Policy Brief

Overview

Global challenges have made the world more difficult to govern today, compared to 20 years ago. In this context, states can no longer govern alone; they need assistance. The role of civil society has gradually changed – from a monitor and corrector of states' actions to an active co-participant in governance. Are civil society organizations capable of playing such a new and vital role? This policy brief explores how the structures and functions of civil society have evolved at the global, regional, national and local levels. It recommends sustainable ways to build capacities and improve the quality of good governance.

Written by Vesselin Popovski, G Shabbir Cheema, Cameron Lowry and Mark Notaras

Governance through Civil Society Engagement in Asia

Scholars and development practitioners recognize the centrality of governance capacity to achieve sustainable peace and development objectives, including the eradication of extreme poverty, access to services and livelihoods, promotion of economic growth, environmental protection and gender equality among others. With these in view, developing countries are emphasizing the need to improve governance systems and processes to promote people-centered sustainability. The United Nations, development banks, bilateral donors and private sector foundations have been supporting these efforts through governance assistance programs.

Governance capacity to formulate and implement programs and policies in developing countries has been constrained by various factors including: rigged elections; corrupted parliamentary processes; weak rule of law; lack of foreign and domestic investment; poor provision of basic services; inter and intra-state conflicts; low levels of participation by women and other marginalized groups; and, weak civil societies. The world has seen a marked increase in the number, diversity, focus and influence of civil society organizations (CSOs) since the early 1990s. The menu to strengthening governance capacity is therefore very comprehensive. Traditionally, governments have followed a two-pronged approach to reform governance systems and processes: firstly through systemic changes in national and local political institutions; and, secondly, through governance interventions in selected sectors such as education, health, and water and sanitation services.

Role of Civil Society in Governance

CSOs play a vital role in promoting inclusive governance characterized by the principles of accountability, transparency, participation, access, equity, subsidiarity and the rule of law. The world has seen a marked increase in the number, diversity, focus and influence of CSOs since the early 1990s. They function at the local, national, regional and global levels, in recognition that improving the quality of democratic governance processes requires actions at all levels. The increasingly integrated nature of the world requires active civil society engagement at local levels to be complemented by open and transparent national political institutions.

At the global level, CSOs advocate for global public goods such as debt relief, civil and political rights, effective development assistance and environmental protection. They attempt to influence transnational decision-making by broadening access to global

and Human Rights Watch have been identifying and mobilizing support to stop human rights violations.

In between the national and global levels, the regional dimension is increasingly leveraged by CSOs to address issues that transcend national

''Global civil society promotes standards for which developing countries many times do not have the capacity''

ABOUT THE AUTHORS

Vesselin Popovski is the Senior Academic Programme Officer and Director of Studies on International Order and Justice in the Peace and Governance Programme at the United Nations University.

G Shabbir Cheema is a Senior Fellow and Director of the Asia Pacific Governance and Democracy Initiative, East-West Center.

Cameron Lowry is a research assistant at the East-West Center.

Mark Notaras is an intern in the Peace and Governance Programme at the United Nations University.

governance and enhancing transparency and accountability within global governance institutions like the United Nations, the World Bank and the International Monetary Fund. CSOs actively engaged in global governance include Transparency International, Human Rights Watch, Oxfam, Amnesty International and the World Association of Voluntary Organizations (CIVICUS).

At the national level, CSOs aim to improve the quality of electoral and parliamentary processes through electoral monitoring, encouraging voter activism, training candidates and assisting parliamentarians to respond to the interests of minorities and marginalized groups. Furthermore, they work for public law reform, enhance the poor's access to justice through paralegal services and demand accountability from public officials. For example, the Pakistan Bar Association challengedformer President Musharraf's dismissal of judges. Other widely recognized roles of CSOs in democratic governance relate to the promotion and protection of human rights such as the establishment of non-governmental human rights institutions outside to investigate alleged violations, conduct public enquiries and promote human rights education. Most notably, Amnesty International

boundaries but do not garner sufficient global support. The rapid pace of globalization and the emergence of regional institutions with mandates to promote and protect public goods, such as human rights, democracy and access to basic services, have influence on national democratic governance processes.

At the local level, CSOs are actively engaged in community development, improving sustainable livelihoods through skill development and enabling access to social services. In urban areas, CSOs play for example a major role in providing services and shelter to protect the interests of slum dwellers and squatters in government-initiated programs.

The links between the global, regional, national and local levels are crucial for CSOs to realize global action, as lessons from the establishment of global CSOs which underestimated challenges and national implications of global action have shown.

By necessity, global civil society is more concerned with global agendas than with local concerns and service delivery in individual developing country countexts. Oxfam provides an example of an organization that vastly underestimated the strength of other localized lobbying groups such that there was a need to restructure both

the means and the time-frame with which they sought to impact policy. The global campaign to combat forestry was more effective by having local actors focus on impacting local government policy in their own regional context as opposed to simply targeting certain developing countries for norm-setting.

Examples like this illustrate the need to work in parallel at the global and regional, as well as the national

the conditions under which they were formed, the relationship between states and civil societies and the modes in which CSOs have been active (whether as advocates or watchdogs). The history and pattern of civil society growth is crucial to understanding the unique typology of each Asian society. When comparing Indian civil society to the similarly vibrant Thai civil society, innumerable ad hoc initiatives disappear as quickly as they coalesce.

''The maturity of a state reflects the access citizens have to political institutions''

and local levels. The question of how the relative ease of norm-setting at the global level obscures national challenges "on the ground" is raised here.

Building off this need for a better understanding of some of the underlying dynamics in a given context is the idea that there needs to be a more nuanced conception of civil society in countries, particularly those emerging from authoritarianism. In some cases, CSOs penetrated by the state are automatically excluded from being considered "authentic", even though considerable progress might have been made. Importantly, the interplay of local, and not just global discourses should influence policy debates in any context.

Capacity for Civil Society Engagement

Understanding the dynamics of civil society engagement requires a consideration of the level of political and economic developments of the respective country, legal frameworks, capacity to deliver programmes and upward and downward accountability mechanisms. The history of civil society engagement reveals the evolution of CSOs,

However, while Thai CSOs tend to be highly reactive to the changes in the political/social climate and ephemeral, in India, it is rather problematic to characterize the entire gamut of civil society initiatives under a common definition, as could be applied in other countries.

Like the history of CSO growth, the stage of political development is a key context for framing contemporary patterns of engagement between the state and civil society. The maturity of a state reflects the access citizens have to political institutions and the need for CSOs to function as intermediaries or rallying points for mobilization against the state. In the case of India, for example, the perceived unresponsiveness of the civil service has encouraged the Indian public to mobilize through NGOs and social movements.

The legal basis for CSO formation and operations represents a key dynamic between the state and civil society. Through these legal mechanisms the state can dictate to an extent the rate and sectoral location of CSO formation, both through permissive or harsh standards for formal recognition, associated direct financial support, tax

CIVIL SOCIETY ORGANIZATIONS AT A GLANCE

1. Important roles in governance
- Identifying and publicizing critical issues
- Challenging abuses of power
- Building coalitions to formulate new policies
- Monitoring government performance
- Assisting governments to deliver services
- Setting norms
- Mediating between governments and citizens

2. Capacities required by CSOs to carry out these roles
- Information gathering and research techniques
- Communication skills to attract broad publicity
- Professionalism and trust building to educate citizens
- Willingness and ability to "speak truth to power"
- Networking skills to develop coordinated advocacy
- Identifying, documenting and upscaling best practices (especially locally)
- Fundraising and financial-management for sustainability

3. Accountabilities of civil society organizations
- Commitment to organizational "mission"
- Risk assessment needs of members and supporters
- Performance requirements of stakeholders and benefactors
- Transparency expectations of media and public
- Mutual accountability to coalition partners
- Professional treatment of staff and constituents
- Reporting standards of watchdog organizations

benefits and other costs. The case of Japan – a nation that ranks highly on the two most reliable predictors of the level of development of a nation's civil society, income and education – reveals the importance of the legal climate. Even though Japan could be expected to have a flourishing civil society, it has perhaps the most severe regulatory environment in the developed world and an accordingly anemic civil society with respect to its ability to affect democratic processes. Likewise, in South Korea, there are huge disparities in the counts of registered and unregistered civil society organizations as the minor incentives of registration are offset by increases in regulatory oversight.

Acknowledging all of these dynamics is essential to understanding the problematic role of CSOs in facilitating democratic change. The capacity of CSOs is a distinct area of analysis that relates to both the ability of CSOs to drive reforms ascribed to the sector, but to sustain them as well. CSO capacity is inexorably linked with financial viability. In the context of Bangladesh, Pakistan, Indonesia and Thailand, where CSOs appear largely dependent on international funding, sustainability too depends on international funding priorities remaining constant. This is particularly important from a research perspective since systemic trends, such as the lack of financial sustainability of many Filipino CSOs, can be highlighted, and specific points identified where funding can be channeled as leverage for future action.

Upward accountability of CSOs to the government and downward accountability to the communities they serve have emerged as important issues in civil society engagement. Unlike (well-functioning) governments, it is argued that CSOs lack clear and enforceable rules governing the ways in which officials relate to their beneficia-

ries. This performance accountability issue has played out visibly in countries such as the Philippines, although it should be noted that Filipino CSOs have made tremendous progress through self-regulation. Exacerbating such issues, CSOs are often highly dependent on international donors whose program priorities can overlook or undermine the needs and aspirations of their intended beneficiaries. For all of these reasons, it is feared that gaps between local priorities and NGO accountability remain wide. Innovative self-evaluation, such as that undertaken by the Wildlife Fund Thailand, a domestic Thai wing of the World Wide Fund for Nature, can help bridge this divide and be a model for good practice across the region.

CSOs play a pivotal role in democratic change which has been actualized throughout Asia. From "people power" demonstrations in the Philippines and the direct and indirect role of citizen groups in shaping contemporary Indonesian democracy, to the South Korean CSOs who announced a list of candidates that were viable and non-viable as parliamentarians, CSOs are often the democratic vanguard and the key intermediary between citizens and the state. The Centre for Policy Dialogue in Bangladesh, for example, provides a forum for dialogue and discussions on governance and development issues among governance stakeholders from government, the private sector and the academic community.

Pre-existing social networks play diverse roles in contributing to the functions of CSOs. It is argued by some that in parts of Asia, especially those with a Confucian heritage, social networks play a more prominent role than in Western states characterized by capitalist economies, liberal democratic political systems with robust

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civil societies, well developed legal systems characterized by the rule of law and modern bureaucratic administrative system. Civil societies in Asian countries, however, can also be highly diverse in composition, resource endowment and goals.

CSOs and Norm Setting

CSOs create a role for themselves in global governance when they engage in norm-setting for the international state system, creating norms that are adopted by nation states. A prominent example is the International Organization for Standardization (ISO) which establishes norms for international safety and environmental standards.

Governments and international organizations adopt global norms because they reduce transaction costs and conflict among nation states, reflect societal values and obtain political credit for endorsing such standards. Norm-setting is a facet of governance that CSOs take on because governance has expanded beyond the domain of governments.

The ability for CSOs to access global governance rests on their credibility, legitimacy and accountability. The bases of legitimacy can be legal, normative, pragmatic/technical, political, associational and cognitive in nature. The influencing strategies used by CSOs determine what kind of governance architectures they create. For example, a collaborative strategy of research and persuasion leads to a confederation based on support and networks, whereas an adversarial strategy of public pressure, litigation and contestation leads to either a confederation or federation.

CSOs defined as International Advocacy NGOs (IANGOs) gain access to the international state system by means of influencing global debates that lead to institution creation. This is accomplished through an "advocacy cycle" that commences with action and matures through arguments that encourage broader discources that over time produce international institutions such as the International Mine Ban Treaty.

CSOs provide information and structures that enable citizens to engage global institutions. To counter the effects of globalization, CSOs have learned to work trans-nationally and focus on issues of global governance. A symbiosis is emerging between civil society and global institutions in promoting transparency by engaging in four sets of activities:

1. demystifying institutions of global governance;
2. extending the reach of these institutions to affected citizens;
3. reforming the information practices of these institutions; and,
4. encouraging these institutions to advocate transparency.

CSOs are beginning to define a new agenda for globalization – one can call it "ethical globalization" One of the contemporary ethical challenges to sustainable development is how to manage the impact of globalization, which creates enormous wealth while excluding the majority of the world's population from benefiting from that wealth. Gross inequality resulting from economic expansion is contributing to the "business of democracy" failing. CSOs are traditionally concerned with power relations between the state and citizens. More than ever, they should be responding to informal sources of power that may impact poverty reduction equally.

Global debates on poverty require maturity to move towards the genuine creation of international institutions

that legally empower the global poor. There are four pillars of legal empowerment: access to justice; access to assets; access to decent work and access to markets. It is expected that legal empowerment, access to justice and the rule of law, all emphasizing property, business and labor rights, would change power relations within a nation. CSOs, including faith-based traditions as the interdependence of issues and strategies to address them is increasingly realized.

Civil Society and the United Nations

Improved sustainable development outcomes require a stronger symbiosis between global civil society and global institutions. CSOs propel the UN

''Civil society assists in managing governance problems, amplified by globalization, that national governments lack the capacity to address''

organizations, play a prominent role in advancing the legal empowerment agenda both within and across national boundaries. The creation of international institutions that legally empower the poor and partner with existing national CSOs would increase the latter's impact.

Financial support from international organizations for CSOs promoting democracy have been too event-driven, too focused on elections, when there was a need for a continuous engagement with the electoral process. Foreign funding generated its own set of problems as foreign-funded CSOs were often viewed suspiciously as having constituents primarily outside the nation.

The role of civil society in fostering good governance is changing and must be responsive to the emerging challenges of globalization. There are two different traditions that coexist in the field of democratic governance that interpret differently the role of civil society – one tradition rooted in development theory and the other related to democracy advocacy. Recently, there have been attempts to merge these two

beyond the declaratory stage and assist with the implementation stage of development projects. CSOs are both valuable and valued because they expand the capacity of the UN, extend the reach of the UN into societies and mobilize societal support for the UN.

The 1990s provided rapid CSO expansion, both in terms of numbers and engagement through the UN system. Subsequently, the debate since September 11 has focused on whether the global public space for civil society action has narrowed. While some believe that the space has widened with new initiatives, many believe that the war on terror and the increased scrutiny of CSOs has restrained and even disabled many CSOs. The narrowing of the global public space is also related to ongoing problems within CSOs including a lack of both legal and financial empowerment and still under developed relationships with UN system actors. To address this, the creation and institutionalization of a permanent forum for CSOs has been suggested – for example, a People's Assembly with civil society representation similar to the General Assembly

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and operating in parallel to it. Such a mechanism would help formalize the role of CSOs in the UN system and among its member states. It is clear that the UN must create a larger global public space for CSOs to assist in managing global problems.

CSOs maintain symbiotic relationships with national governments, multilateral organizations and markets. They create a role for themselves in global governance engaging in norm-setting for the international state system. These norms, eventually adopted by nation states, illustrates different forms of symbiosis.

Conclusion

There is no doubting the important role that civil society organizations play in ensuring good governance leading to sustainable development. However, there exists a contradic-

tion between the success that good governance has had in creating wealth across many parts of the world, and its lack of impact in the failing "business" of democracy including increased inequality and impunity in many others. Ultimately the desired outcome civil society strives for in attempting to influence good governance is to fashion more equitable societies from the ground up. In adopting this space as their own, civil society seeks to ensure a political order that passes non-discriminatory laws enabling the poor and marginalized to similarly benefit. Ultimately however, poverty reduction is about the identification of tools through which the poor can empower themselves. Progressive global norms facilitated by influential CSOs therefore require vibrant grass roots civil societies to manage and communicate these in a local context.

KEY RESEARCH QUESTIONS

What have been the patterns of growth of civil society including legal frameworks under which civil society organizations are established?

How effective has civil society been in promoting democratic change and inclusive governance at the global, regional, national and local levels?

What are the capacity gaps of civil society and how can these be addressed?

What are the mechanisms for the horizontal and vertical accountability of civil society?

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Civil society organizations play an influential role in improving governance capacity to address sustainable development challenges