

Civil Society involvement in Institutional Reform

Draft input paper for LenCD

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Introduction

On June 20th during the General Assembly of the Learning Network on Capacity Development (LenCD) a workshop was organised to bring to the fore the perspectives and experiences of CSOs in promoting institutional effectiveness and reform. The workshop was a first step in exploring the issue. This input paper expands on the presentation and the workshop discussion and is meant to help build the understanding of LenCD on the roles that civil society can play in institutional reform and how these roles can be strengthened through capacity building.

The importance of strengthening institutional capacity is widely recognised, especially in today's climate of shrinking resources. But institutional change is a difficult problem, and the best way for capacity development practitioners to support change may not always be clear (LenCD website, Browne, 2013-1). In institutional reform a great deal of attention has been focused on capacity development of state, bilateral, and multilateral actors. However, civil society and the private sector are also very important actors in reforming institutions, because these affect all segments of society. CSOs have traditionally been involved in service delivery and advocacy, but their capacity to engage in and support broader institutional reform has not been as well examined.

As LenCD is interested in forwarding the topic capacity development for institutional reform, it will also need to define more precisely what influence CSOs and civil society in general have on institutional reform. Institutional reform is a broad field and roles of civil society can be diverse, hence a conceptualisation is needed that can provide an accessible overview on the subject. With an appropriate framework for discussion and through exchange of practical cases LenCD can be on the forefront of building knowledge and understanding on effective roles of civil society in reforming institutions. Through its diverse membership base LenCD is well positioned to explore the subject from different perspectives and to collect case studies from a variety of contexts.

A suitable place to share insights on civil society involvement in institutional reform is the Effective Institutions Platform (EIP) that came into existence in 2012 in response to international commitments after Busan. The EIP recognises that a broader array of stakeholders are needed to help shape country systems and that these do not only have the role of 'users' (EIP, 2012). However, publications of the EIP are not clear on the roles of civil society organisations.

In his paper I will present a draft framework to explore the roles of civil society in institutional reform, which should help focus the discussion in LenCD.

Processes of Institutional Reform

According to the most recent statistics on the OECD website around 40% of official development aid is dedicated to improve social and administrative infrastructure, which covers all basic services. Roughly one third of this amount is categorized as government and civil society strengthening. The attention for institutional strengthening usually involves *reforming state institutions*¹. However, from the realisation that governments do not function in isolation donor agencies increasingly support *system wide reform*, which concerns the complete system that provides services and safeguards interest for the common good. When it comes to understanding the role of civil society in institutional reform, it makes sense to look further than state institutions and look at system wide reform.

For the purpose of this input paper we need to distinguish the main processes of institutional reform. ODI has studied aid interventions that appear to have successfully engaged with governance constraints, and identified three governance factors that seem most relevant (Tavakoli et al., 2013):

1. The coherence of sector policies and institutional set-ups.
2. The effectiveness of top-down performance disciplines or bottom-up accountability mechanisms (to maintain the quality of service delivery).
3. The scope for problem solving and local collective action.

This distinction is also very useful to specify the fields of action for civil society actors. I find it to be a good addition to Handy's components of civil society organisations (Handy, 1988). Handy distinguishes the roles of mutual support, service-delivery and campaigning, which do cover two of the factors listed by ODI above: the influence civil society has on policies and institutional set-ups and on service delivery, but does not recognise a role for civil society in problem solving.

I think problem solving is an essential area of involvement, hence I use ODI's governance factors to formulate three areas of civil society involvement:

1. **policy**: functional and coherent rules for the game
2. **service** societal needs: implementation capacity
3. **problem solving** of societal challenges

Within these main fields an important parameter that influences processes of institutional reform is scale. The reform process can encompass governance at sub-national, national, regional or global level. Further, it can target specific sectors or be based on specific (often urgent) issues.

¹ An effective state is one that establishes an enabling environment for the delivery of high-quality and cost effective public services and the eradication of poverty in a manner that involves accountability to its citizens through both core state functions and processes. States can only manage development when these processes are underpinned by effective institutions and systems. (Manila Statement on Partnering to Strengthen and Support Effective States, 2011. <http://www.oecd.org/dac/effectiveness/49080411.pdf>)

Processes at a global level are more complicated for national governments to respond to as these require coordination with other countries. Also for civil society global issues are hard to address, but perhaps less so than it is for governments, because civil society is more agile in establishing informal networks across the globe. This ability for self-organisation might result in new evolving institutions that are worth considering for institutional reform.

At country level or decentralised level it generally makes sense to take the public sector as starting point, since government is responsible for national policy making and provision of public services.

Involvement of civil society, however, becomes problematic when the state is not (yet) functioning fully or in other ways limits the enabling environment. Therefore, a second important parameter is the degree in which institutions are functioning, which determines the enabling environment for civil society involvement. The enabling conditions must be understood to go beyond the simple absence of restriction, to encompass a set of conditions that actively help civil society to function and thrive (CIVICUS, 2013). That this is no small issue can be concluded from the same CIVICUS publication: a shocking 57% of the world’s population live in countries where basic civil liberties and political freedoms are curtailed.

Proposed framework

The table below presents an initial framework for distinguishing roles of civil society in institutional reform. It combines areas for civil society involvement (policy, service, problem solving) with the degree of functioning of the institutions. For each combination a number of roles for civil society are listed. Scale was also identified as an important parameter, but this is not included in the framework to avoid making it too complex.

Table 1: Roles of civil society in institutional reform

	policy: functional and coherent rules of the game	service societal needs: implementation capacity	problem solving of societal challenges
<i>Normal functioning institutions</i>	<ul style="list-style-type: none"> • Watchdog • Advocacy 	<ul style="list-style-type: none"> • Negotiation for improvement • Services to specific groups 	<ul style="list-style-type: none"> • Create space for dialogue • Organise consultation
<i>Need for significant transformation</i>	<ul style="list-style-type: none"> • Foster leadership • Demand reform 	<ul style="list-style-type: none"> • Fill gaps • Innovate • Coordination between actors 	<ul style="list-style-type: none"> • Scenario building • Propose alternatives • Networks
<i>Institutions are not functioning</i>	<ul style="list-style-type: none"> • Negotiate basic rules for social justice • Force change 	<ul style="list-style-type: none"> • Interim institutions • Citizens action 	<ul style="list-style-type: none"> • Visioning • Build social fabric

The table is explained in more detail below with input from the group work in the workshop. During the LenCD workshop on 20th June the participants analysed three cases from the Capacity Results publication by LenCD (2011). Cases were selected from Albania, Nigeria and Uganda and the groups were asked to list roles of civil society in reform from these cases. The roles civil society played in the case were not described, so participants had to make their own interpretation for the group discussion.

Policy

The workshop recognised common roles for civil society in the cases, like monitor government actions, demand accountability and advocacy. An observation was made in the Nigeria case (see annex 1) on the organisation of civil society, stating that informal institutions created by civil society are more fundamentally powerful than formal institutions, although scaling up needs a higher degree of formalization.

The table shows that the traditional role of civil society in a democratic system is to voice opinions and dissatisfaction to the public sector. As a watchdog it plays an important role in safeguarding the fairness of the 'rules of the game'. When policy making and implementing is not functioning, the watchdog and advocacy roles are difficult and civil society will attempt to push reform or even force change in the political system. It can (temporarily) take a leading role, but since civil society represents many different interests it will need to find ways to organise and negotiate its own rules for political action.

Service

The three groups in the workshop concluded that civil society's involvement was important for sustainability of service delivery. The Albania case concerned improved service delivery by local governments, but the group felt that representation of the community was important for its success, and also that a prominent role for civil society could ensure continuation after the donor leaves. In the other cases the groups concluded that civil society provided structure for action and helped create an enabling environment.

Quality of service provision to the society depends to a large extent on the implementation capacity of the state, hence the first role for civil society mentioned in the table is to negotiate improvement of services. Public services to citizens by the state are always complemented by service delivery by voluntary organisations in civil society. Currently the Netherlands government is even banking on increased voluntary support to decrease state spending on public services. However, the less state institutions are functioning the more civil society will try to fill urgent service gaps, either by providing the service themselves or by finding new and innovative ways to organise service delivery, which might involve private actors.

An interesting approach for when institutions are not functioning, which I believe civil society can initiate, is mentioned by Evie Browne in the LenCD discussion paper. She writes that an 'interim institutions' approach may provide an alternative way of thinking about change: instead of aiming for reform towards a previously-decided framework for an institution, building an institution which fosters a process of change might allow an organic, local development of appropriate institutions. Interim institutions, which may not have real

power, can foster the societal changes needed to edge closer to a democratic, inclusive process. (Browne, 2013-2)

Problem solving

In the Nigeria case the Interfaith Mediation Centre has been effective in mediation and resolving conflict, and from this example the workshop group concluded that civil society should play an advisory role through organising effective participation and involvement. The Joint Action Forum (JAF) in Rwanda was mentioned as another example. However, problem solving did not feature prominently in the three cases that were discussed in the workshop, and I think that this is a field that has generally escaped attention and needs further exploration.

As suggested in the table and the workshop, participation in problem solving and organising consultation with civil society actors are two obvious roles for civil society. But when there is a need for significant transformation, institutional reform will entail thinking deeper about different roads for the future. But looking ahead and predicting change and the consequences of decisions and actions is complex. People expect that observed tendencies are good indicators for what the future will look like, but many political and social processes are not taking place gradually, but with sudden changes instead. The institutional response to social issues by the state is always one step behind the new reality. For this reason civil society should not only be consulted and allowed to participate - the traditional role civil society - but should be accepted to play a more prominent role in finding solutions for problems that affect citizens.

Visioning a different future and scenario building are powerful ways to involve actors in discussing their points of view without directly entering in a negotiation on interests. Adam Kahane (Kahane, 2004) has applied these methods with success in extremely conflictive environments.

The problem solving capacity of civil society will depend to a large extent on their ability to organise in order to face the challenges put to them. The WEF report on the future role of civil society (WEF, 2013) presents some interesting scenarios that might challenge civil society:

1. Mad Max, raises the specter of international conflict
2. Transparently Blurred, focuses on the impact of openness and technology
3. Turbulence and Trust Deficits, looks at the prospect of low growth combined with low institutional trust
4. Privatized World, asks what civil society would do if the corporate sector were the primary actor "for the common good".

Other factors to consider

There are a number of factors that influence the role of civil society in institutional reform that are not mentioned in the framework in table 1, but that need to be considered.

As I mentioned earlier the table does not take into account the scale (sub-national, national, global) or the thematic focus of the system to be reformed. Especially the global scale will respond to a different logic.

Further, identifying roles for civil society does not mean that these roles are fixed. During the process of reform emphasis from one role will probably shift to another. Also various roles will be filled at the same time. The change process is complex and there is a risk to attribute one single role to CS and focus all (capacity development) support to this particular role. Instead the framework should help, and be expanded, to show the diversity of roles.

When discussing change processes one should realise that people hold various beliefs about the way change happens depending on how they view the world. A quick exercise during the workshop showed that different participants preferred three contrasting theories of change. In order of the number of votes given by the workshop participants, they believed that change either happens through: (1) collective action, (2) transformation of beliefs, ideas and values, or (3) through contestation.

This exercise illustrates that the opinions that different people have are often implicit and depend on the paradigm a person holds. For that same reason members of LenCD will probably have contrasting views on what civil society can contribute to a change process like institutional reform, and the challenge will be to make the views explicit and support them with practical examples.

Capacity development

It is difficult to discuss “capacity development” without first determining what kind of capacity is needed and what it should look like in operation. Without this clarity, discussions on capacity development tend to become general exchanges on what makes for good development practice. (Guizzardi, 2011, LenCD perspective notes)

The roles in the framework in table 1 will each require particular capacities of civil society actors. There are also a number of capacity needs that cut across the fields of involvement:

1. **Capacity to organise:** In the literature and workshop discussions it is frequently mentioned that the effectiveness of civil society involvement will depend on their degree of organisation. Networks and coalitions provide structure for collective action. Browne (2013-2) for instance cites research by Unsworth (2010), which suggests that informal networks and institutions play a greater role in enabling citizen action for public policy reform than formal mechanisms do.
2. **Capacity to communicate and share information:** The strength of this capacity is proven during the Arabic Spring. Modern communication tools have a strong influence on how civil society organises. It is interesting to note how formal civil society organisations have been bypassed in these new means to rapidly share information.
3. **Capacity to deal with power:** The State of Civil Society 2013 (CIVICUS, 2013) affirms that empowered and informed citizens are our strongest battalions in our fight for good governance and social justice. Jay Naidoo: “I learnt that those in power only respected us when we had power.” Power is a difficult field for capacity development, however, because how do you decide on who needs to be empowered and whose power needs to be reduced?

There will certainly be a need for capacity development in relation to these cross cutting topics to empower civil society for influencing institutional reform. However, it is difficult to infer from the literature what role CD practitioners might play in this process (Browne, 2013-2). In order to focus any capacity development intervention first a good understanding is needed about the specific process of reform and the roles that civil society plays. With this in mind LenCD can test and expand the initial framework proposed in this document with evidence from practice.

Conclusions

- There is a growing recognition that civil society actors play an important role in institutional reform, but involvement of civil society has not been systematically studied.
- Strategies for capacity development of civil society organisations in reform processes need to be based on realistic expectations, hence a better understanding of the various roles of civil society is necessary.
- Civil society is diverse, so it will not assume one single role in a reform process. When studying civil society involvement the range of roles and how these influence each other need to be taken into account.
- The framework proposed in this document is a first effort to conceptualise roles of civil society in institutional reform. To make it a more solid base for further discussion there is a need to strengthen the evidence base of the framework.
- Documentation and analysis of an increasing number of cases should reveal plausible links between civil society action and institutional reform.
- LenCD is evidently a suitable platform to collect and learn from experiences. Further, LenCD is in a good position to advocate new insights in the Effective Institutions Platform.

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Annex 1

Cases discussed in workshop

Questions for discussion:

1. Did civil society influence institutional reform?
2. What roles did civil society have?
3. Could the role of civil society have been larger?

Selected cases (from: LenCD, 2011. Capacity Results, Case stories on capacity development and sustainable results.)

- ALBANIA** **Strengthening local government in the Kukës region**
Capacity building of local governments to improve services.
Change in people participation and decision making, improved living standards, increased satisfaction establishment of new CSOs.
- NIGERIA** **The Interfaith Mediation Centre**
Centre founded by Muslim and Christian religious leaders is now respected NGO.
Changes through interfaith dialogue, advocacy, also in other conflict countries.
- UGANDA** **Using multi-stakeholder processes for capacity development in an agricultural value chain**
Development of vegetable oil seed sub-sector through dialogue and concerted action.
Change in market information system, policies and finance opportunities.

Annex 2

Draft outline for discussion paper: Capacity development of CSOs for institutional reform.

The input paper is a first exploration of civil society involvement in institutional reform, but it does not yet outline strategies for capacity development. Also, the initial framework presented should be worked out in more detail and supported by further literature research and evidence from practice.

A more detailed **discussion paper for LenCD** could have the following content:

Part 1: Civil society involvement

- Theory on institutional reform processes
- Analysis of documented cases: first evidence (eg. Cases from Crossroads' Initiative²: Chilean Student Movement, Anti-Corruption Movement in India, Traders and Citizens Against Financial Crises in Uganda, etc.)
- Expand and perfect the initial conceptual framework on civil society involvement
- Traditional and new roles of civil society
- The enabling environment
- Possibilities for capacity development of civil society organisations

Part 2: Practical guide to collect evidence on civil society involvement and CD strategies

- Documentation of cases by LenCD
- Assessing and monitoring involvement of civil society
- The reflection and learning process
- Drawing conclusions
- Input to EIP and other platforms

² PRIA, 2012. Civil Society @ Crossroads: Shift, Challenges, Options? 'Civil Society @ Crossroads' Initiative, funded by PSO.