ISTANBUL FIVE YEARS AFTER:
EVIDENCING CIVIL SOCIETY DEVELOPMENT EFFECTIVENESS AND ACCOUNTABILITY

CSOPartnership
for **Development Effectiveness**

Istanbul Five Years After:
Evidencing Civil Society Development Effectiveness and Accountability

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INTRODUCTION

Civil society organizations (CSOs) have strived improve their own effectiveness and accountability as independent development actors since the landmark adoption of the 8 Istanbul Principles for CSO Development Effectiveness in 2010, and the Siem Reap CSO Consensus on the International Framework for CSO Development Effectiveness in 2011. These were documented in the publication *Journey from Istanbul*, which highlighted case stories from 19 countries describing civil society's continuing efforts to promote and implement the Istanbul Principles through trainings, advocacy, and developing educational materials.

The CSO Partnership on Development Effectiveness (CPDE) Working Group on Development Effectiveness (CSO DE WG) has conducted the Global Training of Trainers on CSO DE in Johannesburg, South Africa in 2013. There were also numerous workshops at the country and regional levels to introduce and follow through on the Istanbul Principles and to support civil society organizations develop their roadmaps towards the creation of national CSO accountability charters, where there are none. The Istanbul Principles self-assessment checklist was relaunched into CSO Awareness Check (#CSO Check)- a new web-based tool to help CSOs around the globe to check their progress in implementing the Istanbul Principles.

It is encouraging to see that all over the world, civil society has made strides in improving their effectiveness and accountability. These, they did, despite the fact that it is becoming increasingly and alarmingly difficult for CSOs to realize their full potentials as development actors. The context with which CSOs find themselves in is one, if not the greatest challenge, that prevents CSOs from fully seeing through the Istanbul Principles. We see that despite the rhetoric on multistakeholder partnerships, spaces and opportunities for dialogue and engagement are actually closing at the global, regional, and national levels. Laws that restrict CSOs activities are being put in place, negatively impacting development workers in both South and North especially for those working on human rights, environmental rights, and gender equality. Fundamental civil liberties and human rights are severely under threat, if not under outright attack.

Five years since Istanbul and Siem Reap, there is a need for an assessment of the actual state of CSO Development Effectiveness and Accountability in order to scale up previous initiatives and identify action points to address challenges.

This action research is composed of eleven (11) reports from seven (7) countries and four (4) sectors. It builds on the results of the *Journey from Istanbul* casebook and the *CPDE Global Synthesis on the State of Development Cooperation, CSO Enabling Environment, and CSO Development Effectiveness.* It aims to:

- Assess CSO progress, challenges and opportunities in the implementation of the Istanbul Principles, in the context of different types of CSOs and the roles they play vis-a-viz the environment for civil society.

- Come up with possible recommendations for CSOs in which CPDE could lend its expertise.

- Come up with policy recommendations for governments and other stakeholders to provide capacity development support for civil society initiatives at development effectiveness and accountability.

These reports are valuable sources of evidence that show CSOs are making good on their commitment to implement the Istanbul Principles and develop their own accountability. These, we do, in keeping with our commitments to the Busan Partnership for Effective Development Cooperation, but also as part of our accountability to the people that we serve and work with.

We would like to thank the 11 organizations organizations for writing and sharing these reports on the status of the Istanbul Principles and CSO Accountability. We also thank the CSO DE WG for the meaningful collective exchanges on the topic. We acknowledge the support from the CPDE Global and Regional Secretariats especially in mobilizing CSO researchers. We also extend our appreciation to Brian Tomlinson for his sharing his analyses and writing the synthesis of the eleven reports.

We would like to thank the European Commission and the Swedish International Development Cooperation Agency for their invaluable support to this initiative and to CSOs in further improving their development effectiveness and accountability.

This project was also made possible through the contribution of the Secretariat of the Asia Pacific Research Network (APRN) in coordinating the project, as well as through Andrew Zarate for the layout.

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ABBREVIATIONS & ACRONYMS

AAA	Accra Agenda for Action
AFP	Administradora de Fondo de Pensiones
APMM	Asia Pacific Mission for Migrants
ASFI	Autoridad de Supervisión del Sistema Financiero (fiscal authority)
AU	African Union
AYFP	African Youth Forum for Peace
BID	Inter-American Development Bank
BOG	Board of Governance
BPEDC	Busan Partnership for Effective Development Cooperation
CAMYOSFOP	Cameroon Youths and Students Forum for Peace
CBOs	Community based organizations
CCIC	Canadian Council for International Cooperation
CIDOB	Confederación de Pueblos Indígenas de Bolivia
CNSS	Caja Nacional de Salud y Seguridad Social
CONALCAM	Coordinadora Nacional por el Cambio
CONAMAQ	Consejo Nacional de Ayllus y Markas del Qullasuyu
CPDE	CSO Partnership for Development Effectiveness
CPE	Constitution of Bolivia
CSA Vietnam	Action for CSO Development Alliance - Vietnam
CSCB	Confederación Sindical de Colonizadores de Bolivia
CSD	CSO – Self Development
CSO	Civil Society Organizations
CSO DE	CSO Development Effectiveness
CSO-TAI	CSO initiative on transparency and accountability
CSUTCB	Confederación Sindical Única de Trabajadores Campesinos de Bolivia
DO	Divisional Officer
EENA	Enabling Environment National Assessment
EU	European Union
FNMCIOB "BS"	Federación Nacional de Mujeres Campesinas, Indígenas Originarias Bartolinas Sisa
GDP	Gross Domestic Product
GESP	Growth and Employment Strategy Paper
GPEDC	Global Partnership for Effective Development Cooperation

GRUS	Partners for Development Group
HLF	High Level Forum
IACHR	Inter-American Commission for Human Rights
IFF	Illicit Financial Flows
INGO	International NGOs
Inspiring CSOs	Inspiring CSO culture on transparency and accountability
IP	Istanbul Principles
MAS	Movimiento al Socialismo
MDG	Millennium Development Goal
MSD	Research center for management and sustainable Development
NCHRF	National Commission of Human Rights and Freedoms
NGO	Non-Governmental organizations
NPI	Not-for-Profit Organisation
ODA	Official development aid
OECD	Organization for Economic Cooperation and Development
PASC	Civil Society Strengthening Programme
PUAs	Public Utility Associations
PYU	Pan-African Youth Union
RCD	Institute of research and consultancy for development
RUN	Registro Unico Nacional de ONG
SAFCO	Law 1178 for Governmental Administration and Control
SALW	Small Arms and Light Weapons
SDG	Sustainable Development Goals
SDO	Senior Divisional Officer
SIN	Servicio de Impuestos Nacionales
TAPA	Transparency and accountability practice assessment tool
TCP	Constitutional Court
ToR	Terms of Reference
UN	United Nations
UNITAS	Unión Nacional de Instituciones para el Trabajo de Acción Social
UPR	Universal Periodic Review
VUSTA	Vietnam Unions of Science and Technology Associations

ISTANBUL PLUS FIVE: A SYNTHESIS OF EVIDENCE ON IMPLEMENTATION OF THE ISTANBUL PRINCIPLES FOR CSO DEVELOPMENT EFFECTIVENESS

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THE ISTANBUL PRINCIPLES AS A FRAMEWORK FOR CSO ACCOUNTABILITY

The *Istanbul Principles* are a statement of common values and approaches. They were agreed in 2011 by 240 CSOs from 70 countries, following three years of intensive consultations by civil society organizations (CSOs) around the world. The following year, CSOs approved the Siem Reap CSO Consensus on the International Framework for CSO Development Effectiveness elaborating how CSOs might align their practices with the *Principles*.[1]

The *Principles* are not a static blueprint for CSO good practice, but rather establish a dynamic set of standards that should guide CSOs as independent development actors. Together the eight *Principles (see Box 1)* set out a vision for essential areas that impact on CSO development practice. They form a foundation for CSO reflection, discussion and debate, leading towards improvement and change. But they do so cognizant of the importance of adaptability to thousands of highly diverse CSOs, large and small, multiple CSO roles and capacities, and very different country contexts for CSOs across the globe.

The *Principles* and *Framework* were key CSO commitments going into the Fourth High Level Forum held in Busan in December 2011, in which they were full participants. At the Forum, aid providers and partner country governments reaffirmed their 2008 Accra commitment that CSOs are independent development actors in their own right.[2] All stakeholders in Busan advanced this notion of independent development actors by committing to use the *Principles* and *Framework* to hold CSOs accountable:

> *"We will … encourage CSOs to implement practices that strengthen their accountability and their contribution to development effectiveness, guided by the Istanbul Principles and the International Framework for CSO Development Effectiveness." [§22b]*

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[1] The *Istanbul Principles* and the *CSO Siem Reap Consensus* on a Framework for CSO Development Effectiveness can be found at http://cso-effectiveness.org/-Istanbul-Principles,067-.html.

[2] See Accra Agenda for Action, paragraph 20, at http://www.oecd.org/dac/effectiveness/34428351.pdf, and the Busan Outcome Document at the Busan Partnership Document, paragraph 22, at http://www.oecd.org/dac/effectiveness/49650173.pdf.

Out of Busan the Global Partnership for Effective Development Cooperation (GPEDC) was launched with full and equal participation of both governments (providers and partner countries) and non-state actors, including CSOs. At GPEDC's first High Level Meeting in Mexico in April 2014 to assess progress since Busan, the Communiqué went beyond Busan in explicitly acknowledging the importance of human rights in shaping CSOs roles in development. CSOs "play an important role in enabling people to claim their rights, in promoting rights-based approaches, in shaping development policies and partnerships, and in overseeing their implementation."[3]

In Mexico, stakeholders (aid providers and partner country governments) also reaffirmed the Busan commitment to an enabling environment for CSOs:

"… our undertaking to implement fully our respective 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 and, in this context, we encourage inclusive and democratic multi-stakeholder dialogue at country level and the provision of related capacity building and supportive measures [emphasis added]."[4]

From Accra, to Busan, to Mexico, governments and non-state actors fully participated in establishing an essential normative framework that recognized CSOs as development actors in their own right, that acknowledged a rights based approach in their roles as development actors, and that committed to an enabling environment for these CSO roles guided by agreed international rights. An enabling environment for CSOs is reflected in laws and regulations, institutionalized spaces for policy dialogue, and modalities of support by aid providers. For its part, CSOs committed to maximize their effectiveness as development actors consistent with the *Istanbul Principles* and its related *Framework*.

Box 1

THE ISTANBUL PRINCIPLES FOR CSO DEVELOPMENT EFFECTIVENESS

1. Respect and promote human rights and social justice.
2. Embody gender equality and equity while promoting women and girls rights.
3. Focus on people's empowerment, democratic ownership and participation.
4. Promote environmental sustainability.
5. Practice transparency and accountability.
6. Pursue equitable partnerships and solidarity.
7. Create and share knowledge and commit to mutual learning.
8. Commit to realize positive sustainable change.

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[3] See paragraph 15 in the Communiqué from the First High Level Meeting of the Global Partnership for Effective Development Cooperation, Mexico City, April 2014, available at http://effective-cooperation.org/wp-content/uploads/2014/07/ENG_Final-ConsensusMexicoHLMCommunique.pdf.

[4] Ibid.

The *Istanbul Principles* and their acknowledgment by the international development community are the result of civil society's long-standing struggles for recognition as development actors in their own right. As independent development actors, CSOs committed in Busan to be accountable for efforts to strengthen their development effectiveness, alongside other development actors. This report and its eleven country and sectoral case studies contributes to this accountability and builds upon an earlier 2014 CPDE synthesis of nineteen case studies, *The Journey from Istanbul: Evidence on the implementation of the CSO DE Principles.*[5] [a]

CSO accountability to the *Istanbul Principles* is shaped by three crucial considerations that are articulated in the Siem Reap Framework:

1. **Accounting for the diversity of CSOs**
   There is a great diversity in numbers and scale of CSOs, geographic locales, purposes and challenges faced by thousands of CSOs involved in development activities. In this context, "the *Istanbul Principles* must be interpreted and applied locally in the CSO's country and organizational context [emphasis added]." (Siem Reap Consensus)

2. **Complementary to country CSO accountability frameworks**
   The *Principles* are not ends in themselves; they do not replace, but rather complement existing CSO country or sector-specific *Principles* and various accountability frameworks. Within each country reality, "the adoption of the *Istanbul Principles* is a means to stimulate structured reflection, deeper understanding, and accountability for enhanced CSO development effectiveness." (Siem Reap Consensus)

3. **The essential importance of an enabling environment**
   CSO development actors are committed to development effectiveness, but they are also profoundly affected by the legal, regulatory and policy environment in which they work. This environment affects and shapes the capacities of CSOs to engage in development and frame their accountability: "Progress in realizing the *Istanbul Principles* in CSO practice, therefore, depends in large measure on enabling government policies, laws and regulations consistent with the *Istanbul Principles*." (Siem Reap Consensus)

A synthesis and analysis of progress for CSOs' initiatives in improving their development effectiveness and accountability should take account not only progress in CSO reflections on their practice consistent with the normative *Principles,* but also the specific conditions within which the diversity of CSOs work in various countries and sectors.

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[5] See the 19 case studies and synthesis of evidence at http://csopartnership.org/wp-content/up-loads/2016/01/casestories_ebook.pdf.
[a] This synthesis will draw examples and analysis from the 2014 synthesis of case studies involving CSO work with the *Istanbul Principles*. Together the case studies set out a variety of country experiences in CSO development effectiveness since Busan, which require sustained initiatives over several years. When this prior report is cited, it will be referred to as "Journey".

AN ENABLING ENVIRONMENT
FOR CSO DEVELOPMENT EFFECTIVENESS

As noted the legal, regulatory and policy environment for CSOs can have a significant impact on the space for CSOs to address their practices and contribute effectively to development. Earlier in 2016, more than 50 CSO focal points participated in the Global Partnership's second round of monitoring at the country level documenting the ten Busan indicators of progress in effective development cooperation. Indicator Two addresses the enabling environment for CSOs as well as progress in CSO development effectiveness as expressed through the *Istanbul Principles* and the *Siem Reap Framework.*

Indicator Two situates conditions affecting the CSO enabling environment in three modules: 1) Space for multi-stakeholder dialogue on national development policies; 2) Official development cooperation with CSOs; and 3) CSO legal and regulatory environment. A fourth module examines progress in CSO development effectiveness, with particular attention to accountability and transparency.

In addition to participation in the monitoring process at the country level, CPDE contributed a comprehensive set of evidence at the global level for Indicator Two.[6] This evidence is highly consistent with the main trends in the enabling environment in the countries represented by the case studies in CPDE's 2014 Journey report and in this report documenting eleven additional cases.

a. **A global trend towards shrinking and closing civic space.** Evidence documented by CPDE, its members, alongside the work of the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, clearly detail laws, regulations and government practices that restrict the freedoms of association, assembly and expression in an increasing number of countries. Substantial barriers exist for organizations representing marginalized and vulnerable populations such as human rights defenders, environmentalists, indigenous peoples, LGBTQ, migrants, trade unionists or persons with disabilities, among others. In 2016, the International Center for Not-for-Profit Law drew attention to 156 significant new restrictions on the rights of civil society in 75 countries since 2012. [7]

b) **A disabling legal and regulatory environment.** In the evidence collected by CPDE for 58 countries, only a third (34%) experienced a generally enabling legal and regulatory environment for CSO formation, registration and operations. In almost a quarter (24%) there were major barriers, and in the remaining 42% of countries, CSOs faced varying degrees of legal and regulatory obstacles. These obstacles create conditions in which CSOs are often not able to fulfill all of their roles as development actors, and thereby fully consider practices consistent with the *Istanbul Principles.*

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[6] See CPDE, Indicator Two: Civil society operates within an environment that maximizes its engagement in and contribution to development: An assessment of evidence, June 2016, prepared by the CPDE Working Groups on CSO Enabling Environment and CSO Development Effectiveness, accessible at http://csopartnership.org/wp-content/uploads/2016/07/GPEDC-Indicator-Two.pdf.
[7] ICNL, "Survey of Trends Affecting Civic Space: 2015 – 2016," Global Trends in NGO Law, Volume 7, No. 4, accessible at http://www.icnl.org/research/trends/trends7-4.pdf.

The absence of a clear legal framework for CSOs, such as described in the Vietnam case study, creates an uncertain environment for CSOs to determine their appropriate roles, resulting in limited space to organize themselves to participate in the development process. In this context, Vietnamese CSOs require considerable capacity building in joint advocacy practices based on solid evidence of CSO development effectiveness, focused on promoting an enabling legal framework for CSOs. Such an environment in their view rests on *Principles* of voluntariness, self- management, accountability and transparency. While CSOs in Vietnam have begun to develop a code of practice to strengthen their accountability and transparency, in an uncertain legal environment, they face major challenges in implementing a rights based approach, pursuing equitable partnerships, or engaging in multi-stakeholder dialogue and mutual learning with government on development challenges and opportunities.

Migrant organizations, as described in the case study in this report, seek to represent the interests of migrants, with a focus on rights and empowerment, in different country contexts. The latter are key *Principles* for CSO development effectiveness. But their capacity to do so is shaped very directly by migration legal and policy frameworks in the countries of destination, as well as in countries with internal displacement of their own people.

Several of the case studies (Dominican Republic, Bolivia) pointed out that laws and regulations are important for shaping the enabling environment for CSOs, but underlying and driving the interpretation of laws and regulations is the political economy of the country and changing aspects of the power dynamics of each country context. CSOs often reflect societal contestation about the objectives of development and its impact on the ground. These issues are relevant in provider countries as well. In Canada, for example, a Conservative government, between 2010 and 2015, used long-standing laws and regulations for charities to harass and undermine environmental organizations, development cooperation NGOs, and organizations focusing on women's rights (particularly in the area of family planning).

d) **Access to resources.** Access to resources is a critical ingredient that enables CSOs to tackle issues in their own effectiveness as development actors, both as organizations and through joint initiatives. The Canadian case study points to the impact of changes in the financing of Canadian CSOs since 2010, including the withdrawal of state funding for the Canadian CSO platform, the Canadian Council for International Cooperation (CCIC). The downsizing of CCIC necessitated the organization to greatly diminish a very strong and long-standing program supporting internal CSO learning and change through its membership-based Code of Ethics. The latter establishes standards that focus on key issues in partnership, challenging the charitable model for engaging counterparts in development. The Code addresses important development issues such as human rights, women's empowerment and gender equality, all of which are at the heart of the *Istanbul Principles.*

CPDE's summary of evidence for Indicator Two draws attention to an increasing trend among developing country governments to enact legislation or regulations that restrict domestic CSOs' access to foreign funding. While restricting their own civil society in the name of sovereignty, these are often governments that would not think to question their own right to receive development cooperation resources from provider governments (often with high levels of formal and informal conditions attached).

In the CPDE study of evidence for 42 countries, close to one-third (31%) indicated legislative or regulatory obstacles in accessing resources for their work. Another study documented more than 30 initiatives since 2012 to constrain international funding of CSOs.[8] Restriction on access to funding undoubtedly limits the overall capacities of affected CSOs to effectively achieve their development mandates. But it may also accentuate misperceptions among citizens of CSOs and their roles as domestic development actors. In countries where democratic practice and independent civic engagement is a relatively recent experience, labelling CSOs as foreign agents, as is the case for Kyrgyzstan in this report, can only further undermine CSOs as credible actors, irrespective of their effective engagement of citizens in development in their country.

e) **Provider policies limit options for CSO development effectiveness.** The case studies and the CPDE global evidence for Indicator Two point to a significant entrenchment of provider policies. These policies often diminish responsiveness to CSO priorities in favour of donor priorities, are bias against local CSOs in favour of International NGOs (INGOs), seek fast results at the expense of longer term capacity development of CSOs, and engage local CSOs in policy dialogue on the implementation of already determined policy, but not in policy formulation determining priorities in provider country strategies.

Terms and condition of donor contracts affect the quality of partnerships and the space for local CSOs' often long standing work with communities consistent with the *Principles*. In Canada, for example, CSOs must always retain legal and contractual control over any money transferred to a partner in a developing country, which clearly affects the quality of partnerships.

The INGO model has very effectively tapped donors as a primary channel for donor civil society programming, but the result is a serious concentration of limited resources in the hands of very large global civil society organizations.[9] The sustainability for many CSOs in Latin America, for example, has been seriously affected by changing European donor priorities that have been translated through European INGOs [*Journey*].

Together the CPDE's case studies on CSO development effectiveness, alongside CPDE's recent evidence for Indicator Two, suggest a deteriorating environment, with a wide range of disabling government policies, laws and regulations in a growing number of countries, which are undermining CSO initiatives to improve their effectiveness as development actors.

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[8] Rutzen, D., "Aid Barriers and the Rise of Philanthropic Protectionism," ICNL, March 2015, page 8, accessible at http://www.icnl.org/research/journal/vol17ss1/Rutzen.pdf.

[9] See Michael Edwards, "What's to be done with Oxfam?," Open Democracy, August 1, 2016 accessed at https://www.opendemocracy.net/transformation/michael-edwards/what-s-to-be-done-with-oxfam. See also Liz Steele, "How effective are international Non-Governmental Organizations? A Study of INGO Support of the Development Effectiveness Agenda," CSO Consultancy Ltd., A background paper prepared for CPDE, 2016, unpublished.

TAKING GUIDANCE FROM THE PRINCIPLES
IN CSO DEVELOPMENT PRACTICE

A common challenge in working with the *Istanbul Principles* has been their abstract nature. While certainly a correct observation, this abstract normative approach was deliberate. CSOs can be seen as voluntary democratic spaces for people to organize themselves as agents of their own development. As *The Journey from Istanbul* emphasized, rooted in voluntary action, CSOs are consequently numerous and highly diverse, working in many different local, national, regional and global contexts. The practices of CSOs not only reflect this diversity, but also often reproduce the reality of unequal power dynamics operating in global/national system (Dominican Republic).

CSO development effectiveness therefore involves CSOs engaging in many expressions of development alternatives. Some CSOs function as service providers in areas where such services are weak; others are first responders in humanitarian emergencies or are effective channels in support populations in conflict-affected regions. They can offer knowledge and perspectives on current public policy agendas or assist communities to hold governments to account. Others make choices, taking sides in highly unequal societies, relating to social movements, in support of the human rights of poor and marginalized populations.
The *Principles*, by necessity, must be seen to be relevant to this wide diversity of CSO experience. The 30 case studies in this report and *The Journey from Istanbul* demonstrate that they have been effective in stimulating many initiatives and dialogue since 2011, based on specific organizational, country or sectoral contexts. As noted in the introduction, *Istanbul Principles* should not be used as a mechanical accountability framework for CSOs with specific targets. Rather they point to important directions and areas for improving local and national standards and incentives for CSO organizational and behaviour change. They achieve their relevance and impact in relation to specific organizational, country or sectoral challenges for CSOs.

As a stimulus for dialogue and CSO engagement on development effectiveness and guidance for change, the case studies highlight several important ways that CSOs have worked with the *Principles*:

- Popularizing the *Principles* as a framework for dialogue on CSO development effectiveness through workshops, translation into local languages to increase accessibility, and the creation of icons and popular expressions for each Principle (Japan, Canada, Journey).

- Developing case studies of current CSO practice that is consistent with the different *Principles* as an entry point to understanding the challenges and approaches for making change (Canada, Journey).

- Integrating the *Principles* into ongoing dialogue with CSO platform members and/or government to influence accountability frameworks and/or government/ provider CSO policies. Several providers (Finland, Canada) have made specific reference to the *Principles* in their CSO policies (Journey).

- Developing specific tools that have their inspiration in the *Principles* but relate to local or sectoral realities for CSOs, such as accountability reports or local tools to assess CSO effectiveness (Trade Unions, Bolivia, Journey).
- Referencing the *Principles* as a global CSO consensus to guide and incentivize organizational discussion of institutional practices (for example on equitable partnerships or a human rights based approach) or learning initiatives by CSO platforms (Journey).

AN OVERVIEW CSO INITIATIVES RELATING TO THE ISTANBUL PRINCIPLES

Since the adoption of the Siem Reap CSO Consensus in 2011, hundreds of CSOs and CSO platforms have undertaken multi-year initiatives relating to CSO development effectiveness. The case studies in this report and The Journey provide a sampling and an overview of different types of initiatives. They offer not only evidence of continued CSO momentum in addressing challenging issues in CSO development effectiveness, but also a foundation for learning between different country contexts. These initiatives can be grouped in several different areas.

a) **Building awareness and integrating the Principles into the mandate of CSO platforms.** As noted in *The Journey,* an essential ongoing need is to increase awareness and exposure to the *Principles* and their implications for CSO practice. Such initiatives have included local language translation of the *Principles, Framework* and *Tools* for their broad use at the country level [Vietnam, Bolivia, *Journey*]. CSO platforms in a range of countries have formally adopted the *Principles* to guide the work of their platform and its members. UNITAS in Bolivia, a case study in this report, approved the *Principles* in their governing council, which has translated into a substantial work program with member organizations and social partners, and has informed public policy dialogue. CPDE carried out a number of workshops in Cameroon, the DRC, Indonesia, Bangladesh, Mongolia and Nepal in 2014 and 2015 to familiarize CSOs with the *Principles*.

b) **Focusing on key Principles that relate to country-specific challenges for CSOs.** The *Istanbul Principles* offer a comprehensive framework for understanding CSO development effectiveness. In most countries, however, CSO platforms have focused on selected *Principles* corresponding to issues and challenges that CSOs face in that particular country. In Vietnam, for example, CSA Vietnam undertook a national training workshop on development effectiveness in 2015 with 40 CSOs from all parts of Vietnam. Out of this initial training, CSA Vietnam decided to focus on Principle #5, transparency and accountability, and since then have initiated outreach with more than 350 CSOs to strengthen this area. More recently this CSO platform is developing capacity building programs related to human rights based approaches, equitable partnerships, mutual learning and promotion of sustainable change.

In another case, the Japanese CSO platform, JANIC, has been working with its members on human rights based approaches, equitable partnerships and gender equality and women and girls rights. Canada initiated in-depth workshops with selected members on the implications of human rights based approaches for CSO programs and practices in

development cooperation. Case studies in The Journey describe similar focused attention to individual *Principles* by CONCORD Europe, and CSO platforms in Austria and the Middle East region.

The Japan case study also points to work by Korean CSO platforms, working with KOICA, the Korean Development Agency, and with and Korean CSOs in Cambodia and Laos, through workshops that integrate the *Istanbul Principles* in discussions on partnership and human rights based approaches.

c) **Adapting the Principles to the needs of a constituency.** The Trade Union Development Cooperation Network (TUDCN) has directly contributed to the aid and development effectiveness agenda since the Accra High Level Forum in 2008. While they participated in the development of the *Istanbul Principles* through the broad CSO platform, the Open Forum for CSO Development Effectiveness, in November 2010, TUDCN members from across the globe adopted the Trade Union *Principles* and Guidelines on Development Effectiveness, which is closely related to the *Istanbul Principles*.[10] TUDCN developed a specific tool, the Trade Union Development Effectiveness Profile, which is designed to encourage dialogue among trade union partners to promote balanced partnerships consistent with the Trade Union *Principles*. The TUDCN case study in this report describes several examples in using this tool, resulting in improved training for young workers and women and their participation in internal decision-making bodies, and the strengthening of financial management, autonomy and engagement of membership in planning and evaluation of local trade union programs.

d) **Promoting the Istanbul Principles as a framework for assessing CSO development effectiveness in aid provider agencies policies.** The Canada case study highlights the inclusion of a direct reference to the *Istanbul Principles* and the Siem Reap Framework in the government's 2015 International Development and Humanitarian Assistance Civil Society Partnership Policy. This Policy suggests that the government will be guided by the eight *Principles* in the implementation of its new Policy. CSOs in Canada have developed an assessment framework for the implementation of the government's Policy, which will inform an annual dialogue with the government on its Policy, with could include issues arising from the *Principles* and Framework. The Journey describes a similar case with KEPA, the CSO platform in Finland, with the government's 2012 Development Policy Programme. Case studies describe various dialogues with governments in Cameroon, Japan and PIANO in the Pacific.

e) **Strengthening programmatic practices consistent with the Istanbul Principles**. A number of the case studies (Migrant Organizations, Dominican Republic) underscore the reality that many CSOs already work within a human rights framework in their programs and engagement with their constituencies. The Journey case studies elaborated the documentation of existing examples of CSO programs that are consistent with individual *Principles*. Other case studies with FoRS (Czech Republic) and the Uganda National NGO Forum describe existing initiatives to improve gender equality mainstreaming through

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[10] These Trade Union *Principles* are available at http://www.ituc-csi.org/trade-union-*Principles*-and?lang=en. They were endorsed by the International Trade Union Confederation's General Council in February 2011.

training and capacity development. Much of the work of the TUDCN with trade unions in its network revolves around the dynamics and challenges of equitable partnerships respecting the core principle of solidarity.

At the global level in late 2015, CPDE organized a CSO Exchange, enabling participants to share experiences on the implementation of the *Istanbul Principles* from different countries. This opportunity provided the space for participants to understand the different country contexts wherein CSOs are doing work on CSO development effectiveness. In 2016 and 2017, CPDE has launched a major campaign to deepen the promotion of the *Istanbul Principles* across its regional networks.[11]

CSO ACCOUNTABILITY AND TRANSPARENCY AS AN OVERARCHING COMMITMENT

Accountability is at the heart of CSO legitimacy and is an essential driver of their effectiveness as development actors. Case studies and evidence in CPDE's global report for the second monitoring round point to CSO compliance with multiple levels of accountability, wherever they operate, as well as the implementation of CSO-managed accountability processes. As several case studies point out (Vietnam, Bolivia) accountability is an overarching and cross-cutting principle to which CSOs are devoting increasing attention. Accountability is an important end in itself, but also it is often through accountability mechanisms that CSOs can more easily structure ongoing dialogue on measures to improve their effectiveness as development actors.

Case studies (Zimbabwe, Bolivia, Dominican Republic) identify several levels of existing accountability regulatory requirements for CSOs. Almost all countries for which there was data in the CSO evidence for Indicator Two report regularly, sometimes more than once a year, to government on basic finance, sectors of support and their main geographic areas in promoting development. For example, in Bolivia this information is provided bi-annually to government and in the Dominican Republic CSOs must provide substantial detail on their finances and activities within four months after the closing of the fiscal year.

CSOs are also strengthening their accountability through a wide range of CSO-managed accountability mechanisms, operational at the national, sectoral and global level. *One World Trust* has documented 343 CSO self-managed initiatives worldwide, with 309 at the national level and 34 global. Despite its relatively recent CSO experience, more than 50 CSOs in Vietnam have adopted a Code of Practice, with an accompanying independent self-evaluation and certification system (TAPA – Transparency and Accountability Practice Assessment). Another 100 CSOs are using the Code on a voluntary basis to structure aspects of their organizations. VANI in India (*Journey*) has a program for its members, which provides model policy documents in several Hindu languages to facilitate the operations of small and medium sized organizations, and to help them in self-regulating accreditation.

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[11] As an expression of this campaign see CPDE's recently launched CSO Effectiveness Awareness Check at http://csopartnership.org/reflect-on-your-organisations-effectiveness-take-the-cso-effectiveness-awareness-check/.

UNITAS in Bolivia has developed a model system of self-managed transparency and accountability, collecting data and publishing an annual Collective Accountability Report, now going into four years since 2013. The goal of the Accountability Report is to build a culture of accountability, with the framework for this Report rooted in the eight *Istanbul Principles*. Its public visibility, pro-actively demonstrating CSO accountability and transparency, positions CSOs as effective development actors in public opinion, in a political climate where government is challenging the legitimacy of CSOs that represent constituencies standing up to government policies affecting their communities.

There are a number of important global or regional initiatives to strengthen CSO accountability and transparency. The International NGO Accountability Charter is the only global, cross-sectoral accountability framework for International NGOs, self-managed by these NGOs. The 25 Charter Members are among the largest global NGOs, including ActionAid, Oxfam, World Vision, Plan, and Amnesty. Respected independent experts vet annual public reports by members, against the requirements of the Charter, for feedback on performance. These annual reports are accessible on the Charter's Accountability Now web site.[12]

At the regional level, Rendir Cuentas is a long-standing Latin American initiative involving 25 major Latin American CSOs in 10 Latin American and Caribbean countries, representing in turn over 900 organizations. This network is working to promote the implementation of self-regulation through mutual learning, dissemination and adoption of voluntary standards.

The *Global Standard for CSO Accountability* is a global initiative launched in 2015 by eight well-established civil society accountability networks from around the world, ranging from the Cooperation Committee for Cambodia, the INGO Accountability Charter (Europe), the NGO Quality Assurance Certification Mechanism (Uganda), Rendir Cuentas (Latin America) and InterAction (USA), among others, representing nearly 1500 CSOs. Within the framework of the *Istanbul Principles*, the Global Standard will be determined, taking account of existing mechanisms, focusing on the core parameters and mutually-recognized reporting requirements for CSO accountability.

Transparency is an essential condition for accountability. While much more work is needed to assure access to timely data from CSOs, in 2016 more than 360 CSOs (295 INGOs, 58 national NGOs and 8 regional NGOs) currently publish aid information to the International Aid Transparency Initiative (IATI) Standard, which provides access to aid transactions at the activity level.[13] These numbers of publishing CSOs mark a significant 150% increase in two years over the numbers (145) reported in 2014 in The Journey.

Most CSOs practice high standards of management and probity. There remain acknowledged and critical challenges for CSOs' transparency and accountability, not least in their numbers and diversity and in the resources required to sustain such initiatives. But the evidence suggests that CSOs are continuing to improve accountability through

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[12] See Accountability Now web site at http://www.ingoaccountabilitycharter.org/charter-members/.

[13] See the IATI publishers register at https://www.iatiregistry.org/publisher.

self-managed processes with their peers, with the programming counterparts, with their funding constituencies and partners, and through regular external financial audits and compliance with government reporting regulations.

CHALLENGES IN WORKING WITH THE ISTANBUL PRINCIPLES AND CSO DEVELOPMENT EFFECTIVENESS

The case studies indicate progress in strengthening CSO development effectiveness. But at the same time they do not minimize major challenges in fully embedding the *Istanbul Principles* in CSO practice, particularly at the country level where the potential impact is greatest. In the words of the Cameroon case study, "we must recognize that the implementation of the *Istanbul Principles* implies some fundamental reforms in the ways of working of CSOs on the ground: they must share information, commit to speak for the community and not themselves, empower women, and make proposals based on information and evidence."

CSO colleagues from CONCORD's DEEEP case study in The Journey said it well:

> "…[T]he Istanbul Principles propose a radical reconsideration of NGO practices in order to stimulate a shift towards a more just and sustainable world. This is quite a challenge for NGOs busy with daily policy business… Getting out of the business-as-usual and starting to address the essence of the Principles in our own organisational practice, such as moving from charity to justice, addressing systemic change or cross-sectorial partnerships, real participation and transparency is a major strategic shift for most CSOs, which still requires a lot of learning and questioning."

These challenges are no less today, than they were in 2014. In fact a critical quandary is how to sustain the momentum, creating and sustaining opportunities for continued attention to CSO development effectiveness. This challenge may be particularly acute in countries where the environment for CSOs is particularly disabling or in conflict affected countries.

But in all countries attention to development effectiveness issues should be seen as an ever-present priority that must be continually renewed. It often requires deliberate allocation of scarce CSO human and financial resources, in the face of competing priorities and pressing development needs. As noted above, CSO self-managed accountability mechanisms may be important institutional channels through which to organize forums for focused dialogue and specific capacity building to address outstanding issues and power dynamics affecting CSO development effectiveness. But such mechanisms require ongoing human and financial resources to be effective.

These challenges are borne out in the recommendations made in the various case studies. CSOs call for greater CSO leadership at country level with action plans for capacity building for in-depth understanding of the *Principles* and their implications as well as for the implementation human rights based approaches. The need for competent and specialized human resource skills, able to substantively integrate the *Principles* in CSO partnerships and initiatives, is identified as a major weakness for many CSOs.

Addressing development effectiveness issues arising from small and medium sized organizations (Japan) or youth oriented organizations (Zimbabwe) may require special tools and approaches. There is a corresponding need for dedicated financial resources, including reform of providers' funding mechanisms, in order to give greater priority to core support to CSOs in developing countries and create incentives for CSOs to reflect on their effectiveness.

The importance of transparency and public accountability to CSO visibility and credibility is widely acknowledged. Nevertheless much more effort is required to institutionalize a culture of transparency and accountability in the day-to-day practices of CSOs. There are calls for improved access to information between partner organizations, including sources of finance, to enable mutual accountability on the ground. CSO development effectiveness is build upon "the practices of a democratic and transparent internal [CSO] culture, with leadership that demonstrates accountability, clearly established responsibilities, transparent operational procedures, ethical information practices, anti-corruption measures, respect for gender equality, and standards relating to human rights, integrity, honesty and truthfulness." (Cameroon)

In all cases an enabling environment for CSOs, with sustained and meaningful policy dialogue with government and other development stakeholders, is a crucial determinant for CSO development effectiveness. But CSOs also need to strengthen their capacities for collaboration to develop effective strategies for engaging government. They need capacities and skills to put forward alternative proposals to counter legal, regulatory, administrative, and tax obstacles, while acknowledging the obligation to be accountable and work within a reasonable legal framework.

CONCLUSION

CSOs have continued to take initiatives to strengthen their development effectiveness. They are doing so in a political context where the space to work as effective development actors is shrinking and closing in a growing number of countries. There has been a deeply troubling proliferation in the number of restrictive laws and regulations since 2012.

Despite this environment, the case studies demonstrate a wide variety of development effectiveness initiatives. CSOs are continuing to focus on accountability as an overarching and essential dimension of their effectiveness. Through familiarization workshops, accountability reports, transparency platforms, and specialized training and capacity development, CSOs are committed to the *Istanbul Principles* as a shared framework for defining CSO effectiveness as development actors in their own right.

CSO DEVELOPMENT EFFECTIVENESS AND ACCOUNTABILITY: THE STORY FROM VIETNAM

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ABOUT CSOS IN VIETNAM

1. Definition and types of CSOs in Vietnam (VCSOs)

The early 20th century saw the beginning of CSOs engaged in Vietnam's development agenda. The few pioneer organizations were either international groups that worked independently or those that were subsidized by the government. The transition to a socialist oriented market economy encouraged increased participation from civil society organizations which eventually adapted to international standards.

Currently, the term 'civil society' in Vietnamese - *"xa hoi dan su"* - seems to be a 'sensitive' phrase for Vietnam civil society organizations (VCSOs), especially those working on the promotions of people's rights. Generally, the government sees "civil society" as a means to influence political power. .The term "civil society" does not appear in legal/official documents, but the phrase "social organization" ('to chuc xa hoi') or "people organization" *(to chuc nhan dan)* are used instead. The term "to chuc nhan dan" appeared in the Vietnam Partnership Document in 2012 – the first official document recognizing the role of CSOs as development actor[1] Article 9 of the Amended Constitution (2013) also uses "social organization" *("to chuc xa hoi")* and states, "The government supports the Vietnam Fatherland Front, its members and social organizations' activities."

Being used and mentioned in different ways, there is no official definition of CSOs as well as recognised types on CSOs in any legal document. Civil society groups and scholars have a common understanding of CSOs as groups organized by citizens and are independent from any state mechanism, organized and operate based on the principle of volunteerism, democracy, self-sufficiency. A CSO operates under law and working for the development purposes and not for profit.

Due to the inconsistent definition, there has not been an official research about the number and the quality of operation VCSOs. The Ministry of Interior lists around 1,800

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[1] The English version of the Vietnam Partnership Document 2012, uses the term "civil society organization" to refer to VCSOs.

non-governmental organizations (NGOs) in Vietnam - including non-state scientific, environmental, healthcare and educational organizations; 150 organizations that are occupation-based, and; over 900 international non-government organizations (INGOs). There is an estimated 500 VCSOs working at the state level; 4.000 organizations at the provincial level, and; 10,000 district and commune organizations. There are over 1,500, associations in Hanoi, Ho Chi Minh City and Da Nang ("Saigon Economics Times", 23/07/2015). Moreover, an international research estimated that over 140.000 community-based organizations (CBOs) exist in Vietnam that do not have specific legal framework (Carl Thayer, 2009).The classification of CSOs is also controversial. Various classifications have emerged such as membership vs. non-memberships organizations, associations, non-governmental organizations, social funds, charity funds, community-based organizations, social enterprises, non-profit university, religious organizations, etc.

In terms of relationship with the government and other parties, CSOs can be classified into the following types:

Type 1: CSOs sponsored by the Government (03 groups)

Group 1. 06 social-political organizations with its own laws and provisions for each organization belong in this group; the Vietnam Fatherland Front, the Labor Union, the Women Union, the Youth Union, the Farmer Association, the Veteran Association. The most salient feature of this group is that their activities are completely sponsored by the State budget. Salaries and allowances are paid in the same rule with state officers, all facilities are provided by the Government at the same level with Ministry. These organizations represent the voice of their members as well as supervise the activities of state bodies as part of their function. In the case of the Vietnam Fatherland Front, its main task include popularizing the strategy of the the Communist Party of Vietnam to the general public. The organizations that belong in this group are heavily dependent on the State and are thus, considered state agencies, not CSOs.

Group 2. There are 09 organizations in this group, namely: 1. The Vietnam Union of Friendship Organizations (VUFO); 2. Vietnam Union of Science and Technology Associations (VUSTA); 3. Vietnam Union of Literature and Arts Associations; 4. Vietnam Journalist Association; 5. Vietnam Lawyers Associations; 6. Vietnam Writers Association; 7. Vietnam Red Cross Society; 8. Vietnam Cooperative Alliance, and; 9. Vietnam Chamber of Commerce and Industry (VCCI). The main goal of these organizations is to maintain and to improve the Party's leadership role in occupation associations through its 02 main functions: 1. Acting as a role model in carrying out Party's policies in respectively civil groups, and; 2. Influence other organizations of the same type, if needed. The Government sponsors these associations at the provincial level, but they have to negotiate with each province in order to run a provincial office. Facilities that are needed by the groups in organizing specific activities are provided by the Government.

Group 3. Includes 19 organizations, such as Vietnam Medical Association, Vietnam traditional medicine association, Dance association, etc. established according to the Decision No.68/2010/QĐ-TT by the Prime Minister and operate in the same way as

Group 2. These groups are subsidized at the state level but on a limited scale - mainly salaries and budget for their operation. Other expenses such as allowance for their activities depend on their relationship with the Government and their ability to meet the market's needs. The reason why this group is subsidized is still the question.

Politics strongly influence the activities of the organizations listed in all three groups. However, organizations in *Groups 2* and *3* have some space to pursue their own mandates. There is still controversy on whether these groups can be classified as CSOs as they are not entirely independent from the Government. At the recet ASEAN People's Forum 2016, their participation as CSOs caused conflicts when they were acknowledged as CSOs and representative of the people. According to a 10-year assessment paper of the Forum, these organizations were mentioned as "GO-NGO" – non-governmental organizations but manipulated by the Government.

Type 2: Socio-Professional organizations. Citizens can take part in these organizations, that are usually platforms for labor-related complaints. Occupation associations exist independently, managed by the Ministry of Interior, Division of NGO, and another Ministry of a related field. Professional associations work in their specialized field in terms of holding conferences, trainings, information publication, and exchange among members…

Type 3: Professional Associations. Professional associations are grouped by manufacturing field. They collect and provide information to their members, protect rights of enterprises and carry out advocacy towards their field domestically and abroad.

Type 4: Non-governmental organizations. There is no particular legal framework for NGOs. This type has similar characteristics with CSOs and makes crucial contribution to CSOs foundation in Vietnam.

Type 5: Non-government organizations. "Non-governmental Organization (NGO)" refers to an established organization permitted or recognized by the authorized government agency under the willingness of a person or legal entity that operates under the principles of volunteerism, self-governance, and financial independence. NGOs are not-for-profit and work for community development. However, there is still no clear legal framework for NGOs yet.

Type 6: Non-profit organizations and Community organizations. A huge number of these organizations are working in Vietnam to meet different needs of the society. They are voluntary charitable groups that do not have legal status, and work locally. Despite its increasing number, there is no legal framework that defnes these organizations. Organizations of this type have great influence and efficient social monitoring ability.

Type 7: Other social organizations. Other types of social organizations, that includes as well as funds and social protection units are stll in its formation and development stage. The growth of people's income and an increased number of private business provided the need for these types of organizations. There is also a general public satisfaction on how these groups manage their charitiable functions and other social contributions.

2. Roles of CSOs

The increasing number of social organizations in Vietnam provided the means to reach remote areas and provide services to the most vulnerable communities. Other key roles include:

- Provide consulting service for social and economic improvement;
- Apply science and technology advance to improve manufacturing efficiency, minimize hunger and poverty, and protect the environment;
- Actively carry out activities that follows the Government ideals in the areas of education, cultural growth, health, sports and environment.;
- Hold charity programs, international coordination, member protection;
- Consult and engage in discussions as experts to improve policy.

ABOUT THE RESEARCH

1. Context

Since 2009, through the Open Forum for Development Effectiveness process, civil society has developed the International Framework for CSO Development Effectiveness (DE Framework) – which includes the 8 *Istanbul Principles* for its application at national level and by individual CSOs around the globe. The on-going multi-stakeholder consultations led to the global consensus on the Busan Partnership for Effective Development Cooperation during the fourth High Level Forum (HLF-4) on Aid Effectiveness held in Busan in November-December, 2011. All development actors promised to shift perspective and practice from the pure focus on aid effectiveness (aid delivery) to the focus on development effectiveness – a real and sustainable benefits for the people ("sustainable and transparent results for all citizens", §6). The Busan Declaration also recognized that genuine commitments on increasing development effectiveness are championed by the CSOs in their *Istanbul Principles* and in the Siem Reap Consensus on the International Framework for CSO Development Effectiveness (§22)[2]

CSOs in Vietnam participated in the process of Development Effectiveness since 2009 and contributed significantly in the process of developing *Istanbul Principles* and International Framework of Development Effectiveness. The application of these two can address the heavy reliance of CSOs in Vietnam to Government support and promote sustainable organizational development. This action research is a review of the progress in the implementation of the *Istanbul Principles* on Development Effectiveness, five years after HLF-4.

2. Goals and objectives of the research:

- Assess Vietnamese CSO progress in implementing the *Istanbul Principles* and Accountability;

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[2] For more information about the Open Forum, the Development Effectiveness Framework and the Busan partnership, please visit website: http://www.cso-effectiveness.org/

- Provide possible recommendations for CSOs in Vietnam and policy recommendations for government and donors to provide capacity development support for CSO development effectiveness

3. Research Methodology

A desk study was the most feasible methodology given the short time frame of the research. Documented cases of CSOs which applied *The Istanbul Principles* - the successes and the challenges they faced - were reviewed The following literatures were studied:

- ✓ *Positioning Vietnamese CSO Effectiveness in good governance, transparency and accountability practice 2014 and 2016 (MSD report 2014 and 2016);*
- ✓ *Survey report on Vietnamese CSO's self development 2015 (MSD report 2014 and 2016);*
- ✓ *Case book of CSOs with best practice on transparency and accountability 2014, 2015, 2016 (MSD, 2014, 2015, 2016);*
- ✓ *CSO role in the changing context (Lam Nguyen and Linh Nguyen, 2016);*
- ✓ *Benchmark assessment of civil society space in Vietnam 2015 (Le Quang Binh et al, 2015).*
- ✓ *Annual report of "Inspiring CSOs" program of MSD*

The process of drafting and finalization of this report was done in consultation with the Coordination members of Action for CSO Development Alliance – CPDE Vietnam.

KEY FINDINGS

1. Promotion and Implementation of Istanbul Principles in Vietnam

CSOs in Vietnam, representing by CSO Development Effectiveness working group[3] (DE group) engaged in the Development effectiveness process under the Open Forum from 2010 – 2012. They organized national consultations on developing the National Principles and National Framework for Development effectiveness. It also contributed to the finalization of Istanbul Principles and International framework for Development Effectiveness in 2011. Committed to the Busan Partnership Document, the working group discussed how to continue the efforts of CPDE and localize Istanbul Principles in Vietnam. In 2012, strategies were developed to promote CSO Development Effectiveness. These are:

- Istanbul principles includes both thematic principles (principles 2, 3, 4) and operation principles (principles 1, 5,6,7,8). The principles 2,3,4 were relatively easy to adapt and gained widespread acceptance among CSOs. CSOs working on thematic areas were tasked to consciously apply Principles 2,3,4. Some of the networks that are taking efforts to improve the capacity of CSOs in thematic

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[3] Development Effectiveness working group (DE group) includes 50 CSOs representing CSOs from the North, the Centre and the South of Vietnam who participated in the national and international consultation process of Development effectiveness in 2010 – 2011. In 2013, the DE group established Action or CSO Development Alliance Vietnam (CSA Vietnam).Currently it has more than 100 CSO members throughout the country.

areas are Gender and women development network (GENCOMNET)– led by Research Centre for Gender, Family and Environment in Development (CGFED), Environment and Climate change network led by Sustainable Rural Development (SRD), , The People Participation Working Group (PPWG) led by Institute for Studies of Society, Economy and Environment (iSEE) However, Principles 1, 5,6,7,8 are quite new with CSOs in Vietnam. Gaps in CSO comptenecy and challenges relating to enabling environment weakened the implementation of the said principles. . The strategy of implementing Principle 5 (The Principle of Transparency and Mutual Accountability) ahead of the other operation principles was exercised. This strategy was based on the analysis of the local context and the CSO commitment to democratic ownership and rights-based approaches. Principle 5 was used as a cross-cutting principle to promote the other principles. Principle 5 was implemented during the period 2012-2015, while the rest will be implemented in 2016.

- To improve the effectiveness of the implementation process, DE working group should have a better structure and commitment to the process.In 2013, a network was established as Action for CSO Development Alliance (CSA Vietnam) with the consensus of more than 30 CSOs in Vietnam and with the mission of empowering local CSOs and advocate for an enabling environment for CSO Development Effectiveness. The network's responsibilities are:

  ✓ Empower CSOs in practicing Istanbul Principles of Development Effectiveness;
  ✓ Advocate at the national and international levels for enabling environment for the development of CSOs in Vietnam;
  ✓ Communicate and encourage initiatives to promote transparency and accountability and practice development effectiveness.

Figure 1: CPDE Local Structure

Learning from experience of CPDE, CSA Vietnam localized CPDE's structure, strategy and workplan to improve the process of Development Effectiveness (see Figure 1). The structure of CPDE is composed of:

- National Council includes all members of CPDE. The National Council is the highest governance body of the network and approves the strategy of the network. It holds annual General Assembly

- The Coordination Committee (CC) has 11 seats. 6 seats are for the focal organizations and the alternatives (2 seats per regions). 4 seats are reserved for focal organizations of strategic thematic working groups of children and youth, gender and women, people with disabilities, immigrants. and labor. 1 seat is occupied by the National Secretariat who will be responsible for overall coordination of the activities of the network.
- The regions and thematic groups coordinates the activities and support members within their regions and thematic working groups.
- The Research Center for Management and Sustainable Development, was elected as the Secretariat – National coordinator of CSA Vietnam for the period of 2013 – 2018.

Some of the achievements of CSA Vietnam are the following:

1.1. *General popularization of Istanbul Principles.* The Istanbul Principles and Development Framework and their corresponding Toolkits were translated into Vietnamese and popularised to CSOs in Vietnam through various workshops, including the National Training Workshop on Development Effectiveness and Accountability in August 2015, supported by CPDE for 40 CSOs throughout Vietnam. A training program was designed and integrated into trainings of Good governance, Transparency and Accountability from 2012 – 2015 for more than 350 CSOs throughout Vietnam.

1.2. *Efforts to promote CSO's capacity in Development Effectiveness.* The use of Principle 5 as a cross-cutting principle enhanced the practice of transparency and accountability among CSOs. Evidences produced in the implementation of such practice encouraged other stakeholders to apply not just transparency and accountability, but also human rights based approach and equitable partnership. The process of gender equality and environmental sustainability are also integrated in the strategy.

The organisational development methodology focusing on promoting transparency and accountability was developed by Ms. Linh Phuong Nguyen- MSD's director, CSA Vietnam coordinator and was applied widely and effectively through capacity building processes for Istanbul Principles on Development Effectiveness. The methodology is called ODIC – Organisational Development Methodology of Inspiring Culture. ODIC focuses on two approaches: (i) developing leadership and inspiring to create change, and; (ii) building learning organizations. In MSD's view, before creating an inspiring culture of Transparency & Accountability, organizations have to obtain the competency of Transparency & Accountability practice (system, knowledge, skills, belief, attitude, behaviour) as the basis for practicing their capacities, which should be developed through regular practice and update with a higher level of behaviour. When Transparency & Accountability becomes behaviours and value - a culture of the organization, it will inspire the members, partners

and stakeholders of the organization moving towards the development effectiveness of the society. Accordingly, the Transparency Accountability culture will be spread everywhere.

- **Components and achievements:**

  - CSO Accountability in focus: CSO Initiative on Transparency and Accountability (CSO-TAI) network is the network of organisations who commit to Transparency and Accountability (TAP). The network was established in August 2013 and structured to operate from national to regional levels in order to share knowledge and practices on transparency and accountability as well as to inspire stakeholders. The CSO TAI – CSO initiatives on promoting transparency and accountability was established as national platform for CSOs to practice principle 5 and other principles. Up to 2016, there has been more than 350 CSOs outreached in Vietnam with many initiatives to promote development effectiveness and transparency and accountability. Some of the initiatives can be mentioned as:

    - Self-regulation system – TAP Code: The first self-regulations were created in Vietnam through the development of Code of practice for CSOs in practicing transparency and accountability. The Code was developed with the participation and consensus of more than 100 CSOs in Vietnam. Until 2016, there have been more than 50 CSOs publicly announcing their commitment with the Code, hundreds of CSOs using it as principles of the organisation as voluntary;
    - CSO TAP program: With the ultimate objective to promote good practices on Transparency and Accountability (TAP) for Vietnamese CSOs, the program is an effective initiative to help develop organizational capacity through self assessment and obtaining external expertise support in the field of: (i) governance and management; (ii) program/service delivery; (iii) human resource management; (iv) financial management; and (v) communication and fundraising.

      CSO-TAP consists of following components:

      - **TAPA** - Transparency and Accountability Practice Assessment Tool (TAPA) was developed by MSD in order to assess the status / level of TAP of Vietnamese CSOs. The set of tool has been built on the Organizational Development Methodology of Inspiring Culture – ODIC of MSD. Both TAPA and ODIC are copyrights of MSD.

        TAPA is used for:
        1. Organizations for self assessment
        2. Certifying and honoring the organizations with minimum standards (Level 1) on TAP practice (TAP Cert)
        3. Honoring organization with best practices on TAP (Vietnam NGO Program)

        The TAPA Tool support the assessment on five key organization functions with total 22 parameters.

Each competence parameter is assessed by a fact-based indicator on systematic and practical capacity under the following three levels of ODIC:
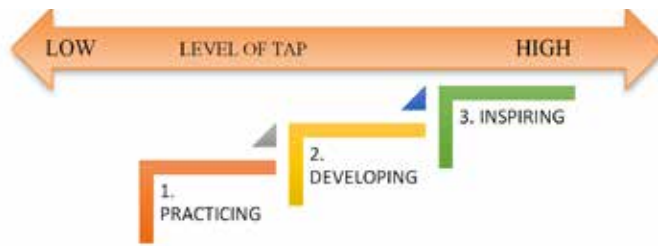

Level 1: Basic Practice - This is the minimum level to be accredited for certifying an organization who exercises the best TAP with a good organizational system in place and can provide information and explanations relating to the parties upon request.

Level 2: Developing - This level represents an ongoing initiative to develop the system further, providing information and explanations, as well as the interaction between CSOs and the stakeholders in the practicing TAP at organizational level;

Level 3: Inspiring - This is the highest level of practice TAP - at this level, the practice has become a cultural of the organization, CSOs and other stakeholders by requesting each other responsible for practicing transparent and mutual accountability to achieve work efficiency.

The parameters at Level 1 are the minimum standards that the Code has developed. This can be considered the first tool to guide the assessment on TAP practice at different level of organizational development.
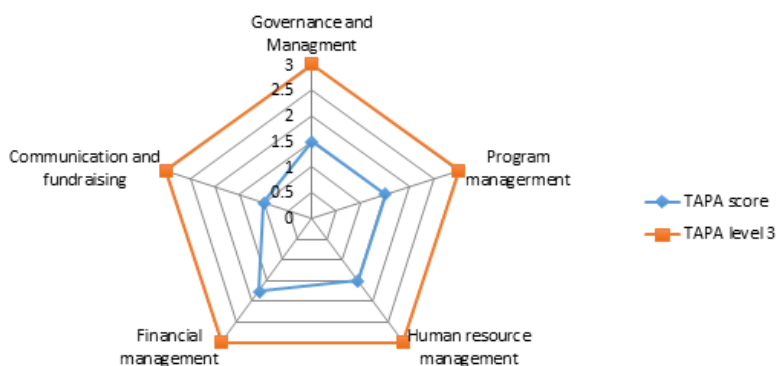
The evaluation process in 2014 and 2016, the practice of CSOs in Vietnam were evaluated as average, above level 1.

In the evaluation, there is parameter to evaluate the practice of CSOs with different stakeholders, in which the level of practice of CSOs is in

1.5/3. The practice shows that CSOs still practice highest transparency and accountability with donors (2 – active action), with constituencies at about 1.5 (quite active) and with the government at 1 (basic – quite passive, only implement when requested).

TAP Coach. Capacity building and coaching for CSOs. As mentioned, 350 CSOs were reached out to build capacity through CSO-TAI' s activities, in which 90 selected CSOs were coached to applied Istanbul principles. The last 3 years, 90% of coached CSOs has increased their level of practising transparency and accountability and inspiring other stakeholders to do so;[4]

TAP Certification System. Self and Independent evaluation and certificate system is the initiative of MSD to develop a self and independent evaluation system for CSOs. Its corresponding tool, called Transparency and Accountability Practice Assessment (TAPA), is designed for CSOs utilizing ODIC methods. CSOs can use TAPA to assess their practice level of transparency and accountability.   CSOs which underwent independent TAPA evaluation and with results above Level 1 (Basic practicing) will receive TAP Certificate. Vietnamese CSOs has been receptive of the TAPA evident by its widespread use. Many development partners also began using TAPA and TAP Cert as evidence of good practice when assessing CSOs.

Best TAP. The program gives recognition to organizations with the best TAP. The following are the criteria for selecting the Best TAP: (i) Impact of the organization; (ii) Sustainability; (iii) Power and influence competency; (iv) Inspiring organization; (v) Capability to inspire and influence diversified stakeholders on TAP.

Inspired by CSOs, the government is also in consultation with MSD and CSA Vietnam on the transfer of the models for capacity building, certification, and recognition of CSOs by the government. The process is expected to commence in 2017.

While successfully promoting transparency and accountability (principle 5) among CSOs and inspiring other stakeholders since 2015, CSO's capacity building has begun to widen to include Istanbul principle of 1,5,6,7,8. Some of the new initiatives are:

- An innovation eco-system developed to provide coaching for CSOs in practicing Istanbul Principles: The TAP Coach program provides a comprehensive support for CSOs in practicing Istanbul Principles. The eco-system includes: i) a start-up grant to support CSO incubators and accelerators; ii) Seed fund to support strategy

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[4] As the report of "Positioning CSOs' transparency and accountability practice", MSD in 2014 and 2016

and governance (overhead cost) for selected CSOs; iii) Scholarship for training & mentoring and advisory services tailored to the needs of CSOs; and iv) networking support within the ecosystem. This initiative targets the innovation eco-system developers who expand the support to larger number of CSOs, improving their self-confidence to exercise their roles.

- Community of Practice for CSOs to promote mutual learning and shared knowledge to promote principle number 7. The Community of Practice ensures the effective communication and knowledge management. It is the place where CSOs themselves facilitate discussion of common issues and share of lessons learned and best practices. It is also a pool of useful information to promote engagements with other stakeholders. The Action also prepares a comprehensive communication strategy to increase awareness and broaden the base of supports for CSOs in Vietnam among different stakeholders. In order to ensure the broad and inclusive participation of a range of CSOs throughout the country, the Community of practice implements outreach work and builds platform to encourage groups of CSOs throughout the countries and sectors to participate in. CSOs in the remote areas can overcome the challenge of distance to access the sector's activities. The initiative employs ICT for capacity building, including: Web-based online learning platform; Learning Management System/e-learning (to enable access to training and education for all); webinars and mobile technology. Collectively ICT support plays an important role in the three core Component proposed by the Action, promote real-time information exchange and break the distance barrier.

1.3. *Efforts in promoting enabling environment.* The focus of advocacy for enabling environment is on (i) capacity building for CSOs on doing advocacy works and promoting their joint advocacy practice; and (ii) developing evidence-base researches on the role and contributions of CSOs, the enabling environment and CSO space for policy dialogues with the government in national and international levels on enabling environment for CSOs.

Achievements in Capacity building:

- The Advocacy toolkit for Enabling environment developed by CPDE was translated into Vietnamese and popularized among CSOs in Vietnam. The capacity building package of CSOs include the (i) Capacity building program, (ii) handbook for CSOs in advocacy and policy development, (iii) training for trainer's book (TOT book); (iv) The Code of practice for CSOs participating in policy development process; and (v) case books for CSOs. These publications were recognized and highly evaluated by CSOs and multi stakeholders for its application of the Istanbul Principles;
- Over 300 CSO staffmembers were inspired and empowered in advocacy and integrate policy advocacy in organizational strategies and projects/ programs;
- 13 sourced trainers were tapped to provide cascade training in advocacy for CSOs. Besides the 6 courses included in the project, sourced trainers also provided 3 other customized courses for CSOs.

Achievements in Advocacy activities:

- The Action for CSO Development Alliance – Vietnam (CSA Vietnam) was established and recognized as the first alliance advocating for enabling environment for CSOs in Vietnam. It successfully participated in the process of developing and monitoring Vietnam Partnership Document – the first document to recognize CSOs as the development actor in the development agenda of Vietnam. It was also successful in establishing itself as the official representative of CSO voice in Vietnam;
- 15 small-scale projects on advocacy were successfully implemented by 15 CSOs throughout the country proved that projects models with small budget can have a significant and can be used as evidence of increased CSO competency.
- Joint advocacy activities to promote enabling environment through: (i) advocacy campaigns on the participation of CSOs in policy development process; (ii) advocacy for the Law in Laws 2015, Decrees relating to international aid and ODA; (iii) annual dialogues with the government on the role and contributions of CSOs to enabling environment;
- Evidence based research on self-development competency and legal framework of CSOs to advocate for enabling environment;
- Joint international advocacy activities of CPDE and other international networks.

The years 2015 – 2018 will be critical years for CSOs working on the promotion of enabling environment. Two main reasons that will greatly affect CSO work are (i) the drafting of the Law on Association as the first legal framework for CSOs, and ; (ii) the new strategy of development partners to focus more on ensuring partnership with CSOs. In response to the changing environment, CSA Vietnam and MSD has added threeother strategies, to include (a) directly influence the development of Law on Associations; (b) maintain the good working relationship with with the government and (c) promote the practice of accountability with with development partners.

2. Challenges to implementing CSO DE and Accountability

The lack of legal framework and recognition of CSO contribution remain to be the main challenge for CSOs in Vietnam. The lack of legal framework makes it difficult to produce reports and evidences of CSOs contribtution in the development agenda. Furthermore, there is difficulty to define their rights to associations, establishment and registration, operation, access to resources and taxation issues. This leads to limited space for CSOs to participate in development process. Despite these challenges, there are opportunities which can assist in the implementation of DE and Accountability for CSOs in Vietnam. The fact that Vietnam is part of the integration process with ASEAN, TPP, COD 21, and is a signatory to the Convention on Human Rights necessitates the government to provide an enablibng environment for CSO participation. Athough it is still in its early stages, the Law on Associations gives hope for a better space and engagement of CSOs in legal processes.

RECOMMENDATIONS

1. Recommendations for CSO

Documenting and sharing of valuable lessons from the experience of CSA Vietnam and MSD in promoting transparency and accountability should be encouraged and maintined. These lessons can be extremely useful for other CSOs and encourage recognition from other stakeholders. additional recommendations for CSOs includes:

- Reach out to other CSOs who have yet to implement and commit to the Istanbul Principles;
- Promote network-building for mutual learning, knowledge sharing and cooperation;
- Effectivley document the progress of CSOs in their advocacy work;
- Advocate for better policies by (i) Strengthening relationship with the government, (ii) Developing effective advocacy strategies, (iii) Diversifying channels, roles and contributions.

2. Recommendations to the Government:

- Maximize the participation of CSOs in legal process, particularly on the Law on Associations;
- Review the current regulations on organizations and promote volunteerism, autonomy, self-management and the implementation of transparency and accountability
- Allow the engagement of CSOs in policy construction and monitoring;
- Formulate training programs for the development of CSOs as the development programs of enterprises sector.

3. Recommendations for CPDE:

- Continue supporting countryinitiatives;
- Map and document cases of country-level initiatives for sharing and learning;
- Support local CSOs through policy advocacy at the regional and global levels.

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CHALLENGES FOR IMPLEMENTING THE ISTANBUL PRINCIPLES: COMPARING EXPERIENCES OF JAPAN AND OTHER NORTHERN COUNTRIES

DR. AKIO TAKAYANAGI[1]

INTRODUCTION

Five years have passed since the Siem Reap Consensus on the International Framework for CSO Development Effectiveness, including the eight Istanbul Principles (IPs), was adopted at the second global assembly of the Open Forum for CSO Development Effectiveness in June 2011. In December of that same year, the IPs were recognized in the Busan Partnership for Effectiveness Development Co-operation, outcome document of the Fourth High Level Forum on Aid Effectiveness (HLF4) in Busan.

After Busan, the researcher had several occasions to exchange views on the implementation of the IPs with CSO friends in Canada, Republic of Korea, and EU countries (Concord). In this paper, while reviewing the case of Japan, experiences in implementing the IPs in other Northern countries will also be compared, and the common challenges for CSOs working on international development, especially those of the North will also be identified.

While the eight IPs are mutually interconnected and are equally important,[2] in reality, some countries have decided to focus on a few of the eight principles, while in others, in *de facto*, there are principles that are focused or prioritized. In the case of Japan, in a workshop organized by Japan NGO Center for International Cooperation (JANIC) in September 2012, it was discussed that while the eight IPs are interconnected, it is unrealistic to simultaneously pursue implementation of all eight, and came to the conclusion to focus on three principles: 1 (human rights), 2 (gender equality and women's and girls' rights), and 6 (equitable partnerships), considering our context. JANIC has organized workshops focusing on these three principles.

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[2] Actually, some participants at the Open Forum's Second Global Assembly found it difficult to understand the Principle 8 "Commit to Realizing Positive Sustainable Change." It was explained that "attempts to squash all remaining and outstanding ideas into one, catch-all idea." (Open Forum for CSO Development Effectiveness Second Global Assembly: Report of Proceedings, p.18)

Through discussions with colleagues in other Northern countries, it was found that more intensive works have been underway around Principle 1 (human rights), 2 (gender equality and women's and girls' rights), 5 (accountability) and 6 (partnership). This paper, will first look into efforts to raise awareness on and socialize the IPs and then look into efforts and issues around the three "focus principles."

RAISING AWARENESS ON AND SOCIALIZING THE IPS

Before talking about the works and efforts by CSOs (and networks) on the three focus principles, it has to be pointed out that raising awareness on and socializing the IPs have been not been easy. One reason behind this is that many people and groups consider IPs as too abstract and find it difficult to apply them in practice.[3] Another reason is that although it is clearly stated in the Siem Reap Consensus that the IPs are "not intended to duplicate or replace existing CSO country or sector-specific principles or various accountability frameworks,"[4] not a few people or groups have taken the IPs as an addition to the plethora of existing documents such as code of conducts of countries or sectors, and have had difficulty in understanding the relationships between different documents.

A big challenge is how to socialize the IPs to a wider variety of groups, considering that CSOs, whether in the South or the North, are diverse not only in their visions and missions but also in physical factors such as size and geographical locales.

In Japan, JANIC has organized several workshops and other events on IPs and there has been growing interest on IPs especially among its big or medium-sized members. But if we look at the international development CSO community around the country, the picture is different. Raising awareness on IPs among small CSOs is one of the challenges in the Japanese context, and perhaps in many other countries.

In late-2015 and early-2016, the researcher had opportunities to talk about the IPs in two regional networks in Japan. Majority of the members of the two regional networks are small: some have a small secretariat of one or two paid staffs but most are completely run by volunteers (with an annual budget of around US $10,000); they just have a few projects in one or two countries. Some participants who have heard about the IPs or other principles were happy to have the opportunity to learn about the IPs and all discussions on aid/development effectiveness. However, the following questions and comments were also raised:

  - For a very small volunteer-run group like us that just have a few projects in one village in Bangladesh, IPs look like something far up in the sky.
  - We are also a small volunteer-run group that support a Cambodian CSO that runs an orphanage. Our partner apparently does not know about the IPs, but are the IPs still important for us?

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[3] Brian Tomlinson, "The Journey from Istanbul: A Synthesis of Evidence on the Implementation of the CSO DE Principles," CSO Partnership for Development Effectiveness (CPDE), The Journey from Istanbul: Evidences on the Implementation of the CSO DE Principles, 2014, pp.55-56.

[4] Open Forum for CSO Development Effectiveness, Siem Reap Consensus on the International - Framework for CSO Development Effectiveness, 2011, p8.

These concerns were addressed through the following response:

> While IPs are important as global norms, it is also necessary to understand that IPs have stimulated updates and revisions of code of conducts and similar documents in many Southern countries. If we take Cambodia as an example, Cooperation Committee for Cambodia (CCC), the platform of CSOs, has had the Voluntary Certification System (VCS) to strengthen accountability of CSOs. Principle 5 on accountability has become a factor for CCC to further promote VCS among Cambodian CSOs. CCC has also integrated the IPs in its capacity building programmes it organizes around the country. Certainly it is necessary to understand these dynamics in the countries you have projects.

In Canada, not only the Canadian Council for International Cooperation (CCIC) but also the provincial/regional councils have played important roles in raising awareness on the IPs.[5] The idea of the icons for the IPs, launched at the Civicus Global Assembly in Montreal in 2012, came from the Ontario Council for International Cooperation (OCIC). OCIC has incorporated the IPs into its development principles.[6] Manitoba Council for International Cooperation (MCIC) also incorporated the IPs in its new Development Principle in 2012, and since then its funding programmes principles have been based on the IPs.[7]

Korean platforms, such as Korean NGO Council for Overseas Development Cooperation (KCOC) and Korean Civil Society Forum on International Development Cooperation (KoFID) have worked on promoting understandings on IPs among the Korean international development CSO society. A unique initiative by the Korean platforms is the field training programme. Funded by the Korean International Development Agency (KOICA: Korea's executing agency of grants and technical cooperation), they organize field training programmes in countries such as Cambodia and Laos where Korean CSOs have field projects. IPs are important part of the programme.[8]

In Europe, the strength and size of countries' CSO platforms vary, and the intensity of works regarding IPs are different from country to country. But even in countries where intensive works are seen, it is not easy to reach small CSOs.[9]

HUMAN RIGHTS AND HUMAN RIGHTS–BASED APPROACH (HRBA)

Istanbul Principle 1 is "Respect and promote human rights and social justice," and Guidance a) is "implement human rights-based approaches to development." Many people understand this human rights principle not as a stand-alone principle, but as a principle

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[5] Fraser Reilly-King, "From an End Comes a New Beginning: Canadian Implementation of the Istanbul Principles," CPDE op.cit.

[6] https://readymag.com/OCIC/2013-2015OCICProgressReport/6/

[7] MCIC administers the Manitoba Government Matching Grant Program (MGMGP) . (http://mcic.ca/projects/)

[8] Based on interviews with KCOC and KoFID in September 2012 and July 2013, and presentations by Korean participants at the CPDE Northeast Asian Regional Meetings in 2013 and 2014.

[9] Interviews with Concord in September 2014.

that expresses the core value of the whole framework, or in other words, human rights and HRBA "are the cornerstone for all eight principles."[10]

Perhaps because of the understanding that human rights is the cornerstone of all the IPs, in the works on the realization of the IPs, there have been emphasis on Principle 1 on human rights and human rights-based approach (HRBA) in many countries. Resources such as toolkits and guides have been published and workshops and seminars have been held.

CCIC and the United States' platform InterAction jointly surveyed their members about their members' implementation of the IPs,[11] although response rate of InterAction's members was low. 72% of Canadian and 50% of US respondents answered the questions on HRBA, and 97% of them said that HRBA were part of their operations. CCIC in partnership with Equitas and the Coady International Institute has organized workshops and then a publication which is a tool and guide for CSOs on HRBA and partnerships. The guide include resources for conducting workshops on HRBA.[12]

In Europe, the Irish platform Dochas made a web guide on HRBA which was shared by other members of CONCORD.[13] Although there is a consensus that human rights and HRBA are important, whether there is common understanding on them is questionable.[14]

Korean platforms have organized a number of seminars and workshops and published materials on HRBA. Also HRBA has been an important pillar in the field workshops which was mentioned in the previous section.[15]

In Japan, JANIC organized a workshop in February 2013 focused on Principle 1. After introductory lectures on HRBA and sharing of experiences of two CSOs, participants in break-out groups applied a rights holders-duty bearers' analysis of their own organizations.

It is generally agreed that HRBA is about defining development as realization of human rights – both civil and political rights, and economic, social and cultural rights – in accordance with international and regional human rights standards agreed in the United Nations and regional organizations. More practically, HRBA is about programming based not on the analysis of "needs", but on the analysis of the rights of the "rights-holders" and the duties of "duty-bearers."[16] Also HRBA has been understood as emphasizing addressing

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[10] CCIC and InterAction, Two Years on from Busan: Looking Back, Looking Forward: An Analysis of Survey on the Implementation of Istanbul Principles, Human Rights-Based Approaches to Development and Equitable Partnership, and the Enabling Environment, 2013, p.2; Brian Tomlinson, op.cit., p.56.
[11] CCIC and InterAction, op.cit.
[12] CCIC, Equitas and the Coady International Institute, Integrating HRBA and Equitable Partnerships into Development Programming: Operationalizing the Istanbul Principles: A Practical Guide to Help Facilitators Run Participatory Workshops and a Resource Manual for Participants, 2014.
[13] Hans Zomer, "Implementation of the Istanbul Principles in Irish CSOs," in CPDE, op.cit., p.26.
[14] Interview with Concord, September 2014.
[15] Based on interviews with KCOC and KoFID in 2012 and 2013, and presentations by Korean participants at the CPDE Northeast Asian Regional Meetings in 2013 and 2014.
[16] This is similar to the understandings of HRBA in the United Nations, "The Human Rights Based Approach to Development Cooperation: Towards a Common Understanding among UN Agen-

the root causes rather than symptoms and empowerment of the people to claim their rights or to make their voices heard.

But although more people talk about HRBA, to what extent there is a common understanding on it is still a question. While international NGOs (INGOs) such as Save the Children and ActionAid[17] have developed toolkits for practicing HRBA and have applied them in their programming, if we look at the whole international development CSO community, we are still at the stage of learning about HRBA.

Another important question is, despite the number of workshop and seminars, toolkits and other materials, whether there were real changes in the practices of CSOs in all stages of the project/programme cycles in the fields – programmatic design, implementation, monitoring and evaluation -- and in advocacy and development education/public engagement works. Needless to say, we should understand the obstacles for practicing HRBA as described in the CCIC/InterAction survey report: it is complex and difficult to demonstrate results, and difficult to get funding from donors that often ask for short-term results.[18]

In the Japanese context, and perhaps in other countries, there is also what I would call "cultural and traditional obstacles". Conservative people in Japan reject the view that human rights is universal, and rather believe that human rights is an idea of the West. They argue that human rights should not be a core value in our country or in the programmes CSOs carry out in the South. Some CSOs with conservative members or constituency, find difficult to emphasize human rights in their work. With the rise of ultra-nationalism in our country, there is also "backlash" against human rights.

GENDER EQUALITY AND WOMEN'S AND GIRLS' RIGHTS

In Japan, Principle 2 (gender equality and equity and women's and girls' rights) was chosen as one of the "focus principles" because although gender equality is embodied in the visions and missions of many CSOs, the number of CSOs that actually work on gender and women's rights is smaller than other Northern countries. Many CSOs have struggled how to integrate gender equality and women's rights in their practices. In addition, gender inequality is domestically a serious issue in Japan. According to the World Economic Forum's Global Gender Gap Index (GGGI), Japan ranks 101st out of 145 countries. People working on gender issues are concerned that there is also conservative "backlash" on gender issues. JANIC considered it important to emphasize and raise awareness on gender equality as an agenda for both international development and the Japanese society. One workshop was held on this principle with a gender specialist (working on domestic issues) as lecturer.

But was there a common understanding on what it means by gender equality, both conceptually and in practice (and in the Japanese context how it should be explained in our language)? Probably not, and this is probably similar in many countries.

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cies." (http://hrbaportal.org/the-human-rights-based-approach-to-development-cooperation-to-wards-a-common-understanding-among-un-agencies)

[17] Save the Children, Child Rights Programming: How to Apply Rights-Based Approaches to Programming: A Handbook for International Save the Children Alliance Members, 2005; ActionAid, People's Action in Practice: ActionAid's Human Rights Based Approaches 2.0, 2012.

[18] CCIC and InterAction, op.cit., p.12.

In the toolkit for country consultations of the Open Forum, gender equality, citing the definition by the Mediterranean Institute of Gender Studies, was defined as follows:

> Gender Equality refers to the equal rights, responsibilities and opportunities of women and men and girls and boys. Equality does not mean that women and men will become the same but that women's and men's rights, responsibilities and opportunities will not depend on whether they are born male or female. Gender equality implies that the interests, needs and priorities of both women and men are taken into consideration, recognizing the diversity of different groups of women and men. Gender equality is not a 'women's issue' but should concern and fully engage men as well as women.[19]

But what does this rather abstract definition actually mean when applied in the concrete activities of CSOs? There are a variety of understandings.

There have also been different understandings on the relationship between "gender equality" and "gender equity." During the Open Forum process the inclusion of "gender equity" was debated. The proposal at the first global assembly in Istanbul was "embodying gender equality and promoting women's rights,"[20] but as a result of comments from breakout group discussion, gender equity was added.[21] Quoting the Mediterranean Institute of Gender Studies' definition, gender equity was defined in the country consultation toolkit as:

> Fairness of treatment for women and men, according to their respective needs. This may include equal treatment that is different but which is considered equivalent in terms of rights, benefits, obligations, and opportunities. In the development context, a gender equity goal often requires built-in measures to compensate for the historical and social disadvantages of women. Gender equity denotes an element of interpretation of social justice, usually based on tradition, custom, religion or culture, which is most often to the detriment to women. Such use of equity in relation to the advancement of women is unacceptable.[22]

While according to UN Women, "gender equality is the preferred terminology within the United Nations, rather than gender equity" after the Beijing conference in 1995,[23] there seems to be different understandings among UN organizations. For example, UNFPA and WHO consider gender equity as a premise for gender equality:

> Gender equity is the process of being fair to women and men. To ensure fairness, strategies and measures must often be available to compensate for women's historical and social disadvantages that prevent women and men from otherwise operating on a

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[19] Mediterranean Institute of Gender Studies, "Glossary of Gender-related Terms," 2009 (http://www.medinstgenderstudies.org/wp-content/uploads/Gender-Glossary-updated_final.pdf), quoted in Open Forum, Outreach Toolkit. 2010, p.37.

[20] Brian Tomlinson and Rose Wanjiri, Open Forum Country and Sectoral Consultations: A Synthesis of Outcomes: Towards a Framework for CSO Development Effectiveness, 2010, p.14, 19-20.

[21] Open Forum for CSO Development Effectiveness, Global Assembly Report 2010, p.12.

[22] Mediterranean Institute of Gender Studies, op.cit, quoted in Open Forum, op.cit., p.37.

[23] http://www.un.org/womenwatch/osagi/pdf/factsheet2.pdf

level playing field. Equity leads to equality. Gender equality requires equal enjoyment by women and men of socially-valued goods, opportunities, resources and rewards.[24]

Summing up the two sections on human rights and gender equality, our consensus is that human rights, and gender equality and women's/girls rights, are important and human rights is the cornerstone and the core value of the IPs. But we face some challenges. First, while there are internationally agreed standards – especially international human rights treaties – many CSOs and people are still struggling how to apply or translate the complex HRBA and abstract concept of gender equality in practices of CSO works. Second, there have been diversity of understandings on HRBA and gender equality (including what are the differences between gender equality and equity). Although we need to further elaborate our ideas, as believers in human rights and democracy, we must also respect diversity and pluralism. On the other hand, too little common understandings will lead to loss of our credibility. How to balance the necessity for common understandings and respect for diversity and pluralism is probably our key challenge. Third, promoting the idea that human rights and gender equality are universal values in the age of rising conservatism and fundamentalism might be another challenge for CSOs.

EQUITABLE PARTNERSHIPS

Since the time our discussions on CSO development effectiveness started before Accra, partnerships has been one of the key issues. Southern CSOs on several occasions have shown their frustrations about asymmetric partnerships with Northern and international CSOs. The issue of CSO partnerships was raised especially by the Southern CSOs in the regional consultations of the Advisory Group on Civil Society and Aid Effectiveness before Accra.[25] Many of the country and regional consultations of the Open Forum listed equal partnerships as one of the CSO development effectiveness principles, and through discussions in Istanbul and Siem Reap, developed into Principle 6 on equitable partnerships.

After Siem Reap and Busan, there have been many works around Principle 6. In Japan, JANIC organized a workshop in September 2013 which focused on partnerships with a case study of a CSO that went through a transition from direct implementation to supporting partners. We had breakout group discussions to identify the advantages and disadvantages of both supporting partners and direct implementation. In retrospect, while identifying advantages and disadvantages of supporting partners was a very meaningful exercise, as well as direct implementation, the issue of power imbalance was not sufficiently addressed, and some participants expressed their views from a rather managerial perspective.

In Canada, the federal government's aid agency, the former Canadian International Development Agency (CIDA; merged with the Department of Foreign Affairs and International Trade and renamed Department of Foreign Affairs, Trade and Development in 2013, and currently Global Affairs Canada) traditionally emphasized supporting partners in its Partnership Programmes for CSOs. But despite such tradition, equitable partnership is still a key issue in Canada. The guide by CCIC and two other organizations mentioned earlier also focuses on partnerships.[26] In an open-ended question on partnerships in the CCIC/Interaction survey, respondents pointed out that there

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[24] http://www.unfpa.org/resources/frequently-asked-questions-about-gender-equality. Emphasis added by the author.

[25] Advisory Group on Civil Society and Aid Effectiveness, Civil Society and Aid Effectiveness: A Synthesis of Advisory Group Regional Consultations and Related Processes January – December 2007, 2008, p.20-22.

[26] CCIC, Equitas and the Coady International Institute, op.cit.

are inherent power imbalances in many of the partnerships created by financial inequity.[27]

For KCOC and KoFID, promoting Principle 6 and the idea of equitable partnership is important as there is still strong charity orientation and missionary mentality in the Korean CSO community. [28]

In Europe, partnerships have been one of the key issues. European CSOs, including those that support Southern partners, have repeatedly been questioned whether the partnerships are equitable.[29] Intensive works on equitable partnerships have been done by several country platforms, especially Dochas in Ireland[30] and KEPA in Finland.[31]

There have also been discussions on equitable partnerships with Principle 6 in mind in Southern countries such as Cambodia. In February 2015, CCC organized a consultation titled "Promoting More Effective Partnership between INGOs and Other CSOs" to consider the roles played by international NGOs in Cambodia and the future relationship between Cambodian CSOs and international or Northern CSOs.[32] It is important that discussions in the South such as the one in Cambodia be widely shared and reflected in the discussions in the North.

A Japanese sociologist Kan Sato writes that inherent in aid (including aid by CSOs) is inequitable power relationship.[33] While this should be accepted as a reality, it is important that a lot of works be done on Principle 6 with the hope that we see dramatic improvement towards more equitable partnerships.

CONCLUSION

Five years since the adoption of the Siem Reap Consensus and endorsement of the IPs at the HLF4, at least in the Northeast Asian context, the IPs have become one of the stimulus to change the charity-oriented mind-set of not a few number of groups and individuals involved in international development. On the other hand, putting abstract principles into practice is still a big challenge for the global CSO community working on development issues.

Through comparing Japan's experiences with other Northern countries, it was found out raising awareness and socializing IPs, especially among small CSOs, remains a big challenge. Also, considering that one obstacle for promoting HRBA is donors' pursuit for short-term results (perhaps similar with certain proportion of members and private donors), we need to emphasize that looking at mid- and long-term changes is more important.

For human rights, HRBA, and gender equality, we need more common understandings on what they

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[27] CCIC and Interaction, op.cit., p.15.

[28] Interviews in September 2012 and July 2013.

[29] Interview in September 2014.

[30] Although this is a publication published before the IPs were finalized, Dochas, Partnership in Practice: A Kenyan Perspective on the Nature of Relationships with Irish NGO, 2010, is an important report on partnerships between Southern and Northern CSOs.

[31] See the following for KEPA's partnerships in the South. http://www.kepa.fi/international/english/kepa-south/partnerships

[32] http://www.ccc-cambodia.org/index.php/event-archives/150-future-roles-of-ingo-in-cambodia. An important resource for this consultation was Carol Mortensen, Future Roles of INGOs in Cambodia, Oxfam, 2014. Also my interviews with CCC in February 2015.

[33] Kan Sato, Sociology of Development Aid (In Japanese language), Kyoto: Sekai-shisou-sha, 2005, especially Chapter 3.

mean, especially in practice, while also respecting diversity and pluralism.

So what can we do to make it easier to translate the IPs into practice? Of course there is no easy answer to this question. One possible thing we can work together is to compile case studies of realizing the IPs from around the world. Doing this is itself practicing Principle 7 (sharing knowledge and mutual learning). One good practice is by CCIC. CCIC put together case studies of good and innovated practices of Canadian CSOs.[34] It would become a useful tool if we could make something similar globally.

Finally, the importance of Enabling Environment for civil society as a prerequisite for CSO Development Effectiveness must be emphasized. Enabling Environment is indispensable for realizing development that respects human rights and embodies gender equality, and practicing HRBA.

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[34] http://www.ccic.ca/what_we_do/IP-case-studies_e.php

RESEARCH INITIATIVE ON THE STATE OF CSO ACCOUNTABILITY AND DEVELOPMENT EFFECTIVENESS IN CAMEROON

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NGO Collective for Food Security and Rural Development (COSADER)

EXECUTIVE SUMMARY

For the purpose of significantly improving Civil Society Organizations' (CSO) development effectiveness and accountability through the implementation of the Istanbul Principles (IPs), the NGO Collective for Food Security and Rural Development (COSADER) has completed, with the support of a ROA/CPDE[1], a research initiative on the state of CSO accountability and development effectiveness in Cameroon. This civil society contribution sets out to reinforce the promotion and implementation of the Istanbul Principles at the country level.

These are the specific steps: (i) Evaluate CSOs' progress in implementing the Istanbul Principles and guidelines for accountability; (ii) Make recommendations to CSOs to better implement the IPs and plans of the civil society's working group on development effectiveness at the regional and local levels, through which they could lend their expertise through knowledge building for their implementation; (iii) Make recommendations to governments as well as technical and financial partners (TFPs) to support CSOs' efforts in developing their own development effectiveness.

The methodology adopted for this is built around three major steps: (i) Completion of a review of the regulatory frameworks that govern the civil society space in Cameroon; (ii) Organization of a perception survey on the level of implementation of the Istanbul Principles and guidelines for accountability by the CSOs; (iii) Production of the study's final report.

Data collection was done alternately through exchanges organized remotely via the Internet or by telephone, as well as meetings with organization leaders during missions carried out in the field Target groups and individuals interviewed were selected through this process.

This research initiative revealed that the collaboration between CSOs and other stakeholders (government, TFPs, private sector, etc.) is impacted by the low appropriation of the targeted vision, concepts, values, principles, and objectives of development effectiveness; legal framework that governs CSOs is not favourable to their initiatives; and implementation level of the Istanbul Principles by CSOs requires more reinforcement.

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[1] Reality of Aid/CSO Partnership for Development Effectiveness

GENERAL CONTEXT OF THE EFFECTIVENESS OF CSO CONTRIBUTION TO DEVELOPMENT

Civil Society Organizations (CSOs) all over the world contribute to the development for change and social transformation through their actions. This way, they support grassroots communities that lead their own development initiatives, awareness, and advocacy actions to initiate a political dialogue open to all (governments, TFPs, private sector, etc.) in order to join forces and foster development. They represent an essential component of countries' democratic life. Their development initiatives are characterized by their commitment to non-violent political processes. Aware of their contribution, but also of their weaknesses and the challenges they have to face as development actors in their own right, CSOs are committed to adopting measures to improve themselves and fully account for their development practices.

In September 2010, CSOs from almost 82 countries met in Istanbul (Turkey) to examine and unanimously adopt the Principles for CSO Development Effectiveness. An international framework on CSO development effectiveness was adopted in June 2011 by the second global assembly, held in Siem-Reap (Cambodia). This framework provides explanations to CSOs on how to interpret and align their practices with the Istanbul Principles, according to their local and sectorial situation. A system for implementing the Istanbul Principles, with more specific advice and indicators, enabling civil society actors to adapt and apply the framework to the daily reality of their organization and programs was made available to all CSOs of these countries. Moreover, facilitation and capacity building sessions for CSOs were organized for that purpose.

In Cameroon, the evolution of civil society's positioning is characterized by an increased participation of CSOs in the monitoring process of developing public policies and promotion of transparency and accountability at the national level, or by government incentives developed through the adoption of legislation conductive to joint development initiatives and more participatory.

Essentially, CSO development effectiveness is rooted in the intention for different stakeholders to enhance their initiatives' development effectiveness through sharing efforts, constructive dialogue, and a better understanding of sustainable development issues as defined in the Sustainable Development Agenda.

TYPOLOGY OF EXISTING CSOS AND THEIR ROLES

In Cameroon, civil society is composed of many different types of CSOs including religious denominations, women's associations, youth associations, labour unions, professional organizations and NGOs. They can be classified by groups of actors, meaning by the nature of their interventions.

With respect to groups of actors, civil society is subdivided in four big families:
- **1st level CSOs:** These are basic organizations (grassroots organizations) – cooperatives; socio-economic organizations; farmers' unions; women's, youth, cultural, sports associations; common initiative groups – formed in rural and urban settings, under

the leadership of a group of individuals coming together to put forward joint solutions to local context problems, defend their rights or improve their life conditions and access to public services (health, education, etc.). These grassroots organizations can be formally registered or evolve as completely informal associations.

- **2nd level organizations:** These are composed of formally constituted actors with an advanced structural level, focused on social responsibility and working for the benefit of the population and its first level organizational forms which they support. Developmental NGOs, non-profit developmental dynamics support organizations, human rights associations, labour unions and church development structures, belong to this typology.

- **3rd level organizations:** These are composed of umbrella organizations; basically coordination bodies, federations and networks formed by a collective of organizations who have partnered to collaborate following a thematic and/or geographical logic. The organization that results from this collaboration is often perceived as a space for exchanges, communication and dialogue between the member organizations, as well as a service delivery tool for member organizations in areas such as capacity building, external projection, defence of collective interests, etc.

- **4th level organizations:** These are platforms for dialogue intended for coordination organizations and third level networks. They must have a national and cross-scale thematic perspective. In addition to playing the role of third level CSOs, they also fulfil a representation role with official donors as well as one of information dissemination.

This classic typology of CSOs distinguishes itself from the nomenclature by nature of interventions of CSOs that gather:

- Interpellation organizations, those that stand out for their activism;
- Support organizations, that are characterized by their hope or desire to advance a cause or defend rights;
- And finally, service providers, that are more focused on the development of resources (intellectual, technical, or material) or opportunities.

CSO LEGAL AND REGULATORY ENVIRONMENT AND STAKEHOLDER RESPONSIBILITIES

The legal and regulatory framework for CSOs has been governed in the early 1960s by Act No. 67/LF/19 of June 12, 1967, on Freedom of Association, which was abrogated in 1990 by Act No. 90/053 of December 19, 1990, concerning Freedom of Association. Besides this text, we can also mention Act No. 99/011 of July 20, 1999, which modified some provisions of Act No. 90/053 of December 19, 1990, concerning Freedom of Association and Act No. 99/014 of December 22, 1999, that governs Non-Governmental Organizations. These main texts frame the associative life in Cameroon. It is also important to say that these texts show the existence of several types of associations in Cameroon, according to the targeted objective and quality of people managing them. It is the case of registered associations (associations), authorized associations (foreign and religious associations),

non-governmental organizations (NGOs). To this legal arsenal, we can also add Act No. 2014/028 of December 23, 2014, on the suppression of acts of terrorism that provides for the death penalty for perpetrators of terrorist acts, which could be associated to demonstrators.

It is generally recognized that the law satisfactorily addresses issues related to the fundamental freedom of CSOs in a satisfactory manner, including freedom of expression, freedom of public assembly and demonstration; the declaration for public meetings and demonstrations, delivery of receipt of declaration in application of the law, choice to refuse any initiative from the administrative authority to halt, stop or dissolve a public meeting or demonstration, etc. Nonetheless, the specific points related to the fundamental freedoms of CSOs need to be improved. They include:

-   The lack of a definition of public meeting and public space;
-   The existence of administrative-based obstacles to freedom of speech, assembly, and public demonstrations;
-   The questionable silence of the law on the sanction or possible actions in case of non-compliance with the law by the competent authority, and creation of networks, unions and platforms;
-   The gap in legislation on the evidence of a preliminary declaration in case of non-delivery of the receipt of declaration;
-   The excessive length of time for the judge to rule on the appeal against the prohibitory order of a public meeting or demonstration.

PROMOTION AND IMPLEMENTATION OF THE THE ISTANBUL PRINCIPLES

1.   CSOs in Improving their Practices for Development Effectiveness

Development is a political and social process where the participation and involvement of the people to assert their rights are just as important as the results. Therefore, CSOs are also protagonists of a political change, protectors and suppliers of public goods. In Cameroon, they act collectively or in partnership with communities, other CSOs and other development actors to supplement government efforts and its partners at different levels for development effectiveness.

Cameroonian civil society is committed to collaborating with effective and responsible partners, whose efforts reflect the values and strategic priorities in terms of development and are compliant with human rights standards (fight against discriminatory, subjugation, poverty and inequality situations), and allow for increased visibility of its actions. This collaboration gives way to both traditional development partners – such as public authorities, TFPs, other CSOs (national and international) – and new ones – such as the private sector, scientific and technological research, and diaspora communities.

In the spirit of this commitment, CSOs effectively conduct various activities in support of thematic and geographic priorities of development. Thus, they:

- Work and are in direct contact with grassroots populations (poor and marginalized) and

their communities by employing means that are difficult to use by other development actors;

- Provide essential services, increase resilience, and build capacity in different areas, including health, education, social protection, and water supply;
- Increase the capacity of individuals and groups to uphold their human rights;
- Make the voices of poor and marginalized people heard, and defend their interests by communicating with governments and holding them accountable;
- Campaign for change by addressing the underlying causes of poverty or raising new issues and points of view;
- Help establish trust and social cohesion, which is particularly important in the reconstruction of communities affected by political violence, armed or ethnic conflicts, or vulnerable to it;
- React to the impact of acute food insecurity and complex humanitarian crises through coordinated actions based on humanitarian principles.

2. Building CSO Knowledge of the Istanbul Principles

Although it brought valuable changes and opportunities to the Cameroonian civil society, the mobilization of the Istanbul Principles still needs considerable efforts both in the implementation of those principles and in engaging the government to promote a more enabling environment for civil society.

To date, the major challenge in the implementation of the Istanbul Principles lies in maintaining a consensus and applying Principle 6 (Pursue equitable partnerships and solidarity) and Principle 5 (Practice transparency and accountability). The graph below illustrates this:

Fig. 1: Level of implementation of the IPs by CSOs
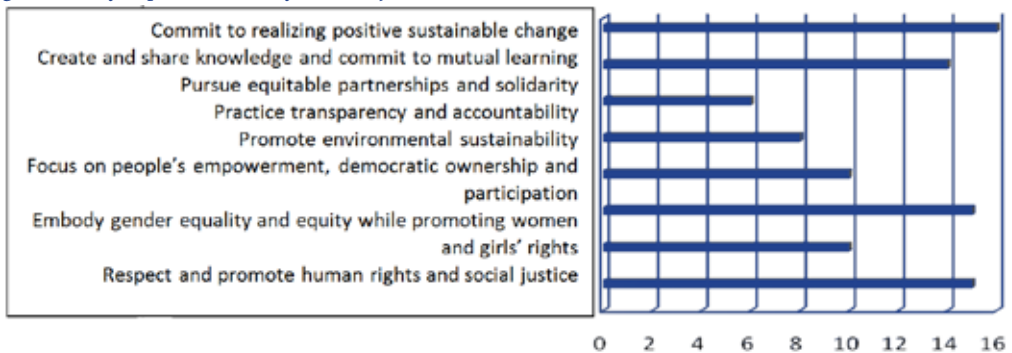
3. Case Studies of CSO-implementation of the Istanbul Principles and the Impact in Commitment Building of CSOs

The eight (8) Istanbul Principles for CSO Development Effectiveness can be used in different ways at the national, regional, and international levels. Depending on several factors, a CSO can focus in the implementation of one, several, or all Principles. Far from being comprehensive, the table below presents case studies of CSOs who implemented the Istanbul Principles in Cameroon.

Table 1: Introduction of case studies of CSOs who implemented the Istanbul Principles in Cameroon

ISTANBUL PRINCIPLES	INITIATIVES	TYPE OF INITIATIVES AND MORE INFORMATION	IMPACTS IN COMMITMENT BUILDING OF CSOs	ORGANIZATIONS
	Advocacy to improve living and work conditions of disabled learners in educational and training institutions in Cameroon	CSO support and monitoring of the implementation of the approach for disabled people within educational and training institutions.	Building accessible pathways for disabled people in educational and training institutions.	MOSOH CAMEROON
Principle 3: Focus on people's empowerment, democratic ownership and participation	**"CONSEILS CITOYENS"** (citizen committees)	Building citizen participation in the management of local affairs.	Involvement of grassroots communities in the management of communal affairs.	PLANOSCAM
	"TOURNONS LA PAGE" (Turn the page)	Meeting the challenges of insecurity and development through democracy.	Consideration of citizens' concerns and their rights.	DYNAMIQUE CITOYENNE
	"e-ELECTION" platform	Interactive online platform between political actors and citizens, and whose role is to inform and lead direct debates and exchanges on electoral issues with experts.	- Building citizen participation and involvement in the electoral process. - Increasing of democratic dialogue between the government, CSOs, media. - Improving citizens' access to democratic electoral information.	NDH-CAMEROUN
Principle 4: Promote environmental sustainability	**"Les matinées de l'agro écologie"** (Agro-ecological mornings)	Building citizen participation in the preservation of the environment and biodiversity, as well as in promoting organic agriculture favourable to nutrition and resilient to climate change.	Citizen engagement in the application of good farming and eco-friendly practices.	COSADER

Principle 5: Practice transparency and accountability	**"CITIZEN LENSES"**	Alternative Report (diagnosis, analysis and evaluation of public policy)	Integration of the	PLANOSCAM
	The CSOs Code	Development of a Code of Ethics for civil society organizations in Cameroon.	CSOs disclose their activity reports (narrative and financial reports).	COMINSUD

CSO INTERNAL GOVERNANCE AND ACOUNTABILITY

To effectively play their role in governance and participate in defining policies for development effectiveness, CSOs are under increasing pressure to demonstrate their capacity for accountability, transparency, and representativeness, and to build their credibility on all levels from grassroots organizations all the way to national platforms. Progress to be made in this field are important not only to identify legitimate, transparent and representative interlocutors, but also to maintain a high degree of representativeness of their "social base". In recent years, CSOs have self-enacted different internal rules and regulations. PLANOSCAM accountability charter focuses its efforts on CSO development effectiveness and highlights the importance of improving the internal governance of CSOs, including the application of the "Istanbul Principles" in action at different levels. But we should recognize that to this day in Cameroon, there are very few sophisticated mechanisms for the promotion of transparency and accountability developed by CSOs.

1. CSO Initiatives to Promote Transparency and Accountability in their Actions

a. CSOs Code of Ethics. A set of rules of conduct and principles for responsible management that Cameroonian CSOs must respect and put into practice to enhance their credibility, improve their visibility and build their effectiveness. This tool was developed in 2012 by COMINSUD, an NGO, and is used by many organizations throughout the country. As a matter of fact, in this study, 32% of CSO representatives who completed the questionnaire acknowledged its existence and recognized applying it.

b. The "Open data initiative." Implemented by the AFROleadership association, the "Open data initiative" is an online platform for sharing information and data between different development actors (government, TFPs, private sector, territorial communities, civil society, etc.). This platform allows any development actor, i.e. CSOs, on the one hand, to publish their information (reports, studies, publications, etc.) and on the other to access other actors' data. It was officially launched in 2016. High usage by CSOs was observed (to date, over 150 CSOs use this platform to access and share data).

c. Civil Society Governance Performance Index Score-Card. A tool to assess the level of CSO commitment to good governance. It consists of an annual ranking of CSOs based on

the level of compliance with the rules of transparency and accountability. Implemented by the Investment Civil Society Network (I-watch), it aims to contribute to improving CSO visibility and credibility vis a vis other actors. Indeed, at the end of each year, the CSOs fill out a questionnaire on administrative, financial and accounting management practices.

The application of this mechanism has not been significantly adopted by civil society because it has not yet been popularized. At present, only CSO members of I-Watch (about 10 CSOs) participate in this evaluation.

d. The "CITIZEN LENSES." An initiative of the CSO national platform in Cameroon (PLANOSCAM), it is a framework for dialogue, sharing values and ideas between the country, government, TFPs, CSOs and private sector. The "Citizen Lenses" also constitute a framework for policy advocacy for optimal and fair allocation of public resources, with an accountability requirement. Its official launch is scheduled for November 16, 2016, in Yaoundé.

In Cameroon, the commitment of CSOs to improve transparency and accountability is done best by the publication of information and data either on their Web site or activity report presentation workshops (narrative, financial, audit, etc.), which are usually periodically as illustrated in the table below:

Table 2: Frequency of the publication of information by the CSOs

Frequency	Dissemination through the Web site	Organization of activity report presentation workshops	Dissemination of reports through physical mediums
Monthly	28	00	00
Quarterly	05	04	00
Semiannual	00	02	00
Annual	08	24	14

As a matter of fact, 62.29% of CSOs who responded to the questionnaires publish their information through their websites, and 58.54% of these CSOs organize annual workshops to present their activity, financial and audit reports to the government and other stakeholders.

But it must be recognized that accountability does not only concern reports, it must also enforce institutional integrity and mutual public recognition of the efforts made by each development actor, i.e. CSOs, by particularly focusing on accountability for the populations involved.

2. **Mechanisms Initiated to Facilitate Inclusive CSO Representation in Policies and Dialogue Mechanisms, and Facilitate Collaboration with Other Development Actors**

But it must be recognized that accountability does not only concern reports, it must also enforce institutional integrity and mutual public recognition of the efforts made by each development actor, i.e. CSOs, by particularly focusing on accountability for the populations involved.

In Cameroon, public participation processes exist through which different categories of

actors (government, TFPs, private sector, CSOs, etc.) gather to organize a common reflection, discuss and deliberate with each other, beyond divergent opinions and interests, in order to reach decisions (by compromise or consensus) on collective projects or common problems. These are consultation frameworks that designate dialogue spaces where a limited number of actors discuss and deliberate among themselves on a solution to a common problem. They exist in a wide variety of forms and with different approaches: boards, commissions, committees, platforms, networks, cells, etc. One can, however, distinguish three main categories:

- **Territorial-based consultation frameworks:** Generally rooted at the neighbourhood or village level, and that meet up at the local community, regional or even national level through an ascendant process.
- **Theme-based consultation frameworks:** Bring together stakeholders from different sectors, such as health, hydraulics, education, etc.
- **Category-based consultation frameworks:** Organized to ensure that the professional and social interests of groups are safeguarded.

Whether they are based on territories or sectors, these consultation frameworks have a general mission to:

- Gather and organize stakeholders around specific concerns;
- Allow the emergence of a shared vision of development and the building of consensual proposals of change;
- Facilitate and guide development planning;
- Support the implementation of development activities;
- Build solidarity between actors, coherence of the interventions and mutualisation of resources for development;
- Ensure the flow of information, exchange of experiences, and collective learning;
- Encourage and support initiatives for setting constant alignment between actual needs and public policies that meet them.

ANALYSIS OF THE OPERATION AND IMPACT OF CONSULTATION FRAMEWORKS, AS WELL AS CIVIL SOCIETY PARTICIPATION WITHIN THESE FRAMEWORKS

An analysis concerning power relationships between civil society and government representatives highlights an imbalance in favour of the latter. To illustrate, in almost all of the consultation frameworks, civil society is a minority compared to other groups (see Table 4). Furthermore, it is rare to find civil society representatives at the strategic level in most of the consultation frameworks studied. Although there are exceptions such as the Comité de suivi de l'exécution physico-financière de l'investissement public (monitoring committee for the physical and financial execution of public investment) where the vice-president is a civil society representative, or the Commission Nationale Anti-corruption (CONAC – anti-corruption national commission) where the president represents a religious denomination. Furthermore, relations between both parties are marked by a noticeable crisis of confidence. The presence of civil society within consultation frameworks is certainly enshrined in the documentation, but it does not seem to be sufficiently valued by representatives of the administration. Indeed, during our survey, most of the CSO leaders interviewed

acknowledged the reluctance of administration officials to collaborate with CSOs. This may mean, for example, withholding information or using civil society as an alibi to lend credibility to some decisions and satisfy the conditionalities of funders. Hence, its role as an important actor that can bring relevant contributions is often misunderstood or simply ignored.

Similarly, in consultation frameworks, stakeholders develop strategies, some to establish their domination and others to try to gain legitimacy. Thus the strategy deployed by actors from the public sector is demonstrated by instrumentalization attempts of CSOs within consultation frameworks. This is facilitated by the low financial capacity of CSOs and their dependence on external resources. CSOs continue to condemn the condescending attitude of the actors from the administration towards them and try, for their part, to lend credibility to their actions in order to build a relationship of trust with their institutional partners. As a strategy by some CSOs to increase their credibility are the following: a strong and very active presence in the field and their close relationship with grassroots populations; their good knowledge of the matters in which they intervene; their true willingness to perform watch-keeping duties and act to promote human rights, the fight against corruption, transparent management of natural resources or any other priority sector.

The presentation of frameworks identified in this study relate to the themes and sectors as presented in the table below, but is far from exhaustive. However, due to the unavailability of certain data, the desired information was not indicated for all executives surveyed.

Table 3: Consultation frameworks identified in the study

Topics	Sectors	Consultation frameworks	Number of civil society representatives compared to the total number of members
Governance	Justice and human rights	National Commission on Human Rights and Freedoms (NCHRF)	13/30
		Conseil national de l'éducation civique et de l'intégration nationale (CONECIN) (national council for civic education and national integration)	3/24
	Public finances	Plateforme de dialogue sur les finances publiques (platform for dialogue on public finances)	N/D
		Comité d'orientation et de suivi du C2D (C2D steering and monitoring committee)	1/17
		Comité technique de suivi et d'évaluation du DSCE (DSCE monitoring and evaluation technical committee)	3/24
		Comité national de suivi de l'exécution physico-financière de l'investissement public (monitoring committee for the physical and financial execution of public investment)	N/D

Governance	Political dialogue / elections	Comité pour le dialogue politique Cameroun/EU (committee for the Cameroon/UE political dialogue)	1/17
	Fight against corruption	Commission nationale anti-corruption (CONAC) (anti-corruption national commission)	3/11
	Business climate	Cameroon Business Forum	N/D
Natural resources management	Forest governance	Comité national de suivi de la mise en œuvre de l'APV-FLEGT - Comité d'orientation et de suivi (of the PSFE) (national committee for monitoring the implementation of APV-FLEGT – steering and monitoring committee)	1/14
	Mining resource management	Comité de suivi de la mise en œuvre des principes de l'ITIE (committee for monitoring the implementation of ITIE principles)	10/24
		Comité de pilotage et de suivi des pipelines (Chad-Cameroon) (pipeline steering and monitoring committee)	4/24
Agriculture and rural development	Agriculture	Comité de concertation gouvernement/FAO (government/FAO consultative committee)	1/15
		Comité pour la mise en œuvre du PNSA (PNSA implementation committee)	3/17
	Road infrastructure	Conseil national de la route (CONAROUTE) (road national council)	N/D
Basic social services	Decentralization	Conseil national de la décentralisation (CND) (national decentralization committee)	1/42
		Comité interministériel des services locaux (CISL) (local services interdepartmental committee)	2/42
		Comité de concertation pour la mise en œuvre de la decentralisation (consultative committee for decentralization implementation)	2/17
	Education	Commission nationale de l'enseignement privé de base (national committee for basic private education)	N/D
		Commission nationale de l'enseignement secondaire privé (national committee for secondary private education)	N/D
		Commission nationale de l'enseignement supérieur privé (national committee for higher private education)	N/D
	Health	National AIDS Control Committee	N/D
		Country Coordinating Mechanisms for the Global Fund to fight AIDS, Tuberculosis and Malaria	3/24

Legally, the consultation frameworks that bring together governments and CSOs are created through legislation (law, order) or regulation (decree, by-law, decision, etc.). These texts govern the organization and operation of these consultation frameworks. However, several weaknesses can be addressed, including:

- In some cases, there is non-compliance of organic texts, especially the non-compliance of meeting schedules (e.g., ITIE Committee).
- Organic texts do not provide for monitoring/evaluation mechanisms of consultation frameworks, including monitoring the implementation of decisions adopted.
- To a certain extent, the government initiative in setting up some consultation frameworks is controversial because it sometimes meets conditionalities of TFPs.
- The possibility provided by law (art. 2, para. 2 of Act No. 99/014 of December 22, 1999) to form one-person NGOs, where exploitation can arise through the creation of NGOs without a real social base.
- Furthermore, the EU Country Roadmaps for Engagement with Civil Society
- 2014-2017 highlights (p. 11) the obsolete and binding character of Act No. 99/014 of December 22, 1999, that governs non-governmental organizations, for which certain provisions need to be updated. This view is shared by many CSOs.

Organizationally, the participation of civil society to theses consultation frameworks is de facto enshrined in the texts that establish them. Indeed it is expected that at least one representative from civil society acts as a formal member. In this case, the civil society representative is designated by the CSOs themselves. However, there are cases where this designation is made either intuitu personae by the administration (e.g., CONAC), or the civil society representative is specifically designated in the text relating to the creation of the consultation framework (e.g., CANADEL for the BIP monitoring committee, COSADER for the government/FAO consultative committee). But unfortunately there are shortfalls at the organizational level, including:

- The selection of civil society representatives within consultation frameworks is, in most cases, a controversial topic, because the criteria are not clearly defined. This poses a problem of legitimacy, representativeness or effectiveness.
- Civil society representatives are mere members for the majority of consultation frameworks. As always in the minority, civil society's absence at the strategic levels of president or vice-president reduces their influencing capacity.
- In some cases, organic texts enshrine individuals or corporate bodies who are not part of civil society as members of that group (e.g., ITIE Committee for which parliamentarians are categorized as being part of the civil society group); which helps to weaken the opinion of civil society in the committees.

Note also that factors specific to CSOs often limit their ability to interact with public authorities. For example, it remains difficult to identify representative networks that are actually able to play their role as a conduit between CSOs located at the base and public authorities, particularly because no formal feedback mechanism exists for the networks, platforms or CSOs who designated their representatives. Admittedly, while some networks have digital restitution platforms (e.g., PLANOSCAM for the fight against corruption); this however does not necessarily guarantee access to grassroots information and reduce the number of their beneficiaries, especially in remote communities.

Two major observations emerged at the end of the consultation framework analysis:

- Regarding civil society's contribution in achieving the results mentioned for the different consultation frameworks, it seems difficult to attribute with accuracy and conviction any outcome only to one civil society group, given that, firstly, the propositions of different members are discussed and/or modified by participants from different backgrounds and, secondly, decisions are adopted through consensus or by the majority.

- Some of these frameworks can be considered as "success stories" in terms of their operation and results. For example, the Comité National de suivi de l'exécution physico-financière de l'investissement public (monitoring committee for the physical and financial execution of public investment), CONAC, ITIE Committee, Comité de promotion de l'éthique et de la gouvernance (committee for the promotion of ethics and governance - customs) and CND.

CSO CHALLENGES AND THREATS IN THE IMPLEMENTATION OF THE ISTANBUL PRINCIPLES AND GUIDELINES FOR ACCOUNTABILITY

In the light of the conclusions from the analysis carried out on CSO accountability and CSO collaboration mechanisms with the other stakeholders, the challenges and threats faced by CSOs in the implementation of the Istanbul Principles and guidelines for accountability, solutions were proposed by CSOs who completed the survey questionnaires, including:

- The practice of transparency and public accountability to enhance the visibility of CSOs and their credibility
- Mutual responsibility of CSOs and strengthening their accountability toward other stakeholders by providing easy access to all CSO policies and governing documents (partnership documents, regular reports of programs and audited accounts) appropriate to the nature and conditions of the organization, while based on ethical and legal standards.
- Perpetuation of joint CSO accountability and accountability toward multiple stakeholders, by openly reflecting on power struggles, being open to reconsiderations and criticisms, providing necessary resources, and defining a fair, inclusive, and gender-sensitive regular framework for dialogue.
- Improving access to information for all partner organizations, including sources of funding, in the context of mutual accountability and transparency.
- Privacy and confidentiality of any information that could put lives, or the very existence of an organization, at risk.
- Availability of accessible, understandable, accurate and timely answers to questions and concerns addressed to CSOs.
- Promotion and practice of a democratic and transparent internal culture, with leadership that is accountable and effective; clearly establishes responsibilities; defines transparent operational procedures, ethical information practices, policies to fight corruption; respects gender balance, upholds human rights; and demonstrates integrity, honesty, and truthfulness.

1. **Favourable Conditions for a Better Implementation of the Istanbul Principles and Accountability**

As development actors, CSOs must take seriously their accountability obligation to all key stakeholders in order to remain credible. The following conditions are necessary for a better implementation of the Istanbul Principles and accountability:

- An improved legal framework for the actions of CSOs: It is recognized that certain organic provisions governing CSOs are obsolete and restrictive. It is important to update these laws if we want to facilitate the procedures and integrate provisions to promote a free, open, and effective civil society.
- CSO expertise: The unavailability of competent and specialized human resources is indeed one of the main weaknesses of CSOs. As a result, it is difficult for them to be productive and relevant in their actions, and also to maximize their development contributions to this effect.
- Multistakeholder dialogues and learning spaces: It is necessary to develop dialogue and learning spaces between development actors, without necessarily isolating the different families of actors (public actors, local authorities, NGOs, labour unions, researchers, etc.).
- Participatory and inclusive methodologies: The involvement of development actors is vital. The criteria and methods for assessing effectiveness must be designed and implemented in an inclusive manner, that is to say with actors directly involved in the development process (local and national authorities, civil society organizations, and other community actors called "beneficiaries").

2. **Opportunities for Strengthening the Implementation of the Istanbul Principles and Accountability**

Good practices in accountability mechanisms, guidance for improving CSO development practice and continued dialogue between CSOs at the national level could provide opportunities for the implementation of the Istanbul Principles and accountability.

RECOMMENDATIONS TO STRENGTHEN THE IMPLEMENTATION OF THE ISTANBUL PRINCIPLES AND ACCOUNTABILITY IN CAMEROON

Generally speaking, CSO development effectiveness is in the intention of enhancing the effectiveness of their development initiatives. The main challenges that CSOs have to face are increased participation in the creation and monitoring of public policies, reinforcement of transparency and mutual accountability or even the adoption of legislation that fosters joint and participatory development initiatives. Thus, we can conclude that the implementation of the Istanbul Principles and accountability relies on the engagement of all the stakeholders. It needs to be reinforced and all stakeholders are responsible for the efforts made in this area. The main actions identified involve:

1. **For the governments:**
   - Improved legal framework that governs CSOs and the development of an enabling environment for their actions.

- Increased support for CSO participation in the consultation frameworks at the national, regional, and local levels.
- Support for partnership and synergy initiatives between CSOs and other actors (AE, international NGOs, and DTA – decentralized territorial authorities).
- Improved access to information, knowledge and resources for all technical and financial support opportunities for CSOs.

2. **Civil society should work on:**
   - Strengthening ownership of the Istanbul Principles through (i) edition and publication of CSO good practices; (ii) realignment of CSO objectives with the Istanbul Principles; (iii) standardization of civil society organizations' management tools with other actors; (iv) ensuring quality control for civil society interventions.

3. **For the CPDE:**
   - Multiply promotion initiatives and implementation of the Istanbul Principles through training, advocacy, and development of other educational tools.
   - Develop understandable and accessible self-evaluation tools for all categories of CSOs in order to evaluate the commitment and implementation of the Istanbul Principles.

SUCCESSES AND CHALLENGES TO THE IMPLEMENTATION OF THE ISTANBUL PRINCIPLES AND CSO ACCOUNTABILITY IN ZIMBABWE

MACDONALD K. MUNYORO
National Association of Youth Organisations (NAYO)

EXISTING TYPOLOGY AND ROLES FULFILLED BY CSOS AT COUNTRY LEVEL

Civil Society Organizations (CSOs) in Zimbabwe is robust and diverse, particularly when compared to other countries in the Southern African region. Around 993 CSOs are presently registered as Private Voluntary Organizations (PVOs) in Zimbabwe. They comprise a diverse community ranging from humanitarian charities and community-based organizations, to developmental CSOs complementing the government in service delivery and governance-oriented civic associations. Their mandate encompasses critical watchdog functions in the democratic governance arena such as election monitoring, political violence monitoring, corruption monitoring, debt monitoring, and tracking public opinion.

Country CSOs have a full range of roles as development actors and change agents, which include delivery of basic services, support to local development, policy influence in support of participatory and democratic governance, and the promotion of demand-driven accountability mechanisms. In each of these roles, CSOs play a key function in providing capacity development (CD)through formally established CD support programmes or components in on-going interventions, and more informally, through development-related CSO interventions at the local level that implicitly contribute to develop the capacities of targeted communities, as well as, of CSOs themselves.

OVERVIEW OF ENVIRONMENT IN THE COUNTRY AND ACCOUNTABILITY OF STAKEHOLDERS (GOVERNMENT AND PRIVATE SECTOR) TO DEVELOPMENT EFFECTIVENESS PRINCIPLES

The Private Voluntary Organizations Act [Chapter 17:05] (PVOs Act) Act primarily governs the work of CSOs. Originally introduced by the Rhodesian government and revived in 2002, the Act sets out registration and funding requirements for NGOs. The Minister of Labor and Social Services administers the PVO Act, for the registration and deregistration of PVOs. Under the PVO Act, registration of CSOs is mandatory, "registration" being the final process in the establishment of an organization, the process by which the CSO is given

legal status. The legal framework applicable to PVO contains several legal barriers relating to establishment and registration, while for trusts and Univesitas, the law is less strict. In fact, the PVO Act provides for very complex registration for CSOs. Zimbabwean CSOs claim that in the absence of established criteria for evaluation of applicants, the process has become subjective. Moreover, the waiting list for applicants within the Department of Social Services (DSS) is long.

CSOs can also be registered as Trusts in terms of the Deeds Registries Act [Chapter20:05], which allows the Registrar of Deeds to register notarial deeds in donation or in trust. Trusts are dealt with by the Department of Deeds, Companies and Intellectual Property, which is administered by the Ministry of Justice and Legal Affairs. Trusts typically have unlimited objectives which are often intended to benefit an identifiable constituency. This method of registration is less tedious and most CSOs register under this to enable their work. However, given that trusts fall under the Ministry of Justice and Legal Affairs, there is a growing thrust to make trusts focus solely on governance issues specific to the Ministry and thus limiting the scope of their work. Currently, most CSOs registered as trusts are carrying out interventions that cover a wide spectrum of areas which include, among others, HIV and AIDS, livelihoods support, and WASH.

Organizations can also operate as unregistered voluntary associations or organizations, known as Universitas, in terms of the Common Law. These entities have members, a constitution, and activities that are entirely for the benefit of its members. It can be viewed as a Common Law persona. Apart from these governing laws, CSO from the Youth sector are also governed by the Zimbabwe Youth Council Act. The Public Order and Security Act (POSA) and Access to Information and Protection of Privacy Act (AIPPA), both enacted in 2002, further limit the operating environment for CSOs. In particular, the POSA confer on the police several powers that might be used to undermine civil liberty and the collective right of citizens to assemble and organise.

In the face of growing discontent and disapproval of the Government of Zimbabwe's (GoZ) excesses and failure to address economic issues, it continues to quell protests and demonstrations with a heavy hand, resulting in indiscriminate arrests, extra-judicial assaults, torture, harassment, and intimidation of civilians, including children; especially of those that dares to challenge government to address the most pertinent issues of citizens. Section 59 of the Constitution provides for the rights of citizens to demonstrate and present their petitions. Nonetheless, the GoZ continuous to use the state police to clamp down on protesters, the church and civic organizers, with the police in turn committing heinous acts of brutalizing citizens, many of which have been captured on camera. However, no arrests have been made on these police officers who have clearly been in violation of our legal statutes, the Constitution, as well as regional instruments barring the use of torture on civilians. Ironically, the police in a show of blatant partisanship have allowed protests and demonstrations by Zanu PF (Ruling party)-aligned entities without incident.

Following citizens protests, many people were arrested in dragnet arrests after the protests. Most were picked up from their home. 96% of people arrested within these 9 days (July 4-13, 2016) were charged with violating provisions of the Criminal Law Codification and Reform Act, which violates constitutional provisions for citizens to demonstrate and protest. The following diagrams show the arrests that were done on the first week of July 2016.
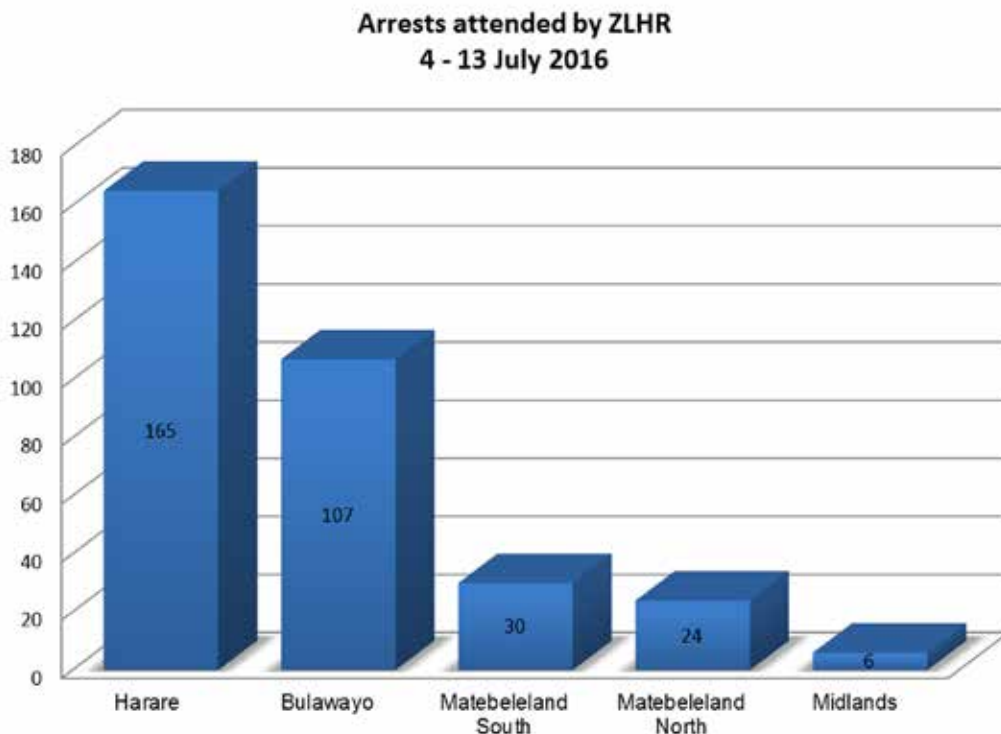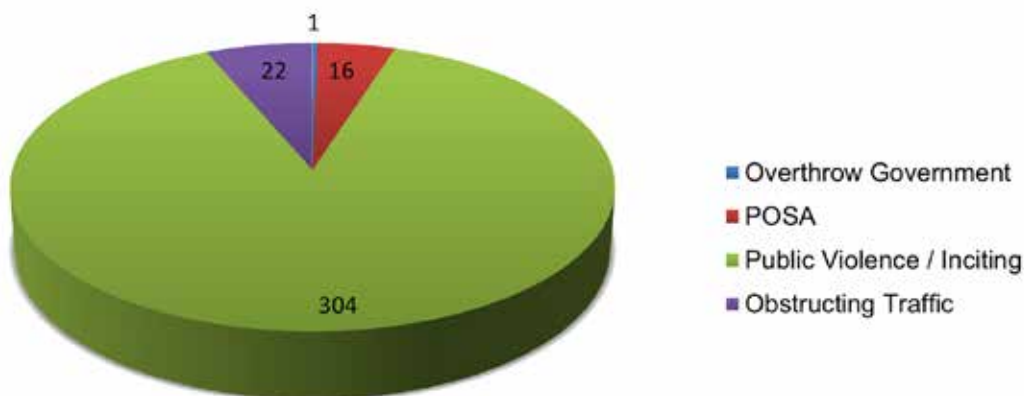
Diagram 1

Arrests attended by ZLHR
4 - 13 July 2016

Harare	165
Bulawayo	107
Matebeleland South	30
Matebeleland North	24
Midlands	6

Diagram 2

- Overthrow Government — 1
- POSA — 16
- Public Violence / Inciting — 304
- Obstructing Traffic — 22

The government of Zimbabwe does not have encouraging record on the issue of transparency either. Although the right of access is guaranteed by the constitution and some international instruments, the government has used controversial legislation to narrow the space for public debate, silence those perceived as critical of its policies, and shield itself from domestic and international scrutiny. Civil society organizations and human rights activists have also been targets of state intimidation and harassment. Many have been forced to work in increasingly restrictive and oppressive conditions, facing threats, disruption of meetings by the police, ongoing surveillance by state security agents, and arbitrary arrests. The government's attitude towards NGOs is inconsistent: sometimes indifference, hostility, reticence, and wait-and-see; other times, direct involvement, supervision, and

welcoming. CSOs in Zimbabwe have gone through series of challenges with regard to their legal framework, their formation and legitimization, their priorities and methods, their strategies and the way those strategies are implemented, coupled with demands to show increased transparency and demonstrate honesty in the administration of resources. In fact, all aspects of NGOs' work have been influenced by the changes in the socio-political arena.

In the context of Zimbabwe, it is important to utilize the Power Cube framework to explore pertinent issues on dialogue and policy influencing as spaces for engagement in policy dialogue are invited or claimed in practice. The government has endeavoured to establish inclusive and accessible processes for policy engagement at various levels, especially at the local and national levels; however, in practice, some of these processes have not been inclusive. The Parliament of Zimbabwe plays a key role providing opportunities for civic engagement as parliamentarians periodically engage CSOs and citizens to gather views on policy issues. An example is the country-wide budget consultation meetings held by the Parliamentary Portfolio Committee on Finance and Economic Development to gather views of various stakeholders in drafting the 2016 National Budget. Apart from this, CSOs have access to the committees meetings and can send reports directly to it for consideration. This has allowed CSOs at both the local and national levels to engage on issues of policy. Parliament is accessible to all; however there have been concerns on the part of persons with disabilities. Apart from Parliament, the government has established development committees at various levels to allow CSOs and citizens to participate. These include the District Development Committees; Ward Development Committees, and the Village Development Committees where locals are able to engage on development issues. They are composed of diverse stakeholders representing different interest areas. However, these are not active across the country and tend to function in a partisan manner weakening the inclusivity of the platform.

PROMOTION AND IMPLEMENTATION OF THE ISTANBUL PRINCIPLES AT THE COUNTRY LEVEL

In terms of the core principle of aid effectiveness – country ownership – the commitment by the government to a broad country-level policy dialogue including parliament, local authorities, and CSO's has largely been haphazard and mostly designed to suit the interests of the government as seen during the Busan consultations. For delegations to attend, one pre-condition was for consultations to be done in-country. This was also at the backdrop of dwindling aid within the health sector on the HIV and AIDS program which was financed 90% by aid from the Global Fund and with government covering 10%. The best effort in this regard was the "Towards the Busan High Level Forum" consultative workshop on Aid Effectiveness held in 2011. This was supported by the UNDP and the European Union and attended by various actors within government and civil society. However, the workshop did not concretize anything about aid effectiveness. Rather, it agreed on the need for capacity building, accountability and predictability, national ownership of development processes, the integration of cross-sectional views in policy formulation and implementation and the role of parliament in aid processes. Since that meeting there has been no follow-up mechanism to implement the agreements.

There is no formal platform that brings CSO's, government and other stakeholders together to discuss development and aid effectiveness in Zimbabwe despite efforts to set up an Aid Coordination Policy (ACP) during the Government for National Unity era (GNU era). During the GNU era, government made important strides in creating and fostering dialogue with stakeholders from the donor community and key development actors within civil society. The Zimbabwean Government began creating the ACP in 2009 to provide a donor coordination framework for effective planning and engagement, based on the Paris Declaration on Aid Effectiveness of 2005. It contained guidelines, structures and objectives to support coherent interactions between government and partners.

The National Youth-Working-Group on Development Effectiveness (NYDE) is a National CSO open platform that brings together local CSOs working in the areas of poverty reduction, policy engagement and development. This was formed at a National Level youth Development Effectiveness training that was hosted by NAYO in 2015 - thirty five youth delegates attending the capacity building workshop formed the open platform to engage different actors on development issues and created an Action Plan to guide youth work on development effectiveness. The open platform was formed to act as a catalyst to youth initiated interventions and engagements on development effectiveness realizing that a diverse array of participatory approaches to engage youth are required. NYDE views youth participation through the three lenses approach: with youth as beneficiaries; as partners; and, as leaders.

The ultimate aim of NYDE is to develop youth as partners and leaders in development based on youth having agency; that is, the capacity to act; having skills and capabilities; and the ability to change their own lives. The NYDE provides a platform for youth to engage through 2030 on the Sustainable Development Goals (SDGs) combining policy advocacy and engagement; social accountability; innovative youth solutions to poverty, and sustained dialogue that positions youth as actors and initiators in development. From its inception, the open platform has allowed for engagement between both state and non-state actors by the youth who in previous years have been marginalized. NYDE has held workshops with different departments of government such as the Ministry of Finance and Economic Development and the Ministry of Macro Economic Planning and Investment Promotion on informing the country road-map on the SDGs.

FOCUS ON CSO ACCOUNTABILITY

There are three categories under which organisations can register in Zimbabwe: (1) the Private Voluntary Organizations Act [Chapter 17:05] (PVOs Act) that primarily governs the work of CSO's; (2) Trusts in terms of the Deeds Registries Act [Chapter20:05] which allows the Registrar of Deeds to register notarial deeds in donation or in trust; and as (3) Unregistered voluntary associations or organizations, known as Universitas, in terms of the Common Law. These are in place to ensure CSOs meet a basic level of public accountability to different actors who mostly include the government, members/constituencies, and communities served. They mandate practices such as registration with specific ministries and disclosing mandated information. Failure to comply means an organisation's very status as a CSO can be compromised. However, the generally restrictive environment in

Zimbabwe for local CSOs has also forced organizations over the years to seek forms of registration that limit the hold of government on their operations leading to a situation where most CSOs are registered as Trusts. This situation, in essence, has had a huge bearing on how CSO accountability has evolved over the years in the country.

Complying with CSO legislation in Zimbabwe is an arduous and complex process, given the various acts governing CSO activities. Many have argued that the legislation is relatively restrictive and curtails the freedom of CSOs to undertake political or human rights advocacy. The current legislation also provides excessive scope for government interference in the operations of CSOs regardless of the form of registration. However, for each of the forms of registration CSOs have governing documents that identify how power is distributed within a CSO and provide checks and balances for internal accountability. They are important as they clarify internally and to the wider public how decisions are made. Without a governing document, the lines of responsibility within a CSO become blurred and this can lead to confusion over who actually governs, thereby adversely affecting CSO accountability. Examples of such documents include the Deed of Trust and constitution, by-laws, and rules of procedure or statutes.

Most CSOs in Zimbabwe are accountable in their operations to their respective Boards which have varying terms such as Board of Trustees; Advisory Board; Management Committee and Executive board/committee. The Board provides collective leadership for an organisation. It represents the interests of a CSO and helps it to stay focused on the mission. The Board has a breadth of perspective and depth of experience surpassing the abilities of a single leader. The accountability mechanism lies on how the board functions. This sets the tone for the rest of the organisation and sends a strong message to stakeholders that accountability is a core organisational value. Most local CSOs in Zimbabwe, for instance, CHOSEN Trust, a community-based organization working in Mashonaland Central, has a Board of Trustees that meets on a quarterly basis during the course of the year and holds an Annual General Meeting (AGM) that brings together not only the board members but also community members and invited external experts to feed into the organizations evolving strategy based on its performance.

In the context of CSO umbrella groups, CSOs such as the National Association of Non-Governmental Organizations (NANGO), gain leverage and legitimacy from their ability to represent the collective views of their members. It is crucial, therefore, that key decisions are not made by a small group of organisations, but reflect the views of the majority. In practice, the Board of a CSO umbrella organisation is where key decisions are made outside of the AGM on both policy and program issues. In the case of NANGO, its various members are placed in the Northern, Western, Eastern regions, as well as, thematic clusters, such as youth; child sector; persons with disabilities, among others, to safeguard and ensure equitable decision making which reinforces accountability within the coalition organization. It is through these regions that member organizations hold Regionals quarterly and AGMs ahead of the main National Annual General Meeting that brings together various CSO leaders and members from the regions. At the program level, the active participation of CSOs in eight various clusters reinforce CSO accountability within the coalition as members plan, implement, and evaluate on-going interventions.

In the case of organizations that are registered under the Private Voluntary Organizations (PVO) Act, such as the Zimbabwe National Council for the Welfare of Children (ZNCWC),

their accountability extends to the government. According to Section 7 of GN99/2007, the Registrar is the supervising authority of all PVOs in terms of the developmental impact of programs and monitoring of the organizations' corporate governance. The monitoring entails field visits by social service officers to project areas, analysis of submitted annual narrative reports and audited financial statements. The Minister is authorized to send inspectors to examine the accounts and any documents of PVOs. CSOs are required to submit annual reports to the PVO Board. However, few organizations have complied with this requirement and there has been no enforcement against PVOs per se, only against organizations deemed to be political (even if not PVOs). The government has not played a pro-active role in enforcing this piece of legislation owing to several reasons, including capacity and resources, given that there are over 900 registered CSOs as PVOs in the country. In the case of ZNCWC, the organization has been in compliance to the reporting requirements of the PVO Act submitting the required reports. However, the piece of legislation has been used selectively to target CSOs deemed to be political or pursuing objectives that advance governance and greater citizen participation.

Most CSOs are registered in Zimbabwe as Trusts in terms of the Deeds Registries Act [Chapter20:05] and thus have no obligation to report to the government, the same in the case of CSOs registered under Common Law. In recent years, government at local level has clandestinely introduced measures to make CSOs account on their work to both government and local community members through the Memorandum of Understanding (MOU). Through this, organizations are required to give details on their sources of funding, highlight geographic coverage of work; report on program interventions to the various local government structures such as the District Administrators office and the Office of the President and Cabinet. However, this mechanism has proven to be prohibitive on the work of CSOs as CSOs are forced to pay exorbitant fees by local authorities in order to carry out their work. Local authorities charge CSOs amounts ranging from US$100 to US$1,000 per year in order to conclude an MOU with the local authorities. Where an organization refuses to pay the amount, no MoU is granted and the CSO's activities are not allowed to proceed. This practice is alleged to have the approval of the Ministry of Local Government, Rural and Urban Development. Significantly, however, there is no legal requirement for CSOs to conclude MoUs with local authorities.

Another form of CSO accountability practiced by all CSOs in Zimbabwe is to the various development partners that fund their interventions. Through grant contracts or partnerships, CSOs submit, on defined periods, both narrative and financial reports giving progress on their interventions and work. In other instances, development partners such as UN agencies also insist on external evaluations at certain intervals of the project fostering CSO accountability in their work. In addition to this, NANGO the umbrella coalition for CSOs in Zimbabwe, created an NGO Code of Conduct in 2006 to instil CSO accountability and foster transparency in their work. However, over the years, most CSOs have abandoned the code owing to dynamics within the CSO sector in Zimbabwe given recent trends at global and national levels such as the economic recession, donor fatigue, dwindling resources for development, and efforts at national level to curtail the work of CSOs. Local CSOs are now in the process of crafting a self-regulation mechanism for CSOs with a national workshop held to gather inputs for the first draft.. The national workshop to finalize and endorse the self-regulation mechanism will be held later this year in October as part of growing efforts by CSOs to promote CSO accountability. However, the process has raised key questions such as CSO accountability to whom (CSOs themselves, government, development partners and

communities served) with sticking points being on accountability to the government given its general attitude towards CSOs that are labelled as regime change agents and targeted through various mechanisms to restrict their operations.

There are a number of multiple stakeholder platforms in Zimbabwe that foster result-oriented dialogue. At national level, the UN Cluster meetings have provided a platform for stakeholder dialogue, including civil society (e.g. Water and Sanitation Cluster, Agriculture and Irrigation Cluster, Agriculture Working Group, Food Security and Nutrition Cluster and Education Cluster). At local level, NGOs forums meet regularly with local authorities, particularly if involved in service delivery and humanitarian assistance. However, the real effectiveness of these processes is affected by poor resources and poor capability of human resources on both sides. Such platforms are institutionalized but have challenges of accessibility. The involvement of CSOs by the authorities in the elaboration of national policies in Zimbabwe is in fact quite limited, particularly due to a historic background of mutual mistrust between Civil Society and the State, and especially in sectors that used to be considered as politically sensitive. This in turn has seen few CSOs actively engaged in this area.

EXISTENCE OF MECHANISMS TO FACILITATE COORDINATION ON PROGRAMMING AMONG CSOS (COLLABORATION TO OPTIMIZE IMPACT AND AVOID DUPLICATION), AND WITH OTHER DEVELOPMENT ACTORS

In Zimbabwe, CSOs have in the recent years become accustomed to the idea of creating CSO coalitions, networks, and associations to strengthen their interventions especially in policy dialogue as part of strategies to urge government to implement key reforms. For instance, the Non State Actors Apex Alliance (NSAA) is a CSO coalition that brings together apex bodies representing NGOs, Labour, Businesses and the Church and thematic specialist umbrella bodies such as the Youth, Women and Disability sectors. NSAA is a CSO Coordination and Networking framework built on the collective on-going efforts by apex and thematic specialist umbrella bodies to harmonize and strengthen CSO role in policy formulation for the benefit of ordinary Zimbabweans at national and local levels of governance. The coalition which has eight (8) key local partners adopts a three-pronged approach/strategy in order to achieve its results, namely: capacity building – committed to strengthening the capacities of local CSOs to engage on policy issues; strengthening CSO coordination and harmonization mechanisms – to foster enhanced coordination at the national, provincial and district levels within the CSO sector; and evidence based lobbying and advocacy to inform areas of policy reform to engage government on. Formed in 2015, the coalition has successfully partnered the GoZ in the development of the Interim Poverty Reduction Strategy Paper (IPRSP) for Zimbabwe. NSAA financed and mobilized the holding of the district, provincial and national level consultations to inform the creation of the strategy paper that will guide the efforts of Zimbabwe with regards poverty alleviation towards 2018. This partnership with government has also given local CSOs a stake and role in the implementation and evaluation of the IPRSP process in the country. Apart from the IPRSP, NSAA is currently mobilizing CSOs in the country to draft a shadow National Peace and Reconciliation Commission (NPRC) Bill; organizing for a national level workshop to set up a CSO self-regulation mechanism, and undertaking a research into the State of CSOs in Zimbabwe to inform areas of policy lobby and reform towards enhancing the role, scope, and operating environment of CSOs in the country.

In addition to this, the CSO platform created by NSAA fosters multi-stakeholder partnerships given the diverse actors it brings together and is currently engaging in its work. Apart from engaging the government, NSAA also actively engages development partners such as the European Union (EU), Department for International Development (DFID) among other local development partners resident in Zimbabwe on issues of policy and development. The presence of the Zimbabwe National Chamber of Commerce with membership of over a thousand members representing the private sector has seen the active engagement of the private sector in processes relating to policy and national development. This has created a strong front which so far in its engagement processes is yielding positive outcomes.

CHALLENGES TO IMPLEMENTING CSO DE AND ACCOUNTABILITY

The legal framework applicable to trusts and to "universitas" are generally permissive, but the PVO Act contains several legal barriers relating to establishment and registration. The PVO Act provides for complex registration procedures. The PVO Act makes registration mandatory, in that any organization that seeks to carry out work as defined under section 2 of the PVO Act must be registered among other such provisions. Offences under the PVO Act include raising funds as an unregistered organization; being an office bearer despite having been convicted for more than 5 years for a crime involving dishonesty; and the failure to provide information as requested by an inspection officer. Available sanctions include fines, imprisonment or both, cancellation of the registration, suspension of board members and/or dismissal. In addition to the legal restrictions set up by the PVO Act, Zimbabwean CSOs are subjected to a whole spectrum of legislation, executive action, administration, police procedure, extra legal dispute resolution and case law that, once applied, can seriously affect their operating environment. Through the Unlawful Organizations Act the President can declare an organization to be unlawful "in the interests of defence, public safety or public order". This is an easy way to interfere with the running of an organization by prohibiting or calling the members of the executive or members of the organization to relinquish their duties or membership of such an organization. POSA and AIPPA, both enacted in 2002, further limit the operating environment for CSOs. In particular, POSA confers on the police several powers that might be used to undermine civil liberty and the collective right of citizens to assemble and associate.

In addition to this, other challenges and threats include:
1. Inefficient parliamentary oversight role that have forced donors to continue using parallel systems. This has resulted in donors using parallel structures, bypassing country systems in the delivery of aid;
2. CSO interventions that have been adversely affected by donor fatigue, lack of capacity and resources, limiting their efforts on development effectiveness engagements;
3. Political environment that is still rigid and does not warrant CSOs to focus on peoples empowerment;
4. Democratic ownership and participation within the CSO sector that are viewed by government as part and parcel of a regime change by government;
5. Dwindling financial base for CSOs;
6. In some sectors such as mining, CSOs that deal with governance of natural resources face challenges of lack of government will to provide adequate information on mining resulting in them focusing on the socio economic impact of mining and not on making government more transparent in the mining sector; and finally,

7. Institutionalizing the CSO principles at the CSO level – within the CSO sector there is no inclusion of the communities they save in their reports, perhaps partly due to limited resources to share activities and knowledge.

CURRENT ENABLING CONDITIONS FOR IMPLEMENTATION OF THE ISTANBUL PRINCIPLES – OPPORTUNITIES FOR STRENGTHENING THE PROMOTION/IMPLEMENTATION OF THE IPS AND ACCOUNTABILITY

The advent of the new constitution sets a window of hope in strengthening the development effectiveness agenda within the country as the constitution promotes civic participation, guarantees the freedom of assembly and association, promotes human rights and fosters good governance. These are critical for CSOs engagement, participation, and development work. Since the tenure of its office in 2013, the government has made efforts to engage with CSOs and the international community. For instance, Zimbabwean CSOs were consulted in the process of the preparation of the Zimbabwe Agenda for Sustainable Socio-Economic Transformation (ZimAsset) in the last quarter of 2013. The European Union has led a national and sector-wide process dubbed, the "EU Country Roadmap for Engagement with Civil Society" following its decision to re-engage with Zimbabwe. It brought together the government, CSOs, representatives of the international donor community, the private sector and marginalized groups. AFRODAD notes that "Zimbabwe represents a unique opportunity for Aid to demonstrate development impact since the country is faced with a major liquidity/credit constraint. This is the point in time when Aid, if directed to national priorities in the productive sectors of the economy (energy, infrastructure, agriculture), will demonstrate its strength in filling Zimbabwe's financing gap and, as such, finance investments rather than consumption."

The judiciary continues to fare better than Parliament and other state actors in the promotion of the Istanbul and Busan principles, offering a new dispensation on the promotion of economic, socio-cultural rights and CSO interventions between 2013 and 2014. A number of landmark judgments were delivered by the courts covering a number of rights that include the right to water, the right to education, and freedom of expression and of the press, with particular reference to criminal defamation. Zimbabwe is a signatory to several International human rights instruments, Conventions and Treaties, such as Universal Declaration for Human Rights, CEDAW among other through there is less effort by government to ratify some critical instruments such as Convention against Torture, among others.

LESSONS LEARNED IN THE PROMOTION AND IMPLEMENTATION FOR THE ISTANBUL PRINCIPLES (IPS) AND ACCOUNTABILITY

There is need to strengthen the Parliament's legislative, oversight and representative functions to ensure the promotion, protection of human rights, and development effectiveness. Parliament is entrusted with the process of aligning laws and is mandated to engage and consult locals, including CSOs, in the development of these. Parliament has the potential to shift the paradigm for Zimbabwean context if supported fully.

SECTOR SPECIFIC (YOUTH) ELEMENTS TO GUIDING THE IMPLEMENTATION OF THE ISTANBUL PRINCIPLES AND ACCOUNTABILITY

The sector specific considerations to guide the implementation of the Istanbul Principles and Accountability include: a youth friendly toolkit version that provides a guide on the implementation of the IPs especially at country level; creation of information portals that allow for youths to access information and engage on the IPs and CSO Accountability; capacity strengthening of youth-led organizations and coalitions to set internal mechanisms and procedures that foster accountability; increased participation of youth in platforms from national, regional, to global levels in which youth can lobby effectively.

RECOMMENDATIONS FOR CSO

There is need for citizen consultation and participation by both government and the civil society organizations in the implementation of developmental aid. There is need for more sensitization on the Istanbul principles:

- To increase awareness among CSOs and ordinary citizens on issues related to development aid effectiveness;
- For CSOs to advocate for public education on constitutionalism and human rights issues at early childhood learning (school syllabus) to capacitate the youth and all the citizens on the Zimbabwean law;
- For the government and civil society organizations to implement projects using the Results-Based Management model so as to measure the impact of the projects; and
- To strengthen Social Accountability from the local to national levels – there should be transparency and accountability in resource utilization and mobilization, which are crucial for development effectiveness and in curbing corruption.

RECOMMENDATIONS FOR GOVERNMENT

There is need for the government and CSOs to strengthen their transparency and accountability mechanisms so as to combat corruption. Organizations must form synergies with other likeminded partners in the implementation of projects and work together with the government. Civil society organizations can enter Memorandum of understandings with gate keepers such as the council or distinguished ministries so as to reach mutual agreements. There is need for the government to respect human rights as enshrined in the new constitution. Parliament's legislative, oversight and representative functions should be strengthened to ensure the promotion and protection of human rights. The capacity of key state ministries and institutions in Zimbabwe needs to be enhanced to ensure the effective coordination of donor funds; institutionalize and strengthen aid and development policy dialogue between governments, donors, civil society, parliaments, the private sector and emerging lenders to make it more participatory. Supporting CSOs as independent development actors in their own right, and commitment to an enabling environment for their work in all countries has been problematic and a code of conduct for all Partners to ensure more inclusive aid architecture is desirable for development effectiveness. MOU is a tool for setting out a shared agenda that defines the performances and reporting commitments of both the governments and the donors in the implementing of aid.

RECOMMENDATIONS FOR CPDE ACTIONS

The following are key recommendations to guide CPDE Actions: increasing support targeted at local CSOs at the national level to institutionalize the Istanbul Principles in CSO work; to provide capacity strengthening for CSOs to enable them to enhance their mechanism for accountability; fostering for multi-stakeholder partnerships that involve CSO actors at high level forums; lobby and advocacy for greater political will on the part of member states for increased CSO engagement; documenting experiences and lessons learned from CSOs to inform future interventions.

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CANADIAN INTERNATIONAL DEVELOPMENT AND HUMANITARIAN CSOS: CURRENT CONDITIONS AND INITIATIVES IN CSO ENABLING ENVIRONMENT, DEVELOPMENT EFFECTIVENESS, AND ACCOUNTABILITY

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INTRODUCTION

Over the last decade, a wide variety of stakeholders, including national and local governments, civil society organizations (CSOs), the private sector, and emerging donors have convened for a series of High Level Forums to deliberate on ways to make the delivery and impact of official development assistance (ODA) more effective. Since the Paris Declaration was considered a framework applicable to governments and donors, CSOs sought to establish their own set of principles and guidelines for CSO development effectiveness. They did so to stake their claim as distinct, but equal development actors.

In 2009 and 2010, the CSO development effectiveness principles were built from the ground up, with more than 80 consultations held in countries around the world. In June 2010, more than 170 CSO representatives from 82 different countries assembled in Istanbul to share their diverse visions, mandates, approaches, and meaningful impacts as independent development actors (Open Forum for CSO Development Effectiveness, 2011, p.2). Civil society actors unanimously adopted the *Istanbul Principles*, which were complemented by the development of the International Framework for CSO Development Effectiveness at the Second Global Assembly the following year in Siem Reap, Cambodia.

The outcome document of the Fourth High Level Forum (HLF4) on Aid Effectiveness held in Busan, Republic of Korea in November 2011 affirmed the *Istanbul Principles*.
 Governments acknowledged these principles as an appropriate framework to guide and assess the development effectiveness of CSOs. They also committed to put in place an enabling environment for CSOs, consistent with human rights agreements, to maximize their impact as development actors.

Five years following the international commitment to the *Istanbul Principles* and the accompanying Busan framework, there is a need to evaluate the current state of CSO development effectiveness in distinct national contexts. This chapter reports on the progress made in Canada on the adoption of the *Istanbul Principles* and on the strengthening of CSO development effectiveness.

The chapter is divided into six sections: (1) the Canadian political environment; (2) the typology of the roles and responsibilities of CSOs in Canada; (3) an overview of the current

Canadian enabling environment; (4) efforts to promote and implement the *Istanbul Principles* in Canada; (5) mechanisms for CSO accountability and transparency; and (6) recommendations to the government, civil society actors, and CPDE actions.

THE CANADIAN POLITICAL ENVIRONMENT

Prior to explaining the complexities of the Canadian civil society sector, it is important to understand the political landscape over the last five years. Before the federal elections in October 2015, Canadian CSOs experienced constraints owing to the then prevailing political environment in which they were operating.

The "three-fold combination" of funding cuts to organizations critical towards the government, the Canada Revenue Agency's (CRA) increased political activities audits, and the widely shared view among civil society of government's disregard for their input, led many organizations to cast aside political advocacy from their work altogether (Cameron and Kwiecien, 2016). The outcome was a culture of fear that deeply undermined the relationship between the government and civil society. Minimal dialogue between both parties and a chill on advocacy eroded the diversity of voices engaged in public debate in Canada and, ultimately, -severely compromised the integrity of Canadian democracy (Voices-Voix, 2015, p.38). Many felt that the government was lackadaisical in supporting Canadian CSOs and their work as development actors in their own right. Rather, many from civil society felt being regarded as disposable, service delivery agents (Walde, 2015, p.49).

On a more positive note, in early 2014, Hon. Christian Paradis, Conservative Minister of International Development, demonstrated an encouraging and refreshing willingness to restore partnerships and dialogue with civil society. In February 2015, he announced a new International Development and Humanitarian Assistance Civil Society Partnership Policy (DFATD, 2015) (hereafter referred to as "Policy") for the then Department of Foreign Affairs, Trade and Development Canada (DFATD, now Global Affairs Canada). The Policy, developed in direct consultation with civil society, has been well received by Canadian CSOs.

The Policy is guided not only by the ODA Accountability Act (which enshrines human rights standards in the implementation of Canadian ODA) but also the *Istanbul Principles*, and explicitly acknowledges these as reference points for the government's collaboration with CSOs. It recognizes the high value of expertise and experience of CSOs as independent development actors and emphasizes the fundamental importance of an enabling environment for CSOs operating overseas (although not an enabling environment for CSOs operating at home). Ultimately, it demonstrates the government's support for the work of CSOs in advancing Canadian priorities in development and humanitarian assistance. DFATD committed in the Policy to convene a dialogue with CSO representatives on an annual basis to discuss the implementation of this policy (DFATD, 2015, p.7).

Canadian CSOs viewed the development of the Policy as an extremely important milestone. It constituted the new beginning of an urgently needed process for restoring a positive and productive relationship between DFATD's successor, Global Affairs Canada (GAC), and civil society actors. Although aspects of the Policy have yet to be implemented, the

new Liberal government that took office in October 2015 has referenced (if not fully re-affirmed) them as setting out Canada's approach to enhancing effective development and humanitarian cooperation with international, Canadian and developing-country CSOs (Global Affairs Canada New Release, 2016). Presently, Canadian civil society is eagerly awaiting the unveiling of this action plan. Until then, it is a strong foundation upon which an enabling environment for CSOs operating overseas can be improved. It creates an added imperative for Canadian CSOs to renew their attention to the implications of the *Istanbul Principles* in their practices as development actors.

TYPOLOGY OF ROLES FOR CANADIAN CSOS

CSOs play distinct and diverse roles in contributing to development and humanitarian assistance in local, national, and transnational contexts. In the Canadian setting, Imagine Canada and the Canadian Council for International Cooperation (CCIC) are the two leading umbrella organizations that strive to coordinate and represent Canadian civil society. They are important platforms for disseminating and encouraging Canadian CSO reflections on the *Istanbul Principles*.

Imagine Canada is the country's national charitable platform, made up of over 1,250 members, whose mission is to strengthen and support Canadian charities and non-profit organizations (Imagine Canada, 2016). Imagine Canada forges a partnership between the sector of charitable organizations, governments, and the private sector to better serve individuals and communities and help in collectively enhancing Canadian society.

CCIC is Canada's national coalition of approximately 80 Canadian CSOs working globally to achieve sustainable human development (CCIC, 2012a). This chapter focuses primarily on CCIC and its member organizations, as its programs with members working in international development are well-informed about the *Istanbul Principles* and the Busan Partnership for Effective Development Cooperation. The organization exists to advance the development effectiveness of its member organizations; foster the viability of the civil society sector; and empower civil society actors in policy dialogue at both national and multilateral levels (CCIC, 2011).

CCIC operates on the fundamental principle that CSOs are valuable and independent development actors in their own right. CSOs operating in international development are committed to reducing poverty and bringing about sustainable and meaningful change through their wide-ranging roles and responsibilities. The diverse functions of Canadian civil society as humanitarian and development actors can be categorized into the following seven-point typology:

1. Delivery of services and programs
2. Generation of evidence, engagement in research, and policy dialogue for change
3. Monitoring and holding government policies and practices to account
4. Education of public and shaping of social values
5. Mobilization of communities
6. Construction of coalitions and networks
7. Mobilization of human and financial resources

These roles, including policy advocacy, are also recognized in the Policy. While Canadian CSOs collectively fulfill these roles across many sectors and development interests, individual organizations tend to focus on a specific role or, more frequently, a unique combination of roles. Many CSOs, particularly small and medium sized organizations, often lack the capacity to realize all seven roles independently and, as a result, coalitions and networks are formed to strengthen their abilities and broaden their reach. Working through coalitions and networks has been a common practice in Canada for the past 30 years (CCIC, 2015). Several examples of the work of CCIC's member organizations can illustrate this operational pattern.

The Africa-Canada Forum (ACF) is an example of a coalition that brings together Canadian NGOs, churches, unions, and solidarity groups that deliver services and programs related to development issues and engage in policy advocacy for social justice in Sub-Saharan Africa. Independently, some of these actors may not have the capacity to engage in research and policy dialogue; however, through the strategic and multi-agency partnership of the ACF, members are able to reflect upon and analyze their programming and improve the coordination of policy development for collaborative action and advocacy, often with their African counterparts. This coalition provides a space for collaborative learning, collective dialogue, analysis, advocacy, and policy work for organizations dedicated to promoting sustainable development and peace and security for people living in poverty in the region (CCIC, 2012b).

The Coady International Institute, meanwhile, is an organization that collaborates with partners in Canada and abroad to fulfill their mandate. Coady is a centre for community-based and leadership education, dedicated to promoting participatory and collaborative action research to reduce poverty and transform societies (Research for Change, 2013, Coady). The organization has teamed up with many partners, including Canada's International Development Research Centre (IDRC), to support the work of civil society through conducting research, enabling learning, and inspiring reflection and action for social change. Other examples of Canadian CSOs that work specifically in generating research and participate in policy dialogue include (but are not limited to) CARE Canada, World Vision Canada, and the International Child Protection Network of Canada.

The monitoring and holding government to account for its policies and practices are often quite controversial, yet essential, in a robust democracy. In Canada, several organizations including Oxfam Canada, RESULTS Canada, Inter Pares, the Canadian Foodgrains Bank and CCIC, among others, play a leadership role in this area. Watchdogging and advocacy are two key strategies to ensure that the government is both effective in carrying out their main functions and legitimate in the eyes of the people.

The importance of policy dialogue was particularly notable in the lengthy process that led to the adoption of the Sustainable Development Goals (SDGs) in 2015. CCIC was very active in ensuring that Canada was at the negotiation table defending a strong position, so that Agenda 2030 would reflect a comprehensive and universal framework to end poverty, inequality, and injustice. Following the adoption of the SDGs, and working with member organizations, CCIC has been monitoring the government's progress around implementation, specifically seeking a concrete Canadian action plan to achieve the SDGs at home and abroad.

Educating the public and shaping social values as global citizens is a critical role in enabling Canada to address development issues that are global in scope. This role is demonstrated in the work of many organizations through their efforts to engage Canadians and raise awareness on issues relating to development and humanitarian assistance. For example, the Inter Council Network of Provincial and Regional Councils (ICN) is a coalition of eight provincial and regional Councils for international cooperation (ACIC, 2015). ICN provides a forum in which Councils collaborate for improved effectiveness and identify common priorities for collective action for public engagement at community level. Their development of the Global Hive Toolkit is an example of the construction of a strategic partnership with CSOs and provincial councils to exchange resources and enable education of Canadians. The overarching objective is to provide tools to inform and engage Canadians in collectively creating a more equitable and sustainable world (ICN, 2016).

The mobilization of communities, the fifth role in the CSO typology, is carried out through diverse grassroots initiatives. CODEV is an example of a CSO promoting gender equality and women empowerment through community-led development programs. CODEV executes their mandate through Canadian-Latin American partnerships that share a commitment to foster learning, dialogue, and collaboration. This is an example of how Canadian CSOs construct partnerships for solidarity as a strategy to achieve their core objectives.

The mobilization of human and financial resources is essential for any organization. The absence of sufficient, continuous, and predictable funding is a challenge shared by all Canadian CSOs working in international development. Organizations often use innovative approaches to finance development by raising funds and volunteer services directly from the Canadian public and private sector. According to the Canadian Revenue Agency's (CRA) 2014 data, Canadian CSOs working in international development and humanitarian assistance raise approximately $1.5 billion from private sources in Canada.[1]

The Humanitarian Coalition is an important effort to coordinate appeals for humanitarian assistance. The Coalition brings together five of Canada's leading humanitarian response agencies (CARE Canada, Oxfam Canada, Oxfam Québec, Plan International Canada, and Save the Children Canada), to raise funds for relief efforts in times of international humanitarian crises (Humanitarian Coalition, 2016). In the case of a humanitarian emergency, the Coalition calls upon member agencies for a Canada-wide effort to raise funds; collaborate with the media to develop a public appeal for donations; and ensure timely and effective financial support for those in need.

Every organization has their unique approach to achieve their objectives. These roles are fulfilled in diverse and creative ways. It is important to understand how Canadian CSOs structure themselves as organizations and, furthermore, how Canadian CSOs fit into the Canadian and international architecture of development actors. A review of Canadian CSO practices demonstrates that the formation of

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[1] This is a calculation made by Brian Tomlinson, AidWatch Canada, based on Revenue Canada data. Unpublished communication with the author.

strategic multi-agency partnerships, coalitions, and networks is a crucial strategy to reinforce, improve, and expand on the wide-ranging mandates of CSOs.

OVERVIEW OF CSO ENABLING ENVIRONMENT IN CANADA

While there are many areas that CSOs can work on to be coherent with the *Istanbul Principles*, the legal, regulatory, and policy environment in which CSOs operate profoundly affects their ability to function, fulfill their objectives as development actors, and fully realize the *Istanbul Principles* in practice. In the context of the enabling environment in Canada, this chapter will focus on the legal, regulatory, and funding frameworks that govern the work of CSOs and institutionalizing space for policy dialogue. While the legal and political landscapes are essential in the operational existence of civil society actors, this chapter argues that a true enabling environment is founded upon a supportive and meaningful partnership between the government and civil society. It must be one that encourages CSOs to conduct research, learn, make mistakes, share knowledge, and be innovative, and, ultimately, gives them the space to reach their full potential as independent development actors.

1. Canadian Legal and Regulatory Landscape

In the Canadian context, the legal and regulatory landscape of CSOs is divided between charitable organizations and not-for-profit organizations. Most controversies and concerns regarding the enabling environment relate to charitable sector organizations, as few restrictions apply to not-for-profit organizations.

The Canadian legal definition of a charitable organization is based on British Common Law from the Elizabethan Era. It identifies four allowable purposes: relief of poverty, advancement of education, advancement of religion, or certain other purposes beneficial to the community in a way the law regards as charitable. This definition is outlined in the federal Income Tax Act. Charitable organizations are regulated by the CRA in accordance with this act, as it is the sole legal mechanism that governs the work of charities in Canada. Canadian organizations awarded with charitable status by the CRA benefit from tax exemption and the opportunity to issue tax receipts in return for donations. The latter is considered an indirect government subsidy to charitable organizations in the form of forgone tax revenue. In return for charitable status, the federal government places various restrictions on the roles that Canadian charities can play and on how they must report their activities to the CRA.

There are two highly contentious components of the Canadian regulatory framework for charitable organizations working in international development: first, the ten per cent cap on spending on "political activities"; and second, the requirement to exercise "direction and control" on overseas activities of CSO partners in other countries.

The ten per cent rule prohibits charities from allocating more than ten per cent of their overall expenditure in a given year on political activities. The CRA defines political activity as "further[ing] the interests of a particular party; or support[ing] a political party or candidate for public office; or retain[ing], oppos[ing], or chang[ing] the law, policy, or

decision of any level of government in Canada or a foreign country" (CRA, 2003). The rationale behind this clause is that charitable purposes are about contributing to already defined understandings of public good under Common Law, not questioning the meaning of public good (B. Tomlinson, personal communication, July 25, 2016). While these limitations exist in law, Canadian charities may within the law conduct education programs on policy questions as long as they are non-partisan and fairly represent issues.

In 2012, these CRA regulations on political activities became more contentious as the Conservative Government increased funding to the CRA to conduct additional audits of the political activities of registered charities. This program had a severe chilling effect on the capacity and willingness of many Canadian CSOs to engage in policy advocacy or any critique of the federal government (Cameron and Kwiecien, 2016). Interestingly, data from the CRA demonstrates that CSOs did not spend anywhere near ten per cent of their budgets on political activities, as the average spending dropped from 0.31 per cent of total expenditures in 2011 to 0.20 per cent in 2014 (Cameron and Kwiecien, 2016). Evidently, the overarching issue was not the ten per cent rule. Rather, the climate of fear among civil society that they might be defunded or decertified appeared to be a much more significant constraint on their practices.

The second contentious article in the Income Tax Act is the CRA requirement for charities to take all necessary measures to "direct and control" the use of their resources when carrying out activities with partner organizations abroad. The Canadian charity must be the body that makes the decisions and sets parameters on "how the activity will be carried out; the activity's overall goals; the area or region where the activity is carried out; who benefits from the activity; what goods and services the charity's money will buy; and when the activity will begin and end" (CRA, 2011). The CRA rationale for these restrictions relates to the rule that charities in Canada may only support charitable activities that are closely defined in Canada. However, Canadian law does not apply outside of Canada.

These constraints of direction and control make it challenging for organizations to operate internationally and engage with partners in a respectful and empowering way. Maintaining direction and control over a partner organization undermines and violates the Istanbul Principle of pursuing equitable partnerships and solidarity. This requirement also demonstrates a particular incoherence among Canadian government agencies: while the CRA demands a highly unequal power dynamic between Canadian organizations and their partners abroad, the Global Affairs Canada (GAC) emphasizes the importance of respectful and equitable partnership among CSOs at home and overseas (B. Tomlinson, personal communication, July 25, 2016).

In January 2016, civil society actors were relieved to see that the Liberal Government suspended the political activities audit program of the Conservative Government (although existing audits continue). Another important indicator of potential change in the legal and regulatory enabling environment for CSOs appeared in the Prime Minister's Mandate Letter to the Minister of National Revenue. Prime Minister Justin Trudeau called for

> ensur[ing] that the CRA is a client-focused agency that will… allow charities to do their work on behalf of Canadians free from political harassment, and modernize the rules governing the charitable and not-for-profit sectors, working with the Minister

of Finance. This will include clarifying the rules governing 'political activity,' with an understanding that charities make an important contribution to public debate and public policy. A new legislative framework to strengthen the sector will emerge from this process. (2016).

2. Funding modalities

CSO funding mechanisms are another key element in a country's enabling environment. In the years leading up to 2010, the former Canadian International Development Agency's (CIDA) Partnership Branch provided diverse and predictable funding modalities based on responsive programming, where CSOs submitted proposals to CIDA based on their own priorities. The Branch was the primary avenue through which many Canadian CSOs received funding for international development programs since the 1970s. In 2010, following a year-long internal review, CIDA reconfigured funding modalities through the Partnerships with Canadians Branch (PWCB).

The new approach was spearheaded by the Hon. Bev Oda, Minister of International Cooperation, to "streamline the application process and reduce the administrative burden for project applications, leaving more money for real development work on the ground" (CIDA News Release, 2010). It abandoned funding as a responsive programming and in its place implemented a new and competitive procedure in which CIDA initiated "calls-for-proposals" that were strategically in line with the government's own objectives and countries of focus.

This drastic change in CSO funding modalities took place with no warning and no communication between the government and civil society. The sudden dissipation of finances along with the unpredictable timeline of future funding left many organizations with no choice but to lay off staff and discontinue programs. Small and medium sized organizations were particularly affected by this shift, as they did not have the resources or capacity to respond to a call-for-proposal with a very uncertain outcome for funding. The ambiguity of future availability of finances left partners in a state of uncertainty and led to the suspension of many advocacy initiatives. As a response, many organizations formulated "revenue diversification strategies" that ramped up appeals to private sources of funding from individuals and the private sector, although often this revenue was insufficient to replace government contributions (Tomlinson, 2014a, p. 36).

The government's "calls-for-proposal" funding mechanism has severely restricted the capacity for Canadian CSOs as independent development actors to fulfill their role of bringing about meaningful and sustainable change for marginalized and vulnerable populations. It undermines local ownership of development and has frayed long term partnerships that are essential for sustainable change. It changed the strategies and practices of many Canadian CSOs, as they have been less able to operate based on their own priorities over the past five years. In order to receive funding, their programming had to be in parallel with the government's political aims.

In 2014 and 2015, under Minister Paradis, things began to slowly shift back towards more flexible, diverse, and responsive sources of funding. Global Affairs Canada's Civil Society Partnership Policy calls for the government to "provide merit-based, predictable funding

opportunities through equitable, flexible and transparent modalities that will support the diverse roles and types of CSOs in Canada and in developing countries." The Policy also "recognizes that responsive mechanisms (including unsolicited proposals) can provide the impetus for innovative approaches and that CSOs require time to plan their programming" (DFATD, 2015, p.6). This commitment to improving CSO funding mechanisms by moving away from the "calls-for-proposals" system demonstrates a genuine interest in supporting CSOs as development actors in their own right, rather than instruments for implementing government -determined development priorities. It is hoped that the new Liberal government will help further instill this principle into practice.

Recently, the Provincial and Regional Councils for International Cooperation have engaged in dialogue with GAC to establish a "new decentralized funding window… to target small and medium sized organizations" (CCIC, 2016, p.3). CCIC has further explored alternative diverse funding mechanisms that maximize the impact of CSOs on the ground and are consistent with the values of transparency, predictability, equity, and flexibility identified in the Civil Society Partnership Policy and in the *Istanbul Principles* (Tomlinson, forthcoming).

A mix of funding modalities should be elaborated that are consistent with maximizing the impact of CSO, working in diverse partnerships across developing countries. These modalities include

1. Sustainable Development Framework Agreements for enhanced CSO programmatic capacity and development impact;
2. Thematic and Decentralized Funds, with a bias towards engaging a broad range of CSOs (with diversity in focus, constituencies and size);
3. Calls for proposals for specific government commitments and priorities; and
4. Knowledge and Capacity Development Initiatives, focusing on organizations specializing in knowledge/capacity development, to strengthen the delivery of results for the CSO community. (Tomlinson, 2016 forthcoming)

Over the past year, Canadian CSOs have experienced some improvements in the legal, regulatory, and funding frameworks that are essential for CSOs to be effective in carrying out their mandates. But the process is still underway and the outcomes, particularly for new funding modalities, will emerge out of an International Assistance Review launched in May 2016 and to conclude at the end of the year. The enabling environment will continue to be influenced by ongoing democratic dialogue where the directions for specific policies are deliberated and developed.

3. Institutionalizing Space for Policy Dialogue

An essential dimension of an enabling environment is a space for CSOs to engage in regular and institutionalized dialogue. In order to generate effective development cooperation, it is important that CSOs have the opportunity to participate in the design and implementation of policies and processes to generate effective development cooperation.

Since early 2015, Canadian CSOs have gained a renewed a sense of optimism that meaningful dialogue with government is also a priority for Global Affairs Canada. The collaborative process that led to the development of the CSO Partnership Policy is indicative

of how effective meaningful consultation can be in producing a mutually accepted policy. The Policy commits to engaging in annual consultation with civil society to evaluate its implementation.

Despite the government's reluctance to make their action plan publicly available, CCIC has proactively published a brief titled "Implementing DFATD's Civil Society Partnership Policy" (CCIC, 2015). The intention is to provide the government, civil society, and the broader engaged public with a roadmap and benchmarks to put the Policy in practice. The document outlines a set of "milestones and indicators, from a civil society perspective, to measure progress in implementing the policy in the first five years after its adoption" (CCIC, 2015, p.1). It seeks to explain what success might look like in practical terms and provide a basis for current and future dialogue between the government and CSOs. Hopes are raised that the milestones identified by CCIC will be generally aligned with those of the government and, thus, serve as an effective framework for monitoring and evaluating the Policy's progress in implementation.

Another significant sign of change is the launch of the International Assistance Review initiated by Hon. Marie-Claude Bibeau, Minister of International Development and La Francophonie. The review process has been organized around a series of face-to-face consultations across the country, as well as an online mechanism for soliciting public contributions. GAC accompanied the review with a Discussion Paper that sets out six priority areas with questions for feedback (Global Affairs Canada, 2016).

The International Assistance Review is seeking input from a variety of partners and stakeholders to rethink and reshape Canada's international assistance policies and programs in hopes of fostering innovation and effectiveness in development. This process demonstrates the government's desire to reach out to civil society actors, include them in political dialogue, and receive feedback on the government's current policies and practices in international development.

According to the Discussion Paper, the government is committed to deliver a new vision for development through "a new multi-stakeholder partnership among all countries and institutions, together with other actors such as civil society and the private sector" (Global Affairs Canada, 2016, p.25). The Paper emphasizes the specialized and innovative ways Canadian CSOs engage the Canadian public and respond to challenges in developing countries (Global Affairs Canada, 2016, p.25). The Canadian government's pledge to establish a renewed and productive partnership with civil society will help to achieve the SDGs, advance the 2030 Agenda, and increase the capacity and effectiveness of the international development and humanitarian community in Canada (CCIC, 2016, p.2). Unfortunately, the Paper falls short of detailing how these commitments will be implemented in practice.

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An enabling environment is more than a government providing a legal framework for the operational existence of CSOs or recognizing them as independent development actors. It is an ecosystem in which a wide-range of elements interact and, together, create the necessary conditions to maximize the contributions of CSOs to international development and humanitarian assistance. In order for civil society to thrive, organizations must be

adequately resourced, able to operate free from interference, and free to engage meaningfully with the government. The cultivation of a vibrant and dynamic society requires creating a space in which actors can collect evidence, share knowledge, engage the public, participate in collaborative communities of practice, be innovative, and improve their overall programs and functioning capacities.

Supportive legal and regulatory frameworks, responsive funding modalities, and an institutionalized space for policy dialogue will create an environment in which Canadian CSOs are more fully enabled and, ultimately, enhance Canada's stake in realizing Agenda 2030. But in order to take advantage of this environment, CSOs must also examine their own practices and partnerships in development against the framework provided by the *Istanbul Principles*.

PROMOTION AND IMPLEMENTATION OF THE ISTANBUL PRINCIPLES IN CANADA

In Canada, similar to many other country contexts, the Busan High Level Forum (HLF4) marked a tremendous success for all civil society actors. It was the occasion in which the *Istanbul Principles* and the International Framework for CSO Development Effectiveness were enshrined, as governments pledged to use these frameworks as reference points in their collaboration with civil society actors. The *Istanbul Principles* are a set of eight standards established by CSOs to guide their work and to be adapted and applied to diverse national and international contexts. They form a broad frameworks that provide directions, on an ongoing basis, for CSOs to plan, assess, and improve their development practices, and ensure their effectiveness as development actors. The global recognition of the *Istanbul Principles* acknowledged the process through which civil society actors had attained an important common and mutually agreed-upon framework; CSOs were signaling that their commitment to address issues in their own practice was as strong as their advocacy for reform of donor and partner country practices.

Following the international recognition of the IP, came their dissemination and realization at national levels. In Canada, CCIC played an active role in advancing the understanding of *Istanbul Principles* three main concepts among its members: development effectiveness and how it differs from aid effectiveness; the IPs and why they matter; and how an enabling environment is a key condition for CSOs to realize their full potential as independent development actors in their own right (Tomlinson, 2014b, p.11). It is the responsibility of Canadian CSOs to reflect on and transform their practices according to the guidance of the *Istanbul Principles*. Accordingly, CCIC organized a variety of events including workshops, seminars, and webinars across the country to raise awareness around development effectiveness and the translation of the *Istanbul Principles* into practice. In addition, CCIC held brown bag lunches and roundtable sessions to inform Canadian International Development Agency officials (CIDA,now Global Affairs Canada) and to indicate CCIC's future plans to promote the *Istanbul Principles* (Tomlinson, 2014b, 11).

Many Provincial and Regional Councils have also played leading roles in raising awareness. In 2012, the Ontario Council collaborated with CCIC and the Open Forum for CSO Development Effectiveness to design a set of nine icons to represent the eight *Istanbul Principles*. The icons were a visual reference tool to popularize the IPs and inspire civil

society development actors to translate the principles in their organization's policies and practices. In 2013, The Manitoba Council (MCIC) adopted a set of development principles that were consistent with the *Istanbul Principles*. This marked an important achievement in the promotion and integration of *Istanbul Principles* throughout the province since all of MCIC's members must adhere to these development principles. The Alberta Council developed a series of podcasts as a public engagement tool to stimulate reflection on the *Istanbul Principles*.

CCIC has been largely successful in their efforts to promote knowledge of the *Istanbul Principles* and inform the CSOs of their importance and value. However, a major challenge that has emanated from the workshops and engagement with member organizations was the gap in understanding how to translate these abstract international norms into the daily practice of CSOs (Reilly-King, p.1, 2013). To overcome this hurdle, CCIC collaborated with various member-organizations to develop a set of 30 case studies, published in English and French, to profile some effective and innovative practices among CSOs as they related to *Istanbul Principles*. Twenty of the case studies were featured in a joint CCIC/ICN 2013 educational calendar that was distributed among 4000 organizations in Canada and abroad as an additional technique to boost efforts in raising awareness around the *Istanbul Principles* (Tomlinson, 2014b, p.11).

In mid-2013, CCIC conducted a survey among their member organizations to evaluate their work on the realization of the *Istanbul Principles*. While the survey demonstrated a high level of familiarity and awareness of the principles, understanding of what the principles meant in practical terms remained limited. To further assist in translating the principles into reality, CCIC partnered with the Coady International Institute and Equitas - International Centre for Human Rights Education. Through this collaborative partnership, a variety of concrete tools, such as participatory workshops, a facilitator guide, and a bilingual reference manual were developed for organizations to improve their practices relating to two key *Istanbul Principles*: implementing a human rights-based approach (HRBA) into CSO programming and developing equitable partnerships and solidarity.

In the participatory workshop resource manual, CCIC, Equitas, and Coady explain their specific focus in translating principles to practice. First, they suggest that "human rights and a human rights-based approach (HRBA) to development are the cornerstones of all eight *Istanbul Principles*" (CCIC, Equitas, Coady, 2014, p. 2). An HRBA seeks to address the root causes and symptoms of poverty through the analysis of inequalities that impede sustainable and equitable development. Human rights standards consider both the development outcomes as well as the processes to achieve them. Second, the principle of equitable partnerships is a defining element as it refers to solidarity, trust, and respect in relationships to achieve development on the basis of local development priorities. Solidarity and global citizenship have long defined the approach of civil society development actors, but perhaps do not always exist in reality (CCIC, Equitas, Coady, 2014, p. 2). The resources proved to be beneficial to many organizations in facilitating the integration of a HRBA into the development programming and the identification of processes for developing meaningful and equitable partnerships.

Most recently, CCIC has begun to conduct one-hour training sessions with Global Affairs Canada staff on the *Istanbul Principles* and the Busan Process. These training sessions were

GAC-initiated. The objective is to assist Global Affairs officials to better understand CSO Development Effectiveness in the context of the Civil Society Partnership Policy and its undisclosed action plan. In addition, CCIC referenced the *Istanbul Principles* as "a set of values that guide the work of CSOs" in their January 2016 Brief to Minister Bibeau (CCIC, 2016, p.1)

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CCIC has dedicated the last five years to educating their members on the theoretical and practical significance of the Istanbul Principles and CSO Development Effectiveness. It is important that CCIC continues to work with members in ways that facilitate the use of the Istanbul Principles to inform and assess development practices.

That said, although the word "implementation" is frequently used in accordance with the Istanbul Principles, they are not a set of rules or operational commitments actually meant to be implemented as such. The Istanbul Principles are designed as a framework for highly diverse CSOs to engage with in an ongoing basis, in ways that improve their particular development work and effectiveness. In order for the Istanbul Principles to be fully realized throughout Canada, organizations must use the framework as a tool to stimulate reflection and to continually refine their practices. CCIC should continue to be proactive in providing leadership through deliberate programs that encourage members to regularly assess their development practices with tools derived from the Istanbul Principles and the International Framework for CSO Development Effectiveness.

CSO ACCOUNTABILITY AND TRANSPARENCY

CSOs are active and influential at all levels of Canadian society and in the democratic political sphere. An organization's level of accountability, consequently, is a decisive factor in determining their legitimacy and credibility in fulfilling their stated objectives. CSO accountability mechanisms are founded upon values of democracy, such as transparency, openness, public engagement, and a commitment to the people. Organizations uphold these values by meeting their obligations under the law; by engaging in open consultation; and by transparently disclosing their goals, programs, finances, activities, results, and evaluations of their effectiveness (CPDE, 2014, 18).

CSO accountability is both mutual and multiple, as they are accountable to an array of stakeholders, including: donors and governments who provide them with financial support and legal status; their constituencies and beneficiaries; fellow CSOs; as well as their own mission, values/ethics with board and staff (IBON International, 2014, 2). This multi-dimensional nature of CSO accountability can be framed in a way that values both the external and internal facets of the principle. External accountability refers to the process of ensuring an organization is responsible for their actions through transparent engagement with partners and beneficiaries, as well as honest and open reporting to their constituencies and authorities such as government regulators and funders. Internal accountability is understood as the responsibility of the organization to be true to their purpose. This is monitored through self-regulated standards to enhance the quality and effectiveness of an organization's practices (Charity Central, 2011, 1).

In the Canadian context, various processes and mechanisms have been put in place in order to disseminate information, capture feedback, and present lessons learned to stakeholders at all levels. This section will elaborate on the multiple accountabilities of Canadian CSOs and the corresponding processes, mechanisms, and initiatives in place to achieve greater accountability and transparency in the civil society sector.

1.   CSO accountability to the government

Canadian non-profit organizations and registered charities demonstrate accountability to the government through compliance to government regulations and performance of various procedures, including filing reports, submitting audits, monitoring practices, and completing regular evaluations. These accountability mechanisms ensure a degree of operational transparency and, thus, strengthen an organization's legitimacy.

Generally, there are few restrictions for not-for profit organizations, which tend to be smaller CSOs involved at the community level. Non-profit organizations are governed by the Federal Not-For-Profit Corporations Act, which came into force in 2011 as a framework for the governance of associations, charities, and non-profit organizations without charitable status. This legislation intends to provide a "comprehensive rule book" outlining the legal and regulatory obligations of non-profit organizations (Patterson & Houston, 2012, 8). Under the Not-For-Profit Corporations Act, organizations are required to disclose the following: annual returns; financial statements; and changes or updates in their corporations, such as their address or their director(s).

Canadian charities face more rigorous accountability obligations to the government. As noted earlier, charities must comply with the regulations outlined in the federal Income Tax Act. The Income Tax Act identifies a long list of comprehensive legal requirements for registered charities, including

1.   Annual reporting of financial and charitable activities and geographic areas of operation
2.   Compliance obligations with respect to issuing donation receipts
3.   Proper maintenance of books and records, containing copies of official donation receipts, minutes of meetings, all governing documents, ledgers of year-to-year transaction, final statements and copies of tax returns, subject to CRA audit
4.   Devotion of their resources to charitable work. Charitable operations that are not directly related to charitable work, like fundraising, administration and management, and political activities, must meet specific criteria (Charity Central, 2011, 9)

As previously explained, there are two particularly contentious constraints in CRA regulation for Canadian charitable organizations working in international development: political activities and direction and control. These restrictive policies reflect a disjuncture on two fronts: between Canadian legislation and civil society, and between the mandates of the CRA and Global Affairs Canada. An obligation to direct and control the activities of southern partners severely contradicts the development principles of solidarity and empowerment, encouraged by GAC and cherished by civil society actors. This segment of the Canadian legal landscape must be reevaluated, perhaps through a process of joint dialogue between officials from the Charity Directorate and GAC.

2. CSO-managed processes to address accountability and transparency

a. Self-regulated standards of operation

In addition to government regulation, many organizations often impose self-regulated standards of operation to ensure accountability in their mandates, programming, activities, and partnerships. CSO-managed processes to address accountability take many forms. At the organizational level, senior management staff report and are accountable to boards of directors as well as annual meetings of their members. Most organizations provide an overview of development results achieved with donations from the public.

At a sector level, Imagine Canada and CCIC have both established policies and programs to promote accountability and enhance transparency within civil society as a sector, as well as among their members. Imagine Canada's Standards Program[2] offers a Canada-wide set of shared standards for charities and non-profits designed to strengthen their capacity in board governance, financial accountability and transparency, fundraising, staff management, and volunteer involvement (Imagine Canada, 2012, p. i). This program is commonly used to improve and monitor the practices of member organizations. Organizations can join Imagine Canada's Standards Program through the completion of a rigorous application and peer-review process. Once an organization is successfully accredited, it is awarded the use of the Standards Program Trustmark to demonstrate compliance. Compliance is renewed annually through the submission of a compliance report and license fee. Compliance is also verified through investigation of complaints and annual audits of selected accredited organizations (Imagine Canada, 2012, p. 2)

All member-organizations of CCIC (approximately 80 of the major CSO development actors) adhere to CCIC's Code of Ethics and Operational Standards.[3] The Code was developed by members and launched in 1995 as the Council's peer accountability framework to guide members in their organizational commitments to ethical practice. It is regarded as one of the first coalitions of CSOs in the world to adopt a code of ethics that includes both a collective statement of "Principles of Development" as well as a "Code of Conduct" (CCIC, 2012c). The Code is a set of aspirational benchmarks for how CSOs should govern and conduct themselves: its development principles and operational standards reflect what CCIC and their members value as a civil society sector.

The CCIC Code is not a means for "policing" practice, but rather it is meant to provoke ongoing reflection, dialogue, and self-assessment to manage the complexities of ethical policies, practices, and behaviour. Notably, the document's General Principles, Organizational Principles, and Partnership Principles capture the Istanbul Principles, clearly demonstrating the dedication of CCIC and their members to advancing CSO Development Effectiveness. All members, through an explicit statement by their Boards of Directors, must certify that they are in compliance with all aspects of the Code and/or indicate areas where policy/practices are being developed to be in compliance.
Since its initial adoption, CCIC has revised the Code of Ethics both in 2004 and 2009 to incorporate sections on collaborative partnerships with southern CSOs and update the

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[2] http://www.imaginecanada.ca/our-programs/standards-program
[3] http://www.ccic.ca/_files/en/about/001_code_of_ethics_booklet_e.pdf

outlines of the ethical principles to be embraced by member organizations. In addition, CCIC has developed several resources to assist organizations in understanding the guidelines and translating them into practice. These resources include the following: a Guidance Document[4] that offers a detailed explanation of each element of the Code, example policies, decision-making tools, and exercises to stimulate discussion (CCIC, 2012c).

In practice, there is currently no mechanism to review an organization's stated compliance to the Code of Ethics. Following CCIC's drastic funding cuts in 2010, the Council no longer had the capacity or the resources to fully maintain their ethics program. Consequently, the Ethics Review Committee (ERC) was discontinued and in 2011, and the mandate of the CCIC Membership Committee was modified to include key functions of the ERC, such as reviewing situations where ethical concerns are raised against a CCIC member (CCIC, 2012d).

Organizations currently must demonstrate compliance to the Code within two years their official membership. It is renewed annually by signing an "attestation of support" form. Thus, CCIC's Code of Ethics now functions solely as a self-assessment tool. Up until the cuts in 2010/11, the Council's staff worked actively with the membership to interpret the Code and developed workshops to deepen the understanding and implementation of its various standards. Since then, there have been no resources to continue this proactive program.

Self-imposed accountability standards are valuable tools, as they establish a sense of belonging through a member's commitment to a shared set of core values and a common mission. In order to buttress CCIC's Code of Ethics, increased funding is required to restore the Council's ethics program and to continue to help members understand the Code and learn to apply it.

b. Transparency and Canadian CSOs
While the Code remains an important accountability mechanism demonstrating commitment to organizational and development effectiveness, CSO transparency has remained a significant challenge in Canada, as it is in other countries.

In 2008, the UK government, working with the international community and several major CSOs, launched the International Aid Transparency Initiative (IATI)[5] to improve transparency in aid transactions at the activity level. Since then, hundreds of aid organizations, primarily governments and multilaterals, publish their aid data to the IATI Standard. The Standard is intended for all aid actors including CSOs. To date, only CSOs in the UK and the Netherlands have published to the Standard[6] - mainly due to the fact that it is a condition of funding in these two donor countries. Unfortunately, to date only two Canadian CSOs have voluntarily published data to IATI. While the technical capacities to publish data is an issue, a substantial training program on the part of CSO platforms (equivalent to CCIC), supported by donors, has been essential in developing the capacities and tools necessary to publish.

As one measure to improve Canadian CSO transparency, CCIC is currently in discussions

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[4] http://www.ccic.ca/what_we_do/ethics_guidance_document/index_e.php
[5] http://www.aidtransparency.net/
[6] https://www.iatiregistry.org/publisher

with United States national platform InterAction, about replicating an interactive "NGO Aid Map" for Canadian CSOs (InterAction, 2016). The NGO Aid Map would operate as an online interactive tool to provide detailed information on the work of Canadian organizations working in international development around the world. Based on the InterAction model[7] the data will be supplied on a voluntary basis by members (and perhaps eventually, non-members). Beyond generating greater awareness about the Canadian CSOs' work overseas, the tool can enhance program coordination among CSOs and improve transparency in the sector. Such a mechanism will be valuable in increasing efficiency, fostering partnerships, and improving accountability among civil society actors focused on international development.

In many ways, the disclosure of geographic areas of operation improves transparency and enhances the effectiveness of CSOs. However, there are also circumstances in which organizations face greater challenges with information disclosure (see a CSO protocol[8] that was developed to account for these challenges with IATI). This is particularly true of organizations operating in fragile states and areas such as human rights monitoring. In these contexts, it is important that the confidentiality of CSOs is protected and that they are not exposed to greater threats than they are already facing. Nevertheless, it is apparent that Canadian CSOs need to develop a pro-active approach to improving the transparency of their aid activities through accessible and useable data initiatives.

Accordingly, an important avenue would be for CSOs to publish to IATI on a voluntary basis. In 2016, Canada assumed the chair of the IATI process and expressed keen interest in seeing Canadian CSOs publish data on the IATI Standard. The UK experience of making IATI publishing a condition of funding does promote compliance, but may not increase understanding of the essential importance of transparency as a pre-condition for CSO accountability. In the absence of information, stakeholders and beneficiaries have little practical foundation to hold CSOs to account. Global Affairs Canada and CCIC should consider a program that promotes Canadian CSO transparency, including through IATI, but also consider all avenues for improving access to documentation on Canadian CSO activities in all their diversity.

RECOMMENDATIONS

The following recommendations emerge from the review and analysis of the current situation for the enabling environment for Canadian CSOs and the promotion of the Istanbul Principles in Canada. The recommendations are directed to the Canadian Government, Canadian CSOs, and CPDE.

1. **Canadian Government/Global Affairs Canada**

    a. Review and update the charity laws. In the context of the Prime Minister's Mandate Letter to the Minister of National Revenue, the review should be developed through a process of consultation and dialogue between the government and civil society. While the consultation will focus primarily on the needs of all Canadian charities,

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[7] https://www.ngoaidmap.org/
[8] Available at http://discuss.iatistandard.org/t/implementing-the-international-aid-transparency-initiative-iati-standard-by-csos-a-protocol/78

it should include consultations around issues specific to Canadian charities operating overseas.

b. Learn from the experience and outcomes of the Voluntary Sector Initiative. In order to inform current debates on enabling CSOs as effective development actors, relevant government ministries should work with civil society platforms to review and learn from the experience of the Voluntary Sector Initiative[9].

c. Develop and publish an Action Plan to implement the CSO Partnership Policy. Global Affairs Canada should provide a clear action plan prior to the first review of the CSO Partnership Policy with civil society. The action plan should also lay out a specific strategy for implementing a shift in funding modalities towards diverse, timely, responsive, and predictable mechanisms that enable Canadian and local CSOs in developing countries to operate as independent development actors. The plan should be made public and accessible.

d. Work with CCIC to enhance Canadian CSO transparency. CCIC and Global Affairs Canada should cooperate and develop programs that encourage and facilitate greater transparency among Canadian CSOs, starting with supporting the NGO AID map initiative and, eventually, moving towards more organizations publishing directly on the IATI Standard.

e. Create a Global Development Cooperation Advisory Council to the Minister. The government should commit to establishing a Global Development Cooperation Advisory Council to the Minister, with balanced representation from major stakeholders in Canadian international assistance, and with an agenda that include issues relating to the enabling environment for CSOs as development actors. The promotion of institutionalized policy dialogue through such a Council will strengthen partnerships, embrace Canadian expertise, and include diverse voices in Canadian development processes. Further, it can help implement the outcomes of the International Assistance Review and the SDGs.

2. **Canadian Civil Society Operating Overseas**

a. Review and assess practices consistent with the Istanbul Principles. Canadian civil society operating overseas should build on existing measures to assess and review their practices consistent with the eight Istanbul Principles. A continuous effort must be made to keep the agenda alive within each and every organization.

b. Promote the Istanbul Principles through dedicated programs in CCIC and Provincial and Regional Councils. CCIC and the Provincial and Regional Councils should renew and strengthen ongoing engagement with Canadian CSOs operating overseas on issues relating to CSO development effectiveness. New learning processes should be developed to promote, assess and enhance CSO practices related to good practice, benchmarked against the Istanbul Principles.

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[9] http://www.vsi-isbc.org/eng/index.cfm)

c. Encourage and participate in CPDE efforts at the global level with respect to the Istanbul Principles. CCIC should work closely with CPDE at the global level and encourage its members to actively engage in global processes that renew attention and commitment to the Istanbul Principles.

d. Strengthen CCIC's Code of Ethics and Operational Standards as an accountability mechanism for Canadian CSOs. CCIC's Code of Ethics and Operational Standards should be strengthened as a preeminent accountability mechanism for Canadian CSOs operating overseas. Resources should be dedicated to updating and institutionalizing the Code of Ethics. A corresponding program should be financed with staffing resources at CCIC to help member organizations fully understand and comply with the Code.

e. Promote and document Canadian CSO engagement with global CSO accountability frameworks and mechanisms. An initiative should be launched by CCIC to research and document how Canadian CSOs can and will relate to existing and emerging international accountability mechanisms, such as the International NGO Accountability Charter[10], the Sphere Project[11] for humanitarian actors, and the Global Standard for CSO Accountability[12]. It would be beneficial to understand how Canadian organizations can strengthen their accountability through these global processes.

f. Launch the CCIC NGO Aid Map. CCIC should complete and launch the Canadian NGO Aid Map as an interactive mechanism to provide basic documentation of CSO activities and their geographic location

3. **CPDE**

a. Document and profile the engagement of CSOs with the Istanbul Principles. CPDE should continue to document and profile the experience of CSOs globally in realizing the Istanbul Principles. As part of this documentation, CPDE should showcase good practice stories of how a fully functioning enabling environment for CSOs can positively influence the capacities of CSOs in translating the Istanbul Principles into practice. In this light, it would be valuable for CPDE to report on how governments and civil societies have engaged in mutual dialogue to collaboratively foster an enabling environment for CSOs as independent development actors. It is also essential to document CSOs' own initiatives in assessing and changing their practices, consistent with the Istanbul Principles.

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[10] http://www.ingoaccountabilitycharter.org/

[11] http://www.sphereproject.org/

[12] https://icscentre.org/area/global-standard

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ISTANBUL PRINCIPLES, FIVE YEARS LATER: DEVELOPMENT EFFECTIVENESS AND CSO ACCOUNTABILITY IN THE DOMINICAN REPUBLIC

ALIANZA ONG

INTRODUCTION

The Istanbul Principles on development effectiveness, approved in Istanbul in 2010, formed the foundation for the International Framework for CSO Development Effectiveness in Siem Reap, Cambodia in 2011. These principles are a declaration of collective values and a common vision towards CSO development effectiveness, while taking into account diverse CSO contexts and styles of work. They are a result of a long struggle of civil society for its recognition as independent development actors, later affirmed during the Fourth High Level Forum on Aid Effectiveness in Busan, South Korea in December 2011.

Five years since Busan, civil society in its role as development actors in their own right, have had important contributions in a country's economic, political, and social spheres. CSOs have been present in advocating, investigating and reviewing situations; creating political and institutional dialogue; promoting environmental advocacy and sustainability; serving in diverse areas (health, education, human rights advocacy) to the most vulnerable populations, defending the rights of minorities, fighting all sorts of inequalities. CSOs have been present in spaces where citizens' engagement is fundamental in achieving sustainable development.

Nevertheless, CSOs need to pause and reflect on their own practices and responsibilities as well as on aspects hindering their actions as development actors. This report seeks to reflect on these and will be based on all the documentation available and interviews with key actors from Dominican NGOs.

This effort comes after a monitoring exercise on the implementation of Busan commitments initiated by the Global Partnership for Effective Development Cooperation (GPEDC) in March 2016, which involved all stakeholders: government, private sector, cooperation actors, and CSOs. The monitoring framework consists of 10 indicators which focus on strengthening developing countries' institutions, increasing transparency and predictability of development cooperation, enhancing gender equality, as well as supporting greater involvement of civil society, parliaments, and the private sector in development efforts.

Now it is time to assess CSOs' progress in the implementation of the Istanbul Principles (IPs) in the Dominican Republic, and at the same time lay down recommendations targeted at governments, donors, as well as CSOs, in order to support the capacity development efforts of CSOs for development effectiveness.

EXISTING TYPES AND ROLES FULFILLED BY CSOS AT THE NATIONAL LEVEL

Civil Society Organizations - also known in our country as Associations sin Fines de Lucro (ASFL) - are governed, regarding their creation, by the Law 122-05 and Decree 40-08. The Law establishes four possible types:

1. **Associations for public benefit or third-party service providers**, whose activities are oriented to offer basic services to benefit society or some of its segments;
2. **Associations for mutual benefit,** that promote development and human rights advocacy activities for its members;
3. **Mixed associations (private-public),** whose activities are for public and mutual benefit;
4. **Inter-associative bodies of non-profit associations** are partnerships or any other sectoral or cross-sectoral organization composed of non-profit associations.

Regarding the **roles of various types of CSOs**, collective accountability reports are an excellent synthesis of this[1]. The last report will be used here as reference (Alianza ONG 2014), where 35 Dominican organizations participated.

The report notes that 85.7% of CSOs have in their action plans capacity building and training, thus indicating the importance of this role in the formation of an active, responsible citizenship able to demand their rights and fulfill their duties, as well as to develop their productive capacities. The following table summarizes the lines of work of CSOs.

Líneas de trabajo de las OSC	
Concepto/Línea	%OSC
Capacitación/Formación	85.7
Prestación de servicios / Asistencia directa	68.6
Investigación	48.6
Difusión / Comunicación / Campañas	45.7
Incidencia / Cabildeo	45.7
Asesoría / Asistencia técnica / Consultoría	42.9
Financiamiento / Crédito	25.7
Otros	14.3
Fuente: Alianza ONG / Tercer Informe de Rendición de Cuentas	

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[1] So far, Alianza ONG has published three reports. In the first two reports (2011 and 2013) 30 organizations participated. This figure increased in the third report (2014), reaching 35 organizations and is expected to increase again this year (2016) with more organizations holding them accountable to Dominican society.

When these organizations mention 'provision of services' and 'direct assistance', they generally mean interventions in health and education (a fundamental link to social policies). When speaking about 'advocacy', they refer to defending causes such as gender equality, rights of minorities and immigrants, defining public social policies and other relevant sustainable development issues.

This report, when presenting CSOs activities, highlights the broad variety of work they engage in: education/training; community/local development; health; civil society consolidation; human rights/justice; environment; revenue generation; housing/habitat; democratic participation; science and technology; emergency preparedness and response; recreation and sports; disabilities; culture and communication; faith-based work, among others.

CSO ENVIRONMENT IN DOMINICAN REPUBLIC: ACCOUNTABILITY WITH REGARDS TO THE PRINCIPLES OF DEVELOPMENT EFFECTIVENESS

The Dominican Constitution states that we are a "social and democratic state governed by the rule of law". Its article 47 provides for freedom of association. In the Dominican Republic, legal and regulatory environment allows the formation, registration, and operation of CSOs (in 2005, a Law was approved (122-05), which regulates CSOs and defines the mechanisms for its organization and promotion). This Law has been an breakthrough, because:

a. The incorporation of NGOs becomes a simpler process, done at the Attorney General's Office or the local Appeal Courts Office of the Attorney General, instead of coming directly from the Executive.

b. It establishes a classification within the ASFL. It defines and differentiates between Associations for public benefit or third-party service providers, Associations for mutual benefit, Joint associations (private-public), and Inter-associative body of non-profit associations

c. It considers that ASFLs are of social interest and therefore urges the Dominican State to promote them; to strengthen their coordination mechanisms, their agreements, and their participation in democratic consultations with these associations.

d. It requires establishing accreditation rules to obtain state funding, which should define minimum and special conditions in terms of physical, human, structural, and operational resources to ensure and guarantee to the population a safe and quality services in the areas concerned.

e. It creates the Center for Promotion and Advocacy of ASFLs, under the Ministry of Economy, Planning and Development with the purpose of promoting CSO engagement in the management of development programs and the creation of a mechanism that favors their relation with the State.

f. It indicates that Associations for public benefit or third-party service providers and programs in this direction developed by joint associations or inter-associative bodies, may be considered to receive public funds from the.

g. It stresses the need to further promote them with tax regulations that strengthen their actions.

The legal Registry indicated the existence of 7,890 ASFL by January 2015. Dominated by ASFL classified under the category of "public benefit", with 58%, it is followed by those classified as of "mutual benefit", with 33%. Over 100 organizations are inter-associative, which shows the growth of CSO networks in the Dominican Republic. A total of 6,547 ASFL are registered in the ASFL Promotion Center.

As noted in the Monitoring Report on Indicator 2 by the Global Partnership for Effective Development Cooperation (March, 2016), "some aspects of the legal environment that need improvement in implementation: (1) tax incentives are established in article 50, Law 122-05. This regulation is supposed to promote them. In practice, resolutions make it difficult and almost impossible, especially for small NGOs with less institutional development; (2) the authorization process in the ministries has been implemented in only three of the fifteen existing ministries. There is no commitment to concretize these mechanisms that could strengthen the institutional framework of CSOs, guarantee the quality of the service they offer to third-parties and the possibilities of establishing a dialogue between CSOs and relevant ministries dealing with development policies; and (3) access to public funds should be granted through the ASFL Advocacy Center, complying with all the requirements established by Law. This aspect still needs to be improved and managed with greater transparency and institutionalism towards CSOs in key issues such as resource allocation mechanisms and accountability monitoring. The State has been strengthened and it is necessary to expand CSOs' social engagement to include the academe and media to strengthen Dominican democracy".

PROMOTION AND IMPLEMENTATION OF THE ISTANBUL PRINCIPLES AT THE COUNTRY–LEVEL

In the monitoring exercise on Indicator 2 by the Global Partnership, CSOs were asked if CSO development effectiveness principles are being implemented at the national level in country initiatives (Istanbul Principles and International Framework for CSO Development Effectiveness). They answered NO. Nevertheless, this answer must be clarified[2].

Firstly, the monitoring exercise showed that the Istanbul Principles are included in the National Development Strategy 2030. However, while in general terms these are not fully implemented by CSOs, each organization has its goals and principles which include, in many cases and transversely, some or all of the IPs.

This is in addition to the fact that organizations with a higher level of identity (e.g., those working with the gender equality approach) integrate some of these principles in a sector or as a whole (respect and promotion of human rights and social justice, including gender equality and equity while promoting women's and girls' rights, focus on empowerment, democratic ownership and participation, promotion of environmental sustainability, transparency and accountability, among others).

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[2] The consultation used a quite rigid methodology, limiting answers to "yes" or "no" without further clarifications, but allowed them to express if there was a lack of consensus between participating organizations. Consensus was mostly the norm.

An intentional working plan or strategy is needed and that should advocate for or be based on the Istanbul Principles or the International Framework for Development Effectiveness. Alianza ONG has been working, firstly, on raising awareness on these principles and, secondly, to establish mechanisms enabling joint efforts. Allianza ONG is government's interlocutor in this regard.

Some of the key challenges are: raising awareness about these principles; CSO ownership; recognition of the value of common principles and actions; as well as, developing processes at the local and national levels where CSOs may engaged. Third-sector organizations would gain much since this would establish common dialogue parameters, accountability and the establishment of common position with other actors, among other potential benefits.

Although the outcomes were not as strong and detailed as expected, CSO advocacy, particularly from ESFL, is evident in several progress reports from the National Development Strategy. For example, the **First Progress Report (September, 2013)**[3] covering progresses made in 2012 and part of 2013, highlights:

- By Decree 515-12, ministries of Governmental Monitoring and Coordination and Relations with the Powers of the State, Civil Society and Business Sector were created (page 22).
- In January 2013, the Executive withdrew the bill on police reform to draft a new legislation agreed together with civil society and international organizations (page 36).
- NGOs, together with ONE and the Ministry of Economy, Planning and Development and the Central Bank, to create a new standardized methodology to establish poverty indexes (page 25).
- In 2011, the Organic Law of equal opportunities for people with disabilities was drafted and enforced, which aims to protect and ensure equal rights and opportunities for people with disabilities, and regulates non-profit legal entities whose purpose is to improve their quality of life. It was continued in 2012 (page 39).
- Regarding the objective of promoting quality democracy, efforts to establish participation and monitoring mechanisms, as well as promoting volunteerism and CSO engagement in the management of public affairs were started in 2012. Specifically, some of the engagement and monitoring spaces created were: i) Iniciativa Dominicana para una Educación de Calidad (IDEC), for education; ii) Caribbean Growth Forum (CGF) ; iii) Design of a citizen engagement Model for social mobilization, to cover the needs of Regional Healthcare units and Healthcare Areas; iv) Social mobilization for a bi-national strategy to eradicate cholera in border communities , v) Consultations on the draft regulations for 1-12 Act on National Development Strategy, vi) Participatory monitoring of the solidarity program, through Community Reports, in three different regions, with the participation of 103 community organizations, vii) Establishment of associations of parents, tutors, and friends of school and Course Committees (page 38).

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[3] First Annual Report on National Development Strategy 2030 Implementation Progresses, and Fulfillment of the objectives and goals of the Multi-year Plan for Public Sector; Ministry of Economy, Planning and Development, September, 2013.

- In relation to promoting CSO participation in public affairs, the report highlights three initiatives in 2012: 1) Strategic Partnership with MINERD and Centro Cultural Poveda; PUCMM and the Organization of Ibero-American States for the development of policy to support basic education; ii) Tender import permits for farming products through the Bolsa Agro-empresarial Dominicana; and iii) Develop the Nacional de Alfabetización Quisqueya aprende contigo (literacy program) (page 38).
- Agreement between the Government of the Dominican Republic and INTERMON OXFAM, 22 December 2010, was approved by Congressional Resolution No.77-12, and promulgated by the Executive in February 10 2012 (page 45).
- Campaigns for donation of medicine to non-profit organizations (page 59).
- In 2012, through State-CSOs agreements, literacy was provided to 60,000 young people and adults under the "Quisqueya Aprende Contigo" plan (page 64).
- Another important achievement was the consolidation of the Social Organizations Network, aiming to promote a transparent and efficient management of the program "Progresando con Solidaridad". At the end of 2012, it had 3,028 affiliated community organizations and 270 support committees consisting of five (5) CSO representatives (page 66).
- Bill on the Law on Violence Against Women by the Ministry of Women, Attorney General's Office, the judiciary, and NGOs (page 64).
- Celebration of Beach Cleaning and Coast Maintenance Day: in coordination with private sector and civil society, over 20,000 volunteers cleaned 75 beaches, 25 riverbanks covering a total of 184 km (page 130).
- The report indicates that non-reimbursable bilateral cooperation grants aimed to support activities related to END's First Axis 2030, focused on initiatives to promote transparency and accountability in the public sector; development of a digital government platform; strengthening justice and security systems; strengthening public administration; strengthening the electoral system and CSO engagement; development of a culture of monitoring and evaluation of public management (page 199).

The **Second Progress Report**[4] (December, 2014) highlights:

- The Second Report states that gender mainstreaming in policies, plans and sectorial programs involved dialogues and coordination with the Ministry of Economy, Planing and Development, to discuss inclusion of a Gender Equality and Gender Equity Approach in the National Planning System. Furthermore, coordination and institutional dialogue mechanisms were strengthened (networks, Advisory Council and sectoral councils), and agreements and relations with civil society were promoted and reinforced (page 30).
- Within Strategic Objective 1.3.1. *("Promoting the quality of democracy, its principles, institutions and proceedings, facilitating institutional and organized participation of the population and the responsible exercise of the rights and duties of citizens")*, the Second Report highlights the creation of Citizen Monitoring Networks for State

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[4] Second Annual Report on Implementation Progresses of the National Development Strategy 2030, and Fulfillment of the objectives and goals set forth in the Multi-year Plan for the Public Sector, Ministry of Economy, Planning and Development, December, 2014.

oversight[5], a social engagement mechanism through which peoples' representatives monitor implementation and compliance of commitments and roles of different public institutions in contracting and procurement.

- The oversight committees are represented by churches, businesses, universities, journalists, and non-governmental organizations, among others.
- Consultation with different sectors of civil society on the Law regarding a special procedure for naturalization (page 105).
- In Montecristi, a Governance Council was established for the management and conservation of coastal resources in the province, which includes local authorities, fishermen's associations, community councils, and representatives from civil society, who drafted and signed a letter stating intersectoral working plans (page 158)
- The implementation of the National Plan for Adolescent Pregnancy Prevention (Plan-EA), to prevent teenage pregnancy; and the creation of a Monitoring Committee composed of governmental and non-governmental institutions (page 168).
- Technical assistance to four (4) CSOs, which received new tools and knowledge to incorporate the gender perspective in their plans, projects, and programs (page 168).
- Since the creation of a joint ASFL-Society, a CSO meeting on enabling mechanisms was held in 2013. In addition, regular meetings to make decisions of interests for the strengthening of State-Society relations were also held (page 170).
- State and Civil Society Relations Seminar: mechanisms for citizen engagement in the National Planning System and Social Policy (page 170).
- Extensive public participation[6] throughout the process of National Covenant for Education Reform (el "Pacto Educativo"), in order to collect ideas and visions of all social strata. For this purpose, several face-to-face, territorial, institutional, collective, virtual, postal engagement spaces; as well as, expert roundtables, debates in national newspapers, workshops and consensus were organized. Overall, these initiatives made possible the participation of 8,000 Dominicans throughout the negotiation process, taking place mostly in 2013 (page 171).

Although, unlike previous reports, the third report referred to CSOs minimally and in very general terms, the reality is that the dynamics did not change. The work done together by CSOs-public bodies-cooperation agencies remained intense (some sectors improved or worsened, depending on issues and sectors).

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[5] According to this report, the aim of these Monitoring Networks is to: i) improve social control on Governments' expenditure methods; ii) ensure that public institutions comply with the underlying constitutional principles of laws: economy, fair and equal treatment, impartiality, transparency and efficiency; iii) promotion of the creation of local leadership with knowledge on public administration ; iv) democratize public management, v) bring citizens and public clerks closer and vi) strengthening governance through dissemination of good government practices.
[6] Particularly involved were CSOs related to education issues, one of the signatories of the covenant.

One of the channels most frequently used by Dominican society to assert for transparency and democratic institutions are Non-Profit Organizations (ASFL). Therefore, it is worth asking if there are efforts from this sector itself to show transparency practices in their own budgets and implementation efforts.

Law 122-05 establishes the control mechanisms, tax regime, and consigned mandates for CSO accountability and transparency. In this sense, CSOs comply with the law, which does not preclude some cases presenting deficiencies or irregularities, or the fact that this process should be reviewed because some of the requirements are difficult for some less developed CSOs.

Among the "accountabilities" of CSOs are:

1. Annual ASFL Affidavit[7] which must be filed within the first 120 days after the closing date of the fiscal year at the Directorate General of Internal Revenue (DGII). This declaration contains, among others, the following information:
    a. General (gross) income during the fiscal period (tax year):
    b. Disbursements made during the fiscal period;
    c. Bank account movements;
    d. Detailed account of received local or international donations, including names, addresses, and further information about the donor, amount of donation and details about programs or projects where resources were allocated.
2. Report to the Accounting Chamber by CSOs that receive public funds.
3. Report to the relevant Ministry from whom the funds are received.
4. Report to the National Centre for Development and Promotion of Non-Profit Associations.

Data provided by the DGII and the National Centre for Development and Promotion of Non-Profit Associations, suggest that more NGOs show transparency in their reports.

Año	Declararon - DGII	Registradas	Percent
2006	1,651	661	249.77
2007	2,125	1,168	181.93
2008	2,241	1,807	124.02
2009	2,150	2,491	86.31
2010	3,236	3,421	94.59
2011	4,648	4,487	103.59
2012	-	5,370	-
2013	6,283	6,670	94.20

7 CSOs, as DGII-registered institutions and having their own National Taxpayer Registration Number, also have other obligations they need to fulfill every month. In this sense, it is worth reading Felix Cuesta's "Manual de Gestión Asociaciones sin Fines de Lucro República Dominicana". The Annual Affidavit is motivated by: maintaining the TRN, compulsory for those trying to obtain tax exemptions as determined by law (for instance, Tax on the Transfer of Industrialized Goods and Services (ITBIS) exemption, also known as VAT in other countries.

While in 2009 only 2,150 organizations reported to the DGII, in 2013 this number increased to 6,283 CSOs, equivalent to 94.2% organizations registered in the Centre (Registry in the Centre is not mandatory unless the association wishes access to public funding).

Public funds allocations to CSOs by the State also requires improvement in transparency, as well as a detailed explanation of why some associations are granted funding and why others are not; why resources are limited; and under what public policy or National Development Strategy criteria were these decisions made; why so many ASFL receive funding from the office of the President, among other issues, although progress has been made in recent years by making public some Terms of Reference prior to National Budget formulation.

Another channel through which CSOs are supposed to provide information is the qualification process[8]. The result of this process is a certificate defining them as qualified third-party service-providers for a specific purpose. **It is a mandatory requirement to be eligible to receive public funds**[9]. They are supposed to submit their Projects and Programs.

This poses the question of whether there should exist a CSO-owned mechanism through which each CSO (or a group of CSOs organized by sectors, territories, themes, etc.) can account for their actions and their financial and program outcomes. This mechanism does not formally exist.

Nevertheless, in 2010, Alianza ONG has promoted a Collective Accountability process that has been consolidated, and is currently in its fourth edition. In this year's edition (2016), 35 CSOs are being held accountable on financial, institutional and program-related issues. The complete report is available on their website: http://rendircuentas.org/2015/03/republica-dominicana-2014/.

Another effort in this direction is the ongoing process to demand the signatories of the National Covenant for Education Reform to report, together with government authorities, on their activities and contribute to the implementation of the commitments under this covenant. Some CSOs also use the Internet to present Outcome Reports to disseminate among priority collectives.

A notable example is the citizen or social monitoring committees[10] promoted by NGOs and dealing with key aspects covered by the National Development Strategy. For instance, in May 2013, the National Healthcare Institute (INSALUD) and the United Nations Population Fund (UNFPA) presented the "Action Guide for Overseers of Sexual and Reproductive Health" and the "National Strategy for Sexual and Reproductive Health Oversight".

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[8] Under this act, a Ministry or state body from the relevant sector declares that the services provided by a specific ASFL comply with the minimum and particular conditions in their physical, human, structural and working conditions to ensure the provision of secure, quality services to the general population.

[9] However, this qualification process has been very difficult for Dominican NGOs. Only three out of fifteen are entitled to certification as prescribed by law. As a result, many NGOs wishing public funding do not qualify, and also miss on the opportunity to assess their technical capacities in the relevant areas.

[10] Social monitoring is defined as the engagement process where citizens demand accountability in the implementation of commitments, competences, and roles from private institutions acting in the public sphere.

In February of that same year, 2013, Alianza Dominicana Contra la Corrupción (ADOCCO) presents its project "University Monitoring", which sought to observe, watch and monitor the use of resources by the Universidad Autónoma de Santo Domingo (UASD).

In the same direction, the so-called "observatories", such as Observatorio Político Dominicano (OPD), an initiative of the Fundación Global, Democracia y Desarrollo (FUNGLODE), which studies initiatives aimed at promoting democratic strengthening and developing public policy proposals; the Observatorio Judicial Dominicano (OJD) which aims to create a research space to help raise the quality of the national socio-legal debate through the systematic and comprehensive study of the country's legal environment.

Other experiences in this direction are: Observatorio Económico de la Republica Dominicana (FUNGLODE); Observatorio de Comercio Internacional (DICOEX, DGA, CONEP, AIRD, AMCHAMDR, ADOEXPO, INTEC); Observatorio de Políticas Sociales (Centro de Estudios Sociales P. Juan Montalvo); Observatorio Migrantes del Caribe (FLACO RD, CIES-UNIBE); Observatorio de Contrataciones Públicas en la República Dominicana (Citizen Engagement); Observatorio de Educación en Valores (Instituto para el Desarrollo y la Innovación Educativa); Observatorio Dominicano de Políticas Públicas de la UASD; Observatorio de la Democracia Local (Fundación Solidaridad); Observatorio de Mortalidad Materna (INSALUD); Observatorio Educativo de Alfabetización (Fundación Sur Futuro), among others.

These initiatives have also been promoted by the public sector, such as: Observatorio de Mercado Laboral Dominicano (Ministry of Labor); Observatorio de Justicia y Género (Supreme Court of Justice); Observatorio de Competitividad (CNC).

The State's contribution to CSOs has declined systematically in recent years, despite their actions being crucial in the implementation of social services for the most vulnerable segments of society or social empowerment. For instance, ASFLs received 0.38% of the National Budget in 2008, 0.32% in 2013, 0.308% in 2014, and in 2015 fell to 0.297%.
Another element to consider regarding transparency is the increasing budget allocations to NGOs under the office of the "President of the Dominican Republic". The allocation via this Ministry went from 12.7% in 2008 to 20.1% in 2015, in terms of resources; and in terms of the number of organizations, 37.5% of organizations with budgetary resources allocated are granted under this section. This Ministry has no authorization mechanisms that can lend itself to political patronage and lack of institutionalism. This is something we should really focus on, since it is a dangerous reality.

CHALLENGES FOR THE IMPLEMENTATION OF CSO DEVELOPMENT EFFECTIVENESS AND ACCOUNTABILITY

In the Dominican Republic, accountability and transparency are two poles linked by one axis: legitimacy. This concept applies to both CSOs and public institutions.

Various NGO managers consulted expressed that while CSOs fulfill their fiscal accountability obligations, **their public image is not positive as a whole.** Political actors and the media try to downgrade CSOs with comments about their external financing or the nature of their

mission. In political sphere, CSOs working on minorities' human rights, monitoring the fight against corruption or observing economic or political processes, such as elections, and those that receive external funding, are viewed negatively. In the case of the media, the most common criticism pertains to CSOs' lack of transparency in the allocation and use of public funds, lack of accountability, etc.[11]

This means Dominican CSOs face many challenges in improving their own development effectiveness and accountability. The environment seems enabling. The articulation of joint inter-associative practices around the Istanbul Principles is a challenge that is favored by the existence of democratic spaces.

The greatest challenge for the implementation of CSO development effectiveness and the Istanbul Principles is coordinating work with both public and private actors. This seems to be a precondition for both actors: overcoming the lack of trust generated by years of bad practices by some political actors who put up some NGOs and used them to obtain funds and to strengthen political patronage; the absence of a systematic CSO accountability system beyond financial aspects; and the fact that citizens should be more assertive in demanding accountability terms of the use of public resources and the general functioning of institutions whose line of work is within the public sphere, such as NGOs.

Work in this direction is still ongoing. The assessment carried out in March 2016, which involved all cooperation actors (government, donors, and CSOs) is an example of this. The conclusions are vital and are made available, with the goal of implementing recommendations and commitments on development aid.

RECOMMENDATIONS

1. **For CSOs**

   a. CSO are called upon to comply with accountability requirements of the State. Nevertheless, it is required to make an effort in standard-setting that are significant not only from a financial standpoint, but also in terms of results (effectiveness of actions) so that any investment is justified in the eyes of its target audiences.
   b. CSOs can join ongoing initiatives, such as Alianza ONG, promote them, and disseminate their goals and impacts, among their direct public. It also requires that the bodies that organize these initiatives, such as Alianza ONG, make a greater effort to make their results reach the general public and so that analysts that monitor them also follow-up these initiatives through the years.
   c. A key issue is that of common standards. In a civilization focused on effectiveness, CSOs cannot ignore this issue. Both governments and international agencies would wish to compare results. The logic of investment-results has permeated all institutional activities, and it is vital to prevent this logic from entering NGO's management in the Dominican Republic.
   d. In setting standards for themselves, it would be appropriate to take into account

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[11] Although this is outside the scope of this report, what media publishes tends to generalize individual cases. This does not mean, however, that CSOs should ignore this criticism.

differences in institutional development among CSOs, given that some do not have enough human resources to comply with some regulations in other countries.

e. A broad discussion on what it means to receive public funds is still pending. For some respondents, many of the funds from international bodies are also considered public funds. Another side of this aspect is the financing of some CSOs via the 5% of the Net Taxable Income, which is in the Dominican Republic, but should be considered as public funds for CSOs that are receiving funds in this manner, since this 5% is an income the State does not receive.

2.   For the State

a. The establishment of common standards for accountability beyond financial aspects would facilitate CSOs monitoring work and proposals for new projects. In that sense, the Center for Development of Non-Profit Associations (Centro de Fomento de las Asociaciones sin Fines de Lucro) could lead, together with the Council, the establishment of these standards. This does not replace the initiatives from CSOs themselves, either individual institutions or groups.

b. It is vital that accountability does not become just a formality without monitoring or consequences. The Accounting Chamber of the Dominican Republic has reiterated on several occasions, the non-compliance of accountability measures by CSOs that receive public funds, but have not reported consequences of such deficiencies.

c. Accountability of public funds received is considered important, but equally important is transparency in resource allocation so that CSOs and the public know the criteria from which the government bases their allocation. In the last two years progress has been made with the release of the Terms of Reference, but this aspect must be strengthened to enhance legitimacy and to decrease distrust in resource allocation.

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RESEARCH ON THE STATUS OF CSO DEVELOPMENT EFFECTIVENESS AND ACCOUNTABILITY IN BOLIVIA

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INTRODUCTION

In this study on the state of CSO development effectiveness and accountability, we analyze the improvements and outcomes experienced in the last five years in Bolivia, as well as the challenges for the improvement of CSOs' engagement in national development processes to fully exercise their rights and effectiveness of public policies in democracy. In addition, it describes the decline in enabling environment for CSOs' engagement and existing barriers to the full application of the International Framework for CSO Development Effectiveness at the national level because of the increasing trend towards supervising and controlling CSOs activities, and threats and restrictions particularly to those who are critical of governmental policies.

This assessment of the state of CSO development effectiveness and accountability in Bolivia will allow us to identify key ways to scale up the initiatives and processes developed so far; design the critical route towards facing the main challenges in the current landscape; and formulate recommendations for CSOs, governments, and donors to consolidate civil society as a development actor.

Diverse sources of information have been consulted to conduct an analysis that articulates concrete experiences by UNITAS, opinions from several actors engaged in different dialogue and capacity-building spaces, research papers on enabling environment, press releases, national consultation documents and reports, facilitators training workshops, network meetings, Bolivian donor and CSOs meetings, among others.

EXISTING TYPES AND ROLES FULFILED BY CSOS AT THE NATIONAL LEVEL

In Bolivia, there is a wide presence of diverse civil society organizations and a deliberative tradition that shapes country's socio-political dynamics. Within that framework, the concept of civil society is not univocal. Interests and positions vary in the same way as the sectors they represent. Speaking about CSOs makes necessary to differentiate between NGOs and social organizations with their respective specificities.

The Political Constitution of the Plurinational State of Bolivia establishes that the central level of the State has the sole competence "of granting registry and legal personality to social organizations, Non-Governmental Organizations, non-profit civil Foundations and organizations developing their activities in more than one Department".[1] For that reason, Law 351[2] "On granting juridical personality" regulates 4 types of CSOs:

- Social organizations are a group of people who, in view of the territory they live in and/or the common activities and common interests they develop, decide to organize and/or promote initiatives of common interest for its components and/or for social control.
- Non-governmental organizations are entities under private law, possessing a social service, assistance, charity, promotion and economic and social development nature; whose members are domestic and foreign nationals who are granted State recognition to perform non-profit development or assistance activities and whose activities are not funded with external cooperation funds present in the State.
- Foundations are entities under private law, that, once established, specifically devote their assets to non-profit purposes of general interest and whose activities must be non-financial and are recognized by the State in order to undertake their activities.
- Non-Profit Civil Entities is a group of people, under private law, recognized by the State to undertake non-profit and non-financial activities that work for the common good.

Via Partial Regulation, Law 351 includes in its scope churches, religious, and faith-based groups that do not receive profit.

The autonomy and independence of civil society in terms of achieving structural changes to realize human rights, with an emphasis on collective rights of the most vulnerable sectors of society, is currently the greatest challenge to building a culture based on pluralism and participative democracy, in the distribution and reconfiguration of State's powers, and in the institutional changes social movements have generated in Bolivia. In that framework, a debate between all the sectors and actors is vital to discuss the contributions as development actors and the new key roles played by social organizations, NGOs, the government, and international cooperation agencies in the current landscape.

Evo Morales' government has privileged the relation with leaders of social movements from diverse sectors (farmers, indigenous, union, organizations, among others) that offer political endorsement to its administration. This relation in the early days of his first term (2006) was very representative and legitimate, with the participation of the Unity Pact consisting of five parent organizations: Consejo Nacional de Ayllus y Markas del Qullasuyu (CONAMAQ), Confederación de Pueblos Indígenas de Bolivia (CIDOB), Confederación Sindical de Colonizadores de Bolivia (CSCB), Confederación Sindical Única de Trabajadores Campesinos de Bolivia (CSUTCB), and Federación Nacional de Mujeres Campesinas, Indígenas Originarias Bartolinas Sisa (FNMCIOB "BS") However, this has been debilitated by the division and internal fragmentation of social organizations,

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[1] Constitution. Article 298, paragraph (II) sub paragraph 14 and 15
[2] Enacted on 19 March 2013, by the Legislative Assembly

the increasing clientelism, and the para-governmental bureaucratization of its leaders. The government promoted the division and the organic weakening of CIDOB and CONAMAQ, creating parallel Boards of Directors, visiting indigenous communities and towns offering projects and gifts, and promoting the taking over of their respective facilities. The Unity Pact continued engaging the National Federation of Mining Cooperatives of Bolivia, the Bolivian Workers Union and others. The National Coordinator for Change (CONALCAM) became the coordinator for actions to defend Evo Morales' government.

Various social organizations are part of legislative representation bodies at the national level (Legislative Assembly), departmental level (Departmental Assemblies), and local level (Municipal Council), and also in the executive body, holding various public positions. This has lead to an organic weakening of social leaderships and the alienation of the leaderships and from their mass bases.

Since social organizations have been historically excluded from decision-making processes, the Government has decided to openly include them. However, this has resuted in other civil society sectors being marginalized, hampering political and pluralism. This is currently the case with indigenous organizations from lowlands that have been debilitated by the conflict in the TIPNIS (Indigenous Territory and Park Nacional Isiboro Sécure) owing to the government's decision to build a highway crossing this territory. They are now considered and treated by the government as "ethnic minorities".

It must be emphasized that government sponsorship of social organizations recognized as main actors in Bolivia's reform process raises the debate on the traditional relations between NGOs and beneficiaries, government and social organizations, and cooperation agencies/NGOs and government.

At the local level, relations and complementarity can be seen between NGOs, social organizations, and local governments. In some cases, the private sector also engages in this dialogue on corporate Social Responsibility and social performance initiatives.

At the national level, greater political dialogue opportunities have been reduced because government-aligned actors that play vital role in national decisions and policy formulation have been prioritized. This has resulted in the appeasing of plural voices.

For example, in the Justice Summit, many other actors should have been engaged during the dialogue process owing to the sensitivity of the topic. Nevertheless, like in previous experiences, such as during the Health Summit or the Farming Summit, the conclusions were predefined again by the executive body, and endorsed by select social groups that had little capacity to influence the results. The purpose remains to functionalize social organizations to act as a rubber stamp for decisions made by a small executive group, greatly limiting social participation preventing civil society from independently and fully playing their role.

GENERAL INFORMATION ON CSO ENABLING ENVIRONMENT IN THE COUNTRY AND STAKE–HOLDER ACCOUNTABILITY (GOVERNMENT AND PRIVATE SECTOR) WITH RESPECT TO DEVELOPMENT EFFECTIVENESS PRINCIPLES

From different perspectives, the Movimiento al Socialismo (MAS) has been referred to as the only relevant force in the party system since it defines the decision-making without consulting other political forces. In this way, the plurality deficit of the Bolivian political system also affects society.

The political constitution of the State recognizes the right of association, assembly and expression, but some applicable laws limit the scope and essence of those rights, and can give rise to state discretion. The identified legal restrictions defined in a national civil society consultation (February 2016) focused on Indicator 2: "Entorno y participación de la sociedad civil en el desarrollo" conducted within the Second Monitoring Round by the Global Partnership for Effective Development Cooperation-GPEDC 2016 (Busan commitments monitoring exercise) refer to the current legislation governing the operation of CSOs (NGOs, foundations, non-profit entities, and social organizations) in Bolivia. Administrative and political requirements[3] by the government seek to control, align, and subordinate NGOs and foundations[4] to the State which limits CSOs' political and managerial capacities (Law 351). For civil society organizations, these regulations are restrictive and affect their institutional autonomy. Law 351 on judicial personality granting starts with a wrong understanding of NGOs and does not cover completely their essence. Some of the revocation grounds are completely political and arbitrary; proceedings are unclear; and regulation is vague, and contravenes international regulations in force. Regarding the creation, registration, and functioning of CSOs, the grounds for cancellation are highly political and discretionary[5]. CSOs' current situation shows there is a need to continue opening representation and dialogue channels with public bodies in charge of these regulations to reduce administrative or legal obstacles; promote collective actions based on current legislation analysis; and, if necessary, gain support for litigation in national and regional courts to help in cases linked to association, assembly, and expression of rights, and manage technical assistance and advisory services from, for instance, the Inter-American Commission on Human Rights.[6] Even before its enactment, Law 351 was

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[3] Javier Zúñiga, legal director of the Ministry of Autonomies, declared that 38 NGOs and foundations declared "irregular" cannot carry out financial transactions in national banks because they did not achieve recognition of their legal personality in one administrative year. According to this official, "both the Autoridad de Supervisión del Sistema Financiero (ASFI) and the Servicio de Impuestos Nacionales (SIN) should inform all banks that NGOs and other entities wishing to do any financial transaction have to submit their ministerial resolution of legal personality granting Interview with National News Agency. 2015 Página Siete and ANF / La Paz 8 September 2015 http://www.paginasiete.bo/nacional/2015/9/8/irregulares-pueden-efectuar-transacciones-financieras-69351.html

[4] According to the Vice ministry of Public Investment and External Financing (VIPFE), NGO national registry (RUN) includes over 2,000 national NGOs.

[5] National Consultation on Enabling Environment Report. 2nd Monitoring Round, UNITAS 2016

[6] ibid

highly questioned by CSOs who urged the Ombudsman to act on challenges to regulation's constitutionality, specifically Article 7 of Law No. 351 and 19 (g) of the Supreme Decree, before the Constitutional Court (PCT)[7]. In May 2015, United Nations' Special Rapporteur on Freedom of Association, Speech and Peaceful Assembly Maina Kiai presented an *Amicus Curiae*[8] to the TCP. On the 16th December 2015, the TCP issued a verdict in favour of the controversial law, showing a gross breach of the principle of independence that ensures that constitutional justice is not subjected to any other public power. Furthermore, while TCP had to base its unconstitutional judgments on the violation of any constitutional provision, invoked or not by the case[9], sentence on Law 351 revealed a failure to comply on behalf of the TCP since the right of association was not interpreted in accordance with international human rights treaties as established under the Constitution[10]. In a report on this case, Rapporteur Maina Kiai declared that, "there are some unclear concepts in Bolivian legislation such as 'social and economic development contributions' and 'policies and/or rules in the sector.'" These provisions leave too much ground for power abuses and arbitrary interpretation by civil servants. The law seems to obstruct the work of associations that do not support Government's social and economic development structure. However, the right of association is also applicable to those associations that disagree with Government's line of action. In fact, it is here where the compliance with this right is key. Finally, even if Bolivian provisions were were legitimate, they would still be unnecessary and disproportionate. Rejection or revocation of judicial personality to associations having different ideas from those in power- is too far-reaching, especially when we consider the wide discretionary powers being given to law-enforcement authorities"[11]

This Constitutional Court's ruling validates the constitutionality of the contested articles, including its substantive arguments that contravene the principles governing constitutional justice in the country, such as the principle of impartiality, legal security, independence, and constitutional supremacy. On the one hand, when validating the constitutionality of Article / (II), Law 351, an additional condition is imposed exclusively on NGOs and foundations instructing them to indicate in their articles of association their contributions

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[7] "An action of unconstitutionality, has the only purpose of expulsion from the legal system any norm that is incompatible with the Constitution; Article 133 of the CPE, stipulates on unconstitutionality effects, the declaration of inapplicability of the contested regulation, la declaración de la inaplicabilidad de la norma impugnada, takes full effect to all" (SCP 1925/2012). Those entitled to institute an Abstract Unconstitutionality action are: The President of the Nation, any member of the Legislative Assembly or Legislative Bodies from regional autonomous entities, as well as the Ombudsman.

[8] This figure corresponds to a tool used by different national and international courts to settle social issues, naming it Amicus Curiae (Friends of the Court). This tool seeks to introduce international law and its human rights legislation to national Courts, so that they are integrated in their national law and to achieve a better implementation of human rights.

9 Law No. 254 5th July 2012 "Código Procesal Constitucional" Article. 77 (Content of the Judgement)

10 Article 256 of the Bolivian Constitution: the constitutional supremacy is understood as the respect for the higher hierarchy the Constitution enjoys above any other legislation in national law, with the mandate of implementing the constitutional block integrated by International Treaties and Covenants on Human Rights issues ratified by the country.

[11] SUR Revista Internacional de Derechos Humanos. December 2015. RECUPERAR ESPACIOS CÍVICOS CON LITIGACIÓN RESPALDADA POR LA ONU. Maina Kiai. http://sur.conectas.org/es/recuperar-espacios-civicos-con-litigacion-respaldada-por-la-onu/

to the country's social and economic development. TCP's decision restricts the right of association beyond that defined by the Constitution: fulfillment of a lawful purpose. Furthermore, Article 19 (g) of Supreme Decree 1597 allows the revocation of the legal personality of an association. Legal personality revocation is in itself a serious measure, and it should be grounded on strong justifications. Simultaneously, the TCP presumes that a report from an executive authority should have more value than a judicial decision when revoking legal personality. This violates the right to due process which entails reasonable time-frames, access to effective remedy, and proportionality between the sentence (breach of a sectoral policy) and sanction (revocation of legal personality). In short, Law 351's application distorts CSOs' objectives, and the compulsory subordination of their actions to governmental policies and plans represents a restriction of its critical role as civil society as enshrined in the Istanbul Principles.

CSOs have been vital in the country's process of change, and they must remain independent from public entities and parties to continue their social struggle and role in transformative change. In this diverse landscape, with multiple approaches, activities, and outcomes, CSOs continue their contributions to Bolivia's development. This point has never been more evident than in the many mobilizations of movements to assert their rights, including the one that catapulted Evo Morales to power. Nevertheless, there is no enabling environment for CSOs to develop their activities, plans, an dpolicies under appropriate conditions. The government has stated that social organizations and NGOs focused on indigenous rights and environmental advocacy conspire against the so-called 'process of change' since they support indigenous organizations in their mobilizations and demands. Some NGOs and research foundations studying the impacts of public policies from different approaches and ideological positions are publicly derided as 'enemies' of the 'process of change'[12]. "Non-Governmental Organizations (NGOs) should support the country's development efforts and stop plotting against the government", Evo Morales declared on the 6th of July 2016. "As long as we are in power, we respect NGOs supporting development with their experience and knowledge, but we will be politically opposed to those NGOs seeking to conspire against us", declared Mr. Morales. In fact, on the 10th of August 2015, the Vice-President of Bolivia, Alvaro Garcia Linera, announced in a conference that he would ban those NGOs that, in his view, interfered in the country's political life. This warning of expulsion and government's criticism were specifically enforced to 4 Bolivian NGOs.[13] These threats were criticized by 32 worldwide intellectuals who asked Garcia Linera, through a letter, to respect NGOs.[14]

Repression of NGOs is becoming rampant, and it could affect to a greater extent freedoms of thought, expression, association, right of assembly, right to freedom, right to fair trial and judicial protection, and human rights advocacy. In fact, stigmatization of human right advocacy organizations has already caused fear and distress among civil society

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[12] http://www.cambio.bo/?q=node/10563

[13] Fundación Milenio, Centro de Estudios para el Desarrollo Laboral y Agrario (CEDLA), Centro de Documentación e Información Bolivia (CEDIB) and Fundación Tierra. In 2013 the NGO IBIS Denmark was banned from operating in the country.

[14] http://eju.tv/2015/08/31-intelectuales-del-mundo-piden-a-garcia-linera-respeto-a-las-ong-firma-hasta-su-expareja-raquel-gutierrez/ El Deber http://www.eldeber.com.bo/bolivia/garcia-afirma-ong-son-menos.html Pagina Siete http://www.paginasiete.bo/nacional/2015/8/18/garcia-linera-intelectuales-lamento-hayan-sido-utilizados-estas-cuatro-ong-66985.html

organizations since their vulnerability with regard to state-actors has increased. This situation pushes NGOs and other organization's to self-censor in order to "prevent having problems with the government". This seriously jeopardizes the foundations of freedom and democracy and leads to a state of demobilization and subjugation. These features of the current political landscape can also be seen in the media with the government publicly accusing journalists as a bunch of liars, corrupts, or enemies of change. This speech against the media is a powerful state propaganda focused on the government's victimization. The second element is to use the judiciary to exercise legal or administrative harassment. Legal actions are pursued against journalists but they do not advance or are quashed before arriving at a ruling. Several reports on curtailment of the freedom of expression[15] have been documented, with law suits filed and administrative pressures used against certain members of the media with the intent of weakening their advocacy. The third element corresponds to the regulatory framework. Laws, decrees, and regulations are enacted to intimidate the media. A series of control mechanisms are legalized to muzzle freedom of speech. This was the case of press articles in Bolivia studied under the law against racism and any form of discrimination, or the project of the Ministry of Transparency which changed the spirit of the decree 28168 on the access to information, enacted on May 2015 before Evo Morale's government. Before, only access to confidential or classified information was restricted for national security reasons. Currently, 11 restrictions have been included, limiting the right of citizens to know how public resources will be managed. During a visit of the Inter-American Human Rights' (IACHR) Special Rapporteur for Freedom of Expression Edison Lanza on the 25th August 2016, President Evo Morales accused Lanza of being in cahoots with the "lie cartel" after the Rapporteur had stated that accusations against the media "do not contribute to a climate of respect and trust".[16] According to Mr. Morales, "defending some media who do journalism with lies and defamation is NOT the same as defending freedom of expression". The National Association of Journalists (ANP), which brings together the main 20 print media in Bolivia, stressed its strong concern because of the government's measures depriving economic resources to media through the discretionary procurement of some media for official propaganda, harassments through penalties, the obliging media outfits to freely broadcast or publish educational messages using spaces intended for advertising, and other mechanisms to pressure the media outside government control or influence.

Civil Society Organizations in Bolivia carry out their actions in a limited civic space and with limited funding. It is important to have a better understanding of the non-profit nature of NGOs within NGO regulatory mechanisms, particularly regulatory impositions, so that tax penalties caused by unclear discretionary administrative guidelines are reduced[17]. Citizens' trust in NGOs is generally high, although some weaknesses can be identified within the sector and collaboration can be stronger. Furthermore, civil society's impact on governmental policies is not achieved completely, and CSOs recognize that they do not have a meaningful space for dialogue. In contrast, there is a widespread contempt for diverse

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[15] "Rastros y Rostros de la Libertad de Expresión de América Latina y Caribe 2013", by IFEX-ALC (Alianza por la Libertad de Expresión en América Latina y el Caribe),

[16] http://www.noticiasfides.com/politica/evo-dice-que-el-relator-de-la-cidh-es-parte-del-cartel-de-la-mentira-369597/

[17] National Workshop Memory Document "Marco legal, tributario y laboral en el que las ONG/IPD desarrollan su acción en Bolivia" UNITAS 2015

and critical civil society voices that are not adequately mobilized because the government only communicates with those who uncritically echo its political or party purposes.[18] It must also be emphasized that the lack of self-criticism and the alignment of some NGOs to accommodate themselves to the new political scenario, as well as the passivity and fear to speak out against the violation of rights, are some of the challenges that need to be addressed. These are crucial if CSOs want to become actors with their own voice. They need to come up with strategies for rapprochement among civil society organizations to analyze and discuss their independence and restore their role as watchdogs and advocates.[19] In other words, the Istanbul Principles need to be realized to foster an enabling environment where civil society can act when rights and freedoms are violated, and where the society as a whole should defend them.

The table below measures the environmental context in Bolivia and government's accountability vis-à-vis the Istanbul Principles:

PRINCIPLE	ENVIRONMENT - CONTEXT	GOVERNMENT ACCOUNTABILITY
1: Respect and promote human rights and social justice	Unjustified restrictions to the right of association and expression are evident. Implemented public policies are not sustainable and lack rights perspective. The development model based on an extractive economy conflicts with human rights.	Impunity exists. It is evidenced in the lack of effective protection mechanisms and the inability to fulfill constitutional principles of due diligence.
2: Embody gender equality and equity while promoting women and girls' rights	Public policies and legislation seeking to improve women's situation and the exercise of their rights are ineffective and unimplemented. Violence against them has increased and political engagement spaces are reduced to compliance with legal formalities.	Public expressions by officials show the sexism concretized in more violence against women.
3: Focus on people's empowerment, democratic ownership and participation	Civil society organizations' engagement in national public debates is weak. Social organizations are co-opted through patronage from the government. Critical voices against the incumbent government are neutralized. Public policies are decided without citizen consultation.	Necessary conditions to enable inclusive engagement of CSOs in the political debate are not generated. The discourse contradicts facts.
4: Promote Environmental Sustainability	There is a growing tension regarding the development model based on exportation and exploitation of natural resources. Indigenous peoples are the most affected by these mega projects. The right to free, prior and informed consent is not respected.	Negotiation with transnational companies and other policies benefiting agroindustry's interests are held without civil society engagement.
5: Practice transparency and accountability	A culture of accountability is lacking. Corruption levels have increased and directly affect CSOs supporting the government and public officials. There is no independence of powers, and punishments are selectively applied. Access to public, timely and accurate information is difficult.	Ministries present public annual reports. The President reports to the Pluri-national Assembly. Scapegoats are sought to justify all kind of cases and complaints.

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[18] National Consultation Report "Entorno y participación de la sociedad civil en el desarrollo". Monitoring the implementation of the Busan Commitments for Effective Development Cooperation (CPDE-GPEDC) UNITAS March, 2016
 National Workshop Memory Document "Articulación de la sociedad civil
[19] National Workshop Memory Document "Articulación de la sociedad civil en la defensa de derechos". UNITAS, February 2014

6: Pursue equitable partnerships and solidarity	There is no political will to establish dialogue spaces between public and private actors. Partnerships are created among CSOs, but many social organizations work according to the government's interests. There is an intention by the government to control and neutralize NGOs.	Publicly, the government polarizes society: those in favour are friends, and those critical are enemies of the process of change. Division and interference are promoted. The role of CSOs is not understood.
7: Create and share knowledge and commit to mutual learning	There is no genuine knowledge sharing. CSOs' experiences and capacities are not fully maximized.	There is no real interest in institutionalizing mutual exchange and learning spaces.
8: Commit to realizing positive sustainable change	The economy based on the transfer of conditional bonds and increasing consumerism is unsustainable. The vision of development is myopic, as evidenced in the handing over of construction works without considering structural issues such as employment, health, education, productive development...	Public resources are arbitrarily used for electoral or political purposes for officials to remain in power. Public declaration to protect the environment contradict policies and practices.

PROMOTION AND IMPLEMENTATION OF THE ISTANBUL PRINCIPLES AT THE COUNTRY-LEVEL

1. Initiatives carried out

Unión Nacional de Instituciones para el Trabajo de Acción Social (UNITAS), a national development and human rights network, with 22 NGO members and present in rural and urban areas all over the country, has the mission of contributing to generate proposals for alternative development and social change, towards a more democratic, socially committed, equitable and fair society, together with social movements and grassroots organizations as the ultimate beneficiaries of their actions. Both the network and UNITAS' partner institutions, committed to discriminated or excluded sectors, have been promoting for 40 years local, regional, national, and international development processes. Due to its political independence (non-partisan), UNITAS is an institution of reference in political dialogue with other actors. Since 2008, it has engaged and given feedback in two parallel yet complementary processes at the national and global level: aid development effectiveness and CSO development effectiveness (Istanbul Principles 2010 and Siem Reap Consensus 2011). In this framework, to recognize the voice of Bolivian CSOs, as well as to improve their actions under the Istanbul Principles, new opportunities should be explored to advance the recommendations of AAA and Busan Partnership[20] and to establish strategic partnerships with various actors, advocate and promote fundamental principles and freedoms, strengthen CSOs and their engagement in public decision-making processes, promote the fulfillment of international agreements, establish favourable funding for CSO development effectiveness, and consolidate national networks, among others.

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[20] «Compartir el interés por asegurar que las contribuciones de las OSC al desarrollo alcancen todo su potencial» (AAA Párrafo 22) y "…nosotros a) cumpliremos plenamente nuestros respectivos compromisos para que las organizaciones de la sociedad civil puedan ejercer sus funciones como actores independientes de desarrollo, centrándonos particularmente en crear un entorno favorable, consecuente con los derechos internacionalmente acordados, que potencie al máximo su contribución al desarrollo; b) alentamos a las organizaciones de la sociedad civil a generar prácticas que fortalecen su responsabilidad y contribución a la efectividad del desarrollo, orientadas por los Principios de Estambul y por el Marco Internacional para la Eficacia del Desarrollo de las OSC.(Alianza Global de Busan)

The areas where UNITAS has promoted the implementation of the Istanbul Principles in Bolivia are described below:

a. **International Framework for CSO Development Effectiveness Ownership.**

Political will to include the International Framework for CSO Development Effectiveness in the strategic framework is key to implementing the Istanbul Principles.

Development effectiveness is a holistic working framework that impacts CSOs' working relationships with partners and beneficiaries; as well as its identity, ethics, visions, and mandates; and the way they hold themselves accountable and operate. In 2012, UNITAS approved an institutional strategic framework to consolidate CSOs in three areas: 1) political sphere and relations with other actors (government, cooperation agencies, and social organizations); 2) regulatory and legal field; and 3) institutional fields and challenges to improve its effectiveness as development actors. This framework is implemented in three key levels: 1) social impact, which deals with the scope of CSOs' work with social organizations and sectors, their effect on public policies, and the way partners interact to promote joint actions; 2) internal learning and processes to improve institutional and financial management capacities of partners and generate better coordination and debate structures to have a better political impact on their relations with public and private actors; c) advocacy, linkage, and representation of CSOs' interests to promote an enabling environment to ensure political, financial, and institutional sustainability and create awareness of CSOs' contributions to development and human rights. UNITAS and its partners also consider the political and economic inclusion of women as a key issue.

b. **Aid Development Effectiveness from the perspective of civil society**

Monitoring cooperation and development policies as well as international agreements create opportunities for a democratic political dialogue and the promotion of an enabling environment for CSOs.

UNITAS was appointed as member of the Reference Monitoring Group of the Paris Declaration Implementation in Bolivia (Phase I 2007 and Phase II 2010), representing Bolivian civil society, together with international cooperation agencies, national government, local associations, and university representatives. Upon the creation of the Global Partnership (Busan 2011), UNITAS was appointed to conduct a study on CSO enabling environment in Bolivia, considering the priority areas and dimensions under the "Monitoring Framework to Assess the Progress Made on CSO Enabling Environment", by the Working Group on CSO EE (CSO Partnership for Development Effectiveness-CPDE). This was included in the Evidence Report on EE (Indicator 2) presented to the High Level Forum on Development Effectiveness (GPEDC) in Mexico, April 2014.

Again, as CPDE focal point in Bolivia, UNITAS has undertaken a National Consultation on Enabling Environment (Indicator 2: "Civil society operates within an environment that maximizes its engagement in and contribution to development"), within the framework of the Second Monitoring Round of Busan commitments (2015 - 2016). Conclusions of this report were submitted to the Bolivian Government, CPDE, and GPEDC to nurture national, regional and international political dialogue.

c. CSO National Consultations and Political Dialogue

To create the conditions for meetings, debate, plural expression of ideas and positioning of civil society in issues of common interest is the basis for any collective action.

2008: National Consultation "Civil Society and Development Cooperation Effectiveness"
2010: National Consultation "CSOs as Development Actors" within the framework of the Open Forum on CSO Development Effectiveness, and multi-stakeholder dialogue between government, donors, and CSOs
2011: National Consultation "Gender Equality and Equity in Bolivia": Analysis of the rights of women and their contribution to development
2011: National Dialogue and Consultation "Change in Cooperation and Development Policies in Bolivia": Key messages on CSOs towards Busan dissemination; development agenda analysis by the government, donors and CSOs
2011: Regional Consultation on Gender Equality and Equity in Latin America and the Caribbean based on "Eight working thesis from the feminist and women's movement in Latin America for the development effectiveness debate"
2013: National Consultation "Freedom of Association in Bolivia": Legal, political, institutional, and financial framework for CSOs
2016: National Consultation on "Environment and Participation of Civil Society in Development Issues": Monitoring the implementation of the Busan Commitments for Effective Development Cooperation (CPDE-GPEDC)

d. CSO courses, workshops, meetings and learning spaces.

Learning processes combine knowledge, capacities and methodologies and actors in order to consolidate capacities and have a better political impact, public debate, multi-stakeholder dialogue on the IP, and CSO legal, regulatory, institutional, political, and financial framework.

2012: National validation workshop on facilitator training global methodology "Metodologías para poner en practica la eficacia del desarrollo de las OSC y promover un entorno favorable en Bolivia"
2014: National Workshop on CSOs' advocacy for human rights "Articulación de la sociedad civil en la defensa de derechos".
2014: Sub regional Meeting "CSOs in the Andinian landscape"
2015: Workshop: "Self-regulation and Institutionalization Mechanisms and Transparency and Accountability"
2015: National Workshop "Marco legal, tributario y laboral en el que las ONG/IPD desarrollan su acción en Bolivia" (legal, tax, labour and regulatory framework for NGOs)
2015: National Workshop for Facilitators on CSO Effectiveness
2016: National Workshop "Marco legal, tributario y laboral en el que las ONG/IPD desarrollan su acción en Bolivia" (legal, tax, labour and regulatory framework for NGOs)
2016: National Facilitators Course: "NGOs and Effectiveness as Development Actors
2016: National Course "NGO Communication for Advocacy and Strategic Action"

e.   Studies, national reports and contributions CPDE

Quality information on the context, public policies, development effectiveness, enabling environment, accountability and other relevant issues has a positive impact in national debate, creation of dialogue and cooperation platforms, and reflection and impact of CSOs globally.

2011: National Report "Efectividad del desarrollo en Bolivia: un proceso de Gestación", on the implementation of Paris Declaration and AAA.
2011: Information leaflets: CSOs' journey to Busan, IP
2012: A study on general public opinion on NGOs: "Que diablos son las ONG?"
2012-2013: Dissemination in Spanish of the International Framework on CSO Effectiveness (Siem Reap Consensus).
2014: "Pilot study on Enabling Environment", 2015 CPDE Synthesis Report: The State of Development Cooperation, CSO Enabling Environment, and CSO Development Effectiveness Bolivia.
2015: Adaptation, reproduction and dissemination of the professional guide for IP implementation
2015: Contributions to CPDE's global study "The Journey from Istanbul: Evidences of Implementation of the Istanbul Principles in Bolivia Principle 5"
2013-2014-2015-2016: Collective Report "Construyendo una Cultura de Rendición de Cuentas" (Public Accountability of UNITAS Network)

f.   Multi-stakeholder dialogue. Enabling Environment in donors' agendas

The promotion and advocacy of fundamental freedoms and rights are crucial to multi-stakeholder dialogue (donors, government, and CSOs) to address the limitations CSOs face to achieving an enabling environment and consolidate democracy where human rights are respected.

UNITAS has been a member of the promotion and dialogue committee within the Partners for Development Group (GruS) (22 donors) and CSOs since 2013. It is also part of the commission in charge of the EU Road Map Implementation in Bolivia. Its priority is CSO EE.[21] EU and EU Member States Delegation in Bolivia are partners of CSOs in concrete situations where support for advocacy and promotion of fundamental freedoms is needed. UNITAS also promoted a close relationship with international NGOs, keeping permanent dialogue channels on issues such as CSOs' political, legal, and financial environment.

g.   National and international NGO networks

Promotion of the political and social role of CSOs, as well as their legitimacy and social support to ensure their sustainability, which involves the coordination of various civil society actors under common criteria and joint actions.

Over the last years, UNITAS has coordinated with several NGO networks to promote CSO

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[21] Hoja de Ruta de la UE para el compromiso con la sociedad civil en el Estado Plurinacional de Bolivia, 2014-2017. Priority 1: Redouble our efforts on promotion of an enabling environment for CSOs in patrner countries

EE in Bolivia. In this space, reflection processes on the national context, NGO working regulation analysis, capacity-building on and promotion of the International Framework for CSO Development Effectiveness and the IP and accountability were introduced. This national platform has 15 thematic and national NGO networks. Furthermore, it has been enhanced by the engagement of 9 International INGO platforms that joined some initiatives implemented by UNITAS within the framework of the project "Fortalecimiento de la sociedad civil: mejor participación democrática a través de mayor efectividad y transparencia", with the support of WeltHungerHilfe. This aimed to strengthen processes by 22 UNITAS partner institutions, bolster strategic capacities by other CSOs, identify common goals aiming to have impact, and promote accountability. Thanks to some capacity-building workshops and courses, some national networks are more encouraged to implement transparency and accountability mechanisms.

2. **Proven impacts on how CSOs improved their commitment to human rights, equality, empowerment/democratic ownership and peoples' engagement, environmental sustainability, consolidation of equitable partnerships in solidarity, knowledge-sharing, and sustainable change.**

a. **All of this is addressed in the UNITAS collective report (public accountability).**

The 22 UNITAS partners conduct an assessment of their activities in accordance with the 8 Istanbul Principles. This results analysis of each period allows us to identify specific experiences of poor social groups or sectors in the rural and urban area and their linkage to the indicators or Istanbul Principles. For instance, one of the projects reported by ACLO refers to Indigenous Women's Empowerment for political impact. Actions and outcomes are framed in two principles: 2 (gender equality and equity streamline and promotion of women's and girls' rights) and 6 (equitable partnership in solidarity):

Institutional work assessment taking as reference the IP allows us to strengthen NGOs and institutions as development actors in their own right while promoting four key aspects for their sustainability.

Proyecto/Programa: ACLO "Empoderamiento de mujeres Indígena Originario Campesinas para la incidencia política"	Principales Resultados logrados en el 2014:	
Periodo de Duración: 01/03/2014- 28/02/2017	☐ 600 mujeres empoderadas, desarrollan acciones de incidencia para beneficio de sus sectores.	
Departamento/Municipio: Potosí		
Fuente de financiamiento: CAFOD	☐ 4 gobiernos municipales rurales de Potosí incorporan en sus presupuestos y POAS, acciones y presupuesto de inversiones, para fortalecer emprendimientos económicos de las mujeres.	
Línea de Acción: Organización de mujeres para la incidencia política		

- Transparency and clear goals
- Quality of results and impacts achieved
- Trust from their target groups
- Legitimacy by the society

b. All of this is addressed in the UNITAS collective report (public accountability).

Bolivian NGOs work under conditions of uncertainty and hostility from the government. Thus, there is a need to start a campaign, for example through social networking sites, to promote a positive image of NGOs and emphasize the impacts they make for development. "Democracia Viva" Campaign https://www.facebook.com/vivamos.democracia/ focuses on showing the achievements and testimonies of beneficiaries or target groups to 1) raise awareness on contributions to development, democracy, and human rights contribution of institutions (UNITAs partners and other networks); 2) promote the role of NGOs (critical, independent, effective, and transparent) in the consolidation of CSOs; 3) highlight the multiple evidences of their contribution to social engagement in public affairs, capacity development and knowledge management, enforceability of economic, social, cultural, environmental, indigenous and development rights, and the promotion of fundamental freedoms (freedom of association and expression); 4) deliver key messages for emphasize the work they carry out in the country; 5) foster an enabling environment for the recognition of CSOs as development actors in their own right 6) and understand the regulatory and legal framework guiding CSO operations.

CSO ACCOUNTABILITY APPROACH

Accountability mechanisms have increased gradually in the current legislation (public and private), compulsory in the case of NGOs, foundations, non-profit entities, and social organizations. According to the Ministry of Autonomies, there are over 20,000 CSOs under the categories established by Law 351. According to the Vice Ministry of Public Investment and External Financing (VIPFE), NGO national registry (RUN) includes over 2,000 national NGOs.

Of all the CSO modalities, only data from NGOs and foundations being accountable through different mechanism and according to their relation with other actors is available:

a. Accountability mechanisms involving relations with advisory groups or primary groups focus on outcome evaluation and information dissemination on projects and programs, and not only through financial accountability and external evaluations.
b. Accountability mechanisms involving relations with cooperation agencies focus on bilateral agreements establishing rules on how to elaborate narrative and financial reports, audits, external evaluations, and institutional reports.
c. Every two years, NGOs report their detailed information (including financial resources, projects, number of beneficiaries, working areas, intervention locations, among others) to VIPFE to be able to renovate their RUN. The outcomes of the National Consultation on EE, conducted within the framework for the 2nd Monitoring Round, show that NGOs have limited access to resources if they are not registered: "Only a few NGOs or INGOs have a valid registry and most of them are sent a resolution from the fiscal authority (ASFI) ordering the freezing of their accounts when they do not have a valid registry"[22]. They send an annual report,

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[22] National Consultation on Enabling Environment Report. 2nd Monitoring Round, UNITAS 2016

as well as monthly tax declaration, to the National Tax Service. They also present monthly payment forms stating their contributions to the national healthcare system, social security, and pensions funds, as well as payroll tax contributions. They report payroll tax contributions to the Ministry of Labour every quarter. NGOs receiving and managing public funds report under the Law SAFCO.

d. Accountability to the general public involves dissemination of institutional information through websites and other formats, as well as in public spaces.

e. Together with the improvement of their institutions, NGOs have started to equip themselves with self-regulation mechanisms. In other words, NGOs have decided to go beyond State requirements and establish their own codes of ethics and information systems to improve transparency, accountability, and governance structures (Assemblies, Directorate, Internal Regulations). "Very few experiences where transparency and accountability standards are met while going beyond regulatory obligations underpinned by institutional principles. One of them is UNITAS, annually and publicly holding itself accountable.[23]

1. Initiatives carried out

There are many NGO networks, regional blocs, national platforms and coalitions created for specific purposes, for instance women's rights advocacy or to shadow report-drafting (UPR, CEDAW, among others). Nevertheless, these kinds of initiatives tend to self-censor themselves and fear any government reprisal or pressure, and also coordinate some actions on sectoral issues with the government.

Given this situation, and because of its legitimacy and capacity to coordinate various actors, UNITAS has promoted from a political impact and sectoral representation perspective the creation and coordination of NGO networks to represent NGO's interests and concerns before public institutions. Within this framework, national consultations and periodic meetings have been organized; action strategies with networks engaged in the process have been defined; and dialogue and communication spaces have been managed with the National Tax Service, Ministry of Autonomies, Ministry of Development Planning, Office of the High Commissioner for Human Rights in Bolivia, GRUS (Partners for Development Group), and INGO platforms. UNITAS has taken over the national representation of NGOs and is the contact person before the State and international cooperation agencies with regard to civil society and CSO enabling environment. Efforts to improve dialogue with the state have been ongoing, but there is no will on behalf of the government.
Regarding social organizations, in the last 10 years they have been co-opted, debilitating their role in political dialogue.

2. Mechanisms to facilitate program coordination between CSOs and other development actors.

To a certain extent, NGOs' role as cooperation implementing actors greatly impedes coordination among them. The State has managed to establish coordination and financial support mechanisms based on harmonization plans by official cooperation, framework agreements or country strategies. Cooperation agencies, however, implement their action

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[23] National Consultation on Enabling Environment Report. 2nd Monitoring Round, UNITAS 2016

plans according to their headquarters' determinations or country plans developed in consultation with their counterparts (basic level of program and territorial coordination). Coalition and network building for better coordination is done thematically, but it is the responsibility of each organization to mobilize grassroots communities, monitor government and donor practices and policies, engage in research and policy dialogues, implement programs and services, and mobilize human and financial resources, resulting in effort duplication and diminishing the expected impact of CSOs' work or project implementation.

CSOs' alignment to the National Development Plan cannot be understood as an opportunity to improve coordination since its purpose is to control. CSOs cannot pursue objectives understood as contrary to sectoral development plans defined by the government which normally tend to limit actions promoting and defending human rights and governance. Besides, there is an interesting coordination initiative happening between CSOs and donors. GRUS is a coordination space engaging administrators of bilateral, intergovernmental, and multilateral bodies operating in Bolivia. In November 2012, GRUS started to include in its working plan the improvement of relations with CSOs, in line with the agreements reached in Accra and Busan. Ever since, GRUS (22 donors in Bolivia) and Bolivian CSOs (25) have been meeting regularly to "create an enabling environment and establish an ongoing dialogue platform between GRUS and civil society, to exchange information and good practices, improve the implementation monitoring of international agreements and to have a more plural vision of the challenges and priorities in Bolivia, among others[24].

3. Evidence: Self-regulation mechanism improved UNITAS' accountability and, therefore, its legitimacy, etc.

Implementation of Principle 5 on Transparency and Accountability (IP) means to further implement UNITAS' self-regulation system as a tool to have a stronger organization of all partners involved and to be held accountable not only before the government and cooperation through traditional mechanisms, but also the society. Partner organizations also report annually to UNITAS through the Transparency and Accountability System. With all these inputs, the Collective Report on Accountability is drafted, and events at the departmental level are held where this report is presented.

Considering the diversity of CSOs and the crucial role they play in development as innovative agents of change and social transformation, the Public Accountability initiative, started in 2013, contributes to the debate on CSOs' roles in the current environment, and the formulation of recommendations on regulation and/or self-regulation reflecting transparency and accountability experiences and CSOs' contribution to development. Being publicly transparent about who we are, what we want, what we do, how we do it, and what tools we use to operate means to implement principles and standards showing that we fulfill our responsibilities before all the actors with whom we engage; and to contribute to build a society with ethics and social and political responsibility. In the UNITAS XXVII GENERAL ASSEMBLY (2002), the Code of Ethics was approved.[25] In 2010, UNITAS

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[24] Systematization Meeting GRUS-CSO May 2013
[25] Inspired by three sources: Comité de la Carte de Déontologie, Código de conducta de las ONG de Desarrollo de la Coordinadora de ONGD de España and Perfil e Catalogó das Associadas à

launched the Transparency and Accountability System which allows gathering information about partner institutions and creating the Collective Report, presented annually in the Public Accountability. In the last four years (2013-2016), this Collective Report has been contributing to building a culture of accountability within the framework of the IP, specifically Principle 5, implementing principles and standards that show CSOs' responsibility in the face of multiple actors. This involved to permanently and systematically developing reliable public and private information systems on CSOs. National, departmental and local public institutions, international cooperation agencies, media, universities and the general Bolivian society are engaged in the process. Information is processed and presented at the national level simultaneously. Institutional reports presented by NGOs usually stress on implemented actions, beneficiaries, programs, and projects. Since NGOs' accountability reports, both publicly and collectively presented, not only cover development actions, resources, and achievements but also information on engagement with the government at various levels, fulfillment of labour regulations, financial information, implementation of the IP, etc., this joint effort means partner institutions working together; strengthening collective links and their ability to promote and implement a democratic and transparent culture; as well as strengthening their commitment to expand and deepen the experience with other CSOs willing to join this successful initiative. The fact that this is the first Public Accountability report by national NGOs done simultaneously in the country, and that extensive media coverage has been achieved, has enabled creating awareness on sector's self-regulation and transparency practices, while positioning the role of national NGOs as development actors among the general public. Beyond regulatory and tax obligations, this first experience has shown a great commitment to development effectiveness and human rights approach that allows to further understand and raise awareness on actions, outcomes, and the work done in promoting sustainable changes in society. It is worth highlighting that both the Transparency Ministry fighting against corruption and some donors considered this initiative the first of its kind in the country. Other authorities believe it is a reference for other NGOs to emulate in the near future.

CHALLENGES FOR THE IMPLEMENTATION OF CSO DEVELOPMENT EFFECTIVENESS AND ACCOUNTABILITY

Challenges
- Increase the potential impact of CSOs as development actors to have an impact in decision-making processes at different governmental levels.
- Ensure an enabling legal, political and financial environment for CSOs' actions.
- Build and institutionalize a culture of transparency and accountability in processes, results, and development contributions in both public and private spheres.
- Improve the knowledge and ownership of the International Framework for CSO Development Effectiveness.

Threats/Limitations
- There is no adequate recognition by the authorities of the role CSOs play in democracy. This fact limits the consultation with society when implementing and monitoring development policies.
- CSOs' engagement in government's decision-making processes is limited to the

ABONG.

formal spheres since CSOs engaged are the ones supporting the State and their participation legitimates little critical and proactive consultation processes. There is a lack of institutionalization of consultation processes, together with a systematic refusal of suggestions coming from NGOs by political leaders.

- The government has shown a negative and dismissive attitude toward CSOs' voices. There is a clear and systematic contempt towards diverse and critical voices from civil society.
- Co-optation of CSOs and representation mechanisms in the political dialogue limit social engagement to the compliance with political/party lines of action.
- CSOs' access to public information is not timely or up to date.
- Legal frameworks are not adequate for a free, open, and competent civil society. This hinders open and participative political dialogues.
- There are cases of harassment and open and disguised threats to organizations that are not aligned with governmental policies. There are obstacles and undue delays when applying for recognition or renewal of legal personality as well as systematic threats to those NGOs critical to the government.
- The necessary conditions for CSOs' engagement in policy-making and policy management do not exist.
- Fewer funds are granted to CSOs, affecting their sustainability.

Current conditions that would allow the implementation of the Istanbul Principles and accountability measures

- Articulate, coordinate, cooperate and communicate (dialogue) between NGOs at the national and international level.
- Consolidate and implement a CSO common political agenda to improve dialogue between government, cooperation agencies and other CSOs.
- Conduct and institutionalize horizontal dialogue with affected communities and groups.
- Open dialogue spaces with donors to help reduce tensions between government and NGOs.

IP and accountability consolidation and implementation opportunities.

- CSOs' efforts to implement the International Framework for Development Effectiveness is the foundation for better processes including more actors and for a bigger impact on IP implementation.
- By taking UNITAS as a starting point (accountability) Bolivian CSOs' self-regulation criteria could be standardized.
- Engage various actors to promote an enabling environment and IP within the framework of the EU Road Map and Inter-American Development Bank's Civil Society Advisory Council.
- Link IP's implementation with CSO monitoring at the national level for a greater public debate on development effectiveness.

Lessons Learned

- Because of its content, IP implementation challenges the role and responsibility of the State in the protection and fulfillment of human rights.
- In less favourable environments for CSOs, it is vital to promote the exercise of fundamental freedoms so that civil society can have the role and relevance that any democracy requires.

- Political dialogue on public policies and development effectiveness requires a willingness of all stakeholders and greater social engagement and democratic pluralism to confront ideas and build consensus.
- Accountability requires political will to establish practices based on ethics and transparency at all the levels and all public and private spheres. Accountability is key to the creation of an enabling environment where NGOs can continue working with legitimacy and create awareness about their role in development.

RECOMMENDATIONS

1. For CSOS
- Regain political, transformative dimension of CSOs' role to be able to contribute in structural changes towards social justice and equity.
- Invest efforts and resources on their own effectiveness to strengthen their ability to have a public impact.
- Link up and look for alternative solutions to administrative, legal, tax, or other obstacles and generate better conditions to develop their work without interventions or political, financial, or legal restrictions.

2. For the government
- Fulfill its responsibilities and obligations regarding human rights, including international development agreements.
- Respect the independent nature of civil society, its role in promoting development and democracy, as well as its public authority oversight function. Create a legal, administrative, political, and financial framework for CSOs' actions, and the necessary institutions for a true social engagement in public spheres.

3. For CPDE
- Systematize and disseminate the rich experience acquired in negotiations with states and donors and the knowledge in issues giving birth to CPDE (the fusion of two processes under the same principles and two scopes previously used: CSO effectiveness and development effectiveness and derivatives).
- Support and strengthen national CSO dynamics, linking CPDE's agenda with national organizations and networks' interests and agendas.
- Generate better engagements and legitimate and democratic conditions, while strengthening decision-making procedures at all levels. Hold a follow-up on basic representational protocols, as well as oversight of mechanisms for the fulfillment of delegate's tasks at any level. Ensure the representative and legitimate character of those in charge.
- Establish accountability criteria through the periodic dissemination of reports on activities at all the levels (national, local, regional); CPDE's level of engagement; implementation of the IP and   its integration in their programs.
- Develop clear and coherent processes, actions, and procedures.

TRADE UNION PARTNERSHIPS FOR DEVELOPMENT EFFECTIVENESS

The Trade Union Development Cooperation Network (TUDCN)

TRADE UNIONS' DEVELOPMENT EFFECTIVENESS

Trade unions have been involved in development effectiveness debates since the Paris declaration on Aid Effectiveness in 2005 and all the way through the High Level Forums on Aid Effectiveness in Accra, Busan, and Mexico where they became a constituent of the steering committee of the Global Partnership for Effective Development Cooperation (GPEDC). This involvement was consolidated with the constitution of the Trade Union Development Cooperation Network (TUDCN)[1] in 2008. Since its creation, the TUDCN has engaged in development effectiveness through its advocacy work and by contributing to the effectiveness of trade union development cooperation.

To enhance trade unions' development effectiveness, the TUDCN engaged with its constituencies to draft a set of principles that would respond to the specificities of the labour movement. This process took place in parallel with the discussions towards the Istanbul CSO Development Effectiveness Principles, in which the TUDCN also participated. It consisted in consulting and gathering consensus amongst TUDCN members, including regional organisations and national affiliates, on a number of principles on development effectiveness. The process culminated in the approval of the Trade Union Principles and Guidelines on Development Effectiveness by the TUDCN members, in November 2010, and the subsequent endorsement of the Principles by the International Trade Union Confederation's (ITUC) General Council (its highest body in between Congresses) in February 2011.

The Trade Union Development Effectiveness Principles are a set of eight principles which tackle development effectiveness through a trade union focus, putting a stronger emphasis on issues of great importance to the labour movement such as democratic ownership,

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[1] As an initiative of the International Trade Union Confederation (ITUC), the Trade Union Development Cooperation Network (TUDCN) was created in 2008, bringing together all trade union actors involved in development cooperation. This includes its affiliated national organisations and the regional organisations of the ITUC in Asia-Pacific, Africa and the Americas, as well as Solidarity Support Organisations, Global Union Federations (representing the different sectors), the European Trade Union Confederation and the Trade Union Advisory Committee to the OECD.

autonomy, and coherence. These principles should be implemented by the whole trade union movement and are put forward in trade union partnerships through a specific tool, The Trade Union Development Effectiveness Profile (TUDEP)[2].

The Trade Union Development Effectiveness Principles

1. Democratic ownership
2. Autonomy
3. Partnership
4. Transparency
5. Accountability
6. Coherence
7. Inclusiveness and equality

8. Sustainability
   - Democratic sustainability
   - Political sustainability
   - Organisational sustainability
   - Financial sustainability
   - Environmental sustainability

The TUDEP is a tool that was developed by the labour movement to encourage dialogue amongst trade union partners working on development cooperation and to promote more balanced partnerships. It assesses the extent to which the trade union Principles are incorporated in the cooperation amongst unions. Organisations that have used the TUDEP tool have found it very useful, as it allows partners to better understand each other and fosters cooperation. It brings about mutual respect and accountability. It identifies weaknesses, strengths, advantages and disadvantages, and contributes to progress in union work. This approach to development effectiveness entails a horizontal approach to partnerships in which partners hold each other accountable to common principles approved by the trade union movement.

A growing number of unions are incorporating the Principles in their development cooperation work and strengthening their partnerships through the TUDEP. A notable example, which we will focus on below, is that of the progress made between the three Belgian unions[3] and their partners across the world.

ACV–CSC EVALUATING THE EFFECTIVENESS OF PARTNERSHIPS

Through its Institute for International Workers' Education (IIWE), the trade union confederation ACV-CSC has been carrying out evaluations of the effectiveness of its partnerships. These were undertaken from January to June 2015, by the IIWE and its development cooperation programme partners (2012-2016) in Cambodia, India, Indonesia, Niger, South-Africa, Democratic Republic of Congo, Brazil, Haiti, and Colombia. The TUDEP tool was used to undertake this task. Results from its use showed that both the IIWE and its partners judged their cooperation to be effective on each of the eight Trade Union Development Effectiveness Principles. Nevertheless, joint discussions of the findings within the partner countries, led to the identification of remaining challenges and the definition of actions for improvement within each separate partnership.

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[2] http://www.ituc-csi.org/tu-development-effectiness-profile

[3] There are three trade unions in Belgium, recognised as representative organisations: the Confederation of Christian Trade Unions (ACV-CSC), the General Labour Federation of Belgium (ABVV-FGTB) and the General Confederation of Liberal Trade Unions of Belgium (ACLVB-CG-SLB).

The actions for improvement identified included:
- Strengthening the capacities of young workers and the representation of women in internal decision-making bodies, as well as recruitment and management of new members.
- Improving the quality of training, networking and cooperation with third parties.
- Tackling climate change and sustainable development in south-south exchanges.
- Strengthening financial management and autonomy, ensuring wider participation in planning, monitoring and evaluation of programmes and providing more space for exchanges on trade union themes and issues.

All in all, the TUDEP tool proved to be most effective in instigating a transparent dialogue between equal partners on their partnership and thus contributed to a better mutual understanding between the IIWE and its partner organisations: of each other, of their different interpretations of the Trade Union Principles and Guidelines, of their mutual expectations as partners, and of their wishes concerning improvement of relationships and programme work. The IIWE will therefore continue to monitor the implementation of actions for improvement, and will ensure regular reviews of partnership effectiveness - using the same TUDEP tool.

ASSESSING THE USE OF THE TUDEP BY THE ABVV– FGTB

The ABVV-FGTB first used the TUDEP tool for the evaluation of its 2012-2014 programme, led by its development cooperation institute, IFSI (International Trade Union Training Institute). This was undertaken together with all its cooperation partners in Africa, Latin America, and Palestine.

The objectives of IFSI in using this tool were, on the one hand, to give a more prominent role to their partnerships in their practice and analysis and on the other, to ensure greater coherence of their programme with the eight Trade Union Development Effectiveness Principles. The results of this evaluation also contributed to the elaboration of their subsequent programme.

Overall, the TUDEP contributed to improving the effectiveness of ABVV-FGTB/IFSI work encouraging it to:

- Share more information with its partners concerning the relevant roles, procedures and working modalities and continually reflect upon these to improve them.
- Ensure a specific and regular monitoring of its partnerships.
- Implement effective improvements in its partnerships. The use of the TUDEP showed that there were differences in the interpretation and assessment of different aspects of the cooperation amongst partners. On the basis of these findings corrections were made.

In its use of the TUDEP, the ABVV-FGTB realised that for a real, open and sincere discussion with its partners and to better understand each other's expectations and ambitions, a greater understanding of the Principles was necessary. This implies that the more the tool is used, the better the outcomes will be. It is therefore necessary to use it in a systematic way and contribute to its dissemination.

Finally, it is important to note that in order to promote stronger partnerships, the Principles should be strongly worked on with both receiving and supporting partners.

ACLVB–CGSLB'S WORK ON TRADE UNION DEVELOPMENT EFFECTIVENESS

The ACLVB-CGSLB, through its solidarity support center (the Movement for International Solidarity -MIS), together with its trade union partners in South-Africa, Burundi, Burkina Faso, and Senegal, decided to introduce the TUDEP in their development cooperation partnerships programs in 2011. Their aim was not only to help deepen mutual understanding of each other's views and application of the eight Principles, but to also help provide benchmarks for a critical partner dialogue.

The TUDEP helped identify those areas where the partnership between the ACLVB-CGSLB and its trade union partners could be improved by effectively allocating means from the development cooperation program to advance capacity building in the identified areas. The tool provided a well-defined frame as well as focus areas for an efficient, sustainable intervention based on a common understanding of the partners' needs.

It was noted that after using the TUDEP for a second time in 2014, partner organisations had become more critical within the partnership, not only towards their own internal way of looking at the eight Principles, but also towards the use of the principles by the ACLVB-CGSLB as a supporting partner. This showed that the sharing of information through a critical partner dialogue takes time and does not always lead to shared opinions or values. For instance, the Principle of Autonomy scored higher in 2014, then in 2011, since all partners in the TUDEP process indicated that the appreciation of the quality of the partnership had increased. This was verified by an external evaluation commissioned in 2015.

In the partnership programs, two of the eight Principles, were highlighted by all the trade union partner organisations as the main areas to be strengthened: "sustainability" and "inclusiveness & equality".

By giving a greater focus to "inclusiveness & equality" within the Burundian partnership program, the use of the TUDEP led to more gender- related actions within the local trade union, the *"National Federation of Transport, social and informal workers"* (FNTT-SI), and thus a strengthening of the gender strategy of the partner organisation.

In the South-African partnership programs, the use of the TUDEP led to the identification of a 'good practice case' on the theme of climate policy for trade unions, even though it was not part of the original scope of the partnership program with the Congress of South African Trade Unions (COSATU).

These outcomes were shared with the rest of the ACLVB-CGSLB partners to help in their own development and reflection on the themes of gender and climate.

EMBODYING DEVELOPMENT EFFECTIVENESS
IN INTERNATIONAL TRADE UNION DEVELOPMENT WORK.

By facilitating coordination and coherence of trade union development work, the TUDCN provides a strong contribution to the implementation of the Trade Union Development Effectiveness Principles. This is done through the Trade Union Development Projects Directory and in specific meetings focused on trade union partnerships, in which trade union partners are brought together to discuss their development cooperation and how to make it more effective.

The TUDCN is also undertaking regional and sub-regional trainings to promote the Principles and the use of the TUDEP by trade union organisations from all around the world. These trainings have led to an increasing knowledge of the Principles by trade unions and a greater familiarisation with the TUDEP tool. Following these seminars, the number of organisations using the TUDEP tool has increased. There are currently more than 30 trade union organisations worldwide which are using the TUDEP in their development cooperation partnerships.

The Trade Union Development Effectiveness Principles have also underpinned other areas of work of the TUDCN. This is particularly so for the work it has undertaken on organisational capacity with a focus on strengthening unions. The Principles are at the core of this work, as effectiveness is directly related with stronger unions. Trade union autonomy and the elements of sustainability (democratic, political, organisational, financial and environmental) have formed the basis of the framework on organisational capacity, which also includes elements of accountability, transparency, partnerships, inclusiveness and equality, coherence and democratic ownership.

Over the coming years, the TUDCN's work on development effectiveness will continue to promote greater compliance with the Principles in order to contribute to more balanced, and therefore stronger, partnerships among trade unions across the world.

CSO DEVELOPMENT EFFECTIVENESS AND ACCOUNTABILITY IN KYRGYZSTAN AND THE WOMEN'S SECTOR

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INTRODUCTION

The state of CSO Development Effectiveness and Accountability in Kyrgyzstan within the women's sector shows advancements in some aspects but remain challenged in others. This article focuses on CSO effectiveness in the women's sector within two aspects: (i) feminist constituency, women's organizations effectiveness, and; (2) gender equality in the CSOs work, programs and accountability. All cases used in this research are based on the Kyrgyzstan experience. . Istanbul Principles play a critical role especially because of the increasing demand for mutual accountability. It places CSOs under the light of other development actors' interest. However, the journey from Istanbul to Siem Reap in Kyrgyzstan did not generate enough interest among CSOs in the country as funds were not sufficient to support dissemination and mainstreaming of The Istanbul Principles and CSO Development Effectiveness. This resulted in inadequate participation, particularly of women's organization, in development effectiveness-related processes. Assessing CSOs using the principle on Women's rights and gender equality is important to strengthen capacities of CSOs and contribute to sustainable development.

EXISTING TYPOLOGY AND ROLES FULFILLED BY CSOS AT COUNTRY LEVEL

This section seeks to define the context and the varying roles of CSOs as well as enumerate the categorize of CSOs at the country level.

In Kyrgyzstan, there is an abundance of civil society organizations across the country. The public generally views CSOs as experts and the voice of the people as it has contributed significantly to the development of the country. CSOs are registered as Noncommercial Organizations (NCOs) under a civil law structure. The International Center for Non-for-Profit Law (ICNL) in Bishkek made a review of the civil society policy framework in Kyrgyzstan and noted , "The Law on Non-Commercial Organisations does not define a 'non-governmental organisation' and uses the broader term 'non-profit organisation', making it difficult to understand the unique nature of NGOs"[1]. The number of CSOs in the

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[1] ICNL. How to Protect and Expand an Enabling Environment in Kyrgyzstan 2013 at Http://Www.

country is difficult to determine as figures vary, depending on the source. There are 14,880 CSOs registered in the country, but only 4,700 of them are operational. It is impossible to give a number of CSOs in the country because very different figures are given. They vary from 14 thousands to 1000. "There are currently over 14,880 CSOs registered in the country (only around 4,700 of them are operational)"[2].

At the country level, organizations are generally categorized by themes - human rights, environment, children's rights, women's rights, gender equality, and health. There is also a classification based on geographical scope (rural, community, national), on connections (networking, individual, coalitions, etc.), and professional associations.

The other classification of the civil society organizations is based on organizational and legal form: public associations, public foundations, associations of legal bodies, and private non-commercial organizations.

On the basis of function, there are CSOs advocacy groups, service providers, research centers, organizers or those who mobilize people on the ground, capacity building groups, urgent action groups. These functions are oftentimes the work of one and the same group. However, it is important to note that despite a range of functions, each CSO maintains a certain focus. For example, Forum of women's NGOs of Kyrgyzstan is more advocacy and capacity development organizations, whereas Rural NGO Epkin is more of a service provider and mobilizes people on the ground. National and local women's crisis centers provide shelter assistance to women who are victims of violence.

In a study made by ICNL Bishkek Office, it states that, *"The Kyrgyz Republic recognizes at least 16 distinct organizational forms for noncommercial organizations, including public associations, foundations, institutions, non-profit cooperatives, and community based organizations. The Civil Code and the Law on Noncommercial Organizations (NCO Law) establish the primary NCO legal framework. Article 2 of the NCO Law defines an NCO as "a voluntary, self-sustained organization created by individuals and (or) legal entities on the basis of community of interests for implementing spiritual and other non-material needs in the interests of its members and (or) the whole society, where the deriving a profit is not a major objective, and the obtained profit is not distributed among members, founders and employees"*[3].

OVERVIEW OF CSO ENVIRONMENT IN THE COUNTRY

This section gives a background on the legal-regulatory frameworks that govern CSOs at the country level and the challenges they face. This section also touches on government

Icnl.Org/Research/Library/Files/Kyrgyzstan/Kyrgenab.Pdf

[2] The International Center For Non-For-Profit Law. Civic Freedom Monitor: Kyrgyz Republic, Last Updated 13 May 2016 At Http://Www.Icnl.Org/Research/Monitor/Kyrgyz.Html

[3] The International Center For Non-For-Profit Law. Civic Freedom Monitor: Kyrgyz Republic, Last Updated 13 May 2016 At Http://Www.Icnl.Org/Research/Monitor/Kyrgyz.Html.

Nookat Idrisov Of Icnl Provided A More Detailed Legal Analysis of the CSOs' Organizational Forms and can be accessed at Http://Www.Icnl.Org/Research/Monitor/Kyrgyz.Html

and other stakeholders' compliance to development effectiveness principles, as well as their commitment to provide CSOs capacity development support for development effectiveness. Accountability of the State to various stakeholders, including to CSO is quite low. Partnerships is not well developed as reflected in the 2nd Monitoring Round of the Global Partnership for Effective Development Co-operation, "The process of designing and developing the national development strategy does not include CSOs and other development participants. Particularly CSOs or other development actors episodically contribute their expertise in the designing and developing National Strategy of Sustainable of Kyrgyzstan and monitoring of implementation" Low level of partnership leads to low level of accountability results to the following: (i) lack of clear procedures for CSO engagement, as well as criteria for the selection of CSOs in these processes; (ii) lack of timely and accessible information about consultations for interested CSOs. Provincial and rural NGOs are particularly excluded from these processes as there is a tendency to invite CSOs based in big cities, such as Bishkek and Osh.

The legislation of the Kyrgyz Republic guarantees freedom of access to information[4]. The objectives of this Act is to ensure the realization and protection of the right of access to information held by public bodies and local authorities, and to achieve maximum transparency, openness and transparency in the activity of state bodies and local self-government. Meetings of public bodies and local authorities are open to the public except for closed meetings. However, in practice, access to information is limited. There is a lack of full and timely information especially on government financing including the evaluations of such programs.

Government reports on implementation of various national and programs are not discussed with CSOs and there is no verification process. Attempts of CSOs - Coalition of CSOs for aid and development effectiveness, Forum of women's NGOs of Kyrgyzstan, Nash Vek, Peremena- to access data and existing reports on ODA from 2014-2015 were not successful. For instance, only one letter was received from the Ministry of Science and Education of the Kyrgyz Republic, three months after the first communication was sent by the CSOs regarding ODA allocated for this sector. This action by the Ministry demonstrates its level of accountability and effectiveness. The Ministry of Economy of the Kyrgyz Republic, that was in charge of preparation of the national report on the Second Round Monitoring of the global for the HLM2, noted the following, "National Coordinator did not organize multilateral verification meetings with participation of all main actors – government, CSOs, private sector, providers and trade unions. Therefore, important resources of information were lost. Verification of findings was made only with National Coordinator during working meetings in the absence of other actors. At the same time there were causes of delay in the conduct of verification meetings - lack of experience in organizing such events, very limited time, and passive cooperation of providers who have not even identified their own Coordinator for this process."[5]

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[4] The Law of the Kyrgyz Republic "On Access to Information Held by Public Bodies and Local Self-Government of the Kyrgyz Republic" No 240 Dated May 8, 2007.
[5] Second Monitoring Round of the Global Partnership for Effective Development Co-Operation, Kyrgyzstan

In 2013, a bill was put forward proposing that CSOs receiving foreign funding or participating in so-called political activities *on behalf of foreign sources* should have the status as *foreign agents*. In fact, "three NGO-discriminatory legislative initiatives were proposed in 2013: one by the State Security Agency and two by members of the Parliament. If the proposed bill had been passed, CSOs would have been confronted with the possibility of criminalization of almost all aspects of human rights defenders' activities. However, these draft laws and amendments were rescinded"[6].

Despite these conditions, there is a positive experience of openness and co-operation with civil society in Kyrgyzstan. In 2014 a law replaced a 2010 presidential Decree on Public Watch Councils. Public Councils under the Governmental bodies are one of the forms of interaction and cooperation of the public with ministries, state committees and administrative institutions.

PROMOTION AND IMPLEMENTATION OF THE ISTANBUL PRINCIPLES IN KYRGYZSTAN

With regards to the promotion and Implementation of the Istanbul Principles at country level, Istanbul Principles are partially implemented but not as a result of joint special CSOs' efforts. For example, women's rights and gender equality are not well mainstreamed in various CSO's work and programs.

Istanbul Principles are not widely recognized and used in Kyrgyzstan by CSOs. Focused work on inclusion of gender equality and women's rights, human rights and environmental issues is not in place in the civil society community although some women's groups are doing some efforts. There is no capacity building process and activities with the goal to enrich civil society programs and work towards inclusion and addressing women's rights, human rights and environmental issues. This is especially true if women's rights are not formulated in missions of the organizations. There is no currently any dedicated action plan to implement and/or raise awareness on the Istanbul Principles.

FOCUS ON CSO ACCOUNTABILITY

During the past years, accountability of the civil society sector was actively discussed within the CSOs community in Kyrgyzstan. During these debates and forums, civil society activists were concentrated on CSO accountability to public in order to gain public trust, more than accountability to government, donors. This is to gain public recognition and reduce the image of CSOs as being "grants eaters".

In the country, there is no CSO managed joint platform, mechanisms or processes to address or implement joint or mutual accountability issues and challenges. As Farida Abdyldaeva stated " Unfortunately, NGOs do not take a proactive position in initiating processes for facilitating transparency and multiple accountabilities in CSO operations. CSO-controlled processes aimed on improving the accountability and transparency of CSOs are lacking.

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[6] ICNL. How to Protect and Expand an Enabling Environment in Kyrgyzstan 2013 At Http://Www. Icnl.Org/Research/Library/Files/Kyrgyzstan/Kyrgenab.Pdf

Studies of the Association of Civil Society Support Centers showed that not all CSOs in Kyrgyzstan are transparent and accountable towards their beneficiaries. CSOs do not always publish their reports; very few of them publish their financial reports. NGOs report to donors (requested by the donors), National Statistical Committee of KR and the Social Fund"[7]. Perception among CSOs on their own accountability is also varied. More than half of the 81 CSOs that participated in spring 2016 in the survey   think that NGOs in Kyrgyzstan do not have a deficit in accountability and transparency, 38 % of respondents think the total opposite and 10% of respondents don't have any definite opinion on this[8].

In Kyrgyzstan its legal-regulatory framework is obliging non-commercial organizations to report to the following agencies: State Tax Service, Social fund, to statistical committee. If a CSO is officially registered, it is obligated to report to four state agencies. Registered CSOs currently report to the National Statistics Committee, Internal Revenue Service and the Social Fund.

In recent years, however, additional accountability measures were added as part of the government's action against terrorism. If a CSO is perceived "risky", it will be asked to report to the Financial Police and the National Security Office. This is because, some CSOs are seen as mediums of illegal financial flows connected with religious extremism.

In Kyrgyzstan, there are no CSO-initiated coordination processes at a systematic and sustained level, although there were several cases when CSO coordinated events to facilitate and consolidate CSO representation in policy dialogues. "In 2013, on the initiative of the Forum of Women's NGOs and technical support from UNDP, the Coordination Council of the Public Supervisory Board Working Group on Development Effectiveness was created using the government bodies of the Kyrgyz Republic. In 2014, it turned into a Civil Movement for Effective Development, combining more than 10 NGOs. This is one of the first attempts to create a platform for facilitating a consolidated and inclusive representation of CSOs in policy dialogue on development effectiveness. At the time, the movement is working on CSO involvement in this process through information, training and monitoring. Unfortunately, this process was not able to reach a wide group of civil society organizations due to passivity of CSOs, lack of funding and lack of understanding of the importance of participation in development processes"[9].

It is said that civil society organizations of Kyrgyzstan are successful in advocating for its space in various policy dialogues. But this is a too simple description from other stakeholders. Selection of CSO representatives is often denied to CSOs themselves. It is often a governmental agency or a UN body tasked of selecting participants in various policy dialogues at the national level. On the other hand, policy dialogues organized by CSOs are usually facilitated by ad hoc committees which ensure coordination within civil society sector and with other stakeholders. The ad hoc committees are not institutionalized but are inclusive to a certain degree. However, weakness to inclusivity is usually due to financial resources and language (Russian-Kyrgyz language).

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[7] Second Monitoring Round of the Global Partnership for Effective Development Co-Operation, Kyrgyzstan

[8] NGO "Public Participation". Bishkek, Kyrgyzstan. 2016. Draft. Research, Conducted by the Kyrgyzstan Ngo "Public Participation"

[9] Second Monitoring Round of the Global Partnership for Effective Development Co-Operation, Kyrgyzstan

One such example is the existence of Public Councils (previously as Public Watch Councils under state ministries and agencies), initiated by Forum of women's NGOs of Kyrgyzstan and Coalition of aid and development effectiveness which guarantees inclusive participation and accessibility.

Sector level is better coordinated, whereas more broad coordination is in the process of development. One of the positive examples of CSO coordination is the informal coalition on aid and development effectiveness.

Generally, CSOs demonstrate inadequate understanding of the accountability issues, as well as their own accountability as formulated in the Istanbul Principles. Understanding of accountability is mostly limited to financing aspects and addressed by adhering to the official requirements and the communication tools within the networks and coalition.

CHALLENGES IN IMPLEMENTING CSO DEVELOPMENT EFFECTIVENESS AND ACCOUNTABILITY

CSOs face a lot of challenges in improving their own development effectiveness and accountability. These are the major external and internal challenges:

- Diminishing enabling environment for CSOs is, probably the greatest challenge that prevents CSOs from fully implementing the Istanbul Principles and Accountability. Democratic spaces for engagement are shrinking at the global, regional, and national levels. Laws are being crafted to monitor and control CSOs activities. CSOs' basic human rights are also threatened by threats to their lives and safety especially those who are very critical of government policies. For example, a two year-long attempt in Kyrgyzstan initiated by the national Parliament on a law on "foreign agents" (from May, 2014 till May 2016) "providing Government rights to interfere in the internal affairs of any NGO, determine in its sole discretion - whether NGOs are in accordance with the objectives of its creation or not, to request and review any NGO internal documents"[10].
- In 2013, there were also efforts with negative impact on enabling environment for CSOs such as draft Law on Money Laundering with new reporting requirements for CSOs.
- On May 19, 2014, the government initiated a project "On Amendments to the Law on Noncommercial Organizations" which ban the creation of non-registered NGOs.
- State resistance to effective institutionalization of civil society engagement in the Agenda 2030 implementation and review. In the current intensive process of the new 2030 Agenda implementation it is crucial for CSOs to engage in the all regional, national and local levels of the implementation, review and monitoring. But this process creates a number of barriers for CSOs thus making their work less effective. One of the major barriers for them is the lack of states/ donors/ private sector support to CSOs' involvement, capacity building and institutionalized space in the new development partnership for the implementation of the new global

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[10] Review of Recent Developments and Trends in the Development of Civil Society Organizations Law (Csos) in the Kyrgyz Republic. ICNL in Kyrgyzstan.Bishkek, 2015.

sustainable development goals. The 2016 HLPF demonstrated that majority of voluntary states have not developed a framework for civil society involvement.

- Inadequate donor support to CSOs programs and lack of core and institutional funding for civil society, especially for national and local organizations
- Lack of internal state and private funding for CSOs in Kyrgyzstan. Legislation is not motivating business sector to open financial mechanism for NGOs and community based groups. As stated by ICNL, "Currently the majority of Kyrgyz CSOs rely entirely on funding from foreign sources, and still there are several efforts to place restrictions on foreign assistance"[11].

LESSONS LEARNED IN THE PROMOTION AND IMPLEMENTATION OF ISTANBUL PRINCIPLES AND ACCOUNTABILITY

Although CSOs in Kyrgyzstan face both internal and external challenges, the women's sector is still striving to promote CSO DE and Accountability in the country. An example is the work of the Forum of women's NGOs of Kyrgyzstan. It was an initiative and process led by the Forum of women's NGOs of Kyrgyzstan to strengthen people's empowerment and democratic participation when Forum of women's NGOs of Kyrgyzstan started a national process 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. For example, FWNGO set up an informal coalition for development effectiveness[12].

Women's organizations are very effective in relation to the Istanbul Principles. Women's organizations demonstrate their respect on human rights and social justice in their advocacy programs. They are precisely aimed at core human rights – women's rights and gender equality. One of the best global cases is the work of the Women's Major Group (WMG)[13]. Its work during the last four years led to great achievements for women's rights – women's empowerment and gender equality became one of the sustainable development priorities in preparation for a paradigm shift in the States' attitudes towards women's rights and realizing mainstreaming women's rights in the development processes. Its success in the States reflects women's rights and gender equality in such areas as economic growth and access to decent work. WMG advocated not only for the women's rights, but human rights in general, as reflected in its various own and joint positions during the SDGs preparatory global processes, including on accountability, institutionalization of civil society's participation in sustainable development. WMG made visible positions of women's organizations on their rights and capacity as development actors.

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[11] The International Center For Non-For-Profit Law. Civic Freedom Monitor: Kyrgyz Republic, Last Updated 13 May 2016 At Http://Www.Icnl.Org/Research/Monitor/Kyrgyz.Html

[12] CMEDR is Coalition of CSOs on Aid and Development Effectiveness

[13] WMG is an Official Participant in the United Nations processes on Sustainable Development. Other processes use the Major Group or Similar Systems, with the WMG Active in the Processes of the United Nations Environment Program since 1996.

RECOMMENDATIONS

The following are the suggested strategies for the promotion and implementation of Istanbul Principles and accountability:

- Financial support to CSOs in the form of core funding, that enables the organization to reflect on its effectiveness. Such support will promote program sustainability of the organization's specific capacity building on such issues as gender equality and women's rights as part of CSOs agenda (how to integrate, how to cooperate with women's organizations)
- Training and discussions of the practical accountability mechanisms and role of CSOs

Women's organizations have gained valuable expertise and can be tapped by various development actors to assist in concerns related to integration of gender equality and women's rights into strategies, programs, research and projects. It is recommended for private sector to use women's organizations' expertise in making business gender sensitive, on gender budgeting, on how to provide social protection to most vulnerable women, to design a complex of effective responses to women's needs such as need in kindergartens, access to finances to rural women's start-ups, flexible working hours, institutional norms setting against sexual harassment on work places, creating accountability mechanisms for women's rights. They can also be tapped by law enforcement bodies on how to protect women against violence.

For Parliaments, women's groups can assist in increasing knowledge and skills on amending legislation to protect women's rights and gender equality. Among women's organizations, it is recommended to create available and accessible spaces for capacity sharing.

1. Recommendations to the Government

Institutionalization of CSO participation and CSO accountability in the framework of the concept of mutual accountability should be in place. Establishing capacity building programs of all stakeholders involved in multilateral dialogue will also increase accountability.

ICNL has published key recommendations to the government of the Kyrgyz Republic, international donors and the UN on actions that should be taken to improve the enabling environment for Kyrgyz NGOs. This can be accessed at http://www.icnl.org/research/library/files/Kyrgyzstan/kyrgenab.pdf . They include development of a wide range of anti-discriminatory legislation such as provisions for non-discrimination based on sexual orientation or gender identity; Enact amendments to the Tax Code and other relevant laws to facilitate an enabling environment[14].

The new global SDGs and the process of its domestication in countries can be seen as a good opportunity for promoting accountability as part of increasing the role of civil society as development actors. The New Agenda 2030 allows the involvement of private sector to the accountability process on women's rights and gender equality national and international commitments.

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[14] ICNL. How to Protect and Expand an Enabling Environment in Kyrgyzstan 2013 at Http://Www.Icnl.Org/Research/Library/Files/Kyrgyzstan/Kyrgenab.Pdf

2. Recommendations for CSOs

To increase the sector's effectiveness and its accountability, it is recommended to overcome compartmentalization of ad- hoc thematic, events-related and geographic processes, and consolidate various efforts that may lead to a sustained and effective institutionalization of CSO DE and accountability. Key Recommendations to Kyrgyz Civil Society Organisations that ICNL published are: (i) Ensure good governance from within, in particular, strengthening mechanisms for own transparency and accountability; (ii) Monitor and respond to unconstitutional initiatives that restrict civil society space; (iii) Identify and strengthen strategies for protection; (iv) Strengthen networking, co-operation and co-ordination on issues of the enabling environment across a broad range of civil society organisations involved in the different sectors[15].

Recommendations from Kyrgyzstan civil society organizations collected during one survey conducted in 2016[16] for improving NGO sector accountability in the country include improvement of the CSO communication with public by ensuring public availability of organization's reports to tax bodies and Social Fund, publication of organization's charters, by-laws and annual reports. It is also recommended to set up a self-regulated advisory body for improving NGOs' activities, their transparency and accountability, and to set up an annual award for NGO whose activity is most transparent and serve as a best practice. In recent years, it has been stressed by many civil society activists that it is imperative to organize capacity building and experience sharing on the accountability procedures and their tools. One specific example is to hold annual Forum of NGOs where criteria of openness, transparency and accountability of the civil society sector will be defined[17].

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Second monitoring round of the global partnership for effective development co-operation civil society operates within an environment which maximizes its engagement in and contribution to development

Review of recent developments and trends in the development of civil society organizations law (CSOs) in the Kyrgyz Republic. ICNL in Kyrgyzstan.Bishkek, 2015

How to Protect and Expand an Enabling Environment in Kyrgyzstan 2013-http://www.icnl.org/research/library/files/Kyrgyzstan/kyrgenab.pdf

[15] ICNL. How to Protect and Expand an Enabling Environment in Kyrgyzstan 2013 At Http://Www.Icnl.Org/Research/Library/Files/Kyrgyzstan/Kyrgenab.Pdf
[16] Ngo "Public Participation". Bishkek, Kyrgyzstan. 2016. Draft. Research, Conducted by the Kyrgyzstan NGO "Public Participation"
[17] Draft Research, Conducted by the Kyrgyzstan NGO "Public Participation" in 2016

CSO DEVELOPMENT EFFECTIVENESS REPORT FOR CAMEROON: THE CONTRIBUTION OF YOUTH-DRIVEN CSOS IN ADVANCING THE ISTANBUL PRINCIPLES AND ACCOUNTABILITY.

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COUNTRY CONTEXT

Civil society actors in Cameroon face a multiplicity of challenges because of the complex socio-political environment in the country. Since independence, Cameroon, like every other African country, has witnessed relatively shrinking citizen space that limits the capacity of its citizens to engage and participate in decision making-processes that affect their lives. A major contributing factor to this is the country's overbearing upstream-downstream model of governance. A strong example to note is the legal system under which CSOs and other actors operate.

According to the Satellite Account for Non-Profit Institutions[1] which oversees the contribution of the country's non-profit sector, in 2011 alone, Cameroon had over 7500 civil society entities, with their production activity generating an added value worth CFAF 317.3 billion (approximately 535 million USD) equivalent to 2.5% of its Gross Domestic Product (GDP) for the same year. Cameroon's third sector has thus been making headways, owing in part to the ability of civil society professionals to circumvent the legal system's peculiarities. Many successful local ventures have been established and these have indeed launched a new generation of *social entrepreneurs*.

It appears that civil and political rights that would have allowed civil society to flourish remain least understood by stakeholders, despite these rights being protected under international treaties signed and ratified by Cameroon.

This has negatively affected Cameroon's prosperity. Democratic governance has been hindered by a shrinking civic space. There is a lack of a blueprint to overcome national development challenges, including a relatively fast growing youth and urban population, currently estimated at 23 million[2]. In 2012, 43% of Cameroonians were thought to be aged below 15, while just 3% of the population was over 65[3] comprised mainly of rural dwellers.

[1] Institut National de la Statistique (August 2014). Compte Satellite des Institutions Sans But Lucrative. Accessed via : http://ccss.jhu.edu/wp-content/uploads/downloads/2015/01/Cameroon_SatelliteAccount_2014.pdfhttp://ccss.jhu.edu/research-projects/un-nonprofit-handbook/un-handbook-publications/

[2] World Population Review (19 May 2015). Cameroon Population 2015. Accessed via: http://worldpopulationreview.com/countries/cameroon-population/

[3] Open Society Initiative for West Africa (2012). Cameroon. Public Broadcasting Series. Accessed

Cameroon's poverty rate has been largely stagnant since the new millennium, from 40.2 per cent in 2001 to 39.9% in 2015[4]. Unemployment is rampant amongst women and university graduates, a problem that has posed challenges to public policy making for years. With the government's 2010 – 2020 Growth and Employment Strategy Paper (GESP)[5] half-way through implementation, various efforts to create a dynamic job market are starting to bear fruit as seen in a 2011 governmental decree[6] to recruit 25,000 public servants. However, these commendable initiatives are not sufficient enough to help materialize Cameroon's economic emergence vision by 2035.

Thus far, Cameroon's progress in achieving the Millennium Development Goals (MDGs) has been modest, with a notable regression on Goal 5 (better maternal health) and very little on Goal 7 (environment sustainability). The once positive outlook for Goals 2 (universal primary education) and 3 (gender equality) meanwhile has to some extent been lessened by recent country indicators as evidenced by the Organization for Economic Cooperation and development's (OECD) 2014 Social Institutions and Gender Index (SIGI) report that highlighted the high levels of discrimination against women in the family and political spheres.[7] Furthermore, the country's social safety net programs are among the least well-funded in Africa, with just 0.2 per cent of GDP allocated for this purpose.[8]

Moreover, Cameroon is affected by endemic systemic corruption because of the lack of an accountability and transparency framework in public funds management. Perceived lack of accountability of Cameroonian public authorities remains an issue, and limited civil society influence over public affairs is in many ways a consequence of the country's complex legal framework that dynamic citizen engagement in public affairs. To date there is no access to public information bill in Cameroon that warrants CSOs the right to easily access public information.

The Cameroonian Constitution, like every country in Africa, has witnessed major changes since its rebirth in 1972[9]. For instance, in 1996 aspects of the Universal Declaration of Human Rights (UDHR) as well as the African Charter on Human and Peoples' Rights were included in the Cameroonian constitution. Yet interpretation and implementation still puzzle the entire legal system. Notwithstanding, these modifications constitute a step forward in fostering human rights in Cameroon. One of the main points of contention relates to the absence of a Bill of Rights in the Cameroonian Constitution[10].

via: http://www.scribd.com/doc/111575057/Cameroon-Public-Broadcasting-in-Africa-Afri-map-2012#scribd

[4] All Africa (24 October 2014). Cameroon: Poverty Rate Drops to 39.9 Percent. Accessed via: http://allafrica.com/stories/201410271119.html

[5] The GESP can be accessed via http://siteresources.worldbank.org/INTPRS1/Resources/Cameroon-PRSP(Aug2010).pdf

[6] Decree nº 040/CAB/PM of 18 February 2011: http://journalducamroun.com/Recrutement.pdf

[7] Social Institutions and Gender Index (SIGI; 2014) for Cameroon: http://genderindex.org/country/cameroon

[8] Reuters (28 January 2013). Cameroon's economy grows 5 pct- poverty deepens – World Bank. Accessed via: http://www.reuters.com/article/2013/01/28/cameroon-economy-growth-idUSL-5N0AXE9D20130128

[9] Initial Constitutions: 1960, 1961

[10] Chofor Ché, Christian Aimé (June 2008). Challenges of incorporating and enforcing a Bill of

Since the advent of the 1990 civil liberty laws in Cameroon, a vast majority of CSOs have called for greater civil society participation in legal, regulatory, and policymaking processes. However, the national decentralisation process which began in 2004 has achieved very minute inroads. Transfer of resources and power from central government to local authorities move at a snail's pace and involvement of the civil society remain very limited.

According to two recent country case studies[11] Cameroonian public authorities mostly remain skeptical of CSO voices. The research showed that, on the whole, civil society actors with a keen interest in governance matters were seen as undermining public authorities and failing to adhere to patriotic vanguards. Hence the studies showed CSOs in Cameroon still struggle to have their voices heard.

These findings were corroborated in December 2014 by the government adopting a new anti-terrorism law which severely threatens Cameroonian civil society's freedoms and aspirations. For some its content is "too broad" whilst its prescription of the death penalty for terrorism offences, is a potential floodgate to multiple human rights abuses.[12] No one for example yet knows how freedom of expression, peaceful assembly, advocacy, information requests - all of which are intrinsic to a healthy civil society - will be affected. Since the legislation came into force there have already been several reports[13] reporting that civil administrators and security forces are using their mandate disproportionately during random property searches. Many local residents have been arrested and deprived of liberty on baseless grounds; others have had their possessions unduly seized. Some analysts have warned of the new law being counterproductive.[14]

Furthermore, reporting on legal issues in Cameroon is still in its infancy. A number of short-lived but laudable endeavours in this direction were started in the 1960s but quietly faded overtime[15]. This left legal and policy knowledge vacuum which, as discussed, could be detrimental to citizen rights. A lack of a comprehensive knowledge sharing strategy regarding legal resources constitutes an additional challenge to engage citizens in decision-making processes.

Advances on the global policy front have provided a more adequate response in this regard. The 2011 Busan High Level Forum on Aid Effectiveness (HLF4) recognised civil society's enabling environment as a pre-requisite and a key measure of development effectiveness. Indicator 2 and paragraph 22 of HLF4's outcome document the Busan Partnership for

Rights in the Cameroonian Constitution. Cameroon Journal on Democracy and Human Rights, Vol. 2 No. 1, p.4. Accessed via: http://www.cjdhr.org/2008-06/Christian-Che.pdf

[11] Breaking Point Project – Commonwealth Foundation & UN Millennium Campaign, 2012; CSO Enabling Environment Pilot Study – CPDE, 2013

[12] Voice Of America (9 December 2014). Cameroon Moves to Legalize Capital Punishment for Convicted Terrorists. Accessed via http://www.voanews.com/content/cameroon-moves-to-legal-ize-capital-punishment-for-convicted-terrorists/2551374.html

[13] 237 Online (16 August 2015). Lutte contre le terrorism. Les pratiques qui fâchent. Accessed via:http://www.237online.com/article-44166-cameroun--lutte-contre-le-terrorisme-les-pratiques-qui-fachent.html

[14] Ibid.

[15] Fomad, Charles Manga (February 2011). Researching Cameroonian Law. Accessed via http://www.nyulawglobal.org/globalex/cameroon1.htm

Effective Development Cooperation (BPEDC) encourage "the inclusive participation of a range of actors with differentiated responsibilities and shared goals"[16]. Crucially, BEPDC puts rights-based approaches to development at the heart of policymaking to ensure 'democratic ownership'[17] of the Sustainable Development Goals (SDGs).

METHODOLOGY

The CSO-DE action research used a combination of research methods for gathering primary and secondary data to answer the questions proposed in the action research Terms of Reference (ToR). Research methods included desk review, surveys, and focus group discussions:

1. Desk review

The CSO-DE action research team analysed relevant laws and policies besides available literature on civil society in Cameroon, newspaper articles, and online discussion forums.

The Cameroon CSO-DE action research undertook in-depth desk review regarding two previously conducted CSO Enabling Environment studies implemented between September 2013 and July 2016. The first study titled "CSO Enabling Environment" was conducted in September 2013 with the support of the CSO Partnership for Development Effectiveness (CPDE) to ascertain the level of citizen involvement in governance issues and progress towards a culture of participatory democracy in Cameroon. The second study titled the "Enabling Environment National Assessment" (EENA) was conducted with the support of Civicus in October 2014 and finalized in July 2016 by Charles Linjap as the Lead Researcher. In a nutshell, both reports appraised the capacity of local CSOs to impact the country's socio-political landscape.

2. Survey

The CSO-DE action research used the results of the survey conducted by the EENA Cameroon report of July 2016[18] to provide responses to the questions proposed by the action research ToR. The EENA Cameroon report survey targeted national and regional CSOs in 10 regions. –Participant count per region varies: 12 for Adamawa, 41 for Centre (41), 8 for Far North, 11 for East, 37 for Littoral, 10 for North, 15 for North-West, 18 for South, 16 for South-West, and 28 for West. Less than half or 196 of the target sample 420 responded. The age of the respondents ranged from 29 to 52 years old, a little lower than Cameroon's 2014 life expectancy of 57.93.[19] Female participation was substantial at 39.5 %.

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[16] More information: http://www.oecd.org/dac/effectiveness/Busan%20partnership.pdf

[17] Hayman, Rachel (February 2012). The Busan Partnership: implications for civil society. IN-TRAC Policy Briefing Paper 29, p.4. Accessed via: http://www.intrac.org/data/files/resources/727/Briefing-Paper-29-The-Busan-Partnership.pdf

[18] Enabling Environment National Assessment Report for Cameroon-by Charles Linjap with support from Civicus.

[19] CIA. The World Factbook. Accessed via https://www.cia.gov/library/publications/the-world-factbook/geos/cm.html

3. Focus group discussions (FGD):

The CSO-DE action research also used the outcome of the EENA Cameroon report FGDs held in 3 strategic cities: Yaounde (main capital city), Douala (economic capital city), and Maroua (affected by Boko Haram insurgencies).

STRUCTURE OF THE REPORT REGARDING THE FOLLOWING DIMENSIONS

1. Existing Typology and Roles fulfilled by CSOs at Country Level:

Overview

The gradual legal registration and recognition of Cameroonian CSOs as legal entities in the past 16 years call for CSOs to familiarise themselves with the relevant registration laws and regulatory environment that guide their work. For instance, civil society actors should have basic knowledge on various CSO types legally recognised by law in Cameroon. Cameroon currently has eight typologies of CSOs:

1. Non-profit-making associations or non-profit institutions (NPI)
2. Non-governmental organizations (NGO)
3. Cooperatives and Common Initiative Groups (CIG)
4. Religious organizations
5. Economic interest groups (EIGs)
6. Sport associations
7. Private sector trade unions
8. Public sector trade unions

The legal framework for the creation of CSOs in Cameroon is extensive and complex. Although the freedom of association is guaranteed in the Cameroonian Constitution and in Law No. 90/053 of 19 December 1990, several laws establish separate legal entities. Whilst registration is not mandatory for associations, in order to have legal personality, they need to be "declared" at the Senior Divisional Officer's (SDO) office (the "*prefecture*" in French) where the association's headquarters is based. Two exceptions on this rule are the foreign and religious organizations which require authorization from the Ministry of Territorial Administration in order to operate in Cameroon. Meanwhile, NGOs, trade unions, co-operatives, common initiative groups, and sport associations are regulated under separate legal regimes.

Worthy to acknowledge, since December 2015, according to the Director of Associations and Non Governmental Organizations (NGOs) of the Ministry of Territorial Administration and Decentralization, a quarter of all registered associations and NGOs are driven by youth. By inference, it means that all 8 CSO typologies are made up of a quarter of youth-driven CSOs in the country.

> **More so, the right to freedom of association is guaranteed by the preamble of Cameroon's Constitution which "affirms its attachment to the fundamental freedoms enshrined in the Universal Declaration of Human Rights, the Charter of the United Nations and the African Charter on Human and Peoples' Rights, and all duly ratified international conventions as legally binding in Cameroon".**

Under article 11 of Law No. 90/053 of 19 December 1990, ordinary associations have no access to gifts, donations, legacies and government funding. The Cameroonian legislator has created the status of public benefit associations and NGOs - seen as distinct from other types of associations – who are not subject to this specific restriction. Sadly, only a limited number of CSOs have been able to obtain the status of public benefit or NGO, mainly due to a lack of a well defined administrative procedure and the limited capacity of the responsible institutions to examine and decide on CSO applications.

The laws that regulate the different types of CSOs often indicate the CSO registration process. In practice, however, the process often irregular per region owing to differences in registration requirements and bureaucratic red tape.

According to the EENA Cameroon report of July 2016, CSOs showed a good awareness of the legal, regulatory, and policy issues which could impact their activities from the outset and in the long run. For example, questionnaire respondents appeared well-versed on current legal provisions pertaining to the creation and declaration of associations in Cameroon, with 57% of them citing in their comments Law N° 90/053 of 19/12/1990 that regulates the freedom of association in Cameroon.

While CSOs have been allowed to flourish to some extent under a system of *administrative tolerance* allowing them to operate without a registration decision, it renders the task of identifying genuine civil society organizations difficult. Uncertainty surrounds the number of CSOs operating in the country. Estimates range from 3,000 to 7,500[20]. The Civil Society Strengthening Programme (PASC) has listed 677[21] CSOs in its database which is a fairly low estimate. In reality no one knows exactly how many CSOs are operating in Cameroon. This potentially allows for duplication of efforts in some areas and limited CSO involvement in others.

Findings

It is important to know under which CSO legal entity to register and operate, as civil society actors pursue a number of areas, e.g. health, education, and environment. It must be noted that between independence (1960) and to date, the national associational life was dominated by small investment schemes for raising capital within a group dubbed as "tontines" in French, usually composed of either men or women. These self-help entities assisted families to take care of expenses which they may otherwise struggle to meet. In those

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[20] Institut National de la Statistique (August 2014). Comte Satellite des Institutions Sans But Lucrative. Accessed via : http://ccss.jhu.edu/wp-content/uploads/downloads/2015/01/Cameroon_SatelliteAccount_2014.pdfhttp://ccss.jhu.edu/research-projects/un-nonprofit-handbook/un-handbook-publications/

[21] See website of PASC : http://www.pasc-cmr.org/

years Cameroonians demonstrated a 47% participation rate in self-help groups, the highest in five French-speaking African countries surveyed by Marcomer Gallup International.[22] Hence, Cameroonian citizen groups of that era were much more economically-minded. Crucially, they experienced barely any state control.

The advent of multiparty politics in the 1990s, and the shift towards democracy in Africa, allowed for the arrival of new players, resulting in a more diverse community of citizen organizations and interests. In the case of Cameroon associational freedoms were first embodied under a myriad of political parties. But new apolitical citizen voices were emerging too and so the modern Cameroonian civil society movement was born. It soon became significant enough for public authorities to replace law Nº 67/LF/19 of 12 June 1967 pertaining to associational freedoms by a more comprehensive framework geared toward organised citizen groups. This was later known as the 1990s civil liberty laws which comprise **Law Nº 90/053 of 19 December 1990** or the **law on Freedom of Association.[23]**

This law affords groups, including religious ones, a legal personality which enables them to act in their own name(s) within the remit of the law. Freedom of association is protected under the fundamental freedoms set out in the Universal Declaration of Human Rights and also those contained in international human right frameworks which the Cameroonian Constitution ratified.[24] The freedom of association is guaranteed in article 22 of the International Covenant on Civil and Political Rights and article 10 of the African Charter on Human and People's Rights, both ratified by Cameroon.

According to article 1 of Law Nº 90/053, every natural or legal person on the territory of Cameroon is free to set up an association and to join an association. The purpose of an association cannot contravene the Constitution, laws or morality, or undermine the national security, territorial integrity, national unity, national integration or the republican form of the state (article 4).

As stipulated in article 5, associations in Cameroon can be set up through one of two systems. The first is the "*authorization regime*" which concerns foreign and religious associations; of importance, an association in this sense is defined as foreign if "it is registered abroad, managed by foreigners, or if half of its members are foreigners"[25]. The second system is the "*declaration regime*" which covers all other associations. These two systems do not apply to political parties, trade unions, sport associations, NGOs, cooperatives and common initiative groups which are regulated under separate laws. This means that most CSOs, except those that need authorization or are regulated under separate laws, fall under the "declaration regime". It is important to note though, that the declaration of an ordinary association is not mandatory, but necessary if the association wishes to obtain legal personality.

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[22] The New York Times (30 November 1987). Informal Capitalism Grows in Cameroon. Accessed via: http://www.nytimes.com/1987/11/30/business/informal-capitalism-grows-in-cameroon.html

[23] As amended by Law nº 99/011 of 20 July 1999

[24] The preamble of the Constitution of 1972 as revised on 18 January 1996, states that "The people of Cameroon… affirms its commitment to the fundamental freedoms enshrined in the Universal Declaration of Human Rights, the African Charter on Human and People's Rights and all international conventions relating thereto and duly ratified…"

[25] Section 15 of the Freedom of Association Law No. 90/053 of 19 December 1990.

Declaration of associations

Generally speaking, prospective CSOs in Cameroon are required to submit an application (the declaration) to the office of the Senior Divisional Officer (SDO). Worthy to note is the fact that, the SDO is the most senior Civil Administrator in the administrative circumscription where the CSO has its headquarters. The declaration needs to be accompanied by two copies of the statutes of the CSO and should include the name, objectives, and the headquarters of the CSO, and the name, profession, and residency of its officers.[26] However, in practice, oftentimes other documents are requested such as the minutes of the constitutive General Assembly, a list of the founders of the association, and other documents.[27] The requested documents can differ from region to region.[28]

Once the file is submitted at the SDO's office, an acknowledgement receipt is issued to the founders of the CSO within two months, if the file is complete and if the association is legitimate, that is, the objective of the CSO does not contravene the Constitution, laws or morality, or undermine the national security, territorial integrity, national unity, national integration or the republican form of the state (article 4 of Law 90/53).

In practice, whether an application is successful or not depends on public authorities' assessment of the level of risk posed to national security and/or social cohesion based on the thematic orientation of prospective CSOs and the cultural perception thereof.[29] While the required registration documentation appears easy to obtain, according to respondents, in the past some prospective CSOs whose motives were deemed unclear by registering authorities were placed under investigation by registering government officials.

According to article 7.3 of the above-named law, an application may legally be considered as accepted when the administrative authorities have not issued a receipt within the period of two months. This has proved to be difficult in practice. CSOs cannot prove the submission of their application file because no documents or receipts are issued after the filing.[30] The maximum period of two months for the issuance of the receipt is not always respected in practice as there are several cases where CSOs have had to wait for years.[31] Lack of information on one registration's status is a lived reality for countless CSOs in the land. Many CSOs operate in an uncertain legal context and most of them lack the necessary knowledge on the procedures regarding appeal mechanisms in Cameroon. Some of these shortcomings are linked to the limitations of the SDO's office. For instance, the entities responsible for registering CSOs are not sufficiently resourced from a manpower and financial viewpoint.

> **If a CSO applicant's request to obtain the status of an association is rejected, the CSO applicant can write another Request to Seek Legal Redress or "RECOURS GRATIE PREALABLE" to the competent Minister of the Ministry of Territorial**

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[26] Article 6 and 7 (2) of Law No. 90/053 of 19 December 1990

[27] Jiogue, G. , Demanou, R. (April 2015). Étude Critique et Comparative du Cadre Juridique relatif aux Organisations de la Société Civile au Cameroun. Rapport nº 1, PASC – EU.

[28] Focus group discussion, Yaoundé

[29] Focus group discussions

[30] Jiogue, G. , Demanou, R. (April 2015). Étude Critique et Comparative du Cadre Juridique relatif aux Organisations de la Société Civile au Cameroun. Rapport nº 1, PASC – EU, p.35

31 Ibid., p. 33

Administration and Decentralization (MINATD) to seek legal redress. The Request to Seek Legal Redress is expected to expire after 30 days, and if the CSO applicant does not receive a response from the competent Minister of MINATD, the CSO applicant can directly file a complaint to the administrative judge of the competent regional administrative court.

After exactly two months of rejection of the CSO applicant's file to acquire the legal status (this also applies to the NGO status application), failure to apply to seek legal redress by the CSO applicant through the "RECOURS GRATIE PREALABLE" to the competent Minister of MINATD makes any further recourse with a complaint to an administrative judge inadmissible.

Additionally, the process to Request to Seek Legal Redress by a CSO applicant should be timely and based on the motives of the rejection upon considering all forms of administrative precedents and respect for strict procedures. Failure to comply with procedures jeopardizes the entire application process including the process to Request for Legal Redress. This procedure to seek legal redress applies to every civil society entity or typologies that exist in Cameroon. Sadly, almost all CSO applicants are not aware of the procedure to Request to Seek for Legal Redress.

Once the Request to Seek Legal Redress is completed, the competent Minister of MINATD is expected to deliver three decisions:
- Acceptance of the request by granting legal personality to the association or granting the NGO status.
- Refusal to grant the legal personality of the association or the NGO status. In this case, the applicant can file a complaint to the administrative judge within the span of 60 days.
- Discreet silence for a period three months as a sign of implicit rejection of the Request to Seek Legal Redress. In this case the applicant can equally file a complaint to the administrative Judge within the span of 60 days.

The applicants can also file a legal complaint or a petition to the Anti-Corruption Commission of Cameroon or CONAC (a legally empowered public institution to investigate corrupt malpractices) as a mean to fight malpractices in the declaration process. The CONAC is an independent ombudsman under the tutelary power of the President of the Republic of Cameroon, and is mandated to open preliminary investigations regarding corrupt malpractices and to directly report to the Head of State and the wider public.

Focus group participants stressed that the CSO registration environment could be described as unpredictable. As a case in point, to maximize their chances of securing a positive registration outcome, some prospective CSOs were said to include Tax Payer's Card Numbers of the Executive Committee Members in their application file. Participants in the Yaoundé Focus Group suggested that doing so often made a difference between a CSO obtaining a favourable response quickly and another having their registration delayed and "going round in circles".

Lack of objective criteria for successful CSO registration and administrative tolerance can

be considered hinder registration decision appeals. It was worthy to note that the number of respondents who thought that association registration procedures were not accessible was seven times higher than those who thought otherwise. An overwhelming majority of 79.6% of respondents acknowledged that CSO registration process was not conducted objectively by the SDO's office.

> CSO applicants and often the SDO's office staff are ignorant of the existing "Legal Redress Procedure" in Cameroon to seek legal redress in case of rejection of their application. It is highly imperative therefore to strengthen the capacity of CSOs and SDO's office staff knowledge on how they can effectively file and treat an appeal case when an application file is rejected.
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> Thus far, the manual bureaucratic registration of CSOs by the SDO's office lacks a transparency and accountability framework towards citizens; and so therefore it is highly imperative to institutionalize an online registration process for CSOs that will automatically generate a unique registration number for each applicant. The online registration process should also grant the possibility for online queries to the SDO's office.

Public Utility Associations (PUA)

Any association whose "actual contribution is decisive to the priority objectives of the government"[32] can apply for the status of a Public Utility Association (PUA) ("associations reconnues d'utilité publique" or ARUPs in French). The main benefit of gaining a PUA status is having access to resources in the form of government funding, and gifts, donations, and legacies subject to the authorization of the Ministry of Territorial Administration and Decentralization (MINATD). This privilege is denied to ordinary associations.[33] The status is granted by a Presidential decree upon the advisory of the Minister of MINATD. The procedure and other requirements to apply for PUA status are highly discreet and not clearly defined by existing laws, and there are many differences in practice. Since 1990, only a limited number of associations have obtained the public benefit status.[34]

Authorization of religious and foreign CSOs

Religious and foreign associations are required to follow the "authorization regime", and are permitted to operate by a Presidential decree upon the advisory of the Ministry of Territorial Administration (in case of religious associations) and the Ministry of Territorial Administration and the Ministry of Foreign Affairs (in case of foreign associations).

It is worth noting the fact that religious groups are defined by the law as "any group of

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[32] Article 30 of Law No. 90/053 of 19 December 1990

[33] Article 11 of Law No. 90/053 of 19 December 1990 only allows public benefit organisations to access these resources. When the Law on NGOs was approved 9 years later in 1999, also NGOs were granted access to these resources.

[34] The status is usually afforded to associations with a highly targeted and often nationwide remit, such as the above cited Association Nationale des Aveugles du Cameroun, ANAC which promotes the welfare of the blind, or the Association Camerounaise pour la Promotion de l'Ecole Maternelle, ACAPPEM which promotes nursery schools.

natural persons or corporate bodies whose vocation is divine worship" or "any group of persons living in community in accordance with a religious doctrine". This includes churches, although churches in Cameroon are open groups with no clear delineation of membership.

Religious and foreign groups face a lengthy administrative registration process. For example, in case of religious organizations, applications are first submitted to the Minister of Territorial Administration who then sends them to the Head of State for a favourable or negative decision. It has been subsequently noted that this process sometimes takes years. For their part, foreign associations need to apply for authorization at the Ministry of Foreign Affairs, explaining the activities to undertake, the places where these activities will take place, and the name, profession and residence of those responsible for the management.[35] After the advice of the Ministry of Foreign Affairs, the authorization may be issued by the Ministry of Territorial Administration. Authorizations of foreign associations may be subject to certain conditions, and can be withdrawn at any time.

Non-Governmental Organizations (NGOs)

Law No. 99/014 of 22 December 1999 regulates the formation and operation of NGOs. With Under this law, NGOs are given a legal entity which falls under a separate regime than ordinary associations. NGOs are required to enter in an agreement to pursue objectives in the public interest, to receive certain tax benefits, and to be able to access certain resources that ordinary associations without public benefit status cannot.

According to article 17 of Law No. 99/014, an NGO is allowed to receive private donations and legacies, as well as receive funding from national and international institutions for its activities, subject to the approval by the Ministry of Territorial Administration. For example, a member of the Diaspora may regularly support an NGO through money transfers. Additionally, article 18 gives NGOs tax benefits and exemptions, such as Value Added Tax (V.A.T). As mentioned previously, ordinary associations that have not obtained PUA status cannot access public funding nor private gifts and legacies as stipulated in article 11 of the Law No. 90/053 on Associations. In Cameroon, de jure, associations are barred from receiving public funding, but de facto, associations benefit from a wide variety of public funding and foreign funding resources.

In practice, there is a discretionary room granted to government officials to provide grants to CSOs as civil entities working for the common good of all Cameroonians for instance in the health, sports, rural development, environment and agriculture sectors. To a greater extent, in practice, associations can equally receive funding from foreign partners if the funding is not associated with terrorism, drug trafficking, human trafficking, and illicit financial flows (money laundering), as per Article 74-1 of the Cameroonian Penal Code which grants the dissolution and the payment of damages for any civil society entity or any corporate entity found guilty of committing crimes in the course of undertaking their operational activities. In addition, the following legal instruments equally punish the aforementioned crimes:
- The United Nations Convention against Terrorism-law No: 2014/028 ratified in

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[35] Article 16 (2) of Law No. 90/053 of 19 December 1990

December 23, 2014 by Cameroon
- The Central Africa Economic and Monetary Community (CEMAC) law of April 04, 2003 regarding Money Laundering and the Financing of Terrorism ratified by Cameroon
- The United Nations Convention regarding the Fight against Drug Trafficking and Toxic Substances-law No: 97/19 of August 07, 1997 ratified by Cameroon
- And lastly, the second session of the Cameroonian Penal Code regarding all forms of felonies, misdemeanors and contraventions

The law makes a distinction between two types of NGOs: sole proprietor NGOs which are foundation type of NGOs[36] and the corporate NGOs. The first type of NGO only requires one founder – whether a legal or natural person - with no further requirements to fulfill. The founder can apply for an NGO status by handing in the following documents[37] to the regional authority (the governor) where the NGO has its headquarters:
- A stamped application letter stating the name, objectives and headquarters of the NGO; the name, profession and address of the founder or its legal representative;
- The NGO's activities;
- 4 copies of the CSOs statutes.

In order to qualify to be a corporate NGO entity the applicant is either a declared association or an authorised foreign association with a minimum of three years existence and contribution in one of the following areas of general interest: legal, economic, social, cultural, health, sports, education, humanitarian, environmental protection or promotion of human rights.[38] This means that newly formed associations are disqualified from applying for this NGO status. Applications must be submitted to the regional authority (the governor) where the NGO has its headquarters. Applicants are required to include the following documents:
- A stamped application letter
- A copy of the receipts of the declaration (associations) or authorization (foreign associations)
- Activity reports dating back at least 3 and activity plan
- Minutes of the association's constitutive general assembly
- Four (4) copies of the NGO's statutory documents
- Articles of association stating the objectives, place of business of the organisation, names, occupations and place of residence of administrative and managerial members

A receipt with a number and the date of registration should be given to the applicant at the moment of application as stipulated by the law. A technical commission is established to examine applications and to oversee the activities of NGOs. The commission is comprised of government officials and civil society representatives, as specified in Decree Nº 150/PM of 3 May 2001.

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[36] ICNL (March 2000). Country Reports: Sub-Sahara Africa. International Journal for Non-for-Profit Law, Vol. 2, Issue 3.

[37] Article 5 (2) of Law No. 90/053 of 19 December 1990

[38] Articles 4(1) and 3 of Law No. 99/014 of 22 December 1999

The Governor has a period of 15 days to send the application to the NGO commission. The commission has a period of 30 days to transfer the application file with an advice to the Ministry of Territorial Administration. The Ministry decides within a period of 75 days after the submission at the provincial authority to decide on the application. Associations are given the NGO status by the Order of the Minister of Territorial Administration. Founders or representatives of the applying organisation are informed of a rejection and the motives thereof. If no such notice has been sent within the stipulated timeframe, the accreditation is legally deemed granted. The law is silent on possible grounds for rejections and the appeal procedures to dispute a rejection.

The above described timeframe of 75 days is in practice not respected. The commission only meets two to three times a year, according to a report mainly because of the absence of resources for the commission.[39] Also, not many CSOs have managed to obtain the NGO status. There is no official figure on the number of NGOs registered in Cameroon. The status of NGO, or the "NGO agreement" or agrément in French, is given to associations for a period of 5 years, and is renewable. A "sole proprietor" NGO is given an initial 3 years and 5 years when renewed. NGOs have greater judicial engagement and responsibilities than ordinary associations, including access to resources and tax benefits, but they face more governmental oversight than is the case with other legal entities (see below for the discussion on the dimension of operation).

This overcautious attitude towards NGO activities stems from Cameroonian NGOs working in areas like health, education and women rights which are considered the backbone of governmental policy toward sustainable development goals. Indeed it was this orientation that led the government to rethink its approach toward NGOs. Unsurprisingly, a recent study by the Civil Society Strengthening Programme[40] found the status of non-governmental organizations affords them considerable judicial standing.

Cooperatives and Common initiative groups:

Cooperatives and Common Initiative Groups are regulated under Law Nº 92/006 of 14 August 1992 & Decree Nº 92/455/ PM of 23 November 1992. Under this law, a co-operative society represents "a group of individuals or corporate bodies who freely enter into partnership in order to attain common goals by setting up an enterprise which is managed in a democratic manner and to which they are bound by a contract which shall, in particular, lay down the rules governing (1) their activity within this organisation; (2) the equitable distribution of its capital; (3) profit-and risk-sharing in the said branch of activity".[41] Common initiative groups are: "organisations of an economic and social nature set up voluntarily by individuals having common interests and working together as a group".[42]

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[39] Jiogue, G. , Demanou, R. (April 2015). Étude Critique et Comparative du Cadre Juridique relatif aux Organisations de la Société Civile au Cameroun. Rapport nº 1, PASC – EU, p.139

[40] Jiogue, G. , Demanou, R. (April 2015). Étude Critique et Comparative du Cadre Juridique relatif aux Organisations de la Société Civile au Cameroun. Rapport nº 1, PASC – EU

[41] Section 8, Law No. 92/006 of 14 August 1992

[42] Section 49, Law No. 92/006 of 14 August 1992

At least seven founding members are required to form a cooperative society, while a union of cooperative societies can consist of minimum two founding organizations. As stipulated in section 2.1 only citizens that have attained legal majority can be a founding member. Common initiative groups may be formed through "a declaration in writing during a constituent meeting of at least 5 (five) persons" (Section 50.1).

The specific procedure to form a cooperative society and common interest groups is laid out in Decree Nº 92/455/ PM of 23 November 1992. Within a period of two months after the constituent general assembly, the entity needs to be registered. Documents to be presented at the Ministry of Agriculture are outlined in article 8 of the implementing decree Nº 92/455/PM:

- A stamped application
- Minutes of the constituent general assembly or meeting, including date and place of the meeting, and signed by the founding members
- A copy of the statutes

Rejection of the registration needs to be reasonable and the entity concerned needs to be notified of the reasons of rejection within a period of two months after the registration.[43] In case of no decision by the competent authority within two months after the application, the registration may be legally considered as approved. Rejections can be appealed according to section 55.3 of the Law.

Trade unions

Trade unions in Cameroon are regulated under the following legal instruments: Law Nº 92/007 of 14 August 1992 or the Labour Code, Decree Nº 93/574 of 15 July 1993, and Decree Nº 93/576 of 15 July 1993.[44] The competent authority is the Ministry of Labour, Employment and Social Welfare. Public sector trade unions are regulated under Law Nº 68/LF/19 of November 1968.

A trade union needs to be registered at the Registrar of Trade Unions and Employers Organisations. An application should be accompanied by two copies of its internal rules and the name and profession of the officers of the trade union. The application needs to be signed by at least 20 workers, and the Registrar has a period of 30 days to examine the application and to either register or reject the application.[45]

Economic Interest Groups (EIGs) - Law Nº 93/015 of 22 December 1993

To some extent CSO formation is also affected by this law although OHADA – the Organisation for the Harmonisation of Business Law in Africa – regards EIGs as a form of commercial corporate entity.[46] Under law Nº 93/015 of 22 December 1993, an EIG is a

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[43] Section 55 (2) , Law No. 92/006 of 14 August 1992; Article 9 (2), Decree No. 92/455/ Pm of 23 November 1992

[44] Nyambo, Temngah Joseph (2008). The Legal Framework of Civil Society and Social Movements. In: Vubo, Emmanuel Yenshu (ed.). Civil Society and the Search for Development Alternatives in Cameroon. CODESRIA, Dakar.

[45] Section 11 of the Law No.92/007 of 14 August 1992

[46] See website of Farmer's Voice: http://www.thefarmersvoice.org/142.php

structure that results from a convention in which two or more people pull their resources together for a defined period to advance an economic activity. Because of this, EIGs have been categorised under the umbrella of Common Interest Corporations (CIC).

Sports and physical education associations – Law Nº 96/09 of 5 August 1996

With regular participations in world championships, from football to athletics, it has sometimes been argued that sports have done more for social cohesion and social mobility than some governmental programmes in Cameroon. But compared to other parts of the CSO legal framework, this law remains the least well-documented and utilised by Cameroonians.

2. The Legal-regulatory framework: overview of CSO environment in the country and accountability of stakeholders (government and private sector) to development effectiveness principles:

Overview

The civil society sector in Cameroon is regulated by the same laws that allow their creation. Once a civil society's legal entity is created, it is required that every amendment, dissolution, and publication of activities report must comply with Cameroonian laws as articulated by the 1990 civil liberty laws and related laws in force.

Findings

As discussed previously, the driving factor for the proliferation of CSOs in Cameroon in the recent years is the relative ease with which a civil society entity can be set up. In theory, it is far less costly and much quicker to establish an association than it is to establish a business one, for example.[47] Equally, CSO applicants are not required to provide a non-criminal record unlike prospective businesses.

The operation of CSOs in Cameroon is far from plain sailing. Indeed CSOs must abide by the laws of the land for there are many such rules and regulations which could potentially lead to a CSO's success or failure, and understanding how they work and who is affected should be a key CSO capacity building strategy. Majority of respondents (76%) viewed formation and operation as inseparable. Additionally, focus group discussions showed CSO operation as the area where respondents' grievances towards the Cameroonian legal, regulatory, and policy framework often started to crystalise.

In terms of the regulatory environment, the laws that regulate the creation of CSOs are the same ones that regulate their operation. Additionally, there are secondary laws that affect CSOs' operations such as the Cameroonian penal code, the Cameroonian civil code, and existing public administrative laws and procedures. A civil society entity is legally responsible for any breach of law be it a criminal, a civil and an administrative matter. In case of litigation, CSOs are equally and legally responsible towards the competent courts for any breach of the Cameroonian law.

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[47] World Bank Group. Doing Business. Measuring Business Regulations. Cameroon. Accessed via: http://www.doingbusiness.org/data/exploreeconomies/cameroon/starting-a-business

> While dissolution of a CSO is uncommon, nevertheless it is possible under certain circumstances. Associations can either be dissolved by their members as defined by their statutes and should be reported to the SDO's office or by an administrative judge; or at the request of any interested party when the association violates article 4 of Law 90/053, or when associations whose activities and operations go against the Constitution, laws and good morals, or affect national integrity, unity and security of the state. It is worthy to note the fact that the legal preconditions to dissolve a legal civil society entity in Cameroon must be related to the following motives as required by Article 74-1 of the Cameroonian Penal Code:
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> - Funds are used for terrorist activities
> - Activities that assist in human trafficking
> - Drug trafficking
> - Illicit Financial Flow(IFF)
> - Any other activity qualified dangerous in the Cameroonian penal code
>
> Aside from dissolution, any corporate or civil society entity found guilty of committing aforementioned crimes will have to pay the appropriate fines.

The state has wide powers in the suspension and dissolution of ordinary associations and NGOs. The Minister of Territorial Administration can order for the suspension of an association for a maximum period of three months upon the advisory of the SDO or the NGO Commission on grounds of disturbing public order or state security or when the organisation is deviating from its objectives or purpose.[48] The same grounds can also allow the Minister to order the dissolution of any association or NGO.

Such a decision to dissolve or suspend an association can be disputed at the Administrative Bench of the Supreme Court within 10 days of the notification of the decision.[49] Founders or administrators of associations that continue to operate despite the suspension or dissolution of the organizations can face an imprisonment of 3 months to one year and/or a fine of 100,000 to 1,000,000 CFA (approximately 170 to 1,700 USD). In case the dissolution or suspension was grounded on armed activities or an attack on the internal or external security of the state, the punishment will be doubled.

The suspension and dissolution of a CSO is the prerogative of the administrative judge or any other competent court upon complying with the principle of equitable access to justice by all Cameroonian citizens. The Administrative Act of the Minister of Territorial Administration and Decentralization can be legally binding for the case of three months justified suspension for a CSO that breached the law. In the case of dissolution, the Minister's Administrative Act can be overturned by a court judgment. Any attempt to dissolve a CSO must be done objectively by an administrative judge upon compliance with the right to legitimate defence by a barrister in law on behalf of a civil society entity. The civil society entity has the right to hire the services of a barrister in law to defend his/her case in the administrative court before a final judgment is passed by the administrative judge.

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[48] Article 22 (1) of Law N° 99/014 of 22 December 1999
[49] Article 13 of Law N° 90/053 of 19 December 1990; article 22(2) of Law N° 99/014 of 22 December 1999

Article 9 of Law N° 90/053 pertaining to the regulation of the freedom of association requires that associations are administered freely in accordance with their statutes and the legislation, including compliance with the Cameroonian penal and civil code. In terms of structural amendments, such as the re-election of the Board, it is required that these changes are declared to the SDO's office as stipulated in article 7.1 and 7.2. NGOs are required to follow the same procedure.

The organisation of internal meetings by CSOs do not require any administrative authorization, unlike the organisation of a public assembly or public event which requires the organisers to explicitly deposit an official declaration to the competent the DO of the SDO's office underscoring the pertinence of the meeting and its public security risks. The declaration regime procedure grants CSOs the opportunity to request for public security forces to provide security to a public event. Once declared, the civil administrator has the discretionary power to express a public security risk declaration which can lead to a decision to stop the event or assembly. If there is no explicit rejection then the CSO can go ahead and host the event.

Worth underscoring is the fact that any NGO that receives public funds is liable to charges of embezzlement like any public funds recipient in Cameroon. The 1967 Penal Code stipulates in its article 184 that embezzlement of public funds is punishable with a life sentence if the embezzlement exceeds 500,000 CFA, 15 to 20 years if it is between 100,000 and 500,000 CFA and 5 to 10 years with a fine between 50,000 and 500,000 CFA when the value of the embezzlement is less than 100,000 CFA. Similarly, misuse of state loans is punishable in article 225 with a prison sentence of one to ten years, and a fine of 10,000 to 1 million CFA. In addition, NGOs, contrary to associations, are subject to significantly greater governmental oversight. While NGOs are required to submit periodic activity and financial reports to the competent NGO official, associations are not. It is worthy to note, as per article 12 (1 d) that the auditing of the financial reports of an NGO is to be done annually by an independent body as well as the competent public authorities. Article 15 (1) further stipulates that NGOs are required to provide periodic reports to the Ministry of Territorial Administration that include their financial accounts, an inventory of their furniture and property assets and activity reports which must be deposited within 60 days of the end of the financial year. Furthermore, article 16 of the above-named law prohibits any NGO worker with criminal records from holding a position of responsibility within an NGO. While a CSO may consider changing its status, say from association to NGO, its field of operations in Cameroon is likely to remain the same.

In a nutshell, the activities of Cameroonian CSOs are concentrated in areas where public service delivery on the Sustainable Development Goals (SDGs) is either falling short and/or top priority government actions as prescribed in article 3 of the 1999 NGO law. It highlights the importance of "Public utility missions (…) which are defined based on governmental priorities." In other words, both NGOs and PUAs may not deviate from purposes and activities that align with governmental priorities and can only be considered legal if this "public interest" criterion is fulfilled. This restriction may further cause duplication of efforts.

Cooperatives and Common Initiative Groups (CIGs)

Cooperatives are required to declare any amendments to its articles of association to the registration authorities within two months of the decision.[50] Additionally, the following documents need to be submitted within two months of holding the annual general assembly[51]:

- The annual progress report
- The balance sheet, its attached documents as well as the operating account
- The auditor's report(s)
- The resolutions which shall be made public, in particular, appointments and dismissals, as well as amendments to the articles of association
- The report of the discussions of the board of directors appointing the members of the loans committee in the case of thrift and loan cooperative societies.

A Common Initiative Group (CIG) is required to inform the CIG Registrar of any changes of officials or delegates in the CIG and their periodic reports and balance sheets within a period of two months of the decision.[52]

Trade unions

Any person that forms an unregistered trade union that operates as if it is registered is liable to legal prosecution.[53] In contrast, CIGs and associations can operate without prior registration. Trade unions can be dissolved voluntarily according to their internal rules and procedures, given that the union's assets cannot be devolved to its members. The registration of trade unions can be cancelled by the Registrar when

- The registration certificate was obtained by fraud
- When the union has willfully violated any provision of the Labour Code or has carried out non-statutory activities
- When the union has ceased to exist[54]

The decision of any cancellation of the registration of trade unions must be published in the Official Gazette of the Republic of Cameroon.

3.   Promotion and Implementation of the Istanbul Principles:

Since 2013 to date, the CPDE Central African focal point under the coordination of COSADER has organized more than three regional workshops with more than 30 CSOs and their respective country focal points regarding the state of implementation of the Instabul Principles and the Busan Commitments. Notably, every country from the Central African sub-region including Cameroon has developed a comprehensive blueprint on the country-level implementation of these two frameworks. The best practice adopted thus

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[50] Section 62 (1) of Law Nº 92/006 of 14 August 1992
[51] Section 58 (1) of Law Nº 92/006 of 14 August 1992
[52] Section 59 of Law Nº 92/006 of 14 August 1992
[53] Section 6 (2) of Law Nº 92/007 of 14 August 1992 (Labour Code).
[54] Section 13 (1) of Law Nº 92/007 of 14 August 1992 (Labour Code).

far in Cameroon is CPDE country focal point's organising of CSOs into thematic working platforms regulated by a charter around the Sustainable Development Goals (SDGs) where every CSO works on a specific thematic area regarding the Istanbul Principles and Busan commitments and provides monthly reports to the CDPE country focal point. The Cameroonian CSO-DE platform organizes regular online consultations and monthly meetings with its key thematic constituencies to assess ongoing platform activities and jointly organised programs.

To the best of my knowledge, the Cameroonian CSO-DE platform is regulated by a platform charter under the coordination of the African Development Interchange Network (ADIN). ADIN in collaboration with thematic CSOs is currently running the pilot program "Positioning Cameroonian CSOs in the Monitoring of the SDGs" in partnership with the Commonwealth Foundation and the African Working Group. More than 60 CSOs and thematic networks have agreed with the charter to work around the SDGs in an organised manner.

To further support our research, COSADER in February 2016 published a report titled "CPDE Capacity Strengthening Workshop: Regarding Development Effectiveness for Central Africa[55]" in partnership with "Reality of Aid for Africa (ROA Africa)", with a special focus on the state of implementation of the Busan commitments and the Istanbul Principles. This report clearly highlighted the strategic objectives of the workshop:

- Prepare Central African CSOs to engage in advocacy work to get the government, development service providers , the private sector, and parliamentarians to participate in the implementation of the Busan commitments.
- Empower CSOs with the vital tools to monitor the implementation of the Busan commitments and the Istanbul Principles regarding the Rights-Based Approach (RBA) to development.
- Train CSOs on how to monitor the Istanbul Principles with a special focus on setting accountability standards for civil society entities.

In addition, this workshop report is a follow-up of previous workshops organized by the CPDE in Douala from 11 to 13 March 2013 and 23 to 24 June 2014, devoted on "Operationalizing the CPDE" and finalizing its 2014-2015 action plan. The said workshops brought together participants from CPDE national coordination in Central Africa (Burundi, Congo, Gabon, CAR, DRC, Chad, and Rwanda) for the purpose of ensuring consistency in the action plan of the sub-region with the aforementioned objectives.

Additionlly, a key training module for this workshop was focused on the human rights-based approach to development processes presented by Mr. Charles Linjap, resource person for the CPDE Central Africa focal point. According to Mr. Linjap, making the transition from "aid effectiveness" to "development effectiveness" is placing the Busan commitments at the center of all development processes. According to the speaker, to meet the needs of the grassroots people, we must promote the rule of law and dialogue, the right to freedom of expression and public demonstrations, and the right to information as well as the right to

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[55] "CPDE Capacity Strengthening Workshop: Regarding Development Effectiveness for Central Africa" published by COSADER in February 2016.

education. Although all African countries have ratified key international conventions like the African Charter on Human and Peoples' Rights pertaining to these rights, only South Africa and Nigeria have a law on access to information. Almost all of these countries do not respect freedom of expression and freedom of public assemblies, thereby shrinking the civic space for CSOs in Africa.

Indeed, respect for human rights is sine qua non to monitoring the implementation of the Busan commitments. Strengthening the right to expression, demonstrations, and participation helps in enhancing peoples' participation in governance and in ensuring the harmonious development of people in the grassroots.

Another best practice for citizen involvement worthy to mention is the seminar jointly organized by the Cameroonian Government in partnership with the National Platform of Civil Society Organizations of Cameroon (PLANOSCAM) in November 2015 regarding the monitoring of the impact of the public investment budget (PIB) on the grassroots population.

4. **Show-casing CAMYOSFOP's contribution in advancing the Instabul Principles and accountability in Cameroon:**

CAMYOSFOP as a youth-driven civil society entity intervenes in a wide variety of thematic areas that reflect the eight Istanbul principles:

- Promoting Peace Education (Human rights, citizenship, and moral education)
- Developing youth advocacy policy papers for advocacy purposes on youth issues
- Researching and campaigning against the illicit proliferation and misuse of small arms, war toys, fire crackers and violent films
- Promoting exemplary national figures in the governance landscape of Cameroon
- Promoting the achievement of international agendas such as: the Sustainable Development Goals, the African Union Agenda 2063, the United Nations Climate Change Framework Agreement, Gender Equality, UN SG Campaign on VAWGs, the HeForShe Gender Equality Campaign, the Post 2015 Development Agenda, the Financing for Development Agenda etc.
- Monitoring the implementation, the outcome and the impact of mega investment flagship projects on young people in Cameroon
- Promoting Pan Africanism through the African Youth Charter, and also partnering with the African Youth Forum for Peace (AYFP), the Pan-African Youth Union (PYU), other Pan African Youth Movements and the Africa Union Agenda 2063
- Fostering youth volunteerism and youth exchange programmes
- Mobilizing the youth on environmental protection and the climate change debate

In terms of specific interventions, CAMYOSFOP immensely contributed in fostering and mainstreaming the Istanbul Principles and accountability at two levels (both national and abroad).

CAMYOSFOP's contribution in advancing the Instabul Principles and accountability at the National Level:

Since 1999 to date, CAMYOSFOP has participated in almost every national youth development process in Cameroon, making it the leading youth CSO in Cameroon. It has initiated a number of processes to advance the implementation of the Istanbul Processes at the national level:

- In a drive to leverage youth policy in Cameroon, since 2001 to date, CAMYOSFOP has been involved in the quarterly publication of a development newsletter titled "The Voice of Peace" as a means to address the public policy issues that affect the lives of young people in Cameroon.

- In addition, CAMYOSFOP has published a continuum of youth advocacy policy papers to leverage youth friendly policy reforms in Cameroon such as
    a. Youth Migration and Unemployment Advocacy Policy Paper published in 2011
    b. Agriculture and Vocational Training as Gateway to Youth Employment in Cameroon published in 2012
    c. Education Sector Reforms for Youth Employment published in 2014

- In 2001, CAMYOSFOP in partnership with the Ecumenical Service for Peace (SEP) and the Justice and Peace Commission of the Roman Catholic Church spearheaded the campaign against the dissemination of war toys, firecrackers, and violent films among the youth in Cameroon. The campaign permitted CAMYOSFOP to create 20 Peace Clubs in a number of schools in Yaounde. By 2005, the number of war toys and firecrackers was drastically reduced from Cameroon's markets and the TV programs featuring them were censored by the government as means to help prevent violence. The program earned CAMYOSFOP the King Mohammed IV/UN Youth Award on MDGs related projects in 2005 in Morocco during the Second Pan-Africa Youth Leadership Conference on the MDGs.

- In 2002, CAMYOSFOP spearheaded the UN Program of Action against Small Arms and Light Weapons (UNPoA). As such, in 2003, she became the Focal Point for the International Action Network on Small Arms (IANSA). This motivated CAMYOSFOP alongside other NGOs to create the Cameroon Action Network on Small Arms (CANSA) in 2004, which CAMYOSFOP presently coordinates. In 2010, CAMYOSFOP became a pioneer member of the Central African Action Network on Small Arms (CAANSA) with its Executive Director elected as the Secretary General of the network. CAMYOSFOP therefore has been part of every process in the fight against SALW and especially advocated for the successful adoption and ratification of the Kinshasa Convention on SALW by the Republic of Cameroon. She is a key advocate in lobbying the Government of Cameroon to ratify the the Arms Trade Treaty (ATT) adopted by the UN General Assembly in April 2013.

- Our success and struggle in the fight against SALW has earned CAMYOSFOP a Guardian Post Award in February 2015 as a lead CSO in the campaign against the illicit proliferation of SALW in Cameroon and abroad.

- In 2002, CAMYOSFOP became a lead youth CSO in fostering and monitoring the MDGs. As such, CAMYOSFOP's Executive Director was appointed the UNDP Youth Spokesperson for Africa 2015 MDGs campaign in 2004. On this basis CAMYOSFOP has been part of almost every MDGs process in Cameroon until we transitioned into the SDGs. In 2013, she was invited by UNDP alongside other 3 associations to organize 4 sub-national consultations in Cameroon on Cameroon's priorities on the Post 2015 Development Agenda. In 2014, she was again invited by UNDP to lead another project on the Localization of the Post 2015 Agenda in Cameroon.

- Since 2001, CAMYOSFOP has been involved in the promotion of human rights education through the creation of more than 20 human rights clubs in secondary schools in Yaounde. This program led to the appointment of its Executive Director in 2006 by a Presidential Decree as the youngest Commissioner of Human Rights in the National Commission of Human Rights and Freedoms of Cameroon (NCHRF).

- In 2004, CAMYOSFOP was part of a synergy that advocated for the creation of the Ministry of Youth Affairs in Cameroon. This Ministry was created on December 08, 2004. Since its creation CAMYOSFOP has been part of almost all the programs of the Ministry of the Ministry Youth Affairs and Civic Education. As such, in 2007 CAMYOSFOP was appointed as one of the pilot members that drafted the National Youth Policy, the National Youth Action Plan and the Statutes of the Cameroon National Youth Council (CNYC) that came into existence in December 2009. During the elections of the pioneer members of this structure, CAMYOSFOP was also appointed by the Minister of Youth Affairs as a member of the Electoral Commission that was put in place to handle the elections. Upon the creation of the Cameroon National Youth Council, CAMYOSFOP was the very first organization that trained the members of the Council on the management of Youth Councils.

- Since 2007, CAMYOSFOP has been involved in the Financing for Development and Aids Effectiveness processes in Cameroon, especially in the preparation for the Doha Review conference on the FfD and the second FfD conference that recently took place in Addis Ababa in July 2015. In 2007 CAMYOSFOP was elected as the Deputy Coordinator of the Global Social and Economic Group (GSEG) headed by the Africa Development Interchange Network (ADIN).

CAMYOSFOP's contribution in advancing the Instabul Principles and accountability at the African Level

- Since 2004 CAMYOSFOP has been involved in the African Union (AU) Youth programs and has taken the lead in vulgarizing these programs in Cameroon and the continent:
    a. In 2004, CAMYOSFOP was invited for a number of meetings by the

AU Youth Division to participate in the drafting of the African Youth Charter that was adopted in June 2006 by the Heads of State Summit. It is worthy to note that most of the CAMYOSFOP's programs today are based on the AU Youth Charter.

b. As a facilitator of the Pan African Youth Union (PYU), the federated youth agency for the AU, CAMYOSFOP, alongside PYU, advocated for the ratification of the African Youth Charter by the AU member states. Cameroon ratified the AU charter in January 2011.

c. As a major stakeholder on youth development in the continent, CAMYOSFOP was regularly invited for AU meetings especially for the continental-level policy meetings such as the African Minister of Youth Conference (COMY I, II, and III) held in Addis Ababa in 2008, Victoria Falls, Zimbabwe in 2010, and Addis Ababa in 2012. During the COMY I, CAMYOSFOP was part of the youth delegation that advocated for the Ministers of Youth Affairs to adopt the Decade of the African Youth that runs from 2009 – 2019. In COMY II, we, again, advocated for the adoption of the African Youth Corps Volunteer Program.

d. Regarding the AU Youth Corps Volunteer Program, CAMYOSFOP was one of the youth organizations invited for the conception of this program. Upon the implementation of the program in 2010, three CAMYOSFOP staff participated in the training and underwent professional internship placement in the AU headquarters in Addis Ababa. In 2012, the programs officer of CAMYOSFOP was placed as Youth Liaison Officer for US Mission to the AU for one year. She was later sent to Japan for another volunteer program on agriculture for four months. In 2013, the Communications Officer of CAMYOSFOP was trained and appointed at the communications desk of the Peace and Security Department of the AU. She is presently the Communications Officer of the AU. The Gender and Girls Empowerment Officer who underwent the same training in 2011 now works for Elections Cameroon (ELECAM).

▪ To scale up CAMYOSFOP's continental outreach programs, she spearheaded the creation of the African Youth Forum for Peace (AYFP) in 2008. AYFP is designed to promote youth initiatives on peace and foster the goals and vision of the AU.

▪ Furthermore, CAMYOSFOP has been involved in experience sharing not only with African youths but also with youths of other continents. In June 11 to 26, 2007, CAMYOSFOP organized the first Cameroon/US Youth Exchange program that brought 13 American students from different American universities to Cameroon. Later in November 7 to 15, 2008, CAMYOSFOP took 6 Cameroonian Youth for a return trip of this program to Washington DC. In 2017, CAMYOSFOP will be organizing the second Cameroon/US and Cameroon/UK exchange programs in Cameroon.

▪ In December 2014, CAMYOSFOP's Executive Director was elected as Cameroon's representative to the 2nd African Union General Assembly of the Economic, Social and Cultural Council (ECOSOCC), and in March 2015, he was again elected as the chairperson of the Peace and Security Cluster of ECOSOCC.

- **In 2013 CAMYOSFOP obtained the UN ECOSOCC Consultative Status. The status permits CAMYOSFOP to easily participate in the various UN activities and facilitate some of the UN activities.**

- **In 2014 CAMYOSFOP became a pioneer member of Civil Society Partnership for Development Effectiveness (CPDE) Youth Sector and Co-Coordinator for Africa.**

5. Focus on CSO Accountability:

Since the year 2013 to date in Cameroon, CSOs have developed a comprehensive blueprint to address issues of transparency and multiple accountabilities in their respective operational field activities. The comprehensive blueprint is a kind of an elaborate operational action plan that is collaboratively developed by cross-thematic CSOs, including youth-driven CSOs, under the coordination of the in-country CPDE focal point which seeks to foster the Instabul Principles and CSO accountability.

The building of an elaborate operational action plan is done upon the incorporation of the principle of mainstreaming and popularizing of the Istanbul Principles and the Busan commitments into the core activities of the participating CSOs onto the in-country CPDE platform. The CPDE country focal point in Cameroon, under the coordination of the African Development Interchange Network (ADIN) takes the responsibility in monitoring the implementation of the comprehensive blueprint in a progressive manner. The CPDE in-country focal point will ensure that every CSO member and network onto the CPDE platform is sustainably engaged in popularizing and localizing the 8 Istanbul Principles[56] and the Busan Commitments for the period of 2013 to 2016.

Worthy to underscore is the design of the comprehensive blueprint as a triennial program that runs for three years (2013 to 2016). It is implemented in a progressive manner. This operational action plan is developed in a downstream-upstream manner, and once validated is transmitted to the CPDE Central African focal point secretariat under the coordination of COSADER. For instance, CAMYOSFOP heads the youth cluster of the Cameroonian CDPE platform, and so therefore, CAMYOSFOP alongside other youth-driven CSOs within the platform are supposed to incorporate the 8 Istanbul Principles and the Busan commitments into their earmarked core activities for the entire span of the operational action plan.

Concerning multiple accountabilities, Cameroonian CSOs have developed multiple accountability mechanisms towards the government, donors, and its grassroots constituencies. We ensure we provide our thematic reports and balance sheet to sectoral ministries regarding CSO operations in Cameroon and abroad. We equally provide activities and financial reports to donors as the need arises. Concerning financial transparency and the impact of our work towards the grassroots population, we ensure we organize an annual CSO forum under the coordination of COSADER where CSOs create exhibition booths to

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[56] The Civil Society 8 Istanbul Principles: Human rights and social justice; Equality and gender equity; Democratic ownership and democratic participation; Sustainable Environment; Transparency and Accountability; Partnerships fairness and solidarity; Create and share knowledge; and Commitment to realizing positive sustainable change.

inform the grassroots and the wider public of CSOs' respective mandates in Cameroon. To date, a good number of CSOs have developed the culture of publishing their balance sheets and income statements for the wider public as a means of fostering transparency.

Thus far, more than 60 CSO participate in the transparency and multiple accountability mechanisms. We organize monthly meetings as well as regular online consultations to verify the state of implementation of the Istanbul Principles and the Busan commitments. We are in the process of developing a civil society certification charter that will grant certification scores to CSOs that are highly engaged in fostering the Istanbul Principles and the Busan commitments. The certification norms and standards in the charter will include: commitments and participation in implementing the Istanbul Principles and the Busan commitments; publication of thematic activity reports; publication of income statement and balance sheets; collaboration with sectoral government departments; the use of Human Rights based Approach in project implementation; mainstreaming gender equality, etc.

It is clear that some law-abiding and professionally collaborative Cameroonian CSOs submit their annual activity and financial reports to the Ministry of Territorial Administration and Decentralization of the Republic of Cameroon. In addition, CSOs in Cameroon today have developed the best practice of jointly organizing activities with government departments. They ensure that thematic and financial reports are submitted to sectoral government ministries.

Thus far, the CDPE country focal point, ADIN, has developed two institutionalized dialogue platforms with two government ministries that include the Ministry of External Relations (MINREX), the Ministry of the Economy, and the Planning and Regional Development (MINEPAT) where more than 60 CSOs are regularly consulted regarding the Global Partnership for Effective Development Cooperation (GPEDC) Second Round of Monitoring, and the monitoring of the SDGs in Cameroon.

Furthermore, COSADER has similarly initiated regular consultations between the Ministry of Finance and CSOs regarding the involvement of CSOs in the management of Public Investment Budgets and the Program Budget of the Republic of Cameroon. COSADER has initiated regular dialogue between the African Development Bank and CSOs and between the European Union and CSOs in Cameroon. These have started yielding fruits in terms of granting a voice to CSOs in development processes that affect people in the grassroots. Cameroonian CSOs are in the process of consolidating a long term cross-sector institutionalized dialogue with the government (both central and local), the legislature, and the private sector. To date, civil society in Cameroon has evolved from single entities into cross-sector thematic clusters that include environmental networks, farmers' networks, professional networks, faith-based entities, women's associations, youth associations, trade unions, professional organizations, etc. One of the major challenges faced by CSOs in the past 15 years has been to develop a wide variety of cross-sector thematic platforms to sustainably engage the government and its decentralised entities in dialogue over crucial development issues. Thus far, some progress has been achieved as attested by the existence of 37 multi-stakeholder cross-sector thematic platforms[57] that seek to involve civil society organizations in policy discussions with the government.

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57 CSO Partnership for Development Effectiveness (October 2013). An Enabling Environment for Civil Society Organisations: A synthesis of evidence of progress since Busan.

In March 2015, a study funded by the Civil Society Strengthening Programme (PASC) to appraise collaboration between the government and CSOs was presented to the Cameroonian public. The study noted some positive response from civil society actors whereby *"the government via the PASC initiative has set up a dialogue platform between civil society and public officials to stimulate citizen's participation in the management of public affairs"*.[58]

It is notable that there are a wide variety of laws that grant CSOs the possibility to participate in the management of public affairs in Cameroon. These include the 2004 Public Procurement Code, the Prime Ministerial decree of 2011 monitoring of the impact of Public Investment Budgets at the grassroots level, and other laws related to decentralisation defining the terms of collaboration between CSOs and the government. Additionally, the laws creating Elections Cameroon (ELECAM) which oversees the elections, the National Commission of Human Rights and Freedoms (NCHRF), and the National Anti-Corruption Commission (CONAC) create a plethora of formal spaces of participation of CSOs in the running of public affairs in Cameroon. Encouraging meaningful involvement of CSOs as well as quality tripartite dialogue between civil society, the government, and the private sector are highly imperative to encourage positive behavioural change regarding the conceptualization of policy papers, decisions, and the implementation of major development projects, and guarantees the inclusion of grassroots citizens in Cameroon.

A country report published by the Commonwealth Foundation in 2013 highlighted perspectives from civil society organizations on progress made and challenges faced in relation to the national efforts to fast track the achievement of the Millennium Development Goals (MDGs). In particular, the report looked at the extent to which MDG processes have provided opportunities or lack thereof to enhance the participatory involvement of civil society collaboration with the government.[59] Furthermore, CSOs have had regular dialogue via the multi-partner platform on aid and development effectiveness in Cameroon. For instance, a meeting was organized in October 2010 between the government and CSOs to discuss the *Paris Declaration on Aid Effectiveness.*

It is worth mentioning that in 2011, the Minister of the Environment, Nature Protection and Sustainable Development (MINEPDED) hosted a multi-stakeholder workshop attended by domestic and international CSOs and cross-sector stakeholders (government officials and private sector representatives) for the purpose of building consensus on how optimizing civil society's contribution to the national REDD+ processes in Cameroon.[60] This workshop led to the creation of a National CSO Platform on REDD and Climate Change which works as an interface between the Cameroonian government and other stakeholders.

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[58] For the study, see Agora Consulting (April 2015). Survey on existing dialogue frameworks in Cameroon. PASC. Accessed via: http://www.pasc-cmr.org/sites/default/files/fichiersrapports/Survey%20on%20existing%20dialogue%20frameworks%20in%20Cameroon%20-%20April%202015.pdf

[59] Commonwealth Foundation (2013). A civil society review of progress towards the Millennium Development Goals in Commonwealth countries. Country report: Cameroon, p.3. Accessed via: http://www.commonwealthfoundation.com/sites/cwf/files/downloads/MDG%20Reports%20Cameroon_FINAL_1.pdf P.3

[60] See the website of FAO: http://www.fao.org/partnerships/redd-plus-partnership/en/

Thus far, the Cameroonian government capitalises on existing civil society dialogue platforms to engage with grassroots people in making public policies, and it is thought that some of its policies have emerged from the civil society perspective. Yet, CSOs are seldom credited for having initiated the policy content, and while they continue to participate in discussions, policy is still largely defined by the Cameroonian president as per article 5.2 of the 1996 Constitution. Furthermore, there appears to be a lack of communication around dialogue frameworks which have yet to be fully inclusive. As a case in point, 49% of the respondents were unaware of specific mechanisms for multi-stakeholder dialogue. Interestingly, 48% noted that there was regular communication between CSOs and the government, with 29% of respondents displaying some knowledge of exchange platforms currently used by CSOs and the government.

Despite existing possibilities for CSOs to participate in limited public policy-making avenues, it is worthy to underscore the fact that, there is a need to strengthen ongoing institutionalized tripartite dialogue framework between the government and CSOs, and between CSOs and the private sector. This means that all entities meet on regular interval to discuss key public policy issues that affect the lives of Cameroonian citizens. It is further aggravated by the fact that there is no public policy social accountability framework to hold cross-sector actors accountable towards Cameroonian citizens when measured against the human rights-based approach that places people at the centre of all development processes. Another bolt of contention relates to the stage at which CSOs are involved in policy discussions. Most often, CSOs are only engaged during the final stage, as seen with those held in 2012 around the drafting of a revised Forestry Code. First established in 1994, the Forestry Code is the main legal instrument defining rules around relations, rights, and obligations with regard to flora and fauna. For Cameroon which has a large equatorial forest area due to its location in the Congo basin and the second largest rainforest in the world, the contents of a forest law are crucial to fostering ownership of the relevant policy. Indeed, the need for reform emanated from the previous 1994 Code overlooking "the rights of indigenous peoples to the lands, territories, and resources they have traditionally owned, occupied or otherwise used and acquired".[61]

CSOs expressed their dissatisfaction with "the timetable for these legal revisions regarding the forestry code", noting that "the manner and process via which civil society and forest community are consulted, remains (sic) entirely unclear". Furthermore, closed door meetings on the new Forest Code were reported to have taken place without the involvement of national civil society. In addition, no public meetings were advertised where civil society inputs could be made.

Despite the lack of transparency in government-CSO collaboration, the Cameroonian government in some areas appears to be more responsive to advocacy towards greater citizen involvement in the protection of public funds. For instance, since February 2015, a new initiative done in conjunction with the "Supreme State Audit Office" granted citizens the right to act as whistle-blowers in suspected cases of embezzlement.. CSOs as whistle-blowers can file complaints to the Supreme State Audit's Office as well as to the Anti-

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[61] Forest Peoples Programme (10 December 2012). Civil society raises serious concerns about Cameroon's draft revised Forest Code. Accessed via: http://www.forestpeoples.org/topics/legal-human-rights/news/2012/12/civil-society-raises-serious-concerns-about-cameroon-s-draft

Corruption Commission (CONAC) as a means to fight corrupt malpractices in Cameroon. Once a complaint is filed, the competent authority is required to undertake an investigation to verify the veracity of the allegations and to establish charges against the accused.

CHALLENGES TO IMPLEMENTING CSO DE AND ACCOUNTABILITY

In terms of challenges faced by Cameroonian CSOs, the following have been noted thus far:

- The process of registering and declaring CSOs in Cameroon is characterized by manual treatment of application files by the staff of the SDO's office despite the existence of technologies. There is no plan for digitalisation of the registration processes.
- The vast majority of CSOs are not knowledgeable of the regulatory environment and the existing legal redress and appeal mechanisms and accountability dimensions that guide their work.
- Civil society entities working for human rights, fighting against corruption and those fostering free and fair elections are regular victims of government crackdown.
- There are limited funding resources to strengthen and to consolidate ongoing institutionalized dialogue between CSOs and the government, and between CSOs and the private sector as a means to collaboratively fast track the achievement of the SDGs in Cameroon.
- There is no accountability framework to measure tripartite dialogue in Cameroon (government-CSO-private sector).
- Public awareness of civil society's contributions to the wider policy landscape is limited in Cameroon.
- The challenge of the lack of financial resources to develop the capacity of grassroots CSOs on the themes of the Istanbul Principles and the Busan commitments still prevails.
- There is a lack of strategy and mechanism (for example, through a web platform) to encourage knowledge sharing among stakeholders and the wider public at the country level.

Today, Cameroonian CSOs have developed a progressive and comprehensive blueprint for the implementation of the Istanbul Principles and the Busan commitments. The CPDE country focal point organization has developed the necessary structural platform that has regrouped CSOs into thematic clusters. There are existing dialogue platforms between CSOs and the government, including the legislature and decentralized local government entities, and between CSOs and the private sector.

Opportunities in the future for strategically reaching out to tens of thousands of civil society actors exist including through utilizing existing CSO networks like Investment Watch (I-Watch) Initiative promoted by CAMYOSFOP and COSADER and the National Civil Society Platform (PLANOSCAM). to organize regular capacity building sessions with our target constituencies.

The first lesson learnt is that of encouraging, strengthening and consolidating cross-sector dialogue between the government and CSOs, especially ensuring that CSOs regularly participate in dialogue processes with sectoral ministries. It is highly imperative for CSOs

to raise "a special basket fund" to encourage cross-sector dialogue with the Cameroonian government as a means of institutionalizing such processes.

It is highly necessary to ensure that young people are represented in cross-sector dialogues between the government and CSOs by sponsoring the participation of youth-centred CSOs in all cross-sector dialogue meetings in Cameroon. It is equally highly imperative to engage youth-centered CSOs to monitor all mega investment projects in Cameroon, and gauge their impacts through the lens of the Istanbul Principles and the Busan commitments.

RECOMMENDATIONS

1. **Recommendations for CSO:**
   - Develop a civil society blueprint for the adoption of a bill on public information access in Cameroon as a means to guarantee enhanced transparency and accountability in the management of public funds in Cameroon.
   - Strengthen the capacity of CSOs regarding existing legal and regulatory frameworks for their operations.
   - Develop a knowledge sharing strategy and website to foster the Istanbul Principles and Busan commitments at the country level.
   - Improve and strengthen the capacity of CSOs in engaging in cross-sector dialogue in Cameroon.
   - Engage CSOs to participate in closely monitoring mega investment projects and in promoting the rights of grassroots communities in Cameroon.
   - Develop a framework for a citizen-driven development process that holds government officials accountable in the management of public affairs.
   - Strengthen the capacity of grassroots communities affected by mega investment projects on domestic legal instruments such as the Cameroonian 1974 Land Law, as well as their fundamental human rights regarding the expropriation and resettlement rights.

2. **Recommendations for Governments:**
   - Advocate for the government of Cameroon to develop and adopt a bill on public information access to enhance transparency and accountability in the management of public funds in Cameroon.
   - Advocate for the Cameroonian government to develop an online registration process for CSOs that will automatically generate a unique registration number for each applicant. The online registration process should also grant the possibility for online queries to the SDO's office.
   - Lobby and advocate for the Cameroonian government to sustain and strengthen ongoing institutionalized CSO-government dialogue by funding civil society efforts to understand and foster the Istanbul Principles and the Busan commitments.

3. **Recommendations for Governments:**
   - The CPDE should mobilize additional financial resources to accompany CPDE country focal points to scale up implementation of their respective blueprints regarding the Istanbul Principles and the Busan commitments.
   - The CPDE should organize exchange visits and experience sharing between countries in order to strengthen and consolidate the implementation of the Istanbul Principles and the Busan commitments.

APPLICATION OF PRINCIPLES OF DEVELOPMENT EFFECTIVENESS, ACCOUNTABILITY, AND ENABLING ENVIRONMENT OF CIVIL SOCIETY ORGANIZATIONS OF MIGRANTS AND DIASPORAS

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INTRODUCTION AND BACKGROUND

The CSO Partnership for Development Effectiveness (CPDE) envisions a world where respect for human rights, participatory democracy, social and environmental justice and sustainability, gender equality and equity, and decent work, and sustainable change are achieved. This is the foundational philosophy upon which the CPDE has advocated passionately, fought and synergized strategically for global partnerships.

Development effectiveness is the promotion of sustainable change that addresses the root causes, as well as the symptoms, of poverty, inequality, and marginalization. It places human rights, social justice, gender equality, and ecological sustainability at the core of aid relations and the development process.

CSOs have long worked to achieve recognition of their significant role at the local, regional, and international levels. They acknowledge their importance and impact in development effectiveness and accountability, and in particular, their impact on their respective constituencies.

The Istanbul Principles constituted a statement of common values and approaches to guide the improvement of CSO's development effectiveness and practices, and these were intended to be tailored and adapted to highly diverse country contexts and different CSO approaches. The Istanbul Principles and the International Framework were the result of civil society's lobbying and advocacy efforts for their due recognition as legitimate development actors. This struggle has led to the acknowledgement of the Istanbul Principles by the international development community during the Fourth High Level Forum on Aid Effectiveness in Busan, South Korea in December 2011.

The eight Istanbul Principles on development effectiveness aim to
1. Foster respect for and promote human rights and social justice.
2. Embody gender equality and equity while promoting women and girls' rights.
3. Focus on people's empowerment, democratic ownership, and participation.
4. Promote environmental sustainability.
5. Practice transparency and accountability.
6. Pursue equitable partnerships and solidarity.
7. Create and share knowledge and commit to mutual learning.
8. Commit to realizing positive sustainable change.

Migrants and diaspora CSOs also assert their rights as legitimate actors of transformational change and forge global partnerships for development effectiveness.

International migrants orpersons living in a country other than where they were born reached 244 million in 2015 globally. This represented a 41 per cent increase, or approximately 20 million refugees, compared to year 2000 according to the new data presented in Trends in International Migrant Stock. The data shows that the growth rate of international migrants has grown faster than the world's population.

There are noted differences between large regions of the world. In Europe, Northern America and Oceania, international migrants account for at least 10 per cent of the total population. However, in Africa, Asia, and Latin America and the Caribbean, fewer than 2 per cent of the population are international migrants. Regardless of the numbers, international migration has major impacts to the global community.

Since its establishment and even during the formations that were the precursors of CPDE, organizations such as the International Migrants Alliance (IMA) and the Asia Pacific Mission for Migrants (APMM) have been participating in initiatives related to aid and development effectiveness.

In 2014, the IMA sent a letter of intent to the CPDE advocating for the recognition of a formal migrants and diaspora constituency within the platform. The Global Council later on agreed to explore the possibility and directed resources to gather migrants and diaspora CSOs.

In October 2015, an inaugural meeting of the CPDE on Migrants, Diaspora and Development Effectiveness was organized by the Global Secretariat in Istanbul, Turkey. The meeting resulted in an initial analysis of the location of migration in the development effectiveness discourse. An Interim Coordinating Group was established in the meeting to reach out to other migrants and diaspora organizations, as well as organize an event that will further expand and deepen the positions taken during the Istanbul meeting.

The second meeting/conference was conducted in New York in September 2016 immediately prior to the United Nations Summit to Address Large Movement of Refugees and Migrants. The meeting introduced new organizations from all global regions - mostly grassroots migrants and diaspora groups - to the principles of development effectiveness and the CPDE, and engaged them in discussions on concerns of migrants and diasporas on development effectiveness and effective development cooperation.

Some notes about this paper

This paper provides an overview of how migrant and diaspora CSOs operate and the general environment that impacts this operation. It aims to (1) examine the work of migrants and diaspora CSOs against the Istanbul Principles and (2)develop recommendations for CSOs, governments, and the CPDE to further develop the work of migrants and diasporas in implementing the Istanbul Principles and accountability practices.

To illustrate these points, the paper narrates the practices and experiences of migrants and diaspora CSOs.

It should be noted that the paper is in no way an extensive survey of the work of migrants and diaspora CSOs. Owing to limitations in time, as well as in the number of migrants and diaspora CSOs aware of, and involved in the development effectiveness theme, the paper focuses on the practice and work of the indicated collaborating organizations and the organizations that have been initially involved in the aid and development conversations since the October 2015 Istanbul meeting.

The methodology adopted for this paper includes (1) review of literature relating to the Istanbul Principles, (2) review of information and narratives that came from the meeting of migrants and diaspora CSOs in Istanbul in October 2015 and in New York in September 2016, (3) follow up information from participating CSOs in the Istanbul and New York meetings, and (4) review of available documentation of work of collaborating organizations.

It is also notable that a significant number of examples of concrete practices are those from CSOs based in the Asian region.

A significant contributing factor to this is the very trend and nature of migration in Asia. The region hosts three of the top five migrant sending countries as well as some of the top recipients of remittance from migrants. Known migration corridors are in the region such as Bangladesh-India, China-Hong Kong, and the Indonesia-Malaysia corridors.

The region is composed of sending, receiving and transit countries for migrants as well as a host to a significant number of refugees.

According to the Organization for Economic Cooperation and Development's (OECD) data, Asia is almost at par with the EU in terms of origin of migration flow. In 2011, 1.6 million Asian nationals migrated to an OECD member country, or a third of the total number. Most of them came from the People's Republic of China (PRC), India and the Philippines.

Asian migration to non-OECD countries is much higher than those in OECD countries. For example, more than one million Filipinos migrated to Gulf Cooperation Council (GCC) countries or to Hong Kong, PRC. India deployed 750,000 migrants to non-OECD countries while others like Bangladesh, Indonesia and Pakistan sent more than half a million migrants.

Apart from the GCC, non-OECD destination areas include Hong Kong and Taiwan, with half of the health and social services in the former occupied by foreign workers.

The Asia Pacific Mission for Migrants (APMM) has had a long history of work among migrants and diasporas in various countries in Asia, Middle East, and the Pacific. Meanwhile, the International Migrants Alliance (IMA) has more than 150 member organizations - majority of which are grassroots migrants and diaspora organizations - in all the global regions.

OVERVIEW OF MIGRANT AND DIASPORA CSOS

Migrants and diaspora civil society organizations are diverse, dynamic, and cross-cutting.

In host countries, there are informal and formal associations of migrants and diasporas organized around language, geographical origin (country, region, province, village), common interests, and also by faith.

Self-help organizations of migrant and diasporas are very common to help them, through socializing and other modes of peer support, cope with traumas and stress.
. For migrants and diasporas from countries that have a more expansive and extensive history of migration, socializing usually is usually with immediate and extended family or with those they have common history already prior to their migration.

Membership in migrant and diaspora CSOs can be on individual basis such as the case with hometown organizations or trade unions, or can be through an alliance or network of different types of organizations. In Hong Kong, migrants of various nationalities are organized in hundreds of individual membership-based mass organizations like the Association of Indonesian Migrant Workers (Asosiasi Tenaga Kerja Indonesia or ATKI) and the United Filipinos in Hong Kong (UNIFIL-MIGRANTE-HK). These organizations are also grouped into alliances (strategic or single issue-based), federations, networks, and other formations founded on a set of bases of unity like the Asian Migrants Coordinating Body (AMCB).

There are also CSOs that operate as service-providers for migrants and diaspora. They are more institutional and have fixed programs for direct service and welfare such as legal assistance on matters of labor and civil rights, psychosocial service, health needs, temporary shelter, or skill trainings. These service providers are present particularly in countries hosting a large of number of temporary migrants and refugees where displaced people have insecure status. Many of these service providers are also faith-based such as the migrant centers in major cities in South Korea.

Advocacy organizations of migrants and diasporas are formed to engage in national, regional and international advocacies. These advocacy organizations cross over these various levels. Member organizations of the International Migrants Alliance (IMA), for example, are active in the national level while the IMA as an alliance take part in regional and international spaces such as in the Asia Pacific Forum on Sustainable Development (APFSD) or in the United Nations and the Global Forum on Migration and Development (GFMD). Individual member-organizations of the IMA also participate in other regional or global engagement opportunities through their own initiative.

CSOs of similar nature also exist in migrants' countries of origin.

There are CSOs that organize deported migrants, victims of trafficking, or families of migrants and diaspora. Service providers - also operate in migrants' countries of origin to offer legal assistance for those seeking judicial redress.

Still, other CSOs focus on programs for reintegration and livelihood in countries of origin including establishment of cooperatives and harnessing the entrepreneurial potentials of migrants and diasporas.

Advocacy organizations or networks in countries of origin target policies relating to deployment and services for overseas nationals and their family, as well as fundamental economic and political issues that drive migration.

APPLYING PRINCIPLES OF DEVELOPMENT EFFECTIVENESS AND ACCOUNTABILITY

It can be said that migrants and diaspora CSOs are relatively new in the CPDE and the development effectiveness conversation. Most of the CSOs that joined the Istanbul and New York meetings were first timers in the CPDE, newly introduced to the Istanbul principles, and are still familiarizing themselves to the concepts and application of development effectiveness.

Though being new in the development effectiveness conversation, migrants and diaspora CSOs have been actively upholding and promoting, in varying degrees, different development effectiveness and accountability principles. Their application of these principles depends on the nature of CSOs, their aims, and capacities.

1. Pursuing justice and comprehensive human rights of migrants/diaspora

Pursuit of social justice on the basis of human rights of migrants and diaspora are often at the core of programs and activities of CSOs that are more conscious of the relations between existing structures and policies and migrants and diasporas' experience.

Through various means, from utilizing legal pathways to seek justice and compensation, to harnessing collective strength through mass actions, these CSOs are founded on and operate (through focused or comprehensive ways) from human rights principles.

A major human rights concern of migrants and diaspora CSOs is economic rights, particularly the right to decent work and its various aspects. As current migration policies in host countries target migrants in low- and semi-skilled work, the labor rules for foreign workers are shaped to keep wage depressed and other economic benefits suppressed.

Wages of migrants are kept at a minimum and are made to succumb to market forces especially in major countries of destination of temporary migrants such as in the Middle East. As the supply of foreign workers outpaces the demand for foreign labor - owing to the aggravating economic and political conditions in migrant sending countries - low wage is a reality that migrants have to contend with.

Even in countries with more defined policies on foreign workers, economic rights of migrants and diaspora face multiple challenges including violations of legal rights or exclusion from existing labor standards as shown by the absence of binding labor contracts in Singapore and Middle East countries, or exclusion from the Statutory Minimum Wage in Hong Kong.

CSOs providing services for economic rights of migrants and diaspora offer assistance to navigate legal procedures to recover wage and other benefits. CSOs like the Mission for Migrant Workers (MFMW) in Hong Kong and the Filipino Migrants Centre in Los Angeles USA are known to assist migrants and immigrants in recovering monetary claims from employers or fees paid to employment agencies.

Such services are also offered in countries of origin like in the Philippines, Indonesia. and Bangladesh where CSOs pursue claims for returned migrants or repatriated victims of human and labor trafficking.

Aside from services to recover wage and other monetary claims, there are migrants and diaspora CSOs in some countries that actively seek wage increase in cases where there are institutionalised wage levels and process of determination. In Hong Kong, the AMCB annually engages with the government on the yearly review of the Minimum Allowable Wage. Supported by advocacy and services organizations, they put forward submissions and conduct wage increase campaigns including through public actions and dialogues.

To address the economic condition of refugees, CSOs that are oriented towards service provision and/or policy reforms address concerns on processes of recognition of refugees, immediate assistance for the daily needs of refugees, advancing the principle of non-refoulement, and settlement programs. ABAAD from Beirut, Lebanon provides direct service assistance to women and girls refugees from Syria including case management, provision of safe shelter, and training of soft skills for employment. It also promotes prevention of Gender Based Violence by providing tools for awareness. Meanwhile, the organization Karavan in Germany actively advocates for the rights of refugees in the country as well as directs public attention to the root causes of displacement of people as refugees.

Aside from economic rights, migrant and diaspora organizations also work in advancing the civil, political, and the social and cultural rights of the sector, especially in light of escalating discrimination against migrants. In South Korea, the Migrants Trade Union (MTU) have been active in promoting the right to unionisation of migrants and have actively defended trade union leaders whose status and security in the country have come under threats because of their union activities.

CSOs of migrants and diasporas in and from countries in Latin America have been actively involved in campaigning for safe migration of people from the region especially those crossing borders to go to the United States. Hundreds of migrants have been trafficked, starved, and died along migration routes particularly in the Mexico-USA corridor.

Advocacies against discrimination are of particular importance for women marriage migrants. Marriage migrant CSOs and service-providing organizations for women advance anti-discrimination agenda in the areas of employment and social services.

Alongside these advocacies, CSOs like the Trans Asia Sisters Association in Taiwan (TASAT) and the Immigrant Women's Speakout Association (IWSA) in Australia embark in work skills and language training, and cultural integration to enhance the participation of marriage migrants in productive and cultural activities.

In the Pacific, CSOs have been discussing the phenomenon of environmental migrants because of global warming and rising sea levels. The Pacific Islands Association of Non-Governmental Organisations (PIANGO) has taken up the advocacy for the small island states, bringing special attention to the plight of peoples in Kiribati, Tuvalu, Tokelau and the Solomon Islands.

2. Empowering the grassroots for collective participation and action and networking of migrants and diaspora CSOs

While coming together into formal organizations and into associations for mutual help is common among migrants and diaspora communities, organizing for empowerment requires a leap of consciousness and practice. It is founded on the belief that an organized community of migrants and diaspora can be an agent of change; that the capacity to address immediate and long-term concerns can be harnessed from systematically and sustainably collectivizing migrants and diaspora members; and that, the migrants and diaspora themselves are in the best position to set and eventually change the narratives of migration and forced displacement.

This is at the core of the International Migrant's Alliance's (IMA) belief and expressed in its founding words: "For a long time, others have spoken on our behalf. Now, we speak for ourselves."

The IMA prides itself as a grassroots-based and led global alliance of migrants, refugees, and displaced peoples. More than 80% of its affiliates are membership-based organizations while the rest are considered as advocates that include CSOs with institutional services to migrants and diasporas.

Its leadership body consists mostly of migrant workers with its founding and current chairperson, Ms. Eni Lestari, being a migrant domestic worker herself.

Grassroots organizing among migrants and diaspora differs between nationalities and between countries. This is influenced by a variety of factors including, but not limited to, migration history, geographical concentration of migrants in host countries, nature of work and status of migrants and diasporas, and even by the presence of a people's movement in the country of origin of displaced peoples.

Migrants from the Philippines have had longer history of grassroots organizing compared to most nationalities. Filipinos have been involved for decades in associations and trade unions in host countries such as, for example, in the United States where, in the 60's, under the banner of the Agricultural Workers Organizing Committee, they launched the successful Delano grape strike and boycott together with Mexican migrants under the National Farm Workers Association.

The long history of Filipino migration and their self-organizing has led to the formation of Migrante International, a global alliance of Filipino migrants and immigrants that has gained wide prominence owing to its presence in global regions with high concentration of Filipinos.

Capacity-building practices among grassroots migrants and diaspora CSOs include awareness-raising, skills training, and organizational building.

Many of the education efforts of and for the grassroots are centered on human rights education and, notably, the existing legal rights of migrants in the country of destination. This is because of the shortage, if not absence, of programs that sufficiently prepare migrants for the working and living situation - especially grievance mechanisms and access to justice - in the country where they are going. Rights education initiatives are active in places like Hong Kong, USA, Canada, Japan, South Korea, Australia, New Zealand, and even in the Kingdom of Saudi Arabia. These initiatives are implemented by grassroots organizations and/or CSOs providing legal assistance.

Non-membership based CSOs also offer organizational capacity building assistance to the grassroots. The Asia Pacific Mission for Migrants (APMM), for example, supports the migrant movement through advocacy, organizing and building partnerships, and solidarity. It has supported and contributed to the establishment of grassroots migrants formations in the region: Hong Kong, Taiwan, South Korea, Japan, Australia, New Zealand, Saudi Arabia, United Arab Emirates, and Qatar. It works closely with various organizations in some major sending countries such as Indonesia, Philippines, Bangladesh, and Vietnam. These grassroots organizations have become founding organizations of Migrante International as well as the IMA.

3. Advocacies for long-term and sustainable policy changes

The development of grassroots organizing among migrants and diasporas have also resulted in changes in the complexion of engagements for long-term policy changes that will deliver sustainable and more thoroughgoing changes in the condition of migrants and diasporas and the policies on migration.

Grassroots organizations of migrants and diasporas have also incorporated in their programs the maximization of opportunities through engagements and dialogues with policymakers to shape a more favorable climate for displaced peoples. In cases where there are none, the creation of such spaces has also been carried out by the grassroots CSOs.

In national, regional, and international levels, migrants and diaspora CSOs have been developing its capacity and actual participation in engagement spaces. For the IMA and the APMM - who engage also in regional processes such as the Asia Pacific Forum on Sustainable Development (APFSD) - engagements complement, enhance, and strengthen what the grassroots are doing on the ground. It is founded on the belief and practice that rights and positive impacts to the condition of displaced people result from active assertion of rights and engagement with those in the position of power in different forms, levels, and arenas.

National policy engagements through dialogue with national government bodies are done

by CSOs in the Philippines, Indonesia, and Bangladesh. Local community CSOs also dialogue with governing structures in their communities for more localized actions.

In the international level, the IMA has asserted and pursued participation of grassroots in spaces for CSOs. Some of the notable recent processes that IMA has engaged in since its founding in 2008 are the negotiations for the agenda 2030 - both in the international process and in the regional process in the Asia and Pacific regions - and the UN Summit on Refugees and Migrants that aims to craft global compacts by 2018.

IMA and its members are also active in engaging governments to realize in their national policies the positive provisions of the United Nations Convention on the Rights of All Migrant Workers and Their Families, the ILO Convention No. 189 (on domestic workers), and other human rights instruments such as the Convention for the Elimination of All Forms of Discrimination against Women.

4. Advocacy and empowerment of women migrants and diaspora

The number of women migrants in the world is steadily increasing and now stands at 111 million.

While there is a recorded slight drop in the share of women migrants in Asia, the absolute number is still in an upward trend, and only the more massive migration of their male counterparts contributed to the drop. Most of the male migrants went to the GCC countries while in some countries, particularly in East Asia (Japan and Hong Kong), Asian women migrants outnumber male migrants (55% in Japan and 59% in Hong Kong).

There are a number of CSOs working on and with women migrants and diasporas, and their work consists of service delivery, trainings, empowerment, advocacy, or combinations of these fields.

Organizations of migrants in Japan, Hong Kong, Taiwan, and Australia are active in their work amng women migrants and diasporas. In Japan for example, Filipino organizations that have chapters in various cities such as KAFIN and the Filipino Migrants Centre in Nagoya provide mutual support and legal assistance to women migrants working in the entertainment industry as well as those married to Japanese men.

Meanwhile in Middle East and North Africa, while establishing CSOs of migrants and diasporas is very difficult especially in the GCC countries, there are known existing grassroots organizations assisting women domestic workers who are victims of violence. Their efforts include hospital visitations, ensuring medical help, and pursuing consular assistance for their legal case, safety, or repatriation back to their country of origin. ABAAD in Lebanon focuses on responding to cases of gender-based violence against young women and girls and women empowerment.

A developing work among women migrants and diaspora is on marriage migrants. CSOs of marriage migrants have banded together to form the Action Network for Marriage Migrants Rights and Empowerment (AMMORE). It started as an initiative of the APMM in the Asia and Pacific regions but later on involved marriage migrants from Europe and

North America. AMMORE was established to organize marriage migrants, advocate against discriminatory policies and spouse-dependent immigration process, and integrate marriage migrants and their children to the local society,

Through their *I Want to Speak* campaign, AMMORE has rendered visible marriage migrants - as migrants and as women - in terms of their role in families, communities, and the country where they have settled.

CSOs working among foreign domestic workers are also - involved in gender concerns as the majority of those in domestic work and similar occupations are women. Currently, an estimated 11.1 million migrants are in domestic work. Of all those in the service sector where most of the migrant workers - around 70 per cent - are found, about 8 per cent are in domestic work.

In many countries with significant number of women migrant domestic workers, CSOs giving emergency assistance services also include provision of temporary shelters. Such a service is crucial as most countries require, by policy or practice, migrant domestic workers to live within their emplyers' household.

In Hong Kong, for example, the Bethune House Migrant Women's Refuge annually shelters 400 to 600 women domestic workers who are victims of contract violation and physical and sexual violence.

5. **Building partnerships and solidarity among migrants and diaspora CSOs, and with local host peoples**

The most common form of organizing among migrants and diaspora is nationality-based. Because of commonalities in history, experiences, and language, activities for knowledge sharing and networking are more regular within each respective nationality. The most extensive experience that can be mentioned is that of the global alliance of overseas Filipinos Migrante International.

Meanwhile, partnerships and solidarity between migrants and diasporas are also present in a number of countries and regions. Such partnerships formed in Hong Kong, USA, Canada, and in the Latin American region have played a major role in the formation of the IMA.

The importance for migrants and diaspora CSOs to seek support from CSOs of the local people is rooted in the vulnerability of the sector and the severe limitations imposed in by migration policies of the host countries.

Especially in times of worsening economic crisis, migrants face increasing pressure. Couched in slogans of localization or protecting the domestic population, discrimination and xenophobia intensify during periods of economic slump. In numerous occasions and in many countries, policies are being placed to tighten border controls, erode wage and other employment benefits of migrants, reduction of state support on refugee programs, and criminalization of irregular or undocumented migrants.

Both as a short-term defense of the rights of displaced peoples and a long-term objective

of creating more inclusive societies, partnerships of migrants with local host peoples can result to enduring changes.

In some countries, CSO partnerships between migrants and locals have been advancing.

For example, in New Zealand and South Korea, the support of local workers organized in trade unions has resulted in the creation and strengthening of organized trade unions among foreign workers.

In New Zealand, the Union Network of Migrants (UNEMIG) has been gaining ground among foreign workers through its delivery of services and advocacy for the labor rights of foreign workers and the legal rights of trafficked migrants. The UNEMIG, from its establishment up to the present, is supported by the First Union, one of the largest trade unions in New Zealand composed of the National Distribution Union and Finsec. UNEMIG counts among its members migrants from the Philippines, India, and the Pacific Islands.

The Migrants Trade Union (MTU), meanwhile, in South Korea is a member of the Korean Confederation of Trade Unions. It traces its origins from the organizing and campaigns conducted since the 90's against the arrest, detention, and deportation of undocumented migrants in South Korea who number in hundreds of thousands.

In Hong Kong, recognized unions of domestic workers started out as self-organized formations and later on affiliated with the HK Confederation of Trade Unions. Through their participation in the said union, migrant domestic workers unions from Philippines and Indonesia are able to access union services for their members, as well as provide input from the foreign workers sector on the local union's advocacies for all working peoples the statutory minimum wage as well as the ongoing process of setting a standard working hours for workers in Hong Kong.

In Africa, the Confederation Nationale des Traveilleurs du Senegal (CNTS) has been cooperating with foreign workers in the country and in the West Africa region.

6. Accountability mechanisms and practices of migrants/diaspora CSOs

According to their nature, operations, and capacity, migrants and diaspora CSOs practice accountability to their members and other development actors. Accountability mechanisms are set internally by organizations or by the rules of host and sending countries, as well as development agencies.

For membership-based organizations - either on an individual or organizational basis - CSOs conduct organizational processes that ensure accountability including the release of regular reports on the basis of activity or elapsed period. Membership meetings as well as general assemblies are conducted where information is available for all and identification of leading bodies is decided through democratic processes.

Particularly for officially registered CSOs, they exert efforts to meet requirements to sustain their registration such as through timely submission of forms and reports to designated registration offices.

In Hong Kong, for example, CSOs can obtain two types of registrations: (1) as a society under the Societies Ordinance and (2) as a charitable organization eligible for tax exemptions.

Grassroots CSOs of migrants typically opt for the first option as requirements are less rigorous. The report required is only for the purpose of updating the list of officers.

Registration for charitable status is more intensive in its reporting. While it has the advantage of availing of exemptions in hiring of facilities as well as being able to conduct registered fundraising, the requirements to sustain registration is daunting for grassroots CSOs who are mostly without physical offices and personnel for regular administration work.

Meanwhile, trade union registration is optional with the Registry of Trade Unions office. Requirements are less extensive and intensive than those for a charitable organization but greater than those for an ordinary registered society.

A number of CSOs of migrants and diasporas also utilize the internet and social media for their accountability and transparency practices. However, these are again dictated by the availability of resources and personnel.

Facebook has been a tool that migrant CSOs have used in their advocacy. Examples of some successful advocacies were the campaign to save the life of Mary Jane Veloso, a victim of human trafficking from the Philippines, and the campaign for justice for Erwiana Sulistyaningsih, an abused Indonesian domestic worker in Hong Kong.

Through Facebook, communication among members of CSOs of migrants and between CSOs has become swifter. There are CSOs that utilize the page and group features of Facebook to announce activities or other important details of the organization.

Some work on welfare provision also flows through social media. Service organizations and even advocacy groups like Migrante International regularly receive messages on their Facebook page regarding questions on rights and legal procedures.

Notably, the successful legal assistance and advocacy campaign for Erwiana Sulistyaningsih started with a simple Facebook post by a concerned fellow Indonesian domestic worker who saw her and talked to her at the HK International Airport.

Some of the more institutional CSOs maintain website that serve for their promotion and as repository of their publications and other resources. These websites feature their newsletters containing reports of activities while some include reports on the general financial health of the organization.

The enabling environment for migrant/diaspora CSOs to be effective development actors is shaped by the migration framework countries of destination employ to govern movement of people, as well as perspectives and responses of countries of origin on the displacement of its own people.

In countries of destination, security and control is the overarching framework on migration policies. This framework results in rules that directly or indirectly keep the economic, political, social, and cultural rights of migrants on a tight leash. It severely limits the movement and potential of migrants and diasporas - including refugees - to be active members and contributors to the comprehensive development of the country.

The precarious status of migrants and refugees negatively impacts on their capacity to be effective development actors. While such precarity help migrants and diasporas realize the need for individual and collective actions, on the reverse side, it also inhibits them from being involved in such actions out of fear of termination from their jobs or even deportation from the host country. This is especially true for refugees whose ability to live in the host country is very dependent on the support programmes host states provide them directly or through service CSOs.

Even in countries that are traditional destinations for more permanent migration, recent policies point out to the broadening of temporary migration policies to ensure the steady inflow of cheaper foreign labor. CSOs in Canada have called this a "revolving door" policy as the government pursues a more restrictive entry, stay, and re-entry policy for its Temporary Workers Program. Similarly in the US, the guest workers program has resulted in increased instances of labor trafficking while in Australia, the Visa 457 program has provided cheap low- and semi-skilled workers to businesses.

Such precarious and vulnerable conditions force migrant workers to endure their ordeals as the fear of losing one's job and the imminent threat of deportation hang over their heads.

This presents a difficult challenge for collective organizing among migrants and diasporas. The fluidity of migrants undermines the strength and sustainability of grassroots CSOs and the networks they initiate. Necessary turnover of leadership, as well as "replenishment" of membership, is a serious issue as experienced by members of the AMCB in Hong Kong and the APMM.

Rules governing the establishment and operation of CSOs are also often prohibitive for migrants and diaspora CSOs. Administrative requirements are difficult to meet and procedures are hard to follow for people whose movements are restricted by their employment and status. Refugees are confined to designated shelters while migrants in domestic work are required to live with their employees. In countries in the Middle East, migrants live in industrial enclaves that are distant from government offices.

Structures that can enable the operations of CSOs are also difficult to establish and maintain. Aside from the dearth of resources for building and supporting such structures, the working and living condition, and rules on day offs also block migrants and diaspora

CSOs from obtaining and maximizing such structures.

Meanwhile, in countries of origin, the drive for remittance and other income from their workers overseas is the overarching framework. Thus, they do not create the necessary structures and mechanisms to help their national CSOs to participate effectively in development initiatives.

Consultations and dialogue with their people are scarce, even absent, in most cases. Until the clamor from migrant movements on the ground becomes loud and strong, such a situation will continue.

CSOs of migrants and diasporas are addressing the creation or improvement of a more enabling environment for CSOs primarily through advocacies on policies against security-based, remittance-driven, and migration-oriented framework on migration and development. These advocacies target improvements in the living and working condition of migrants, as well as enlarging spaces for CSOs.

Alongside these advocacies, migrants and diaspora CSOs initiate innovative strategies to start and sustain work among the sector. For example, in order to respond to the more rapid turnover of leadership among grassroots organizations, CSOs like the APMM continuously conduct trainings for the whole organization to widen and deepen the bench of potential grassroots leaders who can immediately take on the positions in the leading bodies.

Maximizing the more reliable and permanent members, formations, and structures is also another way of overcoming obstacles in human and finance resources. These include encouraging churches, members of the academe and local women and workers groups to establish or support programmes for migrants and diasporas.

RECOMMENDATIONS

1. **For Migrants and Diaspora CSOs**

   a. Enhance and prioritize grassroots participation in social justice and human rights concerns through establishing community organizations, expanding and strengthening partnerships, and building the capacity for sustainable actions.
   b. Establish and strengthen crisis-assistance programs for migrants and diasporas to reduce vulnerability and increase their access to justice and human rights.
   c. Regularly generate, collect, and update data on migrants and diaspora to strengthen evidence-based development policy advocacies, increase the knowledge base of the grassroots, and enhance partnerships of grassroots migrants and diasporas, research organizations and the academe.
   d. Ensure that youth and youth development is supported and prioritized in real terms, including resourcing, recruiting youth to work with youth and ensure they design and develop their own effective and targeted programmes.
   e. Expand work and outreach to sub-sectors of migrants and diaspora communities such as the youth, persons with disabilities, and the LGBT.
   f. Conduct further studies and work on themes of internal migration, climate change, conflicts and wars, and their relations to cross-border migration displacement as refugees, migrant workers, or climate refugees.

2. **For governments**

    a. Support and resource migrants and diaspora CSOs to deliver and provide for their respective constituencies. Resources, if available, should be earmarked not only for delivery of emergency assistance services, but also for developing the capacity of CSOs to engage in policy formulation, implementation, monitoring, and review.
    b. Ensure systematic policy learning and scaling up models by identifying successful approaches and subsequently building them up and/or channeling them into mainstream services.
    c. Research and collect evidence and more accurate data on environmental migration owing to climate change, disasters, and other environmental changes and its impacts on legislation and public policies.
    d. Create inter-institutional and CSO dialogue to facilitate the interaction of public policies related to migration, environment (disasters and environmental and climate changes), climate justice, and human rights.
    e. Enhance access of migrants and diaspora CSOs to reliable and timely data and information on remittance (including social remittance), development aid, and other relevant themes.
    f. Work towards the development of migration as a choice and not a necessity. Create spaces for migrants and diaspora CSOs in countries of origin, transit, and destination that will propel the participation of the sector in development designs.

3. **For CPDE**

    a. Support and resource the Migrants and Diaspora constituency to be much more effective in their reach and targets.
    b. Provide tailored training and education to increase the capacity and capability of the constituency.
    c. Enable the outreach of migrants and diaspora to other constituencies that cross-cut the sector. This can further enhance the analysis and work of the migrants and diaspora constituency while also adding substantial value - in content and outreach - to the other constituencies.
    d. Strengthen and provide models of peer support to all migrants and diaspora platforms and fora so that the constituency is also strengthened and can be more effective.
    e. Source and distribute resources for the regional, national, and local work among migrants and diaspora.

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