

GLOBAL TRENDS IN NGO LAW

A quarterly review of NGO legal trends around the world

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Assessment Tools for Measuring Civil Society's Enabling Environment



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Introduction

Since at least the 1970s, civil society researchers have sought to devise the means to measure various aspects of civil society's strength, viability, and impact. A number of government, multilateral, and civil society organizations developed a variety of indexes, assessment guides, monitoring frameworks, and other measurement tools that, at least in part, address civil society related issues. Some directly focus on civil society and the environments in which it operates, including related topics such as philanthropy, charity and volunteerism. Examples include the Comparative Nonprofit Sector Project, created in 1991 by the Johns Hopkins University Center for Civil Society Studies,¹ CIVICUS's Civil Society Index (CSI),² the World Bank's ARVIN Assessment Framework,³ and the Charities Aid Foundation's World Giving Index.⁴ Others more broadly focus on the strength of democracy, individual freedoms, or aspects of good governance, all of which may affect the overall health of civil society. Freedom House's annual Freedom in the World and Nations in Transit Reports⁵ Transparency International's Corruption Perceptions Index,⁶ Global Integrity's Global Integrity Report,⁷ the Bertelsmann Stiftung

¹ See Lester M. Salamon, Helmut K. Anheier, Regina List, Stefan Toepler, S. Wojciech Sokolowski, et. al., *Global Civil Society: Dimensions of the Nonprofit Sector*, (Johns Hopkins Center for Civil Society Studies, 2004). The project was created in 1991 for the purpose of producing the first systematic body of comparative information on CSOs, philanthropy and volunteerism.

² CIVICUS's Civil Society Index (CSI) (<http://civicus.org/what-we-do-126/csi>) was first piloted in 2001 and was created to assess the health and vitality of national civil societies. It examines four dimensions (Structure, Environment, Values, and Impact), which are mapped onto what is known as the "civil society diamond."

³ The World Bank's ARVIN Assessment Framework (<http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTSOCIALDEVELOPMENT/EXTPCENG/0,,contentMDK:20529003~pagePK:148956~piPK:216618~theSitePK:410306,00.html>) was launched in 2003 to assess the factors affecting civic engagement across five dimensions: Association, Resources, Voice, Information, and Negotiation.

⁴ The Charities Aid Foundation's World Giving Index available here: <https://www.cafonline.org/publications/2013-publications/world-giving-index-2013.aspx>. The Charities Aid Foundation's World Giving Index <https://www.cafonline.org/publications/2013-publications/world-giving-index-2013.aspx>, measures the percentage of individuals who volunteer, donate money, and assist strangers.

⁵ Freedom House's Nations in Transit Report available here: <http://www.freedomhouse.org/report-types/nations-transit>; Freedom House's Freedom in the World Report available here: <http://www.freedomhouse.org/report/freedom-world/freedom-world-2013>.

⁶ Transparency International's Corruption Perceptions Index available here: <http://www.transparency.org/research/cpi/overview>.

⁷ Global Integrity's Global Integrity Report available here: <https://www.globalintegrity.org/global/report-2011/>.

Foundation's Sustainable Governance Indicators⁸ and Transformation Index,⁹ and the Economist Intelligence Unit's Democracy Index,¹⁰ are just some of many examples. Others still, such as the Indices of Social Measurement, examine a broad but targeted array of factors pertaining to civil society, such as rates of civic activism, levels of gender equality, and membership levels in voluntary associations.¹¹

In this issue of Global Trends we examine a sample of eight assessment tools that seek to measure the state of the enabling environment for civil society in different regions and states around the world.¹² We first provide an introduction to the eight tools, examining their objectives, methodologies, and outputs. We then compare their key dimensions and indicators, and sources of data, and conclude with a consideration of the geographic reach and frequency of publication of each tool.

Enabling Environment Assessment Tools

The eight tools examined in this issue focus on civil society's enabling environment, or "the conditions within which civil society works."¹³ Defined as the varied array of conditions -- economic, political, social, cultural, legal, and otherwise -- that affect the capacity of citizens, whether individually or collectively, to voluntarily participate in civil society, the enabling environment has increasingly come to be viewed as key to assessing civil society's health.¹⁴ A growing recognition that civil society actors and organizations "are profoundly affected by the

⁸ The Bertelsmann Stiftung Foundation's Sustainable Governance Indicators available here: http://www.bertelsmann-stiftung.de/cps/rde/xchg/bst_engl/hs.xsl/prj_52957.htm.

⁹ Bertelsmann Stiftung Foundation's Transformation Index available here: http://www.bertelsmann-stiftung.de/cps/rde/xchg/SIBID-68002052-ED99CA25/bst_engl/hs.xsl/307.htm.

¹⁰ The Economist Democracy Index available here: https://www.eiu.com/public/topical_report.aspx?campaignId=DemocracyIndex12.

¹¹ Indices of Social Development available here: <http://www.indsocdev.org/>.

¹² Recently, on December 10-11, 2013 a London-based workshop organized by CIVICUS and attended by representatives from Transparency International, Johns Hopkins Center for Civil Society Studies, Oxfam, the Ministry of Foreign Affairs of the Netherlands, GIZ, Charles Stewart Mott Foundation, the Balkan Civil Society Development Network, Pew Research, and ICNL, among others, focused specifically on existing and future civil society assessment methodologies. Contact Danny Sriskandarajah at CIVICUS for more details. The Fourth High Level Forum on Aid Effectiveness, held in Busan, South Korea in December 2011, which led to the creation of the Global Monitoring Framework (GMF), also inspired interest in measuring the strength of civil society, and specifically the 'enabling environment' in which civil society actors are immersed. Among the ten indicators monitored by the GPMF is Indicator #2, which measures the extent to which "civil society operates within an environment that maximizes its engagement in and contribution to development," as further discussed in this issue.

¹³ See Organization for Economic Co-Operation and Development (OECD), "Making Development Co-Operation More Effective: 2014 Progress Report, Global Partnership for Effective Development Co-Operation," (2014), 59 (citing CIVICUS), available at http://www.keepeek.com/Digital-Asset-Management/oecd/development/making-development-co-operation-more-effective_9789264209305-en#page1 ["2014 Progress Report"].

¹⁴ This definition was adapted, in part, from the definition embraced by CIVICUS in its 2013 Enabling Environment Index (EEI), which defines the enabling environment as "a set of conditions that impact on the capacity of citizens (whether individually or in an organised fashion) to participate and engage in the civil society arena in a sustained and voluntary manner." See Lorenzo Fioramonti, "Methodological note on the CIVICUS Civil Society Enabling Index" (CIVICUS: 2013) 3.

context in which they work,” has led to an interest in recent years -- by governmental and non-governmental actors alike¹⁵ -- in creating tools designed specifically to assess the multitude of factors shaping such contexts.¹⁶

Because each tool is driven by a different objective (or set of objectives), each has its own unique set of indicators, geographical and temporal scopes, reporting components, presentational style, data sources, and methodology. Their differences and similarities, as well as the contributions that each makes to assessing the strength of civil societies around the globe, will be further explored below.

Three of the tools examined in this issue are indexes, which quantify particular dimensions of civil society by assigning numerical scores, and in some cases numerical rankings, for each country assessed. Another three are monitoring frameworks, which are designed to hold countries accountable to certain public commitments by monitoring their progress toward fulfilling their obligations. And the remaining two include assessment guides, typically created to provide local actors with a tool to objectively evaluate, and thus improve, the health of their nation’s civil society.

The three indexes include:

- USAID’s Civil Society Organizations Sustainability Index (CSOSI): The CSOSI, the oldest tool examined here, has been published since 1997.¹⁷ The CSOSI assesses the sustainability (defined as the overall strength and viability) of civil society by examining and assigning scores to seven interrelated dimensions: legal environment, organizational capacity, financial viability, advocacy, service provision, infrastructure, and public image. Its goal is to enable users to track developments and identify trends in

¹⁵ Note that national and regional political entities are interested in measuring the health of civil society and specifically, its enabling environment. The European Union, for example, recently launched the EU Enlargement Guidelines, which establish specific standards and benchmarks for countries wishing to join the EU. According to the Guidelines, a country wishing to join the EU “needs to have an appropriate legal, judicial and administrative environment for exercising the freedoms of expression, assembly and association,” which includes certain rights and an “enabling financial environment” for CSOs. A monitoring and evaluation framework to measure the progress made by those countries seeking accession is currently under development. This is the first comprehensive effort by the EU to monitor the enabling environment for civil society.

¹⁶ CSO Partnership for Development Effectiveness, “An Enabling Environment for Civil Society Organizations: A Synthesis of Evidence of Progress Since Busan,” (2013), 5 (para. 6), available at http://www.csopartnership.org/wp-content/uploads/2014/05/Synthesis_eng_ebook.pdf. Note that with the exception of one of the tools assessed in this issue, USAID’s Civil Society Organizations Sustainability Index (CSOSI), the remaining seven were created in late 2011, with six of the seven publishing reports in 2013. As a result, the longevity and funding sustainability of some of these tools, due to their newness, are not yet fully known.

¹⁷ USAID, *CSO Sustainability Index*. The most recent reports are available at: <http://www.usaid.gov/europe-urasia-civil-society> (Europe and Eurasia); <http://www.usaid.gov/africa-civil-society> (Sub-Saharan Africa); <http://www.usaid.gov/middle-east-civil-society> (Middle East North Africa); <http://www.usaid.gov/afghanistan/civil-society-sustainability> (Afghanistan); <http://www.usaid.gov/pakistan/civil-society-sustainability> (Pakistan).

the civil society organization (CSO) sector over time, as well as to make cross-country and regional comparisons. Originally covering eighteen countries in Central and Eastern Europe and Eurasia countries, its geographical scope now includes sixty-three countries from various regions of the world. It is updated annually by panels of local, representative CSO experts, and then reviewed and confirmed by an Editorial Committee comprised of technical and regional experts. Scores from the seven dimensions are averaged to produce an overall sustainability score. Each dimension score, and the overall score, fall into one of three tiers: Sustainability Enhanced, Sustainability Evolving, or Sustainability Impeded. Statistical summaries, easy-to-read charts, and detailed country reports that explain the assigned scores and provide useful narratives on the health of each country's civil society sector are included in each edition.

- CIVICUS' Enabling Environment Index (EEI): The EEI is a global composite index relying on secondary data to assess the capacity of citizens to participate in civil society in 109 countries. Numerical scores are assigned to each country, allowing for national, regional and global comparisons, as well as baselines for tracking progress toward individual countries' public commitments. The index highlights the "top 10" and "worst 10" countries on each of the three dimensions examined (as well as the overall "best" and "worst" 5); provides global averages; and discusses countries that have received imbalanced scores (high scores on one dimension, low scores on another). Its report provides a broad overview complemented by various charts and graphs depicting the overall trends with respect to three key dimensions: the socio-economic environment, the socio-cultural environment, and the governance environment. Brief explanations are offered for the overall trends observed. It purports to be the first index measuring the long-term conditions affecting the potential of citizens to participate in civil society, including loosely affiliated citizen groups such as those participating in the Arab Spring or the Occupy Movement.¹⁸
- The Hudson Institute's Philanthropic Freedom Index (PFI): The PFI is an Index designed to identify the barriers and incentives for individuals and organizations to donate resources (money and time) to social causes. Its goal is to help countries identify policy changes that will encourage philanthropy by, in part, assigning an "overall philanthropic freedom score" for each country examined ranging from one (most restrictive to philanthropic freedom) to five (least restrictive to philanthropic freedom). Its first and to date only report, a 13-country pilot study, also discusses the study's overall findings associated with the three dimensions it examines (civil society regulation, domestic tax

¹⁸ CIVICUS, *The Enabling Environment Index* (2013), available at <https://civicus.org/eei/>.

regulation, and cross-border flows regulation), as well as a summary of incentives and barriers to philanthropic freedom, the implications of its findings, and applications to policy making. A link to each participating country's survey results is included in the report.¹⁹ In 2014 the Hudson Institute began collecting data for an expanded PFI that will cover approximately 60 countries, with an expected release date of May/June 2015.

The three monitoring frameworks include:

- The Global Partnership Monitoring Framework, Indicator #2 (GPMF Indicator #2): This monitoring tool is part of a broader framework devoted to tracking progress on improving the effectiveness of development cooperation as agreed upon by the Global Partnership for Effective Development Co-operation in 2011 during its meeting in Busan, South Korea. Indicator #2 specifically measures the extent to which “civil society operates within an environment that maximizes its engagement in and contribution to development,”²⁰ with the key objective of supporting international accountability and providing “an entry point for a political discussion of broad trends.”²¹ A progress report was published in April 2014 documenting the “broad trends” observed since the 2011 summit in Busan.²²

The CSO Contribution to the Global Partnership Monitoring Framework (The CPDE Report): This report produced by the CSO Partnership for Development Effectiveness (CPDE)²³ synthesizes and presents evidence on the current state of enabling conditions for CSOs by focusing on three broad areas: universally accepted human rights and freedoms affecting CSOs, policy influencing, and donor-CSO relationships. Its first (and to date, only) report, entitled “An Enabling Environment for Civil Society Organizations: A Synthesis of Progress since Busan,” includes a summary of the key findings on each of the 3 areas, as well as individual country case study assessments. The CPDE Report addresses “those components that relate most directly to the Busan commitments, and are largely within the control of stakeholders adhering to the Busan Partnership.”²⁴

¹⁹ The Hudson Institute, *Philanthropic Freedom: A Pilot Study* (2013), available at <http://hudson.org/research/9555-philanthropic-freedom-a-pilot-study>. See p. 6 of the report for the links to each participating country's survey results.

²⁰ 2014 Progress Report, at p. 59.

²¹ *Ibid.*, p. 60.

²² *Ibid.*, p. 59; Global Partnership for Effective Development Co-operation, “Guide to the Monitoring Framework of the Global Partnership,” (2013), available at http://effectivecooperation.org/wordpress/wp-content/uploads/2013/08/20130701-Busan-Global-Monitoring-Guidebidance_ENG_FINAL.pdf.

²³ CPDE is an open platform that unites civil society voices around the world. The CPDE's core mission is to promote development effectiveness in all areas of work, including through active engagement with the Global Partnership for Effective Development Cooperation. See their vision and mission statements here: <http://www.csopartnership.org/about/mission-vision-goals-and-objectives/>.

²⁴ Civil Society Partnership for Development Effectiveness, “An Enabling Environment for Civil Society Organizations: A Synthesis of Evidence of Progress Since Busan,” (2013) 5 (paragraph 6) available at <http://www.csopartnership.org/an-enabling-environment-for-csos-a-synthesis-of-evidence-of-progress-since->

- The Monitoring Matrix on the Enabling Environment for Civil Society Development (Monitoring Matrix): This matrix and its accompanying monitoring methodology are designed to be used by CSOs to monitor the principles and standards identified as crucial to a supportive and enabling legal environment for CSOs.²⁵ The Matrix is organized around three core areas: basic legal guarantees of freedoms, framework for CSOs' financial viability and sustainability, and government-CSO relations. Its country reports include a country profile, the "top 6 findings," the "top 6 recommendations," and detailed descriptions of the legislation and practices associated with each of the 3 core areas (as well as their corresponding sub-areas, standards and indicators). Though designed to be used by CSOs, it can and has been adapted for use by government officials and donors.²⁶

The two assessment guides include:

ICNL/CIVICUS' Enabling Environment National Assessments (EENA): This assessment guide is designed to provide step-by-step instructions on how to thoroughly characterize the nature of a nation's enabling environment for civil society, and on the basis of that characterization, to advocate for reform. The assessments are designed to be locally-guided, rooted in primary data collected at the grassroots level, and validated by a consensus based, multi-stakeholder process with the dual purpose of strengthening the capacity of civil society to advocate for an enabling environment and improving CSO-government relations. It is intended to provide a more detailed complement to the EEI and can be adapted to any national context. While it avoids rankings and scores, it color

[busan/](#). Brian Tomlinson of Aid Watch Canada was responsible for compiling and producing the final synthesis report, which he did by building upon the many contributions of CSO members of the Working Group on CSO Enabling Environment at the CPDE. According to the synthesis report, the "work was produced in collaboration with the various CPDE members at the country level, who organized and contributed to CSO-led processes in the past several months, bringing together country assessments of current issues in enabling conditions for CSOs."

²⁵ The Matrix was developed by a group of expert members of the Balkan Civil Society Development Network and ICNL/ECNL. ICNL/ECNL provided overall strategic support and technical expertise on methodological and thematic issues to the expert team during the development of the Monitoring Matrix. ECNL also authored the Toolkit on Enabling Environment for Civil Society Development, which elaborates on the Matrix's areas and indicators in more detail to assist in implementing them. See the Monitoring Matrix on the Enabling Environment for Civil Society Development website, which includes the Toolkit, the monitoring matrix, and the reports:

<http://monitoringmatrix.net/>.

²⁶ In 2013, the European Commission Directorate General Enlargement adopted the Guidelines for EU Support to Civil Society in Enlargement Countries, 2014-2020, which will allow for the measurement of progress at the country level as well across the enlargement region. The Guidelines contain a Monitoring and Evaluation and Proposed Results Framework that will measure progress towards "[a]n enabling legal and policy environment, for the exercise of the rights of freedom [of] expression, assembly and association," among other objectives, and includes relevant results, indicators, and data sources. It is the first such framework adopted on EU level. For more information, see http://ec.europa.eu/enlargement/pdf/civil_society/doc_guidelines_cs_support.pdf

codes each dimension examined: green for ‘enabling,’ red for ‘impeding,’ and yellow for ‘partially enabling.’²⁷

- CIVICUS’ Civil Society Index-Rapid Assessment (CSI-RA): The CSI-RA is an assessment tool created as a more flexible, adaptive, cheaper, and easier to administer version of an earlier index, the Civil Society Index. The tool is designed to be adaptable to the specific dynamics of any context, including politically volatile or changing national landscapes. While CIVICUS facilitates the assessment process, it is designed to “to support civil society self-assessments in order to enhance the strength and sustainability of civil society for positive social change.” Users are able to choose from among an optional list of indicators based on their particular needs or desired change, with the core objective of better understanding and supporting the new dynamics currently defining civil society in differing contexts. The reports generated by the CSI-RA include trend analysis, a power analysis map of CSOs’ internal and external relationships, in-depth country reports on the state of civil society, and action-oriented policy briefs designed to elicit positive change.²⁸

The chart below provides summary descriptions of each of the eight assessment tools.

Summary of Assessment Tools	
CSOSI	Examines the overall strength and viability of civil society by examining and assigning scores to 7 interrelated dimensions.
EEI	Evaluates the capacity of citizens, whether individually or collectively, to participate in civil society in 109 countries.
PFI	Designed to examine the barriers and incentives for individuals and organizations to donate resources to social causes.
GPMF Indicator #2	Measures the extent to which civil society operates within an environment that maximizes its engagement in and contribution to development.
CPDE Report	Synthesizes and presents accessible evidence on the current state of enabling conditions for CSOs based primarily on primary country-level research and CSO consultations.
Monitoring Matrix	Examines implementation of the key principles and standards identified as crucial for a supportive and enabling legal environment for CSO operations in the countries comprising the Western Balkans and Turkey.
EENA	Facilitates the strengthening of civil society’s advocacy capacity and aims to improve CSO-Government relations by providing a step-by-step guide for a locally led assessment of civil society’s enabling environment.

²⁷ Not currently available online. Contact ICNL or CIVICUS for details.

²⁸ For the “History and Origins of the CSI-RA” go to: <http://www.civicus.org/index.php/en/what-we-do-126/2014-04-25-03-26-23/csi-ra>. For access to the CSI-RA reports conducted in certain states in West Africa, go to: <http://www.civicus.org/index.php/en/resources/2047-civil-society-index-raplbid-assement-csi-ra-west-africa-reports>.

CSI-RA	Supports civil society self-assessments in any context, including unstable or politically volatile environments, in order to enhance the strength and sustainability of civil society’s ability to promote positive social change.
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Key Dimensions & Indicators

Each assessment tool conceptualizes the various components, or dimensions, that comprise the enabling environment in which civil society exists in differing ways, thus capturing different facets within its analytical embrace. By examining varying dimensions to measure the health of civil society, they provide an array of options for exploring the multifaceted and nuanced aspects of the environment in which civil society actors are immersed, aspects that are instrumental in determining whether civil society actors can effectively operate.

The CSOSI includes thirty-five indicators to help evaluate and examine its seven broad dimensions, which include: the legal environment, organizational capacity, financial viability, advocacy, service provision, infrastructure, and public image.²⁹ For each dimension a series of indicators, drafted in the form of questions, is included to help unearth relevant information regarding the overarching dimension.³⁰ Indicator scores are averaged to create overall scores for each of the dimensions, which themselves are averaged to create an overall ‘CSO sustainability’ score. A detailed narrative discussing each dimension and the corresponding indicators, as well as the factors that led to any change in score, is included in a country report.

The EEI is broken up into three dimensions, seventeen sub-dimensions and fifty-three indicators. The Monitoring Matrix has three key areas (Basic Legal Guarantees of Freedom, Framework for CSO’s Financial Viability and Sustainability, and Government-CSO Relations), which are broken up by eight sub-areas, eight principles, twenty-four standards/benchmarks, and a lengthy list of indicators, the latter of which are divided between those pertaining to “legislation” and those relating to “practice.”³¹

Other tools include more open-ended lists of dimensions that can be tailored and adapted to particular contexts. CIVICUS’s CSI-RA includes a list of seven “possible areas of assessment” (see below), each of them broadly construed so that implementers can adapt them, with CIVICUS’s assistance, to their “local realities and specificities.”³² According to CIVICUS, the CSI-RA is

²⁹ Indicators, which are often in the form of questions or statements, are typically provided to help understand and assess the broader dimensions being examined.

³⁰ An example of one of the six indicators used to assess legal environment is: “Registration: Is there a favorable law on CSO registration? In practice, are CSOs easily able to register and operate?” See 2012 Report for Europe and Eurasia, 229-233.

³¹ See Monitoring Matrix on Enabling Environment for Civil Society Development, The Tool-Kit, Annex, pp.60-68, available at http://monitoringmatrix.net/wp-content/uploads/2014/04/BCSDN_Monitoring_Matrix-tool-kit.pdf.

³² See CIVICUS, “What can the CSI-RA measure?” at <http://www.civicus.org/index.php/en/what-we-do-126/2014-04-25-03-26-23/csi-ra/csi-ra-measurements>.

designed to allow project managers “to make an assessment of what they want to measure and which dimensions they wish to focus on, according to the particular context.”³³ In a similar way, the EENA includes a list of six mandatory dimensions as well as four optional ones, which a local implementer can choose to include if they add additional insight to its assessment, and if time and budget constraints permit.

Some of the tools, such as CIVICUS’ EEI and the CSI-RA, focus on the health of civil society generally,³⁴ while also emphasizing the cultural aspects of civil society’s enabling environment. The EEI specifically examines the “socio-cultural” environment in which civil society actors are immersed, as well as the socio-economic and governance environments; while the CSI-RA measures “the extent to which organised civil society models progressive values.”³⁵ Others, such as USAID’s CSOSI, which focuses specifically on CSOs, emphasizes aspects of CSO sector sustainability, such as financial viability, infrastructure, and organizational capacity.

There is significant overlap in the dimensions embraced by the eight tools, suggesting some common features to the multitude of conceptualizations of civil society’s “enabling environment.” For example, most of the indexes measure the organizational capacity of civil society actors, though this is referred to in differing ways.³⁶ And many, though not all, measure CSO-government relations,³⁷ financial viability,³⁸ and the existence of key rights and freedoms.³⁹

Each assessment tool seems to offer its own unique dimension(s) as well. USAID’s CSOSI measures the public image of CSOs; CIVICUS’ CSI-RA measures the values held by civil society; CIVICUS’ EEI measures civil society’s socio-cultural environment; the GPMF Indicator #2 examines platforms for multi-stakeholder dialogue; the CPDE Report measures the rights of

³³ Ibid.

³⁴ Civil society is defined as “the arena, outside of family, the state, and the market, which is created by individual and collective actions, organisations and institutions to advance shared interests.” Lorenzo Fioramonti, “Methodological note on the CIVICUS’ Civil Society Enabling Environment Index,” (CIVICUS: 2013) 2.

³⁵ See Call for expressions of Interest - The new CIVICUS Civil Society Index Rapid Assessment, available at http://civicus.org/images/stories/csi/csi_phase2/csi-ra%20launch%20text%20af.pdf.

³⁶ USAID’s CSOSI measures “Organizational Capacity.” CIVICUS’s CSI measures “Structure.” CIVICUS’ CSI-RA measures “Institutional Health.” CIVICUS’ EEI measures “Civil Society Infrastructure.” ICNL’s and CIVICUS’ Enabling Environment National Assessments (separately) measure “Formation” and “Operation.”

³⁷ The EENA and Area 3 of the Monitoring Matrix examines Government-CSO relations. Within *Dimension #5* of the CSOSI, “Service Provision,” “government recognition and support” is examined.

³⁸ See Dimension #3 of USAID’s CSOSI.

³⁹ The Monitoring Matrix’s first main area is “Basic legal guarantees of freedom.” The EENA includes, as two of the five mandatory dimensions, “expression” and “peaceful assembly,” which examine the extent to which these rights exist. The GPMF, as its first dimension, measures “Recognition of rights and freedoms affecting CSOs.” The GPMF Indicator #2 and the CPDE Report, as part of Area One (“Universally accepted human rights and freedoms affecting CSOs”) measure the “legal and regulatory environment: recognition and implementation of rights and freedoms affecting CSOs.” USAID’s CSOSI examines the “legal environment” as its first dimension. CIVICUS’s EEI measures “political rights and freedoms” as the 12th of its 17 sub-dimensions. The World Bank’s ARVIN has as its first indicator, “Association: the freedom of citizens to associate,” and as its third indicator: “Voice: the ability to formulate and express opinions.”

specific groups; and the Hudson Institute’s PFI measures the ease or difficulty of sending cross-border donations, as just some examples.

The table below summarizes the key dimensions embraced by each tool.

Key Dimensions and Indicators	
CSOSI	<ul style="list-style-type: none"> (1) Legal Environment (2) Organizational Capacity (3) Financial Viability (4) Advocacy (5) Service Provision (6) Infrastructure (7) Public Image <p>Dimensions are assessed according to 35 indicators (4-6 for each dimension).</p>
EI	<ul style="list-style-type: none"> (1) Socio-Economic Environment (25% of overall score) (2) Socio-Cultural Environment (25% of overall score) (3) Governance Environment (50% of overall score) <p>The 3 dimensions are disaggregated into 17 sub-dimensions, which are assessed using 53 indicators.</p>
PFI	<ul style="list-style-type: none"> (1) Civil Society Regulation (2) Domestic Tax Regulation (3) Cross-border flows Regulation <p>The 3 dimensions are accessed by 9 indicators.</p>
GPMF Indicator #2	<ul style="list-style-type: none"> (1) The legal and regulatory framework for CSOs (2) Support from providers of development co-operation (3) Platforms for multi-stakeholder dialogue⁴⁰
CPDE Report	<ul style="list-style-type: none"> (1) Universally accepted human rights and freedoms affecting CSOs (2) Policy Influencing (3) Donor-CSO Relationships
Monitoring	<ul style="list-style-type: none"> (1) Basic Legal Guarantees of Freedom

⁴⁰ Indicator #2 of the GPMF intended to rely on the sub-dimensions of the EI to assess the legal and regulatory framework for civil society, but the Global Partnership found the EI lacked sufficient data, as it was based on a single source with limited country coverage (see p. 59 of the 2014 report). Instead, the Global Partnership intends “to build upon the work of CIVICUS with additional qualitative evidence to identify some trends and challenges on the path towards an enabling environment for CSOs.” See 2014 Progress Report, 59, available at http://www.keepeek.com/Digital-Asset-Management/oecd/development/making-development-co-operation-more-effective_9789264209305-en#page62.

Matrix	<ul style="list-style-type: none"> (2) Framework for CSO’s Financial Viability and Sustainability (3) Government-CSO Relationship <p>The 3 Areas are divided by sub-areas and defined by key principles, standards/benchmarks, and indicators.</p>
EENA	<p>6 Mandatory Dimensions:</p> <ul style="list-style-type: none"> (1) Formation (2) Operation (3) Access to Resources (4) Expression (5) Peaceful Assembly (6) Government-CSO Relation <p>4 Optional Dimensions:</p> <ul style="list-style-type: none"> (1) Internet Freedom (2) CSO Cooperation and Coalition (3) Taxation (4) Access to Information
CSI-RA	<ul style="list-style-type: none"> (1) The enabling environment of civil society (2) Power relations within civil society (3) Level of institutionalization of civil society (4) Civil society’s practice of values (5) Perceptions of civil society impact (6) Civil society resourcing (7) Participation and activism

Specific Legal Dimensions

Without exception, each of the assessment tools measures, to some extent and in varying levels of depth, the legal and regulatory environment in which civil society actors operate. Indeed, several of the assessment tools specifically point out the dearth of datasets available to measure the legal dimensions of civil society’s enabling environment and set out to fill this void. The November 2012 Update on the Global Framework Monitoring the Busan Commitments, for example, laments the lack of primary data collection, including large-scale datasets, documenting the legal and regulatory framework for CSO activity.⁴¹ Similarly, CIVICUS, in its introduction to the EEI, acknowledges that a “key limitation” of its composite index is the “lack of statistical data” on the legal environment, which (it points out) will require the gathering of in-depth primary data at the country level.⁴² And the 2014 progress report on implementing the

⁴¹ See Busan Global Partnership Monitoring Framework: Global Framework of Indicators and Targets for Monitoring Busan Commitments: An Update (2012), 8 available at http://cso-effectiveness.org/IMG/pdf/doc3_update_on_global_monitoring_framework_20nov2012_.pdf.

⁴² CIVICUS, “frequently asked questions” (Does the EEI tell the whole story of the enabling environment?) at <https://civicus.org/eei/>.

Busan commitments points out the “lack of detailed data” available with respect to the legal and regulatory framework for CSOs, making “a meaningful dialogue on the state of the CSO enabling environment” difficult if not impossible at this juncture.⁴³

The eight tools also focus on slightly different, though at times overlapping, aspects of the legal environment in which civil society operates. USAID’s CSOSI for example, in its dimension measuring civil society’s “legal environment,” looks at the laws and regulations surrounding registration, operation, taxation, and earned income, as well as administrative impediments, state harassment, and local legal capacity.⁴⁴ The EEI, in contrast, examines the political and associational rights and freedoms of CSOs in addition to the “NGO legal context,” among other such legal-focused dimensions/sub-dimensions.⁴⁵

The Monitoring Matrix’s primary focus is on the legal environment for CSOs, and specifically, on the “main principles and standards that have been identified as crucial to exist in order for the legal environment to be considered as supportive and enabling for the operations of CSOs.”⁴⁶ More specifically, Area 1 of the Monitoring Matrix measures ‘Basic Legal Guarantees of Freedom,’ including the freedoms of association, assembly and expression. In its accompanying toolkit, these freedoms are measured according to a variety of indicators that delineate the ideal conditions for such freedoms to flourish, including the ideal legislation and the ideal “practices” that should be observed once such legislation is adopted.⁴⁷

The CPDE Report also closely examines the legal and regulatory framework for CSOs. As part of Area 1 (‘universally accepted human rights and freedoms affecting CSOs’), ‘recognition of rights and freedoms affecting CSOs,’ as well as ‘the legal and regulatory environment,’ and ‘implementing rights and freedoms affecting CSOs’ are measured.

The EENA provides two lists of questions associated with each dimension, ‘factual questions’ and ‘perception questions.’ Factual questions in part survey the existing laws and regulations affecting civil society actors, while perception questions examine the extent to which such laws and regulations are enforced and how they are experienced on the ground. As such, similar to the Monitoring Matrix, both the laws on the books and how the law is perceived and experienced by civil society actors are fully assessed with respect to each of the EENA’s ten dimensions.

⁴³2014 Progress Report, 60, available at http://www.keepeek.com/Digital-Asset-Management/oecd/development/making-development-co-operation-more-effective_9789264209305-en#page61.

⁴⁴ See CSOSI’s first dimension.

⁴⁵ These are part of the “Governance Environment” dimension.

⁴⁶ See “Background” note at: <http://monitoringmatrix.net/background/>. Italics added for emphasis.

⁴⁷ For the Toolkit, see: <http://monitoringmatrix.net/the-toolkit/>.

Similarly, the PFI's three key indicators – civil society regulation, domestic tax regulation, and cross-border flows regulation – focus specifically on existing laws/regulations, and in so doing, help to paint a picture of the legal environment for civil society actors specifically engaged in philanthropy.

Legal Environment Dimensions or Indicators	
CSOSI	The 'Legal Environment' dimension specifically measures: (1) Registration (2) Operation (3) Administrative Impediments and State Harassment (4) Local Legal Capacity (5) Taxation (6) Earned Income
EI	Relevant sub-dimensions include: (12) Political Rights and Freedoms (13) Associational Rights (14) Rule of Law (15) Personal Rights (16) NGO Legal Context (17) Media Freedoms
PFI	Each of the three dimensions assesses the existing legal regime and its implications.
GPMF Indicator #2	Summarizes the legal and regulatory framework for CSOs.
CPDE Report	Area 1 examines universally accepted human rights and freedoms affecting CSOs. As part of Area 1: recognition and implementation of rights and freedoms affecting CSOs, ways forward in improving the legal and regulatory environment, and the rights of specific groups are examined.
Monitoring Matrix	Area 1 specifically measures "Basic Legal Guarantees of Freedoms," but all areas of the Matrix examine the legal and regulatory environment affecting that area, including laws and implementation and enforcement practices.
EENA	For each dimension, a series of "factual questions" assess what legal instruments, if any, promote or obstruct the enabling environment for civil society. A series of "perception questions" then assess the extent to which such laws are enforced and experienced. As such, both the laws on the books and their implementation on the ground are closely examined.
CSI-RA	Based on the implementer's needs and the particular context under examination, the legal environment can be chosen for consideration as part of a broader assessment.

Data Sources

The eight assessment tools gather the data for their reports using a variety of mechanisms, techniques and sources. While some of them require local implementers to gather original, primary data on the ground, others rely on secondary source information based largely on desk research performed by non-local civil society experts. Others rely on a combination of both.

The tools that rely largely on primary source data include the CSOSI and the PFI:

- CSOSI: An Expert Panel, composed of at least eight CSO practitioners and experts from each country, assigns scores for each of the seven dimensions, as well as an overall sustainability score. Country reports are drafted by local CSO partners; and an Editorial Committee based in Washington DC reviews the final scores and reports.
- PFI: The primary tool used to collect data is an expert opinion poll, designed by the Center for Global Prosperity staff with assistance from ICNL and key advisory board members. Country experts are responsible for completing the questionnaire by scoring appropriate questions and providing a short narrative to describe the overall philanthropic environment.

Those relying primarily on secondary source materials include the EEI, the Monitoring Matrix, and the GPMF Indicator #2, as described below.

- EEI: As a composite index, data is derived from seventy-one secondary data sources, including the CSOSI, with seventy percent of those sources coming from the 2010-11 period (this supplies the data for the socio-economic and governance dimensions). The remaining sources, which were used to assess the socio-cultural dimension, go back to 2005. Sources include the World Bank World Development Indicators, UN Human Development Index, World Values Survey and Transparency International's Corruption Perceptions Index, among many others. Note, however, that not all data sources were available for each of the countries assessed. For a country to be included in the EEI's ranking, existing data had to be available in at least fourteen out of the EEI's seventeen sub-dimensions.⁴⁸
- The Monitoring Matrix: The matrix was designed so that secondary data could be used to monitor the chosen indicators, "thus requiring the minimum of primary research, and reducing the need for financial commitments or specific data-collection expertise."⁴⁹

⁴⁸ See CIVICUS, "Background Note: CIVICUS Enabling Environment Index (EEI)," (2013) 1, available at https://civicus.org/eei/downloads/CIVICUS_EEI_BACKGROUND_NOTE_23_Sept_2013.pdf.

⁴⁹ The Monitoring Matrix Toolkit, "How to Use it," p. 56, available at http://www.balkancsd.net/images/BCSDN_Monitoring_Matrix.pdf.

Implementation of the matrix is flexible and adaptive, based on each country's unique circumstances; it can be completed by a group of CSO experts, or through a series of consultations with CSOs and/or stakeholders. On-going monitoring is conducted either through consultations with key stakeholders or a CSO expert team/panel once baselines are established.

- GPMF Indicator #2: Data was intended to be drawn largely from a subset of measures from CIVICUS' EEI, as well as other "relevant complementary evidence" generated by the CSO Platform for Development Effectiveness and/or other stakeholders, including the Multi-stakeholder Task Team on the Enabling Environment.⁵⁰ However, in the end, data was drawn from a multitude of sources, with the EEI being just one of many relied upon.⁵¹

Those relying on a combination of both primary and secondary source materials include the CSI-RA, the EENA, and the CPDE Report, as described below.

- CSI-RA: Data collection methods are jointly agreed upon on a case-by-case basis by CIVICUS and the implementing partner based on each country's needs, budgetary limitations, and political climate. Both primary and secondary source materials are available as options; indeed, a "mix of methods" is encouraged, including the use of existing concepts, scales, indicators and operational tools relevant to the context.⁵²
- EENA: Data for the national assessments is derived at the grassroots level, by local researchers, based on stakeholder interviews, focus group discussions with key stakeholders, and desktop research. The reports are reviewed by Expert Advisory Panels and validated at National Consultations.
- CPDE Report: Evidence for the report was gathered through a variety of sources, including CSO consultations; recently published research reports based on country analysis; and assessments of conditions and indicators relating to the freedoms of association, assembly and expression.

⁵⁰ Indicator #2, among the many sources it relies upon, draws heavily from the 2013 International Trade Union Confederation report on "Violations on Trade Union Rights," available here: <http://www.ituc-csi.org/countries-at-risk-2013-report-on?lang=en>.

⁵¹ See April 2014 Progress Report, 60, noting that because of the "lack of detailed data to date," and because the key EEI sub-dimensions for Indicator #2 were based on a "single source with limited country coverage," it became too difficult to construct a single indicator that would alone provide a "robust basis for meaningful dialogue on the state of the CSO enabling environment within the Global Partnership."

⁵² Ghana Anti-Corruption Coalition and West Africa Civil Society Institute, "The state of civil society in Ghana: An Assessment," (2013) 9, available at <https://civicus.org/images/stories/Ghana%20CSI%20RA%20final.pdf>.

Data Sources	
CSOSI	Expert Panel
EI	Composite Index drawing on over 70 secondary data sources, including other indices
PFI	Expert opinion poll
GPMF Indicator #2	Subset of measures from EEI plus evidence from the CSO Platform for Development Effectiveness and other “relevant complementary evidence.”
CPDE Report	Primary country-level research and CSO consultations; recently published reports, based on country analysis; and assessments of conditions and indicators relating to the freedoms of association, assembly and expression.
Monitoring Matrix	Secondary sources gathered through desktop research, including country studies, regional and global indices such as CSOSI, Freedom House reports, and ICNL’s NGO Law Monitor, ⁵³ among many others. ⁵⁴
EENA	Implementer gathers information through desktop research, stakeholder interviews and focus groups.
CSI-RA	A mix of methods and sources are used based on each implementing partner’s needs and desires in consultation with CIVICUS.

Scope: Temporal and Geographical

The methodologies of all of the tools examined could theoretically be applied in any country or region. However, due to obvious financial and logistical constraints, none have been universally applied or implemented. The CSOSI, for example, is funded only in certain geographical areas, which have significantly expanded over time; others, such as the CSI-RA, were designed to be implemented on an as-needed basis at the implementers request, and thus, are limited to only those countries that have chosen to utilize it. Still others, such as the PFI, have only been piloted in a small, yet regionally diverse, number of countries, though the Hudson Institute plans to release a second, broader PFI covering approximately 60 countries in the summer of 2015. Conversely, the EEI, as a composite index, did not require the same level of financial and logistical investment necessary to collect primary data; thus, it covers a sweeping 109 countries, a larger number than any of the other tools considered here.⁵⁵

⁵³ ICNL’s NGO Law Monitor provides up-to-date information on legal issues affecting not-for-profit NGOs around the world. Currently, ICNL presents reports on 48 countries and 8 multilateral organizations. Each country report provides an overview of key issues relating to the freedom of association and NGO legal framework, with a focus on legal barriers affecting civil society. And each multilateral organization report provides an overview of the organization, with a focus on NGO legal issues. To view these reports, go to: <http://www.icnl.org/research/monitor/>.

⁵⁴ Note, however, that laws are examined directly; not through secondary sources.

⁵⁵ The EEI does not involve time-consuming and expensive on-the-ground research and data collection; instead, it relies on secondary data sources gathered largely from desktop research. A comparatively smaller staff is required to

One of the benefits of USAID's CSOSI is that it is published annually and thus provides regular comparative data on the dimensions of CSO sustainability. The CSOSI, which was launched in 1997 and now covers sixty-three countries: twenty-nine in Central and Eastern Europe and Eurasia, twenty-five in Sub-Saharan Africa, seven in the Middle East/North Africa, and Afghanistan and Pakistan. A report is published each year in hard copy and more recently online for each region; separate country reports are published for Afghanistan and Pakistan.

The GPMF is also intended to be published periodically; its first progress report, which included an assessment of Indicator #2, was published in April 2014.⁵⁶ Subsequent reports are expected every eighteen to twenty-four months in advance of the ministerial-level meetings held by the Global Partnership. One hundred and sixty countries/territories and forty-five organizations form the Global Partnership, though data for the 2014 report was reportedly drawn from forty-six countries that receive development co-operation.⁵⁷ The EEI, while including a large number of countries, is not intended for periodic publication, at least at this time.

The remaining assessment tools have, at least to date, been deployed in fewer locations. CIVICUS's CSI-RA, for example, while theoretically applicable to any country, has reportedly been piloted in The Gambia, Sierra Leone, and Tunisia and applied in at least four West African countries, including Senegal, Nigeria, Ghana and Benin.⁵⁸ Moreover, the CSI-RA is not intended to result in periodic publications, but instead occasional reports on an as-needed basis.

Similarly limited in scope is the Monitoring Matrix, which to date has covered only the countries that comprise the Western Balkans as well as Turkey, for a total of eight countries. The Matrix was launched in January 2013 with the intention of being reviewed after a one-year "test" period. Its first country assessments were released in the spring of 2014, alongside the launch of a website specifically devoted to its findings.⁵⁹

The EENA was created in 2013 and, to date, has sixteen participating countries, eight of which are currently in the process of developing their first assessments, including Bolivia, Cambodia, Zambia, Mexico, Lebanon, Uganda, Burkina Faso, and India.⁶⁰ While theoretically global in scope, reports are issued on an as-needed, occasional basis. Similarly, the PFI, which could also be

analyze these secondary sources and write the accompanying reports, while a computer system was designed to calculate the various scores included in the EEI.

⁵⁶ See report at <http://effectivecooperation.org/progress/>.

⁵⁷ Ibid., 3.

⁵⁸ Available reports include: Senegal, Sierra Leone, Nigeria, Ghana, and Benin.

⁵⁹ See <http://monitoringmatrix.net/>. The website also allows for country comparisons, provides detailed analyses for each country, and includes an interactive regional map containing useful CSO-related information.

⁶⁰ The remaining 8 countries have not yet been confirmed. Of the 8 that are underway: 3 are more or less finished, and are considered the pilot countries (Zambia, Bolivia and Cambodia); and the remaining five are currently ongoing (Mexico, Lebanon, Uganda, Burkina Faso, and India).

applied in any national context, released its first report in 2013 covering thirteen countries from a variety of regions around the globe.⁶¹

Finally, the CPDE Report, which allows civil society actors to directly participate in the tracking of the Monitoring Framework, has resulted in twelve summary country profiles to date.⁶²

Frequency of Publication and Geographic Coverage	
CSOSI	Published annually since 1997. Its geographical scope has expanded over the years, beginning with 18 countries in Europe and Eurasia; it now covers 63 countries in different regions of the world.
EI	Report published in Fall 2013. Not yet known whether the EI will be updated. ⁶³ Global in scope; covers 109 countries in Africa, Asia-Pacific, Europe, and the Americas.
PFI	Included 13 countries in its first (and to date only) pilot study: The Netherlands, the US, Sweden, Japan, Australia, Mexico, South Africa, India, Brazil, Turkey, Russia, Egypt, and China. The PFI is currently collecting data for a second edition covering approximately 60 countries, to be released in the summer of 2015.
GPMF Indicator #2	Busan commitments made in 2011; indicators chosen in June 2012; first progress report released in April 2014. Subsequent reports expected ever 18-24 months in advance of ministerial-level meetings by the Global Partnership. 160 countries/territories and 45 organizations form the Global Partnership; 46 countries submitted data for the 2014 progress report, which includes a discussion of Indicator #2.
CPDE Report	Report issued in October 2013. Includes 12 country profiles: Cameroon, Kenya, Malawi, Rwanda, Tanzania, Zambia, Zimbabwe, Indonesia, Kyrgyzstan, Nepal, Bolivia, and Honduras.
Monitoring Matrix	First reports issued in Spring 2014. Covers 8 countries: Turkey, Albania, Bosnia & Herzegovina, Croatia, Kosovo, Macedonia, Montenegro, and Serbia.
EENA	Toolkit created in 2013. Assessments conducted on an occasional, as-needed basis. 16 participating countries; 8 assessments currently underway: Bolivia, Cambodia, Zambia, Mexico, Lebanon, Uganda, Burkina Faso, and India.
CSI-RA	Launched in 2011. Piloted in The Gambia, Sierra Leone, and Tunisia. Available reports include: Senegal, Sierra Leone, Nigeria, Ghana, and Benin. ⁶⁴

⁶¹ Countries assessed in the pilot study include: The Netherlands, the US, Sweden, Japan, Australia, Mexico, South Africa, India, Brazil, Turkey, Russia, Egypt and China.

⁶² The 12 Summary Country Profiles, include: Cameroon, Kenya, Malawi, Rwanda, Tanzania, Zambia, Zimbabwe, Indonesia, Kyrgyzstan, Nepal, Bolivia, and Honduras.

⁶³ According to an email exchange with CIVICUS in May 2014, it reportedly hopes to publish an update in the coming years and is currently assessing “how often it will be worth updating given data source refreshment.”

Conclusion

Coinciding with a growing recognition of the importance of the environmental factors that allow civil society to flourish is a growing number of assessment tools with which to measure and assess the health of civil societies around the globe, including the enabling environments that allow them to thrive. Those interested in civil society's development now have at their disposal an increasing number of such tools, each of which offers an array of valuable insights based on the dimensions they assess and the methodological features they embrace.

There is an inevitable tradeoff between methodology, geographical scope and cost to be considered. Assessment tools relying on primary data can provide invaluable detail and significant depth, but can be expensive, time-consuming and difficult to administer. Conversely, tools relying on secondary data are easier and cheaper to conduct, and thus can cover a larger geographical scope, but are typically incapable of offering the same level of nuance and specificity as those relying on primary source, on-the-ground data collection. It is important to keep these tradeoffs in mind when examining or using any of the tools discussed above.

The tools examined here offer a wealth of information about the current state of civil societies' enabling environments around the globe. While additional work and data is certainly needed, these tools go a long way in advancing our collective understanding of the factors that contribute to the thriving, and the weakening, of civil society.

⁶⁴ Reports on West African countries can be accessed here:
<http://www.civicus.org/index.php/en/resources/2047-civil-society-index-raplbid-assestement-csi-ra-west-africa-reports>.