministries or institutions covering the sector they work. Similar broad tax regimes cover non-profits and private businesses. The National Planning Commission (NPC) which coordinates donors community in Nigeria also carries out its own registration of CSOs that engages the commission. It appears CSOs are more regulated in their corporate and fiscal governance than private businesses, a character of a capital and investment-driven State system.

These pieces of legislations have to a large extent affected Nigeria's ODA from Europe, the United States of America and their allies, particularly in its more critical time of need for aid to combat the Boko Haram insurgency in North East Nigeria (Human Rights Watch, 2013).

The US Assistant Secretary of State for African Affairs said that America would continue to pressure the government of Nigeria as well as other countries to reverse their anti-gay laws, stating: "As a policy, we will continue to press the government of Nigeria as well as other governments who have provided legislation that discriminate against LGBT community⁴."

This explains why the US, the UK, and their allies refused Nigeria an external loan when it was in dire need of funds to combat the Boko Haram insurgency, which had erupted in the northern parts of the country, leaving over 3.3 million Internally Displaced Persons (IDPs) in its wake. That is currently the highest number of IDPs in Africa, which has had dire humanitarian consequences.

Since then, however, the US has provided US\$245 million in ODA to the North East — a move viewed primarily as a face-saving measure to sustain its economic and political interest in Nigeria. The UN, Australia, Norway, Japan, Canada, France, UK, and several other donors have been providing similar relief aid to victims of insurgency.

C. Muzzling of Freedom of Expression and the Media

Civil society and the independent media openly criticize the government and its policies, allowing for robust public debate. Yet, journalists are still subject to arrest and intimidation when reporting on issues implicating Nigeria's political and economic elites.

In September 2016, the international human rights watchdog Amnesty International criticized Nigerian authorities for violating the rights of Nigerians to freedom of peaceful assembly and freedom of expression, as guaranteed by international human rights law and the Nigerian Constitution.

"The escalation in the intimidation of journalists and bloggers over recent months seems to be little more than a barefaced attempt by the Nigerian government to muzzle dissenting voices in the country," said Makmid Kamara, Interim Country Director at Amnesty International Nigeria.

"Alongside the security forces' violent assault on peaceful protesters, this crackdown constitutes a growing threat to human rights enshrined in international law and the Nigerian constitution."

Across Nigeria, people, especially journalists and bloggers, are being arrested merely for expressing critical opinions on both conventional and social media platforms. One recent example is the detention of Jamil Mabai, accused of posting comments on Facebook and Twitter critical of the Katsina state government.

D. Violent Repression of Protests

On September 22, police blocked a peaceful protest by members of the Islamic Movement in Nigeria (IMN) in the capital Abuja. The demonstration called for the release of their leader, Sheikh Ibrahim Al-Zakzaky, who has been in detention without trial since December 2015. Police fired tear gas canisters to disperse the peaceful protest, resulting in some minor injuries.

⁴ Statement was made in July 13, 2015 via a live web chat.

About two weeks earlier, on September 6, police stopped members of the Bring Back Our Girls Movement gathering from marching to Aso Rock Presidential Villa. The protesters were demanding that the government do more to secure the release of Chibok schoolgirls abducted by the Boko Haram over two years ago. The protest was muzzled even though the police had been duly notified of the march. Scores of supporters of Biafran independence remain in detention — many of them since late January — for attempting to hold or participating in peaceful assemblies.

E. Persistence of Aid Conditionality

A significant amount of the ODA-supported projects and programs are still being initiated by donors without taking into consideration the priorities, needs and capabilities of the recipients of such aid. In most cases, donors have the power to set the standards and criteria to be adopted in project execution, and to determine procurement procedures and processes for the evaluation of projects (National Planning Commission, n.d.). Examples are contained in most contract documents for aid for both government and CSOs Nigeria.

Most times, donor assistance was tied to the economic and political interests of the donor countries, which were not necessarily congruent with the interests of Nigerians. Much of the ODA flow to the oil-rich Niger Delta from the US, the UK, and others falls under this category. Also, the recent US\$1 billion Russian aid for the combat against the Boko Haram in North East Nigeria was conditioned on Russia exporting its military equipment and hardware, as well as technical assistance, to Nigeria.⁵ Nigeria accepted the condition because it was in a desperate situation, lacking the resources to fight the Boko Haram, which was in control of three states in North Eastern Nigeria.

F. Problems of Counterpart Funding

In Nigeria, some donor-assisted projects still require counterpart funding both for government and CSOs. These conditions to access aid are becoming more prevalent lately. Even in some cases, because of current macro-economic conditions in Nigeria as a result of the global fall in the price of crude oil (on which Nigeria is dependent), funds are not available when required to complement donor assistance. This hinders drawing on donor funds for the implementation of donor-assisted projects. A typical example is the World Bank-assisted US\$140 million for a Community and Social Development Project (CSDP) in 27 states of Nigeria⁶. With the current economic recession, most benefiting states are unable to meet their counterpart funding obligations, thereby stalling the execution of projects.

III. Results Focus

G. Monitoring of Nigeria's Debt Relief

Nigeria in 2005 secured debt relief from the Paris Club of Debtors and the London Club.

The Office of the Senior Special Assistant to the President on the Millennium Development Goals (OSSAP-MDGs) was charged with establishing a credible monitoring and evaluation (M&E) framework that would track and report on just how debt relief gains were spent. Under the settlement with the Paris Club, the Nigerian Government entered an agreement under

⁵ A World Bank Study indicated that Technical Assistance component of aid represents between one fourth and one third of all external economic assistance to African Countries.

⁶ In order to deepen the intervention of reducing inequality and poverty, the Federal Government sought and obtained another US\$140 million CSDP Additional Financing (AF) which became effective on 7th August, 2015.

which they would 'buy back' a portion of the country's debt with net payments to creditors amounting to US\$12 billion.

A result-based Monitoring and Evaluation framework was put in place to monitor and track the \$1 billion annual debt relief for Nigeria. The mechanism was designed to capture the outputs, outcomes and impacts of debt-relief spending. It not only tagged items in the budget but physically monitored implementation results and outcomes. It provided a robust feedback mechanism on all aspects of the service delivery chain. Under the framework, private sector technical consultants and CSOs provided independent feedback on the implementation of government projects and their impacts on the lives of the poor.⁷ CSOs in Nigeria were part of the design of the Monitoring and Evaluation framework and actually participated in monitoring the MDG projects across the country in its efforts to hold government to account on the debt relief and MDG commitments. The result of this work also formed the basis on which Nigeria's Vision 20:2020 M&E framework, coordinated by the National Planning Commission, was developed (Nigeria MDG, 2015). Also, CSOs were involved in policy advocacy and in direct service delivery,

H. The Negative Impact of Donors' Hidden Agendas

On the surface, most multilateral and bilateral aid targets the reduction of poverty and inequality in Nigeria. But because of issues stemming from donors' hidden agendas, very often development assistance is tied to vested political and economic interests. Aid to the Niger Delta, for instance, is programmed to combat poverty and environmental issues, but the overriding results are aimed at mainstreaming peace in the region so that multi-national oil companies can move in to extract crude oil both onshore and offshore. Companies such as Shell and Halliburton even operate against known international laws and best practices, often in collusion with Nigerian officials. They violate Nigeria's environmental law through practices such as gas flaring, despite development assistance supposedly targeted at ending environmental pollution in the region.

IV. Inclusive Partnerships

A. Improved Partnerships

In 2011, the Busan Partnership for Development Effectiveness agreed on a framework for development cooperation that embraces traditional donors, South-South cooperation, the BRICS bloc (Brazil, Russia, India, China and South Africa), CSOs, and private funders. It further emphasized the principles of ownership of development priorities by developing countries, a focus on results, inclusive development partnerships, and transparency and accountability to each other.

In Nigeria, CSOs have been included in most partnership activities that involve government and the donor community, which is a positive development. Increasingly, all tiers of the Nigerian government are beginning to include civil society in their development programs and agendas. In the European Union-assisted strategic development plan for the water sector in the Edo and Delta States, between 2014-2015, CSOs were present at both the drafting and conclusion stages. The Society for Water and Sanitation (NEWSAN) represented CSOs in the forums.⁸ The policies being developed are anchored on Nigeria's Vision 20:2020 program.

⁷ Africa Network for Environment and Economic Justice (ANEJ) was part of the CSOs monitoring team.

⁸ NEWSAN is a coalition of over 300 NGOs working in Water and Sanitation sector.

Case in Point 1

The Donors' Share of Responsibility in the Fight against Corruption: Poor Response to Nigeria's campaign for Repatriation of its Stolen Assets

Around 30 trillion Naira in Nigerian resources (equivalent to around 95 million USD) has been looted by politicians, public officers, and their collaborators over the past three decades. Much of the looted assets are stashed in secret offshore destinations and in the vaults of Western banks. Since the death of General Sani Abacha in 2004 — Abacha is believed to have stolen over US\$4.3 billion — Switzerland has repatriated close to US\$1 billion to the country; but a huge chunk of his loot is still stashed in Switzerland, the US, and other offshore destinations. Nigerian CSOs led by the Africa Network for Environment and Economic Justice (ANEEJ) have been campaigning since 1998 for the repatriation of all Nigeria's looted assets, stashed in secret destinations in offshore and other Western jurisdictions, to finance development. ANEEJ popularized the "it takes two to tango" theory in the global war against corruption.

Development agencies have made international commitments to combat corruption and recover the proceeds of corruption at the Third High-Level Forum on Aid Effectiveness: Accra Agenda for Action, held in Accra (2008); and the Fourth High-Level Forum on Aid Effectiveness: Partnership for Effective Development Co-operation, held in Busan (2011). The Nigerian government and CSOs took up the gauntlet of campaigning and calling on powerful nations and development agencies to meet their commitments. In August 2016, the UK signed a Memorandum of Understanding (MoU) with the Nigerian government for the repatriation of the country's looted assets. The British minister stressed that 40 jurisdictions, including British Overseas Territories and Crown Dependencies, have stated that they would automatically share beneficial ownership information relating to companies, trusts, foundations and other relevant entities and legal arrangements. However, nothing more has happened since then.

According to Larisa Gray, et al (2014), between 2010 and 2012, looted assets were frozen or returned to 15 developing countries, including Nigeria, which comprised 80 percent of the total value of assets frozen and returned by the OECD countries. About US\$168.11 million was repatriated to the countries — this amount is a drop in the ocean compared to the huge fortune frittered away from Nigeria alone, according to co-chairs of the Jubilee Movement Nigeria, Mr. Emeka Ogazi and Rev. David Ugolor⁹. A review of how far the OECD countries have implemented the AAA found that "many donor countries have no criminal convictions for foreign bribery. Seventeen of the thirty OECD donor countries reviewed had not obtained a criminal conviction or acquittal in a bribery case against an individual or entity between the time" (OECD & WB, 2011).

V. Transparency and Accountability

A. Deceptions by Donors and Recipients

Thomas Carothers (2014) notes that four key principles—accountability, transparency, participation, and inclusion — have in recent years become nearly universal features of the policy statements and programs of international development organizations. Yet this apparently widespread new consensus is deceptive: behind the ringing declarations lie fundamental fissures over the value and application of these concepts. This applies to both donors and recipients.

Many developing country governments, including Nigeria, have rhetorically embraced the value of accountability, transparency, participation, and inclusion, and have joined international initiatives aimed at furthering these principles. However, the political will to translate such commitments into substantive political reform is often lacking. Some governments remain fiercely opposed to incorporating these principles into the international development agenda, viewing them as entry points for illegitimate political meddling. Even when they do, they are observed more in a breach than in obedience.

⁹ Interview conducted with Mr. Emeka Ogazi co-chair of Nigeria's Jubilee Movement which vigorously campaigned for debt cancellation for Nigeria. Ugolor is also chair of Nigerian Network on Stolen Assets (NNSA) that monitored the repatriated \$500 million Abacha loot from Switzerland. www.aneej.org

Recently, the Nigerian government signed up to the Open Government Partnership (OGP),¹⁰ and expectations are high among development actors in the country that government should demonstrate its commitment in more concrete terms. Already, some donors such as the UNDP are supporting CSOs such as ANEEJ¹¹ in engaging with the Federal Government on its commitment to the OGP. Some key institutions such as the Bureau for Public Partnership (BPP) and the Niger Delta Development Commission (NDDC) are blazing the trail for OGP implementation in the country, with CSOs engaged in the process. Nigeria, however, does not have a space where citizens can access data regarding total foreign aid received annually, and how that aid was spent. Even when officials of NPC were asked, no information was made available.

B. Revelation of IATA Data about DFID Aid to Nigeria.

The International Aid Transparency Initiative is a political agreement by the world's major donors — including international banks, private foundations, and NGOs — on a common way to publish aid information. It also defines a technical standard for exactly how that information should be published.

So far, 29 donors representing 74 percent of Official Development Finance (ODF) have committed to publishing to IATI. A further 13 donors representing 45 percent of ODF have already published, and 12 NGOs and foundations have published their own data.

Guto Ifan (2014) revealed how data from the IATI presents a more detailed picture of spending in important sectors, such as education, in Nigeria. In 2012, the DFID invested £28 million of aid in the Nigerian education sector. While IATI and the OECD Creditor Reporting System (CRS) have the same overall total, IATI reveals spending within several sub-sectors — a very different picture from the CRS.

From Guto's account: "IATI breaks the £28 million down further into sub-sectors: educational facilities and training account for £3.0 million (11 percent), teacher training for £2.9 million (10 percent), as well as educational research, basic life skills for youth and adults, and secondary education. The share of aid going to 'education policy & administrative management' is under a third (29 percent) in IATI, compared with 73 percent in the CRS, while it rises for primary education from 27 to 39 percent."

The difference is even starker at the project level. For example, a £20 million project reported to the CRS under the single sub-sector 'education policy & administrative management' is broken down into 6 components in IATI.¹²

"IATI reveals a clearer picture of donor aid spending in key sectors and important sub-sectors, such as teacher training and education facilities, that are not shown in CRS records. This new, more detailed information will improve policy-making, for example by identifying underfunded areas, and enable better decisions," according to Guto.

C. Strengthening the Accountability of Development Actors

Corruption, impunity, and lack of accountability have been major governance challenges in Nigeria, with far-reaching impacts on access to and quality of public services, the well-being of Nigerians, and development in the country (MacArthur & MacArthur, 2016).

¹⁰ OGP was launched in 2011 to provide an international platform for domestic reformers committed to making their governments more open, accountable, and responsive to citizens. Since then, OGP has grown from 8 countries to the 70 participating countries. participating countries' government and civil society are working together to develop and implement ambitious open government reforms

¹¹ ANEEJ is a Civil Society Organisation in Nigeria working on development effectiveness

¹² DI calculations based on the IATI data store and the OECD Creditor Reporting System database

Having campaigned on a promise to tackle corruption, Muhammadu Buhari was elected President of Nigeria in 2015. This opened a new window of opportunity for donors to lend support to Nigerian-led efforts to reduce corruption in the country. In collaboration with a wide range of stakeholders (from civil society, government, and academia in Nigeria), the Mac Arthur Foundation, United Nations Development Programme, Department for International Development (DFID), United States Agency for International Development (USAID) and a host of the donor community in Nigeria developed a two-pronged strategy to build on and bolster momentum to strengthen accountability and reduce corruption. The donors' aim is to support Nigerian efforts to advance a movement toward transparency, accountability, and improved quality of life for Nigerians. The Nigerian government and CSOs are working closely with these donors to achieve greater accountability. Donors such as the European Union are increasingly supporting CSOs working on anti-corruption issues and helping to strengthen government's anti-corruption agencies through capacity-building, and through the provision of support to the Attorney General in the enactment of laws to improve Nigeria's enforcement of United Nations Convention Against Corruption (UNCAC) and other anti-corruption legislation.

VI. Conclusion

Nigeria is a resource-rich but poor country, currently experiencing economic recession as a result of multi-faceted problems. Consequently, it is a donor-recipient country, committed to principles of Paris Declaration on Aid Effectiveness, the Accra Agenda for Action, and the Busan Declarations on Development Effectiveness. In spite of these commitments, CSOs and journalists are experiencing a shrinking space for free expression, as human rights of citizens are being violated by the Nigerian government. Also, development assistance to Nigeria is still donor-driven and premised on conditionality. There are some results for aid delivery, even though donors are still not transparent and accountable as they committed. It is against this backdrop that this study puts forward several recommendations for better aid delivery and utilization.

VII. Recommendations

Given numerous challenges and current economic recession faced by Nigeria, donors should increase the quantity and quality of aid to the country, to enable Nigeria to combat insurgency, rebuild the North East, and overcome recession.

Despite all the criticisms leveled at ODA, the international community keeps insisting on the necessity of maintaining or increasing the volume of development aid. They recognize that results fall short of expectations and that there is a very real need to improve the yield and effectiveness of aid. As such, this study presents the following recommendations:

- ODA must be coordinated or harmonized in Nigeria through an administrative framework that has a clearly identifiable focal point. In this regard, one coordinating body and one monitoring and evaluation system at the highest level of government should be put in place. This is consistent with the ownership and leadership principles contained in the Paris Declaration.
- The Nigerian government should sustain the current reforms in the various sectors of the economy to encourage the inflow of foreign aid. The reforms are based on the need to encourage rapid growth and development, and to reverse the negative effects of foreign aid.
- Donors should improve aid predictability by using a multi-year framework for future aid commitments and providing information to Nigeria and other recipient countries on the future path of aid disbursements.

- Donors should walk the talk by untying aid to Nigeria. The OECD and other developed countries should gather data on the various means to return looted assets, including criminal and non-conviction based confiscation, administrative confiscation, private civil actions, or other forms of direct recovery. Statistics on cases and information on laws and results should be publicly available and accessible at a central location, such as a website.
- In line with the Busan commitments, donor countries should ensure criminal convictions for foreign bribery and harboring of developing countries' looted assets. Tracing, tracking and repatriation of looted assets should be given accelerated attention and not bogged down with legal complications by harboring countries, as is currently being experienced by Nigeria. Switzerland, UK and US should urgently repatriate all looted assets in their countries for the Nigerian government to finance development, while ensuring civil society participation in every step of the repatriation process.

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For Palestinians, All Donor Commitments are ‘Unfinished Business’

Aid Watch Palestine

Nora Lester Murad

I. Introduction

Global commitments to international aid reform, including the Rome Declaration on Harmonization (2003) through the Busan Partnership for Effective Development Cooperation (2011), have in no way challenged the donor community's politicized approach to Palestinian development. The Oslo Accords (1993) and the Paris Protocol (1994) established a hegemonic paradigm within which all “development” takes place. Western donors fund only work that advances or is consistent with the two-state solution: the ends justify the means. Western and west-affiliated governments use their aid programs to entrench their political objectives, even when there is blatant contradiction with principles like local ownership and mutual accountability that are enshrined in global commitments. There is still essentially no space for engagement with alternative paradigms even in 2016, fully seventeen years after the planned expiration of the Oslo peace process and despite overwhelming evidence of its failure. These observations are consistent with the 2015 Palestine report that noted the historical importance of civil society and the increasing constrained space in which it operates (CSO Partnership, 2015).

Aid is a significant variable in the Palestinian economy representing up to 46 percent of GDP in some years. Dependency on aid controlled by politically-motivated donors decreases Palestinian control of development in ways not unlike the Israeli occupation itself. In fact, Palestinian aid critics say that international aid actually undermines genuine Palestinian development — directly, by controlling development resources; and indirectly, by enabling Israel to maintain its occupation, colonization and dispossession of Palestinians. This not only contradicts normative global commitments on aid and development effectiveness but, it can be argued, contradict the far stronger obligations these donors have to comply with customary international law enshrined in the Geneva Conventions and strong global instruments designed to promote peace and human rights. One danger of relying on normative commitments is that principles may be reframed as best practices (e.g., transparency) rather than as rights (e.g., Right to Information), thus making rights claiming more difficult

On the other hand, to the extent that the global aid reform commitments suggest a new political will to change relationships between donor and recipient countries, they represent a valuable opportunity: context-sensitive aid; ending policy conditionality; addressing predictability of aid flows; stronger transparency and accountability; and more inclusive involvement of civil society. In Palestine, however, the actual impact of these global commitments appears cosmetic at best. In many cases, local experts note regression in key areas. Global commitments to aid reform are not visible in the discourse of donors or the Palestinian Authority (PA). Palestinian civil society also does not leverage the global commitments in any strategic or concerted way to demand accountability.

II. Local Context Analysis

The Fragile States Principles enshrined in the New Deal for Effective Engagement in Fragile States (2011) call upon international donors to adapt their development interventions in

response to local conflict analysis and to respond to local agendas. Despite this, Palestinian priorities of unity (including reconciliation between Fatah and Hamas), an end to the Israeli occupation, and realization of the rights of refugees are either considered “off limits” by donors or are explicitly boycotted for political reasons.

Case in Point

Palestinian Political Prisoners

Israel considers all political prisoners and their families to be terrorists. In Palestinian society, however, there is consensus that prisoners are integral to Palestinian society and the national struggle, and that they and their families deserve support. In the past, the Palestinian Authority (PA) provided living stipends to political prisoners through the Ministry of Prisoner Affairs. In 2014 the PA moved the responsibility for prisoner support to a department of the PLO, which is not funded by international donors. This institutional arrangement allows Palestinian leaders to show support for prisoners while allowing international donors to withhold their support in response to Israeli pressure.

Although international actors produce analysis concluding that sustainable development in Palestine is impossible unless Israeli occupation restrictions are lifted (UNCTAD, 2016; World Bank, 2013), these same actors retreat from responsibility for funding effective Palestinian rights-claiming from Israel, the PA, or international actors themselves. Instead, they hide behind a forged distinction between “aid actors,” who intervene technically, and “governments,” who intervene politically (Springer, 2015, p. 12). While there are some differences among donors and some shifts over time, it is the same governments that fail to hold Israel and the PA accountable, providing “aid” intended to compensate for Israel’s harm while persisting in the enforcement of aid restrictions that entrench rather than challenge continued Palestinian vulnerability (Murad, 2014).

A. Do No Harm to Israel

In the context of conflict, the principle of Do No Harm is based on international consensus that aid flows should not exacerbate or prolong conflict. Do No Harm is also considered critical to statebuilding (OECD, 2010). In the Palestinian context, donors prioritize their own political objective of stability over achievement of Palestinian rights and development. Western donors attempt to politically depoliticize aid by using it as a technical tool to address only the consequences of conflict and not the root causes, thus prolonging conflict.

One example of harmful de-politicization that serves Israeli occupation interests is the diversion of development aid to humanitarian aid. For example, Palestinians in Area C of the West Bank live on top of their own water resources, but are prevented by Israel from drilling wells to access their own natural resources. Instead of funding wells or rights-claiming, the majority of donors in the water sector fund the tankering of water (purchased from Israel) into affected Palestinian communities. This keeps Palestinians dependent and vulnerable to the constant threat of displacement. While humanitarian aid is appropriate for short-term crisis situations, Palestinians have frequently seen it used as a political intervention.

Case in Point:

2006 Palestinian Elections

In 2006, after democratic elections in 2006 resulted in a Hamas win in the Palestinian parliament, there was a near total boycott of the Palestinian Authority (PA) by donors. This had a widespread effect on the Palestinian population, since an estimated 6-7 people subsist on the salary of each PA employee. After a period of reassessment, donor aid that year actually increased

over previous years. It was redesigned as humanitarian rather than development aid and diverted through international organizations over which donors had more direct control. Over time, donors built parallel institutions to enable them to directly control aid (e.g., Temporary International Mechanism; PEGASE), and predictability increased. In this way, predictability of aid is directly linked to political conditionality.

Although the occupying power, Israel, is legally obligated to provide for the wellbeing of the Palestinians in the West Bank and Gaza Strip, donors are now providing aid directly, relieving Israel of the political and financial burdens of occupation, and contracting many logistical aspects of occupation to the aid-funded PA. Moreover, there are virtually no accountability mechanisms that enable Palestinians to influence Israel, the Palestinian Authority, the United Nations, donors, or other international actors.

Case in Point:

The Gaza Reconstruction Mechanism

The Gaza Reconstruction Mechanism is a UN effort to enable entry of construction materials into Gaza without challenging the Israeli blockade. Many civil society actors and a recently leaked legal analysis deem the Gaza Reconstruction Mechanism a tool for the implementation of the blockade on behalf of the Government of Israel, which effectively implicates the UN and international donor governments in the collective punishment of Palestinians through the illegal blockade. Moreover, the Gaza Reconstruction Mechanism grants Israel veto power over virtually all aspects of the agreement, including the right to individually approve or reject beneficiaries of construction materials using political rather than needs-based criteria.

In addition, donors restrict how aid can or cannot be used to hold Israel accountable; any Palestinian governmental or civil society body that departs from the donor-sanctioned political line will not be funded. This has dramatically increased internal conflict within Palestinian society, as donor-sanctioned actors are enriched by aid while those out of favor are demonized.

To protect the two-state ideal, Western governments require a local partner who can implement their conditions. The Palestinian Authority (PA) has played that role. As long as it continues security coordination with Israel and prevents a Palestinian uprising, Western donors treat the PA as a partner government, despite the fact that it has not held elections for ten years. The PA demonstrates no accountability to the Palestinian people, and lacks both a legal and political basis for credibility. One mechanism granted to the PA in order to entice local compliance is jobs — low-paid jobs with the PA or jobs funded by international aid ensure that Palestinians have just enough income so they have something to lose should the existing system be threatened. This is neither a peace-building approach nor a developmental approach; it trades away Palestinian rights in order to protect Israel.

B. Absolute Policy Conditionality

Policy conditionality in Palestine has features common to other aid dependent contexts, and features that are unique. Starting in the early 2000s, ODA for budget support was made conditional on economic, political and institutional reform influenced both by World Bank neoliberalism (Tartir & Wildeman, 2012) and the two-state paradigm. These include, as stated before, a focus on the state-building agenda at the expense of the peace-building agenda. Two other interrelated conditionalities are prominent in donor policy: the exclusion of Hamas and other Islamic actors, framed in terms of “anti-terrorism”; and the protection of Israel’s image as both a Jewish and democratic state.

Not only did donors sideline Hamas after their parliamentary win in democratic elections, but they conditioned aid to the PA on the requirement that they do so too. This conditionality violates principles of neutrality and impartiality, and perpetuates internal conflict. Such moves evince the political rather than developmental motivations of donor governments. They have sometimes blamed lack of Palestinian unity for the lack of peace; yet at other times, when unity was achieved and Hamas was brought into the governing institutions, these donor governments boycotted or threatened to boycott the Palestinian Authority.

Threats of withholding aid are not uncommon, especially from the United States. After Palestine was admitted to UNESCO in October 2011, the US withheld aid to Palestine and also to UNESCO. A 1990 law prohibits funding for any UN agency that accords the Palestine Liberation Organization (PLO) the same standing as a member state (Lynch, 2015). A second law passed in 1994 expands the prohibition of funding to any UN affiliated organization that “grants full members as a state to any organization or group that does not have the internationally recognized attributes of statehood” (Quoted in Lynch, 2015). This explicit political conditionality was intended to halt efforts by the PLO to extend influence in international organizations. The US and others threatened the PA with financial sanctions in response to the Palestinian pursuit of statehood. Local experts point out that international donor opposition to Palestine’s statehood bid exposes the insincerity of the donors’ touted state-building agenda.

Local experts believe, however, that it is not in the interests of any of the parties in power – Israel, the Palestinian Authority, the United Nations and the donors – for the Palestinian Authority to collapse. Therefore, these moves can be seen as implicit orders for policy compliance rather than as serious threats. For example, many donors opposed Palestine’s joining of the International Criminal Court (ICC), but they did not halt aid in response. Instead, donors such as the US and UK are concentrating on using their leverage to limit Palestine’s operating space within the ICC.

The target of 0.7 percent Gross National Income for Overseas Development Assistance is one of the oldest global commitments, and there is widespread agreement on the need for an increase in the amount and predictability of aid. In Palestine, aid has always been unpredictable and for several years has been steadily decreasing (UNCTAD, 2016). Donors also bear some responsibility for the unpredictability of tax revenues delivered by Israel to the PA in accordance with the Paris Protocol; clearance revenues account for about three-quarters of the PA budget (UNCTAD, 2016). Israel has withheld payment of the clearance revenues owed to the PA on multiple occasions — for example, Israel denied payment for the first four months of 2015 to punish the PA for joining the ICC. While some donors call rhetorically upon Israel to resume payments, no donor has acted decisively and effectively to hold Israel to account for undermining the Palestinian economy; nor are donors willing to reconsider the financial arrangements that keep the Palestinian economy subservient to Israeli political and economic interests.

Political conditionality couched in the framework of “anti-terrorism” affects Palestinian civil society as well. Local experts say that hundreds of grassroots social organizations were closed without due process by the PA in recent years because of these CSOs’ perceived affiliation with “undesirable” groups, despite the fact that these groups were not involved in any violent or illegal activity. Anti-terrorism policies also influence contractual relations between many donors and their civil society grantees. The Palestinian NGO Network launched a boycott of USAID for this type of political conditionality, and while some still reject USAID funding, civil society is not cohesive enough to ensure a level of compliance that could significantly affect USAID policy.

More recently, there are rumors that donors are refusing to fund any organization that works on Boycott, Divestment and Sanctions (BDS); in some cases, they simply prohibit their funding from being used to support BDS activities. Their justification is that they don't support a boycott of Israel. BDS proponents point out the inconsistency in this approach —although international donors say they don't want violence, when there is broad Palestinian support for a non-violent strategy, they boycott it, offering no willingness to engage in constructive debate around options. More recently, anti-BDS policies are being legislated in national parliaments, taking pressure off of donors and resulting in even more limited policy spaces in which Palestinians can seek justice.

C. Manipulation of Democratic Ownership

While global commitments stress the importance of local democratic ownership and call for donor responsiveness to local leadership (GPEDC, 2014), in Palestine “democratic ownership” is clearly manipulated. Donors claim to be responding to local leadership by partnering with the PA, but the current PA leadership has no legal or political mandate. The PA acknowledges increases in joint planning with the European Union in response to global commitments, but civil society criticizes these planning processes as seriously flawed in outcome and process.

As demanded by donors, PA plans accept the Israeli occupation as a constraint to work within, rather than a treating it as a policy target. Civil society is often excluded from planning processes or included only in limited and tokenistic ways. Moreover, there is no public accountability. For example, important reports used for resource allocation — such as the Detailed Needs Assessment and Recovery Framework for Gaza Reconstruction (Ministerial Committee for the Reconstruction of Gaza, 2015) — are written in English and never published in Arabic, essentially ensuring non-transparency, as the language is inaccessible to much of the Palestinian public. In fact, important positions within the Palestinian Authority are frequently filled through *secondment*, or mere assignment to positions, by an international organization. These positions often have direct and indirect public policy making authority, although the position holders are legally employed by and accountable to their international employer and are in no way accountable to the Palestinian people.

Case in Point Uneven Aid Policies

Palestinians frame their cause as a people, but donors contribute to the fragmentation of the Palestinian people by treating each part of the community differently. Aid policies are applied differently to Palestinians in the West Bank, in Jerusalem, inside Israel, in the Gaza Strip, in refugee camps, and in the diaspora. Even within the West Bank, donors treat Palestinians in areas A, B and C differently, making unified community work complicated, and further weakening the Palestinians' social and political capacity to claim their rights.

D. Manipulation of Transparency and Accountability

Despite the prominence of aid transparency rhetoric in global aid reform discourse, inadequate transparency in aid-related information is evident at multiple levels in Palestine. The PA's centralized aid database — the Development Assistance and Reform Platform (DARP), which is intended to ensure that the PA has data it needs to coordinate aid flows around its agenda — is incomplete. Some donors don't use it at all, and most of the information is lacking in detail, even five years after its launching. Meanwhile, civil society actors simply don't have access to accurate information about how much aid is coming to Palestine, where it comes from, and how it is spent.

Case in Point:**Incomplete and Incomparable Data**

Civil society actors wishing to use aid data for accountability purposes cannot be confident about the accuracy and completeness of publicly available data. For example, d-Portal (d-portal.org), an interface for data submitted in compliance with the International Aid Transparency Initiative (IATI), reports US\$1.5 billion in aid to Palestine in 2015. This includes a category called “General Budget Support” that is listed at US\$30 million. (The detail for this category, however, includes items that do not seem to fit the classification.) Meanwhile, the World Bank released its Economic Monitoring Report to the Ad Hoc Liaison Committee which reports US\$709 million in donor-funded budget support in 2015. A third source of data is DARP (<http://darp.pna.ps/>), the Palestinian Authority’s aid database, and it does not list any budget support after 2013. The OECD also maintains a development aid database at <http://www.oecd.org/statistics/datalab/oda-recipient-sector.htm>, but budget support isn’t specified. Researchers and advocates interested in investigating budget support, or any other aspect of aid, do not have a publicly available source of reliable data.

Some aspects of this lack of transparency are built into poor data collection and reporting practices. For example, the 2014 OECD list of top ODA donors to Palestine included the United States, followed by EU Institutions, and then UNRWA. However, UNRWA is not a donor, it is a recipient of donor funds. Therefore, there is funding from both the US and EU incorporated into the UNRWA figure, but not reported transparently by this source. Similarly, the UK and Germany are listed separately, but they are likely included in the figure reported by EU institutions.

Near-exclusive publication of aid information in English is another way that aid is not transparent to the Palestinian public, making it difficult or even impossible for Palestinian civil society to hold either the PA, the UN, or specific donors accountable. The Palestinian public is often unaware of development projects until after they are funded, and sometimes after they are already underway. This lack of transparency and lack of public involvement in development is one reason why the Civic Coalition for the Monitoring of the Reconstruction of Gaza was formed. Nearly 100 grassroots organizations, including ones representing the interests of internally displaced people (IDPs), came together after the 2014 Israeli attack to demand information and provide input regarding reconstruction and development activities.

Aid accountability projects are extremely rare. When donors fund accountability projects, they are almost exclusively framed in terms of “social accountability.” Such activities actually strengthen the legitimacy of the PA by directing the public’s accountability efforts to the PA’s own role. At the same time, these projects direct attention away from Israel as the true power holder. International organizations (e.g., UN, World Bank, donors, INGOs) generally escape Palestinian public scrutiny and fail to comply with even basic accountability obligations.

Case in Point:**Mechanisms for Community Feedback**

Aid Watch Palestine became aware of complaints from community members in Gaza whose homes were destroyed in the 2014 attack and who were not satisfied with the response they got from humanitarian actors. Trying to help these beneficiaries to express their opinions was not easy because many actors did not have clear complaints and response mechanisms, despite being required to do so by the Core Humanitarian Standard. Aid Watch Palestine subsequently tried to publish a directory of complaints and response mechanisms, but most aid actors were not cooperative. Of the 35 aid actors contacted, only 11 (31 percent) had a formal complaints process; 17 did not have a formal complaints process; and 7 did not reply despite several attempts to contact them. The processes varied greatly, with two having elaborated processes to collect and analyse feedback on a global scale. Virtually no one was proactive in seeking, analysing and responding to feedback from Palestinian beneficiaries in an ongoing way.

E. Civil Society Disinterest

Since there was never any real possibility that the global commitments could have anything but cosmetic influence on Palestinian development, it is not surprising that few Palestinians seem to be monitoring the global aid reform process. There was only one evaluation ever done by the PA about the Paris Declaration (Ministry of Planning, 2012). It was based on data from 2010 and was never even translated into Arabic. Palestinian civil society participation between the third and fourth high level forums was coordinated by the Palestinian NGO Network, but they are no longer following up on the global commitments. Even the donors do not seem to reference the global commitments on a regular basis, except for the issue of gender, which is frequently mentioned by all sectors. For example, the Palestinian Ministry of Women's Affairs now participates in all the donor sector working groups in the coordination structure in order to mainstream gender sensitivity.

Civil society disinterest is often blamed for their lack of participation in aid reform processes. In truth, since the PA's mandate, priorities and systems are pre-determined by donors, there is little space for genuine input from CSOs. Civil society fails to hold the PA to account, and neither civil society nor the PA hold donors to account. Nor does anyone hold Israel accountable.

III. Ways Forward

Palestinian civil society might be served by more actively exchanging information and collectively strategizing with civil society actors in other aid-dependent contexts. This would assist in distinguishing what aspects of aid distortion are unique to Palestine and which are universal, and what opportunities might exist to cooperate to expose the universally experienced distortions in the aid system.

As for the global commitments expressed in the four high level forums and related international events and declarations, it does not seem that the benefits from participation are sufficient to justify the cost in time and effort required to be a player. There are also pockets of activists who seek to expose and reframe the "development" paradigm from without, asking fundamental questions about the assumptions embedded in "development" work. Palestinians may find that most of their power in relation to donors does not lie in efforts to influence their policy, but rather in another option Palestinians have: to simply refuse to play on donors' terms.

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Case Study on Strengthening the Mechanisms for an Enabling Environment for CSOs in Papua New Guinea

Papua New Guinea Education Action Network (PEAN)

Priscilla Kare

I. Background

In 2010, a proposal was made by the civil society organizations at the regional consultative implementation and monitoring council (CIMC) meeting to develop a Government-CSO Partnership Policy Framework. The CIMC is a government-initiated policy dialogue platform, whereby civil society, the private sector, and the government discuss policy development and financing issues related to socio-economic and political priorities in the country.

The proposed partnership initiative was made on the basis that the PNG government had no significant presence in the rural remote areas of the country — hence, CSOs in the form of NGOs, CBOs, and FBOs took on the role of bringing in community development in various ways, using their own network systems. Papua New Guinea faces development challenges due to language barriers, geographical divides, and a lack of infrastructure such as roads, bridges, and communication facilities. A government-CSO partnership is therefore vital to development effectiveness, as the PNG government alone cannot deliver services. The proposal to initiate a partnership between CSOs and the Government informed the processes for a policy to engage the parties.

A technical working group (TWG) was formed to develop the proposal and funding mechanisms as directed by the Minister for National Planning and Monitoring. The civil society knows that despite the validity and the added value this policy will have for national development, it will take many years before it is realized. This is the sixth year of waiting for an affirmative action on this policy.

II. Context

A. Legal and Regulatory Framework in PNG

The Association Act of 1987 allows for all organizations to register the nature of their business with the PNG Investment Promotion Authority. Registration of all types of companies and associations is required by law and applies to every group or association; hence there is no discrimination against those who want to register their interest as a group. Certain interest-groups are not allowed to register according to the laws of PNG, such as the LGST, sex-workers, or religious cult movements.

B. The Political Environment

The National Constitution of PNG allows for freedom of speech, freedom of association, and freedom of movement, therefore civil society is at liberty to conduct their forums and associations and have the freedom to speak against works of the Government that are not in the interest of the people; however, in 2015 there was a major political impasse that enabled the Government of PNG to restrict certain advocacy groups that were against the government's lack of leadership. CSOs felt restricted when the police was called to intervene at a proposed forum¹.

In the last three years there have been two major political impasses: one on the vote of no confidence by the current prime minister on the former prime minister immediately after the national election in 2012, and the other, a recent constitutional impasse related to a series of investigations involving the current prime minister in which the citizens demanded for him to step aside to clear the allegations once and for all. CSOs reacted, but not in a coordinated manner, due mainly to lack of leadership.

C. Governance Context

The Government-CSOs Partnership Policy Framework² in Papua New Guinea (PNG) is yet to be implemented by the current government six years after its inception. We have come to the threshold of the next national elections, and with it comes the obvious danger that this Partnership Policy will not be pursued by the new administration. The Partnership Policy underpins the global policies agreed upon by all governments, which establish the importance of civil society as a development partner. The last two decades have paved the way for CSO inclusion in the development debate through Rome Declaration on Harmonization³, Paris Declaration, Accra Agenda for Action and recently the adoption of the Busan Principles 2011.

During the post-2015 discussions, the relevant government departments coordinated certain policy issues⁴ relevant to addressing the sustainable development through consultation with civil society organizations. They included mechanisms for service delivery and foreign aid, data management and monitoring, and evaluation at country level.

Civil society members felt 'used' by Government without proper consultative processes in place such as an memorandum of understanding (MoU), memorandum of agreement (MoA), or a national level ratification of global principles such as the Busan Principles⁵.

D. Sociocultural Context

PNG shares border with Indonesia to the west, Australia to the south, and the Marianas in the Northern Pacific. It has over 400 sq. miles of land made up of 8 million people with different ethnic origins and speaks over 800 different languages. The nation is divided by regions due to the ethnic influences; highlands, southern, northern and islands. There are no similarities in cultures and languages.

There are some similarities in the languages and cultures of the Pacific as people migrated over the 19th century into the neighboring countries or vice versa. Spreading the gospel in the Pacific countries began with Polynesians first, then spread to the Melanesian Countries of Fiji, Vanuatu, Solomon Islands before PNG. Today, intermarriages also connect the languages and the people in the Pacific.

E. Economic Context

PNG is the fastest growing economy in the Pacific and is rated as the 7th fastest growing economy in the world. It is an island nation that is 'floating on oil and gases.'" Eighty-seven percent of its people are rural-based and thrives on subsistence farming. Twenty percent are employed as public servants and contributes taxes, whilst 70% of the population is engaged in informal economy. It is a young country comprised of more young people at 38% (2011 National Census) and is challenged by unemployment, HIV and AIDs, and gender-based violence.

The development aspiration of the Government is challenged by lawlessness, growing population against economic gains, geographical barriers hindering service delivery, corruption, and illiteracy.

III. Overview and Analysis

Despite the global initiatives for development effectiveness, to date, a core business that remains a challenge is the need to strengthen the accountability of all development actors, from donors to CSOs to the private sectors.

Under the Busan Principle of transparency and accountability, this area has remained a 'no go' zone for civil society as, not long ago, it was considered the governments 'turf.'

A state Finance Minister (retired, 2006) in the National Parliament, whom the CSOs asked regarding his involvement in preparing an Open Budget, stated that: "CSOs have nothing to do with budget; it is the property of the government." Such remarks are evidence that those in position of governance lack the confidence to share development data, including financial information in fear of delicate accountability questioning on the availability of funds, the beneficiaries of the funds, and access to such funds. The refusal to share relevant data and development information is clear evidence of a lack of transparency and accountability.

These assumptions have created negative attitudes, a mindset that hinders development effectiveness and trust among the involved parties, including civil society organizations. This further consolidated the mentality that power in Papua New Guinea is about 'who you know, a cultural behavior that has been adopted by public servants and impacts negatively on their professional performance. PNG governance has a 'big man' characteristic that hinders development. Any office of legislators, policymakers, and bureaucrats can testify that employees have, or lack, technical and advisory expertise — hence they are just "scratching each other's back." Overseas consultants without local knowledge have contributed to manipulative systems of governance that cannot impact the realities on the ground. Development effectiveness is hindered by these practices.

In 2009, during the southern regional meeting of the CIMC, a public proposal was made to develop the CSO-Government Partnership Policy Framework, with the aim of addressing the PNG government service delivery needs based on its development priorities. It was agreed that civil society networks are well entrenched even in rural remote areas, that their works are community-focused, and that they have networks closer to the people. The use of these existing networks was deemed an "alternative service delivery mechanism" and would include the expertise that the civil society could contribute, such as financial accountability and monitoring. Hence, this partnership proposal was, in effect, a response to the intentions of the Rome Forum, Paris Declaration, Accra Agenda and the Busan Principles.

The Policy Framework was based on the following principles:

- Public leaders are mandated by the national constitution to pursue the goals of integral human development and of equality and participation, among others, and such goals define our path for actions.
- We pledge ourselves to guard and pass our noble traditions to those who come after us.
- These mandates bring us together in order to improve the delivery of basic public goods and services that are essential for the realization of integral human development.

- As leaders of Papua New Guinea, we recognize and accept the important duty bestowed on us. We will discharge our best efforts to ensure that the human dignity of every citizen is upheld and that each one can assert his or her inalienable rights to food, health, shelter, education and opportunities to become productive and peaceful members of society.
- It is our duty to ensure that every individual realizes his or her capacities, to be harnessed and applied towards their individual well-being and the well-being of the society.
- We recognize that the pursuit of equality, participation, and self-reliance is everyone's responsibility, which we are obligated to implement and promote without exception in the interest of all Papua New Guineans.
- The collaborative effort of the PNG government and other development partners, including CSOs, can expedite efforts to improve the delivery of basic services in Papua New Guinea.
- The provision of basic services is an obligation of the government. This, however, does not prohibit the PNG government from engaging and utilizing non-government partners such as CSOs in the delivery of such basic services. It is imperative that the government and CSOs foster and cement their mutual understanding and arrangement to work together as genuine partners to deliver development initiatives.

According to this framework, the spirit of cooperation for development effectiveness was developed to initiate a process of coordination and consultation aimed at jointly improving the delivery of basic services and exploring new measures for joint action for the promotion of integral human development in PNG. It also called upon us to engage ourselves in the civic duty of expressing our views on public policy proposals or situations which could have implications to the pursuit of human dignity and the enhancement of quality of life of citizens of PNG.

The Civil Society Partnership for Development Effectiveness (CPDE) called for national mechanisms that are transparent, accountable, and which lead to results. Hence, the framework was viewed as a mechanism that would pave the way for combining our resources to enable greater development impact in delivering basic services to all our people without discrimination. Most importantly, the partnership framework was intended to create an enabling environment conducive for effective participation including an appropriate degree of management autonomy for civil society. Relevant to this partnership is the issue of aid transparency and accountability. Also part of the partnership principle is the necessity to adopt mechanisms and instruments that allow for the transfer of public funds and resources aimed at supporting the production and provision of basic public services by CSOs, within a specific framework — one that ensures accountability, transparency, efficiency, and compliance with Papua New Guinea laws.

CSOs developed this partnership framework in collaboration with key development partners, including the PNG government. These experiences were used as building blocks to ensure that the policy framework must be based on realities on the ground. One of the observations is that all global development principles that call for civil society partnership at the national level have been overlooked. Therefore, a way forward is proposed by civil society, to ensure that their contributions are recognized and valued: the Busan Partnership for Effective Development

Co-operation must translate to the national level. The PNG government, the private sector, and CSOs must formalize the national level partnership to avoid ad hoc practices.

IV. Current Status of Policy Framework

The Government-CSO Partnership Policy Framework is an expression of a true partnership between civil society and government. It has the potential to activate the Development Effectiveness concepts contained in the principles captured from Rome, Paris, Accra, and Busan. It could become the basis for 'enabling environment' for civil society. However, due to other pertinent issues arising with the global sustainable development framework, which have had an impact on the national political and economic development, the implementing partners in the PNG government have put this Partnership Policy on hold until later in the year. Development at the national level is primarily the responsibility of the government, who holds the duty to ensure transparent mechanisms for coordinating partnerships with CSOs and other development partners working together to ensure the delivery of services to the public.

The proposed Government-CSO Partnership Policy has been applauded as very well-designed; hence, it was also used as a benchmark to develop a similar Policy Framework between the PNG government and Churches.

The Government and Church Partnership Policy were in operation before the proposed Government-CSO Partnership Policy. The following questions must be addressed:

- Why didn't the relevant agencies work to review the existing partnership, without hindering the momentum to realize the separate partnership between the government and CSOs?
- When will the government-church policy development end? When will the endorsement, approval, and financing of the Government-CSO Policy take effect?
- Will there be a similar policy for the private sector? If not, how have they operated in the past years, and would it be easier to have a partnership based on those operations?

V. Conclusion

The civil society is concerned that 'enabling environment' might become a 'lip service' if nothing concrete is developed, such as the particulars of partnership policies between the government and CSOs.

The government knows that CSOs are valuable partners, but continues to delay the implementation of instruments that are relevant for effective development at the national level. Civil societies have observed that there is much to be done in Papua New Guinea; however, lack of resources has hindered development for the past 20 years. CSOs feel that the PNG government must adhere to the Rome, Paris, Accra, and Busan Principles for effective development, which lays the foundation for good partnership at the national level, towards effective implementation of the global SDG targets.

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¹PNG CPDE Consultative Forum March 2016, CPDE Report (Optional) section (d) on Law and Justice, p. 4.

²Government of PNG –CSO Partnership Policy 2010 in draft.

³Rome Declaration on Harmonization (2003), p.11.

⁴Medium Term Development Plan 2011-2015, National Strategy for Responsible Sustainable Development for PNG, 2nd Edition 2015, National Population Policy 2015-2024, and Development Cooperation Policy 2015.

⁵Busan Principle on Development Effectiveness (2011), para. 22.

Implementation of the Busan commitments in the framework of effective development cooperation in Peru

Asociación Nacional de Centros de Investigación, Promoción Social y Desarrollo (ANC)

Luis Castillo Paulino

I. Background

This research will measure, at a country level (Peru), the commitments entered into in the First High-Level Forum in Rome, the Paris Declaration on Aid Effectiveness, the Accra Agenda for Action, and the Busan Partnership for Effective Development Cooperation. The focus will be on the **Busan Principles** regarding **democratic ownership**, **results-based approach**, inclusive partnerships, transparency and accountability, while also ensuring the effective participation of all ANC's network members in this case study.

ANC Peru, in order to carry out this research, has taken into account previous ANC research papers; in particular, those focused on the relation between Peruvian CSOs and the State in foreign policy and international cooperation. Specific analysis of the Peruvian Agency for International Cooperation (APCI) by the same author as well as information provided by the Agency itself, and conclusions by ANC members as a result of their engagement in several workshops and meetings on this topic have also been considered for this research.

II. Analysis on the Implementation of Busan Principles

This section aims to respond to the following questions: What is the state of implementation of the Busan principles in Peru? To what extent does the current lack of fulfillment of these principles aggravate the challenges faced by Peruvian CSOs and other development actors? How could the way we tackle these issues be improved?

A. Democratic Ownership

In accordance with the Busan Principle of Democratic Ownership, "development decisions are the result of democratic processes in developing countries and are oriented to specific needs in each context."

In Peru, new participation mechanisms have been fostered in recent years. These aim to be more representative — national, sectorial and/or regional-focused, with new public and private actors involved, in order to establish more comprehensive and inclusive agendas for CSO participation. Dialogue roundtables and consensus-building opportunities have become part of the process with NGOs' support, and are essentially oriented towards having an impact on public policies and legislation at different levels, depending on sectorial or regional needs.

Article 2, paragraph 17 of the National Constitution establishes the citizens' right to participate, individually or collectively, in the nation's political, economic, social, and cultural life. In accordance with current legislation, citizens have the right to elect, remove, and revoke authorities, through legislative initiative or referendum.

The National Agreement (22 July 2012) establishes in its Eight State Policy that the State is committed to institutionalizing citizen engagement in the government's political, economic, and administrative decisions at a national, regional and local level.

Regarding **participation levels**, *Article 17 of 27783 Act, Ley de Bases de la Descentralización*, establishes that Peruvian regional and local governments have to promote citizen engagement in the creation, discussion, and conclusion of development plans, budgets, and public administration. To achieve this, they should ensure access to public information, as well as the creation and running of consultation, agreement, monitoring, evaluation, and accountability spaces. Citizen participation is channeled through existing **consultation, coordination, agreement and monitoring** spaces, and those created in accordance with the law.

Moreover, *Articles 35 and 60 of 27867 Act, Ley Orgánica de Gobiernos Regionales*, establishes that citizen participation is an exclusive competence of regional governments, encouraging agreements between public and private interests at all levels. Its functions include the encouragement of social development and equal opportunities, and the promotion of citizen engagement in development and social investment program planning, management, and monitoring. For this, regional governments should organize a minimum of **two Regional public hearings every year**, one in the State's capital and the other in a region, where it will report on the achievements and improvements reached during that period.

Similarly, *Articles 9, 84 and 111 of 27972 Act, Ley Orgánica de Municipalidades*, establishes that the local council should pass regulations ensuring community engagement and allowing the necessary community agreements and participation spaces, on the motion of the mayor, as well as regulating their work. To that end, regions promote the right of citizens to engage in these spaces for the planning, management, and monitoring of local social development programs on defense and promotion of rights. They also promote community engagement in the creation, debate, and agreement of their own development, budget, and management plans.

Regarding concerted planning, *Article 18 of 27783 Act* indicates that participatory plans and budgets have a regional nature and express the contributions and interventions of both the private and public sector on international cooperation and regional and local partnerships. It points out that planning should pursue and optimize private investments alongside public investment with community engagement and competitiveness at all levels.

Article 1(f) of the *Supreme Decree 171-2003-EF*, the implementing regulations for the framework law on Participatory Budgets, establishes that the Concerted Development Plan is a regional or local development and participatory budget guiding document, which contains the community's agreements on their development vision and strategic goals, in accordance with sectorial and national plans. This should be developed as a **result of a participatory, agreed upon, and permanent process including all development actors**, which contributes to national institutionalism and democratic governability.

With regards to **participatory budgets**, *28056 Act, Ley Marco del Presupuesto Participativo*, shows that regional and local governments promote: the creation of civil society engagement mechanisms and strategies in its **budget planning**; regarding regional and local development program orientations, contributions, and priorities, and; considering national and sectorial policy guidelines, as well as harmonizing Institutional Plans from public bodies participating in the process.

According to Article 53 of Act No. 27972, *Ley Orgánica de Municipalidades*, municipalities are governed by annual participative budgets as means of administration and management. These are formulated, approved, and implemented in accordance with the relevant regulations and development plans agreed upon in its jurisdiction. Thus, participative budgets are part of the planning system in place. Municipalities, according to the powers conferred upon them by Article 197 of the Constitution, regulate community participation in the participatory budget formulation process.

The participatory budget formulation process becomes thereby a mechanism for the allocation of public resources which is equitable, rational, efficient, effective, and transparent, and reinforces State-civil society relations. To that end, regional and local governments promote the development of participation mechanisms and strategies in budget planning, as well as in public resources monitoring and management review.

Development decisions adopted through these participatory spaces have been geared to reflect specific regional and local needs and have aligned international aid according to their specific agendas. Nevertheless, client-oriented practices from some political forces in certain regional and local governments—who are trying to push their own reelection interests—still persist.

On the other hand, international cooperation has been demand-driven, particularly in regional education, nutrition, health, environment, and agriculture issues, where implementation in the forthcoming years is easier to ensure and where there is a development trend.

Financing mechanisms for Peruvian CSOs participating in the aforementioned participatory processes have followed their own program priorities when funds come from international cooperation. In recent years, however, an increase in terms of access to state and corporate social responsibility funds has been perceived, mainly in the case of mining companies, which has spurred CSOs to include in their agenda the issue of independence of their positioning against the State or annulment of critical capacity. This is still an ongoing debate.

B. Results-Based Approach

Regarding the Busan principle of Results-Based Approach, effectiveness can be measured through different factors. Development effectiveness can be seen in the level of eradication of poverty and inequality, and in the level of implementation of sustainable development and capacity building measures according to democratically agreed priorities.

In Peru, a focus on results in the use of resources and public cooperation has been monitored through the Budget by Results (*Presupuestos por Resultados*) in public administrative authorities, under Act No. 28411, *Ley General del Sistema Nacional de Presupuesto, Chapter IV "Presupuestos por Resultados (PpR)"* Title III, "*Normas Complementarias para la Gestión Presupuestaria.*" This also applies to regional and local governments.

This system has been implemented since 2007, through the National Budget System Reform, which aimed to ensure that citizens received the necessary goods and services under the desired conditions to contribute to the improvement of their quality of life.

Budget by Results is defined as a public administration management strategy linking resource allocation and measurable results serving the general population. In this sense, it has been trying to improve and more clearly define these results, the commitment of the different

actors, the responsibilities in terms of implementation of PpR tools, and the accountability and information mechanisms on products, results, and management.

Resource allocation under this strategy has prioritized human development areas such as child malnutrition, maternal and neonatal mortality, reading comprehension, access to basic social services, and people's identities. This has been progressively implemented without external intervention through: i) budget programs, ii) indicator-based follow-up actions, iii) independent reviews, and iv) management incentives granted by the *Dirección General de Presupuesto Público* (Directorate-General of Public Budget) in the Ministry of Economy and Finance, in collaboration with the rest of government bodies.

Donors' interests have influenced the elaboration of a clear result-based framework for the use of resources. These are established in technical international cooperation agreements and are monitored by the *Agencia Peruana de Cooperación Internacional (APCI)* created in 2002. CSOs' and citizens' interests are only expressed in the compliance with legislation covering the use of aid by national and regional organizations.

Program implementation — using public and international aid resources to tackle the causes of structural poverty and inequality — has boosted and strengthened development cooperation ties with Peru. In fact, in 2014, 45 percent of the allocated resources supported by cooperation agencies were directed towards "Quality Access to Healthcare and Nutrition Services." The MDG receiving the most cooperation resources in Peru was the Millennium Development Goal 1, "Eradicate Extreme Poverty and Hunger" (26 percent).

However, there are still cultural barriers hindering result-based effectiveness in national programs. There are also difficulties in terms of overcoming the inertia in traditional budget planning so that it better benefits the people. Many bodies are not committed to achieving the proposed outcomes. The tendency is to dilute responsibilities in the achievement of results and products enabling accountability. Meanwhile, not enough information about results-based program performance and products is available to other organizations and to the general public.

CSOs advocate that results from programs funded by public or international cooperation funds be measured in the long-term. But at present, short-term measurement in state planning is predominant, due to the duration of legislative terms.

Indicator-based and independent review-based monitoring and follow-up actions have not managed to become useful tools where these are implemented. This follow-up through two different reports (*Reportes de Línea de Base y de Progreso de Indicadores anuales y los Reportes de Avance Físico y Financiero semestrales*) is done by the sectors themselves and APCI. Despite a continuous and comprehensive flow of data, the information is not consolidated, and is not used in the decision-making process.

Regarding private cooperation, the monitoring and evaluation regulatory framework by APCI is not a real stimulus for CSO accountability. The State can only access information about those audited institutions as allowed by law. There is no legal means to justify the expected implementation outcomes.

State entities and private cooperation actors, on the other hand, do not have enough resources to implement evaluation processes in order to verify the consistency in the design and improvements together with the performance of interventions and its causes. Most evaluation

reports contained in annual intervention implementation documents submitted to APCI by government bodies and private cooperation actors do not reflect evaluation measures.

C. Inclusive Partnerships

According to Busan Principle of Inclusive Partnerships, “openness, trust and mutual respect, and learning lie at the core of effective partnerships in support of development goals, recognizing the different and complementary roles of all actors.”

In Peru there is no regulatory framework facilitating participation or public-private partnerships for development and/or international cooperation, encouraging aid effectiveness promotion and advocacy and, above all, aiming to meet the related development goals.

Nevertheless, recently a Working Group with APCI, ANC and COEECI (*Coordinadora de Entidades Extranjeras de Cooperación Internacional*) representatives was created through the Executive Directorate Resolution No 154-2015/ACI-DE (23/11/2015). This group is in charge of evaluating regulations and proceedings regarding registry, declarations, violations, and sanctions involving DNGOs and cooperation agencies, as well as cooperation policies.

Despite the gap reduction between public and private cooperation in recent years (private cooperation has gone from 18 percent in 1994 to 44 percent in 2014), Peruvian government’s tendency towards aligning private cooperation with its strategic plans and policies in several sectors persists. This has provoked tensions regarding interventions in sectors such as mining, environment, justice, human rights, and gender, where various NGOs actively operate. This is exacerbated by the fact that the State is responsible for the climate of social conflict which has dominated the country in recent years, without understanding the depth of the problem.

The Peruvian government has been particularly active in the creation of mechanisms to better control the use of international aid resources in the recent years, passing laws such as Acts No. 23886, 27775, 26792, and 28925, which even provoked an appeal of unconstitutionality against Law 28925 by NGOs before the Constitutional Court, due to clear conflict with freedom of association and expression, which was partially approved.

To further deepen this lack of understanding, the Government has been using the APCI as its main tool for control. Since 2008 it has run 1,400 supervision and control actions against NGOs and cooperation agencies, sanctioning 429 of them.

Peruvian NGOs are not against the State controlling and supervising the use of international cooperation resources; on the contrary, civil society is experienced with such mechanisms, having been supervised for many years by the *Superintendencia Nacional de Administración Tributaria - SUNAT* (the organization which enforces customs and taxation in Peru) and the *Superintendencia Nacional de Fiscalización Laboral - SUNAFIL* (labor control), as well as ministries, regional governments, and donor agencies, through external evaluators and auditors designed by all them.

According to a statement from the Asociación Nacional de Centros (ANC) released in June 2015, what is truly incomprehensible is that the State utilizes these supervision and control mechanisms to control and harass those who think differently. Instead of being punished, disagreements should be understood as a positive aspect when adequately conveyed and channeled, since they allow the improvement of decision-making. Principled dissent is crucial to development effectiveness, which is not expected to build homogeneous societies, but to encourage and establish consensus-building among diverse national actors.

One of the actions deepening this disagreement was the *Executive Directorate Resolution No. 085-2015/APCI-DE*, issued by APCI on the 19th May 2015, with which **new conditionalities for APCI registry renovations were imposed** and where the definition of the term “monitoring” of international cooperation resources was modified.

Given this situation, ANC and COEECI have promoted a direct solution channel with APCI and hence created the Working Group with APCI. This aims to promote international cooperation and to simplify, unlock and facilitate APCI’s registry proceedings, annual declaration, tax return, experts and voluntaries affiliation as well as monitoring and control, hoping to achieve concrete outcomes in all the aforementioned areas.

Reactions from international governments and organizations, channeled through ANC and COEECI, have been positive, since they advocate an ultimate solution by means of a direct dialogue channel between APCI and civil society.

Peruvian civil society, through ANC, has reminded the government that NGOs have been working in Peru for over 50 years. NGOs in Peru are committed to research and development; they have contributed significantly to the national decentralization process, to participative development planning, to budget by result formulation, to the creation of equal opportunities, and to the development of plans against gender violence. Peruvian NGOs have always been human rights advocates during the hardest times of internal conflict, working to recover, uphold, and improve democracy through their engagement in different spaces at a national and regional level.

The ANC has stated that APCI-imposed measures entail an adaptation period, but have reiterated that for private nonprofit institutions and foreign international cooperation agencies it is not compulsory to become part of APCI’s registries in order to implement international technical cooperation projects and/or programs. According to the interpretation of the ruling of the Constitutional Court of 29th August 2007 (Cases 0009-2007-PI/TC and 0010-2007-PI/TC), published on the 13th September 2007, on Article 2 of Law No 28925, **APCI registration is not mandatory or a necessary requirement** to implement projects and/or programs with international cooperation resources, under numerals 29 and 95 of the ruling.

Accordingly, and due to the impact of APCI’s action on the international cooperation scenario, both APCI and CSOs have included a crucial item in their agenda: to promote a new framework for relations between the two to foster CSOs, and particularly the poorest sectors not represented in any forum. There must be contribution through proposals and critical capacity recognition. Indeed, NGOs consider that democracy in Peru is more robust when society enjoys autonomy, critical capacity, and recognition.

D. Transparency and Accountability

In accordance with Transparency and Accountability, “mutual accountability, as well as with the envisaged recipients, relevant citizens, CSOs, constituencies and participants” should exist.

With regards to **accountability**, *Article 199 of Law No 27680, Ley de Reforma Constitucional* (Chapter XIV Title IV, on decentralization), stresses that regional and local governments are controlled by their own control bodies and are subject to monitoring and control by the *Contraloría General de la República*, which organizes a decentralized and permanent control system. Regional and local governments formulate their public budgets and manage private resources, including those from international cooperation initiatives, with population inputs.

They are accountable for the year-to-year implementation and operate under their own responsibility, according to the law.

The administration of regional governments is ruled by the principles of modern management and accountability, whereby regional public administration is geared around a modern management system and subject to performance evaluations. Regional governments include in their action programs specific accountability mechanisms intended to report to citizens on progress, gains, difficulties and perspectives. **Public hearings** are among those mechanisms. Public administration officials are understood to be managers of peoples' interests, and have the concomitant responsibilities as provided by law.

Under Article 3 of *Law No. 26300, Ley de los Derechos de Participación y Control Ciudadanos*, one of citizens' oversight rights is the Demand for Accountability. Through this, citizens have the right to access the results of budget implementation and the use of their own resources. Authorities are obliged to address this.

As set forth in *Article 34 of Law No. 26300, Ley de los Derechos de Participación y Control Ciudadanos* (Law on the Rights of Participation and Control), to request accountability from the Regional or Municipal Government, there must be signatures from a minimum of 20% of the citizens of the region/province/district. This arrangement holds authorities accountable for the results of their management.

In the context of the institutional and policy environment for accountability and transparency, a climate of mistrust still prevails between State and society. Independent of the legal framework, in the political context of State-civil society relations, accounts are a tradable good: NGOs render account and receive, in return, some freedom of action from the State. The State requests accounts to (theoretically) monitor and manage the development actor's contribution. Some government sectors, however, (and/or political class) are more interested in using and abusing this power to curb CSOs freedom of action and criticism. In each government and congress term, NGOs are imposed the task of advocating for certain freedom spaces while some authoritarian sectors are back tampering those spaces (Vildoso, 2012, p. 22-23).

At the outset of the creation of APCI in 2002, the concept of multi-stakeholder exchange was stated. It was suggested that the State and the donor community as well as actors responsible for program, project, and activity implementation, supported by cooperation agencies, should make mutually available any information regarding those programs. The State should promote and facilitate information exchange and access through appropriate mechanisms. Nevertheless, processes for monitoring, evaluation, and control are implemented; they do not become an exercise of sharing and mutual arrangement, but an exercise of control by the public agency of the other actors, both public and private (Vildoso, 2012).

Given the above-mentioned situation, the call of NGOs is: "Information YES, coercion NO." NGOs feel they are already held to adequate standards of accountability, being answerable not only to the State, but also to several funders and international cooperation agencies. This takes us to a triangular relationship — State-CSOs-international cooperation agencies — while the rest of society seems to be missing.

The APCI acts within pressures coming from antagonist segments —on one hand, some "anti-NGO" parties in Congress; on the other hand, NGOs speaking openly, trying to have

an impact to improve democracy, and against authoritarian and corrupt practices. APCI directors have been changing their vision; some announced they would start enquiries to quell the more rattled congressmen; others have actually been openly clumsy, and others, on the contrary, have facilitated dialogue processes with CSOs.

In this scenario, enabling factors for accountability and transparency include the existence of channels and institutional methods to ensure that accountability laws prevail. The Constitutional Court (CC) and the Ombudsman are bodies that have fulfilled their role in a narrow sense (the CC) and in a wide sense (the Ombudsman). The state's contribution, and in some cases, CSO contributions, are evaluated and made visible in spaces for dialogue, so as to ensure the achievement of shared objectives such as Sustainable Development Goals (SDGs). Furthermore, planning structures such as Budgets by Results are also being developed. In this environment, accountability is a means and not an end in itself. In addition to this, there is a kinship criteria between international cooperation agencies and CSOs, which makes it easier to develop joint proposals in transparency and accountability issues (Vildoso, 2012).

Some factors against transparency and accountability are the intention of arbitrarily using power in order to request information, or using the monitoring, control, or overseeing capacity as a means for political control and curtailment of rights. There is also the absence of and weakness of parties that are "ideological" and those that are interested in the promotion of a strong technocracy, and the result is that virtually CSOs do not link themselves to parties. As a consequence, the development actors do not understand the operation of NGOs. There has also been a decline in financing in so-called middle-income countries or areas, which limits the spread of big Peruvian CSOs. Therefore, management tasks should be undertaken with the utmost efficiency and effectiveness.

III. Recommendations

To address the issues raised in this report, the following recommendations are made:

- promote the adoption of progressive legislation in Peru to support the introduction of adequate levels and forms of citizen engagement, as well as concerted planning, participatory budgets, accountability, and social oversight, recognizing CSOs' role as development actors and advocates.
- push for an NGO monitoring and control legal framework review, oriented to ensure the freedom of association and their right to implement action plans and programs. The APCI's monitoring and evaluation regulatory framework is not a real stimulus for CSO accountability.
- make sure donor and citizen interests regarding aid are incorporated in the creation of a clear budgetary framework for the use of cooperation resources, through new terms introduced in international technical cooperation agreements.
- ensure that CSOs move forward with self-regulation of accountability, going beyond responding to State requirements, if they want to be transparent and present their results to society sectors and to the general public.

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2016 Global Synthesizing Research: Tunisia

Association ADO+

Dhouha Jouchi

I. Introduction

Tunisia is a small country with 11 million inhabitants. It gained political importance after the January 2011 revolution, in which the Tunisian people peacefully overthrew dictatorship rule, held a successful political dialogue, and ratified a progressive Constitution. Tunisia has also organized a number of free and transparent elections. Observers agree that the recent democratic development in the country is due essentially to the willingness of the opposing political forces and civil society to reach compromise and to respect the democratic process.

Tunisian civil society today is distinguished from that of other Arab countries by its vitality and efficiency. This is made possible by the revolution and the new political climate in the country which provided the general framework and the necessary conditions that were missing under the dictatorial regime, where the local civil society was subject to enormous limitation and control. Nowadays, the doors are open for activists to make a progress in their performance and open new fields that will transform civil society into an active and constructive partner in development.

The core of the culture of activism in the country is a gradual process of construction which implants and strengthens the values of citizenship and initiative in Tunisian citizens. Whereas an enabling legal framework is crucial, a society's values cannot be changed overnight. There is still a long way until citizen activism and engagement becomes part of the established practices and culture of Tunisia.

We've already highlighted in our report in last year's Global Synthesis Report several aspects of the paradigm achieved by the Tunisian civil society, both at the regulatory and at the organizational levels. The current report for the year 2016 seeks to continue to build on what has been included previously. This brings us to ask the following questions:

- What is the context within which the possibility of wider participation of Tunisian civil society in development action is projected?
- What is the role played by civil society organizations in supporting the democratic transition? And to what extent has the Tunisian experience reflected successes in terms of achieving positive engagement between society and the state?

We will try to answer these questions by focusing on three distinct experiences which highlight the importance of participatory work and of developing the work of civil society. These are the experience of the citizens' checking of the Economic and Social Forum; the experience of reforming the educational system by "aahd" network¹ and the Ministry of Education; and finally, the experience of fighting corruption to be discussed in the context of governance.

¹ "aahd" network: This network is composed of the Arab Institute for Human Rights, the Euro-Mediterranean of Human Rights Network, the National Union of Tunisian Journalists, the Deanship of Attorneys, The Association of Judges, the Tunisian League for the Defense of Human Rights, the General Union of Tunisian Workers, the Tunisian Association of Democratic Women and Amnesty International Organization - Tunisia section

By launching the initiative of the “Tunisia Pact for Education and school of citizenship,” “aahd” network aims at reforming the educational system and found a balanced training system to put an end to the decline in the level of education in Tunisia.

II. Legal and Regulatory Framework

The issue of establishing associations reveals many gaps such as: the application of the legal system’s established procedures to the country’s associations; concerns regarding management; and the challenges and obstacles encountered in the application of legal procedures. All these gaps go back to the continued delay in establishing a law that structures associative work because the work with Decree 88 is still ongoing.

The decree 88 of 24th September, 2011 on the organization of associations (In the Official Journal of Tunisia of 30th September 2011) aims to free the associations of the restrictions that have hindered the associative work and to provide a range of guarantees to the associations to carry out their activities in the best conditions.

The launch of the freedom of creating associations did not go hand in hand with greater flexibility for the registration of new associations. Therefore, entry barriers remain a major constraint.

In order to safeguard the right of access to information, the law requires CSOs to internally comply with certain management obligations aimed at ensuring transparency. However, some CSOs are barely able to abide by such regulations, amidst the sheer inaction of the supervisory bodies responsible for enforcing the law. As a result, public access to internal information hindered the work of some CSOs.

CSOs (particularly the emerging ones), are also faced with significant funding constraints. Sources of financing are still strictly controlled and access to public government funding remains complicated.

Despite the importance of foreign funding in helping the associations realise their programs, in some cases it led to laundering, and in other cases to the imposition of the preferred programs of donor partners on the beneficiaries. Nevertheless, this type of funding remains very necessary.

The right to freedom of expression earned in the revolution has been inscribed in the constitution, the highest legal text. But ordinary laws contradicting the latter are still in force. This has impelled the formation of bodies that advocate media freedom, such as the Tunisian Journalists Syndicate. These groups work with CSOs to protect this political gain from every attempt to limit and restrict on the media — especially as the growing discourse against freedom of expression is propelled by the pretext of fighting terrorism.

Taxes are considered one of the biggest obstacles in associative work in Tunisia, as a large number of associations fail to fulfil this duty. They simply ignore it. That is due to the different source of taxes and its presence in several texts, as well as the ignorance of these associations of many procedural aspects that impose the use of a certified accountant who specializes in taxation. When an association does not pay taxes, it will be deprived of public funding. However, many associations have limited resources to begin with, which is why many are calling for a dispensation from taxes. After all, they are non-profit organizations.

III. Legislative Environment

Civil society has made significant progress in the field of human rights protection, especially in the field of judicial reform. Still, there is a long way to go, especially with regard to passing legislation that could help overcome the difficulties and current challenges. This requires the concerted efforts of all parties concerned. Many of constitutional bodies such as the Supreme Council of the Magistracy and the Constitutional Court do not exist knowing that the Constitution of the Republic of Tunisia in its fifth section, which concerns the judicial authority, encourages democracy and all state institutions must facilitate its work.

There are continuous efforts in order to overcome the contradictions between what is stated by the new Constitution and some laws established before. Many of the latter are contradictory to the spirit and purposes of the constitutional text or the international declarations and the international reference documents.

For instance, the Constitution of the Tunisian Republic states the necessity to protect the achievements of the State regarding the establishment and consolidation of women's rights. Chapter 21 explicitly stated the principle of gender equality in rights and freedoms which directly confirms the development of women's rights. This requires maintaining and protecting the acquisitions, and strengthening them. Civil society played and still plays a great role in maintaining the important women's gains made in Tunisian society. CSOs have also supported the ratification of the inclusive law aimed at reducing violence against women and girls, which was presented this year to the Council of Ministers for a vote by the Tunisian parliament. But there is still a need to accelerate the passage of such legislative reforms and to ensure that legislation conforms to the principles stated in the Constitution of the Tunisian Republic.

But this progressive constitution hides a worrying situation. In 2015, Tunisia was ranked 127 out of 145 countries in terms of gender equality, falling below the United Arab Emirates (119) and Bahrain (123) in the Gulf countries. It does rank slightly above Algeria (128) and Jordan (140) (Source: Gender Gap Report launched by the World Economic Forum for 2015). Gender equality issues are considered a major concern in the country when it comes to political rights, in particular, civil and family rights, economic rights, rights regarding protection against domestic violence, and health care (including maternal health care).

The Framework Convention 183 of the International Labor Organization (ILO), to date, has not been ratified by Tunisia. This would protect maternity leave and agreements on economic and social rights of women, in order to ensure equal pay and reduce the unemployment level of women.

Other particular issues are a concern for women in the agricultural sector: social security coverage, transport conditions, and working hours. All these require the development of legislative policies to consolidate economic and social rights guaranteed by the Constitution.

Thus, women's rights are at the heart of the process of political, economic, and social transition in the country.

IV. Socioeconomic Context

An example that we want to highlight in this report related distinct efforts of the Economic and Social Forum, which since its establishment sought to link the dialectic between political

democracy and social justice. Based on the study conducted we can understand part of the efforts of the Tunisian civil society to protect their young democracy.

The context of the post-revolution phase transition provides an actual opportunity to redirect the regional development policy of the country towards reducing the differences between the regions and promote civil society participation in decision-making on regional development and local government level.

The Constitution of 2014 approved new roles of the State and realized regional decentralization through positive discrimination. That is in several chapters, including: financial and administrative independence in Chapter 132, elected local authorities and bodies in Chapter 133, and a private and independent decision-making authority from the central authority in Chapter 134.

The growing role of civil society as a true partner to rebuild democratic governance is based on participatory community. To facilitate the success of social accountability, the role of civil society at the local level of development is mobilizing citizens to play a fundamental role in the development of their regions, especially in decision-making and establishing a relationship of trust with the institutions and public services.

Public authorities at the regional and local level determined needs and priorities of their areas and proposed strategies for development and list of projects within the preparation of five-year plan from 2016 to 2020.

Also the Decree No. 41 of 2011 of 26 May 2011 which is related to the right of accessibility to administrative documents of public structures, stated in Chapter 3 that "every natural or legal person has the right whether to get it at the initiative of the public structure or after a request from the person concerned taking in consideration the exceptions mentioned in this decree". Chapter 4 states the obligation of the public structure to publish periodically all information on all decisions and policies with public interest and the procedures in the course of decision-making and monitoring phase. The public structure must publish a guide to help dealers with management to facilitate getting administrative documentation procedures.

In this context and in the framework of this reference, which institutionalized the active citizenry participation, the Tunisian Forum for Economic and Social Rights to make a dual dynamic approach: one is vertical between the State and the civil society, the other is horizontal between non-governmental organizations in the framework of civil society. This citizens' checking experiment also aims mainly to the actual development of the role of civil society in the regions by encouraging networking relations and enhancing the skills of the actors in the associations.

In each of the regions covered (citizens' checking), the projects which had a delay in their achievements were selected. Such a delay is not only related to the budget. They were subscribed to citizens' checking made by the network of associations grouped by the Tunisian Forum for Social and Economic Rights. The aim of citizens' checking is to encourage the local components of the civil society to discuss the problems and provide appropriate diagnosis to identify the causes of halted achievements and local progress and to demand better services in addition to auditing the accounts whenever possible and make sure that the government respect its responsibilities and promises.

The following regions and projects were covered by this experiment. For example, the program of fighting pollution and preserving the environment in the Gulf in Monastir, eliminating primitive houses and instructions in Siliana, preparing social houses for poor families in Gafsa

(Redeif), and transforming the Emergency Department of the regional hospital of Kasserine to a university department.

It is striking that these regions are classified according to an Index of Regional Development (IRD).

Among 24 states, the regions are ranked in the following order: Monastir 4th; Gafsa 16th; Siliana 20th; and Kasserine 24th.

After the revolution these regions faced major changes as people started fighting the authoritarianism of the state. That's because of the awareness and knowledge of their rights, and to ensure that the government respect these rights. The growing high level of education and the development of means of communication and information technology have enabled young people to intervene and influence and also to play their role as active citizens to the fullest.

Tunisian active citizen wants to be involved in decision making and to enjoy the right to supervise the management of the public sector. It demands also a high quality of public services, which contributes to improve government accountability or "social accountability." Social accountability can be defined as "a methodology for building accountability that relies on civic contribution and enables citizens and/or civil society organizations to contribute directly or indirectly to the merit of accountability."

The citizens' checking is a part of the accountability measures that intend to push the government and local authorities to take the interests and demands of citizens seriously.

The execution of this project was divided into two big parts. The first part concerns the economic and social reality in each part while taking in consideration orientations of the new five-year plan 2016-2020 and what can contribute to improve the reality of each region. In the context of this plan, the role of civil society will be particularly important to reduce it or to marginalize the negative impact on projects and plans that will be worked on. Meanwhile, the second part consists in identifying frameworks that civil society can intervene within to participate in the decisions with regional development dimension: the Regional Council, local councils and village councils and committees of the Regional Council. Interviews were held with representatives of the regional authorities to discuss the procedures and the preparation of budgets in particular.

Perhaps the most important points of strengths of this experience are that it enabled the representatives of the local civil society (The Tunisian Forum for Economic and Social Rights) to build bridges of dialogue with the regional authorities representatives and especially regional administrations (also the State and the representatives). Though not many, the local civil society representatives exerted pressure on them in order to encourage local associations to participate in defending the interests of the citizens in the committees of Equipment, Housing and Urban configuration and Social Affairs, so as to give more transparency and credibility to the management of local affairs.

Collective work gave more power to the initiatives of civil society and social movements to negotiate with the authorities in order to obtain more information about the projects. It also provided an opportunity for citizens to express their views in each project.

This participative and collective work had a great impact in encouraging citizens to ask responsible agencies to give account for the projects carried out. It also gave them the

possibility of giving their opinions over the suggestions proposed by the local authorities and even obliging them to give up on certain decisions taken.

The experience gave to the different components of the civil society the opportunity to participate in the projects to improve their understanding of the health system in Kasserine and its ability to meet the citizens' needs. The data collection enabled them to point the alarming situation of the maternal and child health sector, which raised the media interest on the problem of vaccination water pollution in hospitals by the end of 2015. All these problems pushed the citizens and concerned associations to denounce the difficulties and to call for the importance of change.

The creation of a network of associations involved citizens in the fight for health rights and mobilizations to demand higher quality public services. To achieve this, coordination is an essential task which can be done through periodical meetings, instead of being done only reactively, when something has already happened.

Finally, the team responsible for citizens' checking gained more confidence and became active in its capacity to propose effective solutions.

The experience of citizens' checking had a great effect on the CSOs which considered repeating this experience in regional development sector through its application to the economic institutions of the region, such as the National Company for Cellulose and Paper. It is one of the main industrial centers in the country, which is of great economic and social importance in Kasserine and also in the neighboring districts because it represents a direct or indirect source of living for 8,000 households. The company for years has been facing major difficulties and suspicions of misconduct and corruption that require the intervention of the civil society to highlight these difficulties and to mobilize citizens to try to resolve them.

Referring to what was presented, we can emphasize on the establishment of a new legal framework that realizes what is stated in the Constitution from legislations that preserve the environment and contribute to a development that takes into consideration the rights of future generations. The participation of civil society is also necessary in the push for a new model of development that respects the constitutional guarantees and economic and social choices.

Based on this experience, the following recommendations are presented for consideration:

- Creating a database to keep all the information and instructions that have been collected while waiting the public official database to be a transparent and open database.
- Creating a new legal framework that realizes what is started in the Constitution from legislations that preserve the environment and contribute to the development that takes into consideration the rights of future generations. The civil society participation is also important to make its role more effective in pushing for a new model of development to respect the constitutional guarantees and economic and social choices.
- Reformulating of environmental education mechanisms taught at various levels of education in the development of the environmental media and providing conditions for building an environmental culture.
- Encouraging the participation of women who are often more familiar with the daily problems faced by their neighborhoods and regions. Women suffer from a significant

lack of representation at the local administration level (no more than 10%). This is despite the local administration requires the participation of women and can be a good space to exercise the active citizenship and access to decision-making in the affairs of local groups.

- Establishing a regional front for civil society and promote civic participation of citizens and their representatives.
- Mobilizing media which is not engaged enough in everything related to this issue. This can support the demands of citizens.
- Continue questioning the government and public authorities about the application of laws, including those related to the access to information and using effective measures.
- Building capacities and train local authorities to promote the understanding and the implementation of social accountability.
- Organizing the fight against corruption at the regional and local level to reduce the misuse national wealth, which hinders any possibility of a sustainable development.

V. Social and Cultural Context

In the efforts of civil society in empowering the reform and consolidation of democracy, it is the experience of "aahd" network in cooperation with the Ministry of Education and the Tunisian General Labor Union that we want to highlight.

In this context we find the educational reform project that believed that education is the most important factor of sustainable development and it is at the same time a component of social welfare components.

Therefore the Ministry of Education sought that the reform project and its plan were in charge of the involvement of everyone in the national effort, on the basis of the participatory tools of responsible dialogue, until such time that the educational reform project has already become an inclusive national project.

The current educational reform project was not only the projection of the participatory dimension and the principles of dialogue and communication between the various agencies concerned with education. It was projected in the 3 meetings on the need for a national dialogue on the reform of the educational system.

A meeting between the Ministry of Education and the Tunisian General Labor Union in the presence of public unions and "aahd" network of civic culture has been represented in the dialogue sessions and its workshops by the Arab Institute for Human Rights. That gave the idea of educational reform and its trajectory accordingly on the "participatory methodology." This initiated the reform project that adjusts various problems and difficulties. The participatory dimension increased in the level of technical committees, which started its work on May 11, 2016 and used the terms of reference of educational reform and all the documents and reports that were the fruit of the national dialogue on educational affairs. That is to check the major orientations on the educational reform.

Committees have been distributed according to themes and objectives to fifteen committees focused on the following:

Laws and legislations; the programs and the evaluation; training; human resources; buildings and equipment; Quality standards; Education privacy; Information and communication technologies; Strategic Planning and Finance; Research and Studies; relationships and partnerships with the media; school time; school life; school and university orientation; governance.

And these themes are the summary of the outcomes of the National Dialogue, which took place in the context of a participatory dialogue between the Ministry of Education and the General Union of Tunisian Workers and "aahd" network of civic culture and has been represented by the Arab Institute for Human Rights.

Although the conflict over the content of the educational reform is still continuing in Tunisia due to the different positions and directions, the building of a state of citizenship, democracy and equitable sustainable development cannot be achieved unless there is an educational system capable of generating intelligence and building a creative Tunisian citizen. This latter remains the essential credit of a country with poor economic resources but rich with history, civilization, and the capacity of its citizens to preserve its civil basis.

VI. Governance Context

The field of governance is the main field on which the civil society worked after the revolution. The last years revealed the increase of corruption and bad management and investment of local wealth. And with reference to the year 2016, and after the degradation of the Tunisian world rank in the index of corruption, the growing pressure of the international institutions on the Tunisian governance to fight this phenomenon, including the World Bank and the International Monetary Fund incited the civil society to get reorganized and many initiatives were taken in this context.

That is why the new government called on the government of national unity to respond to these different demands by establishing a Ministry whose main focus is fighting corruption. The government decided to make the civil society a partner in this war on corruption especially after the declarations made by the prime minister that there would be no negotiation with corrupted politicians whose only place is jail. Hence appears the importance of the contribution of the Tunisian civil society in pointing the dangers of this phenomenon. It's no wonder that the war against corruption occupied an advanced position in the document of Carthage prepared by representatives of the political parties and the most important civil society organizations together with the Union of Tunisian Workers.

In this context, the National Commission for Fighting Corruption insisted on carrying out what was agreed upon in the document of Carthage by emphasizing the right of access to information and enabling the general opinion to know all types of data. In addition to this is the use of modern technology which facilitate measures and guarantee the services which will make citizens get their rights in all transparency and efficiency. This was also the recommendation of the National Commission for Fighting Corruption which urged the government and the executive branch to start immediately applying the system of open government "OPENGOV" and the E-government. The application of such modern systems ensures transparency and reduces corruption.

The National Commission for Fighting Corruption continues its great contributions in the form of perceptions, plans, and recommendations which got partially some interactions with more than a side in the state. However concretely this reality remains far from the expectations

of the commission which aims to accelerate its pace towards a real war against corruption translated into results and figures, clear and apparent, inside and outside the country.

VII. Challenges Facing the Civil Society in Tunisia

In a country paralyzed by the complication of its bureaucratic system, a great part of its citizens are marginalized and rejected. This made them unable to improve their conditions of living or provide their families with the basic needs. The exclusion from the economic system pushes them to look for alternatives: some resort to making trouble or workers protests. Others may also find refuge in terrorism. So many others resort to illegal trade and smuggling. These illegal economic activities deprive the state of tax revenues. Experts estimate that the revenues of non-structured economy outnumber those of the structured economy in the gross domestic product.

According to several criteria, the situation of the Tunisian economy worsened since 2011. The percentage of unemployment reached 13 percent in 2010. By 2015, this percentage rose to 15.2 percent despite the huge public sector recruitment program. Unemployment among recent university graduates is almost twice as big as it is among other people seeking jobs. In 2014 the percentage of unemployment doubled by comparison to 2006 which is the highest rate in the Mediterranean.

As a matter of fact, the difficult social and economic situation negatively influenced the general political climate of the country. That's why it has become so urgent in 2016 to look for an issue to overcome this dilemma which threatens the emerging democracy in Tunisia. This pushed the head of the new government Mr. Youssef Chahed to invite the civil society and the general Union of Tunisian workers to support him in his call for a social truce. The problem is that the trade unions and the labor class in general refuse to pay the cost of such truce. This raises fears towards the future of the democratic transition in Tunisia.

VIII. Conclusion

Accordingly, this paper can be read as a first step towards developing a plan to reinforce the capacity of Tunisian civil society organizations in the future to uphold the Istanbul principles. This can be used as a main tool of work which can provide a good opportunity to create a qualitative change in the message of the civil society and in its performance during the transition phase experienced by Tunisia towards the establishment of an effective and continuous democratic system.

In this context, efforts to accomplish the renewal of the democratic structure in the country are crucial. In 2016 we witnessed great efforts to build what remained in the constitutional intermediary institutions, especially those related to the justice till the establishment Constitutional Court.

The problem, six years after the revolution, is that many citizens and social groups fear that their situation has not improved, while corruption and power conflicts are again becoming commonplace. This left room for the growth of radical political narratives and terrorist recruitment networks.

Much progress has been achieved in the establishment of democratic mechanisms in the country, but the necessary programs to make it effective do not follow at the same pace. There are still huge challenges facing the civil society in Tunisia — especially in the shadow of the difficult transitional phase that caused instability in the country. Such a critical situation imposes a high degree of responsibility on civil society, and CSOs must maintain their solidarity and vigilance to face various internal and external threats.

IX. Recommendations

Tunisians are assigned to conduct their role as citizens to avoid the sinking of most projects in the lake of bureaucracy inherited from the former regime. And if Tunisians are not capable of overcoming these obstacles and of reactivating the essential functions of the government on the long term, the international support will not make any difference.

- With its main international partners, the Tunisian government has to set a new framework for partnership, based on mutual obligations. Especially that there is now a thorough dialogue over the possibility of a partnership between private and public sector.
- Intensify the international support for Tunisia so that it can carry out the reforms of major priority. This means working on the establishment of a strong international partnership with Tunisia through financial aid and trade distinctions. The international community is highly recommended to support Tunisia. Hence, the recommendations of the European Union for a new Marshall Plan specific to Tunisia.
- Conduct a coordination mechanism (G7 +) for economic aids in order to reinforce transparency, questioning, and follow-up. The international partners of Tunisia have to take part in this effort. This coordination mechanism can contribute to develop the different major engagements made by all the parts.
- Encourage the communication with public opinion and to start an intensive dialogue with all the concerned parts about public policies and new laws. Political tricks have drained the confidence of citizens in the reform process. Unless the government starts a real and active consultation with the civil society, reform efforts will remain blocked.
- Set reforms that could be acceptable to public opinion and that could remove obstacles to economic and social growth, especially in marginalized communities, and to fast mechanism for implementing projects as to promote economic and social development and job creation, as there is an urgent need to adopt new supply procedures, security and coordination between ministries to carry out development projects to translate the local and external funding into tangible results for the Tunisians citizens, especially young people and marginalized communities.

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The Status of Core Business in Uganda

Uganda National NGO Forum (UNNGOF)

Richard Ssewakiryanga and Esther Nakayima

I. The General Context in Uganda

Uganda is a landlocked country in East Africa. It is bordered by Kenya to the east, South Sudan to the north, the Democratic Republic of Congo to the west, Rwanda to the southwest, and Tanzania to the south. The country has access to a number of lakes, including Lake Victoria, which is Africa's largest lake. The lake is shared by the three countries: Uganda, Kenya and Tanzania. Uganda has an estimated population of 35.6 million and an estimated population growth of around 3.2 percent per year, making it one of the fastest growing populations in the world. Around 85 percent of the population lives in rural areas, depending mostly on subsistence farming. Uganda has a very young population, with an estimated 55.3 percent of the population being below the age of 18 in 2010. The average life expectancy is 54.1 years. Uganda is ranked number 161 out of 187 on the 2012 Human Development Index, which indicates that the country faces significant challenges in economic and social development.

II. Development Cooperation Context

Uganda has been a donor-dependent country for a long time. Aid to Uganda averaged at about USD 760 million annually from 2001 to 2010. This includes both grants and loans. The average flows generally represent 25 percent of budget revenue and 6 percent of GDP. In the period 2005–2011, 54 percent of the assistance was channeled through project aid while budget support aid represented 45 percent.¹ Throughout the period, multilateral aid has contributed a greater share than bilateral aid. The major multilateral institutions include; the International Development Association (IDA) of the World Bank, African Development Bank, Global Fund, and the European Union (EU). Some of the leading bilateral donors are the UK, Norway, Ireland, Denmark, and Germany.

Ugandan public debt stock is still high, but is slowly declining. The decline in Uganda's total debt stock in 2006, is attributed to the country's debt cancellation under the Heavily Indebted Poor Countries Initiatives (HIPC I & II). 75 percent of the external debt was forgiven under the Multilateral Debt Relief Initiative (MDRI). However, the current debt has been accumulating at an average rate of 30 percent per year since 2007. Meanwhile, public debt as of November 2013 was estimated at Uganda Shillings 18 billion (\$5,294,118) (AFRODAD, 2015). External debt accounted for 18.1 percent of GDP. As of June 30, 2015, public debt had increased to UGX 24.43 trillion (\$7,185,294,118) (32.8 percent of GDP) compared to the 30th June 2014 position of UGX 19.59 trillion (5,761,764,706) (28.5 percent of GDP) of which, external debt accounted for 19.4 percent. Public debt is projected to increase to UGX 30.87 trillion (9,079,411,765) by the end of June 2016 (38.1 percent of GDP), on account of large disbursements resulting from increased borrowing to finance a number of key infrastructure projects over the medium term.

1 See <http://www.oecd.org/countries/uganda/aid-at-a-glance.htm> for various statistics on Uganda

The context of such aid flows is the fact that public expenditure and taxation, as a share of GDP, have historically been low in Uganda. Since independence in 1989, public expenditure was only briefly higher than 15 percent of GDP and domestic revenues have rarely been in excess of 10 percent (Kayizzi-Mugerwa, 2012). Revenues have been sensitive to the volume of trade and the exchange rate. In the 1960s (Kayizzi-Mugerwa, 2012) and 1970s, taxes on international trade constituted some 45 percent of total revenue. By the late 1990s the share of trade taxes had fallen to 10 percent following fiscal reform, to be replaced by other indirect taxes (VAT and excises) as the main source of revenue (two-thirds of the total) (Reinikka & Collier, 2001). Fiscal buoyancy increased due to the reforms in tax administration implemented by the autonomous Uganda Revenue Authority created in 1991 and charged with levying both direct and indirect taxes. The latter half of the 1990s saw a reduction in import tariffs, with the average effective rate of protection was at 15 percent in 1999.

The decline in the trade/GDP ratio in the 1970s and 1980s critically weakened revenue mobilization. One sign of improvement in tax administration is that revenue performance in 2002/03 achieved 99 percent of the approved budget estimates. There have been debates about improving Uganda's modest revenue performance. One obvious and convincing approach is to create strong incentives for the rapid expansion of the formal, tax-paying sectors of the economy.

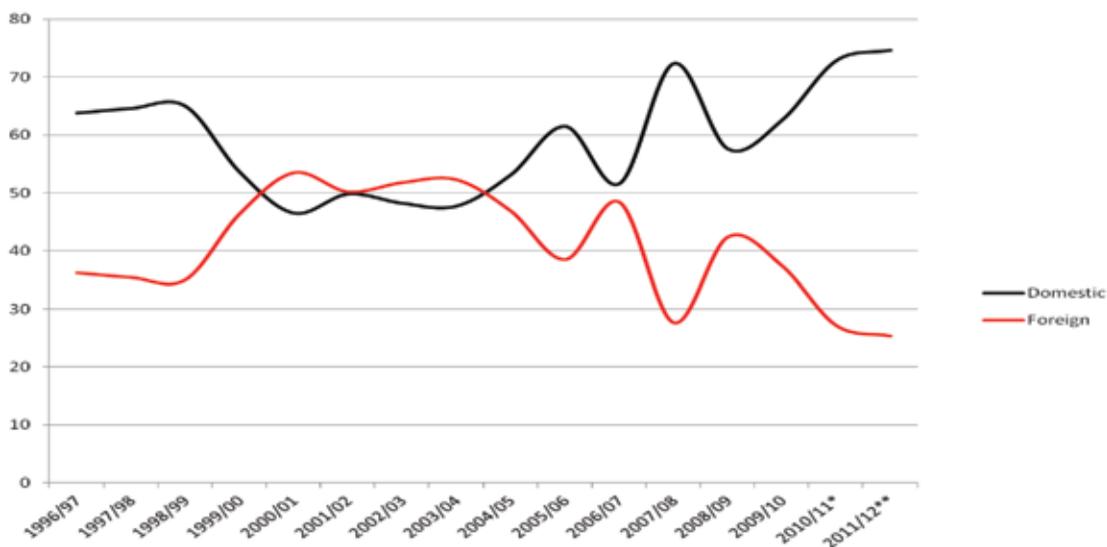
For example, Collier (1996) argued that aid should be partly used to lower corporate taxes in order to encourage development of the formal private sector, which would enlarge the future tax base (Kayizzi-Mugerwa, 2002). In view of Uganda's still modest rate of domestic savings mobilization, the encouragement of inward investment also played a useful role. After a very slow beginning, the pace of inward investment accelerated towards the end of the 1990s. The fiscal deficit (domestic revenues – expenditure) from the 1970s to the 1980s was typically of the order of 5 percent of GDP, though it was episodically higher. It was restrained by the government's ability to mobilize domestic and external financing. Domestic financing – largely monetary – was negligible in the 1960s, and on only a modest scale – 3.5 percent of GDP – in the 1970s and 1980s. However this fiscal picture kept changing over the years and in the 2005-2006 several important policy shifts took place.

In 2006, the World Bank and IMF announced that Uganda had graduated from being a Heavily Indebted Poor Country (HIPC) (Williams, Meth, & Willis, 2009). Several other reforms accompanied the same period. The discovery of oil in the Albertine region of South Western part of Uganda, as well as the declining reliance on international aid becomes important markers in the policy shifts in Uganda. These shifts in policy were informed by different realities.

First was the fact that the political regime in the new multiparty dispensation had become more concerned about maintaining its grip on power, and therefore was intolerant of the dissenting voices in the political class. Donors were also starting to point out a number of governance challenges in the country.

Several donors were for example disturbed by the way the opposition politicians were treated during the campaign period leading to the 2006 general elections. There have been declining levels of trust and tensions between donors and government. The figure below shows how Uganda has, over time, shifted its level of reliance on aid by raising more domestic resources. But while this aggregate picture seems to be encouraging, the development budget of the country is still very donor-dependent.

Figure 1
Share of Domestic to Foreign Resources in Uganda's Budget



Source: *Background to the Budget (2009/10:52)*

III. Uganda and Aid Agreements

In 2000, Uganda was among the first countries to develop Partnership Principles (Thompson, Johnson, & Anyuru, 2008) that followed closely the passing of the Paris Declaration in 2005 and learning from the Monterrey Consensus. This was the outcome of the 2002 Monterrey Conference for the United Nations International Conference on Financing for Development held in Monterrey, Mexico. It was adopted by heads of state and government on March 22, 2002. Through the partnership principles, Uganda was able to demonstrate its commitment to aid effectiveness early enough in its development history. When the Paris Declaration was passed, governments of donor and recipient nations agreed on five principles.

- **Ownership:** Developing countries are responsible for their own future. They must draft policies accordingly, and donors should respect and support them.
- **Aid Alignment:** Donors should use developing countries' own systems, relying on those countries' institutions and procedures. Donors should not set up implementing systems of their own in developing countries.
- **Harmonisation:** Donors must coordinate policies and efforts, so developing countries do not become overburdened with a multitude of bilateral missions.
- **Managing for Results:** Attention should not focus on how much money is spent for development purposes, but rather on what is achieved.
- **Mutual Accountability:** Since aid needs to be transparent, donors and recipients must be held responsible.

In the sections that follow we look at the status of the core business and challenges faced by development actors over the years.

A. Country Ownership

There has been good national ownership of the series of Poverty Eradication Action Plans (PEAPs), since 1997 and these provided the overall framework for national policy and budgeting. By the time the PEAP was undergoing its third iteration (2004-2007), there were already signs that it was running out of the political steam that had been fuelling its predominant position in Uganda. A drift away from focus on poverty within the development policy agenda was identified. This change emphasized national ownership and moving away from the original donor-driven model of a Poverty Reduction Strategy Paper. This apparent drift away from the poverty agenda in Uganda is closely linked to wider shifts that were occurring within the politics and political economy of development in Uganda during the mid-2000s. These shifts, which converged around the pivotal year of 2006, meant that the key factors that had underpinned the apparent commitment to poverty reduction for most of the previous decade would soon have unravelled, albeit in different ways and at different speeds.

The most visible shift was the return of multi-party politics in 2005. Tasked with mounting an official campaign as a political party, the National Resistance Movement (NRM) came up with a manifesto that articulated a vision of development that was strikingly different from that espoused by the PEAP. The language here was of 'Prosperity For All' (PFA), rather than mere poverty reduction, and the means of achieving it would no longer be through the laborious process of allocating budgetary resources to pro-poor sectors of public expenditure but through more direct measures, most notably the new programmes of microfinance and support for productive farmers. Country ownership has therefore been changing significantly over time, with politics playing a significant role in shaping the kind of policy shifts that the country undertakes.

B. Mutual Accountability

Accountability between donors and government in Uganda has been covered in the Partnership Principles over the years and for a few years under the Uganda Joint Assistance Strategy since 2008. The accountability of government to its citizens is rather less well-defined, particularly in terms of the role of civil society. Over the years accountability has been covered under initiatives related to budget transparency to produce key national documents, such as the National Development Plan (NDP) and the National Budget or budget information in accessible, summarised formats, and local languages. Civil society is sometimes given the opportunity to be involved in the PEAP assessments and the National Development Plan formulation. Civil society participates in the Sector Working Groups, and have also been involved in the development of the National Development Plan. However, for many CSOs, there are issues over whether these activities are part of their mandate and even if they are, whether they have the resources, in particular the time necessary to carry out these activities effectively.

One other important area for mutual accountability is the decentralization process, in that this brings government closer to grassroots communities, and potentially more accountable. This study has not had the time to examine decentralization in Uganda in any detail, but there are two points that should be made. First, there has been an increase in the number of districts since 2005 from about 80 districts to 112 districts in 2016, which is widely seen as politically driven. Second, this has increased the tension between the central and local government, with the majority of budget resources absorbed at the center. The central government sees local governments as incapable, and local governments challenge the lack of financial

resources allocated to them. This environment complicates the movement towards greater accountability at all levels.

Parliament has also been a key player in accountability mechanisms. The Parliament has an institutional infrastructure that allows it to assume the role of holding accountable ministries, departments, and agencies. The committees of parliament require all government organization to account for the way they have used resources. This process does clearly show that mutual accountability systems are present in the country, but there are shortcomings concerning their efficacy. For example, on many occasions, the Parliament is accused of being supportive mostly to the positions of the ruling party because they are the most represented in Parliament. There is also the problem of the Parliament not having an institution that checks its decision. In some cases it has been accused of being inconsiderate especially when they award themselves big salaries.

C. Fragmentation of Development Flows and Alignment

Uganda has been highly active in establishing rules for how aid is linked to policy priorities. Uganda has, since 1999, proposed a set of principles for the management of official development assistance and these have been incorporated into the National Development Plan. Even before the Uganda Joint Assistance Strategy (UJAS), donors had strong alignment with government policy through the sector working groups. The UJAS itself has three basic principles: supporting implementation of the National Development Plan to achieve the Millennium Development Goals (MDGs); to collaborate more effectively among donors and with government, and; focusing on results and outcomes. The UJAS was developed by eight donors, but has now been signed by 12 in total; African Development Bank, Austria, Belgium, Denmark, European Commission, Germany, Ireland, the Netherlands, Norway, Sweden, UK DFID, and the World Bank.

However, there is an increasing amount of official development assistance coming from new donors and from donors outside the UJAS. In total, Uganda has over 60 donors. The twelve UJAS signatories provide the greatest proportion of aid, but some 30 percent is provided outside the UJAS system. This includes support from the Global Fund and the GAVI Alliance, and newer donors, such as South Korea and China who are not part of harmonised alignment processes.

Alignment to government management and financial processes is less advanced. Although about 50 percent of official development assistance is identified as going through budget support and programme-based initiatives, there are still a considerable number of projects with their own project implementation units (54 at the latest count, with 14 of these in African Development Bank projects). There is also a range of examples of donors pooling funding, in support of the National Development Plan; the legal aid basket fund and the Human Rights Commission basket fund are two examples. Three donors provide more than half their aid as general budget support.

There is significant aid going through NGOs which is off budget. This is managed through a basket fund facility known as the Democratic Governance Facility (DGF). There are considerable inconsistencies between the amounts of official development assistance reported to OECD/DAC and that appearing in government statistics. The predictability of aid flows is still very poor. The UJAS does identify aid predictability as an issue, and identifies a base case, low case, and high case scenario, linked to the achievement of various targets, which would ensure a certain minimum level of official development assistance, to enable greater and more effective planning.

D. Managing for Results

Uganda for many years has done well in the OECD/DAC baseline study under management for results. It has relatively strong statistical systems, with the Uganda Bureau of Statistics, a semi-autonomous body linked to MFPED, NIMES (the National Integrated Monitoring and Evaluation Strategy) under the Office of the Prime Minister.

The National Development Plan has a results matrix which comprises strategic results and outcome indicators. These are aggregate indicators, with only the indicators for education disaggregated by sex. Over the years, the UJAS partners have committed to using the government's own assessment to judge the development effectiveness of UJAS.

Case Story:

Changing Development Architecture and the Making of Uganda's Poverty Eradication Plan and Transition to the National Development Plan

Early economic reforms in Uganda did not address poverty as they were largely geared towards stabilizing and rehabilitating an economy that was torn apart by war. This focus was quickly compromised when in 1992 the Government started considering the impacts on livelihoods that people suffered because of structural adjustment policies. It was widely acknowledged that the structural adjustment programmes had a differential impact on different social groups in part because of a heterogeneous Ugandan population.

An influential factor that led to a focus on poverty was the political campaigns for the Constituent Assembly elections of April 1994 and the Presidential and Parliamentary elections of May and June 1996. The political campaigns were therefore seedbeds for a sharper focus on poverty. Key political leaders of the National Resistance Movement returned from campaigns saying that there was a lot of poverty in the countryside and there was a need to do something about it. The anxiety that followed led to a number of events. In September 1996 President Museveni mobilized members of Parliament, donors, and Government ministers and took them to Luwero triangle. Luwero triangle in central Uganda was the place where President Museveni had launched his guerrilla warfare that ousted the Military Junta that had earlier toppled Milton Obote in a coup in 1985. The President said the trip was to bring donors and politicians face to face with the state of roads, schools, dispensaries, and the extent of poverty in the countryside. The Government put in place the National Task force on Poverty Eradication which included eminent persons from various institutions like the academia, Government ministries, donors, CSO representatives, Trade Union representatives, and politicians.

The 2nd phase in Uganda's poverty policy was the actual implementation of Uganda's 1st PEAP launched in early 1997. This phase provided an early reality check on Uganda's approach to inclusive poverty policy as the more intimate involvement of other actors and an early encounter with the implementation of the enlisted priority programme areas from across the country. First, the priority programme areas enlisted in the 1st PEAP were not an exact fit across the country. At the Local Government level, there were emerging differences in the implementation of the priority programme areas and yet the funding provided by the Central Government was uniform. For example, while Government was sending conditional grants for roads, some island districts such as Kalangala needed water transport.

The PEAP 2000, whose implementation started in the 2000/01 financial year, was hailed especially by the World Bank and International Monetary Fund (IMF) as a "model" for post-structural adjustment Poverty Reduction Strategy Papers (PRSPs), having pre-dated the adoption of PRSPs by the donor community. The PEAP 2000 set the long-term goal of reducing the incidence of income poverty in Uganda to less than 10 percent by 2017. Uganda became the first beneficiary of the Enhanced HIPC Debt Relief Initiative and obtained 46 million dollars in debt relief for the financial year 2001/2. The relief increased by 55 million US dollars in each of the subsequent financial years leading to a combined HIPC I and HIPC II savings of approximately

90 million USD annually. A key strength of the PEAP 2000 was its implementation mechanism which was tied to the national budget process.

Despite PEAP 2004/05 benefiting from one of the most robust and extensive consultative processes and analytical work, its final completion and launch represented an anti-climax. Changes in the Ministry of Finance brought in leadership that was not necessarily enthusiastic about the PEAP and it took a lot of persuasion, including from donors for the PEAP, to be finally signed off by the President.

Indeed a document that was born in times of consensus politics was now sitting in the middle of politics of contestation with an official opposition and a party with a manifesto in power. This was all because of the competing political propositions that the government had started suggesting publicly and wanted to put on the policy table as a response to the new realities of multi-party politics. Evidently, there was waning support to the Poverty Agenda for a Prosperity Agenda. The President used the slogan 'Prosperity for All' (PFA) as a war-cry during the 2006 elections campaign.

However, the combination of tight fiscal control and dependence on donor funding for development expenditure had resulted in Uganda's development partners always having an important say in the distribution of resources, partly explaining why there has always been heavy expenditure on social services, education and health, while less has been spent on productive sectors.

By the time the PEAP was undergoing its third iteration (2004-2007), there were already signs that it was running out of the political steam that had been fuelling its predominant position in Uganda, and also to identify a drift away from a focus on poverty within the development policy agenda.

Uganda has reversed its level of reliance on aid and is set to do so further in the future. PEAP Review also made it clear how extensive were the transaction costs of dealing with so many donors – not only were the costs of being a donor darling becoming increasingly hard to bear, alternative forms of finance reduced the need to put up with these often significant inconveniences. Relations were further strained by the new aid modalities that emerged around the same time, as with 'Paris Declaration' approaches such as donor harmonisation, which sometimes gave the impression that donors were 'ganging-up' on Government with a strong and apparently unified perspective on certain issues. More broadly, it was also clear that the international political economy around development in Uganda was shifting, particularly in terms of oil and the increased attention to new economic and geopolitical forces, most likely China.

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This 2016 Global Synthesis Report

assesses, by bringing together qualitative country reports, the progress of effective development cooperation in the different global regions in time for the Second High-level Meeting of the Global Partnership for Effective Development Co-operation.

The 18 CSO contributors in this Report provide perspectives on the present state of development cooperation through the lens of development effectiveness principles – democratic ownership, results focus, inclusive partnerships, and transparency and accountability. They detail how conditions at the country level affect implementation of the commitments, their engagement in development processes, as well as advances and challenges. By providing narratives from the ground, this Report lays out the concrete experiences of CSOs, which supplements more indicator-based analysis of development cooperation.