

CIVIL SOCIETY ASSESSMENT OF THE NAIROBI OUTCOME DOCUMENT

10 February 2017

I. Introduction

The 2nd High Level Meeting of the Global Partnership for Effective Development Co-operation (HLM2) was an important moment to ensure that Aid and Development Effectiveness commitments are upheld and all stakeholders commit to being accountable. For CSOs it was important to have an honest conversation around how all stakeholders have delivered on their commitments to make development cooperation effective in reducing poverty and inequality despite the challenging landscape.

The moment was crucial as all development partners were expected to maximise commitments to contribute in delivering the ambitious 2030 Agenda. GPEDC, as a multi-stakeholder platform, should demonstrate good practice in delivering on commitments and producing results. The Busan Principles of democratic ownership, focus on results, inclusive development partnerships, and transparency and accountability should be the impetus for behavior change.

In the HLM2, the CSO Partnership for Development Effectiveness (CPDE) championed the universal application of effective development cooperation principles. Our call was for all parties committed to the Effective Development Co-operation principles to be *accountable*; to continue to *work with* civil society as equal partners and to *commit* to people and planet over profit.

CSOs worked hard throughout the negotiation process and CPDE appreciates the resulting Nairobi Outcome Document (NOD). We welcome the upholding of previous commitments as central to moving forward with the effective development cooperation agenda. By doing so, the NOD not only advances the role of the GPEDC, it strengthens the role of effective development co-operation in advancing the 2030 Agenda.

CPDE recognises the GPEDC's resolve "*to reverse the trend of shrinking of civic space...*" and the commitment to "*...providing an enabling environment for civil society*" (§18). References to "*International Labour Organisation standards, United Nations Principles on Business and Human Rights and the OECD guidelines for multinational enterprises*" (§80) for the business sector's work in development were also important features of the document.

We commend all present in HLM2 for these achievements. Particularly, we recognise Kenya's skillful facilitation of the NOD negotiations that made this possible. Through its leadership, stronger language on gender equality, women's empowerment and youth's role in development was realised.

Despite these important achievements, CPDE still has some concerns.

This document is CPDE's assessment of the Nairobi Outcome Document against our advocacy imperatives.

II. Summary of NOD assessment against CSO policy positions

CSO Priorities/ Policy Positions	Assessment
Effective development cooperation commitments made since Paris are upheld and applied to all stakeholders through a monitoring framework that recognises different dimensions of development.	Achieved: The document commits all development partners to “renew their full commitment to achieve this unfinished business” together with time-bound action plans (§35).
Shrinking and closing spaces for civil society be recognised and addressed, and GPEDC recommits to providing an enabling environment to maximize CSOs’ contribution to development.	Significantly Achieved: Recognition and the commitment to reverse the trend of closing spaces for civil society (§18) Commitment to accelerate progress in providing an enabling environment for civil society in line with internationally agreed rights (§18) Promotion of civil society space to “evaluate development progress by the government and other stakeholders” is commendable (§42f). However, there is no affirmation of civil society’s role “to enable people to claim their rights” from the Mexico Communiqué.
All members of the Global Partnership ensure that the private sector exercise accountability in its development interventions, especially in aspects of labour, environment, and other human rights standards.	Partially Achieved: Inclusion of specific criteria to hold business accountable, with direct reference to EDC principles, International Labour Organisation (ILO) standards, UN Principles on Business and Human Rights, and the OECD Guidelines for Multinational Enterprises (§79a; §79b; 80).
Ensure development cooperation funds are used to leverage only private investments that have clear development objectives, e.g. eradicating poverty and reducing inequality.	The NOD extols the role and potential role of the private sector contributing to sustainable development as it does business and while pursuing its profit goal (§16; §61). The NOD also tries to highlight that a key purpose of development cooperation (public finance; ODA) should be to attract private investment (§23).

CSO Priorities/ Policy Positions

Assessment

The integrity of GPEDC's mandate as an inclusive multi-stakeholder platform to ensure effectiveness of development cooperation is upheld, as this contributes to the realisation of the Sustainable Development Goals (SDGs).

The inclusive character of the platform expresses itself in parity in representation and leadership, including governance arrangements that allow for a fourth non-executive co-chair.

Protect the integrity of the effective development cooperation agenda, including the current global monitoring framework, which should be refined in a way that ensures continuity

Recognition of the role of women, youth, migrants, and other peoples' groups

Achieved:

The GPEDC's vision (§33) is now centered on the notion of shared benefit instead of referring to the interests of different stakeholders, which might have undermined the essence of development partnerships.

Mutual accountability is referenced sufficiently throughout the document (§7, §12, §31, §68).

Recognition of previous commitments and its importance in moving ahead and in contributing to A2030 (§8, §12, §18, §30).

The monitoring framework is strongly founded on the value of multi-stakeholder partnership (§5, §30, §31).

The inclusive character of the platform is reflected in its governance arrangements, including the proposed addition of a fourth non-executive co-chair (Annex 1 §18).

Partially Achieved:

Language on the catalytic role of international public finance, (§23) and Official Development Assistance (ODA) in particular, may undermine effectiveness agenda as it opens up to financial modalities. Finance blending and leveraging, as modalities, are intrinsically weaker in terms of effectiveness, given their risk-taking and return-yielding elements.

Recognition of the monitoring framework's unique role as the main instrument of the Global Partnership and its mandate to promote mutual accountability (§30, §31).

Achieved:

The NOD further elaborates on several areas important to gender equality and empowerment (§84-88), youth (§89, §90), and migration (§5, §21).

III. Analysis

1. Effective development cooperation commitments made since Paris are upheld and applied to all stakeholders through a monitoring framework that recognises different dimensions of development.

We highlight that the Nairobi Outcome Document reaffirms to fulfill GPEDC's commitments to effective development co-operation since Paris. We underscore the value of the call on all development stakeholders to *"Renew their full commitment to achieve this unfinished business, with particular reference to the relevant policy commitments identified in the current monitoring framework that were initiated in Paris and Accra."*(§35)

Unlike commitments made in Paris, Accra, and Busan, this underlines that time-bound action plans in relation to these commitments will be developed. This is a crucial element of accountability. In the absence of action plans all commitments may remain in the realm of rhetoric (§35).

These are significant in the context that aid in development finance is declining and shifting to national self-interests. Donor governments face other priorities and claims of economic downturn in their own backyard. Governments are not fulfilling their role as the primary duty-bearers. The current trend is to use public finance to advance donor national interests and bring in corporations in the hope that this might increase the provision of public goods. Accountability mechanisms are needed to ensure that all stakeholders development effectiveness keep true to commitments, even in difficult times.

Central to all commitments is the issue of ownership. Civil society asserts that democratic ownership, based on the rights of people to access democratic institutions, is what makes development priorities and processes legitimate. The NOD went beyond the usual country ownership rhetoric by committing development partners to exercise *"inclusive ownership of the national development agenda and conduct thorough transparent and regular consultations with relevant stakeholders"* (§42b). However, references to ownership largely remain in the frame of inclusive ownership, often interpreted by governments as the act of consulting with different stakeholders. This may run the risk of downplaying the importance of democratic ownership as it may leave people's rights to the discretion of governments.

2. Shrinking and closing spaces for civil society are recognised and addressed, and GPEDC recommits to providing an enabling environment to maximize CSOs' contribution to development.

Civil society has steadily and persistently strengthened its role and relevance in the Global Partnership on Effective Development Cooperation. In Paris (2005) CSOs were observers, in Accra (2008) they were recognised as *"development actors in their own right"*, in Busan (2011) governments promised to create an *"Enabling Environment"* for civil society, *"consistent with internationally agreed rights."* The NOD recognises the failure to live up to this commitment in the past five years. Further, it commits to reverse the trend of closing spaces and accelerate progress in providing an enabling environment for civil society (§18). This recognition is a major step-forward for civil society, which has been facing worsening conditions since Busan.

Working with members of the Task Team on CSO Development Effectiveness and Enabling Environment, CSOs were able to temper the attempt of several governments to require civil society to align their work with national results frameworks (§58). It was agreed to qualify this with *"as relevant to their role as independent development*

partners in their own right” at the end of this paragraph. However, inconsistency remains as civil society as an independent partner is framed to work “*within national policies*” (§65).

3. All members of the Global Partnership ensure that the private sector exercise accountability in its development interventions, especially in aspects of labour, environment, and other human rights standard. Ensure development cooperation funds are used to leverage only private investments that have clear development objectives, e.g. eradicating poverty and reducing inequality

The Nairobi Outcome Document follows the overall trend of supporting the private sector in development consistent with the Addis Ababa Action Agenda (AAAA) in the implementation of the 2030 Agenda. CSOs note that the current dominant discourse in GPEDC is to unleash the potential of development cooperation to attract private investments. It is alarming that the complex challenge to leave no-one behind is being promoted as an opportunity for private capital to develop markets.

As with initiatives in the UN and other development forums, the NOD extols the role and potential role of the private sector in contributing to sustainable development while pursuing its profit goal (§16; §61).

The CPDE and International Trade Union Confederation (ITUC) asserted that there be safeguards in place. We commend the document’s final inclusion of specific criteria to hold business accountable, with direct reference to International Labour Organisation (ILO) standards, UN Principles on Business and Human Rights, and the OECD Guidelines for Multinational Enterprises (§80).

The document also recognises the relationship of a trade union enabling environment, freedom of association, social dialogue and collective bargaining with the broad array of development effectiveness commitments (§80).

However, much of the document is still about promotion of the private sector and, in particular, ODA as a catalyst for resource mobilisation. It highlights that a key purpose of development cooperation should be to attract private investment and blended finance (§23). In this regard, we are concerned about the lack of clarity of purpose in eradicating poverty and reducing inequality; and in the use of international public finance for private sector development (§23). We assert that the purpose of ODA to reduce poverty clashes with business’ primary goal of maximising profit.

The document also emphasises on private sector in development giving “*high importance to the pursuit of sustainable development through the business sector.*” It views the SDGs as an “*opportunity for private capital to increase prosperity and raise public revenue, drive down the cost of access to goods and services, and promote sustained, inclusive and sustainable economic growth*” (§16). However, our experience on the ground has shown that large-scale private capital has seldom been an instrument to address inequality. There is little evidence in the Global South to support the claims that such private investments effectively raise public revenue or drive down the cost of access to goods and services. More importantly, the privatisation of essential public goods and services goes against the principle that these are rights, which governments are duty-bound to provide to their citizens.

Civil society believes that there are inherent risks in the overall promotion of the private sector’s enabling environment and role in development. There is a broader need for all stakeholders to work together to: (a)

monitor implications of human rights commitments with respect to business practices; and, (b) ensure business and corporate accountability and transparency in the context of development cooperation programs (§16).

4. The integrity of GPEDC's mandate as an inclusive multi-stakeholder platform to ensure effectiveness of development cooperation be upheld, as this contributes to the realisation of the Sustainable Development Goals (SDGs). The inclusive character of the platform expresses itself in parity in representation and leadership, including governance arrangements that allow for a fourth non-executive co-chair.

CPDE acknowledges that the GPEDC's vision as stated in the NOD is now centered on the notion of shared benefit instead of referring to mutual benefit or interests. Joint efforts to achieve the same goals, such as those enshrined in the 2030 Agenda and other international declarations, is the essence of development partnerships. GPEDC's clear stand is instrumental in fending off policies aiming at imposing new kinds of conditionalities on Development Partners.

We also acknowledge the work in making direct linkages between effective development cooperation and the implementation of the SDGs throughout the NOD.

We welcome the document's commitment to build on mutual accountability through the monitoring framework, and between stakeholders in the Global Partnership (§6, §7, §12, §31). The reference to the monitoring framework with its unique role to help build mutual accountability, mutual benefit and mutual learning also strongly reflects the very purpose of the Global Partnership (§31).

A major achievement has been made in proposing a fourth co-chair position for non-executive stakeholders [CSOs, parliamentarians, foundations, trade unions, local government]. Although noting that the Steering Committee has only just signaled its "openness to considering [this position]," the NOD's Annex 1 calls for "a proposal for the modalities and functions of this seat [to] be presented by the non-executive members of the Steering Committee at the Committee's first meeting post-HLM2 for further consideration" (Box following Annex 1, §22).

5. Protect the integrity of the effective development cooperation agenda, including the current global monitoring framework, which should be refined in a way that ensures continuity.

It is unacceptable to define development co-operation simply as a catalyst for other forms of financing. Language on the catalytic role of international public finance (§23), and ODA in particular, may undermine effectiveness agenda as it opens up to financial modalities, including blending and leveraging. These modalities are intrinsically weaker in terms of effectiveness, given their risk-taking and return-yielding elements.

CPDE appreciates the document's recognition of "the unique role of the monitoring framework" as the main instrument for the Global Partnership and its mandate to promote mutual accountability, mutual learning and mutual benefit [§30, §31]. We also value the commitment to holding monitoring rounds every two years as stated in Annex 1 point 6. This is significant in the light of efforts to push for a revised mandate that underplayed the accountability dimension of the GPEDC in the lead-up to HLM2. It is also important that the centrality of the Monitoring Framework to the GPEDC's work (§31, §32) is referenced to directly contribute in measuring SDG indicator 17.16 on inclusive partnerships.

However, there are still gaps that need to be addressed (§30, §31, §32). The report of the Monitoring Advisory Group (MAG) offers guidance for the revisions of the monitoring framework to: (a) improve their relevance to effective development cooperation commitments and to achieve the SDGs; and, (b) promote inclusive accountability, particularly at the country level. The GPEDC's current indicators need to be clarified, with more inclusive methodologies for implementation. This will help realise the role assigned to Monitoring Framework in the NOD to improve accountability of all actors and effect behaviour change.

We welcome the NOD's recognition of the principles underpinning South-South Cooperation (SSC) (§25). The GPEDC must ensure that all parties including the possibility of new additions to the partnership must abide by the principles of effective development co-operation. With the notable lack of engagement of BRICS countries in GPEDC, members of the partnership may need to figure out other ways to address development effectiveness issues in SSC beyond the GPEDC.

6. Recognition of the role of women, youth, migrants, and other peoples' groups

For the first time in the Global Partnership, there is clear recognition by all stakeholders of the *"unique and essential role of women's civil society and human rights organizations, including feminist organizations, in advancing gender equality and the empowerment of all women and girls"* (§85). It spells out several explicit areas of importance to gender equality and empowerment such as to end violence and discrimination (§84); reverse underinvestment in women's empowerment (§86); the redistribution of women's unpaid care and domestic work (§88); the equal pay for equal work or work of equal value (§88); gender-responsive planning and budgeting (§76); and others. Still throughout the text the approach to women's economic empowerment is more interested in the economic impact that investing on gender equality would bring to a country, than women and girls' access to their economic rights and autonomy.

The Nairobi Outcome Document also dedicates specific language on the youth by putting a great importance on investing in the development of children and youth (§89). It specifically commits to "promote and protect the rights of children and youth", "strengthen capacity and create the space and necessary mechanisms for the meaningful participation... in the 2030 Agenda", and to "promote the productive capacities of the youth" (§90).

Language on migration is also mentioned in the outcome document. The need for coherent and comprehensive policy frameworks that promote safe, regular, and orderly migration based on the rights of all refugees and migrants (§21) reflects the Global Partnership's recognition of this evolving issue.

IV. Notes on the mandate and working arrangements

The HLM2 resulted in two other documents, the GPEDC Mandate, and Working Arrangements. Although these did not go through the same process of negotiations as the NOD, all HLM2 outputs must be coherent and mutually reinforcing.

As previously noted, a fourth co-chair position for non-executive stakeholders [CSOs, parliamentarians, foundations, trade unions, local government] have been put on the table. Annex 1 calls for "a proposal for

the modalities and functions of this seat [to] be presented by the non-executive members of the Steering Committee at the Committee's first meeting post-HLM2 for further consideration" (Box following Annex 1, §22). CPDE has strongly pushed for this seat and will continue support this effort.

In the section of Annex 1 titled Operational Changes, the document notes that High-Level Meetings will continue to be stand-alone while other high-level segments and possibly Senior-Level Meetings will be interspersed, taking place in the margins of other relevant meetings (Annex 1, §31). Both High-Level segments and Senior-Level GPEDC meetings should be stand-alone events to ensure the Partnership does not lose its relevance or visibility in the UN context. Stand-alone meetings give time for proper assessment of the monitoring rounds and evaluation of impacts of development cooperation and preserve the integrity for effective development cooperation as an important focus of the development agenda. Further, Senior-Level meetings should be more than "considered" to allow for a more technical discussion while High-Level Meetings are where political decisions are made.

V. Conclusion

In light of the new global agenda for the SDGs and the declining interest of political decision-makers in the Global Partnership, the outcome of HLM2 brings much-needed affirmation of the effective development cooperation agenda's importance. In this regard, HLM2 and the Nairobi Outcome Document steps back to iron out some important issues to effectively build and advance on previous commitments.

The commitment to a time-bound work-plan for achieving the unfinished business is a crucial take-away for the development community in ensuring that the effectiveness agenda retains its past commitments, while still moving forward in supporting the 2030 Agenda. The commitment to reverse the trend of shrinking spaces for CSOs is another hard-fought element of the Nairobi Outcome Document. The openness to a fourth non-executive co-chair reflects the effort for a more inclusive character of the partnership.

Civil society is concerned that the NOD, consistent with the global trend, tends to promote big businesses to have a larger stake in achieving development outcomes for the SDGs. Not only is this a threat to the principle of accountability in the Global Partnership, it also raises many uncertainties for the future.

Beyond the HLM2, CPDE is dedicated to working through these challenging issues in the Global Partnership. We commit to applying the language and spirit of the NOD to contribute to the Sustainable Development Goals and address country realities.

For its part, civil society commits to the "Istanbul principles which incorporate the Busan Principles as an expression of mutual accountability with other relevant stakeholders in the Global Partnership" (§67a). CSOs also pledge to "develop and implement strategies, activities and practices that promote individual and collective human rights, including the right to development, with dignity, decent work, social justice and equity for all people; and realise sustainable outcomes and impacts of their development actions, focusing on results and conditions for lasting change for people, with special emphasis on poor and marginalized populations, ensuring an enduring legacy for present and future generations" (§67d, e).

We take to heart the many commitments we made in the NOD.