

DAC CSO Reference Group  
Messages for the f2f consultation with the global Task Force  
Oct 1<sup>st</sup> Washington DC[1]  
28<sup>th</sup> Sept 2019

1. The DAC CSO Reference Group appreciates the opportunity to have a face to face conversation with the members of the global Task Force back to back with their ninth meeting. We sincerely value the efforts of the whole Task Force to outreach to CSOs in a variety of ways as we also recently shared at the OECD DAC CSO Days (June, Paris), where best practices of multi-stakeholder dialogue were discussed. We look forward to other opportunities to stay engaged as TOSSD further evolves.
2. We notice that this consultation comes at a very timely moment to the discussion on this new metric: the most comprehensive version of the Reporting Instructions - addressing both Pillars - was endorsed in June 2019; the findings from the first global TOSSD survey are expected to be soon available; a most recent pilot study in Indonesia, where CSO colleagues were involved; and last but not least the IAEG-SDGs consultation on the 2020 Comprehensive Review, covering also the inclusion of TOSSD as an additional indicator to Goal 17.
3. The DAC CSO Reference Group notes that the TOSSD is on the path to being finalized with a view to being taken into account by a broad set of development actors. We would like to signal that discussions within the DAC CSO Reference Group on the inclusion of the new metric in the 2020 Comprehensive Review (SDGs indicators) have highlighted some level of support as well as some hesitation that such endorsement is premature. Such concerns are mostly about how TOSSD will work in practice, given the complexity that the drafting of the Reporting Instructions has brought to the fore, particularly for Pillar Two. In that regard, it is noted that we have yet to see the TOSSD survey data as we draft our messages for this consultation.
4. There are many expectations that the dissemination of the findings from the first global survey may help the broad community of development practitioners better frame its potentials and perhaps defuse ongoing concerns. In this regard, the DAC CSO Reference Group's perspective is well known. Based on our overarching view that TOSSD must not undermine standing global commitments on ODA and development effectiveness, our major areas of concern continue to be: 1) the development impacts and the quality (effectiveness) of the activities reported under TOSSD, consistently with human rights and development effectiveness principles; 2) the transparency and granularity of the information available, including differentiated reporting for official resources and leveraged ones; 3) the lack of precision in several of the reporting

standards that are still apparent in Pillar Two (Annex E), which may result in serious inflation of TOSSD and undermine its utility as a metric for the core goals of Agenda 2030; 4) the lack of aspiration to disaggregate data to measure impact / progress on the furthest behind groups; 5) the validation of data from a country perspective.

5. As the DAC CSO Reference Group brings together a broad alliance of CSOs representing an ample spectrum expertise and regional variety, we are keen to place TOSSD in the broad picture of financing for development. Consistently with one of the core development effectiveness principles inherent in commitments in the GPEDC, we welcome the stated intent of TOSSD to strengthen a country perspective in development finance. But at the same time, we would observe that these stated intentions are often in conflict with actual policies by providers to saddle development cooperation partnerships with other domestic political and economic interests as well as with efforts to domesticate the FFD agenda as in the case of the ongoing discussions on the Integrated National Financial Framework, whose impact at the Partner country level must still be properly assessed.

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6. We appreciate the commitment to completing the drafting of the Reporting Instructions. As for the most recent changes, we have noticed efforts to further refine the description of the eligibility criteria. In that regard the reference (§ 47) to the need to factor in *detrimental effects* is very welcomed; at the same time, we highlight that some of the options from a previous working draft (June) spelled out that such detrimental activities should be excluded in a much clearer fashion.
7. As for the delineation of Pillar Two, paragraph 70 offers some operational criteria to count in/out certain activities. At the same time, the current draft – including the reference to *substantial benefit to TOSSD eligible countries* - is testimony to the latitude that reporting parties will have in submitting data, but also to the efforts that the custodian agencies will have to make to confirm consistency with the mission of TOSSD, namely impact for developing countries and communities. The latter is particularly a concern for data coming from different actors such as the private sector. In the same vein, we support the call from paragraph 71 that spending on provider countries' priority should not be included in TOSSD, but we notice there is no easy determinant of such provider countries' priorities within the framework for TOSSD and in particular Pillar Two.
8. We take this opportunity to re-emphasise our concerns about the exceptions (which applies to both Pillars One and Two) by which *If a reporter cannot find a direct link between one of its activities providing a critical contribution to sustainable development and an SDG target, the reporter will still be able to report it, linking it to a goal and*

*providing an appropriate justification* (§49). We are, in fact, concerned this may result in a major loophole. This situation will likely apply to the largest provider, the US, as mentioned in footnote #21. We would therefore welcome more clarity as to how/who will be responsible for reviewing the justification for not being able to link TOSSD activities to a specific SDG target.

9. Similarly, the fact that Pillar Two may include *Certain expenditures incurred by providers in their own countries or in non TOSSD-eligible countries (e.g. research and support to refugees* (§65) is in our view a slippery slope and would require much more detailed guidance so as to avoid a situation in which TOSSD figures are significantly inflated.
10. As activity-level reporting is crucial for transparency, accountability, and credibility of the TOSSD metric, we reiterate our support for this being a cornerstone of the TOSSD framework. However, regarding reporting on private finance mobilised, there are questions that may be better addressed, including: will the coexistence of the OECD methodology and the MDB methodology entail any discrepancy regarding the activity-level reporting rule, and the level of detail available? In particular, will there be a clear requirement that applies to both methodologies in terms of minimum transparency for TOSSD in regard to commercial confidentiality issues? The current reporting instructions seem to indicate that this will be left to providers' discretion (*Any information linked to TOSSD activities subject to confidentiality regimes (e.g. company names) should be filtered out upstream by the data providers* (§25)). In addition, will the two points of measurement (§61) - i.e. at the level of i) transaction with the recipient country and ii) funds/facilities - entail different levels of transparency/granularity?

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11. Annex A provides a picture of how data gathering will work in practice with both the CRS and IATI as the two databases serving as the major sources. At the same time, we feel compelled to raise the issue of data validation by Partner countries, which would further confirm the notion of TOSSD's providing a country perspective. Partner countries' role in the reporting cycle is still unclear, and there is no specific mention of it in the reporting steps (§73).
12. In our view efforts to support and enhance statistical capacity of recipient countries are critical to making the 'recipient country perspective' a reality, yet to date only 0.3% of ODA is dedicated to this. This point should not be demoted to a footnote (as it currently is in footnote #13), but should instead be an overarching commitment by providers who engage in the TOSSD process. We would suggest making this point in the preamble to give it more importance.

13. More broadly, Annex A still leaves questions about the overall oversight/review mechanism - i.e. what structure, what governance, what resources? - unanswered. Answers to these questions are key to make sure that the TOSSD framework will be adequately equipped to not only effectively collect the data and check TOSSD-eligibility (ex-ante), but to also monitor and evaluate the development impact (ex-post) and check compliance with internationally agreed standards (social, environment, development effectiveness). The latter two efforts are critical to ensure that TOSSD is not just about tracking providers' stated intentions, but also about overseeing quality and development impact. Without the proper oversight system in place, there is a risk that the important statements made in the preamble will remain empty rhetoric; *TOSSD assumes that all resources captured therein comply with prevailing global and regional economic, environmental and social standards and disciplines, as well as development co-operation effectiveness principles; Particular attention is paid to commercially motivated resource flows – such as officially-supported export credits and resources mobilised from the private sector – and on their compliance with global standards and disciplines* (§5); the assumptions that TOSSD will have no unintended consequences in terms of diverting resources away from developing countries (in favour of regional or global initiatives) or away from ODA (in favour of other types of non-concessional instruments) (§6).

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14. As for Annex E, we appreciate the efforts to complement the Reporting Instructions with further clarifications on some key areas for Pillar Two. While we have addressed some of these areas in the past, this is the first opportunity for CSOs to review and comment on their expression in the Reporting Instructions. We are still therefore assessing the long-term implications stemming from the text. This said, we notice that Annex E complements the set of principles that applies to TOSSD in many areas, including research, peace & security and refugees. We would then like to invite all the relevant parties to work to ensure that these clarifications are an integral part of the Reporting Instructions, which in turn enhance the quality, consistency and transparency in data gathering. We would also suggest that the Task Force review whether guidance may need to include additional important themes that will be covered by TOSSD, such as trade or migration-related activities for instance.
15. We appreciate the importance that well oriented Research & Development (R&D) may have in furthering the 2030 Agenda, and we take note of the delineation of the activities that will be reported under the two TOSSD Pillars. Bearing in mind the need to demonstrate development impacts, we support the principle of open access in the case of *flows for R&D activities* not taking place in TOSSD eligible countries. We then call

on all reporting parties to stay consistent with the RIs, in particular with §§ 69, 70 and 71 by excluding activities whose *applicability is largely domestic*. In this regard, what are the boundaries for reporting *basic research* that is not linked to any particular SDG or TOSSD set of countries? What evidence will be required to demonstrate its relevance to TOSSD?

16. On Climate Change, we appreciate and support the role that multilateral institutions - and UN dedicated bodies in particular – must have in regulating this area of activity. We support that *climate adaptation actions* in provider countries *are generally excluded*, consistently with the notion of adaptation and the delineation of Pillar Two, namely the principle of *substantial benefit* for TOSSD eligible countries.
17. We are conscious of the current challenges in tracking cross border flows that can potentially be reported as climate finance, including diverse provider reporting practices. We notice with some concerns that all activities to reduce greenhouse gasses in a provider country or a non TOSSD-eligible country could be reported on the assumption that there is a benefit to *all countries of the world*. As mentioned in the TOSSD Issues Paper on Climate Finance, *the volume of climate-related domestic investments could easily reach hundreds of billions of USD yearly (...), fundamentally shifting the meaning of the TOSSD headline figures*. More than ever, TOSSD reporting parties should support the relevant discussion in the global climate bodies leading to joint decisions on the *modalities for the accounting* of the relevant expenditure. Many of these issues were raised in the June TOSSD Issues Paper on Climate Finance, but their resolution in these Reporting Instructions raise serious concerns for a potential artificial inflation of the TOSSD metric.
18. Reporting of Peace and Security related expenditures (SDG target 16.a) exemplifies the changes that TOSSD may introduce in the broad development discourse. Bearing in mind the vast implications that may stem from this agenda, we would like to stress the importance in this area that all reporting parties remain consistent with the general principles and safeguards outlined in the Reporting Instructions: do-no-harm; transparency, no lethal equipment; compliance with global frameworks; effectiveness principles. Also, we support the application of the UN principles – consent of all parties, impartiality and non-use of force - which should apply to all kinds of peacekeeping operations; similarity, law enforcement activities, including the fight against organized crime and terrorism, should stay within the boundaries of the UN Conventions and Protocols.
19. On the other hand, in our view there remains a number of areas that are vague that need further clarification. We would like to make a call for a better delineation of engagement with *partner countries' military*, consistently with the above-mentioned

principles. Last but not least, we notice that peacekeeping operations as well as international tribunals will be reported under Pillar Two in light of their general contribution. On what basis is *other peacekeeping* and *international tribunals* determined to be eligible for inclusion in TOSSD consistent with the governing principles?

20. In the case of Refugees and protected persons, we would like to reiterate the need to address the case of TOSSD eligible countries hosting a significant number of refugees, whose efforts should be properly reported. Also, we appreciate the delineation of the expenditures that will be reported under Pillar One and Pillar Two (host countries); we call on all the reporting parties to stay true to the principles of non-refoulement, non-discrimination and non-penalization. On the other hand, we remain concerned that going beyond the rule of the first 12 months may actually result in significant discrepancies, given the diverse policies applied by countries in supporting refugees (and again result in artificial inflation of TOSSD as a useful metric).

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[1] Drafted for the DAC CSO Reference Group with inputs from Brian Tomlison, Jan Van de Poel, Jennifer del Rosario-Malonso, Julie Seghers Luca De Fraia, Mareen Buschmann, Martin Tsounkeu Nerea Craviotto and Thilak Kariyawasam.