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Kompetenzzentrum Friedensförderung
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Critical Reflection

following the KOFF Policy Roundtable on

The New Deal and the Role of Civil Society

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1. Introduction[1]

The New Deal as new guiding paradigm

Since its adoption at the High Level Forum on Aid Effectiveness in Busan in 2011, the New Deal for Engagement in Fragile States[2] has become a new paradigm guiding the engagement of both local and international actors in so called 'fragile and conflict affected states'. Many of these states will fail to achieve substantial results towards the Millennium Development Goals (MDGs), while transitions out of conflict and fragility require long term political processes. The New Deal essentially endorses a set of principles proposing key peacebuilding and statebuilding goals, coherent and coordinated engagement to support country-owned and country-led transitions out of fragility and commitments for mutual trust and results orientation. At the core of the New Deal are the five Peacebuilding and Statebuilding Goals (PSGs) and the principles of FOCUS and TRUST. Switzerland has signed the New Deal in Busan and is about to set standards for its implementation[3].

[1] With the support of Lukas Krienbuehl, swisspeace

[2] The New Deal for Engagement in Fragile States is a joint initiative of the International Dialogue on Peacebuilding and Statebuilding (IDPS), comprising the g7+ group of 19 fragile and conflict-affected countries, development partners, international organizations and civil society organizations. In remainder of the text this document is referred to as New Deal.

[3] So far 35 countries, the EU, the World Bank, the Asian and the African Development Banks, the OECD and the UN Development Group have endorsed the New Deal. This article is written as a follow up to a KOFF Policy Roundtable on the New Deal and the Role of Civil Society in June 2013 in Switzerland.

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The five Peacebuilding and Statebuilding Goals (PSGs)

1) Legitimate politics and inclusive political settlements,
2) Establishing security and strengthening peoples' security,
3) Addressing injustices and improve access to justice,
4) Economic foundations to generate employment and improve livelihood,
5) Managing revenues and building capacity for accountable and fair service delivery

Guiding Principles

FOCUS on country-led pathways out of fragility: "As part of the New Deal, we commit to FOCUS on new ways of engaging with conflict-affected and fragile states by supporting inclusive, country-led transitions out of fragility, based on five elements: **F**ragility assessments, **O**ne Vision-One Plan, **C**ompact, **U**se of PSGs to monitor progress, **S**upport of inclusive and ongoing dialogue."
(http://www.newdeal4peace.org/focus/)

TRUST in a new set of commitments "to provide aid and manage reforms for better results: **T**ransparency at every level, **R**isk that is shared and addressed, **U**se of country systems, **S**trengthening of capacities, **T**imeliness of aid." (http://www.newdeal4peace.org/trust/)

What is new about the New Deal?

The five PSGs guide the identification of intervention priorities and national plans at country level. To strengthen and promote these goals, a set of indicators is currently being developed to track progress of the PSGs at country and global level. Joint fragility assessments have been conducted or are planned in pilot countries such as Liberia, Sierra Leone, South Sudan, DR Congo or Somalia.

But what is actually new about the New Deal? Quoting Dan Smith in his blog[4], one may say that "there is something here that is not just positive, but positively inspirational: Governments of conflict-affected countries analyzing themselves with Civil Society participation to report on how they are doing and where they need to direct their efforts next". What makes the vision of the New Deal different and unique is thus less its content but the element of mutual accountability and the national ownership approach building on joint processes and commitments.

The role of Civil Society in the New Deal

Civil Society actors do play a crucial role in this new vision of mutual accountability. Civil Society organizations have been participating in the International Dialogue for Peacebuilding and Statebuilding (IDPS) from the beginning. They were closely monitoring the process and have been able to bring important issues on the agenda, for example the recognition by the New Deal that open and constructive relations between state and society constitute a key element for successful peacebuilding and statebuilding processes and that Civil Society actors have a role in the monitoring of progress made in the implementation of the New Deal. On the other hand, some Civil Society representatives voice concerns fearing that the New Deal engagement with its strong focus on engaging with 'fragile governments' might further undermine the already shrinking space of Civil Society Organizations (CSO).

To explore further the opportunities and challenges of Civil Society in the New Deal implementation, the Center for Peacebuilding (KOFF) of swisspeace organized a roundtable discussion[5]. The roundtable brought together representatives from the IDPS, the Civil Society Platform for Peacebuilding and Statebuilding and Swiss actors, both governmental and non-governmental, which engage with the New Deal in their work[6]. The aim was to explore the opportunities and entry points for constructive engagement, but also to discuss concerns and risks from a Civil Society perspective. Given the Swiss commitment to the New Deal the roundtable also launched a debate on what these commitments mean for different Swiss stakeholders, what role Swiss NGO's may have in the implementation of the Swiss New Deal

[4] http://dansmithsblog.com/2013/04/18/new-deal-real-deal/

[5] KOFF Policy Roundtable , The New Deal and the Role of Civil Society', 19 June 2013, Bern, Switzerland

[6] For a complete list of speakers see: KOFF website

commitments and how it will affect the work of Swiss NGOs and their local partners.

Based on the roundtable discussion this critical reflections paper aims to further explore the mutual accountability element with respect to the role of Civil Society actors. In particular, this raises questions related to legitimacy, participation and inclusion and asks whether the intended impact, namely to increase space for political dialogue, actually becomes reality on the ground. With a view to the Swiss commitments this paper also asks about the (complementary) role and responsibilities of the different actors, governmental and Civil Society, local and international, in the implementation of the New Deal.

2. Implementing the New Deal

The implementation of the New Deal for Civil Society means framing as much as possible future development policies and strategies (both national and international) in terms of peacebuilding and statebuilding. Agreement on the PSGs (+ FOCUS & TRUST principles) remains a key achievement and cornerstone of the New Deal. Civil Society endeavors to remind those who have endorsed the New Deal of the commitments they have signed up to. Concretely this also refers to its role in drafting fragility assessments, PSG indicators and compacts[7] (in principle) on equal footing with governments and donors. In practice this has been met with varying degrees of adherence to the New Deal principles so far ranging from a sustained Civil Society voice in DR Congo to almost none in Liberia.

The Civil Society Platform for Peacebuilding and Statebuilding (CSPPS)

The CSPPS is a Southern-Northern non-governmental coalition that helps coordinate Civil Society participation in the International Dialogue on Peacebuilding and Statebuilding (IDPS) and supports local Civil Society engagement in the implementation of the New Deal commitments such as the development of Fragility Assessments and country-specific and shared global indicators to measure progress towards the PSGs. CSPPS brings to the New Deal process a coalition of over 30 national and international Civil Society Organisations (CSOs) and NGOs. In the period around the Busan conference a core group of CSOs was organically formed to discuss, participate in and contribute to the outcomes of the IDPS process. Organizations involved all share an interest and experience in working on issues of peacebuilding, statebuilding, conflict, fragility and development.

The CSPPS further organized itself in June 2012 around a meeting of the IDPS Steering Group in Nairobi after a year of more informal Civil Society participation to the New Deal process. The structure of the CSPPS matches that of the New Deal with thematic Working Groups co-chaired by a Southern and a Northern representative and a network of country Focal Points. The IDPS CSO Secretariat hosted by Cordaid in The Hague officially engages with the International Dialogue and coordinates Civil Society input and participation in IDPS Steering Group meetings. Funding support as received from a number of donors and Cordaid further enables mobilization and consolidation of Civil Society inputs in technical processes and Working Group meetings related to the IDPS and New Deal implementation processes. CSPPS facilitates and supports the resourcing of in-country plans and activities related to New Deal Civil Society engagement such as awareness raising, capacity building and media outreach.

Experience so far has shown that there are two lead factors in assuring that Civil Society is heard in a country process. The first is governments' willingness to implement the inclusiveness principle of the New Deal and the second is the

[7] Within the New Deal context a Compact is a mechanism for implementing One Vision-One Plan policies and coordinate IDPS stakeholders in this aim. It links the results of assessing country fragility, peacebuilding goals and the standards of aid effectiveness in fragile states and it is also a framework for mutual accountability. For more info see: http://www.g7plus.org/new-deal-document/

capacity to engage and the quality of initiatives taken by Civil Society. This second factor has led to a concerted effort by CSPPS to strive for the broadest possible representation via diverse teams in each country in support of the Focal Points. If possible, Focal Points are assisted by technical specialists in the areas of the PSG indicators, development and gender integration.

For example, CSPPS has been directly involved in the development of indicators at international level during meetings of the Indicators Working Group (Juba, Nairobi) and of its Core Group. In the latter, Civil Society successfully proposed that global indicators are developed alongside country indicators to ensure framework coherence throughout pilot countries. At Working Group meetings, Civil Society representatives defended the perception-based indicators and the gender dimension against g7+ states asking for their removal. At country level, Civil Society Focal Points in DR Congo, South Sudan, Sierra Leone were involved in national New Deal events on the development of country indicators.

Successes at country level are founded on the holding of successful awareness raising and capacity building workshops among Civil Society with Focal Points often bringing this awareness to a national scale by traveling to all regions of a country and holding separate events such in DR Congo, Guinea or Côte d'Ivoire.

©Georges Tshionza Mata, IDPS CSPPS: National workshop of the civil society on the New Deal in the DRC.

Inclusion: from principle to processes and outcomes

Official New Deal processes of consultation and engagement tend to be inconsistent in their degree of inclusiveness and often display an absence of responsive and systemized investments in enhancing state-society relations. This is a common challenge at country level. Though in DR Congo and in South Sudan the Civil Society coalition and its Focal Points have gained substantial attention from the government, they are still isolated cases of progress. DR Congo offers an example of continued inclusiveness of Civil Society in the New Deal process that promises to see our recommendations included in the policies and strategies that will stem from the implementation process. Civil Society in this country is officially included in the monitoring of future policy-making against national and global indicators and New Deal principles. Other governments such as in Liberia, Afghanistan, Guinea or Nepal have proven less interested in heeding Civil Society's voice even though the promised space at the table was granted. It appears that initially encouraging levels of inclusion of Civil Society during Fragility Assessments are not being continued in later stages of implementation. CSPPS thus supports local Civil Society in their efforts to solidify their engagement throughout the New Deal implementation process. Inclusive processes are needed to gain a shared understanding of root causes of fragility and to agree on how PSGs can best be achieved.

At international level, CSPPS's active participation in IDPS meetings has been welcomed and proven effective in terms of being heard by IDPS colleagues and other stakeholders. CSPPS's role in continuing advocacy at the global level for their inclusion in various peacebuilding and statebuilding discussions and initiatives is well appreciated. A remaining challenge is to achieve optimal South-North representation in these meetings as travel conditions (i.e. obtaining necessary visas in time) and restrictions on the number of Civil Society participants appear to be a recurrent obstacle.

As indicated earlier the added value of Civil Society's participation at the New Deal tables both at country and international level has been acknowledged repeatedly. However, it is unclear whether Civil Society presence at these tables is sought by g7+ governments for actual inclusion in policies or for the additional legitimacy that such

presence offers. Still, while Civil Society cannot ensure alone that its voice is heard by governments, donors pick up ideas and arguments from Civil Society and reuse them as and where appropriate.

Stakeholder or watchdog?

This question points to a particular challenge faced by Civil Society at all levels in the New Deal process: how to achieve a balance between its welcome inclusion as a stakeholder and Civil Society's more traditional role in monitoring implementation and ensuring accountability?

This challenge will become more acute in upcoming steps of the New Deal implementation. After Compacts are designed and agreed upon, the role of Civil Society is not clear yet. Is it only a watchdog, albeit an institutional one, or does its explicit place in the New Deal give it a stronger and sustained role? No provisions are known for now about the persistence of this tripartite dialogue between governments, donors and the Civil Society at country level after the compact phase is completed and whether Civil Society is considered a key stakeholder to be consulted when new policies and strategies are designed. The road from fragility towards a more stable and resilient society is not straightforward, but requires continuous monitoring and re-assessments. Civil Society is convinced that it plays an important role in holding their governments accountable for commitments made and in advocating for upholding the principles of the New Deal. Civil Society will continue to push for open, ongoing and inclusive political settlement and conflict resolution through dialogue at country level.

3. The New Deal in practice – traps and critical issues

The New Deal is generally presented as a new paradigm for international intervention in fragile and conflict-affected situations. It is in the nature of high-level agreements like the New Deal that they reflect a multitude of different points of view, interests and demands of the diverse actors participating in the process. Even if an agreement is endorsed, these differences are not disappearing magically. As a consequence, there are a range of different interpretations of what the principles of the New Deal could mean for the implementation, and what difference this new paradigm should make on the ground. Putting the New Deal into practice demands an important effort in terms of dialogue, negotiation and interpretation by the various actors involved. Hence, the question should be asked: what can realistically be expected from a new paradigm and which are the traps and critical issues to further reflect on?

Re-linking the social and political sphere

One central pillar in the rationale of the New Deal was the finding that countries described as fragile or conflict-affected will not achieve the Millennium Development Goals. This brought the international community, but also other actors to call for a paradigmatic change in how to engage with these states[8]. Besides a general upsurge in interest by the international community for these contexts, this also led to a (re-)affirmation of the close ties between social and political development, and is in line with the discourse shaped by the World Development Report 2011 linking conflict, security and development. Particularly with the formulation of the first PSG, legitimate politics, the New Deal prominently put back the political sphere on the table. Especially development actors have therefore interpreted the New Deal as a call to become more political in their work. On the other hand, peacebuilding actors have also been reminded of the complementarity of peacebuilding and development.

[8] With an original interest in new engagement principles to improve aid delivery going back to the Paris Declaration on Aid Effectiveness in 2005, the 10 Principles for Good International Engagement in Fragile States and Situations, the Accra Agenda for Action and the creation of IDPS in 2008, as well as the Dili Declaration on Peacebuiliding and Statebuilding 2010 and the Monrovia Map 2011 as previous landmarks.

Attributing legitimacies: processes, policies and actors

What applies to many international agreements that have been endorsed by a wide range of actors also applies to the New Deal: their very wording allows finding an agreement. This is evident in the first PSG, since legitimate politics is not a thing that one could oppose. The concept is blurry enough to allow for a multitude of different interpretations by different actors from different contexts which are not necessarily congruent. And this is where the challenge lies.

If we take again the example of legitimate politics, the debate at the KOFF roundtable has already shown the problems vested in filling these vague concepts with concrete actions by different actors. What does it mean to work towards legitimate politics? Is it about legitimate political structures, democratization and good governance, adopting the interpretation most popular in the statebuilding community? Or is it about facilitating political dialogue among adverse political factions as peacebuilders would understand it? Or is it rather about local community participation as development actors would frame it?

Moreover, if one takes as a starting point that transition out of fragility should be an endogenous process led by local actors, the consequence is necessarily that legitimate politics can have very different meanings in different contexts. This raises the question about legitimate political actors in these contexts and how their legitimacy is defined. Ideally, the identification of legitimate actors is only a by-product of the New Deal process as it is intended to be open, people-centric and development-oriented. Nonetheless, in reality the question is a pertinent one: is a country's government automatically a legitimate actor? How should one deal with other actors assuming state-like functions on parts of a territory? Are political parties legitimate actors? What about the legitimacy of Civil Society: does the fact that they are Civil Society organizations automatically make them legitimate actors? What do they stand for and who are they representing? To whom are they accountable and what is their "license to operate"? Are women's organizations for example adequately represented among the Civil Society voices? What about the legitimacy of the international actors in the New Deal process? How transparent are they about their own interests and agenda? Are they really willing and able to establish partnerships accepting their local partner on an equal footing?

The New Deal can easily be confused with a large-scale statebuilding process focused on governance and security. But the New Deal does not advocate for a uniform statebuilding and peacebuilding model, but defines them as goals insofar as they are critical prerequisites for development effectiveness. Legitimate politics should be seen as much a part of a country's development process as generating livelihoods and providing basic services. On the other side, the capacities of a state to deliver services, to provide justice to its citizens and to enable economic foundations serve vice versa as an indicator for legitimate politics.

Reflecting on legitimacy implies recognizing that we are currently dealing with the legitimacy of a multi-level process and ultimately with the legitimacy of policies that will be adopted as a result of these processes. Both have in common to serve the development needs of the people, with the capacity and willingness of the state as a means only.

One Vision-One Plan vs. division of roles and accountability

The nexus between peacebuilding and development in the New Deal brings other questions to the fore, more institutional in nature. With the emphasis on joint and inclusive processes and strategies, the quest for better coordination and alignment of the various actors coming from different backgrounds increases. But how much coordination, alignment and joint agenda should be wished for?

The proposition of One Vision-One Plan in the New Deal sounds tempting. To develop and support a national vision on how to transition out of fragility implies the development of a shared agenda for all actors. To achieve this, coordination and alignment is surely to be welcomed and has become a standard practice in complex contexts in which many different actors are engaged, not least to organize

interventions efficiently, avoid duplication of activities and (from a statebuilding perspective) harmful effects of setting up parallel service delivery systems through international actors. On the other side, strict coordination and alignment under a single agenda might also be elusive and raises questions on who has the legitimacy and power to decide upon such an agenda given that most aspects of a transition out of fragility are likely to be contested.

Critical issues concerning the division of roles and responsibilities also need attention, particularly with respect to the 'division of labor' between governmental and Civil Society actors. Who is a stakeholder with direct responsibility in the implementation of the jointly agreed agenda and who is monitoring it? As mentioned earlier, local Civil Society actors may have to walk a fine line between participating as stakeholders bringing in expertise and providing certain legitimacy to the process on the one hand and their role of being a watchdog and demanding accountability from their government for the commitments made on the other.

The New Deal, humanitarian aid and human rights

On another level, the principle of One Vision-One Plan challenges also humanitarian aid actors who strictly operate according to internationally agreed humanitarian principles. As the discussion at the KOFF roundtable has shown, in some organization humanitarian aid officials are reluctant to be part of this process and to adhere to the New Deal principles, since they fear that their primary mandate to provide support to people in need regardless of their origin and belonging could be jeopardized and instrumentalized by integrating the political sphere into the 'neutral' humanitarian space. They would thus challenge the idea that humanitarian aid should encompass any other overarching goal such as statebuilding and peacebuilding. The role of humanitarian actors in the New Deal becomes relevant for example when discussing alignment of service delivery through country systems. This might contradict humanitarian principles when aid has to be delivered quickly and according to quality standards in conflict context where governments' capacities are weak or non-existing and aid is easily politicized[9].

Similarly, human rights advocates question and criticize that the New deal does not contain any reference to or language on human rights. From a human rights perspective, the cooperation with and strengthening of governments to transition out of fragility is difficult if these same governments are responsible for human rights violations.

There are no straightforward answers to these questions. Although the paradigmatic change that is implied in the New Deal sounds tempting, it demands deeper reflection, including about one's own role as an international or local actor and one's own legitimacy in a given context.

4. Conclusion

So what is new about the New Deal and what are the opportunities for Civil Society organizations? With the New Deal implementation going forward, full and meaningful CSO engagement is critical to ensure better state-society relations, as envisioned in the New Deal. In line with the promises to facilitate multi-stakeholder engagement, broad and legitimate CSO participation will be instrumental in ensuring the New Deal becomes a real deal.

As far as Civil Society is concerned, open, transparent and accountable state-society relations are at the core of peacebuilding and statebuilding efforts. Continuous Civil Society engagement with their respective governments throughout the implementation phase guarantees that the views and concerns of people in places affected by conflict and fragility are properly taken into account.

– The New Deal clearly states peacebuilding and statebuilding as conditions for development effectiveness thus directly

[9] A good example is the dilemma international humanitarian actors supporting Syrian refugees in Lebanon are facing. The government is not only lacking the capacities to deliver such aid, but due to confessional fragmentation, it has also low legitimacy. On the other side, the international actors risk to contribute to the confessional divide by providing aid directly to refugees who are perceived by the locals to be linked to one particular political faction in Lebanon.

linking the peacebuilding-statebuilding nexus with effective development.

- In terms of process, the New Deal as a document is meant to enlarge space for Civil Society but the implementation will only be legitimate if Civil Society is to be included at all stages. This is a mutual commitment: governments must ensure this space, but in return Civil Society needs to engage in the process and fill in the space proposed. International Civil Society and donors each have roles to play in assuring that governments create the space and that local Civil Society is equipped to fill it.
- Civil Society's engagement comprises the overall risk that at both country and international levels its voice is not heard and that the process lacks substantial and continuous inclusiveness. Participation in the New Deal process does not involve cost-intensive projects. It does however require time and dedicated engagement with the many stakeholders involved. Civil Society has also to cope with the political unpredictability in order to make sure that its voice will be continuously heard.
- The New Deal is centered on the people living in conflict-affected and fragile places as beneficiaries, not on governments. This focus is reflected in the document itself and reinforced by the PSGs, especially their indicators. Some of them are designed to be perception-based and are specifically related to assessing people's gains from improved governance, enhanced security and upholding the rule of law. Perception-based indicators are essential for governments to know what their society thinks and feels about peacebuilding and statebuilding Therefore it is essential that the use of these indicators is piloted.
- The success of the New Deal and whether Civil Society can have a substantial contribution in it will ultimately be measured according to the long term integration of inclusive peacebuilding principles in the provisions of Compacts, which are due to be developed this year and should offer a comprehensive framework for policy-making. Through Compacts the New Deal process will need to demonstrate its capacity to open spaces for inclusive, ongoing political dialogue and integrating stakeholders from the various peacebuilding, statebuilding and development communities at both local and international levels.

Opportunities for Swiss Civil Society involvement

With the New Deal signed by Switzerland, the Swiss Civil Society has a critical opportunity to organize itself around this process to shape the Swiss engagement on peacebuilding and development in fragile and conflict-affected countries. In their relationships with the Swiss FDFA and SDC, Swiss Civil Society can refer to the New Deal as key reference for shaping Swiss peacebuilding and development policies. Vice versa the New Deal also serves as guidance for Swiss Civil Society engagement in policy development and implementation.

Swiss Civil Society may organize itself to act at three levels

1) Advocating to the Swiss government. SDC and FDFA inputs to the IDPS can receive guidance from Swiss Civil Society both for their participation to the global process and in g7+ countries where Switzerland is a donor.
2) Participating in the IDPS Civil Society coalition and the CSPPS to benefit from a recognized space for voicing guidance and concerns. CSPPS members create the space they need using the official recognition and by addressing governments and donors through the amplified voice of a Platform.
3) Advocating to g7+ governments and supporting Civil Society coalitions in these countries through technical advice and capacity building.

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swisspeace is a practice-oriented peace research institute. It carries out research on violent conflicts and their peaceful transformation. The Foundation aims to build up Swiss and international organizations' civilian peacebuilding capacities by providing trainings, space for networking and exchange of experiences. It also shapes political and academic discourses on peace policy issues at the national and international level through publications, workshops and conferences. swisspeace therefore promotes knowledge transfer between researchers and practitioners. swisspeace was founded in 1988 as the Swiss Peace Foundation in order to promote independent peace research in Switzerland. Today the Foundation employs more than 40 staff members. Its most important donors are the Swiss Federal Department of Foreign Affairs, the Swiss National Science Foundation and the United Nations.

Center for Peacebuilding (KOFF)

The Center of Peacebuilding (KOFF) of the Swiss Peace Foundation swisspeace was founded in 2001 and is funded by the Swiss Federal Department of Foreign Affairs (FDFA) and 45 Swiss non-governmental organizations. The center's objective is to strengthen Swiss actors' capacities in civilian peacebuilding by providing information, training and consultancy services. KOFF acts as a networking platform fostering policy dialogue and processes of common learning through roundtables and workshops.

Critical reflections

In its *critical reflection* publications, swisspeace and its guest speakers critically reflect on topics addressed at roundtables. They both make a note of the arguments put forward during the roundtables and carry on the discussion in order to encourage further debates.

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