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FINDINGS AND RECOMMENDATIONS

**HUMANIZING STATES AND ECONOMIES IN
AFRICA – A ROUGH ROAD FOR CIVIL SOCIETY
CAPACITY BUILDING**

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HUMANIZING STATES AND ECONOMIES IN AFRICA

– A ROUGH ROAD FOR CIVIL SOCIETY

– CAPACITY BUILDING ⁽¹⁾

I. INTRODUCTION

This issue of Findings and Recommendations synthesizes the findings of a study that reviews state-civil society relations in Africa. The aim is to sharpen ACBF's focus in strengthening the platform for partnership between the state and civil society in national development management processes. Conducted by the Knowledge Management Department of the African Capacity Building Foundation (ACBF) and led by ACBF Technical Advisory Panel and Network on Professionalization of the Voices of Civil Society and the Private Sector (VOICENET), the study defines civil society as a concept, highlights the nature of the relation with the state across Africa, identifies challenges facing civil society organizations and their effectiveness, and provides pointers to entry points for effective capacity building interventions by ACBF and other partners.

II. THE ISSUES

(a) The Concept of Civil Society

The concept, civil society, was apparently first used in the 16th century when it equated the happiness of the individual with the general welfare of society. Civil society was seen as the repository of public freedom and that volunteerism, community spirit and independent associational life are powerful social adhesive that could hold society together and protect it against domination by the state. Civil society, therefore, keeps the state accountable and effective. While civil society has been drown in an avalanche of definitions, one comprehensive definition is that which sees it as a kind of associational life distinct from states and markets but formed for the purpose of advancing common interests and facilitating collective action (Edward 2004: VII) ⁽²⁾. Thus, civil society opens the space for participatory development. It is such participation that promotes responsive and accountable interaction between citizens and governance structures. For ACBF, civil society serves as a countervailing influence on the state in order to promote public sector effectiveness, efficient use of public resources and good governance. Civil society consists of organizations variously described as non-governmental organizations (NGOs), Community-Based Organizations (CBOs) and Voluntary Associations (VAs).

1. Professor J.A.A. Ayoade led this VOICENET study with contributions from Professor Lloyd Sachikonye and Mr. Amadou Kanoute. Professor Ayoade was first Chair of VOICENET.

2. Edwards, M., 2004, *Civil Society*, Padston, Cornwall, TJ International

(b) Civil Society in Africa

Before the surge of demand for democratic reforms at the beginning of the 1980s, the ascription of role to civil society in the analysis of developments in sub-Saharan Africa was an exception rather than the rule. This was partly a result of the erroneous assumption that civil society did not exist in Africa and partly the conclusion that the civil society concept could not explain developments on the continent. The prominent role civil society has played in the efforts to entrench good governance in Africa is a strong indication that the assumption was misguided and erroneous.

Besides, Africa has a long history of associational life, as well as ethnic organizations and social organizations that helped to mold and moderate public opinions and resist the pernicious advances of the state. Africa has always enjoyed participatory communalism, which deployed grassroots energies and enthusiasm in support of the common good.

Civil society organizations are formed for different purposes but perhaps the most important reason in Africa is political, followed by economic considerations. Civil society-state relations have been the most contentious in Africa as illustrated by the *Report of the World Movement for Democracy: Defending Civil Society (3)*. The report shows that:

- In Libya, there is no legally-recognized right of association
- In Uganda, NGOs wishing to publish human rights materials must submit them to the Government Media Centre for scrutiny before publication
- In Egypt, NGOs are impeded by the extra-legal actions of the security services who scrutinize and harass civil society activists even though the law does not accord them any such powers
- The law in Equatorial Guinea restricts NGOs from engaging in promoting, monitoring or engaging in any human rights activities and requires government approval for political gatherings involving more than ten individuals
- In Ethiopia and Algeria, regulations governing the registration process are vague and leave considerable discretion to the registration officials. Consequently, NGOs have difficulty registering, experiencing long delays, repeated inquiries for information, and in some cases denial
- In Nigeria a proposed bill will authorize a government-controlled NGO Council to ‘do anything which, in its opinion, is calculated to facilitate the carrying out of its action under the Act.’
- Egypt’s Law 84/2002 limits the rights of NGOs to join with non-Egyptian NGOs and to communicate with non-governmental organization. National NGOs that communicate with International NGOs run the risk of dissolution.

3. *Report of the World Movement for Democracy: Defending Civil Society, February 2008*

- In Angola, in February 2007, a human rights and anti-corruption crusader was arrested by armed Angolan police while visiting an oil rich enclave to meet local civil society representatives.
- The Government of Eritrea issued the Administration Proclamation 145/2005 forbidding UN and bilateral agencies from funding NGOs. All donor funds must flow through Government Ministries.
- The Tanzanian NGO Act 2002 established a National Council of NGOs as the sole umbrella group for NGOs, compelling all NGOs to belong to the council, and prohibiting any person or organizations from performing “anything which the council is empowered or required to do” under the Act.
- The Zimbabwe Interception of Communication Act signed on August 3, 2007 authorized the government to intercept mail, phone calls and emails without having to get court approval.

(c) Structure and Performance

Civil society organizations are varied across Africa. There are however commonalities that link the various traditions in Anglophone, Francophone, Lusophone and Arabophone Africa. Fieldwork indicated that CSOs sprang up in response to different issues in different countries and at different times. Some recent examples are illustrative. In Nigeria, the annulment of the 1993 Presidential election coupled with the ruthless regime of General Abacha that followed, forced citizen resentment that was expressed in the spate of human rights organizations. In Liberia, the Taylor regime forced concerned citizens to establish civil society organizations. For example, the protest and demand of the Bethel Women compelled the regime to establish the Ministry of Gender and Women’s Affairs. The civil war that was precipitated by the regime proved civil society organizations as the only source of help in the absence of a government. In the fairly quiet polity of Senegal, civil society organizations were formed to play a countervailing and supplemental role to government. The organizations are non-profit, non-partisan and autonomous representing women, labor, youths, peasants and marginalized sectors of the polity. Civil society in Burkina Faso is defined in sharp contrast to political society, which expresses itself in state institutions and to economic society, which is motivated by profit making.

In some African countries like Nigeria, CSOs are in their thousands. They range from the highly visible to the most obscure. Some have proper organizations and offices, while many are made up of individual part-timers. Their mortality rate is very high. For synergy, civil society organizations tend to establish umbrella organizations. In Nigeria the Transition Monitoring Group (TMG), with a membership of about one hundred and seventy member organizations, was formed. TMG was very effective in confronting government on governance issues, especially during elections. It fiercely engaged the Independent National Electoral Commission (INEC) in a heated debate over the monitoring of the election in 2007.

Liberia, Sierra Leone, Senegal and Burkina Faso also established coordinating organizations to strengthen civil society activities. Liberia established the CSO Advisory Committee in 2004. A consultative meeting had agreed that the Government of Liberia should prepare a policy paper for the operation of CSOs. The Ministry of Planning prepared a Consultative Paper, which the CSOs complained deviated from the Terms of Reference. The paper proposed that the Ministry of Planning must first approve any project by a CSO before it could be forwarded to donors for funding. The proposed screening process raised a number of questions, especially with respect to the autonomy of CSOs.

Sierra Leone established a 50-member Sierra Leone Association of NGOs (SLANGOs), which is an umbrella body of local and international NGOs. It is maintained by contributions of member organizations. In return for membership, SLANGOs offers certain services and privileges. It conducts training workshops for members and holds an Annual General Meeting every March. SLANGOs has however not been very effective in serious engagement of the government, which has established several structures of control. An NGO desk has been established in the Ministry of Development and is responsible for the registration of all NGOs. There are other institutions for the supervision of NGOs in Sierra Leone, like the Development Coordination Unit (DACU) set up to monitor how much of development aid actually gets spent in Sierra Leone.

The NGOs in Senegal and Burkina Faso are small and less experienced. But like in Sierra Leone and Liberia, they synergize by forming apex organizations. In Senegal, the Conseil des ONG de Developpement (CONGAD) is made up of 166 member organizations covering ten regions. The second umbrella organization in Senegal is the Council National de la Jeunesse (CNJ), which coordinates all youth associations. The NGOs signed a memorandum of understanding with government and established the Direction du Developpement Communautaire (DDC) to coordinate their relations. The Memorandum of Understanding enjoins the Government of Senegal to: i) facilitate the establishment of the NGOs for the implementation of projects and programs that support the country's development plans; and ii) grant fiscal and tax exemptions to the NGOs for the purchase of equipment and materials needed for project implementation. In return, the NGOs agree to: i) mobilize the resources needed to implement development plans and rural development; ii) submit to government the investment program it wants to undertake; and iii) present the annual report on the progress of such projects.

The situation in Burkina Faso is very similar. There are four umbrella organizations for the NGOs, namely: Secretariat Permanent des Organisations Non Gouvernementales (SPONG), Cellule nationale de Renforcement des Capacities des Organisations de la Societe Civile (for coordination and CSO capacity building), Confederation Paysanne du Faso (Farmers' Organization) and Reseau Africaine des Jeunes pour la sante et le Developpement du Burkina Faso (Coordination, Resource Mobilization for Youth Associations). To facilitate CSO-Government relations, Direction Generale du Suivi des ONG (DSPONG) was established.

In spite of the structures established for state-civil society relations in Senegal and Burkina Faso the relationship between them is not cordial. The states exercise invasive supervisory oversight and compete with CSOs for funds. The shift from balance of power to a regime of interdependence between civil society and the state has not occurred in spite of the Memoranda of Understanding in Senegal and Burkina Faso.

To strengthen the voice of CSOs in the development efforts of African countries, some of the international bilateral and multilateral donors have recommended relations between the state and civil society. For instance, the European Union made it mandatory in Article 4-6-33 of the European Development Fund (EDF) that CSOs should be involved in the formulation and implementation of the Cotonou Agreement with the ACP countries. Similarly, the World Bank recommends the involvement of CSOs in the formulation and development of the Poverty Reduction Strategic Papers (PRSPs) at national levels. The UNDP, which funds National Good Governance Programmes, made the same recommendation to enable CSOs become a countervailing force and influence political and economic decision-making. The Transition Monitoring Group (TMG) of Nigeria resisted such instructions when the Joint Donor Basket Fund (JDBF) recommended that the TMG should register with the Corporate Affairs Commission – a governmental organization. The TMG argued that it would create serious problems to register with the same government with which it picks issues.

It has been observed that whenever CSOs reach such accommodation with Government, it undermines their credibility as agents for alternative development policies and programs.

III. FINDINGS AND CONCLUSIONS

Guided by its findings, the study reached the following conclusions:

- An organization is a civil society organization as long as it promotes specific interests for better governance. Once the organization pursues any political interest with the intention of acquiring political power then it ceases to be a civil society organization. It becomes a political organization.
- The change from civil society organization to a political organization is not difficult to contemplate. What has been problematic is when the leadership or prominent members of a civil society organization leave the organization to become members of a political organization that has been severely criticized by the same CSO. This movement, which is goaded by opportunism, threatens the credibility of civil society as an honest broker of good governance practices.
- Where there is collusion between the state and the private sector, civil society has an uphill task taking on the two of them together. It is easier where the state supports civil society to confront the private sector. But in most African countries, the private sector and the key officials of government are often very close.
- CSOs are not alternative development agencies. They are however best when they complement and check the state and the market.

- The problems of the African civil society are not limited to domestic adversaries. International NGOs and donors also pose serious challenges to their effectiveness. Some donors determine CSOs' policies and programs so much so that the local NGOs lose ownership of their programs. But quite apart from that, the NGOs hardly develop expertise in any particular area. Thus, it is not uncommon to find NGOs that serially work on HIV/AIDS, environment, democracy and governance, Terrorism, etc. There is yet another development: a good number of the international NGOs behave more like bilateral agencies than non-governmental organizations. Perhaps this is not surprising because some of them are government non-governmental organizations. Yet in some other cases, they are instruments of political parties.

IV. RECOMMENDATIONS AND CAPACITY BUILDING IMPLICATIONS:

The case studies highlighted by the study show that the relationship between the state and civil society is still largely adversarial. The state in Africa is inclined to creating barriers to freedom of association; to operational activity; to speech and advocacy; to contract and communication; and access to resources by CSOs. These are barriers to burden, discourage and sometimes to prevent the formation of CSOs. It is customary for the state to justify these actions by arguing that these are instrumental steps to enhance accountability and national security. Civil society organizations in many African countries therefore operate under great strain. Their achievements are modest and are more in the area of democratization. They have not made any visible impact on economic reforms and market transformation. But they are at the cutting-edge of development knowledge continually in contact with developments in governance and economy. Their ultimate goal is to humanize the state and the economy for the benefit of the entire citizenry. But the journey does not promise to be smooth. And for this to happen, their capacity must continue to be built and strengthened not only at the level of the umbrella organizations but through support to targeted CSOs. ACBF should therefore begin to look beyond its present focus on umbrella organizations to selected CSOs whose mandates are consistent with the Foundation's capacity building objectives in each African country.



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