CIVIL SOCIETY CGOVERNANCE

Proceedings from the DevNet/NZAID symposium

29-30 NOVEMBER 2007, WELLINGTON, NEW ZEALAND

Portland Hotel Wellington 29–30 November 2007

Edited by Terence Wood, DevNet Coordinator

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The First Biennial DevNet-NZAID Symposium

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www.nzaid.govt.nz

For more information about the Aotearoa New Zealand International Development Studies Network (DevNet) see:

www.devnet.org.nz

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Editor's Foreword

eld at the Portland Hotel in Wellington on 29 and 30 of November 2007, the DevNet-NZAID symposium on Civil Society and Governance was the first event of its kind. The symposium, designed to be a focused event, complementing the more wide-ranging biennial DevNet conferences, was jointly run by DevNet and NZAID. The organising committee included members from NZAID, the Council for International Development (CID), the Development Resource Centre and Victoria University of Wellington.

The organising committee hoped to hold an event that reflected the interests and learning needs of a wide section of Aotearoa New Zealand's development community. This desire guided us in our choice of theme: we consulted with both NZAID staff and CID members and settled on the topic of civil society and governance as this subject elicited a high degree of interest from both groups.

In running the event we were greatly assisted by the participation of two exceptional keynote speakers, Michael Edwards and Kumi Naidoo. We also benefited from the thoughtful and informed presentations of a range of guest speakers. The event was further brought to life by the engaged participation of the symposium participants themselves. Three volunteers, Natalia Blair, Edward Tonkin and Jane McLoughlin also assisted immensely in the operation of the event. Most importantly, the very generous funding of NZAID made the symposium possible.

The proceedings which follow have been designed to reflect the learning which took place over the DevNet-NZAID symposium. As well as providing a record for those who attended the event, we hope they will allow this learning to be shared with a wider audience. Included in the proceedings are a symposium summation, edited speech notes and PowerPoint slides from those speakers who provided them to us, and 2 DVDs of the talks given at the event. The various elements of the proceedings are designed to be used together. As you watch the DVDs you can refer to the PowerPoint slides that were used by the speakers; when reading over the speech notes you can refer to the DVDs for fuller discussion; and you can read the summation and compare it with your own impressions of the talks that were given.

As is always the case with such events, the DevNet-NZAID symposium was not intended to be the final word on civil society and governance. Rather it was designed as an event to aid you in your ongoing critical thinking and reflection on the topic. Hopefully, these proceedings will further assist you in this process.

Terence Wood

Symposium Coordinator
April 2008

What these proceedings contain

Not all of the participants at the symposium were able to provide us with written outputs from their talks. Likewise, not all participants used PowerPoint presentations. The table below shows you which talks we have written material and PowerPoint slides for. All of the symposium talks are available as videos on the DVDs which are enclosed at the back of this booklet.

Session	Speaker	DVD	Written Material	PPoint Slides
Welcome	Don Clarke (NZAID)	✓	✓	
Defining the terms of the discussion – introductory talk	John Overton (Victoria University)	✓		
Report back from workshops 1:	Group 1: Gerard Prinsen	✓		
Defining the terms of the discussion: what do we mean when we use the	Group 2: Regina Scheyvens	✓		
terms civil society and governance?	Group 3: Andrew McGregor	✓		
How will our definitions impact on our discussions at the event?	Group 4: Eleanor Doig	✓		
Short Talks 1: Mapping the global context for critical thinking and action	Michael Edwards (Ford Foundation)	✓		
on civil society and governance	Vicki Poole (NZAID)	✓	✓	
	Rae Julian (CID)	✓	✓	
	Materoa Dodd (Waikato University)	√	 	✓
Keynote talk 1: Civil society, governance and social change	Michael Edwards	✓	~	
Panel 1: Critical issues in civil	Peter Swain (VSA)	√	✓	✓
society and governance: different perspectives?	Beverly Turnbull (NZAID)	✓	✓	
perspectives:	David Robinson (ICNL)	✓	✓	
Keynote talk 2: The challenges faced by civil society	Kumi Naidoo (CIVICUS)	√		
Short Talks 2: Narratives: The	Drashna Anjinaiya (TI)	✓		
challenges that confront us in our work	Blandine Boulekone (TI)	✓		✓
WOTK	David Green (AusAID)	✓		✓
	Samantha Hung (NZAID)	✓	✓	
Panel 2: Putting it into Practice: What	Gerard Prinsen (Massey)	✓		✓
can be done to support civil society in promoting better governance	Cameron Cowan (NZAID)	✓	✓	
promoting better governance	Mary Wareham (Oxfam NZ)	✓		✓
	Jone Dakavula (CCF Fiji)	✓		
Report back from workshops 2: Changing practice: What needs to be	Indigenous Group: Vaasiliifiti Moelagi Jackson	✓		
done	CSO's Group: Wendy Lee	✓		
	Academics and others: Jacqui Benter-Lynch	✓		
	Donor agency groups: Mike Bird	✓		
Keynote Response	Kumi Naidoo (CIVICUS)	✓		
Closing Talk	John Overton (Victoria University)	✓	1	

Opening talk

DON CLARKE

Director Global Group, NZAID Edited speech notes

Thank you Martin for your inspiring and passionate welcome – and for the powerful reminder of the context we are meeting within this morning.

It has been a reminder to us of the importance of the history, values and the cultures which make us who we are in this country – and shape how we relate to each other and go about the work that we do.

It is into this context that I would also like especially to welcome our guests from across the seas: Kumi Naidoo, Secretary-General and CEO of CIVICUS, based in Durban; Michael Edwards Director of the Governance and Civil Society Unit of the Ford Foundation, based in Washington; and our special guests from Fiji, Samoa, Tonga, Papua New Guinea, Niue, Vanuatu and the Cook Islands. We welcome you all – and all those here from closer to home – both as participants in this symposium and as friends and colleagues in a common endeavour to help bring about a better world for everybody.

For both Kumi and Michael – this is their second visit to Wellington. I had good fortune and privilege to be involved in both previous visits – and I well remember the discussions we had then – many of which stimulated conversations here which carried on long after you left for other shores. We are very honoured and pleased to have this opportunity to spend these two days with you both.

Before moving on, I would like to say just a few words about where this symposium came from. It arose out of reflections on the biennial Development Studies Conferences which are organised by DevNet – a national network which is made up of development studies academics, New Zealand NGOs and NZAID.

It was agreed amongst us that there was a need for a regular more in-depth and focused discussion opportunity around issues of common interest and concern – a chance to get under the surface in a way that we all too often do not have time for in everyday work.

So the notion of the biennial symposium was born, alternating with the larger Development Studies Conferences.

It was agreed that the hosting of this first symposium would be shared between the Council for International Development, the Development Resource Centre, and Victoria University and NZAID – a pretty good example of government-civil society collaboration in action.

After much discussion – the theme that we have today was agreed.

The reason for the theme was a common interest in exploring in greater depth the explosion and growing influence of citizens or civil society action – globally, regionally, nationally and locally.

But we wanted to do this in a context which in turn could galvanise further influence and action for change. Hence the wider context of how societies govern themselves and the focus on the implications for organisations like the ones represented here today – all involved in one way or another in development partnerships and initiatives.

With your forbearance, I would just to take this chance – very briefly – to highlight a couple of key themes which I am sure will emerge time and again over the next two days.

These themes are: power and accountability.

It is not simplistic to say that power relations are woven through the 'aid business' – if I can call it that – at every level and in every respect. We can see this in all sorts of ways – from the individual and their family and community at one end of the spectrum – through to huge international institutions like the World Bank at the other.

In between there is a complex web of power relations. This has many threads:

- between states and civil society at the domestic level
- between civil society organisations and local communities
- between states and individual citizens
- amongst civil society organisations themselves
- between states and civil society globally and so on.

One of biggest challenges facing those of us involved in aid in any way is that of recognising and managing power dynamics within the organisational relationships that we are part of.

Power, of course, is not just about money and access to political leverage – or lack of it. It is also about the power to set agendas – for example, through legislative frameworks established by governments. Or the way both NGO donors and governments direct their funding and the conditions they put around it.

It is also about power to include and exclude – for example, there is a long history of donors in this part of the world recognising only those civil society counterparts which have a shape and form that they are familiar with. In other words – a tendency often to see and support NGOs in capital cities as we might know them in Wellington or Canberra – but to not see and engage with the infinitely diverse and rich world of customary society in the Pacific – with its strong emphasis on reciprocity and collective interests.

On the other hand we must not lose sight of the power of civil society organisations themselves and the people from amongst which they have emerged.

It is this power which has given us the Landmines Treaty; which has put the negative impacts of globalisation squarely on the international agenda; which has challenged and even brought down repressive governments; and which has brought water, jobs, education, healthcare, emergency support and hope to hundreds of millions of people worldwide.

And it is this power – often called 'soft power', the power to persuade rather than coerce – which has helped to shape global norms and standards in areas such as human rights, gender equality and women's empowerment.

Now – just a few brief reflections on the notion of accountability.

One way we can define this, I guess, is the holding to account of those whom we have entrusted with power and resources to act for the common good.

This is a notion as important to civil society organisations as it is to governments and international agencies.

Looking through an NZAID lens for a moment, there are two documents that are particularly important to us when we think about accountability.

The first is the *Paris Declaration on Aid Effectiveness*. This requires – you might say challenges us – to apply the principle of mutual accountability in all of our relationships with partners and other counterparts.

The other one I would like to mention here is the strategic relationship framework negotiated between NZAID and New Zealand NGOs.

This requires us all to recognise the respective accountabilities we all have – as government and non-government organisations – to our various mandates, stakeholders and constituencies.

In a very real sense, this document is an accountability mechanism in its own right.

It sets out what we expect of each other and also, ultimately, can be used by New Zealand NGOs as a check on NZAID's power should we ignore or neglect our core relationship values and principles.

In the end, real accountability must first and foremost be anchored in relationships based on shared vision and interests, mutual respect, equity, openness, transparency, a commitment to human rights – and that foundational word – trust.

This understanding is core to the New Zealand Government's own vision of relations between itself and civil society organisations and processes in this country. In its Statement of Intentions for an Improved Government/Community Relationship – the New Zealand Government states that:

An independent and vibrant community sector is essential to a healthy civil society and that the government will be an active partner in furthering this vision by building a relationship based on honesty, trust, integrity – or tika and pono – compassion and caring – aroha and manaaki tanga – and recognition of diversity.

Finally, I think that when we grapple with issues to do with power and accountability – there is probably no better ultimate guide than the oft-quoted words of Mahatma Ghandi: "be the change you want to see in the world".

And finally – just to wind-up my few words of welcome and reflection, a further quote, one well-known in this country. It is:

He aha te mea nui i te ao Maku e ki atu He Tangata, He Tangata, He tangata e.

It was once asked of me What is the most important thing in the world? It is people, people, people. SHORT TALKS, SESSION 1, TALK 2

Civil society, international institutions and governance

VICKI POOLE

Multilateral Team Leader Global Group, NZAID Edited speech notes

It is widely accepted that international institutions cannot function effectively without civil society. But what exactly is meant by this claim, where are the synergies, and how do we progress the interaction?

Sadly, in addressing this I find myself asking questions more than providing answers.

My commentary today draws on recent papers written on the international system and my experience working in NZAID's multilateral programme.

What are International Institutions?

The first question I wish to ask is, 'what do we mean by international institutions, and why are they important?'.

To broadly paraphrase the NZAID website, international institutions are: Multilateral processes and agencies created, governed, funded and run by the governments of the world on behalf of their citizens. New Zealand was a key player in the creation – and has been a longstanding supporter – of the multilateral system and its core instruments. An effective multilateral system, supported by the international community, is critical to the future of the world. Smaller countries like New Zealand benefit most from an international order based upon agreed laws, standards and norms. It is important for New Zealand to participate actively in the multilateral system to support the system, to promote its values and principles, and to contribute its fair share of the costs.

The world has a challenge to achieve the Millennium Development Goals (MDGs) and other internationally agreed development targets. It is critical that we collectively aim to halt and reverse deepening poverty, address challenges such as gender-based disparities, the threat of HIV and AIDS, and respond to humanitarian crises resulting from conflict and natural disasters. Due to their nature (for example, global public goods requiring collective action), economies of scale, or political sensitivities (requiring a high degree of impartiality), many of these challenges can only be addressed effectively at the multilateral level. Multilateral agencies are able to mobilise resources and expertise on a scale and at a cost that no individual country would be able to provide.

We generally think of multilateral institutions as international fora, but they also include mechanisms such as those of overall aid delivery. Such mechanisms and fora include:

- The institutions group: UN development agencies such as UNDP, UNICEF; the WHO; international finance institutions; commonwealth institutions; and Global Funds such as the Global Fund to Fight AIDS Tuberculosis and Malaria, and the Global Environment Facility.
- International Fora such as the United Nations Economic and Social Council's (ECOSOC) functional commission (for example, the Commission on the Status of Women, the Commission on Sustainable Development); the United Nations General Assembly; and the Millennium Summit.

Discussions on multilateral institutions are inevitably linked to aid effectiveness and this, in turn, makes the Paris Declaration integral (notwithstanding the justified criticisms of the Declaration). Over the rest of this talk I intend not to focus on aid effectiveness, but it is nevertheless fundamental to recent attempts at reforming international architecture and thus international institutions.

What is the Relationship between Civil Society and the Governance of International Institutions?

The relationship between civil society and the governance of international institutions and international aid architecture can be seen at two levels:

First, civil society's direct role in governance of the international aid architecture, involving mechanisms such as seats on executive/governing boards and contributing to the development of international policy settings.

Second, civil society working at country level as a key player in developing better governance through the roles described below:

- Building Trust and Accountability: a recent paper on civil society and aid effectiveness argues that
 more direct engagement with CSOs has the potential to build the trust and mutual accountability
 required to improve aid effectiveness.
- Normative roles including: promoting citizen participation; providing effective delivery of development programmes and operations; and the social empowerment of particular groups and the realisation of human rights.
- As part of the international aid architecture in three ways: as donors; as channels or recipients of official donor assistance; and by virtue of their role as watchdogs of the public good pushing for donor funds to be used in ways that maximise their impact on the poor.

Recognising these roles, and understanding how they manifest themselves, is important in the legitimisation of civil society organisations and their role in improving governance. Yet some of these roles scare governments and agencies. The human rights watchdog role and even citizen participation can be threatening. By and large governments are much more comfortable with CSOs filling operational roles at a country level, and action such as delivery channels and donors.

It is also important to recognise that the international development climate is changing and growing. There are more issues, more international agreements, more money and more calls for increased accountability and effectiveness. This requires all players to engage.

How Does Civil Society Engage with the International Aid Architecture? Example 1 – The World Bank

There are some very good examples internationally of civil society working effectively as a critical and key player of the aid architecture. They exist across the board at both the supra-level and at the country level. But there is also significant poor practice of larger organisations engaging civil society.

The World Bank's website is very upbeat about its partnership with CSOs, quite a different story from the one we hear coming from many NGO partners. (I look forward to hearing some of your views on this matter).

The World Bank's website states that "[t]he World Bank first began to interact with civil society in the 1970s through dialogue with non-governmental organisations (NGOs) on environmental concerns. Today the World Bank consults and collaborates with thousands of members of civil society Organisations (CSOs) throughout the world, such as community-based organisations, NGOs, social movements, labour unions, faith-based groups, and foundations".

The World Bank says it has, "learned through these three decades of interaction that the participation of CSOs in government development projects and programs can *enhance their operational performance* by contributing local knowledge, providing technical expertise, and leveraging social capital. Further, CSOs

can bring *innovative ideas and solutions*, as well as *participatory approaches*, to solving local problems". [Emphasis mine]

I wonder to what extent these practices are consistent throughout the World Bank? I imagine it is no easy task to convince thousands of economists on the invaluable interaction with CSOs.

How Does Civil Society Engage with the International Aid Architecture? Example 2 – The United Nations

While the World Bank takes almost a business-like partnership approach to civil society, the United Nations' (UN) rhetoric is all embracing, while consistently providing the caveat that the UN is fundamentally an intergovernmental organisation. For example, on its website the UN states that:

The United Nations is both participant in and a witness to increasingly global civil society. The United Nations system has significant informal and formal arrangements with civil society organizations, collectively known as non-governmental organizations (NGOs). More and more, NGOs are UN system partners and valuable UN links to civil society. NGOs are consulted on UN policy and programme matters. CSOs play a key role at major United Nations Conferences and as indispensable partners for UN efforts at the country level. At the same time, the UN is helping to promote the emergence of Civil Society Organizations in the developing countries.

A major UN review of civil society engagement with the UN says that the most powerful case for enhancing dialogue and cooperation with civil society is that doing so will make the United Nations more effective, further its global goals, become more attuned and responsive to citizens' concerns and enlist greater public support.

CSOs were integrally involved in a number of key UN meetings and conferences including:

- Agenda 21 (1992)
- The International Conference on Population & Development, Cairo (1994)
- The Beijing Platform of Action (1995)
- The UN Millennium Summit and the Millennium Development Goals (MDGS) (2000)
- The Monterrey Consensus (2002)
- The Johannesburg Plan of Implementation (2002)
- The Good Humanitarian Donorship Initiate (2003)
- The Rome Declaration on Harmonisation (2003)
- The World Summit (2005)
- The Paris Declaration on Aid Effectiveness (2005)
- The Mauritius Declaration.

Civil society has been the driving force behind many of these agreements and held states accountable. While many development practitioners are unaware of these international agreements, we need them to drive forward agendas and change the way states think.

Recent years have been particularly fruitful in terms of increased engagement of civil society within the UN.

At the General Assembly in 2004 the Secretary General pointed out that the relationship between UN and NGOs was as old as the UN itself. Based on the Eminent Persons High Level Report, his recommendations to the General Assembly included:

- Increasing the participation of NGOs in intergovernmental bodies
- Establishing a trust fund to increase the participation of representatives of NGOs from developing countries
- Improving the accreditation process (accreditation to ECOSOC and the General Assembly)

- Improving the United Nations Secretariat's dialogue with NGOs
- Enhancing country-level engagement with NGOs.

At the same time, the participation of NGOs in intergovernmental UN bodies has dramatically increased in recent years, while the UN General Assembly and its main committees have increasingly involved NGOs in their deliberations. The Economic and Social Council – the other key development organ of the UN – has, in recent years also significantly intensified their interaction with civil society. The Council has launched several successful multi-stakeholder initiatives.

Despite these improvements there is still very varied practice in the UN with regard to civil society. There are for where it is adversarial; for a where it is tolerated, and for a where it is encouraged and valued, such as the UNAIDS Programme Coordinating Board.

International agencies' engagement at country level with civil society is also variable. At the worst there is no engagement; at the next level, engagement tends to be limited to the delivery of services, but – at the same time – there are also examples of agencies and CSOs working together as partners for a common goal.

In the Pacific region at the country level we see very good integrated partnerships on human rights, but poor practice in other areas.

Despite these positive trends I am not convinced that we are really seeing a wholesale change in thinking by governments and large international organisations. Yes, they are better using CSOs as partner on the ground for advocacy and delivery. And yes, CSOs have a stronger voice at international fora. But is civil society really being seen as integral to the international aid architecture? Not, I think, by many governments, especially developing country governments, who perhaps feel threatened by the prospect of civil society voice. What we need is more dialogue and better clarity on the roles played by different elements of civil society.

How does NZAID engage with civil society and international architecture?

NZAID is known in many international arenas as a champion of civil society. This is the result of a variety of factors including:

- NZAID's advocacy on civil society engagement and partnerships. For example, on the UNAIDS Programme Coordinating Board where NGOs engage very proactively and where their engagement is very welcome, but where they are often limited by capacity constraints New Zealand pushed hard to broker financial support from UNAIDS.
- The fact that, at international fora, we aim to speak on civil society or NGO engagement and, when considering documents, look to see how civil society is included.
- The fact that we aim to proactively consult prior to meetings. (For example, we engaged with New Zealand CSOs on HIV before the June UNAIDS meeting). It is my belief, however, that we could do a better job on this.
- The fact that we strive to have civil society representation on delegations (for example Gill Greer to the World Summit, Rose Dew to Financing for Development, and Rae Julian to Mauritius). Along these lines we hope to have someone with us at the next UNAIDS meeting in April.
- Our engagement on key issues including UN gender reform. We have worked together with interested NGOs looking at what a new gender architecture might look like. It is a positive relationship with NZAID able to contribute knowledge from New York and civil society informing us about New Zealand's and Pacific women's views. Similar engagement has occurred with Jubilee Aotearoa on debt relief (this has been healthy engagement in a contentious area).

NZAID also accepts that there are considerable benefits that come from a strong and active civil society:

- Civil society can also seek government engagement in a way that bureaucrats cannot. It comes back to knowing our roles and strengths
- Civil society holds us to account on international issues and reminds us of our obligations to stand up and defend issues

• Civil society notifies us when there are issues that require the government to act. For example, recently when it looked as though the World Bank was going to pull back on language around Sexual and Reproductive Health and Rights, civil society groups notified us and we were able to go and lobby in Washington. We may well not have known about this issue in time had civil society not notified us.

While there has been progress on civil society engagement in multilateral development processes and fora, NZAID does not consider this to have gone far enough. We will continue to proactively promote the role of civil society as an integral part of the international aid architecture.

Over the rest of the symposium I would be very interested to learn more about your engagement with international agencies.

Mapping the global context for critical thinking and action on civil society and governance

RAE JULIAN

Director, The Council for International Development Paper provided by speaker

Civil Society – a definition

For the purpose of this paper civil society is defined as the not-for-profit sector, clearly distinguished from government, government officials and the business sector. This is the definition commonly accepted by the United Nations, the Commonwealth, the international financing institutions and Pacific regional organisations and is therefore relevant to my contribution to this Symposium.

Governance – a definition

I am interpreting this in its widest context, not just the activities of governments, multilateral and regional organisations in relation to their governing role. Governance is about self-determination, tino rangitiratanga, the people's right and ability to participate in all decision-making that affects their own lives. It is about human rights, transparency and public integrity.

The Global Context

There are a number of world events on the 2007-08 calendar that are directly relevant to the theme of this meeting. They challenge the principles of governance that I have just outlined. Opportunities are provided for civil society input to each but the key question is always how much notice will be taken of that contribution?

UN Climate Change Summit, Bali 3-14 December 2007

Climate change is of particular relevance to us in the Pacific, especially those from small island developing states (SIDS). For a long time, disaster relief and disaster mitigation was seen as the preserve of government agencies with assistance from donor governments and partner civil society organisations (CSOs) at times of crisis. The Indian Ocean tsunami, however, was a major wake-up call. Governments and multi-lateral agencies realised that an effective response had to be the result of co-ordination among all agencies providing assistance and that leadership may arise from expertise among specialised agencies and CSOs.

Governance in such situations must arise from those best qualified and experienced to provide it. Will the summit in Bali, however, allow the voices of civil society to be heard alongside those of governments? How many governments will include civil society representatives on their delegations? In this country we have had many such opportunities, but it is always noticeable that we are in a minority. At the UN SIDS conference in Mauritius, for example, only some Caribbean countries and New Zealand included CSO representatives on their delegations.

The High Level Meeting on Aid Effectiveness, Accra, September 2008

The Accra meeting provides the best current example of CS and governments working in parallel, and together from time to time in order to ensure that the Paris Declaration brings about aid effectiveness.

CSOs have been working actively on this issue since the promulgation of the Declaration. An international meeting was held at the OECD in April 2007 between countries from the OECD Development Assistance Committee (DAC) and a wide cross-section of international CSOs. Since then, there have been a series of regional CSO meetings leading to a global meeting in Canada in February 2008. A joint working group led by CCIC and CIDA (CID and NZAID's Canadian equivalents) is coordinating this work, which will culminate in the parallel meetings in Accra in September 2008.

CSO concerns about the Paris Declaration focus particularly on issues such as:

- the narrow interpretation of the principles, so that ownership and mutual accountability, for example, are seen as between recipient and donor governments with the exclusion of civil society;
- the indicators of success are mechanistic rather than qualitative. For example, does the country have a development plan rather than how the plan was developed and whether it includes such core measures as those of poverty eradication, environmental sustainability, human rights and gender all dismissed at our April meeting in Paris as "development not aid effectiveness principles".

The outcome of the Accra meeting – the revision of the Paris Declaration – will test the willingness of governments to listen to civil society and to include us within the Paris Declaration framework.

UN Review conference on Financing for Development, Doha, November-December 2008

A key issue for developing countries is how to reduce dependence on Official Development Assistance (ODA). ODA can lead to poor governance either through creating a situation where a country is competing with its civil society for access to scarce resources, or through the situation where a country uses corrupt practices to confine benefits from ODA to a small elite group (something that is unlikely to practice democratic governance). To avoid such dilemmas a number of alternative sources of financing are promoted, especially fair trade and debt cancellation. Along these lines, I was fortunate to participate in a workshop with Sony Kapoor in Uganda last week. He widened our thinking by discussing also the need for:

- domestic mobilisation of resources capital controls and progressive tax policies, for example
- recapturing resources that have taken flight (capital flight) through debt repayment, tax evasion or tax havens, intra-corporate transfer pricing and corruption.

He showed that many governments have little control over their own resources, so that much of their governance is imposed externally and with the result that countries that are resource rich may be the least likely to achieve the Millennium Development Goals by 2015.

These issues, as well as other alternative means of financing for development, will be discussed in Doha. Civil society has much of value to contribute to the meeting.

Conclusion

I have taken three examples of major global events in the near future. There are many others, such as the annual meetings of the International Financial Institutions and development banks that impact on development. All provide opportunities to demonstrate democratic governance with civil society and governments working together. We each have responsibilities. Civil society must demonstrate a willingness not only to work with governments if opportunities arise, but also to challenge them as appropriate. CSOs must not be seen as GONGOs (government–owned NGOs), our independence is essential if we are to provide contestable advice. Governments must realise that civil society is not the enemy, that we share common goals, although we may approach them by different means. True democratic governance can only result through the effectiveness of this partnership.

KEYNOTE TALK 1

Civil Society, governance and social change

MICHAEL EDWARDS

Director of the Governance and Civil Society Program at the Ford Foundation¹ Speech notes provided by author

Thanks to Rae for those kind remarks, to Terence for getting me here, and to all of you for sparing some of your precious time to participate in this important conversation. I am delighted to be here.

As we discussed this morning, it is impossible to have a conversation about politics these days without someone mentioning the magic words 'civil society', so one might think that people are clear what they mean when they use this term and why it is so important. Unfortunately, clarity and rigor are conspicuous by their absence in the civil society debate, a lack of precision that threatens to submerge this concept completely under a rising tide of criticism and confusion.

According to whose version one prefers, civil society means "fundamentally reducing the role of politics in society by expanding free markets and individual liberty" (the Cato Institute); or it means the opposite - "the single most viable alternative to the authoritarian state and the tyrannical market" (the World Social Forum); or for those more comfortable in the middle ground of politics, it constitutes the missing link in the success of social democracy (central to Third Way thinking and supposedly-compassionate conservatism). To others they are the "chicken soup of the social sciences" – you know those books that provide much-needed comfort without much substance (though I suspect New Zealanders are too sensible to buy them!). Adam Seligman, tongue firmly in cheek, calls civil society the "new analytic key that will unlock the mysteries of the social order", Jeremy Rifkin calls it "our last, best hope", the UN and the World Bank see it as the key to 'good governance' and poverty-reducing growth. The real reason for war against Iraq was to kick-start civil society in the Middle East according to Administration officials in Washington DC. As a new report from the Washington-based Institute for Foreign Policy Analysis puts it, "the US should emphasise civil society development in order to ensure regional stability in central Asia and the Middle East" – forgetting, of course, that citizens' groups have been a prime cause of destabilisation in every society since the Pharaohs.

Some claim that civil society is a specific product of the nation state and capitalism; others see it as a universal expression of the collective life of individuals, at work in all countries and stages of development but expressed in different ways according to history and context. Some see it as one of three separate sectors, others as intimately interconnected or even inter-penetrated by states and markets. Is civil society the preserve of groups predefined as democratic, modern, and 'civil', or is it home to all sorts of associations, including 'uncivil' society – like militant Islam and American militias – and traditional associations based on inherited characteristics like religion and ethnicity that are so common in Africa, Asia and the Middle East?

Are families in or out, and what about the business sector? Is civil society a bulwark against the state, an indispensable support, or dependent on government intervention for its very existence? Is it the key to individual freedom through the guaranteed experience of pluralism or a threat to democracy through special interest politics? Is it a noun – a part of society, an adjective – a kind of society, an arena for societal deliberation, or a mixture of all three? Can you build a civil society through foreign aid and

1 Michael's speech was written in a personal capacity. He provides permission to circulate or cite this paper, but with attribution. Address for correspondence: M.Edwards@fordfound.org.

intervention, or is this just another imperial fantasy? What is to be done with a concept that seems so unsure of itself that definitions are akin to nailing jelly to the wall? And in any case, do these questions really matter, except to a small band of academics who study this stuff for a living?

When an idea can mean so many things it probably means nothing, so I think the time has come to be rid of the term completely or, now that it has acquired a life of its own, to at least be clearer with each other about the different interpretations in play. Consensus is impossible given the range of views on offer, but clarity is not, and greater clarity can be the springboard for a better conversation about the promise and potential of civil society as a basis of hope and action for the future, and about the pitfalls of using this term as a political slogan or a shelter for dogma and ideology. Recognising that civil society does indeed mean different things to different people is one of the keys to moving forward, because it moves us beyond false universals and entrenched thinking. And for those who want to discard the term completely my plea would be, not yet – don't throw the baby out with the bathwater. As I hope to show you, ideas about civil society can survive and prosper in a rigorous critique.

In part, the fog that has enveloped this term is the result of an obsession with one particular interpretation of civil society as a *part* of society – the world of voluntary associations – forgetting that there are earlier and later traditions that have just as much to offer. It was Alexis de Tocqueville that started this craze on his visits across the Atlantic in the 1830s, seeing America's rich tapestry of associational life as the key to its emerging democracy. "Americans of all dispositions have an incurable tendency to form voluntary associations," he noted. Originally however, civil society, from Aristotle to Thomas Hobbes, represented a *kind* of society that was identified with certain ideals. And in modern societies, realising these ideals – like political equality or peaceful coexistence – requires action across many different institutions, not just voluntary associations. So civil society is often used as a kind of shorthand to describe the good society, the society of our dreams, the society we want to live in, to create and leave to those we love. Most recently, philosophers have developed a new set of theories about civil society as the 'public sphere' – the places where citizens argue with one-another about the great questions of the day and negotiate a constantly-evolving sense of the 'common' or 'public' interest.

My starting point is to deconstruct the existing, confused conversation about civil society and then reconstruct the relationships between these different schools of thought in a new, and I hope more useful synthesis. The first school believes that voluntary associations act as gene carriers of the good society – microclimates, if you will, for developing values like tolerance and cooperation, and the skills required for living a democratic life. The trouble is that real associational life is home to all sorts of different and competing values and beliefs (think pro and anti-choice groups, for example, or peaceniks and the NRA). There is another problem with this thesis too, because the values and beliefs we want to see developed are fostered in all the places where we learn and grow, and are where dispositions are shaped, which means families, schools, workplaces, colleges and universities, and political institutions large and small. We actually spend a lot more time in these places than we do in voluntary associations, so these experiences are especially important. For the same reason, by themselves, NGOs and other voluntary associations can rarely secure the level of political consensus that is required to secure and enforce broad-based social reforms – there is too much difference and diversity of opinion. That is why civil society, to quote the British writer John Keane, "is riddled with danger, since it gives freedom to despots and democrats alike".

So my second school of thought – civil society as the good society – is very important, because it sets the contributions of voluntary associations in the proper context and guards against the tendency to privilege one part of society over the others on ideological grounds – voluntary associations over states for example, or business over both. Good neighbours cannot replace good government, and non-profits should not be asked to substitute for well-functioning markets. Historically (think of East Asia after World War II, Kerala and West Bengal in India, Chile, Botswana or even China today), success in

achieving good society goals has always been based on social contracts negotiated between government, business and citizens – not organised into a classic form of civil society completely independent of the State, but into semi-independent students' groups, local councils, professional associations and others capable of exercising at least some level of accountability and functioning as bridges and information channels between citizens and government.

However, if the good society requires coordinated action between different institutions all pulling in the same direction, how do societies decide which direction in which to go, and whether it is the right one as conditions and circumstances continue to change over time? How are collective choices made, trade-offs negotiated, and ends reconciled with means in ways that are just and effective? For answers to these questions, we have to turn to my third school of thought and consider civil society in its role as the public sphere.

The concept of a 'public' – a whole polity that cares about the common good and has the capacity to deliberate about it democratically – is central to civil society thinking. The development of shared interests, a willingness to cede some territory to others, the ability to see something of oneself in those who are different and work together more effectively as a result – all these are crucial attributes for effective governance, practical problem-solving, and the peaceful resolution of our differences. In its role as the public sphere, civil society becomes the arena for argument and deliberation as well as for association and institutional collaboration, and the extent to which such spaces thrive is crucial to democracy, since if only certain truths are represented, if alternative viewpoints are silenced by exclusion or suppression, or if one set of voices are heard more loudly than those of others, the 'public' interest inevitably suffers. When all politics are polarised, public policy problems become embedded, even frozen, in polities that cannot solve them – think health care and welfare reform in the USA, for example. Breaking the resulting gridlock requires the creation of new publics in support of broad-based reform – exactly what is missing in the USA right now.

All three of these schools of thought have something to offer, but by themselves are incomplete and unconvincing. So the logical thing to do is to connect them so that the weaknesses of one set of theories are balanced by the strengths and contributions of the others. What does that mean in practice?

As Terence says in his introductory notes for the conference², the most important place to start and end up is civil society as the good society, because that keeps our 'eyes on the prize' – the goals of poverty-reduction and deep democracy that require coordinated action across different sets of institutions. However, the vision of the good society says little about how such goals are going to be achieved, and associational life does seem to be an important – if incomplete – explanatory factor in most contemporary settings. Structural definitions of civil society – the first approach I described – are useful in emphasising the gaps and weaknesses of associational life that need to be fixed if they are to be effective vehicles for change.

However, the differences and particularities of associational life generate competing views about the ends and means of the good society, anchored in religion, politics, ideology, race, gender and culture. Without our third set of theories – civil society as the public sphere – there would be no just and democratic way to reconcile these views and secure a political consensus about the best way forward. In turn, a healthy associational ecosystem is vital to the public sphere, since it is usually through voluntary organisations and the media that citizens carry on their conversations.

Finally, the achievements of the good society are what make possible the independence and level playing field that underpin a democratic associational life – by reducing inequality, for example, and guaranteeing freedom of association, anchored in the law. As we have discussed this morning, there is a reciprocal relationship between civil society influence on governance and government influence on civil society.

In terms of civil society influence, I think the basic arguments are well-known, and Terence puts them concisely in his introductory note. A dense network of voluntary associations and a healthy public sphere help to promote transparency, accountability, public pressure and the broad diffusion of power that are essential to democracy, and this seems to hold true across many different contexts. They provide additional routes to citizen participation in politics, even more so as the balance between representative and participatory forms of democracy continues to shift in favour of the latter (the natural territory of civil society, 'voice not vote'). These roles are not unproblematic - there are dangers of gridlock in the political system as a result of the accumulated efforts of single-issue advocacy groups or civic special interests, domination by the most powerful voices in civil society to the detriment of groups that are marginalised, and the power of strongly-bonded associations as opposed to those that focus on bridging and linking across different interests (hence the contemporary debate over NGO accountability and 'who watches the watchdogs?'), but these problems are unlikely to constitute serious anti-democratic factors in most of the contexts we are talking about. The exception may be where strong civil society organisations divided along sectarian lines push against a weak State, as in Lebanon during the civil war. In that context, citizen action may hold back decisions that need to be made in the interests of society as a whole.

The structure of civil society is also linked in important ways to the health and functioning of political society (meaning formal political institutions like parties), though we know much less about these links and their implications for democratic governance, especially across different contexts. This should be a priority for future research.

Experience from Eastern and central Europe over the last five to ten years (rising populism, semi-authoritarian governments elected into office and a backlash against external democracy promotion) mirrors that of the Philippines and South Africa in demonstrating that civil society influence on democratic reforms and practices is difficult to sustain over the long term. The intense bursts of civic energy that characterise the run-up to the first or second rounds of democratic elections (and often propel leading civil society activists into power for the first time), tend to run out of steam, though not immediately, in the years that follow. The struggle to deepen democracy beyond elections and convert democratic gains into advances in social and economic justice is a much more difficult task, and of course constitutes the unfinished agenda of democracy in countries like the USA and, I suspect, New Zealand.

Turning to the other face of this coin – the influence of government on civil society and the health of the public sphere, there are some obvious but very important effects that stem from the nature of the enabling (or disabling) environment for citizen action – regulatory and fiscal policy, devolution and decentralisation (for example, Bolivia's Law of Popular Participation), and the openness of the State to voluntary compacts and self-governance mechanisms as opposed to more invasive regulations of the kind that sadly are becoming increasingly commonplace since the events of 9/11. USA government regulations on anti-terrorist financing are having measurable knock-on effects on the support for civil society groups in the developing world, though I think concerns about terrorism are often a disguise for a more basic tendency to control citizen action. A dynamic civil society sounds like a great idea until you have to cope with the demands it places on government to perform effectively! Donor agencies can obviously support a more positive environment for civil society but need to step back from pushing a particular legal and regulatory template – the experience of the World Bank Handbook on Non-Profit Law is instructive here, as documented in Lisa Jordan's new book on NGO accountability.

However, we should not just think of the enabling environment in terms of political rights. Government policies that promote citizen participation by increasing social and economic security also have a major influence on civil society, because they enable people, especially poorer groups, to spend more time in voluntary action – jobs, wages, welfare protection and so on, something that is often forgotten in this debate.

Governments also have a hugely-important role to play in protecting and extending civil society as the public sphere(s), by guaranteeing freedom of information and expression, regulating media consolidation in favour of public and community radio and newspapers, and support to public conversations and deliberative modes of politics, a subject I will return to a little later.

Whether governments have more influence over civil society or vice-versa has been a bone of contention for at least 200 years, but it is not difficult to see how each affects the other in important ways. Clearly, civil society is one of the keys to democracy, but democracy does not necessarily lead to effective governance, and effective governance does not necessarily feed through into the achievement of peace and social justice. So we have to go further in our analysis and ask ourselves how shifting patterns of associational life help or hinder the realisation of good society goals, and what can we do to revive the public sphere if we believe it is an important transmission mechanism between the two?

This question generates a rich agenda for public policy discussions, though a complicated one since there is no obvious consensus on the answers and the evidence is very muddy – three schools of thought – pitfalls of relying on USA experience here. The social capital school – like Robert Putnam – sees associational life in general as the driving force behind the positive social norms on which the good society is founded: things like cooperation, trust and reciprocity. So the logical policy is to encourage as much volunteering and voluntary action as possible even if some of it is used for nefarious purposes. Somewhat magically in my view, these differences will, Putnam argues, work themselves out in the general scheme of things.

The comparative associational school – like Theda Skocpol – see particular configurations of associational life as the key to securing the public policy reforms the good society requires – the nationally-federated mass-membership, cross-class groups like PTAs, labour unions, Moose, Elks and other forest creatures, that have declined so much over the last 50 years and which used to provide strong bridges between citizens and government that led to reforms like the GI Bill of 1944. What has replaced them – a burgeoning array of single-issue advocacy groups largely based in Washington DC, incapable of fashioning a social consensus that is broad enough to force through significant change.

Finally, the school of sceptics – like Nancy Rosenblum – do not see any reliable link between the structure of civil society and its achievements, so do not have much to offer the discussion about policy and practice apart from 'do no harm' – let the internal mechanisms of civil society work out these questions by themselves. None of these positions are especially convincing, especially in contexts other than the USA. And obviously the appropriate policy depends on which position one subscribes to. This provides us with a nutty dilemma (hard not crazy), especially since we know that interventions by donor agencies rarely if ever lead to predictable outcomes (a mantra I suspect is even more true of interventions in governance and civil society). The easiest things to influence (like the number of NGOs) may be the least important in determining long-term social and economic progress, while the most important – like changes in civic and political values and relationships – are the least amenable to external influence. So there is no doubt that my analysis, if one accepts it, leaves us in a bit of a tight spot, and requires us to be extremely careful in moving from theory to action.

Yet the approach of the civil society building industry that has proliferated since 1989 – with some exceptions – resembles a crude attempt to manipulate associational life in line with Western, and specifically North American liberal-democratic templates: pre-selecting organisations that donors think are most important (advocacy NGOs or other vehicles for elites, for example, usually based in capital cities), ignoring domestic expressions of citizen action that do not conform to Western expectations (like informal, village or clan-based associations in Africa and the Islamic world, more radical social movements, or pre-political formations), spreading mistrust and rivalry as fledgling groups compete for foreign aid, and creating a backlash when associations are identified with foreign interests. The creation of public spheres is usually ignored, apart from occasional support to independent media groups and

organisations promoting government accountability. Ignoring Ralf Dahrendorf's warning that "it takes six months to create new political institutions, six years to create a half-way viable economy, and...sixty years to create a civil society", project timescales are collapsed to bite-sized two or three-year chunks and accountability is reoriented upwards. Nurturing civic institutions (which means connections, values and practices, not just organisations) takes the most careful and sensitive accompaniment over long periods of time. By contrast, the aid industry resembles a bulldozer driven by someone convinced that they are heading in the right direction, but following a map made for another country at another time. So what to do?

There are some interventions that *would* be useful despite all these admonitions. The first is to work simultaneously on both sides of the governance equation – supply (State transformation) and demand (civil society development), so that one does not become an ideological substitute for the other. At the Ford Foundation we use a simple definition of governance as the "exercise of democratic authority over matters of public concern". In democratic polities, authority derives from structures of the state that protect basic human rights and enforce the rule of law, while legitimacy derives from structures of citizen participation that express collective aspirations and hold public power to account. All systems of governance have to balance authority and legitimacy in ways appropriate to the context, and the role of donor agencies is to help in that process, not to direct it, by supporting actors across society to address the challenges of long-term institutional development and relationship-building in the civic and political arenas. Our goal, in the somewhat ideal sense, should be to promote the simultaneous and inter-linked development of an inclusive associational ecosystem, matched by a strong and democratic state, in which a multiplicity of independent public spheres enable equal participation in setting the rules of the game. Easier said than done, of course!

Secondly, and probably the safest route through the complexity of the issues I have raised, is to strengthen the pre-conditions for a healthy civil society as opposed to pushing pre-determined templates or models of what civil society should look like drawn from other contexts. That means attacking all forms of inequality and discrimination, giving people the means to be active citizens, reforming politics to encourage more participation, guaranteeing the independence of associations and the structures of public communication, and building a strong foundation for institutional partnerships, alliances and coalitions. Inequality is the poison of civil society because it endows citizens with different levels of resources and opportunities to participate, so as I said a little earlier, things like support for childcare and a living wage – which are not usually seen as civil-society building interventions, may be the most important areas of all. Maintaining an explicit linkage between the promotion of social and economic equity and the deepening of democracy is the key to avoiding what can become a somewhat anaemic shopping list of NGO capacity-building interventions, community service and volunteering. In American conversations about civil society, 'freedom' is always privileged over 'equality', yet both are vital.

Support to local fundraising is also vital, because civil society groups are often dismissed as pawns of foreign powers as a result of their high levels of dependence on external funding, especially if they are active in advocating for radical change and holding governments to account. Therefore building their financial independence (meaning a diverse range of revenue streams strongly rooted in the local and national economy) is critical, as a condition of organisation effectiveness over the long-term, and as a foundation for legitimacy and credibility. Yet the record of donor agencies in this respect is terrible. Foundations like Ford that have invested heavily in building philanthropy in Africa, Asia and Latin America (for example, the Dalit Fund in India and new human rights foundations in Russia, Brazil and the Arab world) have an obvious advantage in making long-term and somewhat risky investments in endowments, but there is no reason why other donors should not follow suit.

By focusing on supporting capacities and relationships, we can avoid some of the most problematic

consequences of external assistance to democratic governance, since we will be helping civil societies to shape themselves organically over time, even if the outcomes fail to conform to a template we might see as desirable. If the 'soil and the climate' are right, so to speak, associational life will grow and evolve in ways that suit the local environment.

Thirdly, we need to find and support innovations in associational life that encourage citizen action to operate in service to the good society, rather than as a substitute for politics, market reform and the demands of democratic state building. Such measures are highly context specific, but if I was to construct an agenda for action from my Ford Foundation experience, I would focus on the civil society ecosystem by fostering the conditions in which all of its components can function more effectively, alone and together. This requires support to as broad a range of groups as possible, helping them to work synergistically to defend and advance their visions of civic life, providing additional resources for them to find their own ways of marrying flexible, humane service with independent critique, and leaving them to sort out their relationships both with each other and with the publics who must support them, and to whom they must be accountable, if their work is to be sustained.

Other important measures include support to less visible associations and those representing the interests of marginalised groups; renewing the pipeline of leadership in order to address the tendency of associations to develop greater inertia and self-interest over time; and strengthening the connections that link people vertically and horizontally into new relationships and networks for collective action across in-group boundaries, whether in broad-based coalitions and alliances, social movements, or more basic relationships between intermediary organisations and membership groups with a social constituency. All these measures will increase the influence of less powerful groups on public policy as well as building new and overlapping norms and accountabilities.

I would also focus more resources on understanding and then strengthening the links between civil and political society without meddling in partisan politics – for example, figuring out the long-term implications of electing civic leaders into political office while maintaining their links with civil society somehow (the Lula Government in Brazil would be a good but unsuccessful example of this), the impact of deliberative democracy and 'non-party' political participation and representation as practiced at the local level in India, Indonesia and elsewhere (which I think is promising despite its well-known problems and weaknesses), and ways in which citizens' groups can develop informal links with political parties, as in the case of Move-On.org in the USA. My sense is that strengthening these civil-political links is key to answering the question I posed earlier about how civil society, democratic governance, and good society goals all fit together.

I would direct much more support to public spheres, including a stronger role for watchdog groups in civil society, investigative journalism, and the promotion of marginalised voices in debates and public conversations around key issues.

And I would always look for forms of associational life that 'live' relatively independently in their context, not just the 'usual suspects'. In that respect it is important to make room for surprises – like the potential political effects of self-help groups such as Alcoholics Anonymous and Weight Watchers (the largest category of voluntary associations in the USA with over 25 million members), or the boy scouts and mosque associations in Lebanon (which turn out to be among the most progressive organisations in Lebanon), or burial societies in South Africa (which played a major role in the fight against apartheid), or labour unions in France and Brazil which have given an important stimulus to new and less hierarchical forms of trans-national organising.

Finally, let us democratise the conversation about democracy, and make the debate about civil society much more inclusive and pluralistic – another point made by Terence in his introductory note. That is the only way of testing our assumptions about civil society and governance on a broader stage.

To sum-up my suggestions:

- Be clear and transparent about why you are promoting certain patterns of associational life, and take responsibility for the results
- Focus on the conditions in which associations can shape themselves and their relationships, not a predetermined view of which forms you think are most important
- Think of associational life as an ecosystem and look for components that are weak, absent or disconnected
- Provide resources for as broad a range as possible of groups to come together and articulate their own visions of the future
- And promote indigenous roots and accountability as the key to effective resource generation, independence and effectiveness.

To conclude, civil society is simultaneously a goal to aim for, a means to achieve it, and a framework for engaging with each other about ends and means. When these three 'faces' turn towards each other and integrate their different perspectives into a mutually-supportive framework, the idea of civil society can explain a great deal about the course of politics and social change, and serve as a practical framework for organising both resistance and alternative solutions to social, economic and political problems. Many of the difficulties of the civil society debate disappear when we lower our expectations of what each school of thought has to offer in isolation from the others, and abandon all attempts to enforce a single model, consensus or explanation. This may not deter the ideologues from using civil society as a cover for their own agendas, but it should make it easier to expose their claims and challenge the assumptions they often make.

This is one reason why, to answer the question I raised at the outset, getting clearer about civil society does matter in more than the academic sense. When, as recently reported in the press for example, the National Endowment for Democracy claims to be building civil society in Venezuela but is only supporting groups mobilised against President Hugo Chavez, or President Putin boasts of developing a new NGO infrastructure to regain Russian influence in Ukraine, Georgia and elsewhere, or when politicians on both sides of the Atlantic continue to be engaged in a forced march to civil society in the Middle East, it is clear that the ways in which these ideas are interpreted does have a real impact on the lives of real people in the here and the now. "Moscow's policy places civil society at the heart of its comeback strategy" says Ivan Krastev, neatly demonstrating the dangerous elasticity of this concept when used for political ends. As Keynes's famous dictum reminds us, "practical men in authority who think themselves immune from theoretical influences are usually the slaves of some defunct economist", just as present-day civil society builders are motivated by ideas deeply rooted in different schools of thought, but often unacknowledged, untested and insufficiently interrogated.

The second reason why this debate matters is that lasting solutions to problems of poverty and exclusion are impossible to conceive of, at least for me, without a full appreciation of the roles of civil society in this new, threefold sense. Against the background of weak democracies, strong bureaucracies, corporate power, and resurgent nationalism, civil society is essential to the prospects for a peaceful and prosperous world order in the 21st century, because it "leads us to a renewed awareness of the fusion of the moral, the social and the political in the constitution of all human communities".

In all three schools of thought, civil society is essentially *collective* action – in associations, across society and through the public sphere – and as such it provides an essential counterweight to individualism; as *creative* action – the natural home of the active citizen, civil society provides a much-needed antidote to the cynicism that infects so much of contemporary politics; and as values-based action, civil society provides a balance to the otherwise-overbearing influence of state authority and the temptations of the market, even if those values are contested, as they always are.

Warts and all, the idea of civil society remains compelling, but not because it provides the tidiest of explanations or the most coherent of political theories – it does not and probably never will. It remains compelling because it speaks to the best in us, calling on our highest aspirations to create societies that are just, true and free. At some point (and I am sure Kumi will talk at length about this issue in his address tomorrow) discussions about civil society and governance inevitably become normative, even personal, and this is surely a good thing, so long as we keep our wits about us, as I hope you will do going forward. Good luck for the rest of your deliberations, and thanks for listening.

PANEL 1, PANELLIST 1

Critical issues in civil society and governance: Different perspectives

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am speaking from the perspective of a development practitioner with an interest in civil society and governance in the Pacific.

I have identified four critical issues in Civil Society and Governance.

Critical Issue 1: There is tension because the (good) governance agenda arises from a different tradition than the discourse on civil society.

The definitions of 'civil society' and of 'governance', and the surrounding academic debates have been well-discussed this morning. I would like to add two brief comments:

Firstly, the good governance agenda is a universalist approach that is based on neo-liberal, marketdriven development theory, policies and practices. On the other hand civil society forces us to think about people and our obligations to each other.

Barrie MacDonald's study of governance in Kiribati clearly identified the tension. He concluded:

In this case... the twin pillars of neoclassical economics and participatory democracy, which support the World Bank's approach to governance, seem to be leaning in opposite directions (1998: 47).

Secondly, the history of development can be seen as a struggle between State-led and Market-driven approaches. Each has dominated at different times. Both have marginalised civil society which places people at the centre.

Allan Wolfe (1989) sees moral obligation as a critical factor in the development discourse. The individualist moral code of the market and the collective moral code of the state are both seen by Wolfe as simplistic and operating from a similar logic:

Market and state share similar logics, and often with similar results. Neither speak well of obligations to other people simply as people, treating them instead as citizens or opportunities. Neither wish to recognise that people are capable of participating in the making of their own moral rules (1989:12).

This leads to my second critical issue.

Critical Issue 2: The nature of 'civil society' and of 'governance' in the Pacific are shaped by the particular social, economic and cultural context of each nation.

The meaning of civil society depends largely on the context and the relationship of the individual, in their society, to the state and the market. "Civil society is... a historical construct and it is manifested differently in different societies" (Lindberg and Sverrisson 1997:6).

In the context of the island nations of the Pacific, civil society has manifested itself in a variety of forms shaped by particular historical, social and cultural circumstances. Civil society, in the shape of

traditional forms of mutual assistance, has a long and, in many places, undisturbed history in the Pacific islands. Other segments of civil society including churches, non-government organisations and social movements have a shorter history in the Pacific.

Traditional forms of mutual assistance, such as the *fa'asamoa* in Samoa, the wantok system throughout Melanesia, and others throughout the Pacific Islands, have a particular contribution to make to development in the their respective domains.

In small island states the boundaries between the state and civil society are often blurred. Tokelau is a good example.

There are virtually no NGOs in Tokelau, the churches are the only formal non-governmental organisations. Civil society, in the form of traditional structures, is reflected in the governance arrangements. The same people hold the leading roles in church, government and village matters. Local village matters often take a higher priority than 'development'. Where can independent voices be heard? How can donors engage with civil society? The challenge is to find ways and means of engaging Pacific manifestations of civil society in social and economic development that works for them.

Critical Issue 3: The nature of 'civil society' and of 'governance' in post-conflict societies has been shaped (distorted?) by the conflict and subsequent peacekeeping operations.

Two Pacific Island examples illustrate this point (Swain 2004).

In Bougainville civil society organisations played a large part in the rebuilding of Bougainville during the early years with little constraint (as there was very limited governance). Now the Autonomous Bougainville Government (ABG) has been established, and a five year strategy put in place to shape development priorities for government agencies, NGOs are encouraged to work within this framework. Traditional forms of conflict resolution and reconciliation, led by local communities, have been important in 'healing'. While the ABG has supported these processes it is now 'governing' development and is taking over from civil society (Swain 2006).

In the Solomon Islands – RAMSI has moved from a 'peacemaking' role to a 'development' role with a deep engagement in 'governance' and an often conflicted relationship with the Government of the Solomon Islands. Civil society in the Solomon Islands, particularly women and church leaders, also played an important role in 'peacemaking' but they appear to have been marginalised in governance where the 'big men' have reasserted their dominance. Some NGO leaders have been co-opted by government and the voice of civil society has been muted as a consequence.

Is there 'role confusion' when peacekeepers take on 'development' tasks? Does the imperative to reestablish 'governance' after conflict marginalise 'civil society'? (For example, New Zealand Defence forces in Afghanistan, RAMSI in the Solomons.)

Critical Issue 4: Civil society (in the Pacific) consists of small entities that may have the 'moral high ground' on an issue but do not always have a 'mandate' or 'constituency' to support that position, in contrast, 'governance' may have a democratic mandate but some governments have lost their 'moral authority' because of poor governance practices (corruption, nepotism etc.).

Donors are reluctant to work with traditional communities or churches and often work with NGOs because it is easier – however, these NGOs are frequently 'donor driven' and lack a mandate or constituency.

NGOs are only one (small) segment of civil society in the Pacific. However, their voice is often the only voice of civil society that is heard. At the regional level there is now a formal dialogue between 'leaders' and 'civil society' (made up of NGOs) at the annual Pacific Forum Meeting. This is a positive development, but how representative of Pacific civil society is this group of NGO leaders? What is their

mandate to speak on behalf of civil society?

Development is a messy business and development practice in action does not often fit into tidy, theoretical categories. Particularly in small island states.

Comment

So, from my perspective, as a development practitioner, what are the implications of these four 'critical issues' for Civil Society and Governance?

I will make two points:

First, there is not *one* way to practice development.

Different contexts require different approaches to development. A particular social, economic, cultural, political and geographical terrain requires development practice that is appropriate and sensitive to that terrain. The nature of civil society and of governance in each circumstance must be understood and factored into interventions. One size does not fit all.

Second, governments, business and civil society each have valuable, complementary contributions to make to development, they need to negotiate respectful relationships.

There is an increasing acknowledgment of the importance of the valuable contribution of civil society and good governance to the economic and social development of a nation. However, a top-down, centralised, approach to governance has dominated development in Pacific Island nations, and is the antithesis of participatory, empowering, and people-centred development practice that creates a vibrant civil society. This is a basic tension. The Paris Declaration on Aid Effectiveness requires programme 'alignment' with national development plans and 'harmonisation' of donors. This has the potential to strengthen state-led development and mute the voice of civil society.

In conclusion, respectful relationships are at the heart of good development practice. There is a need for the state, the market and civil society to affirm and value each contribution and to develop processes and structures for negotiating their complementary relationships to promote good change.

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Critical issues to do with civil society and governance

BEVERLY TURNBULL

Strategy, Advisory & Evaluation Group, NZAID Edited speech notes

In this presentation I will not be offering the official NZAID position, instead I will be speaking from my perspective as an NZAID staff member, with former involvement in NGOs and CSOs.

At NZAID, we recognise that the term 'civil society' is contested, but NZAID, inline with many other international organisations, works to the broad concept of society consisting of three key aspects – the state and all its related organs, the commercial/private sector, and civil society (not just NGOs). Our interpretation of the term civil society creates certain perspectives on what we view as 'critical issues' for civil society and governance.

If one accepts that 'good governance' is a government responsive and accountable to the people, as well as an engaged and active citizenry whose ultimate oversight complements the accountability of institutions of state, then a strong and dynamic civil society is a key component in improved governance. Yet issues remain unresolved.

Some of the critical issues around civil society and governance are:

- The fact that, for civil society to play a role in improved governance, organisations across civil society (and the private sector) also need to be responsive and accountable to their own members and stakeholders.
- Issues of dislocation and alienation by which I mean the disruption of social ties caused, for example, by the economic and political transition from traditional, culture-specific social structures to 'modern' governance and social structures with different expectations (for example, nation-state, democracy, and so on) and from rural to urban cash economies. My key question here is, is enough thought being given to whether there are alternative governance structures which may be more appropriate? And which may provide us with effective ways of bridging the dissonances?
- The fact that, while it is easy on paper to outline the various governance-related roles and responsibilities of various elements of society such as the state, civil society, governance institutions, and the private sector in the real world it can be much harder (if not impossible) to differentiate between these roles. Moreover, we need to recognise that for different sectors of society the legitimate exercise of these roles (such as a CSO speaking out against the government) can often lead to personal and political conflict. In other words, it is often not a harmonious process. We also need to closely examine the legislative and social environment within which these roles are played out. Once again, something that looks tidy on paper may work nowhere near as well under restrictive and legislative conditions.

In addition to these issues, it is also important to examine those 'on the ground' factors that influence effective engagement between government, institutions, and civil society on issues such as policy, development priorities, service delivery, and so on. For example, are there effective and appropriate mechanisms for engagement? Are these mechanisms and processes understood? Do the respective parties have sufficient and relevant skills and resources for informed engagement (for example, skills in research/evidence gathering analysis, reporting and finance)?

We also need to be aware that civil society will struggle to interact with sectors if it does not have

adequate voice and space to discuss issues and develop perspectives, to consult and to provide feedback. For this reason it is pertinent to ask whether the increasing prominence of international security and counter-terrorism measures are threatening the spaces for civil society to flourish and act? And also, more generally, are poverty, insecurity, conflict, and instability impacting on people's capacity to find and use their voice and space?

In addition to this we need to be aware that information is vital to interaction. Civil society cannot hold the state to account if it is denied information on the state's actions. This means that the communication of information, and the processes of communication are of utmost importance. And that we need to pay attention to issues such as: Who has access to and control over information? How is it disseminated? What restrictions are imposed? And is there an effective media?

Finally, we need to closely examine the roles and impacts of external actors – including donors, regional and international organisations, INGOs, and financial institutions. We need to ask questions such as:

- What is their/our influence on deciding national priorities for development?
- Are they/we supporting or hindering existing relationships and processes?
- Are they/we supporting/enabling effective governance structures and processes?
- Are they/we encouraging dependency?
- And are their/our processes having negative impacts on civil society's own governance processes and structures?

Challenges to civil society

DAVID ROBINSON

Manager, Pacific Programme, International Center for Not-for-profit Law Paper provided by author

Akey challenge to civil society as I see it is to retain the core values of civil society while we are becoming more active as participants in major policy discussions.

These core values include:

- Independence freedom of association and action
- Altruism concern for others
- Collective, community action
- Acting with respect for others who may not share your views.

And, above all, acting from heart-felt values for the good of the community rather than for personal gain. A core value of civil society is that CSOs have values and act accordingly.

That is to say, CSOs are different from business and from government and should not adopt their forms of organisation and behaviour in the guise of becoming efficient and business-like.

Rather, by maintaining our own core values we should work towards making government and business more 'community-like'.

It is interesting to reflect on some discussions that we were having in Wellington fourteen years ago. In 1993 the New Zealand Council of Social Services and the Victoria University Institute of Policy Studies held a symposium *The Voluntary Welfare Sector: Changing Relations with Public, Private and Household Sectors* and the papers were published in *Performance Without Profit*.

The notes on the back cover of this publication state, "[v]oluntary organisations which receive public funding have been asked to be more accountable to the Crown while they have been left to define their responsibilities to their volunteers. It has been said that democracies can be distinguished from authoritarian regimes by the existence of a strong voluntary sector. Can we be sure that we will not destroy the voluntary sector by attempting to make it more accountable to the Crown?" An issue that is even more relevant today.

My own paper in this publication *Values in the Voluntary Sector* suggested that a key difference between the 'voluntary' sector and the government or business sectors is that it is in its very nature 'anti-bureaucratic'. However, in the intervening years many of the key features of anti-bureaucracy listed by Max Weber (such as little internal specialisation, flexible task allocation, loosely organised, frequently spontaneous and limited rules governing behaviour) have been dispensed with in the sector.

Nonetheless it is essential that the core value of the independence of the sector, including membership control over collective affairs, be maintained. Although a form of bureaucracy may exist, it should not be one that is externally imposed or controlled. It is the organisation's own set of rules and operational system created to serve its own self-defined interests.

Governments and business can become 'civil' and in an ideal world they should be, but when they are not, it is up to civil society by example, as well as through advocacy to encourage them to act in a civil manner.

The work that ICNL is doing in the Pacific is directed at improving the legal environment in which local community organisations operate.

In spite of the generally limited legislation in most Pacific countries, most large regional and international NGOs have the ability to 'do deals' in order to achieve legal status. These include negotiating MOUs with governments and in some cases operating under the wing of a global organisation such as UNDP, or registering under existing Charitable Trust laws.

However, small village-based community groups or even collectives of villages are often unable to negotiate their way through these complex legal and political areas.

ICNL's objective of improving the legal environment for CSOs is not to bring international best practice legislation to the Pacific and then to determine how local community structures can be amended to fit into this model. Rather, we focus on how Pacific societies organise spaces where people meet to identify issues and to take action collectively for the common good and to explore what legislation would best achieve this goal.

For me, a key danger for civil society is that of creating and institutionalising a division between CSOs formed by and reflecting the aspirations of citizens and international NGOs that adopt modern corporate practices and claim to speak and act on behalf of those citizens.

I should note, as a Board member of CIVICUS, that this is something that we continually struggle with and through our programmes such as the Civil Society Index, International Association of NGOs (IANGO) and the World Assembly, we work to make sure that we remain relevant to both local citizen groups and to international NGOS.

However, in terms of governance what should we do?

And what are we, ICNL, actually doing?

Firstly we need to make sure that governance is appropriate to the form and scale of our organisation.

And, we must maintain our values.

This means allowing governance procedures to emerge from civil society and not be imposed upon it.

For example, in Vanuatu and Solomon Islands we are working with government, local community groups and customary associations such as Malvatumauri, the Vanuatu National Council of Chiefs.

In practice this has led to several proposals on a draft Law on Associations which is being discussed in Vanuatu.

It is proposed that registration be carried out at the provincial level – the provincial administration does not have the capacity in Vanuatu (or in Solomon Islands) at present to do this but the Director of the Vanuatu Department of Provincial Affairs supports the proposal as a way of helping build their capacity as well as meeting local community needs.

We have included a requirement that associations should consult with local community leaders prior to registration, not that they should necessarily get permission from these leaders to form an association, but that they should be able to show that such discussions have taken place.

There is a provision, at the suggestion of a senior government official, that appeals on issues such as deregistration should, in the first instance be taken to the local Council of Chiefs rather than to the courts.

Yes, good governance is important, but this means more than good accounting and book-keeping skills and formal committee procedures.

Governance for community associations should be based on the underlying values of civil society as they are expressed in a particular community context.

The Challenges that confront us in our work: Supporting and making space for Pacific women's civil society voices and movement building at national, regional and international levels

SAMANTHA HUNG

Gender Advisor, NZAID

Paper provided by author

Good Morning Everyone.

have been asked to talk about the somewhat vague topic of 'the challenges that confront me in my work'. And listening to some of the extremely impressive presentations yesterday and this morning, I have been questioning what added value I could possibly bring to this conference through my own personal perspective. I am not an academic and I am definitely not an expert on civil society nor governance. Rather I am coming from the perspective of having worked numerous years as a gender and development practitioner where I have often been mandated with the difficult and exhausting task of leading processes for 'gender mainstreaming' – in donor-funded programmes, UN agency country programmes, for a Pacific regional organisation and now for NZAID as the Gender Advisor. I will also share a few anecdotal personal stories and will focus on the Pacific because that is where my more recent experience comes from.

Yesterday, we heard various references to the threads of power between and within civil society, the need to level the playing field and support those that are marginalised from governance processes. And we had some discussion about the potential tensions this brings when it is referring to power dynamics between women and men, especially if confronted with cultural and traditional norms that are inherently gender inequitable. However, if we accept that civil society should be 'civil' for the collective good, and that 'inclusiveness' is a principle of 'good governance', then we cannot avoid discussing gender equality and women's rights to participate in and influence governance processes and civil society on an equal footing to men.

If donors and governments are serious about gender mainstreaming and equality agendas that they have committed to, by definition this implies challenging the power relations and prevailing status quo between women and men. But too often gender mainstreaming is conflated, under-resourced and over-simplified to become a tick-the-box exercise and not the transformative process towards equality that was intended. My questions then are: Why is nobody effectively holding donors and governments accountable for these gender equality commitments? Why, in the Pacific region in particular, is it that there is so little political traction for advancing gender equality and women's rights? And, why is it that these wonderful commitments on paper have not translated into anything tangible for the vast majority of Pacific women? One might say that it is because they lack relevance? But this does not really stand because they are based on universal human rights standards and we have had the home grown Pacific Platform for Action for Women (PPA) for close to 15 years – it existed even before and fed into the UN Beijing Platform for Action.

These are very complex questions, but I can suggest two critical issues that provide partial answers:

First, the Pacific Island region has the lowest proportion of women in elected government in the world, averaging at approximately 4%, with five countries with no women in parliament at all. Coupled with male dominance in senior levels of the public service in most countries (not all), it is not surprising really that there is usually little support for advancing gender equality through national policies. Many of you will be aware that the percentage of women in elected parliament is actually an MDG indicator, and it is safe to say that no Pacific Island Countries (PICs) are going to meet the target of 30% by 2015.

Second, the women's civil society movement that should be playing a women's rights advocacy and watchdog role is limited in most PICs and at regional level. One might validly argue that this movement has actually weakened since the time the PPA was born as a regional platform for women.

This begs the question of how we, as donors and development partners, are responding to these challenges. Are we putting them in the too hard basket due to fear and discomfort of dialogue with partners about what are regarded as sensitive issues?

While the first issue (increasing women into positions of representative democracy) is very close to my heart and I have been actively involved with efforts to get this issue onto the regional policy agenda, I am not going to focus on this because, of the two, it has relatively more political traction and is receiving/has received some (albeit inadequate) donor support over the years, for example, UNIFEM and AusAID.

In the interests of time, I would like to focus on what role we have (or should have) as donors and civil society to nurture national and regional women's movements in the Pacific as a means to mitigate against sliding backwards on implementation of hard-fought international commitments to women's rights and gender equality (none of which would have come about without the women's movement), and ultimately as a means towards the achievement of all the MDGs and the elimination of poverty.

History has shown that whatever the context, women get together on issues of common interest in some shape or form. It may not be in the structures that some of us are used to, but if we look for it, there is a women's space in every society or community (even if a very restrictive one). In fact, the global women's movement has been called the most successful social revolution history has ever witnessed. And we have observed some of the success stories of how this has worked in practice in our region. Many of you will recall the nuclear testing protests led by Pacific women in the 1970s at the University of the South Pacific; someone mentioned yesterday about the critical role that women's groups played in brokering peace in Bougainville and the Solomon Islands. One of the successes of the Pacific women's movement is probably in the area of Violence Against Women, both awareness and advocacy. Women's organisations working through the leadership of the Fiji Women's Crisis Centre set up the Pacific Women's Network for Violence Against Women (VAW) in 1992. It is through this network that organisations from nine PICs have been able to build capacity and share the skills, knowledge and experiences of individual activists. This has contributed to significant legislative change at national level and awareness of the extent of VAW (for example, 16 days of activism and 'Thursdays in Black'). More recently, women's successful organisation was echoed in the collective petition in Papua New Guinea (PNG), which has triggered responses from male political leaders, including Prime Minister Somare and Police Commissioner Baki, who are finally making long overdue public statements about the need to curtail the 'normality' of VAW in PNG society.

Following the 2000 Fiji coup, women united through peace vigils in silent protest and started the Blue Ribbon campaign, both of which continue to this day. This mobilisation of women cuts across race on an issue of common importance and has become known beyond national boundaries. The Fiji Women's Rights Movement has also successfully lobbied on issues such as employment protection, sexual harassment in the workplace and maternity leave and conducted a Women Ask Survey around the 2006 national election to ascertain and publicise what political parties would commit to women.

These examples demonstrate how the women's movement has and can mobilise at national and regional

levels. But more needs to be done to expand and locally contextualise some of these innovative and challenging conversations circulating in the Pacific women's rights movements so that they positively impact on and are felt by all women, especially women at the grassroots. But I do not think the power of women's civil society movements to influence agendas happens in a vacuum – due to historically entrenched gender inequalities, it has to be enabled and nurtured.

There is a need for women activists, feminists, and women's organisations to have a space for reflection and collective dialogue on the best way forward for the women's movement in the Pacific. There is also a need to provide opportunities for women's organisations to develop a stronger voice and influence over the progression of key regional policy platforms such as the creature called the Pacific Plan.

I can side step here to tell you a personal story about the evolution of the Pacific Plan. In my previous role as Gender Advisor with PIFS, I was alarmed when I read the first draft of the Plan, did a word search and found no references to women or gender in the document! I knew that as an individual fighting for a marginalised cause in an organisation that was heavily biased towards promoting regional trade, economics and security, I was not in a strong position to influence this document significantly. Therefore I embarked on a campaign if you like to collaborate and strategise with women's organisations to influence from multiple directions. This led to a process of finding common priorities and ground amongst like-minded women's groups and other players, which ultimately led to a shared submission from the Fiji women's movement, which was then in turn shared with women's organisations in other PICs for them to consider, adapt and use in their own lobbying. What resulted is by no means a perfect document, but it is a huge step forward from the first draft as it includes Improved Gender Equality as a stand-alone Strategic Objective, includes the need for disaggregated data and gender indicators in the monitoring and evaluation framework, and includes specific reference to gender-related initiatives for implementation. Those gains would not have been achievable without such women's civil society partnership. It was also the start of an ongoing deepening of understanding between myself and the women's organisations involved about our mutual roles and how we needed to increasingly work together for a common purpose. In some ways I saw myself as a conduit of information between the women's movement and the regional bureaucracy where I was employed, with a responsibility to 'demystify' how regional processes work and how they need to work the system to effect change.

So the strengthening of national women's civil society movements in the Pacific can only build a better-coordinated regional movement that can create momentum for holding regional processes accountable for real progress towards gender equality in our region in line with the Pacific Plan. This reminds me of another side story, in order to qualify eligibility for CSO consultative status with PIFS, you have to be a regional CSO that has operations in a few PIC member countries. This proves problematic when there has only really ever been one regional Pacific women's CSO (PacFAW) whose own sustainability has been at times questioned.

If we move up to the international level and at international forums such as the UN Commission on the Status of Women, Pacific women's civil society voices are even less heard and lumped in with the experience of their Asian sisters. This limits the ability of Pacific women to articulate to the world how Pacific issues of gender inequality are different and require different responses. In October 2005, over 40 women from the Pacific region were present at the Association for Women's Rights in Development (AWID) International Forum in Bangkok and I was fortunate to be one of them. This was the largest gathering of Pacific women ever at an AWID forum and it included three Pacific Panels, almost all of which were comprised of women's civil society representatives, although the Pacific was still the least represented geographical region (40 out of 1800) – Women came from Tonga, Samoa, Cook Islands, Fiji, Vanuatu, Solomon Islands, PNG, Kiribati (and Australia and New Zealand) and I am proud to be able to say that NZAID provided funding for most of their travel costs. Besides the amazing personal learning and international exposure that these delegates gained from the experience, in my opinion it was an

extremely valuable investment in donor funds to provide a too often rare space for Pacific delegates to connect with a global movement, which triggered collective thinking on how to strengthen alliances between women's CSOs at national and regional level. It also provided the space for these women to acknowledge and celebrate the achievement of the Pacific women's movement.

If I bring back all of these thoughts and anecdotes to the second half of the theme of this conference —implications for aid, it begs the question of how much donor support is actually provided for women's movement building efforts of civil society in the Pacific. And if we are seriously mainstreaming gender, how much effort is being made by donors and other development partners to seek out different women's voices alongside that of men, to ensure that all development programmes equally consider their different needs and interests? This then leads to the question of which women and whose voices? How can this be achieved if the only obvious women's CSOs to consult with (if at all) are with peak women's organisations in capital cities? These different voices need to be proactively sought.

Extensive international research by AWID shows that while public awareness of women's human rights violations may have increased at a global level, funding for women's organisations to advocate for, guarantee and sustain those rights has not. Rather, many women's organisations' struggle for survival is being exacerbated by shifts in development assistance modalities and priorities, which are making it more difficult for them to access funding from previous sources. Women's groups are having to invest far more time and resources into fundraising – therefore those that can afford to invest in fundraising, are more likely to succeed. Core funding for salaries and administration has become more elusive. Women's funds (for example, Mama Cash and Global Fund for Women) have become increasingly important sources of funds for women's groups despite the relatively small size of the grants. Corporate funding has also become more prevalent.

To put some of this into context, most women's organisations are small: two thirds of the latest AWID samples have annual budgets of less than US\$50,000 – which in itself lends to the conclusion that they are doing an incredible amount with few resources. In 2005, the 729 women's rights organisations surveyed worldwide had the collective income of only US\$79 million (significantly less that the annual income of some large INGOs). More than half reported receiving less funding since 2000. Donors often regard women's groups as not having the absorption capacity to effectively manage more funds, yet with increased funding, their organisational capacities could be expanded. The most important overall donors globally for survey respondents were individual donors, the Dutch government, Ford Foundation and Oxfam International member agencies. This struggle for financial resources is itself a challenge for a stronger and more vibrant Pacific women's movement as competition for resources can undermine collectivity.

As to be expected, few Pacific women's organisations have participated in the AWID surveys. But I think that it is safe to say that given the smaller donor mix and largely absence of independent women's funds, women's organisations in the Pacific have even fewer funding opportunities.

Again bringing it home to my current role trying to provide guidance on how we as a donor can operationalise our new Policy for Achieving Gender Equality and Women's Empowerment, I have been trying to do the maths. From 2006-07, approximately 3% of NZAID's funding (or NZ\$9.6 million) was directed towards initiatives that had gender equality as a principal objective. NZ\$2.1 million was allocated to women's organisations and institutions - \$1million of which was a grant to UNIFEM – which leaves a lose calculation of approximately NZ\$1.1 million (or 0.35%) allocated to women's civil society organisations. But if we were to further deduct the proportion of this amount that went to women's civil society organisations that were primarily funded for service delivery, and how much went to the Pacific versus other regions, we would find that in effect NZAID is providing proportionately *very low levels of support* for women's rights and gender equality movement building and advocacy in the Pacific. Without having done the proper maths, it would not be far off to make a rough guesstimate of less than 0.1%.

This in itself poses a challenge for me as I try to work with our various programmes to increase their allocation of resources for women's empowerment and gender equality (many of which are heavily overcommitted). This is compounded by the fact that as an agency, we are also faced with an obligation to implement the aid effectiveness agenda and Paris Declaration targets, as well as the *fewer*, *longer*, *deeper* mantra for our programming, further marginalising the odds of funding being specifically allocated to women's organisations for women's rights advocacy. I (and I hope we today) need to put forward a very strong case.

In conclusion, I would like to put forward a few thoughts and pose a few questions for you to consider:

Firstly, as long as women are still experiencing violence at the hands of men, are still unnecessarily dying in childbirth, are marginalised from governance processes that affect their lives (and the list of examples goes on), I believe that there is a place for supporting feminist and women's rights movement building advocacy in the Pacific.

Do donors have a role to play in facilitating space for women's civil society to come together and work towards a stronger 'Pacific women's movement'; to listen to the feedback of that movement on whether donor programmes are meeting the needs of the women they represent; and to advocate for them to be given a voice at national, regional and international policy-setting forums?

How can and should donors and other partners proactively look for different women's voices to inform how our strategies, programmes and activities are shaped?

How can civil society create a more inclusive space for all women (including young women, rural women, women with disabilities, women of different sexualities)? Many public or visible women's organisations in the Pacific are arguably not that representative and led by middle-aged or older women. How can women's organisations empower and create a space for young women to take up leadership roles in civil society and the women's movement (handing over of the torch)?

How can women's organisations build alliances for a movement that do not necessarily seek consensus (which is unrealistic and unreasonable – since when do we expect all men to have identical ideologies), but still allow for collaboration on common ground or bottom lines?

How can women's civil society be supported to produce, publish and disseminate research advocacy in areas of gender inequality to influence government policy and promote advocacy on women's human rights and empowerment?

How can national women's machineries recognise and tap into the expertise of women's civil society to influence change in partnership?

How can civil society generally increase its capacity and willingness to respond to gender issues and embrace a women's rights and gender equality advocacy agenda, including through partnership with the media to influence change?

How can women's civil society in the Pacific build their collective power, nurture engagement with donor allies, build and support feminist leaders, and create innovative funding windows?

As we approach the 2008 52nd UN Commission on the Status of Women on the theme of Financing for Gender Equality (which all PIC have negotiating rights at), we must ask ourselves where the donor resources are for women's organisations and movement building in the Pacific. How financially sustainable are they? And lastly, what role do each of us have to play in all of this?

PANEL 2, PANELLIST 2

What can be done to support civil society in promoting better governance?

CAMERON COWAN

Strategy, Advisory & Evaluation Group, NZAID Paper provided by author

Tena koutou, tena koutou katoa. Ko Cameron Cowan ahau, toku mahi kei to Institutional Strengthening Advisor o Nga Hoe Tuputupu-mai-tawhiti.

I would just like to acknowledge the speakers and panellists that have gone before me and left me with nothing to add!

I am taking this opportunity to speak, not representing NZAID policy, but rather speaking from my various experiences and observations in different roles and occupations here and abroad. Rather than talking about NZAID's approach I would like to raise issues and encourage discussion that can be used to inform policy and approach.

I am also going to risk making some generalisations. In this sort of situation there is a conundrum in that I could either talk about specifics that have no general relevance, or I can talk in generalisations that have no specific relevance. Yesterday it became apparent that, although specific definitions of governance and civil society could be fit for purpose – for example the London School of Economics' purpose – they are very much situation and context specific.

There are three points or areas I would like to pick up on from themes of the last two days as they relate to support for civil society in promoting good governance. The first is around roles of civil society and its relationship with government and government structures. The second is the role of traditional or customary structures as a part of civil society, their role in promoting good governance, and challenge of how to support them without really getting it wrong!

The third area is around completing the circle so that we avoid falling into the trap of thinking about civil society and governance whilst forgetting the private or business sector.

When we talk about support, I would like to make it clear that I do not believe civil society needs to be dependant on donors to be effective, rather that donors have an obligation or responsibility to ensure the key role civil society plays is not compromised or undermined through our activities and is supported adequately to ensure this is the cease.

There are challenges for donors in terms of their support and relationships with civil society. Our relationships with partner countries are bilateral, that is, in effect, government to government as far as the agency is concerned, reflected through partner countries' national development strategies and the like.

Perhaps one of the useful things that donors can do is clarify roles and relationships when dealing with civil society and CSOs. Questions should be asked such as:

- What are the expectations?
- What will be the consequences of the relationship?

As non-state actors in development, CSOs can play many different roles and can have different types

of relationship with the state; sometimes they are not clear-cut and may overlap. A CSO's role and subsequent relationship with the state or government can cover a wide spectrum, not all of which may be seen as legitimate or appropriate they can be:

1. A service provider:

- Perhaps in competition with the government, or at least disconnected from it
- Or where the state is incapable or absent (for example, post conflict)
- Or in an alternative or contracted provider role in agreement with the government.
- 2. They may be a representative voice for informing policy and decision-making.
- 3. They may be a voice for accountability or advocacy, or may even be acting as mediators between the government and communities.

The relationship can range from collaborative, to cooperative, to complementary, to competitive, to totally caustic! So it is important for donors to understand the relationship along with both the ends and the means they are supporting.

If we choose to support civil society, we must think that the ends that will be achieved are worthwhile – that is they will help alleviate poverty or vulnerability to poverty.

Having established the role that civil society can play what can we (donors) do that is useful?

Donors have a history of acknowledging that partner governments cannot provide good governance and services without adequate capacity. It is the same for any organisation, so why should it be different for civil society. Experience, for example in Samoa, is showing that upfront investment in capacity development supported by core funding results in more sustainable NGOs that can then contribute to sustainable outcomes.

The lesson here is that civil society is no different from partner governments or our own organisations in this respect, so why should we expect them to deliver outcomes without capacity or resources to run their organisation? So one thing we can do to support civil society is to be clear about the role it plays and then not expect it to perform miracles without resources! That is, avoid saying we like your vision and mission but we are not prepared to support your core resourcing needs to deliver in that area.

The other important area I said I would like to touch on is another part of civil society that is not represented by NGOs and that is very difficult for donors to deal with, but that can play a crucial role in good governance – that is traditional or customary structures.

In many countries, especially small island sates, there is a real challenge in having devolved government. The population base and economies of scale mean it just is not sustainable – all the resources are used up just to maintain the structures meaning there is nothing left over for service delivery, on top of which participation in the democratic process and accountability are often limited.

At the same time that resources are poured into trying to support potentially unsustainable and ineffectual local level government structures there may be functioning parallel traditional or customary systems.

It can be tempting to latch on to these structures and try and modify or integrate them into formal government structures in an ambitious marriage of modern and traditional.

Unfortunately, donors are often not well-placed to, or are totally incapable of, supporting customary systems or even understanding them – sometimes even locally-employed staff or NGOs may struggle.

However, donors are quite capable of undermining, disrupting and corrupting these systems and any positive influence on, or contribution to, good governance they may provide.

Faced with issues such as promoting democracy, human rights and gender equality, customary structures may present real challenges. However, when it comes to representation on issues such as, service delivery,

human rights, or vulnerability to HIV/AIDS, a traditional or customary structure is not necessarily worse than a poor Westminster structure where, for example, women may not stand for office and where only a few of those eligible vote actually do so.

In addition, complex issues such as customary land tenure and resource allocation will not readily be resolved through imposition of outside systems. So where does that leave us in terms of support?

The challenge here is to decide where these structures are legitimate and representative bodies for needs identification and priority setting within communities. And, where they are, to ensure the government knows about them and then support their recognition. This means they can input into government processes but do not have to be government structures. As donors we can support this – carefully.

The Paris Declaration on Aid Effectiveness tells donors that they should "do no harm" so that means that although we may be ill-equipped to understand and work with customary or traditional structures, we should also make sure that we do not undermine them where they are contributing to good governance and we need to explore ways to create a space where they can contribute in a positive way to formal governance processes.

For example, by helping to amend laws that do not allow for traditional structures to be recognised on input into planning processes, but not changing laws so that they impact on them.

The third area I would like to touch very briefly on is being imaginative about not looking at government, civil society or the private sector in isolation. It was very interesting for me to observe in Samoa recently that there are private sector and business groups that are members of SUNGO. Some might be horrified by this and perceive it as a corruption of what an NGO should be. But wouldn't it be a shame to loose this space where civil society and the business sector come together and then talk with the government at the highest level!

The issue should not be around the definition of what an NGO is. The question should be are we getting better governance as a result?

I have also worked with organisations in South Africa that combined government, NGO, business and donor representation to very good effect. We need to be imaginative in terms of how we are willing to work in any given context.

So in summary, three areas where support can potentially be provided are:

- 1) Defining relationships and agreed outcomes with CSOs and then resourcing them to achieve this on an equal footing that we would for other organisations/agencies.
- 2) Helping create space for customary or traditional structures to contribute to good governance without undermining them.
- 3) Looking holistically at support that facilitates the effective functioning of government, civil society and the business sector as a mutually dependent system.

Looking ahead: Personal reflections on the symposium and the way ahead

TERENCE WOOD

Symposium Coordinator, the Development Resource Centre Paper provided by author

Disclaimer: The following document is not an official event summary and does not reflect the beliefs of the symposium organisers or the organisations they work for.

Given the diversity of experiences, perspectives and worldviews present at the DevNet-NZAID Symposium on Civil Society and Governance, it would be an impossible task to write a single summary encapsulating the event. For this reason what follows is not an event manifesto or an official summary. Instead, I have endeavoured to offer some of my own thoughts on the issues that I think stood out. Hopefully, as you read this document, it will help you with your own personal synthesis of the symposium and prompt you to use the DVD that accompanies these proceedings to revisit some of the talks and discussions that took place.

In writing this document, I have started where the symposium itself started – with definitions. From definitions I move on to key issues and, finally, to potential solutions.

Defining the terms Civil Society and Governance

The first workshop of the symposium focused on definitions of the terms civil society and governance. It made sense, we thought, for participants to clarify their thoughts on the two terms before we delved too deeply into issues and solutions. To help stimulate discussions, workshop groups were provided with 'textbook' definitions of civil society and governance.

The definition of civil society used as the workshop catalyst was taken from the website of the London School of Economics' (LSE) Centre for Civil Society. It stated that:

Civil society refers to the arena of uncoerced collective action around shared interests, purposes and values. In theory, its institutional forms are distinct from those of the state, family and market, though in practice, the boundaries between state, civil society, family and market are often complex, blurred and negotiated. Civil society commonly embraces a diversity of spaces, actors and institutional forms, varying in their degree of formality, autonomy and power. Civil societies are often populated by organisations such as registered charities, development non-governmental organisations, community groups, women's organisations, faith-based organisations, professional associations, trades unions, self-help groups, social movements, business associations, coalitions and advocacy groups.i

As the different workshop groups reported back on their discussions two points became clear. The first was simply that *definitions mattered*; that they – in the words of one group – "have power". In particular, the power to exclude those components of society (indigenous social systems, for example) that do not fit neatly within their borders. The second point was that for many participants the 'textbook' definition was a problematic one. One group asked whether we needed to use a definition of 'good civil society' to accompany our definition of civil society. Another group raised the issue of coercion and asked whether the collective action taken by some of the groups listed under the LSE definition was always uncoerced. Almost all of the groups raised the issue that definitions are subjective and can potentially reflect the agendas of the organisations doing the defining. Finally, the issue was raised that textbook definitions such as LSE's may not be either relevant or useful in particular cultural contexts.

As might have been expected, no consensus was reached about an ideal definition of civil society and the subject was returned to by various speakers throughout the event. One important point, emphasised by several speakers, was that – despite the importance of definitions – realistically, there is only so much time that can be devoted to perfecting them. As Kumi Naidoo pointed out, we need to be careful that we do not start wasting time that could be used in other meaningful work getting caught up in "definitional Olympics".

Taken together with the point that definitions are important, and the apparent difficulty in achieving any consensus on definitions, Kumi's suggestion appears to lead to a paradox: if definitions are both important and difficult to agree on, how can we avoid devoting time to getting them right? Yet, at the same time, my own sense was that few of the symposium participants (myself included) would have disagreed with the point that only so much time can be devoted to defining the terms of development.

To my mind there are two ways of negotiating this paradox.

The first is to use context-specific definitions. This was Kumi's own suggestion and was also made by several other speakers at the event. Carefully used, such definitions have considerable appeal. They can capture at least some of the nuances of the context they are situated within. They can also be structured to bring key social processes into the definitional fold. If, for example, as Peter Swain suggests in his indepth study of the matter, ii Fa'asamoa fulfils the role of civil society in Samoan villages, then, arguably, it makes sense to include it as part of a definition of civil society tailored to the Samoan context. iii Most importantly, context-specific definitions can be structured to avoid excluding key social processes from development programmes and analysis.

Context-specific definitions may also be more meaningful both to those using them and to local communities involved in development projects. Finally, if used carefully, amongst other definitions, context-specific definitions of civil society may allow for the best descriptions of the social and political environment that development programmes take place amongst.

Context-specific definitions are not, however, without their own problems. They may lead to confusion when discussing work taking place in different contexts. For this reason, those using such definitions will need to define them clearly and explicitly if they wish to avoid being misunderstood.

Also, those using context-specific definitions need to be careful that they are not stretching the term too much. Michael Edwards provided us with the Cato Institute's claim that civil society meant: "fundamentally reducing the role of politics in society by expanding free markets and individual liberty". When a definition has moved thus far from common understanding does it really have any meaning? Similarly, those defining context-specific definitions of civil society also need to take care that they are not turning the term into something that is already covered by other definitions ('social capital', for example, or even 'governance' itself'). Finally, not all development is local and, in the case of international programmes and fora where there is no local context as such, generalised definitions may be the only ones of any real use.

The alternative to context-specific definitions is to continue using general definitions such as the London School of Economics' definition above. Doing so has several distinct advantages. It saves having to devote time to creating new definitions. It enables organisations that work across a variety of contexts to make use of a consistent definition. It also allows those working in different contexts to communicate using common terms – hopefully, reducing the risk of confusion.

At the same, the use of standardised definitions also – as I have already noted – brings with it considerable risk. The real world rarely, if ever, maps tidily to such definitions, which itself can create confusion. Moreover, there is a real risk that using standardised definitions may lead us to exclude groups and processes which are important but which do not fit within these borders.

These risks can, however, be mitigated somewhat (albeit imperfectly) if definitions are used carefully and as part of a holistic approach to practising development. In the case of the term 'civil society', and civil society's role in improving governance, mitigating the risks involved with using a generalised term will involve, first and foremost, accepting that a healthy civil society is not the sole factor necessary to improving governance and that other important processes, which fall outside the definition, will be crucial. Following on from this, care will then need to be taken to be observant of processes and groups which do not fit the definition of civil society and to make sure that they are included in development work where appropriate. In addition, development practitioners using a generalised definition may well have to accept that in some circumstances (small traditional villages for example) there may be no such thing as civil society (or even a need for it) as defined by the textbook.

Ultimately, whether individuals or organisations choose to use standard or context-specific definitions may well be something that is best dictated by the circumstances that they work in. For a large donor agency that works in a variety of different countries and contexts, a standardised definition, carefully used, will probably be the most appropriate. For a small domestic NGO working within a community a context-specific definition may, on the other hand, be of most use.

As this document is not devoted to civil society in any specific context, in the discussions that follow I am going to assume a general definition of civil society similar to that of the LSE above.

As with the term 'civil society', the definition of the term 'governance' that was given to workshop participants was the source of debate and discussion. The definition of governance which we used came from the Encyclopedia of International Development and was as follows:

Governance refers to an inclusionary means of politics. It can be distinguished from "government" because this refers to an official body – elected or unelected – that conducts policy-making. "Governance", however, refers to a process of decision-making that includes bodies more than just "government", and is a process that, ideally, implies willing participation within politics by all citizens.iv

To the definition of governance we added a definition of good governance from the United Nations Economic and Social Commission for Asia and the Pacific (UN-ESCAP). Good governance was defined as:

Good governance has the following eight characteristics:

- 1. Participation
- 2. Rule of law
- 3. Transparency
- 4. Responsiveness
- 5. Consensus oriented
- 6. Equity and inclusiveness
- 7. Effectiveness and efficiency
- 8. Accountability.

Once again, the issue of subjectivity of definitions and their context specific nature was raised by several groups, while several of the groups asked whether goals such as human rights and social justice needed to be included in the definition of good governance. One group pointed out that there are potential tensions between different components of the good governance definition (for example, between efficiency and inclusiveness). Another group argued that the good governance definition was ill-suited to traditional governance systems.

This last point in particular raises the question of whether, as with civil society, context specific definitions of governance might be better than universal ones. I will not repeat the points I made above with regards

to definitions of civil society but readers may also wish to consider the respective merits of general and local definitions when thinking about how they use the term 'governance'.

One point that is worth adding though, is the distinction between principles and practices of good governance.

To me, at least, it seems that some principles of good governance are universal. Are there any peoples, anywhere in the world, that do not deserve to be able to participate fully in those collective decisions that affect them? Or to be treated equally under the law? Or to be able to hold their government to account? My own answer to these questions is no, which leads me to believe that some universal principles of good governance *are* transferable between societies. At the same time though, these universal principles can clearly be reflected equally well through a variety of different practices. These practices will vary from location to location and as development practitioners we need to be keenly aware of their different forms as well as their potential in realising the principles of good governance. As Cameron Cowan of NZAID noted in his presentation, an effective traditional governance structure may potentially be more participatory than a dysfunctional Westminster system.

Issues and Challenges

Needless to say, the difficulties of definitions and their application were not the only issues identified over the two days of the symposium. In the following section I will identify some of the other issues that stood out at the event. For convenience's sake I have broken the issues down into issues for donors and international NGOs (INGOs), and issues for in-country civil society. While convenient, these distinctions are artificial: issues for donors will often be associated with issues for in-country civil society and vice versa.

Challenges for Donors and INGOs

For donor agencies and INGOS working in developing countries, a number of challenges stem from our position as *external* agents of change. The first of these being that, as outsiders, we all too rarely have a complete understanding of the context we are working in. This is a perennial challenge in development work, but it is arguably even more of an issue in work on civil society and governance, where interactions of individuals and organisations are often complex, multifaceted and mediated by cultural subtleties. Yet, while difficult to obtain, a good understanding of context is critical in work on civil society and governance. Without it we may design projects that are over ambitious or inappropriate, or we may replicate work that is already taking place.

As outsiders working amongst the complex web of relationships that is civil society we also run the risk of our work having unintended and unfavourable consequences. We can, as Michael Edwards pointed out in his keynote address, foster mistrust and rivalry amongst CSOs as they compete for funding. We may also run the risk of engendering a backlash against CSOs if they become to be seen as agents of external powers. Also, as Edwards and several other speakers pointed out, if those in charge of projects are not careful, they may direct their efforts towards civil society groups of a form and nature that is familiar to them, such as development NGOs, at the expense of other organisations and processes such as radical social groups, traditional associational forms and pre-political formations. In doing this we run the risk of skewing the development of civil society in a country. This risk is particularly real in the Pacific where small populations and strong traditional governance systems are the norm in many countries and where, in many places, NGOs are scarce outside the capital cities (in smaller PICs they may cease to be present at all). As Peter Swain noted in his talk, in Tokelau there are virtually no NGOs and churches are the only formal civil society organisations. In a country such as Tuvalu if we are not careful we run the risk of, in the terms of one symposium participant, "imposing civil society on a country".

Additionally, donors and INGOs need to be aware that their own constraints may at times be at

odds with the needs of the CSOs they are working with. Donors almost always have their own accountability mechanisms which they need to follow. Funding cycles may be tied to financial years, audit offices may require thorough accounting processes, and voters (or members of the public who make donations) may demand rapid results. All of these requirements make it difficult to even consider funding programmes that span many years or even decades, and which have uncertain or unquantifiable outcomes. Yet such programmes are exactly what may be required if we are to believe Ralf Dahrendorf – as quoted by Michael Edwards – when he argues that "[it takes] sixty years to create a civil society".

Challenges for In-Country Civil Society

We were very fortunate at the symposium to have with as a variety of representatives from CSOs based in developing countries. Through their presentations and input into various sessions they were able to provide many useful insights to the challenges associated with being developing country CSOs working in governance-related areas. Insights from development country CSOs were also augmented by the input of many of the other speakers at the symposium who were able to offer their perspectives as donors or INGO staff on what they saw as being challenges for in-country civil society.

In the opening presentation of the event, Don Clarke – director of NZAID's Global Group – emphasised the importance of power and power relations throughout development work. He noted that that power relations were a "complex web" one strand of which was power relations between "states and civil society at the domestic level". The salience of this point became clear over the two days as, through their presentations and contributions, the various members of developing country CSOs present described some of the challenges of engaging with governments that wield considerably more power than they do. In the case of the two Fijian NGOs who gave formal presentations, the dilemmas of working under a military dictatorship were particularly apparent. While neither NGO supported the coup, neither had chosen to confront the government directly. Instead both had tried to engage with the current political system as best they could under the political climate. My sense was that neither organisation viewed this situation as satisfactory but that – given the power imbalances involved between them and the junta – they saw little in the way of other alternatives in trying to improve governance in Fiji. One can disagree with this stance – and indeed there are other Fijian CSOs which have pursued different courses of action – but the dilemma remains clear: when governance of a state becomes poor, options for CSO engagement become limited.

Compared to the challenges of opposing repressive governments, more practical hurdles such as funding and the availability of volunteers might seem less important, but in discussions over the two days of the event it became clear that these issues still generated considerable constraints on the work of CSOs.

For many developing country CSOs funding clearly remains a major issue. This is particularly the case for development NGOs as opposed to groups such as churches, which may have more money available to them. Domestic funding sources for NGOs are still rare in most developing countries, meaning that obtaining funding remains an issue, primarily, of engaging with international donors. While a number of Pacific CSOs are fortunate to receive core funding (often through NZAID, one of the first donors to move away from solely funding projects) others still rely heavily on project funding – something that limits their ability to plan strategically for the future and to develop capacity.

For many CSOs an ongoing issue is simply that funding is often insufficient to allow them to deal with all the challenges they may face. In her thought-provoking talk Drashna Anjinaiya from Transparency International (TI) in Fiji noted that retaining skilled staff was often a problem for them, as such staff could often earn more working elsewhere. In TI Fiji's case their staffing problems were compounded by an additional issue: 'brain drain', associated with the successive waves of emigration that have swept Fiji in the wake of the military coups that have occurred there.

Blandine Boulekone, Drashna's TI colleague from Vanuatu, highlighted another staff-related issue, this being trouble finding volunteers. Those of us who work for NGOs based in developed countries will all be familiar with the important roles that volunteers play in our work. Yet, in Vanuatu at least, economic constraints (including the inadequacy of public pension schemes) mean that few people are able to volunteer for TI for the simple reason that they need to work to support themselves. Volunteerism is often claimed to be at the heart of a healthy civil society; its absence, therefore, would seem to be a significant hurdle.

In addition to staffing issues, Blandine also highlighted some of the other challenges faced by TI in its work in promoting good governance in Vanuatu. One such challenge was the inadequacy of information flow. Considerable work, Blandine noted, had gone into producing a constitution in Vanuatu and the document, while not entirely free of flaws, was generally considered to represent a good framework for governance. However, in their work TI had found that a significant number of ni-Vanuatu were completely unaware of its contents. Before TI could encourage people to hold their government to the constitution they often had to teach them what the document contained. The challenges associated with doing this were further compounded in areas where a significant number of people were illiterate.

Another challenge for CSOs was raised by David Robinson, of the International Centre for Not-for-Profit Law, who noted that in the Pacific, due to outdated or CSO-unfriendly laws, many CSOs (particularly smaller, local ones) where hampered even in undertaking simple tasks such as registering for a formal legal status. In his keynote talk, Kumi Naidoo offered a particularly egregious example of a similar problem where, in Russia, Vladimir Putin's government had enacted laws that placed onerous reporting and legal burdens on NGOs. Putin's apparent motive for this move was to stifle internal criticism – in other words to prevent CSOs from engaging in the watchdog role commonly ascribed to them in discussions of civil society and governance.

One further issue that was raised at various times throughout the event was the governance of CSOs themselves, along with issues of accountability. In particular, it was recognised that for CSOs to do their job well, they needed their own functioning systems of internal governance. It was also noted that, unlike governments which often have some form of democratic mandate, CSOs may have much weaker lines of accountability to the people they purport to work for. What is more, where such trails of accountability exist, they may actually lead in the exact opposite direction from that which we would normally associate with democratic governance. In his closing speech Kumi pointed out that the accountability mechanisms associated with ODA often meant that developing country CSOs expended more energy in being accountable to donor agencies than they do in being accountable to the communities they work within. Such weaknesses bring with them risks: they enable other groups to question CSOs legitimacy; and, importantly, where accountability is weak, the potential for abuse of power exists – equally as much for CSOs as it does for governments.

Ideas about Solutions

It would be easy, having just been confronted with a list of challenges and issues such as those I have just detailed, to become pessimistic and to conclude that there is little that we, as development practitioners, can do to aid civil society in bringing about better governance. However, over the two days of the symposium we were lucky to hear a succession of informed speakers who offered their ideas on how to overcome some of the obstacles that confront civil society in its work on governance.

To me, the most important starting point in discussing solutions is simply to admit that there are some issues that civil society cannot solve and which it should not be expected to. Civil society has a role to play in improved governance, and development outcomes more generally, but it is not a panacea and cannot solve all the problems that confront us. In her talk on indigenous peoples, civil society and governance, Materoa Dodd from Waikato University illustrated this point well by noting that many of

the issues that Māori face in New Zealand do not have their solutions in civil society – often they are issues of law that can only be redressed through the New Zealand government engaging with Māori as a people and legal partner.

Care needs to be taken. Before prescribing civil society as a potential solution to problems of governance, development practitioners should consider whether work with civil society really is the best way of tackling the issues at hand. In many situations such work will be beneficial, but in others this may not be the case and careful consideration of the most appropriate course of action is required.

My own thinking on the limits, and potential, of civil society in improving governance was also helped greatly by Michael Edwards's discussion of the concept of the public sphere. To my mind at least, not only does holistic thinking about the public sphere provide us with useful insights into what civil society can and cannot achieve, but it also gives us some guidance into practical actions that we might take to enhance civil society's role in building better governance.

The public sphere can be broadly defined as the home of all our collective interaction. It is the venue for our day-to-day political interactions – for voting, for discussion, for debates, for demonstrations. Interacting within the public sphere we find, not only CSOs, but also individuals, business, the government and other organisations. A healthy public sphere will be characterised by strong information flows, opportunities for participation for all citizens, and deliberation – as opposed to conflict and polarisation.

At the level of the nation state, at least, an active civil society is almost certainly necessary for a healthy public sphere but, at the same time, an active civil society alone will not be sufficient to for a well-functioning public sphere. Other inputs – such as the media, responsive government, and fora for public debate – will also be critical, and if these are absent so will be a healthy public sphere. And in an unhealthy public sphere civil society may struggle to function or even become actively destructive.

The other side of this equation is that civil society itself may be strengthened as the public sphere grows stronger. And we may be able to strengthen civil society indirectly by acting on other factors contributing to the health of the public sphere.

How can this be done? In his keynote speech Michael Edwards urged us to think of the public sphere as an ecosystem – a web of 'organisms' that function together as part of an interdependent whole. As with natural ecosystems, a variety of different inputs can contribute to the wellbeing or not of the public sphere and, in turn, to the health or not of the other components of the sphere including, in this case, civil society.

One strong influence on the health of the public sphere is the government itself and it follows that by improving the way government functions we can create a healthier public sphere and, in turn, a stronger civil society.

This may seem like a circular argument: we should aim to improve the functioning of government for the sake of a healthier public sphere, which in turn will lead to stronger civil society, which will then lead to better governance. Yet a closer examination of the argument shows that this is not the case. Importantly, there is a distinction that needs to be made between short-run changes instigated by governments or development agencies and *sustainable* long-run improvements to governance brought about through a healthier public sphere. By short-run improvements I mean changes to components of the processes of governance that may be brought about with relative ease and relatively rapidly. Such changes may include legal changes that make it easier to form CSOs and/or which protect or enhance people's rights to speak freely. These legal changes will not automatically lead to better governance, but they will make it easier for civil society to perform its 'watchdog' role of demanding better governance. And, in the long-run, such ongoing 'home grown' demands are the mostly likely way of improving government and governance as a whole.

An important related point, with regards to development practice, is that the short-run reforms such as those which that I have suggested above may well be feasible projects for donor agencies, INGOs and partner governments to work on. This may not be the case with the long-run reforms that I have detailed as these changes may well need to develop 'organically' from within countries, particularly if they are to be sustainable.

Government is not the only component of the public sphere 'ecosystem' that we can work on either. We can, for example, work on strengthening independent media, or improving literacy so that the discussions integral to the public sphere can take place. We may look at economic factors too – as I mentioned above Blandine and Drashna from Transparency International gave us examples of how economic conditions hindered TI's work, while both Michael Edwards and Kumi Naidoo argued that high levels of inequality lead to weaker public spheres.

The influences on the public sphere detailed above are all domestic in nature. It is also important to emphasise, however, that countries' public spheres can be influenced by external processes and forces too. The first such force is, of course, development agencies themselves. Not only will development agencies have an influence when they are working on components directly related to the public sphere but they may well impact on it through seemingly unrelated initiatives. A donor-driven privatisation programme, for example, might lead to increased unemployment which, in turn, may lead to political discontent and rioting. And this, particularly if the government responds with repressive measures, may seriously harm the public sphere.

In addition to development agencies, there are numerous other external inputs that may have either a direct influence on the public sphere of particular countries. Peacekeeping operations may, for example, produce space in conflict-torn societies for the re-establishment of a public sphere. The arms trade, on the other hand, may contribute to the disintegration of the same space. Trade agreements may harm the public sphere by increasing inequality (or, conversely, they may strengthen it through enhancing economic development and reducing unemployment). Foreign business interests may weaken the public sphere through the payment of bribes and the fostering of corruption. International conventions may strengthen it by exerting moral pressure on governments to respect human rights and freedom of speech.

It follows then, that in our attempts to strengthen public spheres and civil society we should not necessarily limit ourselves to work within countries or assume that our work elsewhere will have no influence. As Kumi Naidoo noted, work on civil society ought to take place on different levels (his terms were 'meso', 'macro' and 'micro'). Donors, INGOs and even domestic CSOs can work at regional and international fora that, through flow-on effects, will strengthen public spheres within countries. Donors, meanwhile, ought to take care that projects that appear to bear no direct relation to the public sphere do not cause it harm. INGOs can lobby their own governments where policies around areas such as trade may be harming the political sphere in developing countries.

In addition to Michael Edwards's elucidation of the concept of the public sphere and the ideas the flowed from it, a variety of other useful points and potential solutions were presented during the symposium.

The first of these, touched upon by many speakers, and mentioned above, was the need for work on civil society and governance to be guided by as full an understanding of the context it takes place in as possible.

For donors and INGOs a better understanding of context can be brought about by working closely with in-country partners as well as through committing to long-term engagement with countries. It is also an area where collaboration and the sharing of information between donors and CSOs, and academics is crucial. In the case of the Pacific there is an active research community investigating the region and, even when their research is not directly on civil society and governance, it will still have much to offer

practitioners by way of knowledge of the Pacific context. This research should be drawn upon as much as possible.

Information exchange between academia, and donors and CSOs already exists, of course, but my own perception (one, I think, that is shared by other symposium participants) was that considerable work could go into strengthening such collaboration. Universities need not be the sole source of research either: donors and CSOs can (and in some instances do) undertake research of their own. Most important, though, is simply that research is undertaken when required. We must not assume that we understand the context we will be working in.

Yet, even research itself can be a problematic process and some important guidelines for research on civil society were discussed at the symposium (particularly during the report back from the academic workshop group). The suggestion was made that researchers should, where appropriate and possible, strive to work with civil society organisations as research partners. Research, it was noted, should be designed (if possible) so that its results will also be useful to the CSOs involved and the results of research should be made available to those CSOs being researched or involved in research work. (This point was stressed particularly by one of the Samoan CSO members present at the symposium). Researchers, it was emphasised, should also strive to present their findings in a variety of fora – academic journals have their use, but they are not necessarily widely read outside of academia and, accordingly, it should not be assumed that research published solely in such publications will reach practitioners. Finally, it was emphasised that researchers need to be aware of burdens they may place on research subjects. Being interviewed, or involving researchers in day-to-day work, can cost CSOs time and even money, and long or numerous research projects may start to significantly impede their work.

As mentioned above, the issue of funding for CSOs was also identified as important – not only do CSOs need adequate amounts of funding to operate but also they need funding that is provided to them in a manner which is conducive to long-term development and growth. I have already touched on core funding (an area where NZAID, in particular, has a strong track record) but I also wanted to highlight an idea raised by Michael Edwards: this was the establishment of endowments to provide CSOs with ongoing, domestically-controlled income sources. In Edwards' formulation such endowment money would form part of a broader strategy of promoting domestic developing country philanthropy. In New Zealand, as in other western countries, civil society developed without having to rely on external donors on a year to year basis; potentially, endowments and – eventually – domestic philanthropy might let developing country CSOs grow in a similar manner; able to plot a course based on their local environment and accountable to domestic rather than international forces.

Clearly, such funding mechanisms come with risks of their own: no donor would want to hand over a substantial sum of money (large enough that the annual interest accrued would be able to fund a CSO) only to see it squandered or misappropriated. For this reason, such funding modalities could only take place in parallel with the development of appropriate governance structures and auditing systems. Also, donors might wish to continue to assume some form of endowment oversight, at least in the short-term. Yet, if the risks associated with such funding can be minimised, there seems to exist potential for this funding modality to stimulate stronger, more holistic civil society development. Certainly, at least, the possibility should be investigated.

The governance of CSOs themselves was, as I noted above, an issue that was returned to throughout the symposium. Unaccountable and governed poorly, civil society is unlikely to improve the governance of states and regions. While symposium participants had few easy solutions to offer to the challenges of CSO governance some useful suggestions were still made. David Robinson argued that the best governance procedures will emerge from within organisations and cultures and not be imposed on them from outside. Such a point may be of little comfort, in the short-term at least, to donors who

have their own lines of accountability and, because of this, a need to engage in some imposition of governance mechanisms, but in the mid to long-term David's suggestion would seem to have merit and donors may want to consider at least leaving space for the development of internally-driven governance processes.

Kumi Naidoo also made a powerful point about paying attention to the types of accountability we are generating. To Kumi there were three types of accountability for developing country CSOs: upwards (to donors); sideways (to other CSOs); and downwards (to communities and the people they represent). Kumi pointed out that much of the accountability that is being created through aid and development work is upward – the least desirable type. If at all possible, development practitioners and agencies should endeavour to foster the development of all types of accountability, not simply upward.

In his closing talk Kumi made one final important point. This was that work on civil society and governance, like so much in development involves partaking in a "marathon not a sprint". Patience is essential along with a willingness to accept that sustained, slow, steady improvements are those that will count most in the end.

Conclusion

It would be a mistake to assume that the suggestions I have detailed above will be easy to put into practice or, for that matter, that they are without problems of their own (even as I have been writing this new doubts and additional questions have sprung to mind). Yet, hopefully, the suggestions detailed above – along with other ideas which emerged from the symposium – can provide the starting point for improving practice. To summarise briefly: context is critical and should be borne in mind in everything we do, be it designing definitions or designing projects. Thinking holistically is equally important – if we think of civil society as part of a public sphere with influence flowing both ways not only do we leave ourselves open to more potential interventions but those that we do undertake will be more likely to succeed. In addition to this, being flexible and open – whether it be to new means of funding or unfamiliar mechanisms of governance – is essential. If we are flexible we can adapt to challenges, incorporate new ideas and ensure that our work itself is part of a learning system, one which hopefully brings about better governance through strengthened civil society.

Finally, we need to accept that strengthening civil society and improving governance takes time. Improvements may not 'happen overnight' but they are possible if we are willing to be persistent.

Endnotes

- ⁱ London School of Economics, n.d. *What is Civil Society?* Accessed online at: www.lse.ac.uk/collections/CCS/what_is_civil_society.htm.
- ii Swain, P.M. 1999, *Civil society and development : Pacific Island case studies*: A dissertation presented in fulfilment of the requirements for the degree of Doctor of Philosophy in Development Studies at Massey University, Palmerston North, New Zealand.
- iii Very broadly speaking *Fa'asamoa* is a traditional Samoan system of reciprocity or mutual assistance.
- iV Forsyth, T. (ed) 2005, Encyclopedia of International Development, London and New York: Routledge, 298.
- V For a full version of this definition see the UN-ESCAP's website: www.unescap.org/pdd/prs/ProjectActivities/Ongoing/gg/governance.asp.

Powerpoint Presentations

SHORT TALK SESSION 1, TALK 4

Indigenous governance and civil society

MATEROA DODD

Senior Lecturer & Director Nation Building & Maori Development Project, University of Waikato

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Indigenous Governance & Civil Society

Materoa Dodd

Materoa Dood Senior Lecturer & Director Nation Building & Maori Development Project, University of Waikato Presentation "Indigenous Governance & Civil Society" Devnet & NZAid Symposium, Wellington, 29th November 2007

Indigenous Governance & Civil Society

- Civil Society

 point of difference treaty, ontology, culture invisible vs indivisible
- Private sector actors
- - burgeoning economies
 self-identification
- Global Citizen
 - commonalities with 4th world
 - multi-national indigenous citizen
- global branding
- Self-Governance

self-determined development
 building capacity & capability of tribe, of people

The Common Good?

The law locks up the man or woman Who steals the goose from off the common But leaves the greater villain loose Who steals the common from off the goose.





SHORT TALK SESSION 2, TALK 2

Corruption and development perspectives from Vanuatu

BLANDINE BOULEKONE

Transparency International Vanuatu

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Corruption & Development Perspectives from Vanuatu Transparency International Vanuatu

Challenges to Overcoming Corruption

- The existence of a strong sense of loyalty to Wantok, family, political and social groups;
- Lack of allegiance to the law and the nation;
- Managing tensions between the Custom Traditional and Democratic systems; and
- Motivating citizens to stand firm against corruption.

3

Challenges faced by TIV

- The geography of Vanuatu.
- The uncertainty of regular funding.
- Need for a strong manpower and some good staff.
- Poor potential for qualified volunteers
- Low literacy rate.
- Others NGO's.
- Donors.

Strategies to Fight Corruption

■ Awareness Workshops, Civic Education

■ Media & others activities



Awareness Workshops

Conducted at the Provincial & Area level

To date:

- All of the 6 Provinces: 187 participants done.
- 61 areas of Vanuatu 1900 participants (07-08)



- Workshops for journalists done: Civics, Ethics, Investigative journalist Freedom of information.
- Fortnightly radio program
- Weekly page: "Yumi save stopem korapsen" on Daily Post.
- NIS Report 2006

7

Actual Projects

- Civics Education Curriculum Development with MOE.
- Awareness Workshops by Area





Future ...

- Awareness on Civic Education continue
- Phase 3 & 4 CE in Vanuatu schools
- Project with Port-Vila Chiefs
- Advocacy & Legal Advice Centre
- UNCAC & FOI
- Review of some laws
- All other activities as usual...

9

Conclusion

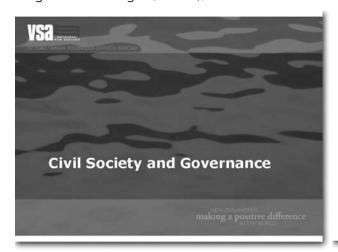
- TIV want to say thank you to the citizens of New Zealand for their support through our Advocacy Project with TI New Zealand.
- New Zealand is part of the development of the Democracy in VANUATU.

PANEL 1, PANELLIST 1

Critical issues in civil society and governance: Different perspectives

DR PETER SWAIN

Programme Manager (Pacific), Volunteer Service Abroad



Critical Issues

There is tension because the (good) governance agenda arises from a different tradition from the discourse on civil society.

The nature of 'civil society' and of 'governance' in the Pacific are shaped by the particular social, economic and cultural context of each nation.

The nature of 'civil society' and of 'governance' in post-conflict societies has been shaped (distorted?) by the conflict.

Civil society (in the Pacific) consists of small entities that may have the 'moral high ground' on an issue but do not always have a 'mandate' or 'constituency' to support that position, in contrast, 'governance' may have a democratic mandate but some governments have lost their 'moral authority' because of poor governance practices (corruption, nepotism etc.).

Comment

There is not one way to practice development

Governments, business and civil society each have valuable, complementary contributions to make to development, they need to negotiate respectful relationships

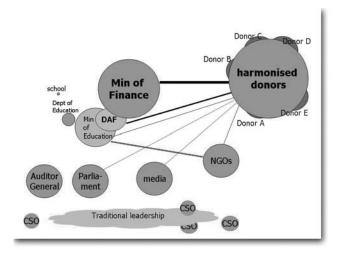


PANEL 2, PANELLIST 1

Putting it into practice: What needs to be done

GERARD PRINSEN

Massey University



SHORT TALK SESSION 2, TALK 3

Papua New Guinea Church Partnership Program

DAVID GREEN

AusAID

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CASE STUDY: PNG CHURCH PARTNERSHIP PROGRAM

NZAID-DevNET Symposium on Civil Society and Governance 29-30 November 2007 Narratives - the challenges that

confront us in our work

BACKGROUND

2

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3

State of Governance

- 'Effective sovereignty' in decline (Pacific 2020)
- Intersection of indigenous and imported forms of governance (McLeod, 2006)

Role of Churches

- Identities and Cultures
 - History
- Service Delivery
 - o Reach
- Governance
 - 。???

5

Church Partnership Program

- \$25m over five years (2004-09)
- Goal: To enhance the capacity of PNG Churches to contribute to PNG development and social stability
- Purpose: To help PNG Churches promote good governance, through strengthening their role in policy dialogue, service delivery, and peace and reconciliation activities.
- 7 AFBOs and 7 PNG Churches; AusAID; GoPNG

6

Church Partnership Program

- Three "outcome areas" :
 - Strengthened PNG Churches institutional capacity for development
 - Improved services delivered by PNG Churches to local communities
 - Enhanced PNG Church involvement in improving governance
- Focus on collaboration and sharing

'Design' Process

- Response by AusAID to a proposal by 3 AFBOs...
- ...led to a two year, collaborative 'design' process...
- ...that built on existing (faith based) structures and relationships

'Design' Process

- High level, flexible design framework...
 - o outcome areas rather than objectives
 - o partnership charter with guiding principles
- ...supports diversity while encouraging collaboration and common strategic vision

9

MID TERM REVIEW 2007

Has CPP assisted the Churches to contribute to better governance?

10

Three co-existing narratives

- CPP is doing little to encourage Churches to demand an end to government corruption
- 2. Thanks to CPP, Churches have contributed to more efficient and coordinated service delivery in PNG.
- Slowly and steadily, CPP is helping Churches cultivate the values of democratic governance

11

1. 'The Churches should speak out against government corruption'

- 'Characters'
 - "The Churches" i.e. National Leaders of Mainline Christian Churches
 - o National GoPNG and MPs
- 'Narrative' (Rationale)
 - "Civil society provides a powerful <u>advocate</u> and <u>incentive</u> for governments to be more open, reduce corruption and improve performance." (PDD)
 - "The churches need to recognise that they have a profound mission to <u>speak out forcefully</u> on issues of political ethics" (Patience, 2004)

12

1. 'The Churches should speak out against government corruption'

- Mid Term Review Score Card
 - Little contribution by CPP Emerging mechanisms for policy dialogue
 - "Church leaders find it difficult to speak about this. Our leaders think it [conducting advocacy in relation to election rights] is not their job. But we have been praying for good leaders for years." (Church worker)
 - Lack of shared strategies or agreed definitions for development and for good governance (Haunck, et al, 2005)

2. 'CPP is contributing to more efficient and effective service delivery in PNG'

'Characters'

- Church 'development arms' (e.g. Catholic Health Service)
- GoPNG national and provincial service delivery ministries

'Narrative' (Rationale)

- o Poor governance is about 'capacity' not 'will'
- The value of good governance (the means) is improved services (the end)
- CPP should build church capacity to provide better, more coordinated services

2. 'CPP is contributing to more efficient and effective service delivery in PNG'

Mid Term Review Score Card

- Sizeable investments
- Some examples of concrete outcomes
- But progress dependent on high level political support – and CPP is helping with internal advocacy
 - "It is helping internal communication. Staff have the money to travel and see what is happening. Can therefore challenge what the bishops are not doing" (Church worker).

15 16

3. 'CPP is slowly cultivating a culture of better governance'

"Characters"

Local in/formal actors and processes

'Narrative' (Rationale)

- "meditation on the values of honesty, integrity, and mutual care, of responsibility and accountability in leadership occurs in Churches on a daily basis";
- They provide "examples to the people in their communities of how democratic governance can be authentically pursued". (MTR)

3. 'CPP is slowly cultivating a culture of better governance'

Mid Term Review Score Card

- Some engagement with values dimensions through training for local level leaders and managers
- But long way to go:
 - ...from cargo to community development
 - ...to due process in position appointments

17 18



An Ongoing Process

- 3 Narratives are interrelated...
- No right answer...
 - o Advocacy or Partnerships?
 - o Technical or Political?
 - o Church Services or Church Leaders?

...but discussion and debate is key

 CPP's provides <u>some</u> flexibility to try and <u>a forum to reflect</u>



PANEL 2, PANELLIST 3

Putting it into practice: What needs to be done

MARY WAREHAM

Oxfam New Zealand

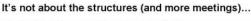
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Putting it into Practice: What needs to be done

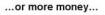
Mary Wareham, Oxfam New Zealand

DevNet Symposium Wellington, 30 November 2007 2





3





4

...or voting...



5

It's about understanding the local context/limitations...



6

...meeting basic needs...





...providing basic services...

8



9





10

...undertaking advocacy at all levels, including regional...



11

...mobilising the public...



12

...conducting outreach through media...



...protesting...



...especially when others cannot...



15 16



...building relations, friendship, trust...



17

...and always remembering why civil society is different.

