ENGAGING CIVIL SOCIETY

Emerging Trends in Democratic Governance

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Civil society engagement and democratic governance: An introduction

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Scholars and development practitioners recognize the centrality of governance capacity to achieve sustainable development objectives, including the eradication of extreme poverty, environmental protection, access to basic services and livelihoods and the promotion of economic growth. The 2005 UN *World Summit Outcome* document emphasized that effective democratic governance and public administration are necessary conditions to achieve the Millennium Development Goals (MDGs) in developing countries (UN General Assembly, 2005). Consequently, many developing countries within the Asia-Pacific region have aimed to improve governance systems and processes to promote people-centred and sustainable development. The United Nations, development banks, bilateral development partners and private sector foundations continue to support these national efforts through governance assistance programmes.

In developing countries, many factors can constrain governance capacity to formulate and implement development programmes and policies: elections are not always free, fair and regular; parliamentary processes may be dominated by the ruling élite without adequate interface between parliamentarians and constituents; checks and balances between the executive and legislative branches may be inadequate; and weak rule of law may discourage foreign and domestic investments. High levels of corruption can further impede trust in government and inhibit the latter's capacity to bring about change. Other challenges can include weak local governments; a lack of inter-agency coordination where cross-sectoral interventions are needed, in areas such as urban and rural development;

inter- and intra-state conflicts; the magnitude of deficiencies in basic social services; and low levels of participation and engagement by civil society, particularly women, in economic and political activities (UN Development Programme, 2002).

To reform governance systems and processes, developing countries have followed a two-pronged approach: first, the implementation of systemic changes in national and local political institutions; and second, governance interventions in selected sectors such as education, health, water, shelter and services. Within each approach, civil society organizations (CSOs) are playing an increasingly important role and expanding at the local, regional and global levels to improve and promote democratic governance – i.e. governance characterized by participation, access and rule of law. At the local level CSOs are actively engaged in community development, skill improvements for sustainable livelihoods and access to basic social services. At the national level they often perform a watchdog function to improve the quality of electoral and parliamentary processes, work for public interest law reform, enhance access of the poor to justice through paralegal services and seek the accountability of public officials by informing media about violations by public officials. Between the national and global levels, CSOs are increasingly leveraging the regional dimension to address issues that transcend national boundaries, such as human trafficking and cross-boundary water management. At the global level CSOs also perform advocacy functions for global public goods, such as debt relief for highly indebted and least developed countries, greater awareness of climate change, implementation of UN conventions and treaties dealing with civil and political rights, transparency in global governance and increased foreign assistance from the donor community.

The concept of civil society

The concept of civil society has been defined differently by scholars, although there is an emerging consensus on its key characteristics. As indicated by Chandhoke (2003, 2007), it was not considered as an alternative to or independent of the state, at least until the 1980s. For Habermas (1989), civil society is a space or a body of private persons who articulate a deliberative exchange of reasoned arguments about public goals and the common good, thus creating a public sphere. Nancy Fraser (1992) contests the conception that a functioning democratic public sphere necessarily requires a sharp separation of associational civil society and the state. Cohen and Arato (1992: ix) define civil society as "a sphere of social interaction between economy and state, composed above all of the intimate sphere (especially the family), the sphere of associations (espe-

cially voluntary associations), social movements, and forms of public communication".

The most commonly used definition of civil society is a sector of associations, or "a space between the family and the state where people associate across ties of kinship, aside from the market, and independent of the state" (Elliott, 2003: 8–9). According to Gordon White (1994: 379), the definition that is common to most uses of the term is that of "an intermediate associational realm between state and family populated by organizations which are separate from the state, enjoy autonomy in relation to the state and are formed voluntarily by members of society to protect or extend their interests or values". Putnam's (1996) notion of "social capital" stresses the dimensions of reciprocity and trust in CSOs as key elements of their contribution to democratic processes and the building of democratic institutions. Alagappa (2004: 32) points at the uses of the notion of civil society as a distinct sphere, a space and a site for governance and strategic action. Perceptions of civil society and its role in democratic change are influenced by two different traditions in the fields of democracy assistance and democratic governance, one rooted in democracy promotion and the other related to development practice (Carothers, 1999). While the former is based on a definition of democracy as a value in itself, the latter addresses democracy only in as much as it is a variable contributing to development. In practice, the two traditions complement each other (Cheema, 2005).

In the field of democracy assistance, Larry Diamond (1994: 5) defined civil society as "the realm of organized social life that is voluntary, self-generating, (largely) self-supporting, autonomous from the state, and bound by a legal order or set of shared rules. It is distinct from society in general in that it involves citizens acting collectively in a public sphere to express their interests, passions and ideas, exchange information, achieve mutual goals, make demands on the state, and hold state officials accountable." He adds that it excludes "political efforts to take control of the state".

The United Nations, the World Bank and the Organisation for Economic Co-operation and Development (OECD) define civil society in an almost identical manner. The UN definition includes "all groups outside government such as community groups, non-governmental organizations, labour unions, Indigenous Peoples' organizations, charitable organizations, faith-based organizations, professional associations and foundations".[1]

The World Bank uses the term "civil society" to refer to the wide array of non-governmental and not-for-profit organizations that have a presence in public life, expressing the interests and values of their members or others, based on ethical, cultural, political, scientific, religious or philanthropic considerations. CSOs therefore include a range of organizations:

community groups, non-governmental organizations (NGOs), labour unions, indigenous groups, charitable organizations, faith-based organizations, professional associations and foundations.[2]

The OECD describes civil society as "encompassing a wide range of organizations. In a broad sense, it includes all non-market and non-state organizations and structures in which people organize to pursue shared objectives and ideals ... civil society also includes farmers' associations, professional associations, community-based organizations, environmental groups, independent research institutes, universities, faith-based organizations, labour unions, and the not-for-profit media, as well as other groups that do not engage in development work".[3]

About this book

This book attempts to examine the changing roles of civil society in global and national governance. It identifies factors that influence the effectiveness of civil society in promoting democratic governance. Specifically, the study raises the following questions.

- To what extent and how has the global civil society been influencing global governance and democratic change?
- What have been the patterns of growth of civil society in Asia and Africa, including legal frameworks under which CSOs are established?
- What are the capacity gaps of the civil society *vis-à-vis* its assumed roles?
- What are the mechanisms for the horizontal and vertical accountability of civil society?
- How and with what effect has civil society been engaged in promoting democratic change and inclusive governance?

The study is divided into four parts. Part I discusses roles that CSOs have played in intergovernmental mechanisms, including in human rights and climate change, and their partnership with governments to advocate changes in global governance. It also examines the roles of transnational civil society and international advocacy NGOs and networks in promoting accountability and transparency in global governance. Part II discusses legal empowerment, norm- setting and capacity of civil society. It also examines innovative leadership roles of CSOs in "integrated development" and the promotion of effective electoral and parliamentary processes.

Part III presents case studies of five Asian countries: Bangladesh, the People's Republic of China, Japan, Malaysia and Pakistan. Each country case study discusses the history and pattern of growth of civil society, legal frameworks for civil society, CSOs' internal capacity to deliver on

their mission, upward and downward accountability and the impact on democratic change in the country. Part IV presents an overview of the factors that constrain or facilitate CSOs' contributions to democratic change in Africa. It also discusses the consequences of top-down approaches to civil society in Africa and the impact of donor assistance through CSOs.

Part I: Civil society and global governance

The rapid pace of globalization has led to two important changes in global governance. First, the member states of the United Nations have become increasingly interdependent. As a result, world populations now have a greater awareness of their commonalities and shared interests. Furthermore, there is a heightened necessity for intergovernmental cooperation to respond effectively to economic and political issues. These phenomena have opened the door for the creation of new CSOs which can bridge and address mutual concerns at the global level. Second, non-state actors, which include CSOs, have found that they have a larger role within this scenario. They can advocate for new public goods that receive insufficient attention from the international community or individual member states, such as the environment, poverty eradication, human rights and gender equity.

Over time, CSOs have grown to play an increasingly active role in the United Nations and related intergovernmental processes. Back in 1945 they helped to establish the United Nations. Due to alignments in Cold War politics, this involvement at the international level continued less visibly during the 1960s. However, by the early 1990s their dynamic role was consolidated, in line with the statement by the UN Secretary-General that CSOs should be considered "full partners in international life". With the Economic and Social Council (ECOSOC) accreditation process in 1996, the number of CSOs associated with the United Nations expanded rapidly. The recommendations of the 2004 Panel of Eminent Persons on UN-Civil Society Relations led to their increased participation in various UN bodies, as well as in the design and monitoring of the Millennium Development Goals (MDGs).

CSOs propel the United Nations beyond the declaratory stage and support the implementation stage of development. They therefore expand the capacity of the United Nations, extend its reach into societies and mobilize societal support for the organization. Today, CSOs provide expert knowledge to the UN system and the UN Secretariat, advocate viewpoints of various groups in society which are not reflected through

government delegations and serve as channels of communication and dissemination concerning global norms, standards and public goods.

Vesselin Popovski (Chapter 2) discusses the changing patterns of relationships between CSOs and global governance. He describes the evolution of civil society's roles in the UN system. Specifically, he examines CSOs' roles in global advocacy and the normative intergovernmental processes of the United Nations, and their participation in the programmes of such UN entities as UNICEF, the UN Development Programme (UNDP), the World Food Programme (WFP) and the UN High Commissioner for Refugees (UNHCR). He presents examples of CSOs' role in promoting global public goods, including the environment and climate change, human rights protection and refugees. He introduces the idea of four "United Nations" in terms of the practice of decision-making at the intergovernmental level.

The increasing impact of civil society on the governance of global institutions can be partly attributed to the deficiencies of democracy today, especially in developing countries. As John Clark argues (Chapter 3), several factors have created a vacuum, which has resulted in more space for civil society to play a larger role: low levels of citizen participation, inadequate representation and weak mechanisms for accountability. CSOs provide information and structures for citizens to become further engaged in governance. Moreover, globalization has resulted in widening economic inequalities, which provide the impetus for debt relief and anti-corruption strategies. For such purposes, CSOs have learned and evolved to work transnationally, and particularly to focus on specific issues relating to globalization and global governance. Often the reform agendas of donor countries and global CSOs are complementary. Both focus on promoting transparency of global institutions through streamlining and simplification of the processes of global governance, the extension of the reach of the global institutions to citizens, improvements in the information policies of these institutions and the promotion of their role in the global movement for greater transparency. Some policymakers and development practitioners, however, are concerned about the increasing influence of CSOs in global governance and question their legitimacy and accountability. But by promoting the accountability of global institutions, CSOs may contribute to a new agenda for "ethical globalization" that works for all and not just for a few.

International advocacy NGOs (IANGOs) and networks are playing important roles in global governance. For example, Jubilee 2000 mobilized support from government and non-governmental organizations in both industrialized and developing countries to campaign for debt relief for highly indebted poor countries. It produced policy changes that resulted in the reduction of debt for some of the least developed countries

(LDCs). Transparency International (TI) has been proactive in campaigning to reduce the erosion of development work by corrupt practices. It has mobilized support for an OECD treaty to make international bribery illegal, and promoted cross-sector collaborations to reduce the influence of corruption. NGOs such as Global Witness and Africa-Canada Partnership identified the links between human rights atrocities and the trade in illicit diamonds.

John Clark (Chapter 3) examines the role of transnational civil society in promoting transparency and accountability in global governance. He argues that there is a close parallel between the array of governance reforms CSOs advocate and the reforms donors promote to their recipient governments, and that a key part of this process is the promotion of transparency, in particular through four sets of activities: demystifying the processes and institutions of global governance, extending the reach of those institutions to affected citizens, reforming information policies of the institutions and encouraging those institutions to become active advocates for transparency.

One of the critical issues relating to the role of civil society in global governance is the credibility, legitimacy and accountability of IANGOs in transnational policy-making and implementation. L. David Brown (Chapter 4) examines the capacities and accountabilities of international advocacy NGOs and networks that affect their roles in global governance and problem-solving. He identifies six factors that influence the legitimacy of social actors: *legal legitimacy* (compliance with regulations and laws); *normative legitimacy* (shared values and norms); *political legitimacy* (representing the interests of members); *pragmatic/technical legitimacy* (expertise, capacities and services); *associational legitimacy* (ties to legitimate actors or institutions); and *cognitive legitimacy* (expectations about the world). He states that many IANGOs, such as Transparency International, base their legitimacy on expertise and information, national legislation and universally accepted principles of good governance. IANGOs offer *representative accountability* to the members who elected them for the mission of the organization, *principal agent accountability* to the funders who require performance reports and *mutual accountability* through shared values and aspirations.

Brown further identifies three approaches to enhance IANGO credibility, based on the experience of the past few decades: clarifying the mechanisms through which IANGOs comply with the existing standard of legitimacy, such as the publication of annual reports and audited financial statements by Oxfam International; using improved accountability systems, such as the accountability, learning and planning system of Action Aid International that increases the role of recipient communities in assessing programmes and learning from experience; and designing new

standards of accountability and legitimacy as new problems emerge, such as the promotion of the OECD treaty to make corruption in international business dealings illegal. The Charter of Accountability for International NGOs, recently initiated by an alliance of IANGOs focused on a variety of advocacy issues, is an important step to improve their accountability.

Part II: Legal empowerment, norms and capacity of civil society

Global institutions have also influenced state-civil society relations, and issues such as poverty that affect people directly. Global debates on poverty require maturity to move towards the genuine creation of international institutions that legally empower the global poor. One example is the UN Commission on Legal Empowerment of the Poor, which was co-chaired by Madeleine Albright and Hernando de Soto and consisted of 20 eminent persons from around the world (CLEP, 2008). The commission examined the core issue of power relations between the poor and the élite. Naresh Singh (Chapter 5) discusses the role of civil society in the legal empowerment process, the ways in which the poor can mobilize around their shared challenges and opportunities to begin to generate necessary changes from the bottom up and the concept and process of legal empowerment. He attempts to delineate the linkages between governance, legal empowerment and the role of civil society as a catalyst for change in the promotion and implementation of the legal empowerment agenda.

The commission advocated the use of law as an instrument for empowering the poor, and promoted the role of CSOs in transforming power relations in the areas of property rights, labour rights, business rights, access to justice and the fostering of a climate of the rule of law. The commission's global agenda, to be implemented at the national and local levels, resulted from global and national consultations involving CSOs and the member states of the United Nations. The legal empowerment agenda aims to empower the poor through four pillars or areas of intervention: first, access of the poor to justice and rule of law; second, a functioning property system that includes a system of rules to define the rights and obligations between people, a functioning market for the exchange of assets and an instrument of social policy; third, the recognition of the labour rights of the poor; and fourth, business rights including access to basic economic services, infrastructure services such as shelter and water, and new business opportunities through specialized programmes.

One of the constraints in power relations in developing countries is the "élite capture" of facilities and services. In order to deal with this issue, the commission provided a framework of action for CSOs. Membership-based organizations such as trade unions, farmers' groups, women's groups and faith-based organizations can play an important role in legal empowerment of their constituents, protecting and fighting for the rights of their members and seeking new economic and political opportunities. These organizations, however, need the support of a wide range of other CSO actors, including human rights groups, academics, lawyers and legal aid organizations, donors and multilateral organizations. Their effectiveness will partly depend upon the legal basis of their formation, the legal framework under which they operate and the quality of their interactions with actors from the state and civil society.

International CSOs also play a vital role in establishing and promoting international norms and standards concerning issues that affect people directly, such as legal empowerment, anti-corruption strategies and deforestation. William Ascher (Chapter 6) presents experience of three international CSOs in promoting international norms.

TI was established in 1993 as a network of NGOs with national chapters to combat corruption. TI national chapters organize workshops and training programmes to draw the attention of governments and citizens to take effective steps to reduce corruption. They publish reports, often focused on operations of institutions such as the judiciary and the ministry of interior, and pressure governments through the media to take necessary actions. TI publishes an annual ranking of domestic corruption in countries around the world. Its Corruption Perceptions Index is based on many global and country-specific indices and rankings developed by other sources. It cooperates with international organizations such as the UNDP and the World Bank to clarify corrupt practices in governance and mechanisms to combat these. For example, it forged a partnership with the World Bank in the adoption of TI's voluntary disclosure programme (World Bank, 2006). Despite its limitations, such as the focus on perceptions instead of reality, TI's Corruption Perceptions Index is widely recognized by scholars as methodologically rigorous. Policymakers in developing countries recognize and pay a great deal of attention to the annual index as an indicator of their performance in combating corruption.

Another international organization that has played a vital role in international norm-setting is the International Organization for Standardization (ISO), which establishes quality standards for both products and production processes. It has established more than 17,000 standards in wide variety of sectors, such as agriculture, construction and information society. CSOs such as engineering societies and business associations

have been members of the ISO from the very beginning. The ISO is monitored by the International NGO Network on ISO (INNI), which consists of a coalition of environmental groups. The goal of INNI is to ensure that the ISO-created environmental standards protect the environment and serve public interest.

International advocacy NGOs and networks have also been playing an important role in experimenting with and developing new methodologies and approaches to promote people-centred development. Often these are based on years of pilot testing in communities around the world. Three examples of such IANGOs are the Integral Institute, the Institute of Cultural Affairs and the Jean Houston Foundation, discussed by Robertson Work in Chapter 7.

The Integral Institute (II) has identified four essential aspects of governance and development: *individual consciousness*, *individual behaviour*, *culture* and *whole systems*. The integrated approach to development advocated by the institute is based on the argument that these four dimensions, their interrelationships and institutional/organizational dimensions should be necessary building blocks in designing and implementing development policies and programmes.

The Institute of Cultural Affairs (ICA) has developed a leadership method called the technology of participation (ToP), which consists of a group discussion process, a workshop process for building consensus, an action planning method for turning ideas into accomplishments and a four-step participatory strategic planning process. For over 30 years this approach has been effectively applied around the world within corporations, villages, slums, NGOs, government agencies and intergovernmental organizations such as the United Nations. The approach was applied to the Local Initiative Facility for Urban Environment (LIFE), funded by the UNDP, which was implemented in cities and towns in 15 countries around the world and was evaluated as one of the flagship UNDP programmes.

The Jean Houston Foundation (JHF) has elaborated a new style of creative leadership approach named social artistry (SA), which has also been used widely. The UNDP used the approach to localize the MDGs in selected developing countries, such as Albania, Kenya, Nepal and the Philippines. The approach aims to develop capacities of the individual, group, culture or society to realize their full potentials. It goes beyond the traditional command-and-control leadership style.

The above and other IANGOs have developed innovative leadership methods that can potentially make a huge difference in improving the quality of local participation and local governance and development. These methods deal with deepening individual consciousness, facilitating behaviour within groups, transforming culture and designing whole systems.

Massimo Tommasoli (Chapter 8) addresses the role of civil society actors in electoral and parliamentary processes, including such activities as voter education, organized national election observation, training of temporary election staff and candidates, lobbying policymakers and electoral administrators for better policies and electoral legislation protecting individual rights and freedoms, or for stricter legislation on campaign financing, etc. He also examines some conditions that enhance CSOs' capacity to influence government policy and legislation and extend citizen participation in public affairs.

Part III: Experience in Asia

To understand the dynamics of civil society engagement, there needs to be an analysis of the context-specific history and pattern of growth, the legal framework under which it is established, CSOs' capacity to deliver on their mission and their upward and downward accountability. Also important are the CSOs' role in democratic change, and the stage of political development of the respective country.

The history of civil society engagement and the pattern of growth are both necessary to understand the democratic governance practice in a country. They reveal the evolution of CSOs, the conditions under which they were formed, the relationship between state and civil society and the modes in which civil society groups have been active (watchdog, advocacy, etc.). The corresponding pattern of growth is crucial to understanding civil society engagement dynamics. The history and pattern of growth also explain the unique typology of civil society in each country.

The legal basis for CSO formation and the legal framework in which civil society operates are perhaps the key dynamics between state and civil society. Through these mechanisms the state can somewhat dictate the rate of CSO formation and in what sectors, through permissive or harsh standards for formal recognition of organizations and the associated direct financial support, tax benefits or other costs.

In order to perform their tasks effectively, CSOs require capacities for fundraising and financial management, information gathering and research techniques, and communications skills to attract broad publicity. Other capacities that can facilitate their roles are networking skills to develop coordinated advocacy, documenting and upscaling best practices, professionalism and trust-building to educate citizens, and willingness and ability to "speak truth to power". These capacities allow for the sustainability of their work, and ultimately organizational sustainability. The Philippines is a textbook illustration of a burgeoning and active civil society that is quick to champion specific issues, often for a narrow

public, but lacks the capacity to ensure these organizations are not ephemeral.

Two important issues in civil society engagement within the region are upward accountability of CSOs to the government and downward accountability to the communities they serve. In contrast to many governments, CSOs frequently lack clear, enforceable rules that govern the ways in which their officials relate to beneficiaries. Exacerbating such issues, CSOs are often highly dependent on international donors whose programme priorities can overlook or undermine the needs and aspirations of their intended beneficiaries. For all of these reasons, it is feared that the gap between local priorities and NGO accountability can be wide.

With the widespread growth of civil society in Asia over the last decade, many governments within the region have officially made civil society a participant in national development. However, the level of this participation varies widely across and within countries. At one extreme, civil society may partner with government for planning, policy-making and decision-making; receive access to government budgetary resources and external assistance; and is tapped to assist in public service delivery and project implementation. At the other, countries may publicly profess a policy of civil society participation, but do not translate this into action. In yet other cases, governments create and support the operations of CSOs and use these for specific purposes. To date, a few governments continue to consider civil society a threat and prohibit its organization. Furthermore, local governments may also vary widely in their posture and attitude towards civil society in terms of its participation in governance and local development processes, particularly where government is decentralized and local governments possess some measure of autonomy.

Part IV: Experience in Africa

Goran Hyden (Chapter 14) assesses the constraints and opportunities of civil society for democratic change in Africa. He discusses the nature and quality of associational life in African society, drawing attention to the distinction between formal and informal rules that guide collective action and also the prevalence of small-scale groups and community associations. He identifies the role civil society plays in politics, especially with regard to key aspects of democratic governance such as providing input into policy, holding public officials accountable and participating in partnerships with government. Finally, he focuses on the factors that constrain the contribution of civil society, including the rudimentary nature of the socio-economic structures, the lack of a civic tradition and the legacy of authoritarian political rule, as well as the growth of multi-party

politics, pressures from international agencies and globalization, which exposes Africans to new values both in the diaspora and at home.

Kadmiel Wekwete (Chapter 15) discusses civil society engagement in local development and change in Africa. Based on case studies, he argues that there is a new paradigm shift in Africa from top-down, centralized development to a "local development" paradigm based on devolution to local governments and active engagement of civil society to provide a holistic framework to formulate and implement local development policies and programmes.

Emerging trends

In recent years CSOs have expanded tremendously in terms of their role, number, size, activities, focus areas and influence. This phenomenon has been particularly evident in Asia, where they now play a pivotal role in strengthening effective democratic governance. This book identifies a series of emerging trends for civil society engagement. It advances seven arguments concerning the factors that led to their growing influence within the region and obstacles they must overcome in order to continue their contributions to democratic governance. These are based on global and regional reviews, as well as country case studies presented in the book. The first few points focus on the current status of CSOs within Asia: the emergence of a new space for them to participate in governance; their changed relationship with government and the private sector; and their new roles at the global and national levels, including their increased impact on policy. Then current and upcoming challenges for their continuing contributions to effective democratic governance are highlighted: the need for vertical and horizontal coordination; the need to improve legitimacy; trends towards improved organizational accountability; and the need for capacity development.

New space for civil society

In comparison to other regions, the role and activities of CSOs in Asia were traditionally more circumscribed, as governments had taken an active role in the promotion of economic development while limiting the ability of these organizations to form and participate in governance. These conditions changed during the course of the 1990s, which laid the foundation for the increased growth of CSOs within the region: legal conditions for the existence of CSOs generally improved; fiscal cutbacks and conservative market philosophies led to declines in service provision and access; and many democratic transitions generated greater

expectations on behalf of citizens, but reform measures were left uncompleted. Globalization, the communications revolution and economic liberalization measures compounded these issues by increasing the flow of information and resources both within countries in Asia and at the supranational and subnational levels.

These factors created a space for CSOs to increase their participation in governance processes, while improving their ability to organize (case studies of Bangladesh, Malaysia, Indonesia and Pakistan in this volume). While many reforms had been implemented to promote effective democratic governance in Asian countries, many countries had reached a turning point at which additional results could not be achieved without the increased involvement of CSOs. Neither governments nor the private sector were able to address these gaps on their own, due to organizational and bureaucratic limitations, conflicts of interest and other issues. In contrast, CSOs at national, regional and global levels had two characteristics in their favour: the flexibility to approach and mobilize diverse populations; and the credibility and independence to challenge existing policy. Consequently, new activist CSOs appeared at the national and local levels.

Relationships with governments and the private sector

This space has modified both the roles and the relationships of CSOs. The ways in which CSOs interface with governments and the private sector have changed. As mentioned above, CSOs previously had a much more limited role within many countries in Asia, as they were not completely trusted by governments as a full partner in development. To the contrary, their potential for mobilizing citizens on behalf of development issues was frequently feared and perceived as being in opposition to government (Indonesia, Malaysia, Pakistan). Subsequent to the events of the 1990s, this relationship changed and evolved. As CSOs came to play an increasingly essential role in filling the gaps that had been left by governments and the private sector, their function and existence also gradually become more acknowledged and appreciated within the region. As such, national development efforts became less government-centred and more focused on the joint contributions of governments, civil society and the private sector, not as competitors but as partners in the governance process.

Roles at the global and national levels

The role of CSOs at the global level has changed (see Chapters 2, 3 and 4). The book demonstrates that CSOs are now vital actors in global gov-

ernance, which includes normative intergovernmental processes that deal with issues of development, security, human rights and disarmament. Global CSOs now play a key role in the definition and establishment of international norms and standards, as well as in the implementation of development objectives. Norms and standards are mutually agreed upon by members of international and regional organizations, and then communicated to the national and subnational levels, where CSOs can advocate on their behalf, pressuring governments for their institutionalization and helping implement them in practice through partnerships to improve service delivery and access, as well as monitoring and assessing government policies and practices.

In terms of direct implementation, CSOs work in many areas related to the Millennium Development Goals, such as poverty reduction, sustainable development (including climate change and population issues), the rights of women and children, education, health policy and partnerships for development. They also promote democratic governance by increasing the transparency of actions at the international level, promoting anti-corruption and accountability initiatives and advocating on behalf of marginalized groups. Through these roles, CSOs have become increasingly influential in determining the global discourse on development issues. They now generate and disseminate data, provide their analysis of the same and allow for a greater heterogeneity of viewpoints to impact international debates – many of which are critical of actions by international institutions, government or the private sector – or present local, national and regional perspectives on development to the larger world.

At the national level, CSOs' roles have also expanded in three significant ways within Asia. First, the breadth of activities in which CSOs engage has increased. CSOs now commonly play roles that include advocate, facilitator, coordinator, researcher, educator, trainer, watchdog, mobilizer and service provider. These functions continue to expand within Asia, as CSOs identify new ways in which they can contribute to the advancement of social aims. Second, the sectors and focus areas that CSOs address have also multiplied. Whereas once their activities were often limited to projects that were officially sanctioned by the government, many of these restrictions have lessened. Consequently, CSOs now operate in diverse areas related to governance. Third, this process has created a diverse universe in terms of the types of CSOs that may be operating within a country at any given time. Some organizations may have a more narrow focus in terms of objectives and activities, others may take a broader approach as umbrella organizations, and yet others fall somewhere in between.

Vertical and horizontal coordination

This diversity has meant that CSOs must constantly keep track of developments in their focus areas, as well as developments with other CSOs that can potentially play a complementary or symbiotic role. This awareness and coordination must take place both vertically and horizontally in order for CSOs to be most effective in fulfilling their stated policy objectives. Hence, good links between the global, regional, national and local levels are essential for CSOs to realize change. On the one hand, national and local CSOs must keep apprised of global developments and discourse in order to recognize larger trends that can affect their support. On the other, global CSOs must also stay informed about what is taking place at regional, national and local levels in order to ensure that their work remains relevant and their organizations have legitimacy. This entails keeping themselves updated *vis-à-vis* different local issues, concerns, perspectives and factors that are inhibiting or promoting effective policy implementation.

In practice, faulty or insufficient linkages between CSOs often cause problems. Tension can emerge between local and global CSOs, as the former can perceive global CSOs as promoting the agenda of developed countries. Experience has shown that when global CSOs underestimate the implications of their actions at the international level, they face many obstacles. For example, Oxfam vastly underestimated the strength of local lobbying groups. As a result, it needed to restructure the time-frame and the ways in which it sought to impact policy. The global campaign to combat forestry was more effective, because local actors focused on changing local government policy in their own regional context, as opposed to simply targeting certain developing countries for norm-setting. This lesson became clear during the initial stages of the implementation of the Global Environment Facility (GEF), and led to the establishment of the GEF Small Grants Programme to provide direct support to local civil society.

Partnerships between global and national CSOs

Forging mutually reinforcing alliances and partnerships between global and national CSOs has strengthened CSO engagement. Global civil society has been instrumental in global advocacy of development, security and human rights issues and in increasing funding sources and flows outside government control. National and local civil society have been playing a vital role in providing an alternative channel of information to citizens, advocating and promoting the interests of the poor and marginalized groups and improving access to services. A mutually dependent

and reinforcing relationship between global and national civil society has strengthened both, though there are differences between the two in terms of their priorities and experience.

Legitimacy and accountability

In coming years, a key obstacle to be overcome by CSOs concerns the issue of their legitimacy. As these organizations come to play an increasingly significant role in policy identification, implementation and assessment, the question of their legitimate moral authority will come increasingly into play. CSOs often question the policies of elected officials, yet they themselves are not elected. Similarly, CSOs often advocate for anti-corruption measures, yet their internal accounts are frequently unavailable to the public. Citizens may question how representative their views are, especially in the case of global CSOs with insufficient linkages to the ground level. The methods they employ in development efforts, the projects that have been chosen or discarded, their correlation to the understood mission of the organization and the resources that have been invested are other frequent issues of interest. In extreme cases, CSOs may engage in fraudulent activity, which further demonstrates the importance of measures to enable stakeholders to hold them accountable.

A related accountability issue is that CSOs operating in Asia and Africa often have diverse stakeholders, with differing concerns and degrees of power. Large donors, government agencies and international institutions often have more voice as stakeholders, since they hold the purse strings and impact on the legal climate (see Chapters 11, 14 and 15). Therefore, their policy concerns and requests for responses by an organization tend to receive more attention, whereas the concerns of customers and staff may be deprioritized. If CSOs continue to place more value on their accountability to the former group, this short-term approach will effectively undermine their credibility over time.

This book acknowledges an increasing trend towards reinforcing the legitimacy of CSOs through strategies that improve their transparency, accountability and credibility to the general public. As the contributors explain, six types of legitimacy must be addressed: legal, normative, political, technical, associational and cognitive. Different approaches have been tried within Asia to strengthen this legitimacy: transparency mechanisms (published mission, vision and values statements; publications; annual reports; audited accounts; reporting and disclosure systems and processes); participation mechanisms (community consultations with board members, negotiated domain standards); evaluation mechanisms (codes of conduct, contract provisions, organizational monitoring, evaluation systems, independent programme evaluations, peer reviews and

social audits); and complaint and redress mechanisms (review panels, juries and ombudsmen).

Many CSOs now use these methods to improve their own governance. Increasingly, groups of CSOs have pooled their expertise and formed partnerships with other governance actors to provide sectoral standards that can be used as a basis for assessing CSO behaviour (negotiation domain standards in Pakistan and India) and create codes of conduct and peer reviews (such as the Philippine Council for NGO Certification). Moreover, new CSOs have formed to provide consultancy services to other organizations that wish to assess their accountability and management practices (for example the Society for Participatory Research in Asia).

Capacity deficits

A final but considerable challenge to CSOs in the years ahead relates to capacity deficits, which can further complicate the legitimacy issues posed by accountability insufficiencies. The rapid expansion of CSOs has not been accompanied by increasing capacities and resources. Consequently, they may be unable to identify or institutionalize steps to improve the way they operate; form the complex relationships with stakeholders, governance partners and fellow organizations required; train and retain staff; and participate in necessary stages of the policy process as it relates to their mission. Even assuming that CSOs have the financial capacity to identify and implement measures to ensure that they operate transparently and accountably, they may be incapable of following through and achieving desired effects through their organizational capacity. In many CSOs that operate at or below the national level, capacity deficits are often most visible in the areas of technical expertise, financial management, operational ability (using data generated by accountability systems to redefine roles, responsibilities and approaches) and human resources (staff identification, training and retention). However, contributors have shown that results could also be achieved through enhanced capacity development in the areas of research and policy advocacy management.

In conclusion, civil society is now playing a vital role in stimulating democratic change in many ways: direct involvement at different stages of the electoral process, including voter registration, voter education and electoral monitoring; engagement with parliamentarians to communicate concerns of citizens; the provision of paralegal aid and other support mechanisms for access to justice; access to media to highlight abuses of power; the protection of rights of minorities and marginalized groups; supporting the independence of the judiciary; and holding local officials

accountable to improve access to services. However, in order to ensure that they remain effective advocates of the public good, they must strengthen their linkages with other organizations, address issues related to their legitimacy, strengthen accountability through various measures, without subtracting from their organizational flexibility, and improve capacities.

Notes

1. See www.fao.org/tc/NGO/index_en.asp.
2. See http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/CSO/0,,contentMDK:20101499~ menuPK:244752~pagePK:220503~piPK:220476~theSitePK:228717,00.html.
3. See www.oecd.org/dataoecd/59/10/39499103.pdf.

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Engaging Civil Society: Emerging Trends in Democratic Governance

Edited by G. Shabbir Cheema and Vesselin Popovski

Trends & Innovations in Governance

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The rapid pace of globalization has led to the increasing inter-dependence of member states of the United Nations to achieve sustainable development objectives, including the eradication of extreme poverty, environmental protection, access to basic services and livelihoods, and the promotion of economic growth and opportunities. Policymakers, scholars and development practitioners recognize the centrality of effective governance at the local, national and global levels to promote sustainable development. Along with governments and the private sector, civil society organizations (CSOs) are playing an increasingly important and expanded role in improving transparency, participation, access to services and the rule of law.

This book attempts to examine the changing roles of civil society in global and national governance. It identifies factors that influence the effectiveness of civil society in promoting democratic governance. It asks: To what extent and how has the global civil society been influencing global governance and democratic change? What have been the patterns of growth of civil society in Asia and Africa including the legal frameworks under which CSOs are established? What are the capacity gaps of the civil society vis-à-vis its assumed roles? What are the mechanisms for the horizontal and vertical accountability of civil society? How and with what effect has civil society been engaged in promoting democratic change and inclusive governance?

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