

# FAIR for ALL

## Synopsis Baseline report



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# 01 INTRODUCTION







# 01 INTRODUCTION

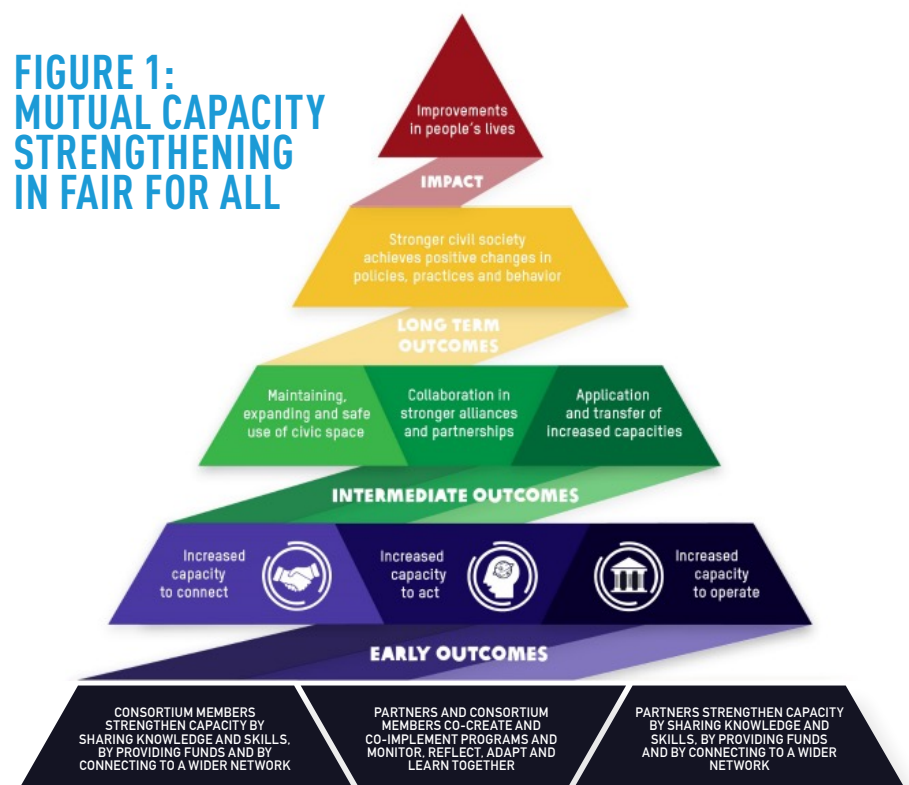
A huge share of the wealth created by global trade and in value chains accrues to those at the top, leaving those at the bottom further behind. International trade and global value chains did not create opportunities for two-thirds of people in the developing world. Instead, they are faced with limited market access, dwindling bargaining power, and low returns. Women are often hit harder by value chain abuses because they face added discrimination.

The consortium partners that implement the FAIR for ALL programme share a strong belief that value chains can be fair for all, distributing power equally and enabling all stakeholders to share in benefits. This requires systemic change: challenging underlying power structures and relationships that inform policies and practices –which are often designed to benefit the few and not the many.

Active citizens and a strong, rooted and diverse civil society play a crucial role in driving this fundamental shift. Activists, grassroots women, workers, farmers, thought leaders are already proposing alternative models which are based on principles of agency, shared value and equal relations of power.

The main focus of the FAIR for ALL programme is to support CSOs to play their diverse roles; as educators, mobilizers, creators and watchdogs to make trade and value chains FAIR for ALL. A consortium comprised of Oxfam Novib, Huairou Commission, Third World Network (TWN)-Africa and SOMO will implement this 5-year programme with funding from the Netherlands Ministry of Foreign Affairs (MoFA) under its Power of Voices subsidy framework.

**FIGURE 1:  
MUTUAL CAPACITY  
STRENGTHENING  
IN FAIR FOR ALL**

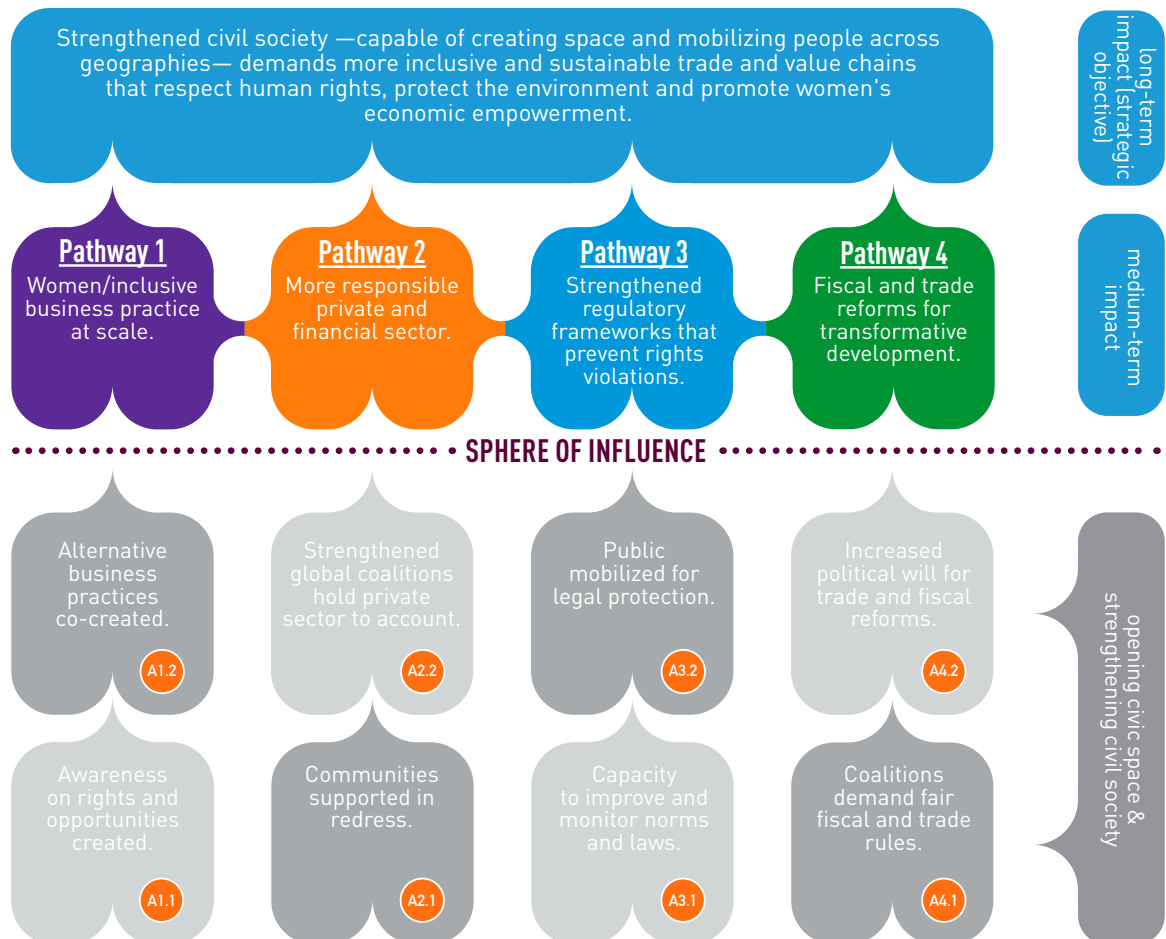




The programme will be implemented from 2021 through 2025 by over 130 organisations in 17 projects: 13 country projects (Brazil, South Africa, Mozambique, Ghana, Nigeria, Kenya, Uganda, OPT, India, Vietnam, Indonesia, Cambodia, Myanmar), two regional projects (Africa and Asia), Global and Netherlands projects.

The objective is: A strengthened civil society which is capable of creating space and mobilizing people across geographies to demand and contribute to more inclusive and sustainable trade and value chains that respect human rights, protect the environment and promote women's economic empowerment. Four 'pathways for change' will lead to this objective.

## DIAGRAM 1. FAIR FOR ALL THEORY OF CHANGE



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Pathways 1 and 2 contribute to a more responsible private sector.

- Pathway 1 strengthens civil society to co-create alternative, fair business practices.
- Pathway 2 strengthens civil society to advocate for a more responsible private and financial sector.

Pathways 3 and 4 contribute to a more accountable public sector.

- Pathway 3 strengthens civil society to advocate for more accountable governments, multilateral institutions and regulatory frameworks.
- Pathway 4 strengthens civil society to mobilize citizens for fiscal and trade reforms.

All pathways put people at the centre of change, and they are strongly connected and mutually reinforcing: private sector change requires public sector support and vice versa.

This document is a synopsis of the baseline report as required by the donor (MoFA) that was developed in December 2021, based on research executed by programme staff in the 17 projects. The baseline research was closely linked to the programme's MEL-strategy. The full baseline report (including the underlying research reports) allows reflection on the FAIR for ALL indicators, describes values on indicators at start of implementation and supports the review (or establishment) of targets on indicators. The answers to the baseline research questions establish a point of reference for the mid-term review and the final evaluation.



# 02 METHODOLOGY





# 02 METHODOLOGY

To enable reliable measurement of progress made towards the targeted outcomes, the FAIR for ALL baseline studied the conditions to understand the current context in the countries where the programme is implemented before the start of the programme. This FAIR for ALL baseline process involved a number of interconnected steps:

The process began with the consortium defining impact and outcome indicators. For each outcome and impact statement, a team of experts considered what information will indicate that these outcomes or impact will have been achieved. The existing indicators were specified towards the pathways, made measurable, easily verifiable, reliable, consistent, and relevant to the context, meanwhile incorporating the cross-cutting issues. The set of existing indicators was then completed to ensure all key elements of the programme were covered. Outcome and impact indicators help answering the question: How to know success when you see it? They also allow to track progress and test the theory of change. Furthermore, they drive data collection, analysis, and reporting.

Based on these indicators and the Theory of Change, baseline research questions specific to pathways and to the civic space context were developed at the programme level. Project staff selected the baseline research questions relevant to their projects and to include other useful questions in their respective, contextualized research.

These research questions were shared with the consortium members and their partners, based on which they designed and carried out data collection processes. In order to systematically analyse the issues and challenges specific to civic space, a number of questions based on Oxfam Novib's Civic Space Monitoring Tool were included.<sup>1</sup> This Civicus-inspired tool encourages the analysis of civic space along different dimensions and provides guiding questions per dimension. These guiding questions, operationalised towards the FAIR for ALL program's pathways, constituted the FAIR for ALL baseline research questions around civic space. Data collection on the four pathways happened through a combination of desk research, key informant interviews, focus group discussions, and sometimes surveys.

A specific data collection process was the capacity assessment survey (CATool). This is an online survey for organisations to self-assess their capacities. The CATool focuses on influencing skills, thematic knowledge, cross-cutting skills, and operational skills. The programme's mutual capacity strengthening approach is based on the notion that each organisation in the consortium brings valuable knowledge and skills to the table, and each has its own capacity strengthening needs. Organisations that want to learn more on a topic can benefit from insights other organisations gained through experience.

1 <https://policy-practice.oxfam.org/resources/civic-space-monitoring-tool-understanding-what-is-happening-in-civic-space-at-a-620874/>



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As the inputs to the research questions and the CATool were submitted, consortium staff and a team of writers worked on analysing and summarizing the wealth of information shared by the partners. Based on the analyses and inputs, an iterative report writing process was undertaken.

If possible, the staff of consortium members and their partners did the baseline research themselves. The FAIR for ALL programme management unit wanted those implementing the programme to learn about the current situation, to encourage them to develop a more precise idea of the desired change, and identify the opportunities. The baseline research, be it from document research, or from talking to relevant stakeholders, aimed to increase FAIR for ALL project (partners') staff's expertise. This expertise enhances their credibility (hence effectiveness) in the program's influencing work. Some domains were too difficult to access at short notice, and in some cases the project team was too small to finalize the baseline in time. In these cases, the baseline research was outsourced to consultants.

# 03 CSO CAPACITY ASSESSMENT





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# 03 CSO CAPACITY ASSESSMENT

The capacities of FAIR for ALL consortium members and their partners are an important condition for the successful development of the programme. To identify the strengths of organisations and to ensure they are supported in building their capacities, the Capacity Assessment Tool (CATool) was introduced as part of the FAIR for ALL baseline. This CATool is an online survey to self assess the capacity of an organisation.

The CATool contains 45 standard questions addressing elements like: *organisational profile*, *general capacities*, *needs* for additional support, *barriers* to receiving capacity strengthening and *offers* where an organisation could provide capacity strengthening to other organisations. Thirty questions address topics directly linked to the FAIR for ALL Programme, like *Influencing topics*, *Thematic topics*, *Cross-cutting topics*, and *Organisational development topics*. For each question an organisation could select a self-assessment score on a scale ranging from 0 to 6, with 0 signifying that the topic is not applicable to the organisation.

The capacity for which organisations on average rated themselves highest was *Financial management* (average score 5.2) and *Building coalitions, alliances and networks* (average score 4.9). Organisations rated themselves lowest on the topic *Legal protection of people in value chains* (average score of 3.6). Across all topics the overall average score that organisations rated themselves was 4.3.

Regarding Influencing topics, organisations rated themselves highest on *Building coalitions, alliances and networks* and *Developing an influencing strategy* (both an average score of 4.9). The lowest score was on *Public campaigning* (average score 4.1).

Regarding Thematic topics, the highest score was on *Women's economic empowerment* (average score 4.6). Lowest was on *Co-creating alternative business practices with private and public sector actors (P1)* and *Legal protection of people in value chains* (both an average score of 3.7).

Organisations rated themselves highest for the Crosscutting topic *Women's leadership and meaningful participation* (average score 4.7). Lowest score here was on *Civic space: mitigating risks and protection and Integrating conflict sensitivity* (both an average score of 3.9).

With regards to Organisational development topics, the highest average score was on *Financial management* (average score 5.2) and the lowest on MEAL capacities (average score 4.3).

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33 organisations (out of a total of 96 organisations that submitted the survey) selected MEAL as a top priority need for capacity strengthening (four topics could be mentioned). 32 organisations selected *Fundraising* as a top priority. *Budget or donor constraints* was most mentioned as a barrier to capacity strengthening (mentioned by 54 organisations). *Building coalitions, alliances and networks* was identified as the topics that most organisations feel confident enough about to offer support on to others.

CATool TOPIC	PRIORITY NEEDS	OFFERS
MEL for influencing	33	4
Fundraising	32	1
Policies, laws and norms on trade and / or value chains (P3 & P4)	23	11
Digital communication	23	7
Developing an influencing strategy	22	5

TABLE 1. TOP 5 PRIORITY NEEDS COMPARED TO OFFERS

When looking across all projects responding to the CATool, the project that rated itself consistently highest was The Netherlands Project, rating itself on average a score of 4.8 across all CATool topics. This is followed by the Myanmar Project, which rated itself on average a score of 4.7 across all CATool topics. The project rating itself consistently lowest was the Regional Africa Programme (average a score of 3.3), followed by the Regional Asia Programme (average a score of 3.8). The lowest scoring projects scores can be explained by the fact that (staff of) Regional Projects are newer to the topics covered by the FAIR for ALL Programme and have less expertise in these areas.



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# 04 CIVIC SPACE

All countries in the FAIR for ALL programme are faced with civic space restrictions. This will have an impact on the FAIR for ALL programme. Based on the (slightly adapted) 'Oxfam civic space monitoring tool', the risks and opportunities related to civic space in the programme countries are identified on 7 dimensions:

## 1. Regulatory framework

In recent years, most of the countries have introduced laws that restrict the space for CSOs. In some cases these laws are specifically targeting the CSO-sector (like the Law on Associations and Non-Governmental Organisations in Cambodia). But more often laws and policies are introduced that target CSOs indirectly (or covertly), like anti-terrorism laws, laws against money laundering, laws that restrict external funding, anti-defamation laws, regulations to counter fake news, etc. The Covid-pandemic in some countries (like Indonesia) has been used as an excuse to repress the rights of assembly and free speech.

## 2. Safety and well-being of people

Arrest, assaults, intimidation, and violence against CSO-activists are frequently reported. In many countries, civic activists working on value chains (e.g., women/youth, trade unions, land rights defenders) are targeted by government authorities and the security sector. The increasing insecurity in these countries negatively affects the ability of CSOs and individuals to engage in policy changing and in advocacy. Human rights defenders do their work at great personal risks. In Ghana, a country relatively free of harassments of CSOs, LGBTI+ activists are being criminalised.

## 3. Access to information and public voice

Most countries have laws that guarantee right to information (like the Freedom of Information Act in Nigeria), granting access to public records. In practice, these rights are severely hampered. For example, because requested information is handed over only after a long period (like in Mozambique). Or because the most relevant documents are considered sensitive to state security. In Indonesia, laws with vague language are increasingly being invoked to stifle dissent. Public voice is limited because CSOs have little access to main stream media (in Brazil), or because journalists writing critically about state policies or vested interests are harassed or persecuted, in spite of laws that guarantee their rights.

## 4. Freedom of assembly, association and dissent

In most countries (a notable exception is Myanmar), most civic freedoms are still guaranteed by law. But in practice permission for meetings and demonstrations that are expected to be critical of the government are often not granted based on all sorts of arguments: Covid, state security, bureaucratic reasons, traffic regulations etc. In Uganda, for example, the right of assembly is restricted through the Public Order Management Act.



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## 5. Dialogue and consultation

In Ghana several instances are reported where CSO policy recommendations regarding trade, tax, and investment were adopted and implemented by government. In other countries governments in general do not consult citizens when developing policies (e.g. OPT). But in many other countries a meaningful dialogue and consultation with the government is limited by a number of factors, including: lack of information, no Free, Prior and Informed Consent, and limited space for involvement in decision-making processes

## 6. Access to justice

In some countries, the judiciary system provides some protection against repression or harassment by state or private sector actors. Courts both in Kenya and Uganda have on several occasions ruled in favour of local communities and/or CSOs against private companies infringing on their rights. In a country like Cambodia, however, the executive powers have actively used the judiciary to systematically persecute civil society leaders and journalists.

## 7. Legitimacy and accountability of civil society

In countries like South Africa and Uganda, civil society is often criminalised and/or accused of encouraging violence. CSOs are also framed as 'foreign agents' or as front organisations of political opposition groups. In Ghana, the general positive perception CSOs enjoy is sometimes affected by their limited financial transparency. Also in other countries public trust in CSOs seems to be fading.

# 05 MOST RELEVANT BARRIERS AND CHALLENGES PER PATHWAY



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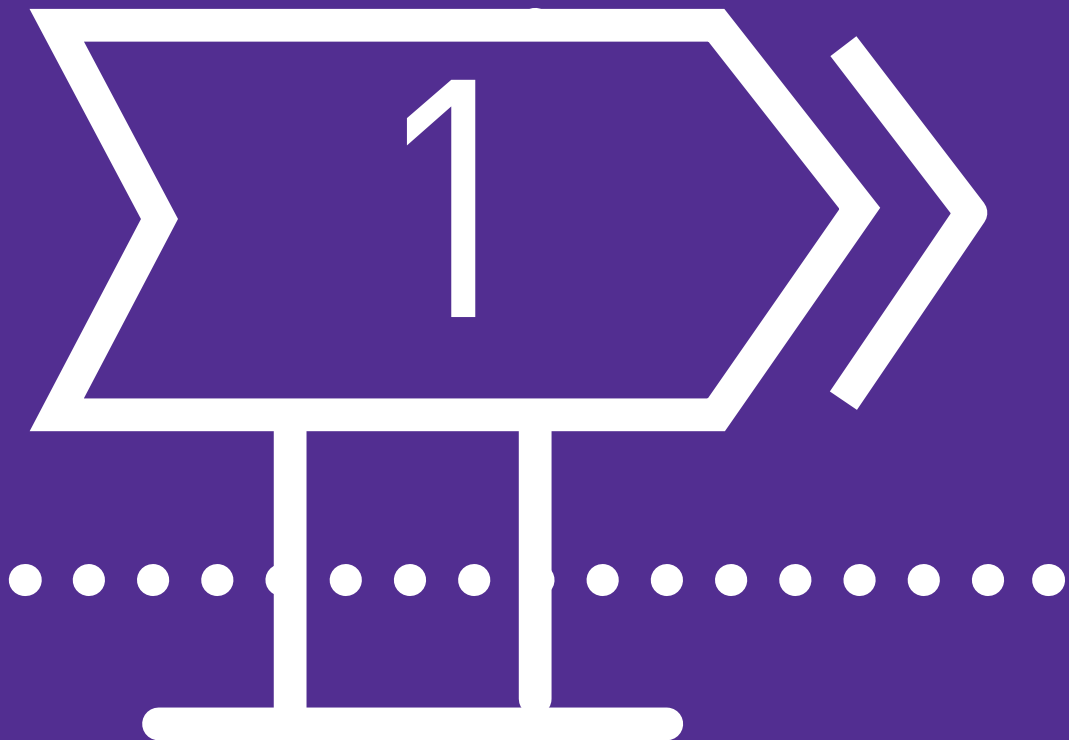
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## PATHWAY 1

### Most relevant barriers and challenges

Pathway 1 strengthens civil society to co-create alternative business practices that share value more equally and empower women. The change pathway is expected to achieve impact through: 'Civil society has enabled the co-creation, implementation and scaling of alternative value chains, in particular those that empower women producers and return a FAIR share of value to communities, alongside more inclusive practices within existing value chains.'

The impact will be evaluated through one impact indicator:

#### Impact indicator 1:

# Alternative business models /more inclusive practices in existing value chains.

The current situation is, however, still far from this ambitious aim. The baseline report revealed unfair value chains in all countries that are part of the FAIR for ALL programme. Value chains are dominated by large-scale, commercial companies and big agricultural businesses. The monopolies and oligopolies that emerged significantly reduce the bargaining power of smallholder farmers, who consequently receive the lowest margins. Smallholder farmers are typically extra vulnerable to margin squeezes due to high input prices and a lack of bargaining power.

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In many countries, such as Myanmar, incomes or wages for smallholder farmers fall below the living wage and can be considered poverty wages. Working conditions are often poor and farmers work under unsafe, unhygienic and undignified conditions. They are also constrained by limited access to, and high costs of, finance, progressively smaller farm sizes, low levels of farmer organisation, low yields at farm level, and high costs of farm inputs.

Land ownership issues also play a key role, including land grabbing. For example, in Mozambique, productive land is limited and large-scale agricultural companies are displacing smallholder farmers. Typically, people are forced off their ancestral land without prior warning or compensation. Similarly, in Myanmar, land lease contracts are rather informal and farmers sometimes do not receive the fees. Or worse, they are threatened to lease their land, including land grabbing, by powerful authorities without getting any fee or compensation.

These poor working conditions are even further exacerbated for disadvantaged groups, such as women or youth. Women and disadvantaged groups typically participate in the lower levels of the value chains by offering their labour. Women work not only in the fields and pastures, but also in agricultural processing and packaging plants. Evidence further shows that there is no gender equality in ownership and control over productive resources such as land, livestock, farm machinery, and transport equipment. Many rural women are over worked, their land rights are limited, they have less access to agricultural extension services, limited access to labour saving technologies for food production, and an unequal access to agricultural credit facilities for appropriate agro-processing. Furthermore, women hardly hold executive positions, they typically do not own land, earn less than their male counterparts, work under unsafe conditions, and often face sexual harassment. Also the de facto inequity in access to and control over land and property rights constrains women from accessing various other determinants of business success, such as finance.

A crucial barrier that hinders women to participate fairly in these value chains are patriarchal and social norms that exclude women from decision-making processes. In Ghana, for example, cocoa farming has long been seen as a 'male crop'. While women play an important role in the production of cocoa on small-scale family-based farms, their contribution is often undervalued, often unpaid, and they are provided with insufficient training or access to inputs and resources to maximize their potential to enhance production. Similarly, in the Ghanaian small-scale mining sector, women in particular are paid the lowest wages, while having the most labour-intensive roles.

For pathway 1, the following expected outcomes were developed:

### Expected Outcome 1.1:

Empowered women and rural communities and strengthened CSOs are aware of rights and economic opportunities.

### Expected Outcome 1.2A:

Strengthened CSOs, empowered women and rural communities have co-created alternatives to current business practices with private- and public-sector actors.

### Expected Outcome 1.2B:

CSOs and public and private champions promote viable alternative business models, contributing to shifting the terms of debate on (primary-commodity) value chains and economic development.

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The consortium staff selected the most relevant indicators that were included in the baseline report. The paragraphs below present the situational background behind the selected indicators.

### **Indicator 1.2.1) # Cases of private-and/or public sector actors engaged in co-creating and/or promoting alternative business models/practices and/or enabling environment**

In general, the public and private sector commitment to fair and inclusive value chains is limited. Vulnerable groups are not enabled to effectively participate in value chains and decision-making.

In addition to the private sector not prioritizing fair and inclusive practices, legislation further hampers the development of alternative business models, as laws predominantly favour the interests of the private sector. In Mozambique, for example, value chains are not regulated by law. As such, there are no deliberate effort by private actors to address the concerns of these vulnerable groups. On the contrary, private actors are colluding to keep small-scale farmers poor. Similarly, in OPT, labour laws are not applicable in the agricultural sector. This means that worker's rights cannot be enforced and there are no regulations concerning their working conditions.

Several initiatives for more fair and inclusive value chains have been employed in all countries involved. Globally, Oxfam is engaged with various Multi Stakeholder Initiatives (MSIs), using benchmarks to rank and shame poorly performing companies. In the Netherlands, Oxfam The Hague is working on two Alternative Business Models: the Fair Company Community Partnership in the palm oil sector, with a focus on gender inclusion, fair prices, capacity strengthening and income diversification for smallholder farmers, and BlocRice, which aims to lower production costs in the rice value chain by strengthening agricultural cooperatives and women's empowerment.

Despite these initiatives, CSOs complain of slow processes, further delayed by COVID, and hampered by a lack of transparency.

### **Indicator 1.2.2) # Cases of private sector actors implementing alternative business practices**

Efforts by the private sector to enable participation and inclusion of grassroots groups are mostly lacking. Nonetheless, in most countries, there are examples of alternative business models instigated by the private sector. For example, in South Africa, the Centane Mbashe Agricultural Initiative (CMAI) develops a commercial model for the profitable and sustainable farming of communally-owned land where participants hold 60% of the shares, or business-specific efforts, such as the SAB Foundation Tholoana Enterprise Programme, that focuses on capacity building and financing women and rural entrepreneurs. In India, some companies are drafting plans to include marginalised communities. Or in OPT, where some companies have adopted fair-trade standards, such as the Al-Reef Company, Olive Mountain, and Canaan Company.

Sometimes, the involvement of the private sector in creating just and inclusive chains depends on the scale of the companies, such as in Indonesia. Large-scale companies have a greater impetus when they target international markets that require sustainable standards.



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In a similar vein, the global project also identified that most food companies have business models that are exploitative of people and natural resources. Alternative business models within multinational food companies are not common, but they are slowly becoming more popular. This is apparent in supermarkets across Europe and North America, where we see allegedly sustainably sourced eco-friendly products taking up more and more shelf-space ever year. But the impact is minimal at this point.

**Indicator 1.2.5) # Cases of shifts in the terms of debate on (primary commodity) value chains and economic development**

Though the value chains are not well formed, potential for dialogue and consultation between civil society and the private sector on alternative economic models exists. The new economic update in Kenya, for example, argues that boosting agricultural productivity can help reduce poverty, particularly in rural areas. The report recommends policy reforms that could help transform the sector and deliver on food and nutritional security.

In India, the industry, national bodies, and civil societies are engaged in fruitful dialogues and partnership across the country. In Uganda too, meaningful entry points have been identified for dialogue between civil society and the government on alternative economic models. In Ghana, CSOs have used protests, demonstrations and other channels, particularly the media – press conferences and press releases – to communicate their concerns, and to advocate for programmes or projects that ensure good governance, transparency, human rights, social and economic development. Although these may not be dialogue forms in the strict sense, they have been used as tools to either trigger social dialogue or support on-going social dialogue. Oxfam in The Netherlands is active in many networks and has several entry points to discuss alternative economic models, herby engaging directly with the private and financial sector.

Dialogues are not an option in all countries. For example, in Mozambique, the is hardly a meaningful dialogue because the private sector does not consider CSOs as partners of importance, and CSOs are also indifferent about the private sector. Or in Myanmar, where open dialogues or engagements are nearly impossible since the military's takeover. Also, with the shrinking space in OPT, many CSOs do not participate in a dialogue with the government. The OPT government does not consult with CSOs or with citizens, although there has been a change recently. CSOs are allowed to participate in the Citizens' Budgets, and on developing a participatory and gender-based budget.

**Indicator 1.2.6) # Cases of increased space for women and men to organise in alternative business models**

In many countries, laws severely limit the space for women and men to organise in alternative business models. As such, these laws seriously inhibit CSOs from promoting and advocating for new business models and the empowerment of women. Such as in South Africa, where the gender disparity concerning land ownership underpins women's discrimination. In Uganda, the "cyber harassment" offence is intended to safeguard the citizens, yet many Ugandans actually feel this law puts them at risk because they may be accused of cybercrimes. This is especially true of journalists and human-rights defenders (HRDs). Likewise, in OPT, the "Cybercrime Law", signed in 2017, provided the PA with legal instruments to enforce consequences on everything said or done online. The law grants power to state institutions to monitor, collect, and store data pertaining to online

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activities, and as such diminishes the freedom of expression of CSOs. Accordingly, CSOs are placed under undue scrutiny and even smear campaigns, making constant monitoring of violations in civic space and digital rights essential.

In Mozambique, laws are not restrictive of CSOs operations, but the interaction between CSOs and the state is at best informal and superficial. Local governments are blocking CSO activities, especially when they talk about natural resources management or the protection of the rights of local people. Additionally, cumbersome registration processes are contributing to a shrinking civic space.

Yet, some successful initiatives prevail. In Brazil, for example, the initiatives of the Pintadas Network are contributing to increasing the space for both men and women. In Ghana, the recent Solidaridad Advocacy for Change (AfC) programme has worked towards increasing civic space for farmers, miners, and workers to enable them to stand up for their rights and claim a better position in the supply chain.

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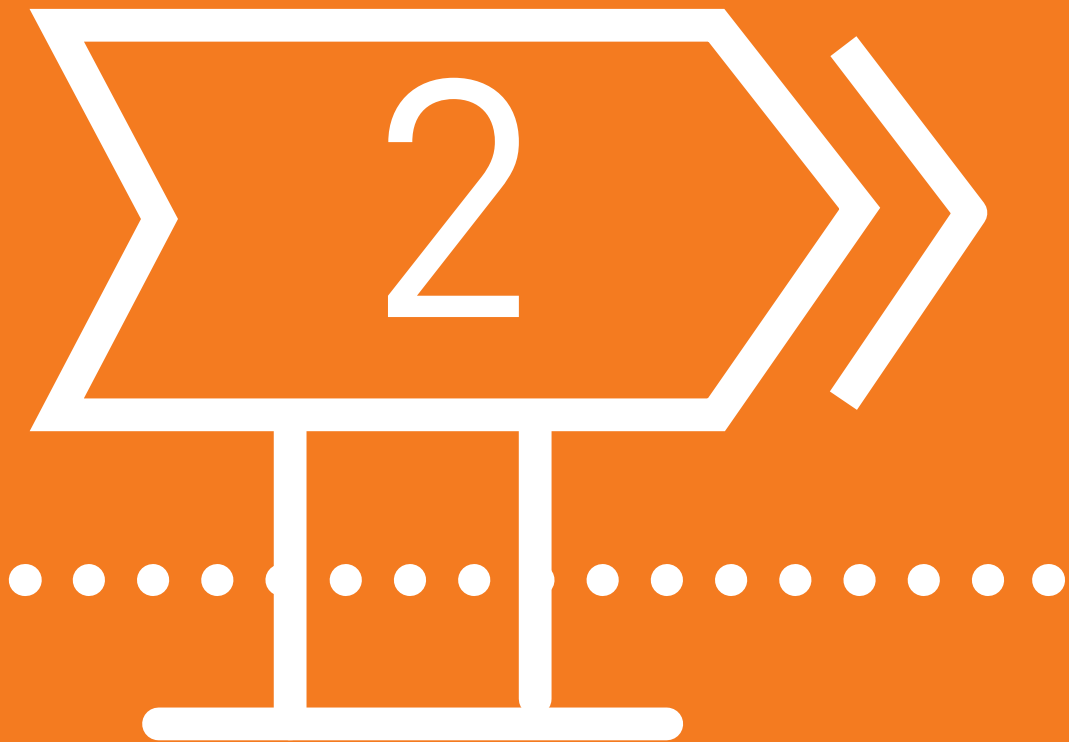
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## PATHWAY 2

### Most relevant barriers and challenges

Pathway 2 strengthens civil society to advocate for a more responsible private and financial sector that upholds land rights, decent work, living wages, women's and environmental rights and space for civil society to act. The expected impact of pathway 3 is formulated as: 'Civil society has contributed to a more responsible private and financial sector where trade and value chains respect human, labour and environmental rights and increase (women's) access to (productive) resources'.

The impact will be monitored and assessed through two impact indicators:

#### Impact indicator 2A:

# policy changes in private and/or financial sector actors' corporate accountability in trade and value chains

A number of countries where the programme is being implemented have policies in place to guide corporate accountability in trade and value chains. In Ghana, for example, National Contact Points (NCPs) for Responsible Business Conduct (RBC) are established to promote OECD guidelines. The biggest challenge, however, is the limited compliance with existing policies. In Ghana there are no measures instituted by supplying companies to ensure access to grievance and redress mechanisms.





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In some countries, like Brazil and Myanmar, existing policies have been suspended as a result of the political situation. In other cases, companies try actively to avoid compliance. Sometimes high levels of corruption frustrate diligent execution of existing policies.

Limited capacities and knowledge also prevent fair and sustainable value chains. The principle of Free Prior and Informed Consent (FPIC) is often not implemented by companies when dealing with communities. In Indonesia, the implementation of FPIC by investors is only done to fulfil administrative requirements. Poor implementation of FPIC often results in severe conflicts over land between communities, companies, and migrants as well as within communities.

In some countries, like Mozambique, the judiciary offers a way to settle disputes or to demand compliance with existing policies. In many cases, however, justice is undermined by corruption practices.

International guidelines offer countries a framework to regulate value chains, but again, compliance is an issue. In the Netherlands, a regulatory framework regarding mandatory due diligence is lacking. This hinders civil society from demanding accountability of the private sector.

### Impact indicator 2B:

# practice changes in private and/or financial sector actors' corporate accountability in trade and value chains

Companies in Brazil lobby for loosening environmental regulations, labour legislation, protection of traditional territories. Furthermore, they lobby for more subsidies, such as tax exemption and debt forgiveness. The current government is benevolent to their quests. Since 2019, the government has also closed councils and spaces for civil society participation for the development and implementation public policies. In many other countries, the great challenge of changing practices is the poor compliance with, and enforcement of, existing policies. Governments are not able or not willing to antagonise business interests.

In some countries, however, positive steps forward have been identified. In South Africa, for example, the Minerals Council's Human Rights Framework provides guidance to members on respecting human rights.

From a global perspective, one driver of harmful decisions by corporations and investors is the view that the main purpose of a corporation is to maximize value for shareholders. This interpretation of the purpose of a company has held sway for over half a century and is the accepted norm in most economies. So-called "activist" shareholders (such as hedge funds and private equity firms) invest to secure short-term returns and then move on, driving company directors to adopt the same short time horizon as financial markets. The short-term view of such investors is antithetical to sustainability.

Following the economic orthodoxy, application of human rights due diligence by traders and investors (such as banks, pension funds, insurers) in The Netherlands is low. Banks, insurance companies and pension funds score rather low on the Dutch Fair Finance Guides on the indicators related to human rights and labour rights.

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The expected outcomes and outcome indicators for pathway 2 include:

## Expected Outcome 2.1:

**Strengthened civil society collects evidence of rights abuses and supports communities in seeking redress.**

This expected outcome will be monitored and assessed through a number of indicators. The most relevant are:

**Indicator 2.1.1) # Cases of Coalitions engaged in policy dialogues with private and/or financial sector actors around prevention and/or redress of rights abuses**

In some countries – e.g., Cambodia, South Africa – only few CSOs are active in value chains. In other countries there is reluctance of CSOs to engage with the private sector, also because the national private sector often is not open to interaction with civil society. Multinational companies in some instances provide more opportunities for engagement.

CSOs highlight that companies should be obligated to undertake due diligence regarding Environmental, Social and Corporate Governance (ESG), particularly for those operating in regions where human rights defenders are at risk. For the most part, international investors and parent companies, whose funding and support initiated and enabled such projects, still do not regard local community leaders or human rights defenders as key actors to consult when planning projects. This often results in companies missing early warning signals when conflict in local areas emerges.

**Indicator 2.1.2) # Cases of defenders of (women) rights seeking redress**

On the whole, the risk for retaliation is high for those who speak out. This is coupled by generally weak capacities of CSOs. The Civil Society Index (CSI) revealed that the Mozambican civil society, for example, has a weak structure and values, and operates in a constrained environment. Structurally, the main weaknesses are due to limited human and financial resources available to CSOs. CSOs typically act on behalf of local communities instead of empowering them to demonstrate their cases. This may be due to high levels of illiteracy and weak political awareness of community members. Prominent CSOs are mainly based in provincial capitals. Grassroots people, where abuses are happening, are often not included. In OPT, on the other hand, there is a strong platform of CSOs working on the protection of human rights. However, the discriminatory laws, legislative loopholes, and an absence of legislation in some areas of the law, weakened the Palestinian legislation. It fails to adequately protect vulnerable groups, including women, children, and poor workers. This in turn challenges CSOs to adequately seek redress for human rights violations through the justice system.

In sectors such as food and retail, Dutch companies are among the biggest in the world. Human rights violations by the Dutch private sector are occurring on a regular basis. While protecting human rights and civic space and contributing to fiscal justice are top priorities for the Dutch government, there is still no integral vision on this in relation to the private sector.

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**Indicator 2.1.3) # Cases of Coalitions engaged in policy dialogues with private and/or financial sector actors around increasing (women's) access to (productive) resources**

In some cases, communities can access complaint and grievance mechanisms when local or national courts are not able to solve the cases. These 'soft law' mechanisms include the RSPO grievance mechanism, OECD National Contact Point's procedure, and IFC complaints. At the same time, the actual capacity (power, resources, documentation, costs, legal capacity) of communities and CSOs to access these mechanisms is low, demonstrated by the limited number of complaints.

In South Africa, for example, CSOs tend to be excluded from participating in dialogues and negotiation processes. At best they are consulted at later stages. This questions how meaningful their participation is deemed by the state and how efficiently CSOs can represent citizens. In Ghana, on the other hand, CSOs play a major role in advocating for the rights of communities and small-scale producers. They have worked towards achieving greater corporate transparency to positively influence the level of trust between local communities and companies.

The lack of organisational capacity in communities often hinders the possibilities of companies to implement inclusive business models. This lack of capacity includes the abilities of communities and CBOs to unify demands for follow-up communications that should take place between donors, investors, government agencies and community members.

## Expected Outcome 2.2:

**Strengthened civil society works in people-led coalitions that hold private-sector actors to account.**

Outcome indicators include:

**Indicator 2.2.1) # Cases of Influential stakeholders endorsing communities in protecting their rights in trade and/or value chains**

Generally, a lack of transparency limits the options for influential stakeholders to endorse communities in protecting their rights. Companies in Brazil, for example, as a rule do not publicise their policies on social and environmental issues. The lack of power, capacity and resources undermines the opportunity of communities to engage on equal footing or as "right-holder" to defend their rights, and to participate and negotiate in territorial planning. In India the so-called National Action Plan (NAP) aims to make businesses responsible and sustainable. However, there has been a lot of discretion provided to corporates to choose how to implement the human rights guidelines in their businesses. Most importantly, the remedial mechanisms do not include any legal obligation in case companies break the code of conduct. This lack of mandatory due diligence is universal.

The evaluation of the International CSR covenants in the Netherlands in 2020 concluded that 'voluntary measures' are not enough to comply with OESO and UN guidelines.



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**Indicator 2.2.5) # Cases of increased or protected civic space for coalitions to hold private and financial sector to account for respecting Human Rights in their value chain**

The legal framework for access to justice for CSOs in South Africa has largely been hailed as progressive as compared to other countries in the region. Civil society in South Africa has contributed greatly to the legal jurisprudence on public interest litigation about seeking redress of human rights violations and demanding accountability in the mining sector. The judiciary has also been very progressive in upholding the constitutional framework on public interest litigation by human rights groups. SA's courts are beginning to take a stance against tactics by mining corporates to instil fear in civil society that challenges corporate accountability. Nonetheless, recently, various reports were made of community activists in mining areas that are facing harassment, intimidation, and violence.

Globally, attacks on CSOs and human rights defenders are the rule rather than the exception. Since 2015 there have been more than 2000 attacks by the private sector on civil society and human rights defenders. This ranges from lawsuits, arrests and detentions, to death threats and killings. Those raising human rights concerns about agribusiness, infrastructure projects and extractive industries, especially indigenous defenders and communities, have been particularly affected.

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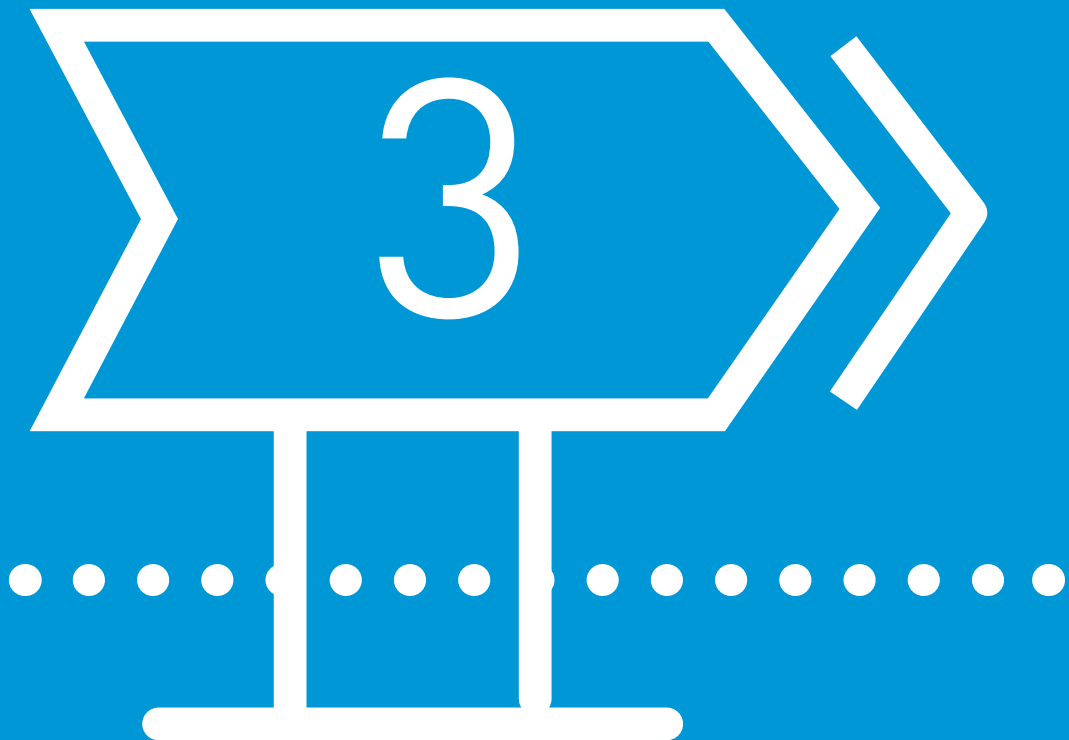
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# PATHWAY 3 MOST RELEVANT BARRIERS AND CHALLENGES



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## PATHWAY 3

### Most relevant barriers and challenges

Pathway 3 strengthens civil society to advocate for more accountable governments, multilateral institutions and regulatory frameworks – that is, for governments to effectively regulate the private sector. The expected impact of the change pathway is formulated as: ‘Civil society has contributed to formulating and enforcing strong national laws, regulatory frameworks and global norms that guarantee human rights in national and global trade and value chains’.

This impact will be monitored and assessed through two impact indicators:

#### Impact Indicator 3A:

# New (elements in) policies/regulatory frameworks that guarantee human rights in national and global trade and value chains

Currently, a number of serious challenges stand in the way of this expected impact. The fairness of the labour market in most countries is limited by an ongoing process of flexibilisation, leading to less security for workers. Collective bargaining is increasingly weakened. Flexibilisation goes hand in hand with high levels of informal employment, weakening the efficiency of regulatory frameworks aiming to guarantee human rights in value chains.





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In India, for example, more than 90% of workforce and about 50% of the national product are accounted by the informal economy.

In many countries laws exist that promote fair value chains. Kenya's 2010 Constitution, for example, includes provisions protecting environmental rights and outlawing activities likely to endanger the environment and seeks to protect and promote substantive environmental rights. Also at the continental and regional levels there are policies that aim to guarantee human rights and promote sustainability. In practice, however, such policies are rarely enforced.

Taxes can be an instrument for attacking inequality and to facilitate pro-poor development. The baseline studies in most programme's countries indicate that many big corporations evade or avoid taxes. As a result, the government's ability to increase domestic resources for pro-poor investments are limited. Huge amounts of profits earned in oil-rich Nigeria and other countries are transferred to shell offices in tax havens, to keep tax payments to the barest minimum.

In most countries the tax base is quite narrow: only a small portion of the population pays its share of taxes. Low tax revenues disproportionately affect the poor. In Vietnam, for example, the standard tax rate has been reduced from 25% in 2012 to 20% in 2016. Tax expenditures to large corporations have resulted in significant fiscal costs. The total tax expenditure loss in 2016 was nearly 1.5% of GDP and 7% of total state budget revenue. Higher than the spending on health in that same year.

In general there is little transparency about how tax is collected and used. Government spending on public health, education, and social protection is low. This, in combination with government corruption, affects the willingness of citizens to comply with their tax obligations.

Government policies in the 'Global North' further erode the ability of countries in the 'Global South' to collect their fair share of value chains. Netherlands Tax Justice Network estimated in 2020 that countries across the globe are losing over \$36 billion in tax each year due to facilitation by the Netherlands of international corporate tax abuse and private tax evasion (8.5% of total losses globally).

Economic activities in most countries are still concentrated in low value-added agricultural production, non-tradable services and manufacturing activities, such as construction, that offer only a limited scope for long-term productivity growth and high wage employment. Women and other marginalised groups in society are disproportionately involved in these activities.

Despite land reforms, land tenure is insecure for small-scale farmers and local communities. The design and implementation of rural programs and development strategies fail to take priorities of marginalised groups into consideration. CSO presence in marginal and remote areas is low and as a result civic mobilisation to promote human rights in value chains is lagging.

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The last decade has seen international focus on responsible agriculture and inclusive land governance. Guidelines and standards have been developed, from the Voluntary Guidelines on Responsible Governance of Tenure (VGGT) to the Sustainable Development Goals (SDGs). Some of the largest multinational corporations have announced zero land-grab policies. However, most companies and investors have not yet embraced these international benchmarks, nor translated them into policies and practices at scale.

## Impact Indicator 3B:

# Improved enforcement of policies/regulatory frameworks that guarantee human rights in national and global trade and value chains

Multilateral initiatives like the United Nations Guiding Principles on Business and Human Rights have fueled the debate on human rights in value chains. Through the Guiding Principles, in some countries human rights are integrated into legislation, giving citizens a basis to demand for enforcement. CSOs have a distinct role in 'domesticating' the Guiding Principles and giving communities a framework to enable engagement with policy makers. Lack of implementation is the key issue. Also at the African regional level policies lack implementation and enforcement. For instance, the ECOWAS Directives on the Harmonisation of Mining policies are not incorporated into national law by most countries.

Globally, corporate policy commitments fail to 'trickle down' along supply chains. Multi-stakeholder initiatives have played an important role in raising responsible business standards, but practices remain weak.

In the Netherlands, the reluctance towards binding legislation regarding human rights in value chains led to different 'covenants'. Only after an evaluation that showed that these covenants had insufficient impact, acceptance started for the need of binding legislation, which the government aims to contribute to at the European Level. It is unclear how the covenants will continue since the government has stated that in their current form they will end.

In many countries, implementation of existing laws aiming to provide social protection is lacking. In Brasil, for example, large land owners get away with ignoring rules regarding land. The South African labour law guarantees rights for workers in fundamental areas, but here also enforcement is a problem. The Department of Labour is severely understaffed having one inspector for every 120,000 economically active persons.

Limited dialogue between the private sector and the public sector hampers enforcement of regulatory frameworks. In OPT a lack of trust is observed between CSOs, and the public and private sector diminishing chances for initiatives that promote business integrity and corporate social accountability in the private sector.

Existing laws often contain biases against marginalised groups, including women. Although the Indonesian law states that "... every Indonesian citizen, man and woman, has an equal opportunity to have land rights ...", the patriarchal tenurial system is considered the only legitimate source of rights, rendering women's rights invisible.

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The expected outcomes and outcome indicators for pathway 3 include:

### Expected Outcome 3.1:

**‘Strengthened civil society has the capacity and space to improve (inter)national norms, safeguard people’s rights in value chains and monitor implementation of laws and international frameworks’.**

This expected outcome will be monitored and assessed through a number of indicators. The most relevant are:

**Indicator 3.1.1) # Cases of changed (inter)national expectations of whether (inter)national trade and value chains should safeguard peoples’ rights, and -if so- how.**

In many countries and cases, legislation predominantly favours the interests of (large) corporations. Brazil is a case in point, where the majority of representatives in parliament work at the service of business interests. The opportunities for CSOs to put issues on the agenda are restricted to denunciations, popular mobilisations, and raising awareness of decision makers. But in many countries there are also opportunities identified for the development of value chains that promote pro poor development. A hopeful development occurred in Nigeria in February 2021, when in the case of Okpabi & others v Royal Dutch Shell, a case concerning mass oil pollution in the Niger Delta, the UK Supreme Court ruled in favour of communities representing over 40,000 affected citizens of Nigeria.

In Uganda, a strong civil society advocates for changes in legislation regarding more sustainable (inter)national trade and value chains. Also in Kenya, several existing laws and regulations provide CSOs opportunities for lobby to strengthen norms regarding trade and value chains. In several countries like India, the process of ratifying certain fundamental ILO conventions that are specifically relevant to rural and agriculture workers is on the agenda. These conventions need to be integrated in the national legal frameworks.

In the absence of a state and in the context of the Israeli occupation, the Palestinian civil society has become a vibrant sector, providing basic services like health, education, and social protection. CSOs have experience in monitoring the government’s implementation of laws.

A number of regulations support the realisation of sustainable palm oil in Indonesia, and there seems to be political will to create a transparent and traceable palm oil value chain. This can be seen in the strengthening of the Indonesian Sustainable Palm Oil initiative (ISPO) and the mandatory implementation of the initiative both on large-scale plantations and on smallholder plantations.

At the global level, the key regulatory framework regarding Corporate Social Responsibility is the proposal by the European Commission for a Corporate Sustainability Reporting Directive, which would extend the scope of the current reporting requirements, as well as the implementation of the EC’s Action Plan on Financing Sustainable Growth.

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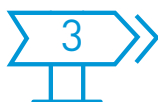
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**Indicator 3.1.4) # Cases of increased or protected civic space to influence governments and international institutions on policies, laws and norms around trade and/or value chains.**

Across the globe space for civil society is shrinking. Over the last decade, most countries have enacted laws that restrict the freedom of speech, assembly and association. The organisation CIVICUS reports that as many as 114 countries are having serious civic space restrictions.

South Africa's constitution recognizes the oversight role civil society has to play over democratic institutions. The right to protest is guaranteed under Section 17 of the South African Constitution. In spite of this provision in the Constitution, elements within the government frown upon civil society organisations and activists' actions to hold leaders accountable, alleging they are fronts either for apartheid-era groups or foreign enemies. Defamation suits against CSOs threaten their work, contributing to the shrinking civil society space. In other countries, governments have created waves of restrictive legislation. Nigeria installed the 'NGO bill', 'Social media bill' and 'Hate speech bill'. In Uganda, critical CSOs often find themselves in conflict with the State and end up being perceived as an opposing political party.

In Vietnam, laws concerning right to association and to free speech, including online speech, are increasingly restrictive. The Cambodian government has installed laws and regulations making it more difficult for CSOs to operate and to promote human rights in trade and value chains. The Law on Associations and Non-Governmental Organisation (LANGO), for example, calls for NGOs to support the promotion of 'cultural values'. Women's rights, for example, are often not seen as compatible with traditional cultural role of women. In Cambodia, as in many other countries, money laundering laws but also anti-terrorism policies are being used for increased surveillance on money flows between CSOs and donor organisations.

## Expected Outcome 3.2:

**Strengthened civil society has space and has mobilized the public to influence governments and international institutions for stronger legal protection of people in value chains, especially women.**

This expected outcome will be monitored and assessed through five indicators, the most important of which are:

**Indicator 3.2.2) # Cases of influential stakeholders endorsing policy asks towards legal protection of people in value chains**

The increasing anti-CSO sentiments among state actors and the negative framing of CSO-activities (as 'agents of Western countries' and 'not rooted in local ideology and identity') have an adverse effect on the political will of stakeholders to endorse policy asks by civil society. Some of the negative legislation has its origins at global level (e.g., regulations by the Financial Action Task Force (FATF)). This intergovernmental body to fight money laundering and terrorist financing, declared the non-profit sector as 'particularly vulnerable' to abuse. Consequently, governments have used the FATF recommendations to justify funding restrictions and overly burdensome administrative requirements for civil society groups. Another global phenomenon that has its impact locally and nationally are so-called 'fake news'-legislations. The term 'fake news' involves everything from social media rumours, to online political disinformation, to state-sponsored internet propaganda. Under the banner of fake news, states around the world have begun passing laws that allow authorities to regulate what they deem dangerous and inaccurate content. This trend has been intensified heavily by the COVID-19 pandemic.

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**Indicator 3.2.5) # Cases of Human rights defenders increasingly managing civic space related risks**

In many countries, activists enjoy some formal protection by the constitution. In practice, however, states often try to criminalise social struggles. In 2020, global human rights organisation Frontline Defenders reported that the law was rather used as weapon than as protection for human rights defenders, with 274 charges filed against human rights defenders in 174 cases. In Indonesia, for example, state authorities have enacted restrictive laws and repressive actions impacting people's right to freedom of expression in public and digital spaces, particularly regarding criticism towards the government's policies. Activists and individuals who criticized the severe and numerous human rights violations in eastern Indonesia, in physical and digital spaces, were subject to smear campaigns and surveillance, as well as possible public prosecution. In countries like Brazil this is reinforced by popular media dominated by business interests.

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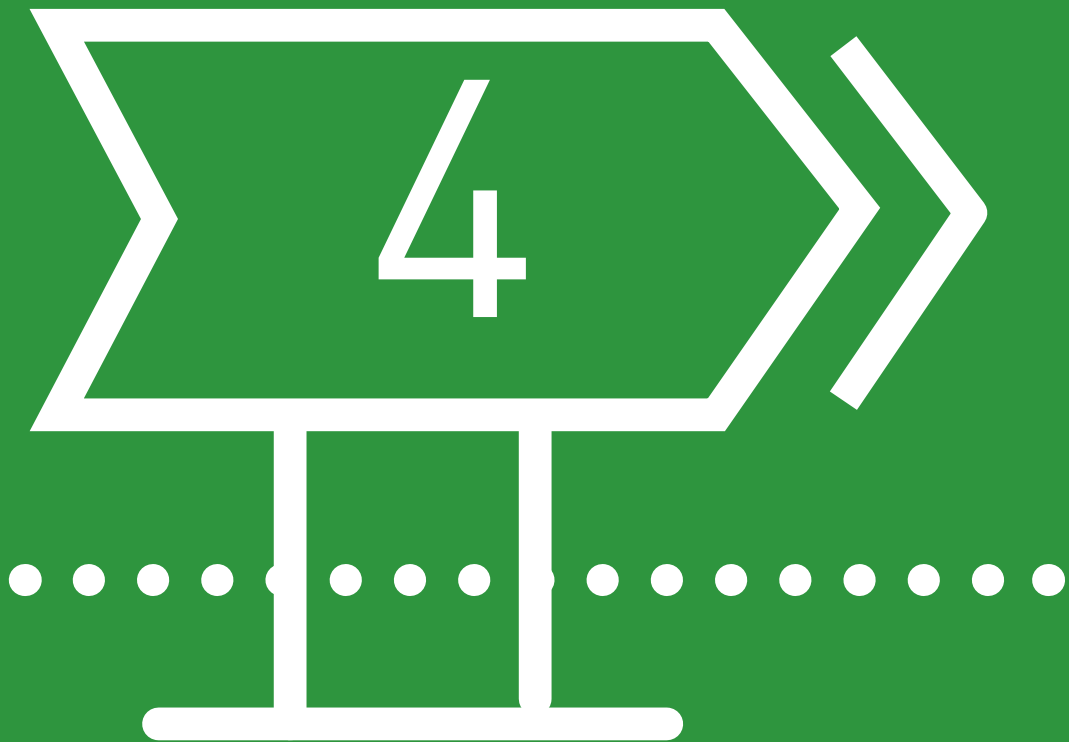
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## PATHWAY 4

### Most relevant barriers and challenges

Pathway 4 strengthens civil society to mobilize citizens for fiscal and trade reforms that enable domestic resource mobilisation for increased social spending and investment in locally owned and diversified economies that produce jobs and income for local communities. The expected impact of pathway 4 is formulated as: 'Civil society has contributed to trade, tax and investment policy reforms that enable governments to promote inclusive and sustainable development, and which benefit (women) small and medium scale producers, their communities and domestic economies.'

This impact will be monitored and assessed through three impact indicators. The first two are:

#### Impact Indicator 4A:

# Policy changes on trade, tax and/or investment

#### Impact Indicator 4B:

# Practice changes on trade, tax and/or investment



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The economies in programme countries depend heavily on the production of primary commodities. Agriculture and mining are dominant sectors. Labour conditions in these sectors are underdeveloped. In India, for example remuneration in the agrarian sector is abysmal. There were enormous wage discrepancies based on gender across the country, where the earnings of male labourers are significantly higher than women's wages. The Indonesian oil palm sector is dominated by a handful of corporate groups, which also tend to reap the largest portion of the benefits. While oil palm expansion has economic benefits, it is frequently only available to the most capitalized farmers, who are able to open up land and develop new plantations.

Most of the wealth generated in the economies of programme countries is retained by large corporates that purchase the produce from small-scale farmers and small-scale miners. Furthermore communities and small-scale farmers suffer from land grabs by (mostly foreign) large-scale investors. Land grabs result in farmers being restricted to small pieces of land where they are unable to fend for themselves. This limits their agriculture-based livelihood opportunities.

Governmental efforts to modernise economies fail to take into account that many of the poorest citizens depend on subsistence agriculture and artisanal and small-scale mining. At the same time, transition away from reliance on production of raw materials, has rarely resulted in the emergence of a globally competitive industry.

Tax systems in virtually all countries where the programme is executed are skewed in favour of large (often foreign) corporations. To attract investments governments in Africa, Asia and Latin America offer exemptions such as discretionary tax, statutory tax, VAT exemptions and customs incentives and investment tax incentives. These exemptions erode the tax revenues in most countries where the FAIR for ALL programme is executed. Kenya, for example, loses some 6% of its GDP through tax incentives. Tax revenues are further affected by Illicit Financial Flows (IFFs). In 2015, it was estimated that Africa loses approximately USD 30 - 50 billion per year to IFFs. In Nigeria, for example, tax evasion, tax exemptions and IFFs have reduced the tax to GDP ratio to just 7%, below the West Africa regional average of 12% and the global average of about 35%. Especially the extractive industry value chain has many loopholes for corruption and tax evasion.

The avoidance of tax by the multinational companies deepens the inequalities in respect of health care and education. At the same time, the race for foreign direct investment (FDI) compels state organisations to grant excessive tax concessions, waivers on importation of goods that could have been produced locally which turns out to be discriminatory against local enterprises.

Tax justice Network estimated in 2020 that lower income countries lose about \$45 billion, equal to half their combined public health budgets. The five jurisdictions most responsible for tax losses around the globe were the Cayman Islands, the UK, the Netherlands (8,5%; over \$36 billion), Luxembourg and the US.

The abilities of national governments to collect taxes are further hampered by inadequate capacities of internal tax revenue agencies. Low tax revenues coupled with sizeable IFFs seriously affect efforts to promote sustainable socio-economic development. In addition many citizens do not trust that taxes will be spent to the benefit of the population. As a result willingness to pay taxes – by companies and individual citizens alike – is low.

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It is obvious that low tax revenues also disproportionately affect the poorer segments of society: they would benefit from government's spending on education, health, social security, infrastructure, climate resilience etc. Trade and tax systems insufficiently contribute to redistributing the created wealth. In addition, most programme countries rely heavily on easy collectable indirect taxes (like VAT) that disproportionately target the poor.

Government policies tend to favour the middlemen in value chains. Government regulations that, for example, guarantee minimum prices are scarce. The recent Coffee Act of 2021, in Uganda, for example, is silent about regulating the coffee pricing mechanism. Where an average small-holder farmer has no access to world information about coffee prices, the middlemen and other buyers have the space to set any prices of coffee at the point of purchase from the farmer.

Much needed tax reforms should also target the informal sector. In the countries where the programme is executed the informal sector accounts for a large proportion of GDP and creates millions of jobs. A fair and efficient taxing of the informal economy would greatly enhance the tax revenues.

Often regional and continental policies aim to correct the situation at national levels, but in few cases they manage to do so. Regional organisations lack the legal and political mandate to impose compulsory measures to sovereign states. In addition, implementation of regional policies is low.

## Impact indicator 4C:

# Cases of governments with more transformative development policy agendas

In most countries where the programme is executed, trade, tax, investment, finance policies lean toward liberal models of development: they aim to facilitate foreign investment and foreign capital. The African continent witnesses a trend to reduce corporate tax rates to the barest minimum. A race to the bottom is taking place. Trade policies privilege liberalised regimes with the intention to attract foreign direct investment.

Also in Asian countries, the levels of tax collection are much lower than in rich countries. Companies are just one of a number of different types of taxpayer from which Asian country governments need to collect more. But taxing companies is more important in low and middle-income countries in Asia where, according to the International Monetary Fund (IMF), corporate income taxes make up 16 per cent of government revenues compared to just over 8 per cent in high-income countries. Given the importance of corporate tax for countries seeking to raise funds to pay for their sustainable development, people everywhere are increasingly taking an interest in corporate tax behaviour. Are Multinational Corporations exploiting their ability to move across borders and their political and economic power to avoid tax? Concerned investors are raising their voices on the issue. Policymakers, pressed to respond to public concerns, are looking afresh at rules on corporate taxation, generating a stream of new regulation at national and regional levels, and from multi-lateral policymakers.

Space for governments to pursue more pro-poor policies is enhanced as International Finance Institutions appear to be adopting more balanced approaches, recognizing that the neoliberal agenda has not been delivering as promised. World Bank and IMF have started acknowledging that excessive inequality can erode social cohesion, lead to political polarisation, and ultimately lower economic growth.



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The expected outcomes and outcome indicators for pathway 4 include:

### Expected Outcome 4.1:

**Strengthened civil society actors work in coalitions to demand transparent, accountable and progressive fiscal, trade and value chain regulations that contribute to more inclusive, productive and locally owned economic sectors, and to more equal sharing of wealth generated of value chains.**

This outcome will be monitored and assessed through three indicators, the most important of which is:

**Indicator 4.1.2) # Cases of Coalitions using shared agendas when demanding transparent, accountable and progressive fiscal, trade and value chain regulations**

Generally, there is a low level of citizens' engagement on issues of fiscal and trade reforms. Few small-scale farmers, for example, are aware of fiscal laws governing their sector. Most small-scale farmers in programme countries operate in relative isolation.

In virtually all regions and countries the shrinking civic space is hindering citizen's engagement in trade, taxes and value chains. In many countries the curtailing of CSOs is being formalised in laws and policies, affecting free speech, transfer of funds, restrictions in registration etc.

### Expected Outcome 4.2:

**Empowered citizens/youth have oversight of and a voice in trade and fiscal issues and governments have increased political will for inclusive, transformative development.**

This expected outcome will be monitored and assessed through four indicators, the most important of which are:

**Indicator 4.2.3) # Cases of Influential public sector stakeholders endorsing policy asks for inclusive, transformative development**

Negative framing of CSOs, including criminalisation, is a serious hindrance to influential stakeholders endorsing CSOs' policy asks for fair value chains, taxes and trade policies.

In OPT, both the Palestinian Authority and authorities in Gaza ( Hamas) carried out scores of arbitrary arrests for peaceful criticism of the authorities, particularly on social media, among independent journalists, on university campuses, and at demonstrations. Security services have targeted supporters of Hamas and vice versa. Relying primarily on overly broad laws that criminalize activity such as causing 'sectarian strife' or insulting 'higher authorities', the PA and Hamas use detention to punish critics and deter them and others from further activism. Also in Indonesia authorities have created an environment where stakeholders are discouraged from speaking out in favour of issues addressed by CSOs. In Uganda, critical CSOs are framed as 'foreign agents' or front organisations of opposition parties.

Engaging with (influential) stakeholders is sometimes difficult because actors (e.g. scholars) censor themselves, afraid to speak out against government policies. Reaching stakeholders is also hampered by CSO's access to media. Many media outlets are cautious in their reporting for fear of repercussions.

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Some countries, however, have created platforms for meaningful dialogue and consultations with CSOs on trade, tax and investment reforms. Mozambique is an example. The entry points include the Office of the Development Observatories, Institution of Participation and Community Consultations and the Assembly of the Republic. Dialogue, however, is only stimulated if it does not cause a threat to the ruling party.

In spite of the repression social activism is on the rise. A wave of activism in Nigeria has been making its mark, from boycotts and stay-aways to letter-writing campaigns. Annual counts of protests have surged from at most a few dozen from 2000 through 2012 to well over four hundred between 2013 and 2020.

There is need for civic engagement in fiscal, trade and investment policies to be broadened, deepened and sustained. This will involve improving the extent to which marginalized sections of the population (especially women and youth) are involved in these engagements.

**Indicator 4.2.4) # Cases of increased or protected civic space to influence governments on trade and fiscal reforms**

CSOs in Mozambique can influence the government to institute changes on inclusive trade, tax and investments reforms. The government has declared, for example, that recent oil and gas discoveries are opportunities for learning in terms of developing the right trade and investment policies. CSOs may influence the government to adopt inclusive taxes to address the debt crises that the country finds itself in. The government is also receptive to programs that are led by international NGOs. Although civic freedoms are not absolute in Mozambique, this goodwill presents an opportunity to influence policies.

In many other countries the civic space is notably shrinking. In situations of repression, CSOs can maximise their influence by engaging in evidence-based approaches. Strengthening CSO capacities is urgent, as well as increasing public awareness of the need for fiscal and trade reforms. There is room for CSOs to acquire a positive role if they manage to provide capacities and knowledge that governments are in need of. This strategy is notably effective in countries like Vietnam, Cambodia and also in Ghana and OPT.

The ability of civil society to influence regional/continental frameworks on extractives and trade depends on the mechanisms that guarantee access to civil society to engage with the bodies and participate in decision-making processes. The African Union, for example, is relatively open. The Economic and Social Council (ECOSOC) mechanisms give civil society access to all meetings.



# 06 PROGRAMME INDICATORS AND TARGETS







## FAIR for ALL programme Indicators and Targets

Impact statement / expected outcome	Indicators	Targets Year 1	Targets 5-Year
<b>IMPACT STATEMENT PATHWAY 1:</b>  Civil society has enabled the co-creation, implementation and scaling of alternative value chains, in particular those that empower women producers and return a FAIR share of value to communities, alongside more inclusive practices within existing value chains	1) # Alternative business models / more inclusive practices in existing value chains or scaled up	8	49
<b>Outcome 1.1:</b>  Empowered women and rural communities and strengthened CSOs are aware of rights and economic opportunities	1.1.1) # women/youth participating in awareness-raising activities on rights (e.g. land rights, labour rights) and/or economic opportunities	21,619	98,245
	1.1.2) # CSOs demonstrating increased expertise in influencing systemic barriers to (women's) economic empowerment	46	284
	1.1.3) # CSOs demonstrating increased expertise in Monitoring, Evaluation and Learning in their organisation	6	44
	1.1.4) # CSOs demonstrating increased expertise in Financial management in their organisation	5	44
	1.1.5) # CSOs demonstrating increased expertise in integrity in their organisation, including prevention of Sexual Exploitation and Abuse and Sexual Harassment	4	44
<b>Outcome 1.2:</b>  A. Strengthened CSOs, empowered women and rural communities have co-created alternatives to current business practices with private and public-sector actors.  B. CSOs and public and private champions promote viable alternative business models, contributing to shifting the terms of debate on (primary commodity) value chains and economic development	1.2.1) # Cases of private and/or public sector actors engaged in co-creating and/or promoting alternative business models/practices and/or enabling environment	17	143
	1.2.2) # Cases of private sector actors implementing alternative business practices	5	79
	1.2.3) # Influencing efforts by CSOs to promote alternative business models/practices	51	338
	1.2.4) # CSOs demonstrating increased expertise to co-create alternative business practices with private and public sector-actors	6	31
	1.2.5) # Cases of shifts in the terms of debate on (primary commodity) value chains and economic development	6	40
	1.2.6) # Cases of increased space for women and men to organise in alternative business models	2	22
	1.2.7) # CSOs demonstrating increased expertise on Value chains specific to project <sup>2</sup>		

2 This indicator was included after learning from the baseline



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Impact statement / expected outcome	Indicators	Targets Year 1	Targets 5-Year
Impact statement Pathway 2:  Civil society has contributed to a more responsible private and financial sector where trade and value chains respect human, labour and environmental rights and increase (women's) access to (productive) resources	2A) # policy changes in private and/ or financial sector actors' corporate accountability in trade and value chains	14	102
	2B) # practice changes in private and/ or financial sector actors' corporate accountability in trade and value chains	10	81
Outcome 2.1:  Strengthened civil society collects evidence of rights abuses and supports communities in seeking redress	2.1.1) # Cases of Coalitions engaged in policy dialogues with private and/or financial sector actors around prevention and/or redress of rights abuses (in a conflict sensitive manner)	27	147
	2.1.2) # Cases of defenders of (women) rights seeking redress (in risk aware and conflict sensitive manner)	193	1,958
	2.1.3) # Cases of Coalitions engaged in policy dialogues with private and/or financial sector actors around increasing (women's) access to (productive) resources	9	58
	2.1.4) # CSOs demonstrating increased expertise in collecting evidence of rights abuses, in supporting communities to seek redress, and/or in bringing this to broader public's attention	5	75
	2.1.5) # CSOs/coalitions demonstrating increased expertise to widen or protect civic space for (women) rights defenders (in a conflict sensitive manner)	17	117
Outcome 2.2:  Strengthened civil society works in people-led coalitions that hold private-sector actors to account.	2.2.1) # Cases of Influential stakeholders endorsing communities in protecting their rights in trade and/or value chains	232	1,313
	2.2.2) # Women and men mobilized in southern project countries around protecting communities' rights in trade and/or value chains	11,055	236,573
	2.2.3) # Women and men mobilized in the Netherlands around protecting communities' rights in trade and/or value chains	17,000	190,200
	2.2.4) # CSOs demonstrating increased expertise in holding private/financial sector actors to account	12	115
	2.2.5) # Cases of increased or protected civic space for coalitions to hold private and financial sector to account for respecting Human Rights in their value chain	1	78

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Impact statement / expected outcome	Indicators	Targets Year 1	Targets 5-Year
Impact statement Pathway 3:  Civil society has contributed to formulating and enforcing strong national laws, regulatory frameworks and global norms that guarantee human rights in national and global trade and value chains.	3A) # New (elements in) policies/ regulatory frameworks that guarantee human rights in national and global trade and value chains	6	62
	3B) # Improved enforcement of policies/ regulatory frameworks that guarantee human rights in national and global trade and value chains	3	44
Outcome 3.1:  Strengthened civil society has the capacity and space to improve (inter) national norms, safeguard peoples' rights in value chains and monitor implementation of laws and international frameworks.	3.1.1) # Cases of changed (inter)national expectations of whether (inter)national trade and value chains should safeguard peoples' rights, and -if so- how	6	51
	3.1.2) # CSOs demonstrating increased expertise to influence (inter)national policies, laws and norms on trade and/or value chains	88	772
	3.1.3) # Influencing efforts by CSOs monitoring the implementation of laws and regulatory frameworks safeguarding peoples' rights in trade and/or value chains	45	276
	3.1.4) # Cases of increased or protected civic space to influence governments and international institutions on policies, laws and norms around trade and/or value chains	11	56
Outcome 3.2:  Strengthened civil society has space and has mobilized the public to influence governments and international institutions for stronger legal protection of people in value chains. especially women.	3.2.1) # Influencing efforts by CSOs towards legal protection of people in value chains	42	395
	3.2.2) # Cases of influential stakeholders endorsing policy asks towards legal protection of people in value chains	39	277
	3.2.3) # CSOs demonstrating increased expertise to mobilise influential stakeholders towards stronger legal protection of people in value chains	24	182
	3.2.4) # Women and men mobilized for ensuring their legal protection in value chains, especially women	3,451	15,566
	3.2.5) # Cases of Human rights defenders increasingly managing civic space related risks	53	277

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Impact statement / expected outcome	Indicators	Targets Year 1	Targets 5-Year
Impact statement Pathway 4:  Civil society has contributed to trade, tax and investment policy reforms that enable governments to promote inclusive and sustainable development, and which benefit (women) small and medium scale producers, their communities and domestic economies.	4A) # Policy changes on trade, tax and/or investment	17	111
	4B) # Practice changes on trade, tax and/or investment	10	84
	4C) # Cases of governments with more transformative development policy agendas	3	67
Outcome 4.1:  Strengthened civil society actors work in coalitions to demand transparent, accountable and progressive fiscal, trade and value chain regulations that contribute to more inclusive, productive and locally owned economic sectors, and to more equal sharing of wealth generated of value chains.	4.1.1) # CSOs demonstrating increased expertise on transparent, accountable and progressive fiscal, trade and value chain regulations	30	283
	4.1.2) # Cases of Coalitions using shared agendas when demanding transparent, accountable and progressive fiscal, trade and value chain regulations	113	509
	4.1.3) # CSOs demonstrating increased expertise to mobilize public and influential stakeholders around transparent, accountable and progressive fiscal and trade regulations	17	124
Outcome 4.2:  Empowered citizens/youth have oversight of and a voice in trade and fiscal issues and governments have increased political will for inclusive, transformative development.	4.2.1) # Women and men organised around domestic tax, trade rules and/or inclusive development (in a safe and conflict sensitive manner)	13,515	206,280
	4.2.2) # CSOs demonstrating increased expertise to demand inclusive, transformative development	23	187
	4.2.3) # Cases of Influential public sector stakeholders endorsing policy asks for inclusive, transformative development	62	431
	4.2.4) # Cases of increased or protected civic space to influence governments on trade and fiscal reforms	8	57

# 07 MINISTRY OF FOREIGN AFFAIRS BASKET INDICATORS





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# Mofa basket indicators 2021 - informed by FAIR for ALL outcome/impact indicators

Strengthening Civil Society Framework (SCS)	Total F4A Target Y5	Total F4A Target Y1	FAIR for ALL outcome/impact indicators
SCS6 # of CSOs included in SPs programmes (up to 2nd tier organizations)	131	131	Simple count of the partners and their partners ( consortium member + country office ;
SCS5 # of CSOs with increased Lobby & Advocacy capacities <sup>3</sup>	772	88	1.1.2 # CSOs demonstrating increased expertise in influencing systemic barriers to (women's) economic empowerment
			1.2.4 # CSOs demonstrating increased expertise to co-create alternative business practices with private and public sector- actors
			2.1.4 # CSOs demonstrating increased expertise in collecting evidence of rights abuses, in supporting communities to seek re-dress, and/or in bringing this to broader public's attention
			2.1.5 # CSOs/coalitions demonstrating increased expertise to widen or protect civic space for (women) rights defenders (in a conflict sensitive manner)
			2.2.4 # CSOs demonstrating increased expertise in holding private/financial sector actors to account
			3.1.2 # CSOs demonstrating increased expertise to influence (inter)national policies, laws and norms on trade and/or value chains
			3.2.3 # CSOs demonstrating increased expertise to mobilise influential stakeholders towards stronger legal protection of people in value chains
			4.1.1 # CSOs demonstrating increased expertise on transparent, accountable and progressive fiscal, trade and value chain regula- tions
			4.1.2 # Cases of Coalitions using shared agendas when demanding transparent, accountable and progressive fiscal, trade and value chain regulations
			4.1.3 # CSOs demonstrating increased expertise to mobilize public and influential stakeholders around transparent, accountable and progressive fiscal and trade regulations
			4.2.2 # CSOs demonstrating increased expertise to demand inclusive, transformative development

3 As a single CSO is likely to enhance its expertise in several facets of Lobby and Advocacy in the course of FAIR for ALL, and as the programme intends to avoid double-counting, these footnotes explain how we treated the targets. From the set of FAIR for ALL indicators related to this SCS basket indicator, FAIR for ALL indicator 3.1.2 ( # CSOs demonstrating increased expertise to influence (inter)national policies, laws and norms on trade and/or value chains) is identified to represent the programme indicators, having the total highest target value for 5 years.

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SCS4 # of Advocacy initiatives carried out by CSOs, for, by or with their membership/constituency <sup>4</sup>	395	42	1.2.3 # Influencing efforts by CSOs to promote alternative business models/practices
			2.1.1 # Cases of Coalitions engaged in policy dialogues with private and/or financial sector actors around prevention and/or re-dress of rights abuses (in a conflict sensitive manner)
			2.1.3 # Cases of Coalitions engaged in policy dialogues with private and/or financial sector actors around increasing (women's) access to (productive) resources
			3.1.3 # Influencing efforts by CSOs monitoring the implementation of laws and regulatory frameworks safeguarding peoples' rights in trade and/or value chains
			3.2.1 # Influencing efforts by CSOs towards legal protection of people in value chains
SCS3 # of Times that CSOs succeed in creating space for CSO demands and positions through agenda setting, influencing the debate and/or creating space to engage. <sup>5</sup>	2392	370	1.2.5 # Cases of shifts in the terms of debate on (Primary commodity) value chains and economic development
			1.2.6 # Cases of increased space for women and men to organise in alternative business models
			2.2.1 # Cases of Influential stakeholders endorsing communities in protecting their rights in trade and/or value chains
			2.2.5 # Cases of increased or protected civic space for coalitions to hold private and financial sector to account for respecting Human Rights in their value chain
			3.1.1 # Cases of changed (inter)national expectations of whether (inter)national trade and value chains should safeguard peoples' rights, and -if so- how
			3.1.4 # Cases of increased or protected civic space to influence governments and international institutions on norms around trade and/or value chains
			3.2.2 # Cases of influential stakeholders endorsing policy asks towards legal protection of people in value chains
			4C Impact: # Cases of governments with more transformative development policy agendas
			4.2.3 # Cases of Influential stakeholders endorsing policy asks for inclusive, transformative development
			4.2.4 # Cases of increased or protected civic space to influence governments on trade and fiscal reforms
SCS2 # Laws and policies blocked/ adopted/improved for sustainable and inclusive development as a result of CSO engagement <sup>6</sup>	275	37	2A Impact: # policy changes in private and/or financial sector actors' corporate accountability in trade and value chains
			3A Impact: # New policies/regulatory frameworks that guarantee Human Rights in local, national and global trade and value chains
			4B Impact: # Practice changes on trade, tax and/or investment
SCS1 # of Laws and policies for sustainable and inclusive development that are better implemented as a result of CSO engagement <sup>7</sup>	165	20	2B Impact: # practice changes in private and/or financial sector actors' corporate accountability in trade and value chains
			3B Impact: # Improved enforcement of policies/regulatory frameworks that guarantee human rights in national and global trade and value chains
			4B Impact: # Practice changes on trade, tax and/or investment

4 Similar reasoning as in previous footnote. For this SCS basket indicator, FAIR for ALL indicator 3.2.1 (# Influencing efforts by CSOs towards legal protection of people in value chains) is identified to be the most representative programme indicator as it has the total highest target value for 5 years.

5 As we assume that these cases are mutually exclusive, the total target on this SCS basket indicator was calculated by summing up the target values on the related FAIR for ALL indicators.

6 Similar reasoning as in previous footnote: the total target on this SCS basket indicator was calculated by summing up the target values on the related FAIR for ALL indicators.

7 Assuming that the cases in indicator 2B and 4B are mutually exclusive, and that 4B and 3B are not mutually exclusive; 4B has a higher target value for 5 years (if compared to 3B) and is therefore identified to be the more representative programme indicator.



Private Sector Development frameworks (PSD) 2020	Total F4A Target Y5	Total F4A Target Y1	FAIR for ALL outcome/impact indicators
PSD 1a. Number of companies with a supported plan to invest, trade or provide services (Dutch/non-Dutch; male/female; youth; fragile states) <sup>8</sup>	143	17	1 Impact: # Alternative business models / more inclusive practices in existing value chains
			1.2.1 # Cases of private- and/or public sector actors engaged in co-creating and/or promoting alternative business models/practices and/or enabling environment
			1.2.2 # Cases of private sector actors implementing alternative business practices
PSD 5a. Number of strengthened (farmer/workers/entrepreneurs/traders) organisations for a sustainable local business climate <sup>9</sup>	284	46	1.1.2 # CSOs demonstrating increased expertise in influencing systemic barriers to (women's) economic empowerment
			1.2.4 # CSOs demonstrating increased expertise to co-create alternative business practices with private and public sector-actors
			2.2.4 # CSOs demonstrating increased expertise in holding private/financial sector actors to account
			3.1.2 # CSOs demonstrating increased expertise to influence (inter)national policies, laws and norms on trade and/or value chains
			3.2.3 # CSOs demonstrating increased expertise to mobilise influential stakeholders towards stronger legal protection of people in value chains
PSD 5d. Description of changes achieved in laws, regulations, policy plans, outcomes of social dialogue or development strategies enacted or adopted by local government or social dialogue partners (...), yielding tangible benefits to the business climate <sup>10</sup>	213	31	2A Impact: # policy changes in private and/or financial sector actors' corporate accountability in trade and value chains
			4A Impact: # Policy changes on trade, tax and/or investment

- 8 The programme avoided double-counting on this PSD basket indicator by identifying FAIR for ALL indicator 1.2.1( # Cases of private- and/or public sector actors engaged in co-creating and/or promoting alternative business models/practices and/or enabling environment) as the most representative programme indicator from the set of indicators.
- 9 Similar to the above: 1.1.2 (# CSOs demonstrating increased expertise in influencing systemic barriers to (women's) economic empowerment) is identified to be the most representative of the programme indicators in this set.
- 10 Assuming that the cases are mutually exclusive, target value on this PSD basket indicator was calculated by summing up the target values on the related FAIR for ALL indicators.

# 08 ANNEX 1 RESEARCH QUESTIONS







## Annex 1: Baseline research questions for situational analysis, including civic space

### Civic space research questions

#### 1. Regulatory framework

To what extent does current legislation (cyber-laws; fake-news laws; anti-terrorism laws; NGO laws etc) hinders civil society in:

- Promoting alternative business models/inclusive practices for women (pathway 1)?
- Seeking redress on hr violations/demanding accountability (pathway 2)?
- Influencing governments on norms around trade and/or value chains (pathway 3)?
- Influencing governments on inclusive trade, tax and investment reforms (pathway 4)?

1.1. To what extent are certain activities (advocacy, public gatherings), topics (e.g. land rights, extractives, human rights, budget transparency) or organisations (trade unions, land rights defenders etc) relevant for improved norms and legislation of trade and value chains prohibited, targeted or more often affected by legislation (pathway 3)?

2. **Access to funding** : To what extent does civil society, relevant for the FAIR for ALL programme, face difficulty in accessing and utilising domestic and foreign funds?

3. **Administration & bureaucracy**: To what extent are administrative procedures limiting CSOs working on FAIR for ALL topics? (e.g. clarity and speed of bureaucratic procedures for permits, or visas, affordability, transparency in decision-making, the number of permits required for activities, etc.)

#### 4. Safety and well-being of people

4.1. To what extent can civil society safely:

- Monitor HR abuses, seek redress and demand accountability or will that have repercussions (pathway 2)?
- Influence governments on norms regarding trade and value chains or will that have repercussions (pathway 3)?
- Influence governments on inclusive trade, tax and investment reforms (pathway 4)?

4.2. To what extent are specific groups important for the FAIR for ALL programme (e.g. women/youth; trade unions; land rights defenders) more targeted by government authorities, the security sector, companies, private security firms or unidentified groups than others?

#### 5. Access to information and public voice

5.1. To what extent has civil society access to media and have the ability to raise their voice/campaign and share their views with the general public on:

- Alternative business models (pathway 1)?
- Human Rights abuses (pathway 2)?
- The need for improved legislation and norms (pathway 3)?
- The need for budget transparency or tax related issues (pathway 4)?

5.2. To what extent has civil society access to and/ or can demand access to the necessary information to be able to:

- Document abuses/demand accountability (Pathway 2)?
- Influence on norms around trade and value chains at the right time (pathway 3)?
- Raise issues around tax reform, budget transparency (pathway 4)?

6. **Freedom of assembly, association and dissent**: To what extent have particular kinds of groups, important for the implementation of your FAIR for ALL programme (women's rights, indigenous or minority populations, youth, land rights defenders, trade unions, etc.), disproportionate difficulties gathering, organising and/or protesting (all pathways)?

# 01

## Introduction

# 02

## Methodology

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## CSO capacity assessment

# 04

## Civic Space

# 05

## Most relevant barriers and challenges per pathway

### Pathway 1

### Pathway 2

### Pathway 3

### Pathway 4

# 06

## Programme Indicators and Targets

# 07

## Ministry of Foreign Affairs Basket Indicators

# 08

## Annex 1 Research Questions

### 7. Dialogue and consultation

- 7.1. To what extent are there entry points for meaningful dialogue and consultation between civil society and the **private sector** on:
- Alternative economic models (pathway 1)?
  - Redress of violations or protection of rights (pathway 2)?
- 7.2. To what extent are there entry points for meaningful dialogue and consultation between civil society and the **government** on:
- Improved human rights in value chains (pathway 3)?
  - Inclusive trade, tax and investment reforms (pathway 4)?
- 7.3. To what extent does dialogue (with private sector or government) engage a diversity of civil society actors (including women's rights organisations, youth, indigenous, land rights defenders, farmer groups, artisanal miners etc.) or are specific groups discriminated against (all pathways)?
- 7.4. To what extent are civil society and communities actively approached for free prior informed consent (FPIC) and meaningful consultation when issues arise by private sector (pathway 2)?

### 8. Access to justice

- 8.1. To what extent can civil society seek redress for human rights violations through the justice system (pathway 2)?
- 8.2. To what extent are SLAPPS (Strategic Lawsuits Against Public Participation) effectively used by private sector to silence criticism on private sector investments (pathway 2)?
- 8.3. To what extent are there governmental and legislative mechanisms in place to protect activists and human rights defenders seeking justice after experiencing threats to personal well-being (e.g. human rights defender laws)?

### 9. Legitimacy and accountability of civil society:

- To what extent is a civil society organisation perceived negatively (by public, media, government, private sector) when it:
- Promotes alternative business models (pathway 1)?
  - Seeks redress or demand accountability from private sector (pathway 2)?
  - Advocates for improved legislation and norms around trade and/or value chains (pathway 3)?
  - Influence governments on trade and fiscal reforms (pathway 4)?





## Pathway 1: Value chain approaches research questions

The situational analysis should inform us about the selected value chains in each country/region. It is to be noted that the analysis should be undertaken emphasising, and from the point of view of, small-scale producers and workers, addressing how women and men are affected differently.<sup>11</sup>

- I. **To what extent can the relevant/existing value chains be considered fair<sup>12</sup> and inclusive?<sup>13</sup>**
  - How are the net margins throughout the value chain – from primary source through retail and consumers – distributed: fairly across the value chain or concentration among select stakeholders/actors?
  - To what extent can the income/wage of the small-scale producers/workers in the value chain be considered living income/wage in the context of the country and region?
  - To what extent can the working conditions for small-scale producers/workers in the value chain be considered safe, hygienic and dignified (with regards to at hazardous working conditions, working hours, facilities provided to workers, grievance redressal mechanisms)?
  - What is the level of participation of women and disadvantaged groups in the value chain?
  - What are the main barriers that the different disadvantaged groups face? How high or low are these barriers?
- II. **To what extent are the private actors in the value chain committed to the principles of fairness and inclusivity?**
  - To what extent – and how – do they perceive small-scale producers and workers as central to their success now and in the future?
  - To what extent and how do private sector actors in the relevant value chains partner with vulnerable and disadvantaged groups?
  - To what extent are vulnerable groups enabled to participate effectively in value chains and related decision making processes?
  - To what extent and how do investors, manufacturers and retailers undertake their due diligence on processes and practices that include and impact small-scale workers and producers in the value chain (Participation in responsible business coalitions, implementation of responsible business standards)?
  - To what extent – and how – do they discuss the environment and climate resilience? And how is it in practice incorporated into the business strategy/operations?
- III. **What is the scope for establishing and scaling up viable alternatives that produce social, environmental and economic value for all stakeholders?**
  - What are the existing initiatives/commitments towards the development of viable alternative value chains (proven examples, best practices, case studies)?
  - What have been the benefits of these initiatives' commitments for small-scale producers and workers?
  - To what extent – and how – do these initiatives/commitments encourage progress towards positive changes in gender relations and providing women more social and economic freedom and opportunities?
  - To what extent do these commitments/initiatives focus on disadvantaged groups (with regards to employment generation, capacity building)?
  - What is the current level of involvement of private actors in co-creating alternative value chains?
  - What is the current level of participation of civil society organisations/groups in these initiatives?

11 Keeping in mind the scope of the programme in general and this pathway, in particular, the focus of this pathway's situational analysis is proposed to be small scale workers and producers.

12 Fair' value chain: when all stakeholders in the value chain can share in profits and benefits, when they distribute power and wealth more equally, when they do not externalize costs, when they are resilient and environmentally sustainable, and when they produce decent jobs and incomes for local communities. [source: Program document page 12]

13 Inclusive' Value chains: when value chains enable women farmers, women entrepreneurs and youth to participate effectively in (decision-making on), and benefit from, value chain development.



#### IV. What are the opportunities for change and for creating and scaling up alternative value chains?

- Which are the networks/initiatives/coalitions that can be partnered with for creation and/or scaling up of viable alternative value chains?
- What are the possible challenges that may arise while creating/scaling up alternative value chains?
- How can the existing level of capacity of civil society actors to engage and cooperate with private actors to establish/scale up alternative value chains be improved?

#### V. What will be your project's (adjusted) ambitions/targets per program outcome indicator for pathway 1?

### Pathway 2: Corporate accountability research questions

The Situational Analysis should inform us about the following:

- I. At the start of this FAIR for ALL program: to what extent<sup>14</sup> do (groups/sectors of) **supplying companies** targeted for the FAIR for ALL 5 years:
  - Enable communities to share in profits and other benefits from large agricultural or mining projects?
  - Respect human and labour rights in their operations and supply chains, and prevent the abuse of such rights, in line with the UNGPs and OECD guidance on responsible business conduct?<sup>15</sup>
  - Ensure access to grievance and redress mechanisms of workers/smallholder farmers/communities that have been negatively affected by companies?
  - Implement Free Prior and Informed Consent?
  - Respect environmental rights in their supply chains?<sup>16</sup>
  - Prevent/decrease climate change (using renewable energy sources)?
  - Disclose social and environmental impacts of their operations and investments and disclose measures taken to mitigate, compensate negative impacts?
  - Lobby for better legislation/regulation on social/environmental matters (or refrain from lobby against it)?
- II. Same questions as A, for **projects targeting traders and investors** (such as banks, pension funds, insurers) through their criteria setting for their investees and loan takers
- III. How would you describe the current level of **CSO coalitions'** engagement in policy dialogues (possibly through multi-stakeholder initiatives) with private and/or financial sector actors around:
  - Value added and profit sharing across the Value Chain?
  - Having a human rights due diligence approach in place and published that includes concrete measures to ensure the respect and remedy of human rights?
  - Respecting environmental rights?
  - Respecting women's rights?
  - Disclosure of greenhouse gas emissions and setting targets to reduce / halt them?
  - Making more progressive choices; stimulating private and/or financial sector actors to 'do good', i.e.
    - o Make businesses, sectors or value chains more responsive to the rights and needs of workers, small-scale producers and communities; e.g. increasing (recognizing and respecting communities' (and particularly women's) rights to access to, use and control of (productive) resources in their value chains?
    - o Develop and/or invest in renewable energy sources?
    - o Transparency about tax affairs; Country by Country reporting, publicly reporting impacts of tax-related decisions and taking steps to ensure tax behaviour contributes to sustainable development.

14 Implement the United Nations Guiding Principles on Business and Human Rights (UNGPs) and OECD guidelines for Multinational Enterprises

15 Think, for instance, of Participatory Social Impact Assessments and Human Rights Impact Assessments ensuring at least living incomes/wages, decent working conditions and gender equality, of zero tolerance policies on land grabbing...

16 Think of Environmental Impact Assessments, water use/pollution and commitments to zero deforestation



- IV. Nowadays: to what extent do **civil society organisations** support communities:
  - To collect evidence of human/labour/environmental rights abuses in these supply chains?
  - In seeking redress after having been negatively affected by companies and their investors?
- V. Which other initiatives exist towards enhancing **private/financial sector** actors' corporate accountability?
- VI. To what extent do **communities and/or CSOs** engage directly or indirectly with companies and their investors to gain insight into their case and to develop strategies?
- VII. What will be your project's (adjusted) ambitions/targets per program outcome indicator for pathway 2?

### Pathway 3: Public sector guarantees human rights in trade & value chains research questions

The Situational analysis should inform us about the following:

- I. If one looks at your country's current **fiscal and trade regime** (in all FAIR for ALL countries, except Brazil):
  - To what extent does this regime prevent tax evasion and avoidance?
  - To what extent does it enable the government to increase domestic resources for pro-poor investments?
- II. What are current strengths and pitfalls in **national legislation / global regulation and mechanisms/institutions** that should guarantee human rights in national and global trade and value chains, in its alignment to global agreements (if your project rather focuses on the enforcement of progressive legislation/regulations please answer the above questions from that angle):
  - On wages and working conditions (In Kenya and India the focus is on conditions of people working in the informal sector)?
  - On land tenure security for local communities and women (e.g. through regulation on land acquisition according to international principles and standards (e.g. VGGTs), and enforcement of FPIC by companies and investors)?
  - Around sustainable land use and the prevention of land degradation (e.g. in Vietnam, Ghana, Uganda, Myanmar, Kenya, Indonesia and Brazil)?
  - On living income (e.g. Ghana, Netherlands project)?
  - On climate change (e.g. regional Africa project, regional Asia, Global & Netherlands projects)?
  - To what point do the institutional mechanisms actually function that should enforce those regulatory frameworks which require the private sector to respect rights and protect the environment?
- III. On **access to remedy and justice** for victims of business-related abuses:
  - To what extent does the government guarantee protection of activists (human rights, land rights and environmental defenders) against the risk of being harassed, criminalized or harmed?
  - In case of business related rights abuses: to what extent do victims have access to remedy and justice from the company and/or its investors?



IV. Opportunities for change: **political will**

- Which windows of opportunity do you see to change this legislation / these frameworks (or windows of opportunity to enhance the enforcement of progressive legislation)?
- To what extent do your key stakeholders in this pathway endorse our policy asks for such policy/practice changes? In which terms do lobby targets<sup>17</sup> discuss human rights and environmental/climate damage in trade and value chains in their public statements (including in social media)?
- Which are the signs of the government's political will to improve legislation that ensures respect for human rights and environment/climate?
- Global project only: Which are the signs of political will in multilaterals for global regulatory frameworks to obligate the private and financial sector to respect rights and protect the environment?

V. Opportunities for change: **civil society space** and citizen mobilisation

- How do CSOs collaborate and form alliances with other networks, partners and allies to develop a common advocacy agenda around alternative value chains?
- Which space does civil society currently have to influence governments and international institutions for stronger legal protection of people (especially women) in value chains?
- Which space does civil society have to improve (inter-)national norms, to safeguard peoples' rights in value chains and avoid environmental/climate damage?
- Which space/capacity/tools does civil society have to monitor implementation of laws and international frameworks on responsible value chains and their investors?
- To what extent are citizens mobilised to influence governments and international institutions for stronger legal protection of people (especially women) in value chains?

## VI. What will be the (adjusted) ambitions/targets of your project per program outcome indicator for pathway 3?

### Pathway 4: Enabling environment (trade, tax and investment policy reforms) research questions

- How is wealth from value chains currently shared? For this it is important to look at the **distribution of cost and benefits** from value chains:
  - What proportion of the wealth and other economic benefits<sup>18</sup> generated in the value chain is captured by which socio-economic actors?<sup>19</sup>
  - How are the costs and burdens<sup>20</sup> of the value generation in the chain distributed over socio-economic actors.

17 Categories: Super advocates, Issue promoters, Involved&interested, Neutral, Opposition

18 Wealth and Economic Benefits include: revenue, jobs and livelihood opportunities, skills, technology, domestic procurement and processing, linkages/promotion to other national and regional value chains, social provisioning by government.

19 Key socio-economic actors include: government (national and local), communities, workers, farmers, large(r) small and medium scale producers, including women,

20 Costs and burdens include: Environment degradation and pollution; land-dispossession; disrupted economic activities; etc.



- II. What are the relevant **policies, effects and possibilities** that influence how the wealth is shared? Key policies which influence the distribution of benefits and costs include: fiscal policies (tax and public spending); trade, finance and investment policies:
- What are the features and current characteristics of Fiscal Policies?
    - o To what extent does this country/region collect<sup>21</sup> its fair share of wealth created in global value chains selected in the FAIR for ALL project?
    - o To what extent are women and poor people currently subject to disproportionate taxing<sup>22</sup> and to what extent does your country/region suffer from illicit financial flows (IFFs)?<sup>23</sup>
    - o To what extent are domestic resources mobilized for public services and social protection and reinvested<sup>24</sup> in productive local communities.
  - What are the features and current characteristics of trade/finance/investment policies?
    - o In which ways do these fiscal, trade, finance, and investment policies affect<sup>25</sup> the ability of government and the other actors (local SMEs, women, workers, farmers, etc)?
    - o What emerging changes, initiatives, perspectives exist (both at government level and among stake-holders) that can form the basis of change (that is: re-distribution of costs and benefits and economic diversification)?
    - o To what extent are citizens currently engaged around fiscal-, trade-, finance-, and investment policies?
- III. What will be your project's (adjusted) ambitions/targets per program outcome indicator for pathway 4?

- 
- 21 Pointers:
- What is the total amount of revenues collected from the specific value chains your country/region has selected to work on (in USD) and what is the revenue collected from this value chain as share on to the total DRM (in %)?
  - What are the current characteristics of fiscal policies in agricultural/extractives value chains in your project's country / region?
  - What are the characteristics of fiscal policies in the specific value chains your project focuses on? (E.g. Is it subject to corporate income tax, does the normal CIT rate apply (what is the normal CIT rate?), Are there any corporate exemptions or incentives, e.g..special tax free zones, tax holidays, specific industry exemptions?
  - How are exemptions and incentives granted and is it subject to (parliamentary) oversight? Are there any (other) transparency and accountability issues in how revenues are raised in the value chain?
- 22 Pointers:
- How progressive is the fiscal system (both revenues and spending)?
  - What does the current available information say (if at all) about how the current fiscal system affects women and poor people compared to other groups (looking both at revenues and spending)?
- 23 Pointers:
- What are the current estimates on Illicit Financial Flows? And how much is connected to the value chains your project is working on?
  - What are the estimated revenue losses in your project's country/region due to IFFs?
- 24 Pointers:
- Which part of the total budget is allocated for public services and social protection, supporting inclusive agricultural economies and climate resilience and adaptation.
  - Does the revenue from the value chains go into the general central coffer, or is it earmarked in any way?
  - Which provisions exist for revenue sharing or reinvestments in local communities?
  - Is there currently any (additional) spending on creating an enabling environment for your project's value chains?
  - Is there any info in the budget or otherwise on the amount of international climate finance that enters your country from Climate Funds (like GCF, GEF, etc), MDBs or bilateral aid and how this money is used?
- 25 Pointers:
- How do the current trade, tax and investment regimes affect this government's ability to build and invest economic sectors that are more locally owned, sustainable, inclusive and productive? E.g. to what extent do these current regimes enable small and medium enterprises' participation in value chains?
  - To what extent does the current policy and investment environment enable economic diversification? For instance: what are current investments in positive linkages between primary commodity chains and national and regional value chains?

# COLOPHON

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