

DAC Recommendation on Enabling Civil Society in Development Cooperation and Humanitarian Assistance Key Opportunities for Civil Society

Background

On 6 July 2021, the OECD's Development Assistance Committee (DAC) unanimously adopted the [*DAC Recommendation on Enabling Civil Society in Development Co-operation and Humanitarian Assistance*](#).¹ The *Recommendation* is the first-ever common standard for DAC members (and other official actors that adhere) “to enhance how they address civic space and work with civil society actor” contributing to *Agenda 2030*.

While not legally binding, a *Recommendation* is the strongest level of accountability for DAC members and is a significant milestone for CSOs in furthering their enabling environment with DAC donors, who with partner country governments, are a major stakeholder in enabling CSOs development efforts. Key asks by CSOs, particularly recognising CSOs as independent development actors in their own right, addressing the issues around civic space, and an emphasis on local ownership of partner countries' civil society, were all reflected in the *Recommendation*. It has the potential to be an ambitious and far-reaching tool for CSOs in both donor and partner countries.

The *Recommendation* was developed by Development Cooperation Directorate's the Foresight Outreach and Policy Reform (FOR) Unit, working closely with the DAC Community of Practice on Civil Society, in close consultation with DAC members, and in regular discussions with the DAC CSO Reference Group.²

Overview

The *Recommendation* is premised on the recognition of the diversity of civil society and their varied roles. Development cooperation and humanitarian providers must enable an inclusive and independent civil society, especially in partner countries. The *Recommendation* recognizes civil society as “independent development and humanitarian actors in their own right as well as ... providers' implementing partners”.

The *Recommendation* has three major pillars,

Pillar One: Respecting, Protecting and Promoting Civic Space,

Pillar Two: Supporting and Engaging with Civil Society, and

Pillar Three: Incentivising CSO Effectiveness, Transparency and Accountability.

The Preamble situates the *Recommendation* within international human rights standards, the crucial roles for civil society in implementing the *2030 Agenda for Sustainable Development* and the SDGs, as well as the *Istanbul Principle for CSO Development Effectiveness* and *Global Standards for CSO Accountability*.³ The Preamble acknowledges that “civil society's ability to exercise the rights to freedom of peaceful assembly, association and expression ... is in jeopardy in many places and closing civic space is part of a broader concern of diminishing respect for human rights, democracy, and international human rights law, in a context of rising autocratisation that has been exacerbated by the Covid-19 pandemic.”

¹ The text of the Recommendation is accessible at: <https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-5021>. All quotes are from the *Recommendation*. See the Annex for a definition of a *Recommendation*.

² See <https://www.oecd-ilibrary.org/sites/51eb6df1-en/index.html?itemId=/content/publication/51eb6df1-en>.

³ It is informed by a major study of donor practices with civil society, the 2020 *DAC Members and Civil Society*. <https://concordeurope.org/wp-content/uploads/2012/09/DEEEP-BOOK-2014-510.pdf?ad4440&ad4440> and <https://www.csostandard.org/our-work/the-global-standard/>.

Pillar One: Respecting, Protecting and Promoting Civic Space

The concern for civic space as the first pillar is an acknowledgement by DAC donors of the critical importance to take action to protect and promote civic space in their roles as development cooperation actors.⁴ Among the commitments in this Pillar are:

1. **Policy** “Developing clear policy positions on the value of an inclusive and independent civil society and on the importance of respecting, protecting and promoting civic space” in a human rights context.
2. **Dialogue** “Seek to engage in dialogue with partner country ... governments ... on the value of an inclusive and independent civil society and on civil society participation ...”
3. **Provider coordination** Coordinate with providers and other bodies “to monitor openings and restrictions of civic space ... and foster stronger, more coherent and preventive action.”
4. **Do no harm** “Take reasonable steps to do no harm to civic space in partner countries ...”
5. **Collaborate** Work with international and regional bodies that work to respect, protect and promote civic space.
6. **Support accountability in partner countries** “Support, as appropriate partner ... government institutions of accountability and oversight, legal and regulator frameworks, ... to enable civil society in line with human rights”, including misapplication of anti-money laundering and counter-terrorism financing measures.
7. **Private sector** Work with private sector and independent media to respect, protect and provide open civic space and promote social dialogue “as a prerequisite for conducive business and media environments”.
8. **Counter mis-information** Work with civil society with strategies to counter “mis- and disinformation, harassment, discrimination and anti-democratic narratives targeting civil society”.
9. **Participation** “Support greater and more inclusive civil society participation in public policy ...”
10. **Digital technologies** Address the challenges, risks and systematic inequalities associated with digital technologies.

Pillar Two: Supporting and Engaging with Civil Society

Donor policies and practices have a direct impact on enabling conditions for CSOs as effective development actors. Accordingly, DAC members commit to the following measures:

1. **Policies** Establish in consultation with civil society policies and strategies for working with civil society that work with the diversity of CSOs “both as independent development and humanitarian actors in their own right and as implementing partners,” “strengthen local ownership,” “take account contextual risks or opportunities,” and “integrate these policies” in wider donor policies.
2. **Civil society participation** Pursue civil society participation, including at the partner country level, in donor policy and program “priority setting, design, implementation, monitoring and evaluation” through structured institutionalized dialogue.
3. **Financial support** “Provide financial support to diverse civil society actors as independent development

⁴ These sections highlight key actions agreed in the *Recommendation*, but do not elaborate key points of detail, which will be important to take into account when holding DAC members to account in implementing this *Recommendation*.

and humanitarian actors in their own right as well as to civil society actors as implementing partners, particularly those representing persons in the most vulnerable and marginalized positions by, where appropriate and feasible, increasing the availability of flexible and predictable support, core support, and/or program-based support.”

4. **Leadership of local civil society actors** “Promote and invest in the leadership of local civil society” by increasing accessible, direct, flexible, and predictable support, including core support, work with civil society to develop local financial resource streams, and supporting civil society strategic alliances, networks and platform that can “represent civil society voices in international and regional institutions...”
5. **Supporting the diversity of civil society** Explore and share lessons on supporting the diversity of civil society, “such as social movements, social economy actors, trade unions, and faith-based organizations”.
6. **Administration requirements** Streamline administration measures to lower transaction costs.
7. **Transparency of information** Support accountability through transparency in information at the partner country level, “balancing transparency with potential security and political risks for funded civil society actors in sensitive environments.”
8. **Facilitate public engagement** Advance global citizenship education for inclusive sustainable development.
9. **Respect DAC standards** Work with civil society in support of the humanitarian-development-peace nexus and ending sexual exploitation, abuse and harassment in development cooperation and humanitarian assistance.
10. **Policy coherence** Pursue internal coordination to advance respect for international humanitarian law and address obstacles to supporting civil society working with the vulnerable “that may arise from unintended consequences due to misinterpretation or misapplication of anti-money laundering and counter-terrorism financing standards.”

Pillar Three: Incentivising CSO Effectiveness, Transparency and Accountability

The *Recommendation* recognises CSO commitment and responsibility to advance their effectiveness, transparency, and accountability as independent development actors. Accordingly, donors will “incentivise” CSOs in:

1. **Accountability** Support voluntary CSO efforts and good practice in CSO-led self-regulation, transparency and accountability mechanisms.
2. **Meet human rights standards** Work with and support CSOs to meet relevant human right standards to prevent and respond to root causes of discrimination, exploitation, abuse or harassment in their activities and organizations.
3. **Mutual capacity strengthening** Work with and support CSOs to address vulnerabilities and increase resilience, accountability and transparency particularly at partner country level.
4. **Equitable partnerships** Support more equitable partnerships between provider country and/or international CSOs.
5. **Local ownership** “Promote participatory and rights-based approaches for local ownership and accountability of CSOs and their activities ... while helping ensure that programs do not exacerbate existing forms of discrimination or inequalities.”
6. **CSO leadership** Foster innovation in identifying and adapting new approaches to development and humanitarian challenges.

7. **CSO collaboration** Encourage and support “as appropriate” CSO voluntary initiatives to collaborate and coordinate among themselves.
8. **Respect international standards** Require “as appropriate” CSO partners to respect relevant international standards and adhere to “relevant” partner country legal and regulatory requirements “where such requirements respect human rights and open civic space”.

Implementation and Working with the Recommendation

“The DAC will review the implementation of the DAC Recommendation, including through the existing DAC peer review mechanism, and support lesson learning, adaptation, and sharing of best practices to build understanding and capability and a report reviewing implementation of these measures will be produced within five years of adoption.”

The OECD DAC Secretariat will work closely with the Community of Practice on Civil Society, DAC members and the DAC CSO Reference Group to widely disseminate the *Recommendation* with relevant governments, multilateral institutions, academia, think-tanks and CSOs globally. The Directorate will work closely with the Community of Practice and the Reference Group to develop its implementation, including technical guidance for members and peer learning. The Community of Practice will act as the primary forum for peer learning.

The *Recommendation* is a strong foundation for dialogue & advocacy for changing donor policies and practices to enable civil society. How can CSOs work with the *Recommendation* and further its implementation?

CSO Platforms and Individual CSOs

1. **Socialize and promote the *Recommendation*** Proactively discuss the *Recommendation* and its various commitments with CSOs at the country level and with relevant donors / government officials to draw out its implications for specific DAC member’s policies and practices, including ideas for its implementation. The *Recommendation* is a unique document for civil society, which will require iterative learning in its most effective use in policy dialogue and advocacy, including preparation in DAC peer reviews in partner countries.
2. **CSOs own practices for development effectiveness** Consistent with Pillar Three, CSOs need to develop ideas and strategies to access diverse initiatives and pull together good practices and indicators of progress for key aspects of their own effectiveness.

DAC CSO Reference Group:

3. **A DAC CSO Working Group on the *Recommendation*** This Working Group can coordinate engagement on the *Recommendation*, collect and socialize experiences working with the *Recommendation*, work with the DCD on interpretation tools, and gather and share evidence of good practice among donors on key areas of the *Recommendation*.
4. **DAC Community of Practice** Seek direct representation in the Community of Practice on Civil Society and related activities in support of the *Recommendation* and the development of interpretation tools.
5. **Consultations with the DAC** Ensure that the *Recommendation* and progress in its implementation is on the agenda of the annual DAC CSO consultations and in other relevant DAC high level meetings. The Reference Group might consider an annual CSO progress report, based on country experiences.
6. **Seek the institutionalization of the *Recommendation*** Ensure that key elements of the *Recommendation* are embedded in the mandate, methodologies and consultations for the DAC peer reviews. The *Recommendation* is essentially a political document that enables robust accountability for its implementation, particularly through the DAC peer review process.

Annex

What is an OECD Recommendation: The OECD defines Recommendations as “OECD legal instruments which are not legally binding, but practice accords them great moral force as representing the political will of Adherents. There is an expectation that Adherents will do their utmost to fully implement a Recommendation. Thus, Members which do not intend to do so usually abstain when a Recommendation is adopted, although this is not required in legal terms.” (<https://legalinstruments.oecd.org/en/general-information>).

Definitions: For the purpose of the present *DAC Recommendation on enabling civil society*, the following definitions are used:

- **Civil society** refers to uncoerced human association or interaction by which individuals implement individual or collective action to address shared needs, ideas, interests, values, faith, and beliefs that they have identified in common, as well as the formal, semi- or non-formal forms of associations and the individuals involved in them. Civil society is distinct from states, private for-profit enterprises, and the family.
- **Civil society organisations (CSOs)** are an organisational representation of civil society and include all not-for-profit, non-state, non-partisan, non-violent, and self-governing organisations outside of the family in which people come together to pursue shared needs, ideas, interests, values, faith, and beliefs, including formal, legally registered organisations as well as informal associations without legal status but with a structure and activities.
- **Civic space** is the physical, virtual, legal, regulatory, and policy space where people can, among other things, securely exercise their rights to the freedoms of peaceful assembly, association, and expression, in keeping with human rights.