

**Commonwealth Regional Consultation Document on Maximising Civil  
Society's Contribution to Democracy and Development  
Auckland, Aotearoa/New Zealand  
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## ***Development, Democracy, and the Role of Civil Society***

### **Introduction**

Despite difficulties in defining “development”, “democracy” and “civil society”, they are all about basic human aspirations.

At its simplest, “development” can be defined as enabling people to achieve their aspirations.

“Government of the people, for the people, by the people” can take many forms, but the essence is that democracy provides a political means by which the aspirations “of the people” can be articulated and addressed.

Complementing the formal political process, civil society organisations (CSOs) also exist to articulate and address community aspirations, and are both an expression of, and a contributor to, development and democracy. CSOs should be a force for democracy and development.

Governments committed to democracy and development must provide an inclusive environment for CSOs to form and flourish.

The most broadly agreed expression of common human aspirations is the Universal Declaration of Human Rights, and the Commonwealth has rightly made the realisation of all human rights for all people its *raison d'être*, running right through its democracy, development and globalisation agendas.

### **The Context**

The Pacific Region faces many challenges, some new and others continuous. Many challenges are specific to the Pacific Region while others are global issues. The Pacific Region consists of 22 separate countries with many islands and a vast ocean. Most countries have been colonised by Europeans and many Pacific institutions and laws emanate from Europe. In this context, traditional indigenous authority exists alongside modern Government systems.

This relationship between universal and traditional governance sometimes creates tensions and can affect Pacific values which are based on a holistic world view i.e. respect for the natural environment, mana, hospitality, ritual practices and communal life. Pacific people have migrated in large numbers to other countries, particularly, urban centres in Australia and New Zealand. This has resulted in socio economic issues for both island nations and receiving countries, particularly following economic liberalisation policies in the 1980s and 1990s and the resulting growth of unemployment.

The Pacific Region faces many environmental concerns, some natural and others as a result of development. These concerns include rising sea levels, hurricanes, tsunamis, fire, flood, drought and loss of plant and animal species. In addition, local armed conflicts have an effect on the wider region as well as on the country in which conflict is occurring.

New issues facing the Pacific Region include trade issues, indigenous peoples' rights, globalisation and the penetration into local economies of powerful multi-national companies. Further, the Pacific Region is facing social and health concerns and movements such as HIV/AIDS, changing role of women and of aging of the European populations.

During this consultation, the Australian-led intervention in the Solomon Islands was discussed, and was the subject of a separate statement.

### ***Issues Facing Civil Society in the Pacific***

Over recent years, Civil Society Organisations (CSOs) have had to deal with increasingly complex issues, as well as growing demands on their services. This has meant that CSOs have had to increase and broaden their skill levels. New and heightened awareness of issues include fair trade, human rights, economic development and climate change. The key issues arising out of the consultation are:

#### **1. *Relationship between CSOs and Government***

Relationships between CSOs and Government have not always been favourable. CSOs can operate with greater effectiveness and certainty when they have Government support. This can be achieved by Governments:

- Having a national policy on CSOs which recognises the importance of CSOs
- Being party to a Memorandum of Understanding with CSOs. The MOU would outline agreements on roles and responsibilities of CSO and Government relationships.
- Ensuring the financial viability and sustainability of CSOs
- Through engaging directly with CSOs in regular forums
- Ensuring funding for CSO capacity building

At the same time, CSOs should understand the machinery of Government to maximise the value of this relationship.

#### **2. *Legislation and CSOs***

Much of existing legislation on CSOs is archaic having been drafted pre-independence, often derived from 17th century British laws on charities. Modern legislation should recognise CSOs in all its forms: regional, national, and local.

At the same time, formal and informal groups, special interest groups, indigenous and traditional forms of government at the tribal and village level need to be recognised. CSOs should also advocate for legislative change. It is essential that people have a right to participate in civil society. New laws should ensure clarity and guarantee CSOs independence. To these ends, Governments and CSOs must participate as genuine partners to prepare appropriate legislation. The passing of laws relating to freedom of information in countries where they do not exist would also assist CSOs in obtaining accurate and timely information. This should be facilitated as much as possible through Government websites.

### **3. *Financial Issues***

Many CSOs in the Pacific Region often have no long term financial security. Systems of contestable funding can also create competition between CSOs and undermine levels of cooperation between CSOs. It is essential that CSOs at all levels (regional, national and local) are financially secure and are sustainable in order to serve their communities and deal with the complex issues they face. In contracting services from Government to CSOs an ideal contract would cover all costs, not only actual services but also administration, asset management, training and advocacy services of CSOs.

Funding and donor organisations are important in promoting CSOs and in maintaining their financial viability. They also need to recognise the contribution to democracy and development by local groups at the village/fono/whanau levels and acknowledge that local structures are likely to be significantly different from that of national CSOs.

Governments can also assist by not requiring that donor funding to CSOs is directed through government agencies. Direct links between donors and CSOs is important in gaining recognition and facilitating this change.

### **4. *Capacity Building and CSOs***

As CSOs are being requested to deal with increasingly complex issues relating to democracy and development, greater emphasis should be given to skills training and capacity building. This ranges from community and economic development, governance, administration and financial management through to legal literacy, policy analysis and diplomacy training.

International agencies, governments and CSOs should give continued emphasis to this essential aspect of CSO development. Without the required skills levels CSOs will be unable to deal effectively with their mandate and meet their mission.

### **5. *Relations between Traditional and Modern Western Forms of Governance***

The Pacific has a particular history of indigenous and traditional forms of governance that need to be recognised and supported. These forms of governance not only provide authority within their own local areas (e.g. villages) but also do much to maintain Pacific values in the wider society, providing holistic world views and concerns for the natural environment. These are essential concerns in a world of increasing environmental degradation.

Governments and the private sector have a role in recognising these traditions, particularly in matters relating to economic development such as tourism and natural resource exploitation.

CSOs can also assist in recognising and not undermining the authority of traditional governance, e.g. the mwaneaba in Kiribati and the village fono in Samoa.

### **6. *CSO Accountability***

One of the most important contributions CSOs have made to democracy and development has been to hold governments and other actors accountable. But to be credible CSOs also need to be accountable to their stakeholders for effective fulfilment of their agreed core purpose or mission and adherence to their stated core values. While it is widely recognised that measuring performance of CSOs is far more difficult than, say, measuring corporate performance, there is growing work being done on the development of relevant mission-impact, activity and capacity measures – quantitative and qualitative and covering short and long-term effectiveness.

CSOs should undertake to give greater attention to internal and external accountability mechanisms.

### **7. *Liaisons Between Levels and Types of CSOs***

CSOs either individually or collectively, can be strengthened by establishing appropriate mechanisms for liaison. These mechanism could include support for coordinating groups at a national, regional, or sectoral level. Faith-based organisations and trade unions have an important role in the Pacific and can also strengthen democracy and development through the sharing of expertise and cooperating on issues.

### **8. *Relationship between CSOs and Donor/international organisations***

Mutual objectives of CSOs and donor/international organisations concerning democracy and development can be achieved most effectively through the work of CSOs and using their knowledge, skills and networks. Too often, CSOs must work through their governments for programme design and funding from donors. Community needs would be more effectively met by establishing direct relationships between CSOs and donors with donors responding to CSO designed programmes and projects rather than expecting CSOs to implement donor designed projects. In addition, donors and international organisations could improve their efforts by coordinating their work within a regional and national context.

## ***Recommendations***

### *Recommendations to CSOs*

1. CSOs should promote legislative change to recognise the valuable role of CS by:
  - Education within the community
  - Review of present laws
  - Dialogue with government
2. Where necessary, CSOs should promote freedom of information legislation.
3. CSOs, including Trade Unions should collaborate on important local, regional and national issues.
4. CSOs must recognise that a vibrant, and free independent media is an integral part of democratic and developmental processes.
5. CSOs should promote Memorandums of Understandings between CSOs and Government.
6. CSOs should develop new skills and knowledge on issues of fair trade, globalisation, urbanisation and unemployment.
7. CSOs should promote direct funding relationships with donors.
8. CSOs should emphasise public education on democracy, development and human rights.

9. CSOs should seek resources for media and PR training.
10. Future forums for CSOs in the Pacific Region should include CSO representatives of people with disabilities.
11. CSO representatives at this forum should disseminate the results of this consultation to governments and other CSOs in their countries.

#### *Recommendations to the Commonwealth*

12. The Commonwealth should develop a web service clearing house for tools and case studies e.g. legislation, management tools and best practice models.
13. The Commonwealth should develop a comprehensive web portal to facilitate contacts, networking and information exchange between interest groups across the Commonwealth.
14. The Commonwealth Heads of Government should encourage Member States to carry out a comprehensive review of all laws and legislation relating to the establishment and operation of CSOs. These reviews and the drafting of new legislation should to be carried out cooperatively by CSOs and Government.
15. The Commonwealth Foundation should support the production and dissemination of guidelines for CSO legislation. These guidelines are to include both best practice in the process of reviewing current legislation and samples of model laws that take account of the impact of customary law as well as international human rights and conventions.
16. The Commonwealth should collect and disseminate guidelines to assist CSOs working in conflict situations.
17. The Commonwealth should be mandated to facilitate consultations on issues facing CSOs through meetings, forums and consultations. These may be held as parallel meetings at Commonwealth meetings.
18. The CHOGM agendas should include a full meeting of Heads of Government and CSO representatives.
19. The Commonwealth should recognise the influence of faith-based organisations in the Pacific on issues of social justice, which must include gender and issues of importance to women.
20. The Commonwealth Foundation should be adequately funded to facilitate consultation and the dissemination of best practice models.

#### *Recommendations to Government*

21. Governments should ensure CSOs have secure and sustainable funding in promoting democracy and development.

22. Governments must recognise CSOs as genuine partners and establish a variety of mechanisms such as policy, MOUs, forums and regular consultations.
23. All Commonwealth countries should carry out a review of all laws and legislation relating to the foundation and operation of CSOs. These reviews and the drafting of new legislation is to be carried out co-operatively by civil society and Government.
24. Governments should ensure all CSOs have free access to up to date public information.
25. Governments must recognise that a vibrant, and free independent media is an integral part of democratic and developmental processes.
26. Governments should ensure that tax laws encourage funding from donors and local citizens to CSOs.
27. In relation, to Pacific Nations, Governments should desist from using derogatory expressions such as 'failed states' and the 'arc of instability'.

*Recommendations to Donors and the International Community*

28. Donor agencies should co-ordinate their efforts within the region and within individual countries.
  29. Donors should ensure that CSOs participate in bilateral aid talks with donor countries.
  30. Donor agencies are encouraged to fund CSO designed projects.
  31. Donors should support civil society sessions to coincide with regional meetings, with the outcome of the CS meetings to be included in the official communiqué/report.
  32. International bodies should engage with CSOs at appropriate international meetings with a view to gaining insights as to the real needs of local communities.
  33. UN Agencies, Pacific Forum and other regional and international agencies should provide regular and up to date information to CSOs.
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