

STATE-CIVIL SOCIETY INTER-ACTION IN POLICY-MAKING

A MANUAL

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1. INTRODUCTION

'Civil society' has become one of the most fashionable terms our times. There are many civil society organisations (CSOs) which have sprung up in Southern Africa in the past two decades. No discussion about politics, democracy and development is complete without reference to the pivotal role and contribution of CSOs. Newspapers, magazines, text-books and talk-shows refer to civil society and its lynch-pin role. Indeed, it is often assumed that everybody knows what 'civil society' is, and its contribution in the broader society. This manual is on 'civil society' but it does not assume that everybody has extensive knowledge about what it is; what it consists of, and how it relates to the state. The manual seeks to explain in basic terms the nature of the relationship between civil society and state institutions, a relationship which historically has been characterised by accommodation, suspicion and conflict. It begins by providing working definitions of the key concepts of civil society and state, and a framework through which these two sets of institutions could be understood better.

The manual then proceeds to give an overview of the relationships between the state and CSOs in Southern Africa through several specific examples. In particular, the relationship is explored in connection with 'governance', another widely used term and concept but which is not always clearly defined. The constructive contribution of CSOs to the governance process is then spelt out. Some of that contribution consists of civil society's 'watch-dog role' especially the insistence on accountability and transparency in state institutions, and on the protection of human rights and political freedoms. The manual argues that this role of civil society is vital for democracy. The participation of CSOs in the policy and development processes is then considered. National experiences are drawn upon from Botswana, Tanzania, South Africa and Zimbabwe to show the scope and diversity of this participation. The opportunities as well as the constraints in that participation are highlighted. There are specific references made to good and successful cases of state- civil society partnership in the development arena, and here the increased profile of NGOs is cited. It is observed that CSOs have become indispensable actors in the development field particularly in these difficult times of economic adjustment. However, it remains a challenge to the state and politicians to provide suitable conditions for this development partnership.

Finally, the manual switches attention to conditions within the CSOs through raising the issue of their accountability and transparency. The patterns vary in different CSOs but it is argued that they are expected to practise what they preach in terms of internal governance.

1. WHY SHOULD STATE-CIVIL SOCIETY RELATIONS BE EXPLORED ?

Why is it important to know about relations between the state and civil society? It is important because in governance, the state needs the consent for its policies and participation of society as a whole. That society is made up of different civil society organisations. It is vital to know about these relations because in building democracy the contributions which these organisations make are indispensable in strengthening it. Governments benefit from constant interaction with organisations which represent the interests of citizens which is what civil society organisations (CSOs) do.

The **Southern Africa Regional Institute for Policy Studies (SARIPs)** organised a training programme for Parliamentarians and Councillors in 1998 to 2000. At a planning workshop organised in Harare in September 1998, the need for a course on **State-Civil Society Relations** was highlighted. The participants from the six participating countries recommended that the course be made part of the training programme on Governance specially tailored for the needs of MPs and Councillors. The six participating countries were Zimbabwe, Botswana, Lesotho, Mozambique, Tanzania and South Africa. Most participants at that workshop argued that the nature of state-civil society relations needed to be well understood. It was critical for good governance that these relations improve for the better, they added.

Similarly, a report called the **SADC Regional Human Development Report** was published in 1998, and one of its findings was that:

"it cannot be over-emphasized that civil society organisations (CSOs) are indispensable to building and consolidating democratic governance and human development."

The report went on to observe that some CSOs such as Non-Governmental Organisations (NGOs) are directly involved in the development process in urban and rural areas. They have accumulated a wealth of experience and skills in stimulating grass-roots development initiatives. Other CSOs:

"have been more directly involved in governance issues. They have been watch-dogs over the observance of political and human rights, and have been directly involved in constitutional reform issues" (SADC, 1998).

It is therefore necessary and rewarding to assess this expanding role of CSOs. It is, however, a role which has sometimes led to conflicts, and at other times to collaboration, with the state. *How can we explain this relationship of constructive accommodation at times, and polarising conflict at others? What scope exists for an improvement in state-civil society relations so as to*

ensure better governance and a sustained development process? How can interaction between the two enhance the design and implementation of policies? These are some of the questions which we will seek to answer in the course of this manual. However, let us begin by defining our key concepts and terms.

2. WHAT IS CIVIL SOCIETY?

Civil society is a concept which refers to institutions or organisations which engage in non-state activities. These activities range from economic activities to voluntary operations or tasks. The organisations comprise a plurality of public and private spheres. They range from productive units (cooperatives, chambers of commerce, etc.), and voluntary organisations and community-based associations (ratepayers associations, self-help organisations etc.). One analyst observed that civil society: "*is a code-word for associational life of a society that exists somewhere between the individual actions of each person and the institutions constituted by the state*" (Swilling, 1992). Civil society organisations provide ordinary citizens with an opportunity to organise themselves so that they develop capacity to influence policies as well as the allocation of material resources. These organisations can be at the local, community, provincial or national level. Notably, civil society is distinguished by the fact that its activities take an organised and collective form.

Another analyst has emphasized the autonomous character of civil society (Kiondo, 1993) stressing that CSOs are organisations autonomous or independent from the state. Their primary goal is not to obtain state power but to exert some influence on the state, and to make it more democratic.

Let us now enumerate some organisations as examples of CSOs. They include the following:

human rights organisations,

trade unions

- *NGOs*
- *student organisations,*
- *women's organisations,*
- *non-state media*
- *church-affiliated organisations'*
- *cooperatives etc*

We cannot possibly list all organisations which qualify to be termed CSOs. However, they tend to share similar characteristics of being autonomous, voluntary and representative as well as

being a source of influence or pressure on the state. What characterises civil society is what has been termed insitutional pluralism (Shitundu, 2000). This pluralism relates to the diversity of these organisations, as we saw above.

In the Southern African context, non-governmental organisations (NGOs) occupy a special place in civil society. NGOs can be described as civil institutions which are:

- *formed voluntarily by private citizens.*
- *serve a philanthropic purpose.*
- *engage in a range of activities from relief programmes to development, health, conservation to social mobilisation programmes*

We can see that CSOs in the form of NGOs are engaged in a myriad of activities. These include economic and cultural activities, provision of social services including health and education, charitable and religious programmes, championing of civil and political rights, environmental and resource conservation, and engagement in poverty alleviation and rural development programmes.

3. STATE AND CIVIL SOCIETY : AN ANALYTICAL FRAMEWORK

Just as it is important to define what we mean by civil society, it is also useful to remind ourselves about what we mean by the "state". The state is commonly understood as that set of institutions which consists of Government, Parliament, the Judiciary and the Services (army, police and air force). It is necessary to emphasize that a government alone does not constitute a state: it is part of the state. We normally of the various structures which make up the state as "branches of the state". For a state to work efficiently and transparently, there needs to be effective " checks and balances" between the executive branch (government), the legislature (parliament), and the judiciary. However, this does not mean that there may not be differences between and within state institutions. There can be serious rivalry between ministries and departments; there could be tension between the executive and the judiciary or with the legislature. These are features of a democratic system. Where the executive seeks to dominate either the judiciary or parliament, you have the makings of authoritarianism which threatens democracy. Where the state seeks to subordinate civil society institutions, you have conditions of repression which undermine democracy.

It has been argued that the concept of civil society cannot be meaningful unless it is linked to that of the state (Shitundu, 2000). There is a sense in which state and civil society are two sides of the same coin. It is therefore often not helpful to view civil society as a collective opposition

or alternative mechanism of government, or to argue that it is a substitute for the state and political parties. As one theorist has observed, the competing claims and conflicts of interest in civil society can only be settled by means of laws which are applied universally (Keane, 1988). Since universal laws cannot emerge spontaneously from civil society, "their formulation, application and enforcement would require a legislature, a judiciary and a police force, which are vital components of a state apparatus" (Ibid.). This line of reasoning allows one to avoid naive assumptions that are sometimes held regarding the political capacity of CSOs. Organisations of civil society cannot substitute the functions of the state and political organisations. CSOs, by their very nature, cannot compete with political parties in their roles. Parties aggregate diverse demands into coherent political programmes and translate these programmes into effective collective action through electorally legitimated control of political office. They facilitate a peaceful transfer of government power from one party to another in a multi-party system.

In sum, the state and civil society do not (and should not) duplicate each other's respective roles. They should complement each other especially in the development process. In the building of democracy, civil society should play its key role as a watchdog over human rights especially political and gender rights amongst others. The conceptual or analytical framework which we have sought to develop here will be useful in understanding the interaction between state institutions and CSOs in various spheres, but especially in the policy field. It is a framework which recognises the importance of the relative autonomy of civil society which exists alongside a separate state. A state which ensures the civility of CSOs, adjudicates their differences and aggregates the preferences of citizens in programmes of collective action (Glaser, 1997).

In most countries, CSOs are formally registered under legislation which governs their operations. Some have argued that, in this way, the state can control their operations, and influence their ability to criticise government. This can indeed happen in some countries. However, the experience of the women's movement in Botswana, for example, indicates the contrary as is evident from its advocacy activities. For instance, the *Unity Dow vs. Attorney General Citizenship case* indicated that the women's movement maintained its autonomy even though it had regular dealings with the state (Alexander, 2000). However, this autonomy is not consistently respected in other countries. In some countries in SADC, NGOs have experienced difficulties in working with the state, for instance in Namibia, Zambia and Zimbabwe. Finally, the strength of any democracy can be measured in terms of the existence of popular power illustrated by the rule of the people through the strength of its civil society institutions. The

voices of citizens, as expressed through CSOs, ensure the promotion of popular participation in any democracy.

4. AN OVERVIEW OF STATE- CIVIL SOCIETY RELATIONS IN SOUTHERN AFRICA

In this section, we provide an overview of how civil society and its broad role have evolved before we lay out how its relations with the state have developed in the Southern Africa region. It has been observed that where the level of economic development is higher, you tend to have a more diversified and stronger set of CSOs independent from the state and political parties. Thus the more economically developed a society is, the stronger the CSOs tend to be in terms of size, composition and capacity. This is why in industrialised societies you have a denser and stronger civil society compared to developing societies. In Southern Africa, as elsewhere in Africa, civil society is weaker due to the lower level of development. The dependence of CSOs on state institutions especially in relation to resources is much more pronounced. Broadly speaking, Africa is therefore characterised by a weaker civil society. One observation is that civil society in Africa lacks a common identity and awareness, and is not yet sufficiently developed to be fully autonomous (Shitundu, 2000). So the growth and role of civil society in Africa requires a historical analysis partly because of the argument that civil society was primarily a creation of the colonial state. The rights of free association, expression and political representation were the rights of citizens that were developed under colonial rule in which the state was the protector of a racially segregated society.

The laying of foundations of civil society during the colonial phase was marked by the emergence of indigenous associations. Some of them were professional associations such as those which represented teachers, nurses, and lawyers amongst others. Other organisations included those founded by farmers, students and trade unions. These spearheaded specific organisational interests. In Tanzania, for example, trade unions, youth leagues and cooperative movements began to be formed from the 1940s onwards. It can therefore be said that the period of nationalist struggle for independence created conditions for the growth of civil society in Tanzania, just as it did in other countries in the Southern Africa region.

With a few exceptions, African economies have remained largely agrarian-based, and to some extent, mineral-based. The bulk of the population is therefore still largely rural-based. This has implications for the size, composition and orientation of civil society in African countries. For instance, there has not been sufficient differentiation yet in rural society to allow for the emergence of a dense rural civil society. It has been observed that, in Tanzania for instance, the

post-colonial state has not succeeded in reproducing conditions for a stronger civil society (Shitundu, 2000). In particular, single-party politics saw the strengthening of one-party state rule and increased statism, and subsequently the erosion of conditions for the growth of a strong civil society. There was a concerted attempt by the state to subordinate various CSOs including those of students, youth, women, cooperatives and trade unions. It is not only Tanzania which has had a weak civil society, Botswana has also had a weak civil society, too weak to promote public debate or hold governments accountable (Holm and Molutsi, 1989).

Turning to the contemporary period, it is clear that state-civil society relations have gone through several shifts after independence. The Southern Africa region experienced a proliferation of CSOs especially in the development and political sectors in the 1980s and 1990s. This was explicable with the intensification of the struggles against apartheid in South Africa. The proliferation is also explicable because of the contraction of the reach of the state under conditions of structural adjustment in such countries as Malawi, Mozambique, Zambia and Zimbabwe. In other words, CSOs have sought to fill a vacuum left gaping by states whose resources for public sector expenditure have declined sharply.

The focus of CSOs has also changed as they went through various phases in the post-independence period. Although their experiences differ per country, several broad phases may be identified. In the early independence years, CSOs tended to concentrate on relief and social welfare programmes, and more broadly in development programmes. As time went on, CSOs in the form of NGOs expanded into research, advocacy in gender and political issues and indigenous economic empowerment (Moyo, 2000). In the 1990s, the democratisation wave which swept across Africa saw CSOs quite active in the advocacy of human rights and political liberalisation.

Other issues that CSOs concentrated upon in the 1990s included:

- gender issues,
- poverty alleviation and
- environmental and natural resources management.

5. STATE, CIVIL SOCIETY AND GOVERNANCE

The challenges and constraints facing developing countries, including those in Southern Africa, are many and varied. Achieving conditions which are conducive for good governance is a large and herculean task. Governance has been defined as "the exercise of political, economic and administrative authority in the management of a country's affairs at all levels" (UNDP, 1997). Key elements of good governance are the following:

- *accountability (defined as holding responsible elected or appointed individuals and organisations charged with a public mandate to account for specific actions, activities or decisions to the public from which they derive their authority).*
- *transparency (broadly defined as public knowledge of the policies of government and confidence in its intentions).*
- *avoidance of corruption.*
- *stakeholder participation.*
- *an effective legal and judicial framework (Agere, 2000).*

Good governance has the attributes of democracy, competence and legitimacy. More generally, the concept of governance has been extended to encompass:

- *public sector management.*
- *economic and financial accountability.*
- *predictability and the rule of law.*
- *and transparency in public affairs.*

It is scarcely surprising that CSOs have a big stake in the conduct of governance. There is a whole range of activities related to the conduct of governance in which they intervene in order to raise standards of governance. In Southern Africa, CSOs have their energies on mobilising public opinion around issues of political rights and accountability in public and state institutions. Human rights organisations were formed in all the countries in the region and have been active since then.

Some analysts have drawn a strong link between good governance and democracy (Alexander, 2000). A democratic system promotes transparency and accountability. This is so because the system is scrutinised intensively by organs of civil society such as media, various interest groups, the churches, environmental groups and by political parties to promote efficiency and accountability of governments (Holm and Molutsi, 1989). Where governments suppress or censor the press, NGOs or opposition parties, they are prone to become inefficient as well as lack transparency and accountability to the people that elected them into power. Democratic systems tend to have the advantage of effective communication channels and methods that ensure a free flow of information. It is accepted that the people they represent have a right to know and a right to speak and question what they regard as undemocratic or un-transparent, or not within the interest of the people.

An interesting case to refer to is Botswana. Over the years, Botswana's democratic system has

been strengthened and measures taken to make the system more participatory and inclusive. The country has been relatively successful in protecting political and civil rights. However, there are serious weaknesses in Botswana's democracy. For example, several corruption scandals have tarnished the country's reputation. Voter education is not widespread. The level of awareness among the majority of the people is low. The 1999 elections, for instance, showed that there was a great deal of apathy. There were also notable weaknesses in the electoral system. These shortcomings in governance are, by no means, confined to Botswana but are shared by countries in the region.

This is the context in which CSOs play a useful role as watchdogs over the state and its institutions. In Botswana, and elsewhere, they raise issues regarding accountability and transparency in state institutions. They jealously guard human rights, gender rights, press freedom, academic freedom and so forth. In that regard, they are like "thorns in the flesh" of state institutions. It is necessary that they jealously guard those rights without leaving this role to politicians, whether governing party or opposition party politicians.

There is sometimes tension between CSOs and the state and its institutions. This is often on accountability issues, human rights and related issues. The "watch-dog role" of CSOs, intended as it is to keep state institutions on their toes, results in tension which is necessary, healthy and inevitable. Even in the most stable democracies, this tension sometimes exists between politicians and the press, between state institutions and CSOs like environmental groups. It is the managing of the tension which is crucial. It should be done in such a manner that it does not lead to irreparable conflicts. In Southern Africa, there are numerous examples of such tensions and conflicts between states and the media, between the state and human rights and anti-corruption groups etc. Such tensions should not necessarily lead to the damage of state-civil society relations.

In the field of human rights, you have many active organisations in most countries in the region. To mention a few examples :

- the Catholic Commission for Justice and Peace (CCJP) founded well before independence, and ZIMRIGHTS founded in the early 1990s have been quite active in the advocacy of the observance of human rights. They have organised workshops on various aspects of human rights, and popularised through the media the need for their protection and observance.
- in the area of gender rights, CSOs have been active in advocacy campaigns too. In Botswana, women's organisations have demonstrated that they are effective watch-dogs.

The emergence of pro-active organisations such as **Emang Basadi**, **Women and Law in Southern Africa (WILSA) Botswana Chapter**, **Women in Law and Development in Africa (WILDAF)** and **Metlaetsile** in the late 1980s has strengthened the women's rights advocacy programme. These organisations challenged the status quo as it related to the subordinate legal and social position of women. They questioned state policies and legislation that discriminated against women, demanded a review of these, and advocated for the improvement of the status of women as required by the constitution.

The Botswana case provides a positive example of an outcome of concerted pressure from civil society. The advocacy campaigns of women's organisations led to the decision by the government to review all laws that discriminate against women, and to make amendments or enact new legislation to promote the legal rights of women. This development has strengthened the role and profile of civil society. It has given it recognition as a voice of women in Botswana. This has led to a cordial and constructive relationship which currently exists between the state and women's movement (Alexander, 2000). The **Women's NGO Coalition**, a collective network of gender-based NGOs, works mutually with the Women's Affairs department to map out a future agenda for the empowerment of women. The women's struggles for equality and political space demonstrated the powerful force of civil society as a collective.

In Tanzania, civil society also engages in advocacy for civil and political rights. In particular, there has been cooperation between the state and CSOs like the **Tanzania Women Lawyers' Association (TAWLA)**, the **Tanzania Media Women's Association (TAMWA)**, and the **Tanzania Gender Networking Programme (TGNP)**. These organisations have interacted with the state on issues relating to land, inheritance, gender-based violence and other human rights issues. Mutual consultations between them and the state facilitated the enactment of legislation to protect women and children against child abuse. Women's health, including reproductive health, is now recognised as a human right.

Amongst some of the CSOs which make inputs into governance-related issues are industrial associations and professional organisations. Farmers' associations, chambers of commerce and industry often make representations to government on issues of economic governance. Professional associations representing lawyers, teachers, economists and political scientists contribute to important national debates on governance. Governments in some countries request their expert opinion on policy issues and legislation. In turn, these organisations also lobby government and other state institutions to advance and protect their interests.

It is interesting to note that some CSOs have intervened specifically in the area of accountability and transparency. They have proposed that anti-corruption commissions be set up to combat the growing problem of corruption in most countries in the region. Through pressure from CSOs, such anti-corruption bodies have been established in Botswana and Zambia amongst others. Public opinion has demanded nothing less than transparency and accountability in state institutions, and especially where tenders and contracts for projects are administered. National chapters of organisations like **Transparency International** play an active role in raising consciousness about the need to eradicate corruption. In this regard, the non-state press has been active in exposing corruption and scandals in state institutions but also in the private sector.

CSOs have increasingly played a pivotal role in the electoral process. They have been active in the provision of civic education, including voter education, and have engaged in election monitoring. Indeed, in Zimbabwe, for example, the vacuum in civic and voter education has been largely filled by CSOs since the mid-1990s. Prominent in the Zimbabwean context have been such organisations as the **Zimbabwe Council of Churches (ZCC)**, **ZIMRIGHTS**, the **Catholic Commission for Justice and Peace (CCJP)**, and the **Zimbabwe Women's Resource Centre and Network (ZWRCN)**. In particular, the ZCC which groups together different churches has engaged in civic education since the 1990s. Interestingly, the content of its civic education programme includes:

- *functions of government,*
- *elements of democracy,*
- *the law-making process,*
- *women and governance*
- *and participation in governance.*

In 1999, the SCC placed specific emphasis on voter education in preparation for the 2000 election. Training workshops were organised in Zimbabwe's 10 provinces. Election monitors were utilised as instructors in the voter education programme. The main target groups were marginalised populations in high-density suburbs and rural areas. For its part, the CCJP organised workshops at the grassroots level (at ward level); the focus was on voter education for both local council and national elections. Its material on voter education has been translated into five vernacular languages. Emphasizing the need for women to participate actively in the political process has been the ZWRCN. Its workshops have covered a wide range of issues such as *women and elections*, *women and inheritance*, and *women and land* amongst others. Most of its workshop participants are women, and the major objective is to raise political awareness, leadership skills and self-confidence amongst women.

In the Zimbabwe case, it is also noteworthy that a close working relationship exists between the CSOs and the Election Supervisory Commission. This is the case in civic education as well as in election monitoring. Given its lack of resources, the Commission relied on 4000 election monitors from the CSOs. Thus these organisations have filled an important vacuum in the election monitoring process. Similar contributions in the fields of voter education and election monitoring have been undertaken by CSOs in Mozambique and Zambia. They have complemented the role of state institutions in this vital area of electoral process.

In sum, civil society has not only continued with this important monitoring role but it has also developed an important system of networking on a regional level. Independent research and training institutions have emerged to undertake important work on democracy, peace and security, and on development policy research. Some of the regional institutions, such as SARIPS, have organised training workshops for parliamentarians and councillors in governance in a number of countries in the region, as we saw above. Values concerning democracy and accountability are inculcated through such training programmes. The image resulting from the analysis of this work by CSOs is that these are better organised and qualitatively skilful organisations (SADC RHDR, 1998). Unlike their predecessors, the new CSOs will not be willing to be de-politicised nor marginalised in governance processes.

6. STATE, CIVIL SOCIETY AND THE POLICY PROCESS

There is a positive trend towards more cooperation between the CSOs and the state. The state and donors increasingly view the CSOs as partners in the policy process. For instance, in designing population and development programmes, CSOs are seen as important players. In Tanzania, for example, networking arrangements supported by donors have fostered productive links between the state and CSOs (Shitundu, 2000). Consultation has occurred over population and development issues including reproductive health services, HIV/AIDS, family planning and poverty reduction. In Tanzania, for instance, some CSOs were invited to participate in drafting of the national NGO policy, and in the implementation of a number of programmes.

Governments need not fear CSOs since strengthening them also results in the strengthening of the state. Public agencies should fruitfully draw upon the capacity and resources of CSOs. Joint efforts of government and CSOs offer a more efficient way of carrying out programmes. In the specific field of policy, areas where interaction between the state and CSOs would be beneficial include **formulation, implementation, monitoring and evaluation of policy**.

There are a number of stages in the public policy process. The first relates to what has been termed **agenda-setting**. Agenda setting involves putting problem issues that have been

identified on the government's agenda for action. This function has traditionally been the responsibility of state bureaucracy or civil servants who advise the political leaders, such as cabinet ministers, on which problems deserve closer attention, and the action which could be taken to ameliorate them (Kaunda, 2000). There is a compelling case for CSOs to be involved even at this stage of defining problems which merit priority attention, and in that way get involved in setting the policy agenda. The next stage in the process is policy formulation which involves exploration of various alternatives of solving a problem. Policy formulation is thus a complex process of decision-making, which involves many people, ranging from individuals, departments, ministries and cabinet. This has been the traditional route to policy formulation but it is an approach which marginalises a potentially constructive role for CSOs. Policy adoption is the next stage whereby the chosen policy alternative is approved as official government policy. It involves authorising the executive branch to put into effect a policy decision. This authorisation is the function of the legislature or parliament which considers, through budget appropriations, the financing of the proposed policy actions (Kaunda, 2000).

The stage of policy implementation involves putting the policy decision into action. The implementation may be done through various policy instruments which involve different levels of government intervention. Notably this is a stage which involves not only government ministries, local government bodies, but also organisations from within civil society. These include community-based organisations (CBOs), voluntary associations and welfare organisations in such areas as poverty reduction, care of the elderly and of the disabled. The complementary role of civil society at this stage is significant and should be recognised accordingly.

There are several instructive cases relating to interaction between the state and CSOs in the policy arena in Tanzania. For instance, the government involved the CSOs in the formulation of a national policy on NGOs. It interacted with them from grassroots level to national level: the various stakeholders participated through various fora in the drawing up of this NGO policy. In another case, several NGOs involved in reproductive health services and family planning have been working at policy implementation level, and thus contributing to the attainment of the objectives of health and population policies. There are more CSOs working in the related areas of the campaign against HIV/AIDS as well as environmental protection. Religious organisations have been quite active in the provision of health and education services thereby contributing to social equity policies. In the case of Botswana, we have already observed the pro-active role played by some CSOs in policy matters. The experiences of the youth, women and environmental groups showed that they had the capacity to influence state policies and

programmes such the **National Youth Policy, the National Women's Policy and National Gender Programme** (Alexander, 2000). CSO initiatives are currently behind the draft Community-Based Natural Resources Management Policy. NGO input into this draft policy has been substantial. These are examples of mutual and collaborative relations between the state and civil society in the realm of policy. In general, there appears to be a growing capacity of CSOs to influence the shaping of those government policies which have a bearing on their interests.

7. SUCCESSFUL EXAMPLES OF STATE-CIVIL SOCIETY INTERACTION

In this section of the manual, we will explore several cases of interaction between the state and CSOs. These are cases which have demonstrated a potential of success and they are from Tanzania, South Africa and Zimbabwe. In these we see dialogue and participation at various stages in policy-making and implementation. In the Tanzanian case, it is clear that there has been a notable improvement in interaction between the two in the policy process (Shitundu, 2000). A few examples would suffice:

- the Vice President's Office and the Planning Commission involved civil society institutions in the policy process when a national policy on NGOs was being formulated. The government interacted with CSOs from grassroots level, district, regional and national levels. The stakeholders in each of these levels participated through various seminars in formulating and shaping the NGO policy in Tanzania.
- the state and such NGOs as the Tanzania Women Lawyers Association (TAWLA), the Tanzania Media Women Association (TAMWA) and the Tanzania Gender Networking Programme (TGNP) which address land issues, inheritance issues, gender-based violence and other human rights issues worked together to ensure the enactment of key legislation. The legislation included the *Sexual Offences Special Provision Act, 1998; and the provisions of the Penal Code, the Law of Evidence Act, the Criminal Procedure Act* which ensured the protection of women and children against sexual abuse.
- NGOs such as the Family Planning Association of Tanzania (UMATI) and the African Medical and Research Foundation (AMREF) amongst others working in reproductive health services and family planning have been working at policy implementation level to assist in achieving the objectives of health and population policies. In addition, there are numerous CSOs working in the areas of environmental protection and HIV/AIDS.
- The Tanzania Home Economics Association (TAHEA) and the Equal Opportunities for All (EOFF) among others, have conducted campaigns and education efforts geared towards ensuring equality of men and women in economic, political and social spheres.
- NGOs and other CSOs have been participating in the implementation of the

International Conference on Population and Development . This has involved participating in the dissemination of information and mounting of education programmes. Women's rights to health especially reproductive health is also promoted under this programme. In addition, religious organisations are encouraged through tax exemption to provide education and health services . Combined together, these initiatives and programmes promote social and economic development which the state cannot undertake on its own.

In South Africa, a major experiment of interaction in policy dialogue was that launched in 1995 between organised labour, business, various other CSOs and government. It was launched through the formation of the National Economic Development and Advisory Council (NEDLAC). The overall objective of the Council is to bring about cooperation between its constituencies " for the social and economic good of the country, and to bring about agreements at a national level on economic, labour and social policy" (Naidoo, 1995). The NEDLAC Act itself specifically stated that the Council would:

- *strive to promote the goals of economic growth, participation in decision-making and social equity.*
- *seek to reach consensus and conclude agreements on matters pertaining to social and economic policy.*
- *consider all proposed labour legislation relating to labour market policy before it is introduced in Parliament.*
- *consider significant changes to social and economic policy before it is implemented or introduced in Parliament.*
- *and encourage and promote the formulation of coordinated policy on social and economic matters (Ibid.).*

Thus the scope of issues for consultation was quite wide-ranging as can be seen above. This was explicable in light of the ambition to make NEDLAC "a representative and consensus-seeking body" where the participating parties sought to reach agreement through negotiation. In many ways, the Council was a novel institutional framework in the region. The framework ensured that the key stakeholders were represented.

Most of the Council's work was conducted in four committees or chambers as they were called. The Chambers consist of the following:

- the Public Finance and Monetary Policy chamber which addresses matters pertaining to financial, fiscal, monetary and exchange rate policies, the coordination of fiscal and

monetary policy and related elements of macroeconomic policy.

- the Trade and Industry chamber which covers matters relating to the economic and social dimensions of trade, industrial, mining, agricultural and services policies.
- the Labour Market chamber which considers matters pertaining to the world of work.
- the Development chamber which addresses broad development issues in society.

It would be a fruitful exercise to evaluate how NEDLAC has performed to date. It would appear that it has scored a number of successes particularly in the field of labour policy. It has also made valuable inputs in economic and social policy. The experiences in consensus-building in NEDLAC should therefore be studied. Where there have been shortcomings - and it would be unusual if there were none - these should similarly be analysed. Nevertheless, the wider significance of the NEDLAC remains that the state and CSOs have voluntarily and constructively engaged each other in a permanent forum to resolve their country's economic and social problems.

Another interesting experiment in state-CSO interaction worth looking at is that of the National Economic Consultative Forum (NECF) in Zimbabwe. Set up in 1997, the principal objective of the Forum is to encourage dialogue between organised business, labour and various CSOs and the state. Some of the issues which have focussed upon include land reform, incomes and prices policy, economic indigenisation as well as the cancer of corruption. Within its structure, the Forum has set task-forces to address each of these issues. Policy papers have been commissioned by these task forces, and the papers have been utilised by the relevant ministries and parastatals. However, several shortfalls have been experienced by the NECF. These include the lack of institutional mandate by the members of the Forum, and the absence of labour in 1998 to 2000 due to differences of approach with the government. There was a resumption of more serious discussions in 2001 on a social contract and some progress was achieved. A declaration of intent and principles of a framework for such a contract were signed in January 2001. In sum, there is a growing determination by the state and the CSOs to explore areas of consultation, consensus and cooperation in the spheres of development and social policies.

8. State, Civil Society and the Development Process

Let us now extend our examination of the state-civil society interaction to the arena of the development process itself. This is obviously an extension or outcome of that initial interaction especially consultation in the policy process. In this section, we draw on some of the work which has been done on the collaboration between the state and NGOs (Moyo, Makumbe and Raptopoulos, 2000). This work begins by making the observation that there are certain sectors in

which NGOs have a comparative advantage over the state and the market. One of those sectors is in provision of relief assistance. Because of their dedication to the poorest sections of society:

"they are likely to seek out and reach the most needy. NGOs operate close to the grassroots, they can adapt to local conditions, and their staff has long experience in working with the poor. In some localities, they are in regular contact with the most vulnerable people, making it easier to identify groups targeted for assistance, particularly in remote areas. NGOs thus have well tested organisation systems for dealing with the vulnerable" (Moyo et. al., 2000).

In Zimbabwe, there was close collaboration between the state and NGOs in addressing the effects of the devastating drought of 1992. Up to 5.6 million people (estimated to be about 75 per cent of the rural population) were affected but provided for under a drought relief jointly mounted by the government and NGOs. For instance, a number of NGOs distributed food in the worst-hit areas of Matabeleland North and South. Most of the areas reached by the NGOs were places where they already had on-going projects, and they used the existing infrastructure and personnel to mount the relief programme. As it was observed:

"their understanding of the situation on the ground had a positive effect on the poorest communities. In some of the worst drought-affected areas, older children who would not have qualified for supplementary feeding under the government programme... continued to be fed by NGOs ensuring little disruption in school attendance throughout the worst drought period"

Another notable achievement under massive relief effort was the Child Supplementary Feeding programme which was described as "one of the most successful programmes on government-NGO collaboration" (Ibid.). As a partnership between the government, multilateral and bilateral donors, NGOs and private companies, the programme fulfilled its mission to protect the nutritional status of more than 1 million children at risk of starvation.

In addition to playing a pivotal role in the provision of drought relief, NGOs have been active in the delivery of social services. In particular, they have facilitated access to health and education especially in rural areas. This role has become critically important, if not indispensable, as budgetary problems and the introduction of cost-recovery measures in these social services has undermined previous patterns of access. In the case of Zimbabwe, for example, NGOs working in the health sector largely consist of mission institutions. It has been estimated that mission institutions provided about 68 per cent of the rural health services, and 45 per cent of total health services in Zimbabwe (Ibid.). This is a significant contribution by any standard. Equally

significant is the intervention by a myriad of NGOs in the programmes relating to HIV-AIDS in Southern Africa. They complement government efforts in prevention campaigns and in the care of those sick from AIDS-related diseases. It is clear that the social and economic impact of the epidemic will be very far-reaching on societies and economies in the region. NGOs are proving to be an important partner in national and regional efforts to combat the epidemic. Finally, another vital contribution by NGOs relates to the provision of water and sanitation facilities particularly in rural areas. These efforts fill the gap which state agencies are unable to fill. Similarly a number of NGOs are involved in the provision of micro-credit to the poor and small-scale entrepreneurs. To that extent, they have sought to contribute to the stimulation of economic development in disadvantaged areas.

Y Finally let us here turn our attention to broader discussion of relations between government and CSOs but more specifically NGOs. Drawing from a study conducted by the Commonwealth Foundation, several observations may be made. New approaches by both governments and NGOs to their tasks have added new forms of relationship. The new relationships now include those involved in contracted service delivery and resource mobilisation, and those involved in bringing about broader social and economic change (Commonwealth Foundation, 1995). This range of activities by NGOs for government generally takes place in a context of working relationships referred to as "partnership". However, some hold the view that carrying out contracted work for government by NGOs can undermine their sustainability. As it was observed,

"what these issues amount to is that there is a need, in contracted service delivery arrangements, for both NGOs and governments to ask themselves and each other what short and long-term effects on status and viability is this contract having? To address this they need to communicate, not just on the specifics of contracts, but on the general issues which they raise" (Commonwealth Foundation, 1995).

NGOs have often pioneered and promoted innovative programmes and policies subsequently supported or adopted by governments. Gender and environmental issues have in recent years, for example, largely been moved from the back burner to the forefront of the political stage as a result of work of NGOs. These are illustrations of "how there can be other forms of productive partnership between NGOs and governments, even though it may not appear to be so at first sight or when the relationship appears to be more that involved in the battleground than the debating chamber" (Ibid.). NGOs which have pioneered new forms of provision or service may feel that in taking them over, governments tend remove the innovative components and swallow them into existing public institutions. Reciprocally, governments may feel that it is unreasonable

and undesirable for public policy to be shaped by the whims and experiments of NGOs.

Good and respectful relationships between CSOs and the governments emerge in part from reliable and clear information. While mystery breeds suspicion and misunderstanding, open and accessible information between the two fosters good relationships (Ibid.). There are several ways in which stronger collaborative linkages can be developed:

- through a formal structure and process whereby the government involves and seeks the views of CSOs when policies are being formed.
- accrediting of CSOs to attend government conferences.
- establishing a central unit within which government coordinates and acts as a signpost between CSOs and government ministries (Ibid.).

10. Accountability and Transparency in CSOs

We have observed that one of the principal preoccupations of CSOs relates to issues of accountability and transparency in state institutions. Much of their advocacy concerning good governance revolves around the question whether there is accountability and transparency in government and other state institutions. However, the issue of governance within the CSOs has not attracted a similar amount of interest although this is now changing. The effectiveness and reputation of CSOs hinge a great deal on whether they practise what they preach namely follow democratic procedures and demonstrate accountability and transparency to their constituencies and society at large.

Power and class relations also exist in CSOs. Problems pertaining to accountability amongst some of the leadership over utilisation of resources, lack of representativeness, and the absence of regular elections have marred the record and effectiveness of some CSOs like labour unions, cooperatives and student organisations among others. Furthermore, there has been a tendency for the CSO leadership to be dominated by the educated elite and patriarchal authority. This has compromised the representativeness of these organisations. In particular, women, youth and disadvantaged groups such as the poor and disabled have been marginalised in these organisations.

It has been observed that, until recently, CSOs had largely been viewed as corrupt-free organisations that are solidly dedicated to legitimate activities (Makumbe, 2000). While hitherto they were regarded as occupying a moral high ground, some of them appear to have lost transparency and therefore credibility. The escalation of social and economic hardships coupled with "increased greed ... may have led to the increase of corruption among NGOs" (Makumbe, 2000). Other factors which appear to have contributed to an increase in that lack of

transparency are the following:

- *escalation of lack of transparency in the public sector, with public officials demanding their cut before approving some of the proposed development activities of NGOs.*
- *erosion of the moral fibre and spirit of service to the community among some NGO officials, so that their own work is now viewed as 'business as usual'.*
- *and higher demands for increased NGO intervention in the economic activities of developing countries (Ibid.).*

The prevalence of corruption and therefore lack of transparency in the broader society is reflected in the CSOs in that society. In particular, poor conditions of service, especially low salaries, can trigger corrupt practices amongst some of their staff as is the case in state institutions. These employees in CSOs are "forced into situations where they make secret deals with selected suppliers of goods and services needed by the CSO - deals which ensure that they receive a share of the earnings that accrue to these suppliers dealing with these NGOs" (Ibid.).

In general, however, the number of CSOs which engage in corruption would be small. Nevertheless, just as the existence of a small number of fraudulent CSOs can bring the financial integrity and honesty of the great majority of CSOs into needless doubt, so too does this small number that is unaccountable and unrepresentative attract unwarranted doubt and criticism to the majority (Commonwealth Foundation, 1995). Most CSOs including NGOs are controlled and run by people acting out of genuine personal concern and commitment, and operating with high standards of honesty and integrity. There are a number of ways in which CSOs can enhance their internal governance:

- *stating their mission, values and objectives clearly and ensuring that their strategies and operations are at all times within them'*
- *better management processes as well as financial management, accounting and budgeting systems'*
- *better human resource development and training within the organisation,*
- *and better means by which both the organisation, and its projects, services and activities are monitored, evaluated and reviewed (Ibid).*

A major challenge for CSOs is therefore to revamp their internal systems to ensure an adequate system of checks and balances to ensure accountability and transparency. The suggestion has also been made that there be drawn up a code of conduct for all CSOs including NGOs, a code which specifies the standards which they would be expected to meet, and where necessary, the penalties which they would be liable to if they transgressed the code. Initially, such codes of

conduct would be drawn and administered on a national basis, and possibly extended to the regional level in due course.

11. THE INTERNATIONAL DIMENSION

The international dimension of relations between the state, CSOs and donors ought not to be overlooked. This is an intrinsically important relationship which conditions the content and orientation of the programmes of CSOs. A great deal has to do with the bilateral relationship between the CSOs and the donors most of whom tend to be external donors. The paucity of resources in most developing countries also affects CSOs. The resource base of most CSOs is consequently a weak one. The sustainability of their vision and programmes is therefore a perennial issue. This is where the donors come in. Most CSOs depend on resources mainly funding provided by the donors. This gives the donors a strategic asset namely the opportunity to influence the agenda and programme content of the CSOs, as we have seen in passing above. There is nothing necessarily amiss in the provision of international assistance to CSOs but questions have understandably been asked about the level of donor influence over CSOs.

Let us review some of the factors behind increased donor interest and support for CSOs. First, one often-cited reason is the imperative to reach the poorest through organisations that either represent them, or can be reached more reliably than through governments. This is the most familiar rationale for support of CSOs, especially NGOs, for delivering services more equitably and effectively (Van Rooy, 1998). Second, pressure to reduce the size of governments (primarily through conditionality) has highlighted yet another role for CSOs. This shrinking of the state has led to the expectation that domestic groups will partly take over, through sub-contracting or by default, the provision of key services. Finally, CSOs have been expected to play the role of (a) an antidote to the state (b) democratic institution builders and (c) and as creators of a democratic culture. Although this is in the fashion of the times, this would be an ambitious role by any standard. The inevitable question would be whether this is not too large, if not too controversial, a role for CSOs in contemporary Africa. While the indispensable role of CSOs in democratisation has been widely recognized and documented, they cannot substitute the state and political parties, as we argued in an earlier section. Indeed, one observation is that if the CSO programmes are seen as being exogenously driven this could the impression that governments are being bullied:

"this interpretation may considerably undermine genuine commitment to reform and deepen state antipathy to both domestic reform constituents and donors."

Local pro-reform groups are perceived as fifth columnists for the donors, making them targets of state reprisals. Donors, on their part, are often seen as allies of the domestic

opposition" (Maina, 1998).

Thus the relationship between CSOs and donors is both a controversial and sensitive one. It should be handled carefully in order to avoid or forestall the above-mentioned criticisms. There needs to be mutual respect between donors and CSOs, and between the state and donors. Of course, the issue of resource dependence on donors will take a much longer time to resolve as long as overall economic conditions do not improve remarkably. Resource dependence cannot fail to nibble away at the autonomy of CSOs much as they are jealous of that autonomy. One analyst observed that this is a weak spot of CSOs, partly because:

donor insistence on funding specific projects ignores the need for investment in institution and capacity-building. Donor priorities tend to follow trends in international policy. These are ever changing, with new fads emerging each year and influencing what donors will and will not fund." (Moyo, 2000).

Clearly, the challenge of raising requisite resources for their operations will remain a daunting one for CSOs for the foreseeable future.

12. CONCLUSION

This manual sought to give an overview of nature and role of civil society in Southern Africa, and particularly its relationships with the state. The purpose of focussing on state-civil society relations especially in the governance and development arenas deliberate. This arose from the specific recommendation made by a number of national workshops held for parliamentarians and councillors in six countries in Southern Africa. The manual has therefore attempted to address the particular areas that would be of practical and relevant interest to these practitioners. Beginning with basic and working definitions of the key concepts, the manual then provided empirical examples to illustrate patterns in state-civil society interaction in such fields as the policy process, the governance process and the development process. Examples of successful partnerships between the state and CSOs, and instances of difficult relationships between them were given from different national experiences. Broad issues of accountability and transparency in both state institutions and CSOs were also considered, and they lie at the heart of the relationship between the two sets of institutions.

While the manual was not aimed at being an academic exposition of the state-civil society relationship, it nevertheless drew on respected academic contributions on the subject. The challenge is now for practitioners and other participants in this course to explore further the wider debates contained in the literature cited. However, acquaintance with this topical literature needs to be complemented with a close study of national experiences of state-civil society interaction. In other words, it would be fruitful to have some knowledge the historical development and current status of civil society in one's country, and the nature of its relationship with the state. From a practical point of view, one of the challenges before practitioners and participants in this course of study (covered by the manual) will be how to build or improve a stronger partnership and working relationship between state institutions and civil society. The future of governance and development in Southern Africa will be significantly shaped by how the state and civil society relate to each other. Practitioners should make positive contributions to enhance that relationship.

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