

Opportunities, questions and trade-offs of local civil society support by Belgium

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Background

Since the late 1990s, supporting civil society engagement in the development process has become a key issue in the aid effectiveness debate and practice. The acknowledgment of its importance reached its climax in 2011 at the fourth *High level forum on aid effectiveness* in Busan, South Korea¹. Civil society was closely associated to the consultation process that led up to the forum and played a crucial role during it, as well as in the *Global partnership for effective development cooperation* launched soon afterwards².

Need for inclusive ownership, and more generally partnerships, has been equally recognized in the context of fragile states and situations. Constructive relations between state and society are actually considered as essential to build effective, legitimate and resilient states and to develop democratic and accountable governance structures. According to the *New Deal for engagement in fragile state*³, civil society (especially women, youth and marginalized groups) is a key actor for peace- and state-building and its involvement is crucial to plan the transition out of fragility.

Belgium joined both the *Global partnership* and the *New Deal* and adopted a strategic note for fragile situations stressing, amongst other principles, the importance of building capacities of both state and society actors⁴. However, a coherent strategy on supporting local civil society has been lacking so far and the existing programs are currently suspended – the *Micro-intervention program* was closed in 2011 and the *Subsidy for direct funding to local civil society organizations* was suspended in 2012 after the release of a Belgian Court of Audit report pointing out several management problems.

The debate over Belgium direct support to local civil society is now renewed. The recent law on development cooperation provides the possibility of directly funding domestic non-profit organisations⁵. Better involving civil society organizations as drivers of change is also one of the priorities outlined by the Belgian government in 2014, along with the will to concentrate on fragile contexts⁶. An operational consequence of this priority could be observed at the outbreak of the political crisis in Burundi in 2015, when the Belgian government decided to suspend – totally or partially – a number of programs as well as all direct support to the national authorities and announced a reorientation towards civil society organizations and a special human rights program. However, modalities and procedures of this direct support – through the reactivation of the *subsidy* suspended in 2012 for instance – are still under development. On the execution side of its development cooperation, Belgian Development Agency (BTC) has recently developed new “*Guidelines for developing and monitoring grant agreements*”. They allow the agency to sign conventions directly with local civil society organizations, whether through a call for proposals or without one if justified or already planned for in the formulation documents of the project. Nevertheless, only activities can be delegated to them and not results for which BTC is still responsible in the end. But again, modalities and procedures are still new and unclear to Belgian development actors.

In the context of this debate, it is important to acknowledge and better take into account the complexity of

supporting local civil society. This Policy Brief discusses some of the opportunities as well as challenges underpinning the support to local civil society, notably from the point of view of governmental donors, and addresses preliminary recommendations for Belgium.

Opportunities: the why question

In contexts where states lack political will and/or capacity to provide development and safeguard security and human rights, civil society mobilization can contribute in delivering basic services, in building peace and more broadly in enhancing a better governance from the authorities.

Deliver services. Civil society organizations can be complementary to the State and provide the population with the basic needs that the authorities are unable or unwilling to deliver. These organizations can, for example, reach marginalized groups or isolated areas in the field of healthcare and prevention, water and sanitation, and so on. Where state actors are involved in the violation of human rights, civil society actors can even be the only ones able to deliver access to basic services, such as legal support to individuals or communities in conflict with local/national authorities or rehabilitation services to victims of torture. Civil society contribution to service delivery can thus help to ensure that human rights are respected, protected and fulfilled. It can also help to relieve social discontent and restore social trust. Difficult or unequal access to basic services can indeed affect citizens' confidence in public authorities, deepen the gap between the population and the State, and generate social unrest or even conflicts between social groups. This raises the issue of state-building and State-society relations. In this regard, it is important that the intervention of civil society organizations in such state's core domains does not undermine the development and accountability of state actors (as duty bearers), nor their legitimacy and democratic relations with the citizens (as rights holders).

Building peace. Civil society's role in local and national reconciliation is also key to peace-building processes. One of civil society's fields of expertise is doubtless the promotion of human rights, as these organizations can engage in documenting and reporting violations and protecting victims and citizens' rights. They can also advocate for non-violent forms of conflicts resolution and play as intermediary between different stakeholders. Thanks to their proximity with the population at grassroots level, they can for example help to "translate" reconciliation efforts at the international level to the general public. They can also promote activities to improve civic education and to increase confidence between social groups and with public authorities.

Advocate for and contribute to better governance. Finally, in all these fields and more broadly, civil society's mobilization is crucial to favor democratic governance by public authorities. These organizations can play an important role in defending citizens' interests and needs in policy dialogue, in monitoring policies implementation and in claiming more accountability from the authorities. They can feed the public debate through conducting policy analyses, disseminating information, empowering local communities and promoting participative decision-making processes. Moreover, as far as service delivery is concerned, civil society initiatives do not exempt the state from their responsibilities in a specific domain, nor a donor's engagement with relevant state actors, but rather enters in a complex and mutually accountable relationship.

Based on these elements, donors have taken several initiatives to promote civil society engagement in the above fields. At international level, the *Global partnership* developed a monitoring framework including an indicator specifically focused on the enabling environment necessary to maximize civil society engagement in and contribution to development². At European level, the European commission envisaged in 2012 "*Country roadmaps for engagement with civil society*"⁷. Their purpose is to strengthen partnership with civil society, but also to increase the complementarity between the European members' respective support to local civil society. At country level, beside individual donor supports, several forms of joint programs exist, such as for example in Mali the EU-led "*Program in support to civil society organizations (PAOSC)*" or in Rwanda the UN-led "*Strengthening civil society organizations for*

responsive and accountable governance".

Modalities of local civil society support: the options on the table

Supporting local civil society can take different forms, which can be influenced by different internal and external factors. Internal factors can be the function and (human and material) resources provided to Embassies and development agency (and in rarer cases to headquarter). They can also be the political and/or regulatory "red lines" to provide such support or the objective pursued, whether it is the local civil society organizations support itself or the achievement of wider goals (such as enhancing a favorable environment for the respect of human rights, etc.). External factors can be related to the country context, in particular the regulatory framework that governs associational activities, the legal conditions existing to provide external support to domestic organizations and the very existence of an organized civil society. From this follows different strategies and thus different ways of doing support.

Financially, this support can be direct, indirect or a combination of both.

Direct support. In this form of support, a donor will directly fund local civil society organizations, following a selection or a tender process in order to strengthen the organization or to mandate it to perform certain activities.

Indirect support. This type of support is more complex and diverse. The goal remains the strengthening of local civil society organizations or conducting activities implemented by them, but they are oversight and financed through an intermediary organization. This can be an international NGO, another bilateral cooperation actor via delegated cooperation or via multilateral cooperation (UN, EU, etc.). Another type of indirect support is via the "pooled funds", as those worn by the EU or the UN mentioned above, which can be executed through national or specific parallel systems.

Hybrid support. Some donors also cannot distinguish between either direct or indirect support and, as is the case of the USAID program in Rwanda, launch a tender for which INGOs as well as local civil society organizations can apply.

Politically, donors can also support the space for civil society through **policy dialogue**. This support does not entail any specific funding of local organizations, but rather a political support in favor of an "enabling environment" for civil society to operate in and better participate to state-society exchanges. This goes from diplomatic demarches when civil society activists are harassed, arrested, prosecuted, etc., to the establishment of a protection program; from making reform of restrictive legislation in the recipient country a diplomatic priority, to introducing the obligation for civil society organizations' consultation in relevant bilateral program or project management cycles (both in the planning, implementation and evaluation phase).

Questions and major trade-offs

Support to domestic civil society is not without its challenges. Many issues are indeed at stake related both to the institutional context of donors and development modalities, and to the political and social context of the partner country.

Defining civil society. The notion of civil society seems rather self-evident in the development debate. A broad consensus among development actors defines it negatively as what it is not: "the arena outside of the family, the state and the market where people associate to advance common interest"⁸. However, following the interconnections of human relations and the porosity of society, the distinction between civil society and state or between civil society and market is more blurred. So far, another common mistake has been to use the term as a universal "one-size-fits-all" concept and to refer above all to non-governmental organizations. As Leclerc-Olive suggests, this has actually created a "blind spot" excluding actors who do not meet the ideal model⁹. In practice, a wide range of actors can be included: community associations, faith-based or professional ones, foundations, think tanks and research institutes, media, trade unions, citizen movements, etc. The challenge for donors is to catch the reality of partner countries,

to adapt their programs to their society structure and relations and to leave no one behind.

Selecting the civil society partners. The variety of civil society actors mentioned above also entails different degrees of formal organization. However, donors' programs and calls for funding often include technical and high-level standards, which *de facto* exclude all those organizations or movements with fewer experience and formal structure. The challenge for donors is to reach even civil society actors that are perhaps less formally structured but more close to endogenous dynamics in grassroots communities.

Moreover, depending on their forms of engagement, civil society organizations can be more or less accepted by country authorities. Organizations focusing on service delivery tend to be seen more positively, while civil society organizations developing advocacy work can be accused of having hidden agendas and threatening the local/national institutions. Any external support to this latter type can thus be little appreciated or even tolerated. A second challenge when selecting civil society partners thus relates to the very acceptance by the partner country authorities of their existence, their roles and specializations and to the risk of weakening the diplomatic relationships with them.

Assessing and meeting the contextual needs. Engaging with local civil society is engaging in a specific context and alignment to endogenous processes and needs is essential. In the development practice, the rationale behind donors' support to civil society has undergone a shift from a more "service delivery – program implementation" paradigm, dominant until the mid-nineties, to a more "good governance" model since then. In both cases however, the risk has been to divert civil society actors towards the objectives defined by donors and to support an "artificial" civil society. In contexts of few resources, citizens and organizations may actually tend to engage in those areas that receive external funds more easily, even when they do not respond to the current needs and demands of the population and the most vulnerable groups. Considering civil society organizations only in relation to development and/or state-building goals also entails the risk to consider them only for their complementarity with state, private or donor actors, instead of supporting them as actors in their own rights. Moreover, the shift from a paradigm to another does not acknowledge the variety of roles and mandates covered by civil society in practice, with the risk of increasing perverse competitions among actors and social tensions. The challenge for donors is to adequately assess contextual needs and conciliate their (external) goals with the (internal) purposes and organization of local civil society.

Achieving results while building capacities. Programs in support to civil society often focus on specific goals and their related activities, taking for granted the capacities and means at the disposal of local organizations to realize them and thus insufficiently funding their institutional and capacity building. However, many mapping of civil society actors in Southern countries, especially fragile ones, show a critical lack of resources that limit civil society effectiveness. The very challenge for donors is to achieve specific (often short-term) results while sustaining endogenous dynamics and supporting the (often long-term) strengthening of local organizations.

Engaging (or not) with State authorities (and if so, how). In recent years, space for public opinion and freedom of the press has been restricted in many countries. This goes from closing civil society organizations on technical grounds or creating shadow movements and political parties, to controlling the media, the Internet and the new information communication technologies¹⁰. In these contexts, any external support to local civil society organizations could be difficult. Moreover, following the ownership and alignment principles of the aid effectiveness agenda, donors should align to country strategies and mechanisms, which entails that any support to local civil society should also integrate national policies and use country systems. Especially in fragile contexts, this could be difficult to implement as policies or procedures are lacking and/or as there is a risk of instrumental use by national authorities. The challenge for donors is to find the best way to support (independent) civil society while engaging in policy dialogue and institutional support favoring an enabling environment for freedom of expression and citizen mobilization.

Recommendations for Belgian cooperation

Overall strategic clarification. So far, the on-going debate about a renewal of Belgium direct support to

local civil society has mostly focused on its implementing modalities: through which funding channels; which division of labor between DGD and BTC, headquarter and the field; what synergies with Belgian non-governmental actors; and so on. However, first and foremost, the overall strategy in which this civil society support is included should be better clarified: for instance, which goals are pursued, which actors are primarily targeted, which contexts are concerned? The experience of other donors show that the modalities adopted depend on the strategy being pursued and that, for example, engaging with civil society to implement a bilateral program cannot follow the same procedures than those relevant for supporting grassroots advocacy movements. In the first case, a grant agreement with BTC could be considered, while strengthening the partnership with Belgian civil society organizations could better fit the second one.

This strategy should follow a context-specific approach and allow the necessary adaptation to meet contextual needs and political contexts, as well as the history, organizations and endogenous missions of local organizations. A “Do no harm” principle should guide the strategy pursued and the appropriate selection of civil society organizations to support. The choice could be guided by “a mapping of civil society indicating the range of organizations present and how they interact with prevailing economic, political and social trends”¹¹. A pro-active approach is needed in this regard. Grass-roots organizations operating in remote and rural areas might not always be connected to the capital. Reaching out and building relationships and knowledge of local civil society is therefore key in the selection of partners. Belgium could refer to the context analysis made by other donors, such as the civil society mapping funded by the European Union, but also to Belgian civil society organizations, who also elaborate context analysis and often have extensive experience at grassroots level.

It is also needed to conduct a case-by-case assessment of Belgium leverage capacity (political – including the historical relations with the partner – and financial) in the context, as well as of the added-value of the Belgian actors intervening there. This assessment should also take into account the organizations and areas (service delivery, governance, capacity building, etc.) already funded by other donors, as well as the mechanisms they use. A better coordination among donors could actually help to better balance the external resources allocation among organizations and/or areas, and to reduce the administrative burden often placed on local organizations. At the end, this assessment should point to alternative modalities of support: direct, indirect or through pool funding where Belgium could take the initiative or contribute with no leading role in coordination and political dialogue.

Review and integrate coherently the different direct and indirect support. This strategy should also improve the coherence between the various channels used to support local civil society and foster the complementarities between the different stakeholders involved, according to their respective comparative advantage. Direct funding of local civil society can be promoted through for example the reactivation of the subsidy specific to this purpose. So far, this budget line has been mainly mobilized by the Embassy at country level and focused on initiatives beyond the bilateral cooperation program. This kind of funding could enable the support of new and local initiatives, and allow Belgium to reach even more informal and little local organizations. Synergies could also be found with other kinds of support. For example, in sectors of concentration, local civil society could be directly or indirectly involved in programs funded by BTC through grant agreements. The same organizations supported could also be partners of Belgian (and international) civil society organizations, in order to multiply and foster the support given to them.

It is also essential to couple the financial support with technical support and learning processes. The experience of local organizations show how they have benefited from the participation to networks and other forms of exchange of experiences (North-South, South-South and at country level). In this regard, indirect support through Belgian (and international) civil society organizations often has the benefit that the relationship they have with local organizations is more than just a financial one, as it is also based on having the same objectives, an exchange of knowledge, skills and experience, joint actions, advocacy and networking initiatives.

Finally, any support to local civil society should be accompanied by an engagement through policy dialogue in favor of an enabling environment for civil society mobilization, such as the meaningful participation of civil society in public policy making and the development of a legal and regulatory framework that governs associational activities. This dialogue should focus on agreements under the *Busan Global Partnership* on the responsibilities of governments to ensure an enabling environment for civil society, as well as on relevant civil and political rights (freedom of expression, freedom of association and assembly, etc.). It should also be enriched with the lessons learned from the direct and indirect funding to grassroots organizations.

Do not avoid, but acknowledge and manage risks. Supporting civil society inevitably entails risks, related both to the effectiveness of the program itself and to the intervention context. As said above, local civil society rarely follows the ideal model advocated in donors' discourses and strategies and usually suffers from external and internal weaknesses. This can limit the effective program implementation and can involve problems at both operational and financial levels. However, refraining from supporting local organizations is not an option, if the goal is an endogenous development. Mechanisms should be included to better analyze the possible program risks and to prevent them. In this regard, other donors often adopt rigorous procedures for the selection or the monitoring-evaluation, including for examples both internal and external audits. It must be acknowledged that this kind of strategy could work as a filter and exclude organizations who are less formal, have fewer experience with programming and budgeting tools or intervene in particularly fragile contexts. Belgian programs should rather include mechanisms reaching out also these kind of organizations and supporting their capacity building and organizational needs. Any risk management tool should thus strike a balance between the (primarily fiduciary) acceptable risks and the pursued local development goals.

Risks can also be contextual. As mentioned, donor support for civil society organizations can affect state-society relations, either by increasing "voice" with positive impact on the political inclusiveness and the capacity of the society to make demands on the state, or by enhancing antagonistic polarization with a potentially negative impact on processes of state-building, often unwittingly affecting political processes. A careful vetting process of local civil society organizations and a thorough risk analysis centered on the "Do no harm" principle is therefore essential. Moreover, in case of engagement in sensitive domains or with advocacy and awareness-raising focused organizations, where acute protection of human rights defenders or other civil society activists might be needed, risk prevention and pro-active protection mechanisms should be considered, as well as protection policy, including temporary relocation support, to avoid improvisation and ensure due diligence and sound risk management.

Promote a long-term perspective. As with the institutional support, predictability of aid and long-term perspective are also essential when supporting civil society organizations. This allows not only the short-term implementation of specific interventions, but also the overall long-term strengthening of the organization structure and capacities. Moreover, this helps to bolster trust among Belgian and local partners and to build stronger and more effective partnerships. Lessons can also be learned and feed new cooperation programs.

Simplify procedures. Exchanges with staff in Brussels or at field level show that existing programs to support local civil society (such as the micro-intervention program or the subsidy cited above) were much appreciated for the opportunity they provide to support pilot initiative or grassroots actors. However, all complain a management too cumbersome, not always clear nor coherent. Likewise, the problems pointed out regarding the subsidy to local civil society by the Court of Audit in 2012 mostly related to (financial) management problems and not to the content or purpose of this funding. It is thus crucial to define clear and simplified procedures, allowing a rigorous selection and follow-up of the intervention and improving the visibility and accountability of the intervention supported. Vetting and reporting of local civil society organizations could also be mutualized with other donors to favor coordination and effectiveness.

Ensure flexibility and autonomy at field level. Lessons learned from donors most involved in supporting local civil society show that their staff at country level enjoys a degree of flexibility and autonomy from the headquarters. This is important for example to enable the staff to identify key partners relevant for particular sectors and contexts, or to engage funds in favor of new initiatives as they emerge from civil society and as changes in context require it. An emblematic case is that of the Netherlands, among the few donors to have maintained its cooperation with Mali even during the crisis, thanks to the possibility the Embassy had to redirect its funding from institutional programs to civil society and local authorities.

Provide staff with the necessary resources. Both at headquarter and field level, it is important to have enough human resources available to implement the support program and ensure a good follow-up, but also to participate at the different coordination meetings among donors and with civil society organizations or at other events allowing the staff to better understand the country context and identify relevant actors and initiatives. A local civil society focal point at embassy level could help to strengthen the identification processes and the relationships with civil society actors, as well as the outreach to local actors, especially those less formally organized and/or in remote and rural areas. Financial resources are also needed to conduct context (including stakeholders) analyses, to organize regular meetings and exchanges with and among partners, to monitor and evaluate the interventions and to capitalize them.

Build a guiding tool for staff. One of the issue so far has been the lack of comprehensive knowledge about all the possibilities existing to support civil society, both among headquarter or field staff. Even when they are known, such as for example in the case of the subsidy, it seems not always clear for the staff how the budget can be allocated and who is in charge of the selection, implementation, and follow-up. In the case of the subsidy suspended in 2012 for example, the division of labor between the Embassy and the BTC was not always clear or not always effective, the Embassy being in charge of the selection and the follow-up, but BTC of the implementation. In any case, it would be useful to have a guiding tool clarifying for example what channels exist to support local civil society, how they can be engaged at the different stages of the cooperation program, how other stakeholders can be involved, how tasks are shared between different staff (headquarters and field level, embassy and BTC).

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