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**AN ASSESSMENT OF USAID'S CAPACITY FOR RAPID RESPONSE  
IN SUPPORT OF AFRICAN CIVIL SOCIETY**

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**Submitted by: Associates in Rural Development/Management Systems International  
Under Africa Bureau's Democracy and Governance Project**

**Submitted to: The Office of New Initiatives/Democracy and Governance Program  
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The conclusions and recommendations contained in this study are those of the study team, and in no way should be construed to represent those of the Agency for International Development. Likewise, any errors and omissions rightfully rest with study team itself.

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## **EXECUTIVE SUMMARY**

### **STUDY PURPOSE AND OBJECTIVES**

In the past year USAID has redefined its overall mission from supporting broad-based economic growth, to one of "sustainable development," in which "democracy building" has become one of five core strategic themes. In this light, the promotion of democracy building is seen not only as a means to the achievement of economic development, but as an end in itself. The Africa Bureau itself has two full years of experience in the implementation of its Democracy and Governance (D/G) Program. Democratic governance, the underlying notion of the Africa Bureau's D/G program, posits the importance of "shared governance" in matters of economic, social and political development. Civil society can, in this regard, be considered to undertake both demand and supply functions in relation to the promotion of democratic governance. In order to ensure accountable, responsive and transparent government, non-state or "civil society" actors are expected to fully participate in national, as well as local level decision making, and provide oversight of state institutions, including their management of public resources.

Within the African context, most countries have had little experience in the practice of shared governance, let alone democracy. Thus, the non-state sector has had little opportunity to develop the capabilities commensurate with its new responsibilities as a supplier of democratic governance or a countervailing force to that of the state. As we are beginning to witness today, unless civil society can take up these functions, and fairly quickly, there is decreasing likelihood that the democratic transitions that have, and continue to take place throughout the continent, will lead to either desired economic or political outcomes.

One of the principal issues which USAID in general, and the Africa Bureau in particular, now finds itself grappling with, and to which this assessment addresses itself, is how to support in a timely manner the development of effective civil society in targeted African countries. The specific aspects dealt with here concern both the means and structure by which USAID could bolster a process of civil society promotion. What this assessment provides then, is: (i) the conceptual underpinning or "rationale" for a USAID-funded civil society support program; (ii) an "operational strategy" that takes this conceptual base and translates it into a concrete program framework; and (iii) a mechanism which has the capacity to respond in a timely manner to the needs and opportunities that are emerging in African civil society. As such, this document provides the information required for the preparation of a project implementation document, as requested in the concerned scope of work.

The remainder of this section discusses each of these three assessment components, which correspond to and are amplified in the main body of this report.

### **CONCEPTUAL OVERVIEW AND PROJECT RATIONALE**

Civil society is defined here as:

*a sphere of social interaction between the household and the state which is manifest in norms of community cooperation, structures of voluntary association, and networks of public communication.*

While this definition draws upon the best current theoretical work on the subject of civil society, it is in the final analysis, a theoretical concept, and does not easily lend itself to the fashioning of an operational program strategy. One of the two areas where this study breaks new ground in terms of formulating such

an assistance strategy, is in isolating that aspect of civil society susceptible to donor support. In operational terms then, *civic action* has been identified as the dimension of civil society to which specific interventions can be devised and supported. As such, the promotion of civic action is the most direct way in which USAID can contribute to the institutionalization of civil society. Civic action as used in this study is defined as:

***any organized activity which fosters goals and norms of civic community, and which enhances the participation of a country's citizens in either self-governance or national governance.***

The defining feature of civic action is its participatory nature, involving ordinary people in making decisions about their own lives. Moreover, it is empowering, insofar as it boosts people's confidence that they possess the capacity to make decisions. Participation increases popular involvement in an array of political arenas, from local to the national levels. Self-governance probably precedes national citizenship. Individuals who have learned the arts of participation in small-scale voluntary associations are more likely to be informed citizens, active voters, and policy advocates.

This definition of civic action combines both process (deepening and broadening citizen participation in governance actions) and normative (promoting civic community embodied by trust, reciprocity, tolerance, inclusiveness, and non-violent, negotiated conflict resolution) functions in civic organizations. While civil society is inherently pluralistic and participatory, it is not necessarily civic, particularly at the self-governing local level. It is only when the values and norms embodied in the notion of civic action have been diffused to and accepted throughout civil society, including the primary level of small, self-governing groups, that a truly "civic community" will have developed, and thus permits us to talk about the growth of a democratic culture. While the existence and structure of civil society is a precondition to, and provides an enabling environment for, the emergence of civic action, it is in itself an insufficient condition to ensure the development of civic community and its corresponding set of norms. The degree to which this does evolve is largely a function of the state's role in providing the larger framework of rules of law and stability within which civil society can mature and evolve. Civil society's role in promoting civic norms and values, and ultimately contributing to democratization, is a function of a country's stage in the political development process.

The Conceptual Overview section ends with a discussion of civil society within a purely African context, highlighting the "distinctiveness" of this universal idea as it applies to a unique region of the world, and which is conditioned by its own particular historical origins, special cultural mores, and different institutional structures. While the notion of civil society and the operational aspect of civic action are applicable to any region of the world, it would be mistake to believe that the formulation of an assistance strategy could disregard the distinctive set of characteristics that define Africa, its people and institutions.

### **OPERATIONALIZING A PROGRAM OF CIVIC ACTION**

Because there are many ways in which civic action may be promoted, donors should consider an inclusive approach. An assistance strategy should not be reduced to a narrow focus on strengthening organizational structures, but should include the promotion of civic norms and communications networks as well. Still less would one wish to restrict the operational definition of civil society to those organizations that specialize in public policy advocacy. Apart from lobbying state officials, civic action can take many other forms. These include, among others, initiatives to disseminate information on civil liberties, to exchange of independent political opinions, and participation in decision-making within community-based

organizations. Since all these activities contribute to the strengthening of civic institutions, they belong in a comprehensive aid strategy.

Insofar as civic action is an organized collective activity, it takes place in groups. The more formally organized such groups are, and the clearer their legal identity and experience in management, the more likely they are to be viable candidates for donor support. Identifying, assessing and targeting those organizations within civil society which are best able to promote civic action is the second area in which this study contributes new ideas to the development of an operational strategy of donor support. In this regard, *civic organizations* have been identified as that subset of civil society that offer the most potential for advancing the functions of civic action. In developing a working definition for civic organizations for this study, we therefore combine the functional attributes of civic action with the organizing principals of voluntary associations.

The following definition of civic organization is used in operationalizing our strategy of programmatic assistance in support of civic action:

*A civic organization is private, voluntary, and non-profit in nature, legally constituted and recognized under the concerned laws of its home country, whose mission is one of (or includes) civic action, and that has some degree of organizational permanence.*

Civic organizations are in fact, a subsector of the NGO sector, or as portrayed in this study, the "institution" of NGOs. Within the typology of civic organizations presented in Part III of the study, two types of NGOs can undertake civic action functions: multipurpose NGOs and specialized civic organizations. A basic distinction is made between multipurpose NGOs and specialized civic organizations. The primary orientation of multipurpose NGOs is towards working with primary level or grassroots associations, and which may undertake civic action as one of several functions in its role as an intermediary between the local and national levels. Specialized civic organizations on the other hand, have as their principal function civic action, and normally choose to work through other NGOs to enhance civic community at all levels in civil society; or to operate in the general public interest by focussing its attention on the performance of state institutions. In targeting the kind of short to medium-term assistance envisaged under an rapid response facility as detailed in Part IV of this study, it is important to understand the difference between these two types of organizations.

The distinction is essentially between one of building civic community and democratic political culture at the primary level of association versus ensuring that state institutions perform democratically and govern accountably at the national level. The former involves changing behavior, if not norms and values, among ordinary people and building strong organizations capable of democratic governance. The principal aim of these efforts is thus the supply of good governance from the non-state sector. The latter set of activities is largely concerned with ensuring a conducive enabling environment, including legal framework, that protects fundamental human and civil rights; and that constructs the institutional superstructure of a democratic polity, e.g., free and fair elections and state institutions which are responsive to the governed. In this regard, the role of civil society is one of demanding good governance from the state sector itself. It is this distinction that has given rise to the notion of "big democracy/big governance (big D/big G) to denote those actions that are aimed and which take place at the macro level between state and society; and "little d/little g" to indicate those actions which focus at the level of people and their organizations.

For the most part, specialized civic organizations, especially in the early stages of the democratization process, are focusing on big D/big G issues, while those multipurpose NGOs that do become involved in civic action, gear their activities towards strengthening member or client capacity for democratic governance at the primary associational level. Over the long-run this is not an either or choice ... both the supply and demand functions of civil society must be strengthened simultaneously. *However, in a rapid response facility which is designed to support short to medium-term interventions geared to strengthen civil society, targeting specialized civic organizations working in the public interest, or who engage in strengthening intermediary, multipurpose NGOs, is recommended as the most realistic and effective assistance strategy to employ.*

As part of the assistance strategy proposed to strengthen the initiatives of African civic organizations, the study has identified potential U.S. and African regional organizations that lend themselves to the natural "partnership" relationship that USAID has indicated is its goal in the achievement of its sustainable development objectives. Both U.S. institutions including PVOs, universities, and professional associations, as well as African regional organizations (e.g., NGO consortia and networks, policy centers, and research and training institutes), have demonstrated a similar tendency towards specialization and differentiation in their roles and function as discussed above in relation to national level NGO communities.

Two basic points can be stated concerning the capabilities of U.S. PVOs and African regional NGOs: (i) that there is a tremendous pool of institutional resources resident in these two communities; and (ii), far too few organizations from within each of these pools have been tapped by USAID (or other donors) to work in the field of democracy and governance. In fact, it can be stated that a small minority of organizations in each of these two groups have come to dominate donor funding in general and USAID funding in particular. This actually runs counter to a civil society program which essentially promotes pluralism and diversity within the African context, but seems to be limiting it among American civil society.

While we recommend that specialized PVOs offer the most relevant services to a rapid response facility, it is necessary that the number of participant organizations be expanded to include more universities, particularly Historically Black Colleges and Universities (HBCU) such as Clark-Atlanta, Mississippi Consortium for International Development (Alcorn, Jackson and Mississippi State Universities), and Howard University; and that a significant number of multipurpose PVOs, especially those with an expertise in such areas as institutional development, (e.g., IDR, PACT, Synergos Institute, World Learning), Women in Development (e.g., World Education and CEDPA) and cooperatives and credit union development (e.g., NCBA, CLUSA, ACDI) also be encouraged to participate. This may require some technical assistance and training for these organizations in order to increase their capacity to become fully involved in what may be a somewhat new program direction. Given the fact that the handful of specialized PVOs have gained on the job experience through USAID-financed projects, this does not appear to be an unwarranted or unreasonable suggestion.

The same recommendation can be made for African regional organizations except that increased consideration should be given to the growing number of national NGOs that have developed successful programs that can be shared and perhaps replicated with sister organizations in neighboring countries. The need for capacity building interventions and generalized institutional support for these regional NGOs is obviously greater than for their U.S. counterparts. As a matter of fact, it would not be unrealistic to include a special component of support for this emerging "regional institution of African civil society" as a complement to that which will be directed to NGOs at the national level.

Finally, some serious thought will need to be given to the relative emphasis that will be given to utilizing U.S. PVOs versus African regional organizations to support national level NGO development.

### **DEVELOPING A RAPID RESPONSE CAPACITY FOR CIVIL SOCIETY PROMOTION**

While USAID has heightened its commitment to more directly support democracy and governance, most Missions in Africa do not now have extensive in-house capacities to analyze, design and implement activities in this area. Thus, there is the perceived need to provide various forms of assistance to Missions as they decide how best to respond to opportunities, and then take early steps to support and enhance moves towards greater democracy.

It is expected that the lion's share of USAID investment in D/G in Africa will come from the bilateral OYBs of Missions. The supportive, centrally-funded project options explored in this study are meant to assist a number of Missions to program and utilize their resources, and to provide complementary assistance at specific points in their programs.

The normal timeframe for USAID project design and procurement is incompatible with the quick pace and unpredictable nature of democracy building that the Agency is attempting to influence in one way or another. Not only do Missions need access to a variety of assistance options, they must be able to procure services far faster than usual.

The discussion of mechanism presented in this study aims to work within the limits of procurement rules and their accepted practice, while at the same time searching for the most powerful institutional arrangements, the most supple financial instruments, and the most responsive implementation mechanisms to support Missions in their D/G activities.

Key characteristics of the activities Missions may wish to pursue in relatively short term D/G assistance include the following:

- They cover a spectrum of inputs such as technical assistance and training, financial grants and commodities;
- They provides these resources to a spectrum of entities, such as government and parastatal agencies, private firms, NGOs and professional agencies, among others; and,
- They are highly site-specific, and often time-limited in their utility and application.

Procurement instruments and institutional arrangements for new D/G support activities also have a few essential attributes. Firstly, timing is crucial in D/G matters, and the ability to respond in a punctual fashion must be factored into project design and procurement/assistance decisions. It is important, however to define "timeliness" in terms of the "rapid" response facility that is being proposed here. This study makes the distinction between the ability to respond to needs and opportunities in the context of democratic transitions or consolidations; and in situations of an emergency nature which may be associated with "failed states," or countries just emerging from some type of national calamity, including civil strife. The recommendations made here concerning the types of interventions, and the mechanism with the capacity for rapidly delivering them, pertain to the former case only. USAID is currently in the process of designing a program with requisite capacity that would address those countries in a "crisis and transition" situation.

Secondly, whatever instruments and arrangements are employed, it is vital that Missions be perceived as the primary client. This is particularly important as the experience of the AREAF Project has made clear. While U.S. PVOs are seen as a potential and significant provider of services under a new centrally-funded facility, their participation is intended to support the needs and programs of USAID/Missions, not their own. The study team does however, strongly urge USAID to consider a separate project, similar to that proposed by InterAction in April 1993, as a way to support those U.S. PVOs that want to undertake their own programs in support of African civil society. This issue is described in greater detail in Part III, Section C of the study.

In making its final recommendation concerning the most appropriate "implementation modality" for the rapid response facility, the study team has reviewed the full range of procurement instruments currently in use by USAID (i.e., contracts, grants and cooperative agreements), as well as the institutional arrangements (e.g., consortium, joint venture, single institutional project manager) employed in the management of these instruments. This discussion is presented in Part IV.

The conclusion and corresponding recommendation of the study team concerning the most appropriate "implementation modality" to support the development of African civil society in a timely and responsive manner is that of a *Cooperative Agreement employing a single institutional project manager, either a U.S. PVO or non-profit organization*. Perhaps the best example and potential model for this proposed facility is the Cooperative Agreement entered into with the International Foundation for Electoral Systems. The part of the IFES cooperative agreement that supports African Electoral Assistance takes the cooperative agreement to the regional level. It demonstrates the considerable flexibility of this instrument to serve Mission-determined D/G needs in a series of countries in a responsive and rapid manner.

Cooperative agreements are a proven instrument for subgrant funding to local and national institutions. PVO/NGO umbrella projects in Africa illustrate its potential to reach well into civil society with direct funding, training and other assistance in an integrated package of services. They can be amended to add new funding and new activities with relative ease, when such potential is written into the initial agreement.

A cooperative agreement with one major non-profit agency appears to be the best option for a rapid response facility that can serve the various needs of Missions and regional offices for support in the civil society area. This cooperative agreement could provide the full range of services noted above, including those not easily obtained through a contract. It could be designed and written so that service provision is triggered by Missions, and by regional offices on behalf of countries without Missions.

This cooperative agreement should be endowed with several conditions to ensure its effectiveness. The core funding should be large enough to allow the project to respond to Missions' initial requests without the necessity of adding new funds through amendments. On the other hand, it should have ample provision for the absorption of additional funding when Missions or regional offices require follow-on services.

## **I. INTRODUCTION AND OVERVIEW**

This study responds to the Africa Bureau's request to prepare a report that "will provide the basis for the Office of New Initiatives/Democracy and Governance Office (ONI/DG) to formulate a Project Implementation Document for the proposed design of a centrally-funded Rapid Response Facility to Support Civil Society in Africa." This is the first of two studies being submitted by Associates in Rural Development (ARD) and its associate, Management Systems International (MSI), under contract to ONI/DG through the Africa Bureau's Democracy and Governance Project. The companion study which looks at developing a "Rapid Response Facility to Support Improved Governance [in the state sector] in Africa" is submitted under separate cover. Together the two studies encompass the broader realm of state-society relations, and provide specific recommendations by which the Bureau can advance its stated strategy of promoting "democratic governance" in Africa within the larger Agency-wide goal of fostering sustainable development. As such, both studies should be treated as responding to the same overall objective, but focussing specifically on the means for doing so in a responsive and timely manner. The remainder of this introductory chapter presents: (i) study purpose and objectives; (ii) study structure and content; and (iii) study methodology.

### **A. Study Purpose and Objectives**

The Statement of Work (see Annex 1) detailed under this work order calls on the contractor to "outline and design a funding mechanism that will provide the Africa Bureau with a new centrally funded project to support civil society in furtherance of sustainable development." In this regard, four specific tasks and a corresponding set of "deliverables" were detailed in the SOW and will be incorporated in and contribute to the final report that outlines the modalities of a rapid response mechanism to support civil society. These four deliverables include:

1. An assessment of the needs of intermediate civil society actors in selected African countries to determine the types of rapid response support not likely to be met through conventional AID project assistance. USAID/Missions, Country Teams and other donor views will be sought in this regard.
2. An analysis of existing literature and empirical evidence of the probable outcomes of strengthening specific types of non-governmental organizations for sustainable development, particularly those civil society actors which will contribute to stable democratic pluralism and economic policies which are equitable and sustainable.
3. An analysis of U.S. and African regional organizations (particularly including U.S. PVOs and African regional NGOs) in key areas of need for civil society support.
4. An analysis of various implementation modalities with recommendations for organizing a rapid response and support facility (including technical assistance and financial support) which can be made available in a timely manner, and particularly to bridge the transitional period between Mission project design and implementation.

Support to civil society associations through this facility is to be considered in each of three stages of the democratization process: (i) the initial stage of "political liberalization," and thus distinct from a pre-transition stage; (ii) "democratic transition" embodied by a "deepening" of political and economic reforms initiated in the previous stage, and leading to the holding of multiparty elections; and (iii) "democratic consolidation," marked by the installation of a democratic regime following free and fair elections. The project is not intended to work in countries in a pre-transition stage marked by the secure hold on

political power by an authoritarian regime; or in so called "failed states," in which there exists no recognized political authority capable of maintaining public security, and where disputes are resolved through armed conflict rather than peaceful negotiation.

## **B. Study Structure and Content**

This purpose of this section is to provide a guide or road-map as to what will be found in the overall study. It also provides a very summary discussion of the contents of each of the component sections. While each of the components, i.e., individual chapters and annexes, that compose the overall study have been integrated to provide a logical and coherent sequence to support what is essentially a pre-design document, they can also be treated as discrete studies in and of themselves. Thus, for those whose may only have an interest with, for example, issues related to gender and civil society, or on the nature of a possible rapid response mechanism, the study is structured so that the individual components can be read as stand-alone documents.

### **1. Part II: Conceptual Overview and Operational Principles**

Civil society is both an international concept and a theoretical construct developed by political scientists to explain a realm of private and voluntary associational life that exists somewhere between the household and the state. It is hardly the "stuff" around which a well-intentioned foreign assistance agency can fashion a strategy and program of support. In Part II of the study, a review of the relevant literature is undertaken leading to the presentation of the "state of the art" in terms of the current "best knowledge" of this field of thought. From this discussion, a number of "operational principles" are developed that provide the means by which to formulate a strategy and program of support for civil society promotion. Chief of among these principles is the notion of "civic action" as being that aspect of civil society most susceptible to support by donors. It also identifies "civic organizations" as the "somewhere" set of intermediary organizations within civil society whose principal function is the promotion of civic action. Part II, ends with a discussion of civil society within a purely African context, highlighting the "distinctiveness" of this universal idea as it applies to a unique region of the world and conditioned by its own particular historical origins, special cultural mores, and different institutional structures.

### **2. Part III: Operationalizing a Program of Civic Action**

In Part III, the study moves another step in the direction of operationalizing a concrete program of civil society support. It does this by providing, in Section A, an expanded definition of civic organizations including a set of identifiable characteristics that distinguish these organizations from other civil society actors. Civic organizations are then discussed within a typology that firmly locates them in the larger NGO sector, or what is termed here the "institution" of NGOs. This accomplished, an assessment of specific types of civic organizations is undertaken as concerns their capability to promote civic action. A hierarchy is established which prioritizes the several types of NGOs which undertake civic action in order to better target available assistance to what is still a relatively large group of organizations. Section A, ends with a presentation of an illustrative set of short to medium-term interventions which could be supported by a rapid response facility promoting civil society development.

Section B, "Supporting Civil Society: The Role of U.S. and African Regional Organizations" provides a summary assessment of the capabilities and interests of the U.S. PVO community and African regional organizations in the area of civil society strengthening. The section also includes a number of

recommendations concerning which organizations among these two communities should be targeted for the provision of assistance under the proposed rapid response facility.

In Section C, program parameters and issues are presented that are intended to serve as the basis for the development of a Project Implementation Document. In this regard, there are sub-sections which discuss: (i) background and the problem address; (ii) recommended project purpose; (iii) project scope and priorities; (iv) types of project assistance provided; and (v) future design issues.

### 3. Part IV: An Analysis of Implementation Modalities

In Part IV, a review of AID "acquisition and assistance" procurement instruments is undertaken to determine which implementation modality would most likely provide the type of rapid response capability needed to address the constraints which USAID/Missions have previously encountered in trying to support civil society in their field programs. A rapid response capacity is seen as a function of (i) the type of instrument employed, i.e., contract, grant or cooperative agreement; and (ii) the institutional arrangement, (e.g., consortium, single institutional project manager) employed under the selected instrument. The review thus commences with a discussion and comparison of contracts, grants and cooperative agreements, and provides examples of several centrally funded projects as a means for identifying those aspects which facilitate responsiveness and timeliness (or which constrain them). Part IV, ends with a number of different options and specific recommendations for the implementation modality that could be employed in a rapid response facility. It also identifies a number of contracting issues which require further review by AID, as the removal of some constraints to rapid response require either new regulations (and thus new legislation) or waivers on those that already exist. And then there are some issues which simply could not be resolved here as neither the written regulations nor concerned AID procurement officers were themselves clear, or could interpret exactly what could or could not be accomplished or permitted under a particular instrument.

### 4. Study Annexes

Annexes attached to this study either respond to specific deliverables as noted in Section A, above, or provide additional information on specific topics discussed in summary in the main body of the study. The following annexes are attached:

(a) **Detailed Statement of Work**

(b) **Commissioned Paper: "Gender, Civil Society and Political Participation in Africa"**

While not specifically called for under the SOW, the role that women and their organizations have played in the democratization process have been of critical importance throughout Africa, and thus merit special consideration in this study. The paper traces the origins and evolution of the women's movement in a continent-wide context; provides a profile and assessment of women's organizations following the typology developed for this study; and presents an illustrative set of interventions to be supported under a rapid response facility. This paper is rich in specific examples and insights of how African women have organized themselves over the years to participate in national life, often in defiance of colonial rule, post-colonial authoritarian regimes, and even in the more favorable environment of the present politically liberalizing Africa.

**(c) Commissioned Paper: "Mass Media as an Independent Institution of Civil Society in Africa"**

The media is a critical institution of civil society providing the "networks of public communication" so necessary in keeping citizens informed and educated about their rights and matters of state governance. This paper discusses the independent media, its strengths and weaknesses, and ways that additional support could be used to improve its several functions on behalf of civil society. It also makes an essential point that the publicly controlled media, especially in the democratic consolidation stage, has a major role to play in functions of information and education, and that consideration should be given, under certain circumstances, to its support.

**(d) A Needs Assessment of Intermediate Civil Society Actors**

Thirty different African NGOs, NGO consortia, and civic organizations were interviewed in four countries, i.e., Senegal, Ghana, Uganda and Tanzania, in order to ascertain the types of activities already being undertaken by these organizations and their overall needs and capabilities. In addition, numerous NGO assessments and broader D/G assessments with a civil society component, undertaken by AID within the last year (including Mali and Ghana that were conducted at the same time as this study) were reviewed as part of this study. Both Part III, in the main text, and this annex, incorporate findings from these assessments as well.

**(e) Comments from USAID/Missions and Country Teams on Rapid Response Facility**

Six USAID/Missions were visited during the field-based component of this study, i.e., Senegal, Ivory Coast, Ghana, Uganda, Tanzania, and South Africa to elicit comments from concerned Mission officers and Country (Democracy) teams on the need for a rapid response facility. In addition, comments from the field to the Africa Bureau's "Draft Blueprint" on democracy and governance were reviewed from another three countries, i.e., Chad, Madagascar, Kenya. These responses were instrumental in determining field needs and perspective concerning support for civil society development, and their experiences with other facilities already in place.

**(f) Bibliographies and Document Review**

The literature on civil society that was reviewed during this study, as well as other documents that were referred to in the preparation of the "implementation modalities" section and NGO inventory, profiles and assessments are presented in this annex.

**(g) Inventory, Profile and Assessment of U.S. PVOs and African Regional NGOs**

Some sixty U.S. institutions, including PVOs, professional associations and universities were interviewed in both the U.S. and Africa during the course of this study. This side-study provides an inventory and profile of those institutions assessed as either playing a significant role in African economic and political development, or as having potential to do so. Individual summary profiles exist for each with relevant documentation describing their programs in more detail also available for review. A general assessment was conducted as to the capability of these organizations in key areas of civil society support. It should be clearly understood that while a significant number of these organizations were interviewed in person, the majority were interviewed over the phone or responded to written questionnaires. As such, the assessment presented should only be taken as an initial step in what would surely be a major research undertaking itself.

Twenty-five African regional organizations, including NGOs, professional associations, research, training and policy institutes/centers, and universities, were directly interviewed during the field component of this study. In addition, a search was made through The Africa Bureau's Information Center (ABIC), which uncovered a number of additional organizations that could be contacted in a later stage of the design process. The annex thus includes an inventory, summary profile and analysis of institutional capabilities of these organizations. A note of caution is also made, as in the above case, to not treat the assessments of these organizations as definitive answers but as initial reviews that will require additional follow-up.

### **C. Study Methodology**

This study included both U.S. and field-based components. A combination of political scientists with specialization in African democratic governance, development management specialists with extensive AID experience, and research assistants contributed individual pieces of this study. In the U.S., reviews of existing literature and empirical evidence related to civil society were undertaken and have provided the conceptual framework and rationale for supporting a civil society program, as well as specific recommendations for the types of interventions that would most likely work in the African context. Research was conducted in a number of areas to prepare for specific study components including (i) the AID procurement process and regulations; (ii) U.S. organizations working in the field of democracy and governance; (iii) African regional organizations capable of supporting national level democratization efforts; and (iv) existing centrally funded projects supporting AID's regional and technical bureaus. These activities were undertaken from October through mid-December 1993.

The field-based component took place for four weeks between mid-October and mid-November with seven different African countries visited. The purpose of this visit was to gain field level input and perspective into the design process of a rapid response facility to support civil society in Africa. Specific objectives included:

1. to assess the capacity of African regional (intermediary) institutions to support civil society development.
2. to assess the capabilities of U.S. PVOs and other American institutions with African programs to support civil society development.
3. to gain input from and the insight of USAID/Missions and country teams, key sectors of civil society, donors and officials from newly elected regimes, in selected countries in terms of their perceived needs for rapidly disbursed support in promoting civil society.
4. to assess the needs of intermediate civil society actors in selected countries to determine the types of rapid response needs not likely to be met through the conventional AID project process or existing centrally funded facilities all ready in operation.
5. to ascertain the nature and extent of other donor supported initiatives in the areas of civil society promotion.

The final report was consolidated, reviewed and revised throughout the month of December 1993.

## **II. CONCEPTUAL OVERVIEW AND OPERATIONAL PRINCIPLES**

### **A. Introduction**

The global ascendancy of democratic values has thrust the concept of civil society into a prominent position in both social science theory and development policy. The impetus for democratization in the Third World has come from several quarters. In the international arena, the superpowers have adjusted to the end of the Cold War by withdrawing or reducing support to client states, thereby undercutting authoritarian regimes. At the same time, demands for political change have emanated from within domestic societies as citizens have mobilized to rid themselves of the military and one-party structures that have buttressed illegitimate power. To the extent that popular forces have captured the political initiative from state elites, analysts now acknowledge the importance of civil society.

Even in Africa, where popular participation has long been curtailed or directed along single-party channels, citizens have recently made efforts to take charge of their own political development. Groups of students, workers, and women have congregated in the streets of African capital cities to protest deepening economic hardships. Opposition leaders, some recently released from jail or returned from exile, have launched critiques of corruption and repression. Where legal provisions have permitted, activists have constructed new forms of civic and political organization including human rights watchdog bodies, competitive parties, and election monitoring groups. Journalists have started literally scores of independent newspapers and newsmagazines, almost all speaking with critical voices and calling for political reform. Political discourse has been pluralized and popularized through national conferences and election campaigns. Where previously citizens had retreated from public life, there is now evidence of political re-engagement. As the vulnerabilities of autocratic regimes have been revealed, ordinary people have become less fearful of state power and less inclined to remain silent when civil liberties are trampled upon. If not yet fully empowered, Africans are at least emboldened.

At the same time, the democratic impulse in Africa remains tenuous. Protesters, driven by economic concerns, profess an instrumental view of democracy: they tend to see democracy as a means to an end rather than an end in itself. Citizens have called for the ouster of incumbent leaders mainly in the hope that political change will bring relief from economic decline and policies of austerity. These are largely unrealistic expectations, at least in the short run. The new governments recently elected in Africa are either more economically liberal than predecessor regimes, or so hemmed-in by the donor policy conditions that they can only deepen their commitment to structural adjustment. Because daily life for most Africans will get worse before it gets better, elected governments run the risk of exhausting their new-found political legitimacy before the material benefits of adjustment are broadly felt. One can predict that disillusioned voters will come once again to blame their plight on the government of the day, and even retaliate by withdrawing from the democratic process itself.

Democratic transitions in Africa are also at risk due to the fragility of political institutions. In many African countries, mechanisms are missing for civilian control over the military; the army remains a wildcard that can reverse democratic gains at any time. The executive branch of government lacks capacity to routinely and efficiently deliver services to mass populations, or to limit the escalation of crime and violence that accompanies the loosening of political controls on society. The members of the legislature and judiciary are unaccustomed to making decisions on their own and minority political parties apparently prefer the politics of plot and intrigue to the niceties of loyal opposition. The weakness of democratic institutions even pervades the non-state sector, where civic organizations and independent newspapers encounter difficulty in sustaining influence in the aftermath of turbulent political transitions.

Under these circumstances, the strength of institutions in civil society becomes one of the critical factors determining the prospects for democracy in Africa in both the immediate and longer terms.

## **B. Definitional Issues**

The concept of civil society offers an opportunity to understand, and influence, the process of democratization. As the attached bibliography illustrates, the literature on civil society has burgeoned, with more than fifty items appearing over the last five years on Africa alone. The draft USAID Strategy Paper on Building Democracy (1993a, October 5 draft version) mentions civil society three times in an 8-page document. Nevertheless, there is a danger that the rapid acceptance of a concept may simply be a fad. All too often the concept of civil society is used unreflectively. The purpose of this section of the paper is to clarify this complex and abstract concept and to suggest which aspects are most accessible to, and appropriate for, support by a development assistance agency.

Let us begin with some essential definitional points about the nature of civil society and its relationships with the state.

***Civil society is defined here as a sphere of social interaction between the household and the state which is manifest in norms of community cooperation, structures of voluntary association, and networks of public communication.***

This definition draws upon the best current theoretical work on the subject of civil society. Robert Putnam emphasizes that "civic community" is built upon norms and networks: norms of reciprocity through which social actors learn to trust one another, and networks of interpersonal communication and exchange (1993, 172-3). Together, such norms and networks comprise a stock of "social capital" which social actors can draw upon when they undertake collective action (see also Hirschmann, 1984; Coleman, 1988; Ostrom, 1990; Bates, 1992; Uphoff, 1993a). Michael Walzer argues that civil society breeds "communal men and women...the picture here is of people freely associating and communicating...forming and reforming groups of all sorts...for the sake of sociability itself" (1991, 298). In his view "the good life can only be lived in civil society" where citizens are guided by such "norms of civility" as social trust, political tolerance, and community activism (ibid). In a similar vein, Cohen and Arato see ordinary people as the agents of modern civil society, creating it through "forms of self-constitution and self-mobilization" (1992, ix, 17-18). Civil society is by definition, participatory. It comes into being when people construct "a sphere other than and even opposed to the state...includ(ing), almost always unsystematically, some combination of networks of legal protection, voluntary association, and forms of independent expression" (ibid.).

There is a common core to contemporary definitions of civil society. First, theorists apparently agree that the concept describes a set of political norms that together promote participatory, non-violent, negotiated solutions to problems of collective co-existence. In addition to the norms listed in the previous paragraph, one can also include individual rights, privacy, solidarity, plurality, publicity and free enterprise. Second, these values are derived and disseminated by means of public discourse about how citizens can best govern themselves and how they should relate to the state. This discourse -- embodied in activities like writing, publishing, teaching and debating -- is conducted through the media of communication, broadly defined. Third, civil society is expressed in associational life, particularly (though not exclusively) through voluntary organizations that express the authentic preferences of the communities that make up the polity. Members may elect to join these associations on the basis of either common identities (such as ethnicity, language or religion) or shared interests (as do labor unionist,

business people, and professionals). But, to contribute to the formation of civil society, associational life must be voluntary; associations may not be formed through state coercion and must enjoy at least a modicum of independence from state directives.

In order to further differentiate civil society, let us elaborate on what it is not.

First, civil society lies beyond the household. While activity in civil society may be motivated by a quest for private advantage, it is not "private" in the sense of being confined to the domestic arena. Instead, it is decidedly "public" in two senses: it is collective action in which individuals join to pursue shared goals; and it takes place in the institutional "commons" that lie beyond the boundaries of the household. In every polity, people share identities and interests that are inadequately expressed by family or state institutions. Civil society itself is a "public formation" whose purpose is to manage matters of common concern without resort to state intervention (Tandon, 1991, 10; see also Habermas 1989; Chazan 1990). Civil society is the crucible of citizenship in which individuals have the opportunity to wean themselves from dependence on either family or state. As citizens, people define community needs, assert claims of political rights, and accept political obligations. They do so primarily by clustering together in organized groups of like-minded individuals in order to obtain common objectives.

Second, civil society stands apart from the state. We can conceive of the state as the realm of the politics of force by which governing elites exert their domination over society. By contrast, civil society is the realm of consent, through which citizens may choose to accept or reject the use of force by state officials. When citizens consent, they perform a hegemonic role, helping to reproduce the prevailing social order (See Hoare and Smith, 1971; Salamini, 1981). Within the state, political action is motivated by means of command backed, implicitly or explicitly, by the sanction of violence. By contrast, social initiatives are voluntary within civil society, either because actors perceive a material advantage or because they are motivated by commitment to an ethical or political value (Etzioni, 1988; Wolfe, 1989; Brown and Korten, 1989). While the state may possess a legitimate claim to the monopoly of violence, it cannot claim exclusive dominion over economic or ethical life. Yet economic interest and moral values are key poles around which political activity regularly clusters. These are the province of civil society.

Not only is civil society distinguishable from the family and the state, but also from the realm of social action known as "political society". Whereas the civil society contains institutions like neighborhood associations, professional bodies, and organized religions, political society refers to political parties, elections and legislatures (see Stepan, 1988, 3-4; Cohen and Arato, 1992, ix). Specifically, political society refers to the institutions through which social actors seek to win and exercise state power. The institutions of political society -- which are located in society and not in the state -- specialize in partisan political contestation and in the construction of governing coalitions. While actors in civil society learn the public arts of associating together and expressing collective interests, they almost always seek autonomy from the state. The expression of civic interests does not extend to efforts to gain and exercise control over state power.

Moreover, whereas civil society is an arena for the expression of economic interest, it is not always coterminous with the market economy. The market economy tends to atomize society by treating people as individual consumers rather than as members of solidary groups. The operations of the market also tend to promote inequality between rich and poor and thereby to undermine the horizontal linkages among political equals that is the basis of voluntary association. In its most extreme manifestations, the marketplace may even allow the emergence of economic monopolies that systematically undermine pluralism and competition in society. Thus market economy and civil society are complementary only

to the extent that both simultaneously promote inclusionary forms of competition. Under these circumstances, civil society is the political manifestation of economic interest, for example taking the forms of chambers of commerce and industry or unions of organized labor.

Finally, civil society cannot be reduced to other, related, but always fragmentary, concepts currently used by scholars of non-state collective action. The concept of the "second economy" (De Soto 1989; Szelenyi 1988; McGaffey 1987) refers to informal private trade and petty manufacturing, but neglects the dimensions of organization and norms at the expense of material transactions. And although the concept of "associational life" (Diamond 1988; Chazan 1990a, 1992; Olukushi 1990) provides a partial corrective, it tends to emphasize individual organizations rather than the linkages among them. Finally, while the concept of the "voluntary sector" (Brown and Kortzen, 1989; Bratton 1990) gains a higher level of aggregation, it does so by narrowing the focus only to organizations that are guided by the values of not-for-profit service and ignoring the politics of the private sector. The concept of civil society embraces a sum of political activity that is qualitatively broader than any of these parts.

### **C. Operationalizing the Concept of Civil Society**

One must acknowledge that civil society -- like the state and political society -- is a theoretical concept rather than an empirical one. It is a synthetic conceptual construct that is "not necessarily embodied in a single, identifiable structure" (Bayart, 1986, 112). To make it serviceable for purposes of development assistance, we must identify the observable parts of the composite concept. Drawing on the definition presented above, we distinguish the institutions of civil society as:

(1) The norms of civic community. The most important values for the construction of civil society are trust, reciprocity, tolerance and inclusion. Trust is a prerequisite for individuals to associate voluntarily; reciprocity is a resource for reducing the transaction costs of collective action; and political tolerance enables the emergence of diverse and plural forms of association. These values are promoted by citizens who actively seek to participate in public affairs. The presence of civic norms can be measured by sample surveys and public opinion polls and observed in voting, "joining", and varieties of collective behavior. These norms of civic community are taught, not only in the family, but by civic organizations such as schools, churches, and community groups.

(2) The structures of associational life. In order for civic life to become institutionalized, it must be expressed in organizational form. The most common organizational structure in civil society is the voluntary association, a grouping of citizens who come together by reason of identity or interest to pursue a common objective. There are various types of voluntary associations ranging from the localized, informal, and apolitical on the one hand to national, legally-registered, policy advocacy organizations on the other. While policy advocacy groups may have the largest and most direct impact on national political life (Blair, 1993b), they do not exhaust the relevant organizations in civil society. Whether or not they are explicitly oriented to civic or political functions, all types of voluntary association help to populate and pluralize civil society.

(3) The networks of public communication. In order to be politically active, citizens require means to communicate with one another and to debate the type of government they desire for themselves. Civic discourse can take place in various fora, the most important of which are the public communications media, both print and electronic. State or private monopolies of media ownership and public opinion are not conducive to civil society; civil society is always stronger where there is a diversity of media outlets and political views. New technologies of personal communication -- including cellular telephones and

fax and photocopying machines -- can strengthen civil society by empowering citizens to communicate independently of state supervision. A healthy civil society is a multi-stranded web of cross-cutting channels of communication.

Because civil society is a complex phenomenon, its component parts must be considered together, and promoted together. A program to provide development assistance to civic society would address simultaneously the nurturance of civic norms (e.g. through civic education), the expansion of communications networks (e.g. through independent media), and the promotion of associational life (via building and strengthening organizations). Each reinforces the other. For example, associational life is not only built most easily on a foundation of civic norms, but it is a crucible in which such values are cultivated. By the same token, an active association of journalists is an important force for the promotion of an independent press. And, in turn, the dissemination of norms of civic community requires access to media of public communication. Further details on the operationalization of civil society in development assistance programs is provided later in this paper.

Let us close this section with reference to two practical implications that derive from the development of civil society: the likelihood of intensified political conflict, and the essential role of the state.

First, civil societies are heterogenous entities, composed of diverse elements, reflecting the political cleavages and conflicts of the wider societies in which they are located. The incidence of social conflict - in the form of political opposition and economic competition -- can be expected to rise as long-standing political monopolies are dissolved and replaced by a plethora of authentic organizations based in society. In deeply divided societies, the emergence civil society is likely to be accompanied by an intensification of ethnic identity. In patriarchal societies, women who organize on gender lines can expect to encounter an alternating process of progress and backlash. In industrializing societies, the middle classes are likely to be the protagonists of civil society: on one hand they articulate "universal" values and build broad, multiclass political coalitions; on the other hand, the emergence of a bourgeoisie prompts new forms of resistance from working people, women, and the dispossessed. In time, however, by allowing space for particular interests to vent their aspirations, civil society holds out the hope of reducing the stakes of political conflict and eventually "domesticating nationalism" (Walzer, 1991, 300). Eventually, in the best of all possible circumstances, the practice of political toleration can lead to aggregation of political organizations and an emerging consensus on political values.

Second, the state -- however formative, weak, or retreating -- is not going to wither away. There are many basic developmental functions which must be performed for which the state is uniquely equipped, not least the guardianship of territorial boundaries and social order. For this reason, a strong civil society is likely to be associated, not only with a competitive market economy, but also with an effective and capable state. Associational life will be stunted in a context of political violence, in the absence of the rule of law, or where essential services are intermittent. Networks of public communication cannot develop fully unless the state establishes and enforces guarantees of freedom of speech. In short, civil society needs an enabling environment of legal rights and infrastructural supports. It cannot operate where public order or the state is collapsing or operating well below capacity. In sum, there is "no possibility of choosing, like the old anarchists, civil society alone" (Walzer, 1991, 301). Instead, civil society is "institutionalized and generalized through laws (provided by the state), especially subjective rights" (Cohen and Arato, 1992, ix).

#### **D. Identifying Principles for Supporting Civic Action**

In order to derive the assistance approach proposed later in this paper, it is worth revisiting and further clarifying the operational aspects of civil society and related concepts.

\* **Civil society** is composed of norms of community cooperation, structures of voluntary association, and networks of public communication. Operationally, civil society should be seen, not so much as a concrete object, but as an arena within which civic institutions develop.

\* A civic **institution** is any norm, network, or structure that has become widely and highly valued and which has a recurrent presence in society. Over the long term, donor assistance would aim at the creation and strengthening of civic institutions.

\* A civic **organization** is a group of actors, formal or informal, which undertakes civic action. Some organizations are short-lived, but others become institutionalized. In the short-term, a rapid response assistance mechanism would enable a donor to address the immediate needs of civic organizations.

\* **Civic action** is any organized activity which enhances the participation of a country's citizens in either self-governance or national governance. Civic action may be undertaken by organizations especially designed for these purposes, or as one function among many in multipurpose organizations.

In operational terms, civic action is the aspect of civil society that is most susceptible to donor support. As such, the promotion of civic action is the most direct way in which donors can contribute to the institutionalization of civil society. Civic action projects are the units out of which a donor-funded civil society support program would be constructed.

Let us further specify the characteristics of civic action. Its defining feature is that it is participatory, involving ordinary people in making decisions about their own lives. Moreover, civic action is empowering, insofar as it boosts people's confidence that they possess the capacity to make decisions. Participation increases popular involvement in array of political arenas, from the local to the national. Self-governance probably precedes national citizenship. Individuals who have learned the arts of participation in small-scale voluntary associations are more likely to be informed citizens, active voters, and policy advocates.

In so far as civic action is an organized collective activity, it takes place in groups. The more formally organized such groups are, and the clearer their legal identity and experience at management, the more likely they are to be viable candidates for donor support.

Because there are many ways in which civic action may be promoted, donors should consider an inclusive approach. An assistance strategy should not be reduced to a narrow focus on strengthening organizational structures, but should include the promotion of civic norms and communications networks as well. Still less would one wish to restrict the operational definition of civil society to those organizations that specialize in public policy advocacy. Apart from lobbying state officials, civic action can take many other forms. These include, among others, initiatives to disseminate information on civil liberties, to exchange of independent political opinions, and participation in decision-making within community-based organizations. Since all these activities contribute to the strengthening of civic institutions, they belong in a comprehensive aid strategy.

Through which specific organizations should civic action be promoted? This question is best answered by providing some illustrations of organizations and actions that help to promote civic action.

\* First, there are specialized civic organizations -- like election monitoring groups, civic education groups, and human rights watchdog groups -- whose main mission is to promote civic action. Such organizations usually identify themselves as non-partisan, thereby distinguishing themselves from political parties. They aim explicitly at creating a sphere of public life from which democracy can be promoted and defended without reference to ideological or partisan preferences. These sorts of civic organizations promote democratic norms through networks of communication (for example, through radio programs on civic education aimed at adult learners). Or they may aim to hold public officials accountable (for example, by monitoring the human rights performance of the security forces). Lastly, they may contribute to the enabling environment for civic action by advocating on behalf of law reform (for example to ease the registration requirements for voters).

\* Second, there are multipurpose organizations that sometimes perform civic functions. For example, a women's organization originally formed to extend credit to female entrepreneurs, may mount a program to encourage and train female candidates to run for office on local government councils. Indeed, developmental NGOs are major players in this category. While many multipurpose organizations with civic functions are to be found in the voluntary sector, this is not exclusively so. Some organizations in the public sector (e.g. schools, universities and research institutes) and private sector (media, publishers, public opinion polling firms) may also perform civic functions. Selected actions of these organizations are "civic" to the extent that they generate independent sources of information and disseminate it to large numbers of people. In this process they can help stimulate debate on the pressing public policy issues of the day and on basic democratic values.

\* Finally, in very general terms, civil society is strengthened and institutionalized when there is an increase in the number of voluntary associations, regardless of whether they perform any functions that can be defined as "civic". As stated earlier, the very existence of voluntary associations helps to populate and pluralize the organizational landscape. Even organizations established for non-civic purposes -- like income-generation, social welfare, or religious worship -- can provide citizens with an enhanced array of affiliational choices. In this way, the very density of associational life is a positive factor promoting political participation and self-governance.

In terms of assistance, greatest priority should be placed on organizations at the top of the above list. Most assistance should be targeted at organizations that specialize in civic functions and less to organizations that promote civic action as one aspect of a multipurpose program. Only if resources are plentiful should a civil society support effort extend assistance to voluntary associations that have no explicit civic functions.

#### **E. Civil Society and Democratization**

Further discussion is needed on the roles of civil society in democratization. Because civil society manufactures political consent, it is the source of the legitimation of state power. The right of any elite to exercise state power is ultimately dependent upon popular acceptance. This consensus -- the key political resource for those who wish to rule -- is manufactured by the institutions of civil society. In this way, civil society serves the "hegemonic" function of justifying state domination. For as long as civic actors grant consent, civil society exists in a complementary relationship to the state.

Over time, however, citizens may come to perceive that ruling elites are abusing the power granted them. A few brave individuals may launch an oppositional critique which, when circumstances permit, is taken up and popularized in informal social movements, and perhaps eventually by leaders of established institutions. This discourse can vary in depth of opposition; it may criticize the foibles of particular incumbents, implicate the regime of governance that such leaders represent, or even question the structure of state power. But, in all cases, the functions of domination and hegemony become separated and counterpoised. Opposition ideas gain "hegemony over society (even as) the state's domination over the economy -- and, even more, the police and the army -- remain intact" (Pelczynski, 1988, 371).

The legitimacy of a political leader's claim to exercise state power thus derives from civil society. Put another way, responsive and effective government can only be built on a foundation of civic community. In this essential observation lies what Putnam calls "the seeds for a theory of democratic governance" (1993, 87). Walzer concurs: "the quality of our political and economic activity and our national culture is intimately connected to the strength and vitality of associations" (1991, 298); and Cohen and Arato advise that political leaders "would do well, if they value their long-term legitimacy, to promote democratic institution-building in civil society, even if this seems to increase the number of social demands on them" (1992, 17).

Precisely how do the institutions of civil society contribute to democratization? USAID's Center for Development Information and Evaluation (CDIE) provides a useful list of three "demand -related activities" (Blair, 1993b, 6-8). First, civil action widens participation, by mobilizing marginalized groups into public life, especially the poor, women, and minorities. Second, the institutions of civil society protect citizens against excesses by the state by acting as a buffer against possible predatory behavior and monitoring public performance on human rights abuses and corruption. Finally, civil society helps to guarantee political accountability, the "distinctive hallmark of democracy" (ibid., 7). It does so because civic institutions perform functions of communication, representation, and negotiation through which citizen preferences are heard and acted upon.

The roles that civil society plays vary according to the stage of the democratization process. It is now customary to distinguish at least four stages of regime change: pre-transition, liberalization, transition, and consolidation (e.g. Sorenson, 1993; O'Donnell and Schmitter, 1986).

Pre-transition describes the period in which the authoritarian regime has consolidated its rule and faces no significant political challenge. Authoritarian governments routinely emasculate political society by banning political parties and controlling elections. In response, political nonconformists, who can no longer operate openly, take refuge in the occupational associations and religious and educational organizations of civil society. Free political discourse may survive within these civic institutions during the pre-transition period, but it invariably assumes underground or disguised forms. Artists, intellectuals, or religious leaders become the sole purveyors of political criticism, which is usually cloaked in parody, jargon, or allegory. While street demonstrations may occur regularly, protesters usually focus on economic rather than explicitly political issues.

Political liberalization occurs when a ruling elite grants previously denied civil and political rights, marking an important departure from authoritarian practices and the onset of political transition. While liberalization may occur at the initiative of a progressive faction that splits the state elite, more commonly it is a response to escalating popular protest (Bratton and van de Walle, 1993; Cohen and Arato, 1993, 50). At this stage, protest is galvanized not only by denunciations of elite corruption, but also by calls for multiparty democracy. Civil society comes to be dominated by loose social movements with ill-

defined reform agenda that focus almost exclusively on the ouster of incumbents. During this period, interim national leaders emerge from within the churches, professions, unions and universities to head pre-party "fronts" like national committees, national conferences, and general strike coalitions.

A political transition is the interval between one regime and another. During a transition, political actors struggle to establish political rules that provide advantage, not only in the immediate contest over state power, but over any future redistribution of public resources. The critical moment of the transition occurs when the incumbent regime concedes that the rules of political competition can be changed to allow the formation of independent political parties. From this moment onward, and especially following the announcement of competitive elections, the initiative in the democratization shifts back from civil society into a reconstituted political society. Opposition politicians come out of hiding in civil society, or international exile, and rush to form political parties through which to mount a bid for state power.

Indeed, because full democratic transition requires the formation of organizations aimed at capturing power, it must involve political society. This is not to say that civil society becomes irrelevant during political transition. Far from it: in the turbulence of an election campaign, civil society becomes highly mobilized, only its role changes from partisan to neutral. Instead of providing a refuge of last resort for dissident politicians, actors in civil society are freed to take on truly "civic" functions for which they have a more natural aptitude. The prospect of competitive elections suddenly raises a plethora of demands for citizen education, public communication, arbitration between contending parties, and prevention of electoral fraud. Inevitably, under previous monopolistic regimes, civic organizations never existed to perform these functions or were dormant. New organizations have to be urgently formed or revived in order to ensure elections are free and fair and that citizens are adequately informed to participate in them.

Political transitions sometimes lead to democracy, which is a set of rules to guarantee political participation and contestation including, at minimum, regular elections for national leaders. Other possible outcomes include liberalized or reinvigorated forms of autocracy, or anarchy. The consolidation of a regime begins when a political transition ends which, in the case of a democratic transition, is marked by the installation of a new government as the result of a free and fair election. Whether a democratic regime becomes consolidated depends upon the acceptance by all political actors, especially the losers of the election, of a new and stable set of political rules including the convocation of regular subsequent elections. It may take generations to consolidate a democracy. Regime consolidation can only be said to have occurred after significant threats of regime reversal (e.g, from the military or a "disloyal" opposition) have been effectively eliminated or contained.

The institutions of civil society have a crucial role to play in the consolidation of democracy. At the deepest levels of political culture, civic institutions include the political norms and values that underpin the rules of democratic competition. Democracy depends upon attachments among citizens to a matrix of civil liberties which they are willing to defend against encroachment by the executors of state power. At a more concrete level, civil society is the arena of voluntary associational life. A healthy democracy is founded on a plurality of organized social groups through which citizens learn the arts of associating together, practice the procedures of democratic governance, and express group interests to policy makers. It is through civic organizations that people participate in politics and development. Civil society also provides networks of communication among citizens, and between citizens and the state. Ideally, the media of communication are not monopolized by the ruling party or by any other single interest in society, but reflect a diversity of voices and opinions. The prime function of these media include educating citizens about public policy issues, improving the transparency of public decisions, and helping to hold public officials accountable.

In practice, civil societies do not generally perform well in the early stages of democratic consolidation. The reasons can be found in the dynamics of the democratization process, notably in the deflation of political energies that occurs immediately after transition. The new regime may draw civic leaders into leadership position in government or party institutions, thereby effectively coopting and silencing them. Among citizens, the intense levels of political engagement that were whipped up during the election campaign cannot be sustained under normal political conditions. Indeed, political elites deliberately seek to defuse and contain the ebullience and unrealistic expectations of citizens. In addition, political factions which united around the common goal of ousting an authoritarian leader rediscover differences of interest that can divide, incapacitate, and even destroy civic organizations. And, in poor countries, many of the people who became politically active during the transition choose to withdraw again into the household realm in order to address pressing and neglected needs of economic survival.

In sum, the revival of political society and the conclusion of a political transition can have demobilizing consequences for civil society. The reinvigoration of civil society as a force for democratic governance over the long term is a major item for the post-transition agenda. As instruments of political consent, the institutions of civil society can either provide political legitimacy to governments, or withhold it. Any political legitimacy won at the polls is a scarce resource which is easily dissipated and must be constantly renewed. Governments that are attempting a crash program of marketization are especially needy of democratic institutions in society that can educate citizens, build support, and divert opposition into constructive channels. Nowhere is this currently more true than in sub-Saharan Africa.

#### **F. The Distinctiveness of Africa**

Civil society is a truly international idea. The emergence of a democratic opposition to authoritarian socialist party-states in Central and Eastern Europe provided the impetus to the contemporary revival of civil society (e.g. Havel, 1985; Ashe, 1990; Kennedy, 1991; Rau, 1991). The concept was then picked up by analysts of transitions from authoritarian rule in Southern Europe and Latin America (e.g. O'Donnell, Schmitter and Whitehead, 1986; Mainwaring and Viola 1984; Eckstein, 1989; de Janvry et.al., 1993). It has also been adopted by social critics who note the decline of civic values in the advanced capitalist countries, and has been most recently applied to social movements and political transitions Russia, China and countries in Africa (e.g. Gustafson, 1989; Gold, 1990; Fowler et.al., 1992; see also bibliography, sections 2 and 3).

Common elements in the civil society discourse are a critique of state domination of public life, a preference for reform over revolution, and a strategy for political change based upon negotiations and elections.

But universal ideas require adaptation to take into account distinctiveness of different world regions, notably in the level of socioeconomic development and the cultural attributes of different nations and sub-nations. Westerners, projecting aspirations derived from their own histories, are prone to overestimate the prospects for democratic change elsewhere in the world.

How do the histories of African countries shape the orientations and capacities of civil society today? At first glance, African societies seem to possess few intermediary organizations that occupy the political space between household and state. Yet, on closer examination, one can discern cultural and religious institutions that express collective identities -- such as clan, age-set, and brotherhood -- to which rural folk continue to grant allegiance. In addition, Africans constructed fresh forms of voluntary association in response to the disruptive effects of urbanization and the market economy during the colonial period.

Sometimes these were updated expressions of long-standing informal solidarities (like ethnic welfare associations, prophetic movements, agricultural work parties); in other cases they gave expression to new occupational and class identities (peasant movements, labor unions, teachers' associations). These associations became explicitly political, first by protesting the indignities of colonial rule and, later, by forming the building blocks of nationalist political parties.

After independence, African ruling elites gave top priority to state sovereignty and national security and sought to bring about "departicipation". Although they invested heavily in the construction of one-party and military regimes, elites were not always successful at discouraging autonomous organizations from taking root in civil society. Some leaders nipped them in the bud by incorporating them under the wing of governing parties; others banned them entirely. But, in many places, voluntary associations proved too strong to be subordinated and survived as an alternative institutional framework to officialdom.

Associational life took different forms in different countries: the Christian churches in Kenya and Burundi; Islamic brotherhoods in Senegal and Sudan; lawyers' and journalists associations in Ghana and Nigeria; farmer organizations in Zimbabwe and Kenya; and the mineworkers' unions in Zambia and South Africa. But everywhere that independent associations survived they provided ordinary Africans with an outlet for the urge to combine in pursuit of shared goals.

The poor performance of planned economies in Africa gave an added impetus to autonomous activity beyond the purview of the state. As a means of evading the costs and inefficiencies of economic regulation, producers and traders chose increasingly to participate directly in "that part of the economy variously referred to as the second, parallel, informal, underground, black or irregular economy" (McGaffey, 1987, 2; Kasfir, 1984, 84). In scope and formality, trading networks ranged from *ad hoc* village markets to organized smuggling rings spanning international frontiers. By 1980, the size of the second economy in several African countries (e.g. Ghana, Uganda, and Zaire) was estimated to approach, if not exceed, the size of the official gross domestic product.

The fact that African citizens autonomously undertook a wide gamut of organized economic activity had profound political implications. As trade shifted to illegal or informal networks, taxes became difficult to collect and public revenues diminished, especially in valuable foreign exchange, thereby exacerbating the fiscal crisis of the state. Financially deprived governments had little option but to loosen restrictions on autonomous networks and organizations by permitting them to perform some of the functions previously monopolized by government. By the end of the 1980s, independent associations and alternative economic networks together provided a recruiting ground for a popular upsurge against post-colonial autocracy (Chazan 1982; Harbeson et.al. 1994).

Does the emergence of opposition to authoritarian rule in African countries signify the presence of strong civil societies? Certainly, civic actors in Africa derived new-found energy from the climate of political liberalization in the 1990s. In response to popular protest and donor pressure, African political leaders created political openings -- for example, by releasing political prisoners and abandoning one-party constitutions -- that improved the legal environment for free expression and association. There is considerable evidence that previously closed political space was occupied by genuine manifestations of civil society, namely by structures of associations, networks of communication, and norms of civic engagement. Let us briefly examine each of these elements empirically.

## 1. Associational Life

A couple of types of political association can be mentioned to illustrate the current explosion of associational life in Africa: civic organizations and national conferences. During the 1980s, a few courageous citizens (in Nigeria, Uganda, Zaire, Zambia and Zimbabwe among other places) established non-governmental organizations to monitor governmental human rights performance. By 1991, local chapters of Amnesty International operated openly in Benin, Sierra Leone and Togo, joining those already active in Zambia and Mauritius (although members in Sudan were forced to restrict their activities). Some such groups expanded their mandate to include election monitoring, for instance through the GERDDESS network of intellectuals and professionals in francophone West Africa and umbrella groups of churches in East Africa. By insisting on non-partisan oversight of government performance and electoral contests, civic associations have helped to keep governments honest and to educate people about citizenship.

Africa's greatest original contribution to civil society is the national conference, a form of political association that has been convened in more than half a dozen francophone states. A national conference is an assembly of national elites, between several hundred and several thousand strong, which includes representatives of all major segments of society and is often chaired by a church leader. The conference meets to address a country's political crisis and to attempt to formulate constitutional rules for political transition. A critical point comes when the conferees demand sovereignty to revise the constitution or, as in Benin and Congo, to conduct a public impeachment in which the sitting president is accused of corrupt practices and stripped of executive powers.

## 2. Public Communication

African journalists have been a driving force within civil society. Their new publications have thrust political opinions, previously censored as "dissident" or "subversive", into mainstream discourse. Even within government-owned media, journalists and consumers have sought the expression of alternative viewpoints as a counterweight to discredited official propaganda. For example, in an interesting case of liberalization without democratization, Tanzania has seen the introduction of almost half a dozen lively weekly news/magazines in Swahili and English, all bemoaning the government's slow march to multiparty elections in 1995.

The international spread of new communications technologies, notably fax and satellite TV, has helped promote public political discourse. Authoritarian governments find difficulty in controlling these decentralized technologies and in preventing the dissemination of international news, information, and political values within their borders. Especially in volatile urban areas, African citizens obtain information from Cable News Network, Radio France International, and the British Broadcasting Corporation, sources which they say they trust more than government-owned media outlets. The fledgling opposition movement in Malawi has been organized partly through fax messages from exiled leaders in Zambia. And, in West Africa, the proceedings of the national conference in Benin were broadcast into neighboring Togo and Niger, perhaps emboldening pro-democracy forces there.

## 3. Civic Norms

Evidence for the emergence of a consensus around norms of democratic procedure and good governance is less tangible and more difficult to locate. One can point to the emergence of public debate about human rights, a subject that was almost nonexistent a decade ago, but which Africans now feel compelled

to talk about. Anti-corruption is another effective message for political mobilization, more effective probably than appeals to multiparty democracy. And, where free and fair elections have been conducted, incumbent leaders have usually been ousted, usually by a clear majority vote.

Nevertheless, voter turnout in transition elections has often been remarkably low, suggesting that citizens harbor deep levels of distrust towards politics and politicians. Moreover, the autonomous space beyond the state has its dark side: while "informal economies provide a critically important source of economic survival...they are also part of universe in where theft and violence are common currency" (Lemarchand, 1992, 188). Here, too, manifestations of spiritual power like religion, witchcraft, and magic can undercut efforts to build "reciprocal relationships built on an underlying normative consensus" (Hyden, 1992, 1).

What, then, do Africans think and feel about democracy and their own roles as citizens? While we know very little about this subject, some preliminary indications are available from focus groups and sample surveys conducted in conjunction with USAID's democratic governance project in Zambia. At least in this one country, a solid majority of citizens claim interest in politics, especially community affairs. They belong to voluntary associations, here usually Christian churches, but show limited enthusiasm for joining political parties. And, while the evidence is mixed, many survey respondents express a set of proto-democratic political values including moderate to high levels of interpersonal trust (including towards members of "other" ethnic groups) and attitudes of political tolerance that are supportive of basic human rights. At the same time, respondents display a predilection to defer to entrenched authority and a deep streak of cynicism about official corruption (Bratton and Katundu, 1993, i-ii). Much more comparative research is required in other African countries (and between men and women, urban and rural dwellers) before we can know whether these political attitudes, which on balance are supportive of a sense of civic community, are widespread.

On the basis of available evidence, a prima facie case can be made that institutions of civil society exist in some African countries, if only in fledgling form. By way of conclusion, let us assess the strengths and weaknesses of these institutions in the light of the distinctiveness of African settings.

On the positive side, there are elements of political culture in African countries that are conducive to building strong civic institutions. Because many Africans still draw their identities from collective social units like family, clan and ethnic group, there is a firm basis of group solidarity upon which to construct primary associations (Ekeh, 1975; Agbaje, 1992; National Research Council, 1993). Moreover, to the extent that many Africans still emphasize norms of reciprocity in social relations, they possess a reservoir of social capital which can be invested in collective action (Hyden, 1992; Landell-Mills, 1992). The expansion of associational life in African countries has also cut across class lines, being equally if not more prevalent among economically marginal groups as among emergent middle classes. Politically mobilized groups share a widespread perception that incumbent leaders have neglected their political obligations to provide for the welfare of their followers. This perception has fueled a resurgence of demands for political accountability which is helpful in the construction, not just of civil society, but also of democracy. And, however tentatively, organized groups (usually based on occupational affiliations) have begun to project their preferences into the policy process. The best examples can be found in labor union representations over state regulation of collective bargaining and farmer union representations over land reform and agricultural pricing (e.g. Raker, 1992; Skalnes, 1993).

On the other hand, other aspects of the economic and the cultural environments of African countries appear to be infertile ground for nurturing civil society.

As is well known, most African countries are beset in a long-term economic crisis characterized by shrinking output per capita, escalating indebtedness, and falling living standards. People who are preoccupied with meeting daily needs of economic survival and family welfare have neither the time nor inclination to devote themselves to civic and community affairs. Nor are financially strapped governments able to sustain the investments in education and adult literacy necessary to cultivate a web of public communication among well-informed citizens. Societies riven by wide and growing gaps between rich and poor are structurally ill-suited to the cultivation of norms of reciprocity and participation on which civil society is based. Indeed, the global association between stable democracy and advanced industrial economy suggests that democratic institutions (including civic institutions) are difficult to construct under conditions of mass economic privation and great social inequalities:

Reflecting the poverty of their clienteles, civic organizations in Africa suffer gross shortages of material resources: they own few organizational assets, operate with tiny budgets, and are always understaffed. Few precedents exist for mobilizing financial contributions through corporate sponsorship, user fees, or the payment of dues. Instead, civic organizations have usually turned to foreign donors to cover the costs, not only capital projects, but also core operating expenses. Over-dependence on foreign funding has several pathological consequences for the development of voluntary organizations, and hence for civil society. For example, the direction of accountability is reversed within the organization, with leaders reporting to donors rather than to members or clients. Moreover, reliance on funds from abroad can be a political liability, reducing the credibility of claims by associations to be authentic advocates for a domestic political constituency and enabling host governments to dismiss them as agents of foreign interests.

Beyond economic constraints, a second consideration is culture. African countries also possess political cultures embedded under authoritarian regimes in the pre-colonial, colonial and post-colonial periods. At the risk of oversimplification, these cultures can be described as neopatrimonial. Neopatrimonialism originates in the African extended family, with the dominance of older males and strong interpersonal ties. It has been reinvented in the form of the "big men" and personal political relationships that pervade post-colonial African political institutions, including government bureaucracies. At the elite level, neopatrimonialism is manifest in the over-centralization of power ("one-man management"), arbitrary decision-making ("the rule of men"), and the use of public resources for personal advancement ("corruption"). At the mass level, neopatrimonial culture reveals itself in obeisance and deference to political superiors ("respect"), in conformity in group behavior ("government by consensus"), and in economic dependence upon wealthy individuals ("patronage").

As much as contesting this illiberal political culture, civic organizations in Africa tend to embody and reproduce it. They are usually led by personalistic leaders who use the distribution of material rewards and inducements to build support around an ethnic, linguistic or regional core. Once they have secured office, such leaders typically resort to arbitrary decision-making and resist initiatives for democratic control or leadership turnover within the organization. To the extent that such leaders encourage political linkages among followers, they promote "vertical" relationships between patron and subordinates rather than "horizontal" relationships among political equals. Needless to say, it is the latter sort of association that is most conducive to civic community (Putnam, 1993, 87). This is not to say that the ambitions of patrons always go unchallenged. The members of voluntary associations have sometimes been able to eject corrupt or unresponsive leaders, or to break away to form splinter organizations. But the establishment of internal democracy within civic organizations is an important prerequisite to their effectiveness as a force for political accountability in relation to the state.

The mixed prospects for the consolidation of civil society in Africa -- in which some contextual conditions are supportive and others are not -- must be borne firmly in mind as we turn to operational analysis of a rapid response assistance facility for the region.

### **III. OPERATIONALIZING A PROGRAM OF CIVIC ACTION**

Having identified civic action, in Part II, as the key operational principle underlying the concept of civil society, Part III focusses on developing a programmatic strategy to support African civic organizations and NGOs in their efforts to build a civic community and promote democratic governance in their countries. The first task in this regard is to identify and characterize the class of organizations that perform civic functions. The functional definition of civic organization presented in Part II, is expanded upon in Section A below, to provide a structural dimension which places these civic actors within the broader context of what we have termed the "institution" of NGOs. This new definition, and the accompanying typology of the NGO sector, permits us to isolate, assess and prioritize those organizations which could best further the objectives of civic action. Section A also provides an illustrative set of short to medium-term interventions that could be supported through external donor assistance.

Section B, looks at the capabilities of U.S. and African regional organizations in terms of their ability to provide technical assistance and training to national level NGOs and civic organizations in targeted African countries. It also discusses the appropriate roles of these two "partners" of USAID in the promotion of civil society.

In Section C, the broad outlines of a new centrally-funded project supporting African civil society development are presented. The study team has preferred to talk about an AID capacity for "accelerated" response to support civil society rather than a "rapid" one. The critical issue identified by AID officers at both the Bureau and field Mission levels, centered on ways to provide the field missions with "timely" assistance within the framework of evolving country programs, as opposed to reacting to discrete crisis situations requiring some type of urgent or rapid response. As such, the section starts out with a discussion of the "problem addressed," presents a recommended "project purpose," details the "types of services" that could be provided through an accelerated response mechanism, and finally looks at fundamental issues that would need to be addressed in a future project design. The actual issue of how to accelerate assistance in response to Mission requests is taken up in the following and concluding chapter of this study.

#### **A. Identifying, Assessing and Targeting Civic Organizations**

As noted in the Conceptual Overview section of this study, at the most general level, and over the long-run, enhancing and even creating the institutional framework to support civic action is the goal towards which USAID could most usefully direct its efforts as part of a program of civil society promotion. However, because of the long-term nature of such an undertaking, i.e., strengthening or fabricating the web of norms, networks and structures (civic institution building) of civil society, the purpose of a short to medium-term assistance program would more practically focus at the level of civic organizations. It is through further specification of this "group of actors, formal and informal, which undertake civic action," that the operational principals discussed previously can be concretized to the degree necessary to identify and target specific organizations for assistance. In summary, in this section we conclude the process of moving from the theoretical concept of civil society, to the set of operational principals of which the notion of "civic action" is central, and finally to the real world where people and their

organizations populate the landscape of civil society, and thus lend themselves to, among other things, assessment and outside support.

## 1. Background and Context

USAID's Draft Strategy on "Sustainable Development," and each of its four "pillars," including Democracy Building, posits a central role for U.S. PVOs and indigenous NGOs in the formulation and execution of AID funded development programs and projects. In fact, PVOs and NGOs are considered AID's most "natural partners" in this new development paradigm (USAID, 1993, October 5, draft version). In addition to the set of draft Strategy Papers on Sustainable Development noted above, most other documents emanating from the Agency over the past six months<sup>1</sup> have tended to equate civil society with existing indigenous NGO communities. This tendency and the lack of precision that it represents, is unhelpful, and even potentially detrimental, to the development of a coherent strategy in support of civil society. As PVOs and NGOs have found increased prominence as development partners within the donor community in general, and AID in particular, a corresponding interest, bordering on concern at times, has emerged as to who these actors are, what capacities they possess, and how to work with them. While the focus of this study is in relation to democratic development, the issues are equally valid in the economic and social spheres as discussed in the other three pillar strategies of the sustainable development strategy.

## 2. An Operational Definition of Civic Organization

The study has identified civic action and those organizations which undertake it, as that aspect of civil society that is most susceptible to a program of donor support. The functional definition presented in Part II, permits us to broadly conceive of some public and private institutions, (e.g., the university system and the independent media respectively), as members of civil society, thus contributing to the growth and development of a civic community. From a structural or organizational perspective, as distinct from a purely functional one, however, it does not qualify these broader institutions as civic organizations. This is because several important organizational principles or criteria are absent from these two institutional types, i.e., privateness and a voluntary nature in the case of public institutions; and having as a fundamental mission the public interest and a not-for-profit motive, in the case of private sector institutions. While the interests of public and private institutions may coincide at various points in time with those of civic organizations, and may be indispensable to the promotion of civil society and democratic development, their fundamental goals, norms, and organizing principles over the long-run are not the same. In developing a working definition for civic organizations for this study, we therefore combine the functional attributes of civic action with the organizing principals of voluntary associations.

The following definition of civic organization is used in operationalizing our strategy of programmatic assistance in support of civic action:

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<sup>1</sup> Among others this includes the Africa Bureau's "Draft Democracy and Governance Blueprint (August 1993), CDIE's "proposed draft evaluation on Civil Society and Democratic Development (November 1993), agency-wide "Implementation Guidelines on Democracy" (December 1993), and the scope of work for this study.

***A civic organization is private, voluntary, and non-profit in nature, legally constituted and recognized under the concerned laws of its home country, whose mission is one of (or includes) civic action, and that has some degree of organizational permanence.***

It is in this operational definition of civic organization that a similarity with the definition used for NGOs becomes apparent. In fact, the line taken in this study on civil society is that at the programmatic level, civic organizations are, in relation to their organizing principles as voluntary associations, a type of NGO. To put it another way, while all civic organizations are NGOs, not all NGOs are civic organizations. What distinguishes a civic organization from say a relief-oriented or developmental NGO is its function or mission. Thus both types of organizations share the same broad structural NGO definition. In order to further narrow the universe of NGOs that fall into the category of civic organization, it is worth taking a few moments to review the five organizational principles of NGOs used in the above definition (Salaman and Anheier, 1992).

- (a) **Voluntary**: The voluntary association of individuals coming together based on mutual or shared interest or affiliation is probably the single most important characteristic identified in all NGO definitions. This voluntary dimension thus includes virtually all associational life between the household and the state, including but not limited to NGOs.
- (b) **Private**: This is the non-governmental element that distinguishes an NGO from the state or any of its official agencies. The key issue is the fundamentally private, autonomous and independent nature of their institutional structure and decision making process.
- (c) **Self-governing**: This feature concerns the organizational integrity and capacity of NGOs for self-governance, including the internal establishment of procedures for group decision making and behavior. The increasing emphasis on rationalizing relationships and responsibilities between group members indicates both a higher degree of organizational complexity and continuity, and the beginning of differentiation between the more traditional and less formal primary level associations and what we are calling NGOs.
- (d) **Non-profit-distributing**: Simply put, this means that if there is an excess of revenues over expenditures during a given fiscal period, then the surplus must be put back into the "good works" of the organization and not distributed as profits to the "owners" or governing board. Therefore, professional associations, chambers of commerce and cooperatives which provide a common set of services and support to their members (who maybe profit-making), and do not generate profits themselves, can be considered NGOs.
- (e) **Formalized**: At the most basic level there should be some degree of institutional permanence. One aspect of this permanence is formal legal recognition under the pertinent laws of a host country. For USAID, or any donor that contemplates direct funding to indigenous NGOs in a partner country, and particularly civic organizations, the need to ensure compliance with host country laws regarding organizational legitimacy is of paramount importance. This aspect further distinguishes NGOs from primary level organizations such as a traditional work group or cultural association which normally have no formalized legal identity.

While these features are common to both NGOs and civic organizations, it is the functional dimension of civic action which distinguishes the latter from other NGOs. To restate:

***Civic action is any organized activity which fosters goals and norms of civic community and which enhances the participation of a country's citizens in either self-governance or national governance.***

This definition of civic action thus combines both process (deepening and broadening citizen participation in governance actions) and normative (promoting civic community embodied by trust, reciprocity, tolerance, inclusiveness, and non-violent, negotiated conflict resolution) functions in civic organizations. While civil society is inherently pluralistic and participatory, it is not necessarily civic, particularly at the self-governing local level. It is only when the values and norms embodied in the notion of civic action have been diffused to and accepted throughout civil society, including the primary level of small, self-governing groups, that a truly "civic community" will have developed, and that permits us to talk about the growth of a democratic culture. While the existence and structure of civil society is a precondition to, and provides an enabling environment for, the emergence of civic action, it is in itself an insufficient condition to ensure the development of civic community and its corresponding set of norms. The degree to which this does evolve is, to a large degree, a function of the state's role in providing the larger framework of rules of law and stability within which civil society can mature and evolve. As noted in the Conceptual Overview section, civil society's role in promoting civic norms and values, and ultimately contributing to democratization, is a function of a country's stage in the political development process.

### **3. Civic Organizations within the NGO Sector: A Typology**

If, as has defined here, "civil society occupies the sphere of social interaction that lies between the household and the state ... and is embodied in the form of intermediary organizations," then it evident that NGOs are only one of several institutional forms and many more organizational types occupying this space. In fact, the point is made in much of the current literature<sup>2</sup> that the NGO sector should be thought of in terms of a system, or more appropriately, an institution. Just as the state is made up of a number of institutions, (e.g. the judiciary, legislative, executive), so too is civil society. One of the basic differences between civil society and the state in the African context, is the relative youth of the former. As such, the NGO sector lacks the kind of differentiation, organization and capacity that has been achieved by the state, and particularly the executive branch. This asymmetry in relative capacity (and power) between civil society and the state, as well as within the state sector itself, has been, to a significant extent, the result of some three decades of donor patterns of support. Democratic governance, an underlying principle implicit to the sustainable development model, essentially expands the arena of the governance function to include the non-state sector as well, and thus justifies a program of support to civil society as a means of promoting balance in state-society relations. Such assistance not only requires of civil society to "demand" improved governance from the state sector, it is expected that civil society, particularly through civic organizations, "supply" good governance in those matters rightly reserved by or devolved to the non-state public.

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<sup>2</sup> See the following works: Thomas F. Carroll, Intermediary NGOs: the Supporting Link in Grassroots Development, Kumarian Press, West Hartford, 1992; John Clark, Democratizing Development: the Role of Voluntary Organizations, Kumarian Press, West Hartford, 1990; Michael M. Cernea, Nongovernmental Organizations and Local Development, World Bank Discussion Paper Number 40, The World Bank, Washington D.C., October 1988; Alan Fowler with Piers Campbell and Brian Pratt, Institutional Development & NGOs in Africa: Policy Perspectives for European Development Agencies, INTRAC, Oxford, 1992.

What is of particular interest, and one of the reasons NGOs, and particularly those with a relief or developmental focus, have been so closely identified with civil society, is because they have been historically one of the only organized non-state sectors to most African governments permitted some degree of space to participate in national life. Although their room for manoeuvre was circumscribed to dealing with humanitarian and developmental concerns, they were well placed to exploit the openings which materialized with the disengagement of the state from its previously dominant role in political and economic life; itself provoked by the economic crises that swept most African countries in the late 1980s. The increased political liberalization and ensuing transitions of the past three to five years have led to a proliferation of associational life in general and new NGOs, including civic organizations, in particular, on an unprecedented scale. It is not surprising, therefore, that the NGO sector has been variously characterized as rampant, chaotic and disjointed; this is a function of its lack of maturity. There is, nevertheless, beginning to emerge the outline of this new institution. In Part II, civic organizations were classified as either being specialized or multipurpose in nature. The following discussion expands on these two types of NGOs which undertake civic action, and places them within the larger typology of the NGO sector. While not all civic organizations were established to directly work with primary level associations, the actions of most, if not all of them, at least indirectly touch this base level of civil society.

**a) Primary Level Associations:** Primary associations (PA) have been variously called peoples' or popular organizations, as well as grassroots, community and local organizations. While the definition of NGOs previously discussed would preclude the vast majority of PAs, they are nevertheless the "building blocks" of both national development and civil society. The formation of PAs can come from the initiatives of local people themselves, as has been amply demonstrated by the thousands of self-help groups that exist throughout Africa; or they can be externally motivated by a dynamic individual, as was the case of the Greenbelt Movement in Kenya; or by an NGO working at the local level that facilitates a process of self-learning and group mobilization, as did the Federation of Non-governmental Organizations (FONGS) in Senegal. PAs are both traditional and informal (inward-looking), as well as modern and formal (out-ward looking). As Korten and Brown assert, PAs embody three essential characteristics: (i) they are **self-reliant** and do not depend on outside support for their continued existence; (ii) they are founded on the **principal mutual benefit** in that they exist to serve their members; and (iii) they are **democratic** in nature depending on the full participation of their members in all aspects of governance. Three types of popular organizations are commonly identified (Cernea, 1988; Carroll, 1992):

- (i) **Village Development Associations:** are based on the concept of communal sharing in which members generally contribute to the generation of "public" goods which are accessible to all. Groups that fit this category include associations set up to manage local resources such as community forests and other public "commons." Additional examples include the country-wide network of community health committees in Burkina Faso being set-up or re-enforced to participate in the co-financing and co-management of local-level health facilities; and the Baito in Eritrea which served as village level governing bodies throughout the war years.
- (ii) **Economic Associations:** are based on pooled resources and contribute mostly to "private" goods that are restricted to group members only. While they are not profit-making themselves, they support the productive activities of their members. Examples of economic associations include primary cooperatives (Zambia and Zimbabwe), grazing associations in Lesotho, pre-cooperatives such as the Goupement à Vocation Coopérative (GVC) in Ivory Coast, informal commercial and trading associations such as the Groupe d'Interet Economique in Senegal, and savings and credit

associations such as "tontines" and "mutuelles" which operate at the grassroots level throughout Francophone Africa.

- (iii) **Interest Associations:** are based on group affiliations including ethnicity, culture, gender, age, etc. They have a more narrow focus than do village development associations but are more encompassing than economic associations, and generate both public and private goods. The best way to think of interest associations are in terms of mutual-aid societies which can respond to market forces when they are favorable, or move back into more traditional and subsistence modes when the modern economy falters. Perhaps one of the best known interest association is the Groupement Naam, based upon traditional work groups of Mossi youth in Burkina Faso.

**b) Multipurpose NGOs:** Multipurpose organizations are what we most commonly associate with NGOs. They provide an intermediary or linking function between primary level associations and other civil society actors and state institutions at the national level. Their primary mission is normally developmental or humanitarian. If they undertake civic functions it is normally in addition to their primary function. Multipurpose NGOs that undertake a civic function in this intermediary capacity may cover a wide spectrum of civic functions and issues. As the companion paper on "Gender, Civil Society and Democratization in Africa" points out, "it is not uncommon to find women's organizations [in particular] that combine agricultural production, with income generating, savings, cultural and even political activities." Surveying the wider range of indigenous African NGOs, the likelihood of individual multipurpose NGOs becoming involved in some aspect of policy advocacy, capacity building for local level governance, civic education, etc., is becoming an increasingly prevalent component of their work on behalf of primary associations.

Intermediary NGOs essentially fall into two categories: those which are membership based and federate a number of PAs, and those whose focus is on issues and people beyond their own staff, and that often work directly with primary level popular organizations (Carroll 1992). The fundamental distinction between these two types of intermediaries is that the former has a high degree of accountability to its membership, while the latter has no direct accountability to its clients at the grassroots level. The following two sections, provide a summary of these two types of intermediary organizations.

- (i) **Membership Support Organizations:** MSOs were a natural outgrowth of and direct response to the needs of primary level associations. While PAs operate at the primary level of associational life, MSOs regroup or federate these primary groups at district, regional or national levels. Cooperatives, credit unions, peasant associations, confederations of trade unions, women's and youth leagues, are but a few of the MSOs that have evolved in response to the needs of their member organizations. MSOs normally provide a range of centralized services for their member organizations. These can include training and technical or management assistance, central facilities for procurement or the provision of credit, and representation and advocacy functions vis-a-vis government and donors. MSOs typically represent from several primary associations working within two or more districts such as the coffee marketing cooperatives of the Bamileke in Cameroon, to national level organizations such as the Fédération des Association Feminine du Sénégal which is made up of some 20 different women's groups.
- (ii) **Religious Bodies:** As a subset of membership organizations, the church and other religious institutions merit special attention. In Africa, there is probably no single institution, including government in many cases, with a greater natural membership base than the Catholic and Protestant churches and Muslim religious organizations. Their involvement in national

development has dated from colonial times, through early independence and continues to grow today. A survey of the African landscape since 1989, shows that the church has been one of the primary institutions of civil society that has taken on a range of civic functions in response to the tremendous political transformations that have taken place. From the issuance of pastorale letters on human rights and democratization, to the chairing of National Conferences, to election monitoring and civic education, the church has shaped the democratic dialogue and ensured a modicum of civility in the relations within civil society and between it and the state. As with MSOs in general, the greatest potential of religious organizations is their tremendous outreach and ability to mobilize people in all walks of life. This is of course in addition to the moral authority it carries.

- (iii) **Grassroots Support Organizations:** GSOs are what we typically think of as NGOs. They have normally been formed by an individual or group that has identified a special need and organize themselves to address it. In most cases, GSOs are geared towards providing assistance to primary level associations, to membership organizations, and even other GSOs. They have, and continue to undertake such functions as service delivery, community organization, training and technical assistance, research and information dissemination, and networking and advocacy. GSOs in this intermediary category normally combine service delivery and social mobilization functions. In the area of service delivery, they provide assistance in areas such as family planning, non-formal education, literacy, credit, conservation and natural resources management, AIDS education, etc. This would include women's NGOs, conservation organizations, youth groups, etc. Most such NGOs also act in a "catalyst" role vis-a-vis primary level associations working to build local capacity to eventually assume the primary responsibility for the delivery of services in their locales. Their strength lies in their intimate knowledge of the local level, the linkages they have developed with primary associations and the confidence that they have earned through long-term relationship that have been established. The extent to which they become involved in civic action is largely a function of the needs and desires of their client groups.

c) **Specialized NGOs:** The primary focus of most intermediary organizations is directed towards the grassroots level for the purpose of both service delivery and capacity building. As the NGO sector increases in size and complexity, additional needs emerge that no single NGO is able to address itself given its own scarce resources and mandated priorities. One sign of a maturing NGO sector is the differentiation and specialization that begins to occur to meet these changing circumstances. Some existing NGOs will begin taking on new roles by adding in-house capacity, and others will be created to provide services not being undertaken elsewhere in the sector. Sector "support organizations" (Brown and Kortzen, 1989), including both specialized NGOs, as well as NGO networks and consortia, have been established with the purpose of providing specialized services to other NGOs (GSOs and MSOs), or in areas that serve the general "public interest." Such specialized support services include technical and management assistance, training, research and information dissemination, advocacy and representation, and coordination. While it is the latter group of NGOs specializing in serving the public interest or undertaking civic action which fall into the class of civic organization, NGO networks and consortia, could as well play a significant role in promoting civic action, and are discussed accordingly.

- (i) **Civic Organizations:** One of the new areas of specialization which has emerged within the NGO sector is that of civic action. To a significant degree the types of civic organizations which have emerged in recent years correspond to a country's stage of democratic development. As the stage of political liberalization set in throughout much of Africa in the late 1980s, human rights

organizations emerged from ad hoc groupings to more formalized, and if not legally constituted, then tacitly accepted NGOs. As this stage deepened, and the promise of regime change materialized through the legalization of political parties and the holding of multiparty elections, new NGOs evolved to undertake such functions as: election monitoring, mediation and conflict resolution; the deepening, promotion and protection of human and civil rights; and policy advocacy and representation of societal groups interested in determining the nature and direction of the evolving political system. With the successful holding of multiparty elections and the installation of a new government, marking the end of a democratic transition, the consolidation stage has seen the increased formation of civic organizations focussing on longer-term efforts such as civic education, interest group representation and advocacy, and the monitoring of governmental performance, that ultimately aim at developing civic community and democratic governance.

- (ii) **Non-Profit Centers & Institutes:** Of special note pertaining to the civic organization category are the numerous non-profit organizations such as independent policy centers, research institutes and "think tanks" which assess government policies as well as formulate their own alternatives for consideration; and include a monitoring function of government performance in terms of policy implementation. They act in many ways as non-profit consulting firms providing their services (e.g., policy analysis and formulation, training, research, and on occasion mediation) on a fee basis to private and public organizations, and in many cases to international donors. While they represent an extreme in terms of non-accountability to a particular constituency, their independence provides a neutral locus within civil society whose actions can be taken as only in the public interest, and thus serve as a focal point around which various interest groups can meet to find common ground in the competition for political power or public resources.
- (iii) **Autonomous Public Organizations:** At the other extreme, are the growing number of public universities where departments (e.g., the law faculty, journalism school, or political science), policy and human rights centers, and institutes of development studies have come to play a similar role to that of their non-profit counterparts. While such state-supported institutions would not technically qualify as civic organizations given the structural-functional definition employed in this study, a number of innovative steps have been permitted within the university system to increase the autonomy of these component units and isolate them from external pressures. The point to be made, as was noted in Part II, is that based on a careful case-by-case assessment, using the autonomy of the entity as the principal criteria, consideration could be given to supporting these increasingly important civic-minded institutions.
- (iv) **Specialized Consortia and Networks:** Networks aggregating NGOs working in a specific sector or subsector emerge to provide their members training and information on technical developments in the sector and to serve as a representative of member interests with concerned public and private organizations. It is not unusual for networks to undertake an advocacy role as well, when they feel that government sectoral policies are inimical to the welfare of their clients; or vis-a-vis international donors who support such policies. In addition to the networks which have been formed in traditional developmental sectors such as natural resource management, AIDS, microenterprise, etc., the growth of civic organization networks have become increasingly common, grouping both multipurpose NGOs and specialized civic organizations, in areas such as human rights, election monitoring, civic education, and public policy advocacy. In Uganda for instance, some 13 civic organizations working in the human rights and civic education field have come together under the umbrella of the National Organization of Civic Education and

Monitoring (NOCEM) to pool resources and coordinate their activities in the area of civic education and monitoring. In Ghana, the Carter Center is working with an informal grouping of seven civic organizations to form a consortium which would focus on mediation and conflict resolution between opposition parties and the government. In Zambia, the Foundation for a Democratic Process (FODEP) is a consortium of several church, women's organizations and peasant groups, which has moved from election monitoring into civic education.

- (v) **Multipurpose Consortia & Networks:** As distinct from the "specialized" consortia and network of civic organizations discussed above, are the "multipurpose" or national level consortia or "apex" organizations which include all, or at least a large portion of NGOs, working in a given country, and may undertake a civic action function as one of its many primary activities. Such apex NGO provide the larger sector with one voice and a shared vision when joint action is necessary. They too provide a set of services for their members but on a basis that cuts across sectors or single issues. This normally includes training and technical assistance for organizational capacity building, information collection and dissemination, networking and coordination, etc. Above all, these Apex organizations fight for greater rights and benefits for the NGO sector, most of which center on freedom of association, assembly, speech, as well as a greater role for the non-state sector in public policy formulation and national development. Virtually every country in Africa has such an umbrella body, including CONGAD in Senegal, GAPVOD in Ghana, TANGO in Tanzania, Voice in Zimbabwe, and SPONG in Burkina Faso.
- (vi) **Media Organizations:** While the media is a primary institution of civil society, those segments of it that would be considered civic organizations are relatively few, and could be rightly classified under the category of professional associations. Independent journalist and media associations, including separate organizations started by and for women, exist in most African countries, although they are a relatively recent phenomenon. It is within such civic associations that members of private sector media and their counterparts from state-owned organizations come together in voluntary association to advance their professional rights and interests, and to seek new opportunities to improve their craft. In this sense, the NGO or voluntary sector serves as neutral ground between purely public THE and private sectors. For the most part, these associations provide a number of services for their members, including training (e.g., economic reporting, investigative journalism), common procurement services, and advocacy and representation of member rights vis-a-vis government. Both the Ghanaian and Kenyan Association Journalists are representative of this genre of professional association. There are as well, a number media organizations, particularly those started by women, which have moved beyond the more narrow objective of promoting member interests to working in areas of civic education and citizen (women's) empowerment. The Tanzania Media Women's Association (TAMWA) is a good example of this more public-interest oriented media organization. In addition to producing a range of publications in several of local languages that target women and women's issues, it also produces radio programs that are broadcast on state-owned stations.

Consideration also needs to be given to the appropriateness of and the means by which to support (i) individual privately-owned media enterprises such as newspapers and public opinion polling firms; and (ii) publicly-owned organizations, including newspapers, radio stations and even University Department's of Journalism and the public school system. Whether the types of civic organizations noted above, or even newly created ones, can serve in an intermediary capacity to work with these private and public sector organizations is an issue that is explored in the

commissioned study on "Mass Media as an Independent Institution of Civil Society in Africa," found in Annex 3.

#### 4. Assessing NGO and Civic Organization Capacity

The capacity of civic organizations and NGOs to undertake the functions of civic action varies greatly from country to country within the African region. Much depends on the historical context within which the NGO or voluntary sector has developed. Where governments have permitted a significant degree of associational life and provided an enabling environment, including a positive legal framework for NGOs, an NGO sector emerged sooner, and individual NGOs were able to provide effective services for their members or clients. The number of countries where such conditions have existed is, however, relatively few. Even in countries as diverse as Senegal and Kenya with two of the oldest and strongest NGO communities in Africa, it has only been within the past several years that NGOs have begun to take on civic action functions, and that specialized civic organizations have evolved to respond to emerging needs and opportunities afforded by the democratization process. Annex 5, provides a detailed assessment of NGO capabilities, while a summary is provided in the remainder of this section.

**a) Specialized Civic Organizations:** Beside the much older genre of professional and business associations which have been fairly marginal players in national development and decision making until recently, the great majority of civic organizations are no more than three to five years old. As would be expected, many of them are relatively small, weak and inexperienced. For the most part, the newer specialized organizations are not membership based, and were thus started by an individual or group for reasons of promoting the public interest. It is precisely because of their small size and hence organizational structure, lack of accountability to a large clientele, and a single objective, that many of them have been able to become fairly effective, in spite of operating primarily on a voluntary basis. A handful of such organizations in each country have been able to move beyond localized, low impact activities to national level programs as a result of having been able to attract donor support fairly early on in their life. This has normally included human rights and election monitoring organizations which have had major roles to play during democratic transitions, and later, civic education and policy advocacy organizations, undertaking functions that became more relevant under the consolidation phase. What distinguishes most specialized civic organizations, whether professional association (e.g., chamber of commerce, women's law association), or public interest association (e.g., human rights, election monitoring groups), from multipurpose NGOs, is their high degree of dependence on volunteer labor. This as much as any single factor constrains their capacity for carrying out civic action tasks.

Perhaps the most capable of the new genre of civic organizations are the non-profit policy centers and research institutes. Their growing success has been the result of a small core of well educated, well known and highly committed founders who, in many cases, have an entrepreneurial orientation as well. While they have been able to attract start-up grants from donors, they have been sensitive to the need to be able to market their services to ensure their continued existence. One must balance their relatively strong institutional capacity against the lack of any identifiable constituency to which some degree of accountability would be expected.

**b) Multipurpose NGOs: Membership Support Organizations** have a long history of weakness and poor management. This is to a significant degree a function of government interference throughout their histories and the nature of "democratic" organizations with little experience or tradition in democratic governance. Much of the development world is littered with failed cooperatives

and credit union movements, and "mass" organizations (e.g. peasant, youth and women) created to support single party governments. While many older MSOs have undergone extensive restructuring and disassociated themselves from government or political parties; or new ones have emerged from the bottom up as an expression of popular initiative, their actual capacity for effectively serving their members remains very weak. The church is an exception to this general phenomenon, a result of its highly structured nature, a history of strong and continuous external support, and the inability of the state to consistently interfere or control its activities. The greatest strength of MSOs lies precisely in their large membership base and their extensive networks and outreach capability leading eventually to the grassroots level of primary associations.

Grassroots Support Organizations are perhaps the most institutionally capable of all NGOs with a civic action capability. They are some of the oldest NGOs, initially involved in some aspect of economic and social development and most often with a strong component of social mobilization and local level capacity building. They have also been the beneficiaries of increasing amounts of donor support over the past decade, as disillusionment with host governments has led bilateral donors to a corresponding focus on the NGO sector, especially in the realm of poverty alleviation. Large numbers of indigenous developmental NGOs have been able to consistently demonstrate a capacity for good management and have had, in general, adequate resources to provide the organizational infrastructure needed to sustain their activities.

**c) Networks and Consortia:** Whether multipurpose or specialized, these NGOs are the newest members of relatively young NGO sectors that have been evolving throughout Africa in the current stages of political liberalization and democratic transition. Because the NGO sector in most countries is itself in the initial stage of differentiation and specialization, the roles, relationships and responsibilities of these new organizations are still fairly undefined and confused vis-a-vis their members, or the larger NGO community in general. While there are few such organizations which receive favorable reviews by their peers, many of them have received significant financial subventions from the donor community, and have begun, albeit haltingly, to provide needed services for their members, and more importantly to engage their governments in a dialogue defining an expanded role for the NGO sector, and ensuring that basic rights be respected and expanded. For the most part, both networks and consortia, operate on the voluntary contribution of funds, material and labor of their member organizations.

**d) The African Media:** As the state (in many cases through a single party) has tried to dominate associational life through the creation and/or subordination of mass organizations (e.g., trade unions, women's and youth federations, cooperatives), it has done the same with national "communications networks" through control of the mass media. With state-controlled media the only legalized outlet for mass communications until recently (church-run newspapers and radio stations in a few countries being the exception), there existed neither independent media owners nor journalists, and thus no professional associations to represent them. It was only after basic freedoms, including freedom of speech, were won through pressure brought on by a broad coalition of human rights, church and civic organizations, that an independent press developed. The primary constraints faced by the independent media in Africa today are (i) no access to or ownership of the means of production (e.g., printing facilities, paper, typewriters); (ii) poorly trained staff, owners and journalists alike, and lacking basic skills in management and substantive areas such areas as economics and investigative journalism; (iii) poor distribution networks outside of the capital city and a few provincial towns; and (iv) a non-literate population. The newly formed professional associations representing media owners and journalists have tried to address those problems over which they had some control, such as training, but have in general

have lacked both the organizational capacity and financing to do much more. A number of donors, (primarily the German Party Foundations and the Commonwealth Association) in addition to AID, have been increasing support to these associations to address the problems of weak institutional capacity and to provide supplementary technical assistance. USAID programs in both Rwanda and Zambia have looked at ways of providing common facilities, such as a press center with computers and desk-top publishing, through the existing media associations.

In summary, the single most important determinate of institutional capacity among NGOs, is a dynamic and committed leadership, and particularly so among civic organizations which often operate under less than friendly conditions during their initial establishment. The extent to which an NGO in the African context has become an effective and efficient provider of services, has largely depended on its ability to attract donor funding to establish a permanent presence including a minimum number of full-time staff, office space, some equipment, and to cover general operating costs. Securing funds to provide staff technical training and to assist in setting-up basic administrative systems and procedures has also distinguished the more successful NGOs from the poorly managed. Among the range of NGOs which undertake civic action, either as a primary or secondary set of activities, it is those organizations, surprisingly perhaps, that have no membership base which offer the most immediate means for advancing the agenda of a strong civil society. Better managed and more organizationally secure, their ability to translate additional funding into activities that further their objectives is greater than that of most membership based NGOs. While specialized civic organizations are likely to have a more immediate impact than membership organizations, over the long-term, it will be the latter with their large memberships and networks, which will probably have the greatest impact on broadening and deepening the base of civil society and promoting the values of civic community. The following section picks up on this and related points.

#### 5. Targeting NGOs and Civic Organizations

A basic distinction needs to be made between multipurpose NGOs whose principal orientation is towards working with primary associations, and who may undertake civic action as one of several functions in their role as intermediaries between the local and national levels; and specialized civic organizations, whose primary function is civic action, and who choose to work through other NGOs to enhance civic community at all levels in civil society; or who operate in the general public interest by focussing their attention on the performance of state institutions. In targeting the kind of short to medium-term assistance envisaged under an accelerated response facility as detailed in the following section, it is important to understand the difference between these two types of organizations.

The issue is essentially between one of building civic community and democratic political culture at the primary level of association versus ensuring that state institutions perform democratically and govern accountably at the national level. The former involves changing behavior, if not norms and values, among ordinary people, and building strong organizations capable of democratic governance. The principal aim of these efforts is thus the supply of good governance from the non-state sector. The latter set of activities is largely concerned with ensuring a conducive enabling environment, including legal framework, that protects fundamental human and civil rights; and that constructs the institutional superstructure of a democratic polity, i.e., free and fair elections and state institutions which are responsive to the governed. In this regard, the role of civil society is one of demanding good governance from the state sector itself. It is this distinction that has given rise to the notion of "big democracy/big governance (big D/big G) to denote those actions that are aimed and which take place at the macro level between civil society and the state; and "little d/little g" to indicate those actions which focus at the level

of people and their organizations. Specialized civic organizations, in the early stages of democratization are concerned with making political participation safe for the majority of the powerless, while traditional (multipurpose) NGOs are more concerned with increasing participation within the day-to-day operations of peoples' organizations.

For the most part, specialized civic organizations, especially in the early stages of the democratization process, are focusing on big D/big G issues, while those multipurpose NGOs that do become involved in civic action, gear their activities towards strengthening member or client capacity for democratic governance at the primary associational level. Over the long-run this is not an either or choice ... both the supply and demand functions of civil society must be strengthened simultaneously. *However, in an accelerated response facility which is designed to support short to medium-term interventions geared to strengthen civil society, targeting specialized civic organizations working in the public interest or who engage in strengthening intermediary multipurpose NGOs, is recommended as the most realistic and effective assistance strategy to employ.* The following discussions identifies those organizations that would be consistent with this strategy.

**a) Specialized Civic Organizations:** As noted in Part II, such non-partisan organizations as election monitoring and civic education groups, human rights organizations and those groups involved in political mediation and conflict resolution would be some of the initial targets of assistance. While their long-term aims are to promote democratic norms, during the early stages of the democratization process, i.e., political liberalization and transition, their programs are specifically geared towards promoting new behavior among both the state (e.g., respect for human rights) and civil society (e.g., voting in elections) which would ultimately lead to a successful democratic transition. These are macro level concerns that deal with the immediate needs of societies in transition. While changes in behavior are often a first step in the development of new norms and values, the latter require long-term strategies expressed in generational rather than immediate time-frames. The point of making this distinction regarding norms is simply to reinforce the decision to focus on civic organizations and the types of programs that would be supported during democratic transitions and into the first phase of the consolidation stage. Thus, when we talk about civic organizations promoting democratic norms through networks of communications, the organizations to be supported would be those which could undertake the preparation of voter education or human rights materials in local languages, or for broadcast over the local radio. During a post-transition stage support would be targeted to civic organizations which look at developing a civic education curriculum for inclusion in secondary schools or conduct adult education programs that utilize such materials.

**b) Multipurpose NGOs:** Membership based organizations potentially provide three types of civic action: (i) promotion of the norms and values of democratic governance in terms of organizational (best) practice; (ii) as conduits for the extension civic education; and (iii) as advocates for the interests of their members. From peasant federations to women's movements, the practice of democratic self-governance is often quite weak, reflecting, as noted above, the prevalent patterns of the existing norms and behavior of the larger society. The greatest potential of such organizations is in their outreach and networks of communications to large numbers of people at all levels within civil society. Thus they offer one of the best means for the extension of civic education programs, whether focussing on immediate needs such as voting procedures, or longer-term efforts aimed at developing citizenship. In terms of a policy advocacy function, the effectiveness of membership organizations is normally a function of the group solidarity they can engender, their representiveness of member viewpoints, and how well managed they are. With little experience in any of these areas, most membership organizations would not be able to advance the objectives of civic action with external

support. It should be noted however, that there are a small number of well run, democratically organized movements and federations in many African countries that could make a significant impact in the realm of civic action. Certainly church organizations are among some of the more important. The principle issue raised in this connection is being able to identify such organizations and this points to the need for country level assessments.

On the other hand, there are few if any civic organizations per se with expertise in either multipurpose NGO or primary level association capacity building, including approaches to improving local self-governance. This has been the domain of what we have termed in this study Grassroots Support Organizations. Depending on the stage of democratic-development and the availability of funding, consideration could be given to working with such NGOs to prepare for the longer-term task of multipurpose NGO capacity building including the promotion of democratic practice and norms for self-governance.

c) **Voluntary Associations:** As discussed in the Conceptual Overview section, civil society in general is strengthened when there is an overall increase in the number of voluntary associations, regardless of whether they perform any functions that can be defined as "civic." The proliferation of associational life that has taken place across Africa in the last few years has provided peoples at all levels with the opportunity to join together in a wide array of organizational settings which not only reinforce primary affiliations, but in an increasing number of cases, cut across them, and thus broaden their perspectives and inform their opinions. While perhaps inappropriate for an accelerated response support mechanism, USAID/Missions which want to incorporate principles of democratic governance in their sectoral programs, should consider strategies for strengthening a wide range of NGOs and primary level associations. In this regard, targeting those organizations which cut across basic societal cleavages (e.g., ethnicity, gender, region), or promote tolerance and inclusiveness, would make good sense and a solid investment in terms of supporting the growth of civic norms and values.

One word of caution in this regard, is to avoid direct assistance to primary level associations. Most donors have frequently believed that intermediaries such as NGOs were an unnecessary, as well as costly, barrier to achieving their program objectives at the grassroots level. The fact is that most donors do not know how to work directly with informal organizations and tend to do more harm than good in the attempt. At the very least, the impact of such assistance is negligible. This lesson holds for democracy building, as it has for economic and social development ... more so, in fact. In short, working through intermediary NGOs, whether membership or grassroots support, has proven to be the best means for mobilizing local energy and building local level capacity for self-governance. The issue again is one of identifying the those NGOs with a true mission in local level capacity building.

In terms of targeting assistance, greatest priority should be placed on organizations at the top of the above list. Most assistance should be targeted at organizations that specialize in civic functions and less to organizations that promote civic action as one aspect of a multipurpose program. Only if resources are plentiful should a civil society support effort extend assistance to NGOs and voluntary associations that have no explicit civic functions. There are of course, major exceptions to this general recommendation, and that leads to the critical need of an accelerated response facility to have an assessment capability as one of its principal services. This is discussed in more detail below.

## 6. Illustrative Short to Medium-term Interventions

This section suggests a set of short to medium-term activities in civil society that could be supported by an accelerated response facility. The purpose is to identify principles of assistance rather than a definitive checklist of projects. The examples presented of specific activities are illustrative rather than exhaustive, since needs will vary across countries and among situations.

The point needs to be made that the types of interventions discussed below are time-sensitive but not in the sense of "crisis urgent." The majority of African countries where AID will work in the coming years will have either successfully completed a democratic transition, or will be well on their way to doing so. Thus the issue is the timeliness of a USAID/Mission response to situations which have been evolving for some time, i.e., that can to a degree be anticipated and planned for, rather than the result of a crisis (e.g., military coup, restoration of civilian control) in which case response takes on more of a sense of urgency. The "rapid" referred to in the statement of work under this work order has been taken to mean by the study team "the ability to respond in a timely manner to individual USAID requests for assistance in supporting civil society development, rather than reacting to rapidly changing political transformations requiring immediate response. "Timeliness" of response in this regard is measured as being from several weeks to two months in contrast to normal AID procurement practices which are more in the order of several months to two years. The following short to medium-term interventions are thus presented within this framework of timeliness. It will also be seen that a number of interventions could be considered to fall within the purview of assistance offered under the AREAF project, i.e., within the context of the electoral process. This is discussed in further detail in Section C, below.

a) **Promoting Civic Norms:** In any given African country, a majority of citizens is often unaware of the rights and duties of citizenship. They also lack knowledge about the structure and functions of local and national government and about how best to realize their own potential as participants in these systems. Knowledge of citizenship rights tends to be lower in the countryside than in the towns. At the same time, citizens may participate in voluntary associations and be well aware of the expectations of reciprocity and accountability that such membership entails. Involvement in associational life is probably lower in the towns than in the countryside.

Education, broadly conceived, is the key point of access for promoting civic norms. There is often thought to be a universal correlation between level of education and attachment to democratic norms.<sup>3</sup> The benefits of education may be general, in the sense that literate men and women are better equipped to contribute to public discourse and to form political preferences. Or it can focus on "civics", i.e. the body of specialized knowledge needed to participate meaningfully in voting, lobbying, and local self-governance.

The following sorts of activities could be enabled through an accelerated response facility:

- A civic organization prepares and disseminates local language texts of a country's revised Constitution and the Universal Declaration of Human Rights.

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<sup>3</sup>. There is some evidence to suggest, however, that formal schooling in Africa may also have bred arrogance among educated elites who consider that citizenship rights should be restricted to the knowledgeable.

- A civic organization hires local consultants to help prepare a program of public service announcements for radio, focussing on the roles of citizens in post-electoral situations.
- A civic organization, NGO consortium and/or a national university convenes a series of workshops to instruct newly elected members of the National Assembly or local councils on their responsibilities.
- A civic organization in collaboration with a Ministry of Education hires host-country professionals to write a new civics textbook for primary and secondary schools.
- The political science of a national university or non-profit policy center, with technical assistance from a U.S. university or regional policy institute, mounts a national sample survey of citizen political attitudes (as a first step in constructing a permanent capacity to conduct regular public opinion polls).

**b) Strengthening Associational Structures:** Civic organizations come in many shapes and sizes. The place of civic organizations in the pantheon of "NGOs" has been detailed in preceding sections. At the risk of overgeneralizing, one can identify certain generic needs for NGOs that undertake civic functions.

"Technical" functions like human rights monitoring, voter education, election observing, dispute resolution are new and often unfamiliar to African civic organizations, if only because they were formerly prohibited. Civic activists thus face a steep learning curve in performing these functions professionally and credibly. They urgently need information on the content of civic action programs from similar countries that are further along in the democratization process than their own. They also need time to reflect on options for future action, and resources to enable consultation with existing members or potential clients of their programs.

At the same time, activists face the daunting parallel challenge of building sustainable organizations, often from scratch. Here they share needs with all types of voluntary association, regardless of the substance of the program. Three types of organization-building needs are particularly pressing. First, there is need for reliable systems for organizational "hygiene", such as a financial accounting systems, personnel regulations, and by-laws for decision-making. Second, there is management's need for information on which to base day-to-day decision-making, including systems to monitoring, audit, and evaluate the organization's programs. Finally, there is the need for strategic management capacity, by which the organization's leaders define attainable goals and build support and mobilize resources to attain these goals in local, national and international environments.

The following sorts of activities could address these needs in the short to medium-term:

- An election monitoring/voter education organization holds a membership conference and/or staff retreat to redefine goals in the changed environment of a successful democratic transition.
- An African civic organization(s) receives technical assistance from a U.S. PVO or African NGO regional training institute on strategic management to initiate a participatory process of organizational development.

- Civic activists from various organizations attend international or regional study tours to learn quickly about the state of the art in their chosen fields (e.g. human rights monitoring, domestic peacekeeping).
- An election monitoring organization receives assistance from a U.S PVO or African regional civic organization in how to oversee and report on the conduct of interim elections (e.g. by elections, local government elections, internal elections within trades unions or political parties).
- A human rights watchdog body receives assistance to establish systems for gathering information, confirming reports of violations, and publishing results.
- A civic organization obtains a short-term grant to temporarily cover core expenses of staff salaries, rent, utilities and consumables, to cover resources terminated by donors at the end of a political transition.
- A civic organization obtains "bridging" funds prior to the start-up of a long-term support project to fill critical staff needs in the areas of financial accounting and program management.

**c) Creating an Enabling Environment:** Because the state remains an important actor in defining the prospects for civil society, donor assistance should also be targeted at changing the enabling environment within which civil society operates. Recently, public officials in Africa have become aware to the need for reforms to remove inhibitions to private sector initiative. But they continue to overlook restrictions on civic action and, in some countries, governments are actively trying to impose new controls. There is therefore need to promote reforms that improve the constitutional, legal and regulatory environment for the voluntary sector. Assistance to civic organizations and multipurpose NGOs to lobby for public policy reform are warranted and necessary. Parallel to supporting such local initiatives by African civic organizations, AID is particularly well placed to press for reforms and conditionalize assistance directly with African governments. As discussed in the companion study on "Improved Governance," direct AID support to state institutions in the reform of policies, regulatory environment, etc., detrimental to civil society development, is a necessary set of interventions. Sample activities of support to civic organizations are as follows:

- A national Bar Association or consortium of NGOs and human rights organizations works with or lobbies its Ministry of Justice to undertake constitutional reform, including expansion of civil rights, with special reference to freedoms of expression and association.
- An NGO Umbrella organization, network or membership organization lobbies government at various levels through workshops and policy papers to encourage the Office of the Registrar of Societies (Companies or Cooperatives) to rewrite the regulations governing voluntary associations, easing the registration and reporting requirements, as well as extending benefits (e.g., tax exemptions, duty-free status) commensurate with their non-profit, voluntary status.
- A U.S. PVO or professional association is funded to work with an independent Electoral Commission to update voter registration rolls, preferably by introducing a system of automatic voter registration as citizens reach the age of majority.

- An NGO consortium lobbies donors to explicitly condition their development assistance program, such as a commodity import or balance of payments program, upon say, the reduction of military budgets, the release of named political prisoners, or the unbanning of particular publications.
- Support to civic organizations with programs that target intelligence, police, military, and paramilitary forces to respect and uphold human rights.

**d) Ensuring Gender Representation:** Prioritizing women's rights along with other key concerns is necessary in order to signal that the project of democratization is incomplete if the interests and rights of half the population are not recognized. Obviously, it is impossible in the short period of regime transition to obliterate decades if not centuries of cultural norms and political and legal institutions that undermine women's participation. But it is possible to adopt changes that will set the stage and lay the foundation for future institutional reforms, thereby signaling a commitment to women's participation.

For the purposes of an accelerated response strategy, the promotion of women's rights and women's leadership are especially critical at all stages of political transition. These have become focal points of women's movements in many parts of Africa. These two issues can be advanced through support of:

- Lobbying activities of women's associations. Nonpartisan organizations have emerged to support women running in local and parliamentary elections through training, advisory and other assistance.
- Groups working for legal reform. Organizations work around particular women's rights issues, e.g., legal reform, reproductive rights, entrepreneurial interests, mobilizing either on their own as multipurpose or single issue groups, or in conjunction with other women's organizations at the national and regional levels.
- Women's efforts in the media. Women's media groups disseminate information about the importance of women's leadership, how to evaluate women leaders and to provide information about women candidates, electoral tactics, and other such issues. The groups also disseminate legal information pertaining to women's rights. Lawyers, judges and citizens are not always aware of what the law is because of lack of resources to publish court judgments and texts.
- Women's organizations involved in developing educational programs. Effective educational instruments include local participatory cultural activities, like the use of roving drama ensembles that depict and provide opportunities to discuss women's rights in the local cultural context. Education through seminars is also another way of addressing similar issues as is bringing women's rights into the curriculum in schools. Legal aid clinics are also an important source of legal information. Some conduct workshops in their communities or carry out outreach activities in other areas.
- Monitoring programmatic impact. Women's research institutes in Africa generally are connected to the women's organizations supporting women's leadership and women's rights. They are active in monitoring and evaluating the success of the women's organizations around the aforementioned issues. There are numerous such research bodies, e.g., Women's Research and Documentation Project (University of Dar es Salaam), Women's Research and Documentation Center (University of Ibadan, Nigeria) and Zambia Association of Research and Development.

**d) Guaranteeing Media Independence:** Four important factors have marked the development of the profession of journalism worldwide in the 20th century:

- (i) Increasing organization of working journalists.
- (ii) Specialized education for journalism.
- (iii) A growing literature dealing with the history, problems and techniques of mass communication.
- (iv) An increasing sense of social responsibility on the part of journalists.

African media suffer severely from shortages of the first three factors. And inadequate opportunities for the training of journalists hamper the media's ability to discharge their social responsibilities. AID has the resources to assist and improve this dismal situation. The interventions suggested below are prioritized in the order of immediate, medium-term and long-term options.

#### *Immediate Options*

(i) **Professional Associations**

- Encouraging the formation of journalist trade unions and press associations where they do not exist, and the strengthening those that already exist.
- Assisting in the formation of regional journalists associations along the lines of the Union of West African Journalists. AID could provide seed money where necessary for such organizations to get off the ground.
- Facilitating stronger contact between African journalists associations and their American counterparts, as well as between African associations and international associations such as the International Press Institute (IPI) and the International Federation of Journalists (IFJ).
- National unions can constitute themselves into monitoring groups to sound the alarm and mobilize support when press freedom is threatened in their countries. In such situations, signals would be sent quickly to the regional and international associations to exert the necessary moral and political pressure on the offending governments.

(ii) **Training and Technical Assistance**

- Funding short in-service courses/workshops for working journalists in the reporting of such specialized areas as human rights, finance and economics, agriculture, industry, the environment and health. These can be taught by bringing in journalists from various countries to one central location on the continent and flying in appropriate resource persons from wherever they can be located.
- Providing for seasoned American journalists with specifically targeted skills to go and work in the newsrooms of African newspapers or radio/TV stations for specified periods of time as trainers in those skills. This is especially useful where private independent press is only beginning to emerge.

- Providing for senior and middle-level African news executives, journalists and media managers to do internships with American news organizations.
- Funding schools of communication/departments of journalism at selected African universities to offer specialized graduate programs, on a regional basis, in the above areas of journalism to applicants with undergraduate degrees in related fields. These would become the future specialists and newsroom trainers.

(iii) **Research**

- Commissioning studies on the legal environment affecting the mass media in countries consolidating democracy. The studies would be used by the independent media and professional associations in the struggle to moderate or repeal some of the existing legislation.
- Commissioning studies in countries already consolidating democracy on the potential and viability of small community radio stations or networks as a first step toward liberalizing government control of broadcasting systems. The study should also examine the potential for radio and television stations operated by various sections of the civil society such as labor unions, religious organizations and cooperatives.
- Commissioning studies in consolidating countries into how existing publicly-owned broadcasting systems can be liberalized to allow for broader participation in policy-making and facilitate access to a broad cross-section of diverse views and opinions. The British Broadcasting Corporation and French public broadcasting system may be useful models to start with. In the African context, the Independent Media Commission recently established by government might serve as an appropriate local model for study.

(iv) **Capital and Finance**

- Providing funding for non-profit publications operated by various civil society groups -- professional and business organizations, labor unions, urban and rural co-operatives, etc. -- for informing both their members and the larger public.
- Providing start-up and operating capital (probably in the form of soft loans) to viable private enterprise ventures to establish private newspapers in selected countries where none exist to provide a countervoice to the governments'. Institutions such as CIPE (Center for International Private Enterprise) may be suitable agents for both of the last two proposals.

*Medium-Term Options*

(i) **Research**

- Establishing research grants and/or funds for African communication scholars to undertake research in a broad range of topics in mass media and communication in general. Beneficiaries may be based in Africa or abroad, as long as they are African and their fields of work lie within the prescribed research topics.

(ii) **Technology**

- Financing the establishment of an intra-African information highway in order to reduce the current isolation of independent media in different African countries from one another. This entails creation of a central pool to facilitate news and information exchange between independent media organizations. One possibility would be to fund the expansion of the existing Inter-Press Service operation.
- Providing technical support for private and civic groups to establish radio stations where the potential has been established by the studies proposed above.

#### *Long-Term Options*

##### (i) Training

- Sponsoring promising communication scholars or faculty interested in communication theory and research to undertake graduate and post-graduate study at American universities. These would become the future faculty for communication research-based graduate programs in the African universities.
- Funding graduate communication programs in selected African universities to provide courses/specializations in theory and methods of analysis in a wide range of concentrations, especially political and public communication, media law and advertising as a prerequisite to the institutions eventually establishing research-based study programs.

#### **B. Supporting Civil Society: The Role of U.S. & African Regional Organizations**

This section provides a summary analysis of the capabilities and interest of U.S. and African regional organizations for participation in a rapid response project supporting African civil society. Annex 4, provides a detailed inventory and profile of some 60 American and 30 African regional organizations that were reviewed during the study and upon which this assessment is largely based. Two overall points are discussed in this section: (i) The typology of African NGOs developed and portrayed in Section A above, can be applied, with refinements, to both the U.S. PVO community and the emerging African regional NGO community. The primary difference lies in the degree of maturation that these two communities have achieved relative to individual NGO sectors in Africa; and (ii) that the classification system used in the NGO typology, which distinguishes between multipurpose NGOs and specialized civic organizations, limits the types of U.S. and African regional organizations (as it did in the case of national level NGO communities) that would initially be targeted to provide assistance under the rapid response facility. These issues are discussed within the following two sections covering U.S. and African regional organizations respectively.

##### 1. U.S. PVO Capabilities in Civil Society Promotion

**a) Profile:** Annex 4, Part I, provides a detailed typology and profile of the U.S. PVO community. Within this typology are included: (i) "traditional" members of the PVO community that have been historically involved in the delivery of relief and development assistance; what we have called in this study multipurpose NGOs; and (ii) specialized NGOs, including professional associations, independent policy and research centers, foundations, and some private universities, or civic organizations. A brief discussion of each of these two types of U.S. PVO is presented below.

## **MULTIPURPOSE PVOS**

- (i) **VolAgs** - Traditional voluntary agencies (VolAgs) are what most people associate when thinking of PVOs. CARE, CRS and Save the Children represent some of the oldest U.S. PVOs, many of which started out as charitable organizations with either a religious affiliation (e.g., CRS, World Vision, Mennonite Central Committee) or as sponsorship agencies (e.g., Plan International, Save the Children Federation). Over the course of the past 40 years, most of these organizations have moved from a strictly humanitarian and relief orientation to longer-term developmental programming. What distinguishes them from most other PVOs today is their highly operational nature in which they run their own programs, normally integrated community-based development programs, in host countries. They are able to undertake these direct program activities as they normally have significant funding raised from "private" sources, relying only partially on donor funding. The number of such "operational" PVOs has diminished steadily over the past three decades, largely the result of indigenous NGO communities taking over these long-term programmatic functions.
- (ii) **Technical Assistance** - In contrast to the VolAgs, are the larger number of what are called technical assistance (TA) PVOs, that have built up expertise in a specific sector of social or economic development (e.g., natural resource management, AIDS and family planning, cooperative development, micro-enterprise development) and who target indigenous NGOs and in many cases, governmental organizations. In addition to these sector specific PVOs, are those that provide management assistance for indigenous NGO capacity building. World Wildlife Federation, Winrock International, the Cooperative Development Organizations (e.g., NCBA, ACDI), Institute for Development Research and the Center for Education and Population Activities are just a few of the organizations that fall into this category of PVOs. Although TA PVOs have a particular programmatic focus, the nature of their oversees programs have largely become "projectized" depending by and large, on donor (AID) funding to undertake activities in a given country. While this is not true for all PVOs, the general stagnation in private charitable funding for the PVO community in the field of international development assistance (Fox, September 1993), has increased their dependency on public or official development assistance, which has tended to be allocated on a project-by-project basis.
- (iii) **Non-Profit Contractors** - At the extreme end of the PVO spectrum (VolAgs occupying the other), are PVOs that can best be termed as non-profit contractors. Whether non-profit organizations (a distinct group of organizations under IRS and AID classification) or PVOs, a number of TA PVOs have become specialized in the management of AID programs and projects. While they may have a specific sectoral expertise, these organizations have as well built up extensive knowledge of AID regulations and practice, and over the years have focussed less and less on the implementation of their own programs in favor of managing those of AID. To a significant degree this is the result of decreased private funding and the necessity of specialization required to ensure institutional survival. The best known of these non-profit contractors are the handful that have specialized in the management of AID-funded PVO/NGO support or "umbrella" projects. Non-profit contractors however currently manage AID projects in a wide field of development related sectors, including health, agriculture and enterprise development.

Wherever these organizations fall within this classification of multipurpose PVO, they have one trait in common in regards to working with indigenous NGO communities, and that is their focus on increasing local participation in the development process through capacity building. In terms of a civil society

support program, this translates into working in the realm of little d/little g, as discussed in the preceding section. U.S. PVOs have been in the forefront of strengthening indigenous NGO capacity for the past two decades. The link between economic and social development and democratic development in this regard has been the long-term commitment by U.S. PVOs to promoting grassroots participation and thus empowering people for a greater role in both local and national level decision-making and governance. While not the immediate objective of a rapid response facility, because of its long-term nature, increasing indigenous participation and the role of U.S. PVOs in promoting it would be the logical focus of a separate program for U.S. PVOs wanting to support the growth and development of African civil society. This is discussed in more detail in Section C.

### **SPECIALIZED PVOs**

There are currently a "democracy dozen" of specialized U.S. PVOs, professional associations, policy centers, institutes and universities that are involved in the support of democracy and governance in Africa, including civil society strengthening. This includes the four institutes that are currently providing electoral assistance to African countries through AID cooperative agreements, i.e., AAI, NDI, IRI and IFES; professional associations such as the American Bar Association; the international arms of the Chamber of Commerce (Center for International Private Enterprise) and the AFL-CIO (African-American Labor Center); several centers and institutes, some affiliated with private universities such as the Joint Center for Political and Economic Studies, the Carter Center's African Governance Program; and a number of foundations including the National Endowment for Democracy and the America's Development Foundation. Most of these PVOs already receive significant AID funding for activities in Africa and in fact, most likely account for over two-thirds of such funding made available by AID for its African programs in the field of democracy and governance.

**b) Assessment of Capabilities and Interest:** As Annex 4, points out, both multipurpose and specialized U.S. PVOs have both requisite capabilities and an interest to participate in a rapid response facility. The specialized PVOs noted above, have skills and experience which would be useful in a program providing short to medium-term interventions in support of civil society. As noted in Section A above, these skills include, election monitoring, specialized policy advocacy and lobbying, civic education, conflict resolution and mediating, media strengthening, and some generalized aspects of capacity building. On the other hand, there are a number of areas, (e.g., women in development, development management, longer-term civic education programs, general advocacy strategies) where the expertise of these organizations is limited. A number of the multipurpose PVOs, and particularly the TA organizations, which have either a broader range of skills (e.g., strategic planning and management, management development, leadership training, women in development, etc) or focus on specific types of African NGOs and civic organizations (e.g., cooperatives and credit unions, NGO consortia and networks, women's NGOs), merit consideration as well.

## **2. African Regional Organizations Capabilities in Civil Society Promotion**

**a) Profile:** To the extent that we live in a global community, it is possible to talk of the growth and development of an international civil society, and in the context of Africa, a regional one. Certainly, the evidence portrays the existence and steady growth of a range of institutional forms in Africa including: (i) broad-based movements, including the church (e.g., Six "S" a subregional federation of peasants associations in six Sahelian countries; The African Women's Development and Communications Network/FEMNET which is coordinating the participation of African women in the upcoming 1995 Women's World Conference; the All African Council of Churches, a member of the

World Council of Churches); (ii) regional networks of professional associations (e.g. African Jurists, Public Administration and Management, Professional Media Women); (iii) NGO regional and subregional networks and consortia (e.g., Forum of African Voluntary Development Organizations/FAVDO, The Center for Eastern and Southern African NGOs/MWENGO, Development Innovations and Networks/IREN); (iv) democracy and human rights centers and institutes (e.g., Goree Institute, GERDDES, IDASSA); and (v) a number of specialized NGOs and non-profit policy, research and training institutes (e.g., the Africa Group in Ethiopia, CODESSRIA in Senegal, INADES-Formation in Ivory Coast, African Economic Research Consortium in Kenya).

If the issue is framed in terms of organizations which have a regional capacity to support the growth and development of civil society in individual African countries (in addition to regional organizations themselves), then there are numerous national level NGOs, that could make a significant impact as well. Such national level organizations include universities (e.g., Departments of Journalism or Communications; Institutes of Development Studies, and research centers), specialized civic organizations (e.g., IMMSA in South Africa, the Institute of Economic Affairs in Ghana, the Centre Ivoirien de Recherches et d'Etudes Juridique in Ivory Coast), institutes for public administration and management (e.g., the Ghanaian Institute of Public Administration and Management, Kenya Institute of Administration), and multipurpose NGOs and NGO consortia (e.g., CONGAD in Senegal, ORAP in Zimbabwe, Tanzanian Media Women's Association). Particularly on a subregional basis, these national level NGOs and civic organizations could definitely work with counter parts in neighboring countries to improve skills through the sharing of experience gained in their own successful programs.

Annex 4, Part II, provides an extensive inventory and profile of some 30 regional organizations interviewed and or reviewed as a part of this study.

**b) Assessment of Capabilities:** As noted in the preceding section, a growing number of regional NGOs has emerged, in many ways mirroring the differentiation and specialization that has gone on within the NGO sectors at the country level. While most of the specialized civic organizations (e.g., Goree Institute, CERDET, GERDDES) have been established within the past two to three years, they have been able, for a number of reasons, to attract significant amounts of donor funding. Thus they have begun to rather quickly build significant institutional capacity around a core group of professionals. None of these specialized organizations are membership based. The older and more established group of regional economic and social development research institutes and policy centers (e.g., CODESSRIA, AERC), have developed an extensive network of individual and institutional contacts with expertise in a wide variety of economic and political science areas; primarily within national university systems and autonomous research and policy centers. The newer regional professional associations (e.g., Southern African Media Association, FEMNET, Women in Law and Development in Africa) and a number of the older ones, (e.g., AAPAM, AALAE, African Association of Women in Research and Development) have also found a niche in the newly growing field of democracy and human rights, and have received or maintained adequate funding to set-up a permanent secretariat (or a separate division within the older associations).

In contrast to these more specialized regional organizations are the regional multipurpose NGOs including federations, NGO consortia, and research and training organizations. Virtually all of them, including the newer regional and subregional consortia, have increasingly geared their programs towards some aspect of democratization, particularly in terms of defining new roles for national NGO sectors as members of civil society. Historically they have focussed on building the institutional capacity of national level NGOs, consortia and networks to be better able to participate in national development. As has been the

case of NGO communities in general, the issue has become one of defining national development broadly to incorporate a political dimension as well. Of all the regional organizations with a potential in civic action, these multipurpose NGOs have had the most difficult time in translating this new emphasis on democratization into concrete programs capable of garnering donor support. Although the regional and subregional federations and consortia generate some funding from member organizations, it is limited, thus making them extremely dependent on donor support. In this regard, northern NGOs (e.g., OXFAM, World Council of Churches, USA for Africa, PACT), consortia (e.g., InterAction, the Canadian Council for International Cooperation) and foundations (e.g. Ford, MacArthur, Frederick Ebert), have been the primary source of financial and technical assistance for these organizations.

Finally, those national level NGOs which have established successful programs in their own countries have done so by proving their capacity to develop innovative programs that are well-managed and have moved into a stage of institutionalization with a broadened leadership base and a secure source of funding. In some ways, these national level organizations have as much if not more to offer other NGOs than the purely regional NGOs.

### **3. Conclusions and Recommendations**

Two basic points can be stated concerning the capabilities of U.S. PVOs and African regional NGOs: (i) that there is a tremendous pool of institutional resources resident in these two communities; and (ii) far too few organizations from within each of these pools have been tapped by AID to work in the field of democracy and governance. In fact, it can be stated that a small minority of organizations in each of these two groups have come to dominate donor funding in general and AID funding in particular. This actually runs counter to a civil society program which essentially promotes pluralism and diversity with the African context, but seems to be limiting it among American civil society.

While we recommend that specialized PVOs offer the most relevant services to a rapid response facility, it is necessary that the number of participant organizations be expanded to include more universities, particularly Historically Black Colleges and Universities (HBCU) such as Clark-Atlanta, Mississippi Consortium for International Development (Alcorn, Jackson and Mississippi State Universities), and Howard University; and that a significant number of multipurpose PVOs, especially those with an expertise in such areas as institutional development, (e.g., IDR, PACT, Synergos Institute, World Learning), Women in Development (e.g., World Education and CEDPA) and cooperatives and credit union development (e.g., NCBA, CLUSA, ACDI) also be encouraged to participate. This may at the same time require some technical assistance and training for these organizations in order to increase their capacity to become fully involved in what may be somewhat new programs for them. Given the fact that the handful of specialized PVOs have gained on the job experience through AID-financed projects, this does not appear to be an unwarranted or unreasonable suggestion.

The same recommendation can be made for African regional organizations except that increased consideration should be given to the growing number of national NGOs that have developed successful programs that can be shared and perhaps replicated with sister organizations in neighboring countries. The need for capacity building interventions and generalized institutional support for these regional NGOs is obviously greater than for their U.S. counterparts. As a matter of fact, it would not be unrealistic to include a special component of support for this emerging "regional institution of African civil society" as a complement to that which will be directed to NGOs at the national level.

Finally, some serious thought will need to be given to the relative emphasis that will be given to utilizing U.S. PVOs versus African regional organizations to support national level NGO development.

### **C. Programmatic Issues and Parameters**

This study was undertaken with the explicit objective of assisting the Africa Bureau prepare for a new project activity. It has thus moved progressively from the conceptual to the operational, and in this section a further fleshing out of basic programmatic parameters and related issues will be presented. It also provides necessary background to Part IV, the discussion of "mechanisms" which could facilitate a rapid response capacity to support Mission initiatives in civil society promotion. The following topics will be discussed: (i) the problem addressed; (ii) recommended project purpose; (iii) scope and priorities; (iv) types of services offered; and (v) design issues.

#### **1. The Problem Addressed**

Democracy building has become a key element of AID's newly formulated sustainable development strategy. The Africa Bureau's Democracy and Governance (D/G) Program has now built-up two solid years of experience in this new field, while remaining fully consistent with the basic tenets of the new Agency-wide strategy. AFR's D/G Program has been guided conceptually by its strategy paper on "Democratic Governance in Africa," and supported programmatically through several centrally-funded projects providing an array of services at both the Bureau level, and to USAID/Missions resident in the region. Electoral assistance in the form of short-term technical assistance and small grants, has been provided to the Africa region through a consortium of three U.S. PVOs under the centrally-funded AREAF project. A second regionally funded facility, the Democracy and Governance Project, provides the Africa Bureau with a number of advisory and support services, and through a buy-in provision, individual USAIDs can obtain assistance to undertake D/G assessments, designs and evaluations. Finally, through the 116(e) Human Rights and Democracy Fund, USAIDs and Embassies can secure grant assistance for small, discrete, one-time activities undertaken by indigenous NGOs and civic organizations that advance the democratization process or support human rights activities.

At the field level, Development Fund for Africa (DFA) funding has been utilized by individual Missions to design a range of D/G activities, from stand-alone, multi-component projects to the integration of D/G principles and approaches into on-going sectoral programs and projects. Several of these newly designed projects have discrete components which specifically support the growth and development of civil society including the media. As the Africa Bureau has gained experience over the past two years with its D/G program, a number of critical needs have emerged which neither existing centrally-funded facilities nor country level projects have been able to meet. It is in response to these identified needs, or "gaps," in supporting African civil society, that a new centrally-funded project would address itself. The following discussion lists those problem situations identified by either officers in the Bureau itself, D/G advisors at the two REDSOs, or by staff at the Mission level (see Annex 6, for a detailed response from both REDSO and individual Mission officers).

- A number of Missions have designed (or intend to design) stand-alone D/G projects using normal OYB funding under the DFA, but have been unable to initiate assistance responding to planned or emerging opportunities, because a project implementing agency (i.e., contractor or cooperative agreement recipient) has not been in place. Past experience has shown that it has taken over two years from an initial D/G assessment to the arrival of the implementing agency. From the approval and authorization of such projects, to the arrival of the resident technical assistance team

has taken well over one year. Rwanda and Zambia are the two most obvious cases to date. Providing interim support, particularly during the period from project authorization to the arrival of the technical assistance team, is an especially glaring need.

- There are numerous Missions that do not currently have a stand-alone D/G project, nor plan on one in the near future, but wish to support some aspect of civil society development. The preference of many Missions is to integrate principles of civic action and democratic governance into on-going, or newly designed sectoral activities. Such missions do not have the capacity to assess local conditions to determine what kind of support to provide, and to which types of organizations in such circumstances.

It is the first instance that initially instigated the idea for a new rapid response facility; and together with the second case, that has caused the greatest delays, and hence frustration, at the field mission level. There are however a number of situations, recently magnified by the closing of several missions in the Africa region, to which such a response facility could also address itself.

- In countries with no AID mission -- the result of either not meeting the criteria established for sustainable development or transition countries, or because the level of AID program activity did not warrant a full-scale mission -- there no longer exists a means for supporting civil society development. One can envisage situations in either case where an AID regional office or American Embassy, might want to access some form of limited assistance to support civic organizations and NGOs.

Finally, several unanticipated problems emerged during the course of this study which bear on AID's ability to promote civil society in Africa that need to be considered, and which could be dealt with through a new response facility. Several of the more important are presented below.

- The new sustainable development strategy affirms a commitment to an increased role for the U.S. PVO and University communities in all four programmatic pillars, including democracy building. With one of the most plural and dynamic civil societies in the world, AID's desire to draw upon the expertise of a wider cross-section of American institutions has been limited by its general lack of knowledge concerning their nature and capacity to provide assistance in the African context. Currently, some one dozen specialized "democracy" PVOs, and a relatively small number of American colleges and universities have received AID funding for democracy and governance work in Africa. In the majority of cases, such funding has gone to support the programs and projects of the concerned organizations rather than the country programs of a concerned USAID field mission.

A new response facility could (i) broaden the participation of American civil society in the African democratization process by identifying a larger pool of organizations that could be called upon to provide technical assistance to individual USAIDs (an activity already started as part of this study); (ii) assess the needs, as well as capabilities of these organizations; and (iii) where necessary, provide modest training and technical assistance to those institutions that need it in order to more fully participate in such a new role. The premise of this strategy is based upon the simple concept that if pluralism and diversity in African civil society is desired to improve democratic governance, then broadening the field of play to include additional American organizations will increase the skills and experience available to support their African counterparts. In short, pluralism and diversity are valued goods anywhere, and if AID can

contribute to expanding the slice of American civil society within the context of American foreign assistance, while supporting the same in Africa, then "tant mieux."

- Recognizing the increasing importance of regional organizations (e.g., NGO consortia and networks, professional association and policy institutes), in promoting civil society development in individual African countries, ways need to be found to draw upon their expertise. During interviews with African NGOs and civic organizations conducted for this study, a common theme was expressed by respondents concerning their interest, if not preference, of learning from other Africans and African organizations about their own experiences with building democracy and their role as members of civil society. A response facility as envisaged here could identify (a significant beginning has already been made in this regard) these organizations and tap their expertise on an as-need basis. As proposed above with U.S. PVOs and Universities, one of the objectives of such a project would be a capacity building component to increase the effectiveness of these organizations in the provision of assistance to national level organizations.
- The pace of events and the number of activities related to civil society promotion, both at the country level and within the region itself, are proliferating much in the same way that African associational life has over the past half-decade. Among the regional and subregional NGOs, professional associations, civic organizations, institutes, etc., interviewed for this study, at least a dozen are either currently undertaking or preparing for workshops, seminars, or research projects relative to civil society. Not only is this information not being shared within the region or even among neighboring countries, AID itself has little comprehensive knowledge (ABIC has managed to a degree) of the magnitude of these activities, or what if any of them are worth supporting. A response facility could serve as a repository of knowledge accumulating within the region and keep the Bureau and individual Missions apprised accordingly.

In summary, the principal problem identified during this study was the lack of an assistance mechanism capable of supporting, in a timely manner, USAID mission initiatives in the area of civil society promotion. "Rapid response" as defined here refers to accelerating or expediting the time it takes to move a request for assistance that comes from a USAID/Mission through the current AID procurement process. It does not refer to responding to crisis or emergency situations that may arise in a given country. This new facility would be geared primarily to working in sustainable development and transition countries with resident USAID/Missions and within the context of an approved country program strategy. Failed states (e.g. Somalia, Angola, Liberia) or countries that are still in a pre-transition stage (e.g., Togo, Zaire) would not be the object of this response facility. AID is currently developing a program to respond to such situations.

## 2. Recommended Project Purpose

The recommendation of the study team concerning the principal purpose of a rapid or accelerated response facility is the following:

***To provide timely assistance to USAID missions wanting to support the growth and development of civil society as a component strategy in their country programs; or in countries where such assistance would further regional objectives; or would contribute to the achievement of AID's overall mission of sustainable development.***

This would be a centrally-funded facility, much as the Africa Bureau's two existing projects supporting its Democracy and Governance Program ... but with some major differences. It would be designed to fill an existing gap which neither of these two other projects currently address. In the case of AREAF, the final decision as to whether to undertake a certain type of activity in a particular country is left with the consortium. In most cases, the consortium member which has been allocated the assignment to work in a given country determines the final design of the activity which may, during implementation vary significantly from that initially approved. Missions have little or no control over the personnel which are assigned to manage and provide technical assistance. As far as most Mission's are concerned, AREAF has been neither responsive to their needs, nor particularly timely in the interventions undertaken. The range of services offered under AREAF are technically restricted to those related to the electoral process in a given country thus limiting what missions themselves might want to provide in support of civil society. In principal, since the project works through a Cooperative Agreement, and has a streamlined approval process, the provision of assistance should be expeditious and timely. The bottom line is however, that AREAF is a collaborative development effort which essentially supports the programs and activities of the PVO consortium, although with "substantial AID involvement." In short, it was not specifically designed nor has it responded to in practice in many instances, the expressed needs of USAID/Missions in the field.

The Democracy and Governance Project on the other hand, provides advisory and logistical services to the Africa Bureau through a core contract, and technical assistance to field missions through a buy-in facility. In both cases, normal contracting procedures are followed to obtain these services. In the case of buy-ins, the duration between a Mission request and the delivery of the service has led to delays in identifying needs and initiating the process of support to civil society development. Equally important, the D/G Project has very limited utility in providing services in direct support of civic action, as it is limited to providing Missions with expertise required in project designs, evaluations and assessments. In this regard, Part IV, looks at ways to overcome the short-coming noted in these two centrally-funded projects, as well as the general constraints imposed by the current procurement process and corresponding regulations. A number of options and recommendations are presented as to how a new facility could be designed to expedite assistance in response to Mission requests.

The expected and probable outcome of an accelerated infusion of resources would be to remove bottlenecks to the initiation or sustenance of AID supported programs of civic action. A rapid response facility is not intended to replace the project development process, only to complement it by providing "bridging" resources prior to, and in the early stages of, approved projects; or in countries where a stand-alone project is not envisaged, or where there is no USAID/Mission. Only through carefully planned projects with longer time horizons can civic organizations be expected to play a prominent role in public life in selected African countries.

### 3. Scope and Priorities

AID cannot hope to strengthen civil society everywhere in Africa. This is so not only because assistance resources are limited, but because opportunities are not uniformly available across Africa, especially in countries where civil society is underdeveloped and where a transition to democracy has not begun. AID policy now takes explicit account of a country's "progress toward democracy, respect for human rights, and lawful governance" in the allocation of development assistance (USAID, 1991, 2). The new agency strategy calls for democratization programs in three types of country: (1) "sustainable development countries" which will receive an integrated package of assistance; (2) countries undergoing a national crisis where timely provision of assistance is needed to reinforce democratic institutions; and (3)

countries where USAID's presence is limited, but where "aid to non-governmental sectors may facilitate the emergence of a civil society, help alleviate repression, or prevent reversals of democratic gains" (USAID, 1993a, October 5 draft version, 37).

Priorities for the allocation of democratic governance assistance to civil society can be established with reference to the stages of democratization enumerated earlier:

- Top priority for DG assistance to civil society should go to countries that have completed a democratic transition and are seeking to consolidate fragile democratic institutions. In these cases, USAID's partners would be civic organizations within the host country. Furthermore, where a government has been installed as the result of a free and fair election, there should be no prohibition on also assisting institutions in political society (like political parties and legislatures) and the state (like electoral commissions and court systems). In Africa in late 1993, such priority countries include Benin, Zambia, Madagascar, Mali and Niger.
- DG assistance is also warranted in countries that are undergoing a political transition or have completed a flawed transition, but it should be carefully targeted at selected civic institutions. In these countries, civil society institutions including civic organizations carry the burden of pressing the democratization process forward and should receive the bulk of USAID assistance. Governments can only qualify for DG assistance during a political transition if they have undertaken major, and ostensibly permanent, political liberalization reforms. Even then, bilateral assistance to governments should be limited to pluralizing and loosening the legal environment and specifically, to enable the conduct of free and fair elections. In the incomplete transition category, examples include Malawi and Mozambique, and, in the flawed transition category, Kenya and Ghana.
- For the most part, AID assistance to governments is not appropriate in pre-transition situations. These include situations in which the government has been unwilling to open up politically, or has done so but later reversed itself. Civil society is usually extremely frail in these situations. Only limited amounts of assistance should be provide to these low priority countries and all of it should go to non-governmental entities, both domestic and international. Classic cases here are Zaire and Togo.
- No assistance at all should be extended for DG work where government authority has broken down and where power has fragmented into the hands of armed factions ... so called "failed states." Where violence is prevalent, civil society cannot exist and democratic transition is precluded until peace can be guaranteed. On this list in Africa in late 1993 are Somalia, Liberia, and Angola.

#### 4. Types of Assistance Provided

In order to determine potential mechanism options offering an accelerated response capacity, it is obviously necessary to determine the types of assistance that would need to be made available through it. Based on discussions with Mission personnel in the field, the following types of assistance would be made available through a new centrally-funded project. Under a rapid (accelerated) response facility the following services and assistance would be provided on behalf of AID: (i) country-level civil society Rapid Assessments, (ii) technical assistance and training, (iii) financial grants and commodity assistance,

(iv) networking and information collection and dissemination, and (v) project management. These services are prioritized and briefly discussed below:

**a) Civil Society Rapid Assessments:** Some Missions have a general idea of the type of assistance they would like to provide, and to which organizations they would like to provide it. More often than not however -- and especially where there is either no intention of mounting a multi-component D/G project, or where there is no resident mission -- USAIDs only know that they would like to do something to strengthen the non-state sector, but not the specific type of activity, or which types of organizations would be most appropriately targeted. The need for civil society assessments is therefore of primary importance.

The project would be capable of fielding assessment teams that are composed of its core staff (at least one member) and supplemented where necessary by outside consultants. The Assessment Team would carry out the assessments in collaboration with the indigenous NGO community, either with the recognized NGO Apex organization or with a cross-section of civic organizations working in the area of democratic governance. The Assessment Teams would work under the supervision of designated Mission staff and in consultation with the Regional D/G Advisor. The assessments would focus on (a) identifying sectoral needs related to civil society development and (b) provide a profile and institutional analysis of the country's NGOs and civic organizations. The project would have the capability to field a team within 30 days of a Mission's request. Several additional points to consider:

- It is estimated that a two person team, plus participation from the host country NGO community working for two to three weeks could undertake most country assessments. It should also be kept in mind that making an investment in a full-scale civil society assessment would serve not only the immediate rapid response needs of a Mission, but would contribute greatly to a full-scale D/G assessment and future design activities required for a longer-term Democratic Governance Project.
- Rather than using individual consultants on an assessment team, personnel from U.S. PVOs should also be considered.
- The growing number of African NGOs, institutes and centers summarily described above (and in detail in Annex 4) dealing with issues of pluralism, human rights and democracy, can and should be involved in both assessments and in the provision of technical assistance and training to NGO communities in targeted countries. They offer a perspective and capability that neither core project personnel nor U.S. PVOs could provide in these areas.
- In addition to responding to individual Mission requests, the project could also play a more proactive role in promoting civil society development by sponsoring workshops and commissioning country-specific or sub-regional studies on topics of interest to NGOs or USAIDs (see , below). Also, in countries in which there is no USAID/Mission, and/or where a USAID is proscribed from providing direct bi-lateral assistance, a centrally-funded project could work in a low-key way on a limited set of interventions with interested civil society institutions from that country.

**b) Technical Assistance and Training:** The illustrative list of interventions presented in A.6, above, require a range of technical assistance and training capabilities that no single organization, or consortium for that matter, could provide itself. Thus the project would have to be able

to draw upon a diverse set of experiences and expertise from within the U.S. PVO community, universities, for-profit sector, as well as from qualified African regional organizations, in order to support the programs of civic organizations and NGOs in individual African countries. The project would obtain these services through subcontracts and/or grants to selected service providers. There is also the option of providing grants to the targeted NGOs or civic organizations and letting them "procure" their own services, with perhaps the intermediation of the project which would serve as a broker or facilitator of partnering relationships. Training would cover both generic topics and tailor made programs, depending on the nature of the subject and the intended beneficiary(ies). One could also anticipate training activities taking place in-country, within the region, and off-shore; and for both short term (2-6 weeks) and medium-term (up to 3 months) durations.

**c) Financial Grants and Commodity Assistance:** The completion of a Rapid Assessment would indicate both the feasibility of undertaking a short to medium-term country level civil society program and provide the specific technical areas and institutional development needs (e.g. civic education, strategic planning, etc.) around which a project or program could be developed. In addition to general technical assistance and training needs identified through the assessment, and that would be provided by the project directly, there are likely to be numerous instances where a Mission wants to provide short-term grant or commodity assistance to an NGO(s) for a variety of purposes. This could include contracting for its own technical assistance needs, covering core operating costs during an interim period, procuring commodities, etc. The ability of a Mission to make grants to indigenous NGOs and civic organizations, especially if they are not AID-registered, is an extremely time-consuming undertaking, if it is possible at all given current AID regulations.

The precedent for providing grants through a centrally-funded facility already exists as exemplified in the AREAF Project. In principal, a potential grant recipient will have to submit a proposal to receive funding. The project would be responsible for shepherding the proposals through an AID review and approval process ... if in fact, AID approvals were deemed necessary. Once an authorization had been received, the project would prepare a grant agreement which would serve as the executing instrument for the release of a grant funds to the NGO. Once a grant had been made to a NGO, it would be the responsibility of the project to monitor grant progress and grantee performance, especially as regards its management of grant funding.

A number of Missions cited commodities as one the most important needs at various points in the democratization process in their countries. This included commodity needs related to the electoral process, to support the independent media, and for certain NGO capacity building needs. While AREAF has the capacity to undertake commodity procurement, it does not appear that the consortium members rated this as a high priority in their country programs. Small-scale procurement, i.e., under \$50,000 was found to be a particularly difficult action for most Missions to achieve. Commodity procurement would thus be an important service that a rapid response facility could provide to Missions.

- It is neither anticipated nor intended that the preparation of a proposal for grant funding be a long-term, complicated exercise. During the assessment phase, specific grant opportunities would be identified and proposal preparation could begin with a selected NGO. The core member of the assessment team could work with the concerned NGO to prepare the grant proposal at the end of the assessment period. Depending on the level of AID approval authority required, a two to three week review and approval process could be envisaged.

**d) Networking and Information Collection and Dissemination:** A valuable function that could be provided through a regionally-funded project would be the collection and dissemination of information to a wide range of actors in the Africa region concerned with issues of civil society promotion. Specifically, the project could sponsor workshops and seminars for these parties on topics of mutual concern and interest, as well as commission studies and research into relevant areas identified by NGOs or USAIDs. These activities could be undertaken to meet country-specific or sub-regional, e.g., the Sahel or Southern Africa, needs. Providing such services would place the project in a good position to serve as a regional "repository" of knowledge and experience for AID concerning civil society and the institutions that make it up in individual countries.

**e) Facilitating Partnerships and Developing Capacity:** A centrally-funded project would be well-placed to facilitate partnership arrangements among African civic organizations in different countries or between them and either individual U.S. PVOs or African regional NGOs. One of the tasks of such a project would be to identify, profile and assess institutional resources within American civil society and regional organizations in Africa. The primary purpose of an organizational "inventory" of this nature would be to access and provide technical assistance to African NGOs and civic organizations. There is however, no reason why longer-term relationships could not also be encouraged, which at a minimum could increase dialogue and communications between organizations with the same goals and objectives. With detailed knowledge of the players in African civil society, the project could broker collaborative relationships based on identified needs and interests on the one hand, and identified skills and experience on the other.

**f) Project Management Responsibilities:** While internal AID management of a centrally-funded project is a possible option, it is unlikely that current staffing requirements, given Agency-wide O/E considerations would permit it. More importantly, given current AID procurement practices, it is equally unlikely that the capacity for a rapid response would be achieved through internal AID management. Thus, project management of a centrally-funded rapid response facility would be "externalized" to deal with the constraints posed by the above mentioned realities. Part IV, following, discusses the mechanism options that could be used in an externally managed project to achieve a rapid response capacity in support of civil society promotion. The range of services noted above, provide an idea of the project managers responsibilities under the proposed project. One issue to keep in mind concerning project management responsibilities within the framework of a rapid response facility, is whether increased responsiveness would be achieved through the basing of the project team, or some of its members, in Africa.

## 5. Design Issues

There are two fundamental issues that AID will have to address in the design of a future civil society rapid response support project. The first deals with the relationship of this proposed project to the existing regionally-funded AREAF Project. The second goes to the heart of the overall purpose of the project, i.e., is its purpose first and foremost to serve AID and its field Missions, or is it a means for supporting U.S. PVOs wishing to work in civil society development. The following discussion expands on each of these two issues.

**a) AREAF vs Civil Society Support Project:** The purpose of AREAF is to support democratic transitions through assistance to both state and civil society institutions prior to, during and, of late, after multiparty elections. Conceptually, a civil society support project would pick up where AREAF leaves off, i.e., after a successful transition and throughout the consolidation stage.

It would most likely have limited involvement in strengthening civil society during a democratic transition in countries where AREAF was supporting the electoral process leading to multiparty elections. The reasoning for this is two-fold:

(i) most of the activities that civic organizations undertake during a political transition, and even in the initial stage of political liberalization, center around interventions related to the electoral process. Where human rights groups were initially dealing with securing, expanding and monitoring human rights, once the decision has been made to hold multiparty elections, they and a range of other civic organizations and NGOs begin to focus on election-related issues. While election monitoring is the most obvious, civic education during a transition is primarily geared towards informing people about their voting rights and election procedures, explaining provisions related to a multiparty system presented in a newly drafted constitution, etc. Likewise, the media through independent press associations, is assisted to prepare the country for elections, including election coverage and reporting. For anyone who has been involved in or experienced the first free multiparty election in an African country, or elsewhere for that matter, there is little thought given, or time devoted to any other subject but elections. AREAF has been the dominant American participant in the majority of democratic transitions which have taken place over the past two to three years in Africa. By virtue of its presence and participation in these events, it has naturally positioned itself, or rather its consortium members have, to become involved in the next stage of political consolidation. In fact, the recent amendment to the AREAF Cooperative Agreement has provided it with additional scope and flexibility to work with civic organizations during the consolidation stage. Judging from its activities in a number of countries including Ghana, Zambia and Ethiopia, the distinction between election-related support to civil society and general assistance to civic organizations in the post-transition has largely been lost.

(ii) Assuming that it is possible to isolate discrete activities, and even a distinct set of organizations during a democratic transition, which would lend themselves to assistance provided through a rapid response facility, the danger then runs into having two AID regionally-funded activities working in the same country, at the same time, but with different U.S. organizations and their personnel present. The possibilities for duplication of efforts, including the burdens placed on host country officials, both public and private, as well as USAID itself, would still be fairly great. Not to mention the likely confusion that it would engender within the host country as to who was doing what, etc. One cannot help but wonder what the perception must be in South Africa where every known U.S. PVO (and a few who are not) has its own program supporting the democratic transition there. Granted this is a unique case, but similar situations are developing in other African countries as well.

There is certainly no shortage of African countries undergoing democratic transitions, and it appears that AREAF consortium members, with increasing calls for assistance coming from Eastern Europe and the NIS, are becoming overextended in Africa. There are certainly steps that can be taken to rationalize the provision of AID support to civil society development in Africa, but it will require more thought than has currently been the case and must thus be addressed in a future design effort.

**b) Supporting U.S. PVOs vs U.S. AID:** Central to the success of a new project is the issue of who, in the final analysis, is to be served by this proposed project. While the final beneficiaries can be clearly designated as African NGOs and civic organizations, the question is whether this will be accomplished through the programs of individual USAIDs, or those of U.S. PVOs and other concerned American civil society organizations. The reason that there has been so much frustration within USAID/Missions concerning the AREAF Project, has less to do with the performance of the consortium members than with a misunderstanding by these Missions as to the underlying purpose of that

project. Although designed as a collaborative development effort between AID and the consortium of three U.S. PVOs, it was essentially conceived to support their electoral assistance programs, an area in which AID had acknowledged little previous experience. Today, with the heightened attention and increased role accorded to PVOs in the delivery of American foreign assistance, there is the possibility that the programmatic needs identified by USAID/Missions which provide the basis for this project, will instead be turned into a project supporting PVO programs.

This study strongly agrees that American civil society has a significant role to play in supporting the emergence of a strong African civil society and should be supported by AID in this regard. However, the appropriate means to do so is through a separate project, along the lines submitted by InterAction in its July 1993 proposal to AID;<sup>4</sup> and not through the proposed civil society support project discussed in this study. There is validity to the notion that AID, as an institution of a democratically elected government, has the right to develop and deliver a program of foreign assistance that respects the interests and laws of host countries. Likewise, it is not only the right, but an obligation of U.S. PVOs, as members of American civil society, to lobby AID and advocate policies which are consistent with American principals of democracy and citizen participation in governance matters. This is not to say that there is not a role for U.S. PVOs and other institutions of American civil society in a centrally-funded AID project. Rather, their role would be to provide assistance to AID conceived and financed projects supporting African civil society.

#### **IV. MECHANISMS: DEVELOPING A RAPID RESPONSE CAPACITY IN SUPPORT OF AFRICAN CIVIL SOCIETY**

##### **A. Overview**

A.I.D. has identified democracy and governance (D/G) as a major program area, and USAID Missions are attempting to factor new policies and guidelines into their strategic objectives and activity portfolios. While USAID Missions must grapple more directly with D/G factors, most Missions in Africa do not now have extensive in-house capacities to analyze, design and implement activities in this area. Thus, there is the perceived need to provide various forms of assistance to Missions as they decide how best to respond to opportunities, and then take early steps to support and enhance moves towards greater democracy.

It is expected that the lion's share of A.I.D. investment in D/G in Africa will come from the bilateral OYBs of Missions. The supportive, centrally-funded project options explored in this paper are meant to assist a number of Missions to program and utilize their resources, and to provide complementary assistance at specific points in their programs.

The normal timeframe for A.I.D. project design and procurement is incompatible with the quick pace and unpredictable nature of the D/G changes that A.I.D. is attempting to influence in one way or another. Not only do Missions need access to a variety of assistance options, they must be able to procure services far faster than usual.

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<sup>4</sup> See "The Role of US PVOs in supporting African Civil Society," a proposal prepared by InterAction for funding by USAID.

This paper aims to work within the limits of procurement rules and their accepted practice, while at the same time searching for the most powerful institutional arrangements, the most supple financial instruments and the most responsive implementation mechanisms to support Missions in their D/G activities.

Key characteristics of the activities Missions may wish to pursue in relatively short term D/G assistance include the following:

- \* They cover a spectrum of inputs such as technical assistance and training, cash and commodities
- \* They provides these resources to a spectrum of entities, such as government and parastatal agencies, private firms, NGOs and professional agencies, among others
- \* They are highly site-specific, and often time-limited in their utility and application.

Instruments and arrangements for new D/G support activities also have a few essential attributes. Firstly, timing is crucial in D/G matters, and the ability to respond in a punctual fashion must be factored into project design and procurement/assistance decisions. Secondly, whatever instruments and arrangements are employed, it is vital that Missions be perceived as the primary client.

With these needs in mind attention turns to the choices for instruments to meet them. To understand the options one must understand the fundamentals of A.I.D. procurement.

The watershed distinction in transactions between A.I.D. and recipients of awards is that of "acquisition" and "assistance". This basic distinction defines the two categories of relationships, and from them flow the options for instruments. Briefly put, in acquisition the principle purpose of the transaction is to acquire property or services for the direct benefit or use of the federal government. The legal instrument for acquisition is a contract.

In contrast to acquisition, the principle purpose of "assistance" is to transfer money, property, services or other things of value to the recipient to accomplish a public purpose of support or stimulation. The legal instruments for assistance are cooperative agreements and grants, distinguished from each other by "substantial involvement" on the part of the USG agency in the case of cooperative agreements, as discussed in detail below.

Each instrument has its selling points and drawbacks for the kinds of services deemed necessary to support Missions' diverse needs in their timely involvement in civil society transformations. Contracts function very well for certain kinds of well defined tasks, such as fielding technical assistance teams for assessments and evaluations; and they allow A.I.D. maximum control of a project.

The level of control that contracts afford to A.I.D. can be an advantage to the Agency in getting (or at least specifying) exactly what it wants, on its own terms. However, the exercise of this control carries a cost as well in terms of the management burden of supervision, which is more demanding for A.I.D. than either a cooperative agreement or a grant.

One disadvantage of contracts for meeting the needs of Missions in D/G is their questionable use in making grants or subgrants. Small, well targeted funding is certainly a potent mechanism for Missions'

assistance to civil society. While it has been determined that contractors may make subgrants in certain cases, it has proved to be problematic in practice. Given the uncertain status and dearth of successful precedents for contract-based grant making, it would seem unwise to saddle D/G support projects -- which require speed and which are likely to be experimental in their own right -- with the burden of pioneering this frontier of A.I.D. procurement.

Cooperative agreements seem to be neither inherently slower or faster to implement than contracts. They can be amended to add new funding and new activities with relative ease, when such potential is written into the initial agreement.

Cooperative agreements hold a lot of potential to help build capacity for newly emerging participants in D/G. Among these are African regional organizations that could offer leadership in many aspects of civil society. The cooperative agreement is a proven instrument for subgrant funding to local and national institutions. PVO/NGO umbrella projects in Africa illustrate its potential to reach well into civil society with direct funding, training and other assistance in an integrated package of services.

The part of the IFES cooperative agreement that supports African Electoral Assistance takes the cooperative agreement to the regional level. It demonstrates the considerable flexibility of this instrument to serve Mission-determined D/G needs in a series of countries in a responsive and rapid manner.

A cooperative agreement with one major non-profit agency appears to be the best option for an accelerated access facility that can serve the various needs of Missions and regional offices for support in the civil society area. This cooperative agreement could provide the full range of services noted above, including those not easily obtained through a contract. It could be designed and written so that service provision is triggered by Missions, and by regional offices on behalf of countries without Missions.

This cooperative agreement should be endowed with several conditions to ensure its effectiveness. The core funding should be large enough to allow the project to respond to Missions' initial requests without the necessity of adding new funds through amendments. On the other hand, it should have ample provision for the absorption of additional funding when Missions or regional offices require follow-on services.

## **B. The Problem to be Addressed**

Many African nations are in the midst of struggles to redefine and restructure the essential relationships between citizens and their government. Moving towards a more democratic society is hardly ever a smooth, painless or linear process; yet it can create exciting opportunities for reforming relationships that enhance the prospects for people-centered development at all levels. There are profound connections between democracy writ large and small -- from elected constituent assemblies at the national level, to freedom of association for local groups of natural resource users.

### **1. The Requirement of Timeliness**

A.I.D. has identified democracy and governance as a major program area, and Missions are attempting to factor new policies and guidelines into their strategic objectives and activity portfolios. While USAID Missions must grapple more directly with D/G factors, most Missions in Africa do not now have extensive in-house capacities to analyze, design and implement activities in this area. Thus, there is the

perceived need to provide various forms of assistance to Missions as they decide how best to respond to opportunities, and then take early steps to support and enhance moves towards greater democracy.

In this paper the emphasis is not on crises or emergency situations in D/G, such as countries experiencing civil war, or those that have not yet made a clear commitment to become democratic. The focus here is on countries that are actively engaged in a process of transition, or in post-transition consolidation of a more democratic society. It also includes, the possibility for work in certain pre-transition situations where A.I.D. may want to support a movement toward democracy.

The requirement of timeliness in this case is not one demanding extremely swift action in a matter of hours or days as in disaster response; rather it usually requires the capacity to respond within a few weeks, to help build on the momentum for continuing democratization efforts. The resulting support may be quite brief, or it may have a medium term duration of perhaps three to eighteen months.

**It is less a question of "rapid response" to a particular event, than "accelerated access" to resources in support of an unfolding process.** In this perspective the question must be viewed as a procurement/assistance issue -- how to get services, commodities and other resources to Missions and designated African institutions in an efficacious and expeditious manner.

## 2. Procurement Constraints

Stakeholders in U.S. foreign assistance have become increasingly critical of the overly complex procurement/assistance system under which D/G and all other A.I.D. activities must take place. Both inside and outside of A.I.D. there are calls to overhaul this slow moving, redundant, cumbersome system. From personnel at USAID Missions visited for this study, many criticisms were recorded (see Annex 6 for report of these interviews.)

In November 1993 a Joint Task Force established by A.I.D. and InterAction, which consisted of personnel from both A.I.D. Washington and the US PVO community, made this statement in the course of reviewing the operational relationship between A.I.D. and the PVO/NGO communities:

**"It is the conclusion of the Task Force that the process is redundant, excessively costly to both USAID and PVOs, stifles risk taking, adversely affects project and program effectiveness and does a poor job of monitoring and ensuring prudent use of federal funds." (Policies for a More Effective Partnership")**

The smallest procurement efforts can become almost impossible. A classic example from the D/G field illustrates this reality. One USAID Mission has been trying for well over a year to make about \$25,000 in funding available to the country's only private newspaper. The project that supports the resident A.I.D. D/G advisor has no grant making capacity. Since the newspaper is profit-making in nature, it was deemed ineligible for 116(e) funds; nor does it qualify under the Mission's PVO Co-Financing Project. Attempts to carry out a straightforward PIO/T procurement have so far failed in the face of higher priority, multi-million dollar projects that preoccupy the Regional Contracting Officer.

While this example may seem trivial, it is emblematic of the need for new tools to help Missions make meaningful, timely contributions for advancement of civil society and democratic governance. Until promised systemic reform is put into place, however, all players are obliged to optimize whatever flexibility can be extracted from existing mechanisms and regulations.

Putting these elements together, the principle problem in conceptualizing this accelerated access facility is:

**How to respond to needs of Missions attempting to support civil society openings and improved governance in a timely fashion within the existing A.I.D. procurement/assistance environment.**

### 3. Notes and caveats

In addressing this broad sweep of issues it is inevitable that certain concepts will be completely familiar to some readers, perhaps annoyingly so; others may find much that is new or that they have only partially understood. While this is not a primer on A.I.D. procurement (such a document has yet to be written), basic concepts are reviewed as needed. Jargon is minimized, and imprecise terms like "buy-in" are circumvented wherever possible. Research for this paper revealed considerable disparity among A.I.D. personnel, non-profit agencies and for-profit firms in their comprehension of procurement/assistance regulations and applications. Establishment of a common data base on certain fundamentals may be a useful contribution at this point.

As to the accuracy of information presented here, one might well bear in mind that A.I.D. regulations contains many internal inconsistencies, and that regulations are constantly being modified. Add to this the variety of interpretations, plus intentional and unintentional distortions introduced in actual application, and it appears that no statement of any complexity can be made without risk of contradiction. It is not so much a question of understanding a body of factual data in its irreducible detail as it is an exercise to ascertain the general principles of a disorderly (and somewhat dysfunctional) system that is continually changing.

This paper aims to work within the limits of procurement rules and their accepted practice, while at the same time searching for the most powerful institutional arrangements, the most supple financial instruments and the most responsive implementation mechanisms to support Missions in their D/G activities. One interviewee suggested that this is like trying to 'hot wire' A.I.D.'s procurement/assistance system. There may be some truth to this; however, to extend the metaphor, one must at the same time avoid both short circuits and electrocution.

## C. The Clients, Their Needs and Current Resources

### 1. Missions' situations

Formulating options to meet the challenge described above, requires an appreciation of the variety of situations in which various Missions find themselves, with regard to the political and social status of their host countries, the changing priorities and modalities of A.I.D. involvement in certain African nations (including the absence of a Mission), and the particular D/G needs within a given Mission's portfolio. A sampling of actual and possible scenarios include:

- \* Several Missions plan stand-alone D/G projects, or are in the midst of developing such projects, and want to provide support to D/G activities in the interim, which will then be passed off to the D/G project once its implementation begins
- \* Other Missions anticipate work in just one aspect of D/G such as decentralization

- \* Missions may wish to incorporate D/G objectives into specific sectoral projects dealing with environment or population as a cross-cutting theme or mode of operation
- \* In a country that is classified neither as sustainable nor in transition by A.I.D., i.e., where there is no USAID Mission, Regional Offices (REDSOs) might want to support work on civil society issues with non-governmental agencies
- \* A.I.D. might wish to undertake certain D/G activities in a country without a Mission for reasons other than its status as sustainable or in transition

It is expected that the lion's share of A.I.D. investment in D/G in Africa will come from the bilateral OYBs of Missions. The kind of centrally created project explored in this paper is meant to assist Missions to better program and utilize their resources, and to provide complementary assistance at specific points in their programs.

In the rapidly evolving situations typical of political transformations in Africa, a key element of responsiveness is punctuality. The normal timeframe for A.I.D. project design and procurement/assistance is incompatible with the quick pace and unpredictable nature of the changes that A.I.D. is attempting to influence in one way or another. **Not only do Missions need to have access to a variety of assistance options, they must be able to access them far faster than usual.** This brings us to consider the kinds of activities that Missions might contemplate undertaking, with all due haste, in the transition and post-transition phases of democratization.

## 2. The Range of Potential Mission Activities

Some of the following examples are adapted from companion papers which analyze the needs for new D/G mechanisms from sectoral perspectives, i.e., civil society, public sector governance, media in democracy and so forth [citations required.] They may be discrete time-limited activities that pinpoint a specific need, or they may be steps towards a larger D/G project that is working its way through the A.I.D. approval and acquisition/assistance processes.

Note that the following examples and the discussions in this paper have generally avoided the major activities relating directly to electoral assistance, in acknowledgement of the existing A.I.D. resources for this aspect of D/G. While this new "accelerated access" capacity is not meant to overlap with AREAF and other electoral assistance efforts, it is also true that some of these efforts have begun to expand their mandates into other D/G areas, blurring the distinct focus they originally had.

This is an illustrative listing meant to inform subsequent discussion on what procurement/assistance mechanisms and institutional arrangements may be most appropriate. It is possible that USAID Missions might want to support or respond to one or more of the following in a timely manner:

- \* Civic organizations require international consultants to help design and conduct a participatory process of strategic planning with their membership
- \* A key human rights group needs bridge funding to continue information gathering and publishing activities in the months prior to the start-up of a new A.I.D.-funded D/G project that will provide them on-going support

- \* A committee of the Electoral Commission that is re-vamping the voter registration system want to make a study tour to several other African countries that have implemented automatic registration as citizens reach the age of majority
- \* Non-governmental women's organizations and local women's advocacy groups need support for a series of local workshops on women's rights that is meant to help launch a national consortium to lobby for legal reform to end discrimination
- \* Police and paramilitary forces could benefit from programs that help them respect and uphold human rights
- \* The country's journalists who are not familiar with the opportunities and obligations of a freer press would benefit from training by an Africa regional organization promoting press freedom and responsibility;
- \* Publishing and dissemination of an Official Gazette would greatly enhance general understanding of the legal code and new laws, especially in commercial law where it lifts barriers to private investment.

This diverse, non-exhaustive list sheds light on several key characteristics of the activities Missions may wish to pursue in relatively short term D/G assistance.

- \* They cover a spectrum of inputs such as technical assistance and training, cash and commodities
- \* They provides these resources to a spectrum of entities, such as government and parastatal agencies, private firms, NGOs and professional agencies, among others
- \* They are highly site-specific, and often time-limited in their utility and application.

### 3. Existing resources for Missions in D/G

A fair question might be which of these activities, and many others not listed, might be provided or obtained under current assistance mechanisms. As detailed in the "Africa Bureau: Democracy and Governance AFR USAID and USG Mission Resource Guide" of July 1992, there currently exists several centrally funded assistance mechanisms available to Missions. However, that document notes: "This is mainly for electoral and human rights activities normally outside of Missions' strategies and programs under DFA." Examples include the AREF cooperative agreement with the consortium of the African American Institute, the International Republican Institute and National Democratic Institute for electoral assistance, and the Africa Democracy and Human Rights Fund Project for funding to African governments and NGOs in support of civil and human rights. Another service is senior governance advisors resident in the region.

Some other assistance facilitated by ARF/ONI/DG requires Missions to add their own resources, such as the ARD/MSI services contracts, the Checchi/Howard IQC for Legal Reform/Administration of Justice, and the IFES cooperative agreement for electoral assistance. One might also cite a variety of A.I.D. resources and facilities not directly labeled D/G that could further Missions' D/G objectives, such

as the Decentralization Management and Finance Project or Gender in Economic and Social Systems Project.

The services and resources available through these projects and mechanisms are mainly of the short term technical assistance variety, such as strategy assessments, support at various stage of the project design/implementation/evaluation cycle, training in pre-determined areas, and assistance around elections. Important as these are, none of them provide the fungible resources necessary for most of the activities listed in the last section, and for many others that Missions might want to undertake.

In other words, despite this array of services, many Missions do not have ready access to resources for the assortment of discrete and punctual activities required to support D/G opportunities as they present themselves. This is an especially difficult reality in the period between a D/G project design and its start-up, but it can also affect Missions without plans for stand-alone D/G projects, or Missions whose existing D/G projects simply did not include provisions for certain services.

#### 4. AREAF: A Point of Comparison

Before considering the options for dealing with the needs outlined above, it is instructive to look at a major centrally-funded project in D/G in Africa, one that is very well known and thus serves as a point of comparison: the Africa Regional Electoral Assistance Fund (AREAF). Designed several years ago, when Africa Bureau capacities in the electoral assistance subsector were still quite limited, this cooperative agreement with a consortium of three US PVOs is meant to provide a variety of assistance in different circumstances. In a given situation its intervention could be limited to a one-time electoral system assessment, or it might involve a comprehensive program throughout an electoral process.

One of the unique features of this cooperative agreement is that it can be accessed either by request of the U.S. Embassy or USAID Mission, or from African organizations themselves. Another feature is that these requests can be channelled through A.I.D. Washington, or directly to the cooperative agreement's partnership. The result is considerable autonomy for the implementing agencies, since requests from Africa do not have to pass through USG institutions, nor do they have to come through the sponsoring A.I.D. office in Washington.

What the study team found during field visits, and recorded in his report (see Annex 4) is that some Missions are disappointed with AREAF's performance. Reasons cited include: A) the length of time it has taken the consortium to field personnel (which is reportedly due in part to inter-agency tensions among consortium members over which one will carry out which assignments); B) the fact that the consortium has not always been responsive to Mission's needs, e.g., some Missions perceive consortium members as following their own agendas under this project; C) refusal to deal with commodity issues as requested by certain Missions on the grounds that this is not consortium members' specialty; and D) inability to access assistance agencies other than the consortium members through this mechanism.

The blame, if blame there be, for AREAF consortium members pursuing their own agendas, is misplaced. This cooperative agreement was set up with the intent of supporting activities designed by the consortium members -- to allow these agencies to use their skills by their own best lights, although close coordination with Missions and U.S. Embassies was anticipated. These agencies are simply taking advantage of the agreement they negotiated to work both within Missions' frameworks, and without them.

The case of AREAF does bring home several key points, and so sets the stage for discussion of instruments and arrangements for new D/G support activities. Firstly, timing is crucial in D/G matters, and the ability to respond in a punctual fashion must be factored into project design and procurement/assistance decisions. Secondly, whatever instruments and arrangements are employed, it is vital that Missions be perceived as the primary client.

Several things have changed since AREAF began. At the time AREAF was designed D/G was not a mainstay of A.I.D.'s program, and A.I.D. may have wanted to keep a certain distance from some D/G activities of doubtful outcome. Now D/G is central to A.I.D.'s mission and Mission involvement in-country activities is clearly indicated. Also, the connotation of D/G has come to encompass much more than a narrow focus on elections and the statist portion of the democratic governance equation. In the course of broadening generally accepted definitions of D/G, civil society issues have taken a more prominent place. In this area Missions have much experience; leadership in future A.I.D. funded D/G efforts of the kind discussed in this paper belongs to the Missions.

#### **D. Acquisition, Assistance and Their Instruments**

In this section the main categories and instruments available for D/G (and all other) development activities are reviewed, and some of their major features discussed.

##### **1. Defining acquisition and assistance**

The watershed distinction in transactions between A.I.D., or another federal agency, and recipients of awards is that of 'acquisition' and 'assistance'. This basic distinction defines two categories of relationships, and from them flow the options for instruments.

Briefly put, in acquisition the principle purpose of the transaction is to acquire property or services for the direct benefit or use of the federal government. This is purchase for USG or third-party use. The legal instrument for acquisition is a contract.

In contrast to acquisition, the principle purpose of assistance is to transfer money, property, services or other things of value to the recipient to accomplish a public purpose of support or stimulation. The legal instruments for assistance are cooperative agreements and grants, distinguished from each other by "substantial involvement" on the part of the USG agency in the case of cooperative agreements, as discussed in detail below.

Under assistance transactions the character of the relationship between the A.I.D. and the recipient is not that of overseer as in acquisition. There is less emphasis on control of the recipient by the Agency. In a grant the Agency is a 'patron' of the grantee, while a cooperative agreement establishes the Agency as a 'partner' of the recipient in a collaborative development relationship.

This straightforward description masks a great complexity in procurement and assistance relationships that have developed by practice in every federal agencies' use of these instruments. The distinction between assistance and acquisition is far less clear cut than it might appear, and has been blurred further by those hoping to benefit from perceived advantages of one or another of the legal instruments.

## **2. The Instruments**

As noted above, the choice of instruments flows from the character of the relationship: acquisition is by contract, while assistance is by grant or cooperative agreement. Each of these three has its own operating structure, level of A.I.D. involvement and other qualities.

One major characteristic of assistance instruments, i.e., grants and cooperative agreements, is that recipients cannot charge a profit on them. This has had the effect of virtually eliminating for-profit firms from the pool of assistance recipients, as few, if any, such firms are willing to forego profit on a regular basis. The converse is not true, however, as non-profit organizations such as PVOs and universities can be awarded contracts, and in some cases have been encouraged to charge a management fee under contracts. The review here begins with a description of some of the features of each instrument.

### **a) Contracts**

Contracts are usually explicit concerning the services or commodities to be acquired. They spell out expectations in detailed terms and permit relatively little room to alter provisions once the contract is signed.

For contracts with A.I.D. the contractor is doing the Agency's bidding to execute a project or otherwise provide services designed and defined by A.I.D. with close control and management of the contract by A.I.D. As noted below, contract variants have been developed to make the instrument more responsive and better targeted, but that does not reduce the controlling nature of the instrument.

Under Congressional mandate certain contracts and portions of contractual arrangements are "set aside" for designated categories of agencies for reasons of social equity, i.e., small business firms and small economically and socially disadvantaged firms. These are outlined in Annex 8.

#### **(i) Core and requirement contracts**

One of the main types of contracts developed for increased flexibility, and especially adapted and refined by A.I.D. to include the possibility of Missions' funding involvement, is the combination of a core contract and a requirements contract. The core contract may provide a lot of services or relatively few, while the requirements contract is 'a promise for a promise' between A.I.D. and the contractor. In this arrangement, A.I.D. promises to use the contractor in defined areas of expertise, and the contractor promises to meet the Agency's needs in these areas.

Advantages of Missions' use of the requirements contract mechanism to fund their country-level technical assistance needs are: A) it is relatively quick and easy for them compared to other procurement options; B) it provides A.I.D. some assurance that Missions really want the services, i.e., they are willing to put their budgets into them; C) it does not draw down on funds in the core contract, especially when Missions' requests are sizeable.

An advantage of a larger core contract with funds from which Missions can request technical services without having to pay separately, is that these core-funded services can be approved and undertaken without the involvement of the A.I.D. Contracts office for individual agreements under \$25,000. Keeping Contracts out of the decision-negotiation-implementation loop saves at least a few weeks time

in responding to requests, and potentially months if the request comes in the final quarter of the fiscal year when Contracts is more bogged down than usual.

The ARD/MSI Services Contract for D/G support, under which this study was funded, is a ready example of the core and requirements contracts combination. In this case the core contract provides technical and logistical assistance to Africa Bureau for development of Africa D/G policies, while the companion requirements contract has provisions for country-level assistance with assessments, project design and evaluations. As with other such core and requirements contracts, the arrangement allows A.I.D. access to targeted technical assistance that is: A) readily available, i.e., the contractor is geared up to rapidly field personnel with specific capacities; B) easily procured, as the existing contracts avoid time consuming procedures of competition and negotiation for each new activity.

(ii) Indefinite Quantity Contracts (IQCs)

IQCs are agreements which pre-qualify selected contractors to perform specified services in a given area of expertise. This type of contract allows Missions to avoid a lot of the normal competitive process in acquiring services, by going straight to one or more of the IQC contractors to get bid(s) on a specific task. All the funding under an IQC is through Missions adding resources for tasks they define -- within the scope of the IQC, that is.

While there are currently no IQCs targeted at D/G by name, a number of existing categories overlap with some of the skill areas needed for D/G (see Annex 8). For example, the Management Consulting Services IQCs are designed so that:

"... a variety of consulting services can be made available on short notice to address requirements for such types of services as: ... program/project planning, implementation and evaluation ..." (USAID Office of Procurement Handbook)

One IQC directly involved with certain D/G issues is the Legal Reform/Administration of Justice IQC with Checchi and Company Consulting as prime contractor and Howard University School of Law as subcontractor. This IQC can provide technical assistance to Missions and to African institutions that Missions designate in such fields as constitutional law, structure of judicial systems, development of bar associations, and court administration.

The advantage of IQCs is that once they are set up, i.e., after a formal competitive bidding process, they provide a relatively uncomplicated mechanism for obtaining certain categories of assistance in selected sectors. Typical IQC uses are for project designs and evaluations, or for well defined competencies within a sector.

The limitation for using existing IQCs to meet needs that are particular to D/G is that these IQC contractors probably will not have consultants readily available with specific D/G skills. As the Checchi/Howard IQC indicates, D/G is just as complex and sector-specific in its issues and specialized skills requirements as any other major area of development activity.

(iii) When assistance becomes acquisition

The border area between acquisition (contracts) and assistance (cooperative agreements and grants) is sometimes unclear. What starts out in the design phase of a project as assistance may end up as a

contract if the nature of the relationship is redefined or the field of possible recipients changes. For example, the management of the support unit for the Somalia PVO Development Partners Project was originally envisioned as a cooperative agreement but became a contract when it is decided that the competition for implementation should be open to for-profits as well as non-profits to ensure the most technically competent implementor is available.

Another case is when an intended cooperative agreement relationship slips into the fuzzy areas where assistance ends and acquisition begins, i.e., when the scope of work is overly specific and A.I.D.'s control is defined in terms that more closely resemble a contract. In such situations A.I.D. Contracts personnel may declare the relationship to be one of acquisition and insist on a contract. More than once an anticipated Request for Applications (RFA), which is used for cooperative agreement competition, has come out of A.I.D. Contracts office as a Request for Proposals (RFP) for a contract. The Senegal PVO/NGO Support Project is a recent example of a cooperative agreement that became a contract when the design went to Contracts.

#### **(a) Cooperative Agreement**

While contracts have been used by the federal government since the beginning of the republic, and grants for well over a century, cooperative agreements are a development of recent decades. As such, they are somewhat less encumbered and enriched by the laws, regulations and practices that have grown up around contracts and grants.

Cooperative agreements don't have 'set asides' in the way that contracts do. However, terms of a Request for Applications in competitive situations may stipulate that a percentage of subcontract work be negotiated with minority and women owned small businesses.

The distinguishing mark of a cooperative agreement, in contrast to a grant, is the 'substantial involvement' of A.I.D. in the project. If an award recipient can expect to manage the project without A.I.D. participation and intervention, then there is no substantial involvement and a grant is appropriate. When the terms of the assistance indicate the recipient can expect such involvement, the proper instrument is the cooperative agreement.

The nature and extent of substantial involvement on the part of the federal agency awarding a cooperative agreement is negotiated on a case by case basis. It is meant to help spell out the partnership between recipient and A.I.D. Typical areas of specified involvement include, but are certainly not limited to this illustrative list:

- \* approval of key project personnel
- \* concurrence on international travel plans
- \* review and approval of the selection of subgrants or subcontracts
- \* limiting recipient discretion with respect to the scope of services offered
- \* submission and approval of annual workplans and budgets with performance indicators
- \* prescriptive involvement in project structure and management
- \* monitoring or operational involvement over and above the normal exercise of A.I.D. oversight responsibilities.

In principle these negotiated levels of involvement serve to clarify expectations and facilitate the smooth functioning of the relationship. For example, agreement on annual workplans should allow mutual

understanding of activities and deliverables on an agreed schedule, and permit the recipient agency to carry out its project management without undue additional involvement by A.I.D.

In some cases the substantial involvement clause becomes an excuse for intrusion into the daily affairs of project management by A.I.D. personnel on a level more appropriate for a contract. The resulting tensions can have a deleterious impact on project performance.

The issue of appropriate levels of A.I.D. involvement is an issue in grants as well as cooperative agreements. Returning to the November 1993 report of the Joint Task Force which was made up of personnel from both A.I.D. Washington and US PVOs:

"The distinction between the roles and function of the three types of procurement mechanisms - grants, cooperative agreements, and contracts -- has become increasingly blurred. As a consequence USAID staff have, in some circumstances, become as directly involved in implementation of a grant arrangement as they are in the management of a contract. Cooperative agreements, while useful, have been implemented in a manner that promotes conflict. These devices establish a gray area that allows 'substantial involvement' of the Agency in implementation. This has encouraged micro-management."

Within A.I.D. the cooperative agreement has come into general use since the early 1980s. It seemed a useful new mechanism to give the Agency adequate involvement in project activities while boosting A.I.D.'s support to PVOs and NGOs as mandated by Congress.

Attention is first directed to a major category of cooperative agreements, the PVO/NGO umbrella projects, and then to two cooperative agreements in the D/G sector in Africa, one at the national level and the other at the regional level.

(i) PVO/NGO Umbrella projects under cooperative agreements

An increasingly common use of cooperative agreements -- and one that has direct relevance for some types of D/G activities -- is PVO/NGO umbrella projects, also known as PVO/NGO support projects or PVO co-financing projects. In umbrella projects a lead agency makes subgrants to PVOs and/or NGOs, and may also provide technical assistance, training, coordination, or other services, as an integrated package.

With few exceptions the mechanism of choice for these umbrella projects has been cooperative agreements, which offer the promise of consolidating A.I.D.'s management burden and decreasing its operating expense for multiple PVO/NGO relationships, while simultaneously increasing funding to PVO/NGOs. A small group of US PVOs have specialized in the management of these umbrella projects, combining skills in institution strengthening with those of grants management.

What makes umbrella projects under cooperative agreements particularly relevant to D/G efforts is their ability to make funding available to formal and non-formal agencies and community organizations that Missions would otherwise have considerable difficulty assisting directly. Whereas a national NGO would have to go through a registration process with USAID in order to receive USG funds directly -- a process many of these agencies would fail for lack of sophistication in their financial and managerial systems, and which some find unacceptably intrusive on the part of a foreign government -- that same national NGO could receive funding under an A.I.D.-funded umbrella project that is managed by a US PVO or other non-profit agency.

Another quality relevant to meeting D/G needs that PVO/NGO umbrella projects have is the institutional enhancement of the organizations they fund. The painstaking technical assistance and encouragement required to help such national institutions become strong enough to take their rightful place in expanding African civil societies are provided by the intermediary agency.

One more attribute of some PVO/NGO umbrella projects, and the cooperative agreements under which they operate, is their capacity to foster collaboration among agencies working in similar circumstances. Performance of PVOs, NGOs and many other development agencies, especially the smaller, newer ones, is enhanced when they function in a mutually supportive manner: comparing experiences, sharing data, pooling services and facing common obstacles with a united front. Emerging institutions in African civil societies could benefit from the kind of solidarity PVO/NGO umbrella projects have helped their constituencies develop.

One rather specialized umbrella-type project that has facilitated a lot of intra- and inter-country collaboration is the centrally funded PVO/NGO Natural Resource Management Support Project (NRMS). In addition to establishing highly collaborative, user-designed NRMS programs in four African countries, what makes PVO/NGO NRMS an interesting precedent for D/G activities is that this cooperative agreement is with one US PVO that leads a three-agency 'consortium': World Learning leading, plus CARE and World Wildlife. However, the role of the consortium members is to provide guidance to the project, not to divide up project resources, which are largely destined for in-country activities selected by self-constituted national NRMS committees.

(ii) The Democracy Initiatives and Governance Project in Rwanda

The USAID Mission in Rwanda employs a cooperative agreement for the management of this fairly complex project in D/G. It provides an interesting example of how a cooperative agreement recipient can use subcontracts to get the technical assistance it needs from other agencies.

In this case the US PVO World Learning Inc. (WLI) was awarded the cooperative agreement to manage the project. WLI subcontracted with a for-profit firm, ARD, for technical expertise in three of the four major project areas, i.e., national assembly, local government and the press center. WLI also subcontracted with a non-profit agency, Americas Development Foundation, for assistance with the other major project area, which is development of an NGO umbrella agency for human rights groups.

Subgrants planned under this project will be made with WLI since it is the cooperative agreement recipient. For certain resources destined for governmental agencies WLI has signed Memoranda of Understanding and will do the procurement directly.

(iii) IFES Cooperative Agreement

In the area of D/G, an excellent example of how a cooperative agreement can work on the regional level is the Africa Electoral Assistance cooperative agreement with the non-profit foundation, the International Foundation for Electoral Systems (IFES). In 1991 A.I.D. Bureaus were invited to add funds to a cooperative agreement IFES signed with A.I.D./R&D; the Africa Bureau did this, adding \$1,000,000 for short term election assistance.

Requests or proposals for IFES's assistance from USAID Missions and US Embassies in Africa are reviewed by a joint State/A.I.D. committee. This committee has moved expeditiously to allot funding,

often making decisions on a weekly basis. In one case, a proposal and budget were approved in a few days and election-related commodities (fax machines and sound equipment) were on their way by air freight within 72 hours. Still, IFES enjoys no special procurement waivers.

The capacity to add funds to the original IFES cooperative agreement has also been used by Missions to obtain IFES's specialized services. About 20 such additions -- each executed by an amendment -- have been made world-wide, especially for larger scale efforts that would have quickly depleted the core cooperative agreement funding. Typically these amendments have been negotiated and signed in a month or less.

About 75% of the core funding has been used for one type of activity: pre-election assessments; the other 25% has focused mainly on follow up activities to earlier assessments. While commodity procurement has been done on both the international level and local level (such as printing costs), no grants have been made under IFES's work in Africa. Although grant making is possible, the nature of the work, i.e., electoral processes, has not called for grants.

Field research for this study revealed that Missions have a positive general impression about IFES's work in Africa (see annex \_\_\_\_). The IFES staff members credit their responsiveness to Missions' needs to: A) punctual decisions by the committee overseeing their Africa work; B) the relatively large, i.e., \$1,000,000, core funding for Africa which avoids the need for Contracts office involvement in many cases; and C) the people within the system who are willing and able, in some cases, to make things move swiftly.

#### **b) Grants**

Under a grant, A.I.D. makes an award without expectation of participation in the management of activities which are proposed by a PVO or other non-profit to further its programs. After a period of review, estimated to take 60-90 days, if the grant proposal is approved an agreement is negotiated that is much simpler than customary contract documents. In most cases, the management functions of A.I.D. are to review periodic progress and financial reports, possibly participate in one or more evaluations, and receive audit reports. Grants are usually not labor intensive for A.I.D.; on the other hand, A.I.D.'s ability to direct the detailed course of the project is correspondingly limited.

One salient characteristic of grants, which is often extended to cooperative agreements, is their cost sharing aspect. A.I.D. policy calls for PVOs to pay 25% (calculated in cash and/or in kind) of the cost of a typical Mission-funded operational program grant or OPG, while the centrally funded Matching Grant program managed by FHA/PVC requires a 50-50 cash contribution of non-USG funds. The goals and principles of cost sharing are widely accepted and include: preserving or enhancing PVOs' independence, privateness and influence on the activities, and leveraging of new resources. However, PVO leaders and some A.I.D. staff argue that rigid, centrally determined cost sharing requirements may be inappropriate and may impact negatively on project design and implementation.

Many question whether cooperative agreements and even some grant activities that are the initiative of A.I.D. should be subject to matching requirements. This issue is potentially relevant to D/G activities, where the best qualified PVOs or other non-profits might not be able or willing to meet strict cost sharing demands. A.I.D. can and does waive matching requirements on a case by case basis.

The advent of the cooperative agreements, coinciding with the rise of PVOs and other non-profits in terms of their share of A.I.D. funding, has reduced the use of grants, though no overall figures are available. It seems likely that in many areas of D/G, A.I.D.'s legitimate stewardship responsibilities and desire for substantial involvement will make cooperative agreements the instrument of choice in assistance. This is especially true for centrally funded projects that are meant to support Missions. It should be noted, however, that in some cases Missions themselves are using grants for in-country D/G activities, thus avoiding the management burden of cooperative agreements.

### 3. Advantages and disadvantages of the instruments

#### a) **Advantages and disadvantages of contracts**

One advantage that contracts have over assistance instruments is that they draw from the largest possible field of provider agencies, in principle at least. Two factors limit this apparent advantage. One is that a number of contracts are set aside for certain categories of firms, which eliminates the majority of potential competitors. A second limitation is that many non-profits routinely decline to participate in the intensely competitive arena of contracting for a variety of reasons. Simply put, contracts attract firms and agencies that are interested in being contractors, and miss a lot of others.

Another advantage of contracts is that they are widely accepted and thoroughly understood by a coterie of highly competitive for-profit contractors, by a small number of non-profits that accept funds through contracts, and by their counterpart personnel within A.I.D. who manage contracts. In some cases contracts can be streamlined in their efficiency to deliver commodities, technical assistance, and other services -- streamlined within the context of A.I.D. procurement. This is an important quality for D/G work.

To their detriment, contracts are often not terribly flexible instruments. Terms of the original contract are changed or amended later only with considerable difficulty. This appears not so much an inherent limitation of the instrument as an indication of the work load and mindset of those charged with negotiating and reviewing them. Whatever the cause, contracts are not easily altered once implementation begins.

Another disadvantage of contracts for meeting the needs of Missions in D/G is their questionable utility in making grants or subgrants. Small, well targeted funding is certainly a potent mechanism for Missions' assistance to civil society. While it has been determined that contractors may make subgrants in certain cases, it has proved to be problematic in practice. Contractors -- most of whom have little experience working with, let alone funding, local agencies -- express concern about potential liability for actions of subgrantees they might be obliged to fund. Contradictory opinions about the serviceability of this practice, if not its actual legality, have been voiced by specialists in both program and procurement offices. Given the uncertain status and dearth of successful precedents for contract-based grant making, it would seem unwise to saddle D/G support projects -- which require speed and which are likely to be experimental in their own right -- with the burden of pioneering this frontier of A.I.D. procurement.

The level of control that contracts afford to A.I.D. can be an advantage to the Agency in getting (or at least specifying) exactly what it wants, on its own terms. However, the exercise of this control carries a cost as well in terms of the management burden of supervision, which is more demanding for A.I.D. than either a cooperative agreement or a grant.

A lot of A.I.D. personnel spend most of their working lives supervising contractors in their execution of contracts, including myriads of routine tasks required for assuring compliance with terms of contracts, with A.I.D. regulations, and with the Competition in Contracting Act, an Act which is not applicable to assistance instruments. It is worth contemplating whether this is the highest use of career A.I.D. personnel, some of whom have decades of experience in areas relevant to civil society and sustainable development.

**b) Advantages and disadvantages common to assistance instruments: cooperative agreements and grants**

Some attributes are generic to assistance instruments, and so apply to grants and cooperative agreements alike. For example, both appear to require inputs of non-USG funding by recipients through cost sharing (although this is frequently waived or loosely interpreted, especially for cooperative agreements that A.I.D. instigates). Cost sharing is a double edged sword. On the forehand cut it leverages new resources and involves the recipient in a more active way than 100% A.I.D. funding would; the backhand slice is that rigidly interpreted cost-sharing requirements can eliminate those agencies unwilling or unable to raise large amounts of non-USG funding for sizeable projects. One result has been multi-million dollar RFAs which generate only one or two proposals because of the need to contribute non-USG resources.

One oft cited advantage of assistance is that these instruments can afford A.I.D. some distance from the actual activities, the same as other donors enjoy when making grant funding available to PVOs, NGOs, foundations and other non-profits. Grants, and in some cases cooperative agreements, allow recipients to pursue their own programs without A.I.D.'s name directly attached, especially if considerable non-USG funds are also involved.

Working with assistance instruments, as opposed to acquisition, for D/G projects can have an important impact on enlarging the cohort of non-profit participants involved in D/G efforts, particularly among those that may not bid on RFPs for contracts, such as certain colleges and universities and professional associations. This would simultaneously increase the pool of participating agencies available for expanding D/G programming, and reduce the quasi-monopoly of the dozen agencies that have taken the lion's share of A.I.D.'s D/G activities in Africa in the last five or six years. Enlarging the field of participants for A.I.D.'s newest 'pillar' is a practical necessity.

A corollary to the enlargement of the D/G pool of agencies is the potential of assistance funding to enhance the D/G capacities and interests of non-profit agencies that are active in most African countries, designing and implementing their own diverse programs in various sectors. Improved performance in applying principles of democracy and good governance to the rest of their work could have a profound impact on PVOs, NGOs and other development partners of A.I.D. In some ways, it may reinforce their natural inclinations, such as their focus on strengthening local institutions. It may also serve to deepen and broaden their analysis and methodology, for example, encouraging them to examine the representativeness of local groups in terms of participation and benefit for women, youth, ethnic minorities and other elements of society that may be marginalized, or to explore more collaborative and transparent relationships with national partner agencies.

A prime advantage of both cooperative agreements and grants is that they can be the basis of subgrant funding programs to a variety of African national and regional institutions with much less difficulty than contracts. To date, none of A.I.D.'s PVO/NGO umbrella projects in Africa have been implemented

through a grant, the preferred instrument being cooperative agreements. The single umbrella project under which the intermediary agency is contracted to be directly responsible for subgrants has made an extremely slow start.

Assistance instruments can be managed by A.I.D. with much less supervision than contracts, a savings in A.I.D. staff time and effort. The ever increasing squeeze on OE budgets, and the planned closure of a number of Missions in African countries where A.I.D. may want to continue or initiate D/G programming would seem to favor use of these instruments.

Militating against these advantages of grants and cooperative agreements is the fact that some A.I.D. personnel seem uninformed or unappreciative of the distinctions among the instruments. Reaching for levels of control required of contracts in oversight of assistance instruments forfeits some of the potential benefits of these instruments. As this tendency appears to be wide-spread in the Agency, it is rendering assistance instruments less effective.

Another downside of assistance is its virtual exclusion of for-profit firms most of which would not accept a cooperative agreement even when allowed since profit can be made on federal assistance. Thus the field of participants is narrower, or at least different, for assistance instruments. It is noted, however, that valued technical assistance from for-profit firms can be obtained through subcontracts under a cooperative agreement, as illustrated by the Rwanda D/G project cited above.

#### **c) Advantages and disadvantages of cooperative agreements**

Cooperative agreements seem to be neither inherently slower or faster to implement than contracts. They can be amended to add new funding and new activities with relative ease, when such potential is written into the initial agreement. In terms of speed, amending a cooperative agreement is probably on a par with writing delivery orders under a requirements contracts, an operation that similarly serves to expand that instrument's reach.

Cooperative agreements hold a lot of potential to help build capacity for newly emerging participants in D/G. Among these are African regional organizations that could offer leadership in many aspects of civil society, such as freedom of the press, journalistic standards, or women's legal rights, to cite just a few areas.

The cooperative agreement is a proven instrument for subgrant funding to national institutions. PVO/NGO umbrella projects in Africa illustrate its potential to reach well into civil society with direct funding and other assistance in an integrated package of services. Subgrant funding can target host country institutions, US organizations, third country or Africa regional agencies, or any combination. It can be as small as mini-grants for discrete activities, like those listed earlier as potential Mission-level D/G investments, or as large and complex as multi-million dollar, multi-year, multi-country programs.

Cooperative agreements can foster cooperation among institutions. Whereas the rules of competitive contracting discourage or even prohibit information sharing (when it might lead to illegal collusion), cooperative agreements such as those used for PVO/NGO umbrella projects can enhance inter-agency collaboration within the development community to the benefit of all parties.

To date PVO/NGO umbrella projects in Africa have been Mission-funded projects, not centrally created facilities to meet needs in a number of countries (with the notable exception of the PVO/NGO NRMS

Project, which is in its own category.) The part of the IFES cooperative agreement that supports African Electoral Assistance takes the cooperative agreement to that regional level. It demonstrates the considerable flexibility of this instrument to serve Mission-determined D/G needs in a responsive and rapid manner, from technical assistance teams to commodity procurement.

As the AREAF experience illustrates, a cooperative agreement can be designed and executed that sometimes fails to give Missions the responsive services they want from a centrally funded mechanism in the D/G field. AREAF is designed in such a way that the consortium members are not obliged to focus primarily on meeting the Mission's needs in a given country. Rather than blame the instrument itself for this alleged shortcoming, the AREAF example serves as a reminder that a cooperative agreement must be fashioned with care in order to optimize beneficial aspects of this instrument without inadvertently incorporating others.

Underlying the positive attributes of the cooperative agreement, which has shown itself to be most malleable, is its essential nature as an instrument of assistance, not acquisition. However the substantial involvement clause is written and interpreted, and there is general agreement that it is often misused to exert inappropriate control, the relationship is one of collaboration.

Collaboration should be a strong point of this instrument. The recipient cannot just go off and do its own thing without involving A.I.D., as some might do under a grant. And A.I.D. cannot simply dictate its desires without fear of contradiction, as it often does in a contract relationship. The cooperative agreement is a partnership that can draw on the knowledge and experience of both sides. Mission personnel cannot be omniscient in all aspects of D/G theory and programming; likewise, an implementing agency will not appreciate all the political and institutional ramifications of every D/G activity. Under a cooperative agreement they should be able to negotiate a course of action that calls on their complementary strengths.

#### **d) Advantages and disadvantages of grants**

Grants represent the least management burden for A.I.D., with potentially the most distance from the Agency. For projects that are innovative, experimental, risk-taking or for other reasons need lots of room to change course and adapt, grants offer the best option.

Not surprisingly, grants are the preferred instrument among non-profit agencies. They appreciate the freedom of action in grants, compared to the often tedious negotiations under other instruments on relatively unimportant aspects of their activities. These agencies lament the audit-phobia that seems to be driving A.I.D. project managers to tighter controls of project resources under all instruments, but particularly cooperative agreements. Grants reportedly permit recipients to concentrate on results rather than inputs.

The reverse side of the control coin is that it is often more difficult for A.I.D. to cooperate effectively in project activities funded under grants. For many grant recipients A.I.D. funding is only part of their program resources. They may feel that since A.I.D. is just one of several donors that have opted to contribute to activities designed by the recipient, A.I.D. has no proprietary rights to direct the project. Missions may be less able to pinpoint services or stipulate specific tasks during the course of grant implementation. For this and other reasons grants are not that popular with Missions for many kinds of projects.

## e) Conclusions

Each instrument has its selling points and drawbacks for the kinds of services deemed necessary to support Missions' diverse needs in their timely involvement in civil society transformations. In brief:

- \* Contracts function very well for certain kinds of well defined tasks, such as fielding technical assistance teams for assessments and evaluations; and they allow A.I.D. maximum control of a project.
- \* Cooperative agreements can do what contracts do, but cut out many players with experience in contracting; however, they also offer a proven way of combining forms of technical assistance, training, grants and grants management for reaching diverse elements of civil society.
- \* Grants seem underutilized as A.I.D. seeks more active involvement in activities it funds; still, as the Agency is stretched beyond limits by its own bureaucratic requirements and reduced work force, a reconsideration of grants may be in order.

The final thought on these instruments and their effectiveness is the primordial significance of the people involved. A two-year study of PVO/NGO umbrella projects concluded that this is a key ingredient in project success, one that is beyond the legalities of the instrument and the mechanics of the design:

"Another set of lessons for all projects that emerges for the umbrella projects studies concerns that central importance of people and personalities -- both positive and negative. On the plus side, dynamic, intelligent and dedicated people can make even a mediocre project design work very well, and can overcome many deficiencies and difficulties in project situations. Conversely, small-mindedness, enlarged egos, turf-protecting mentality and bureaucratic mindsets can thwart a good project design and poison a promising situation. In the face of rigid regulations and procedures, or in situations of conflict among project partners, some people work creatively to find solutions, cut red tape and reach compromise. Such people are unsung heroes of A.I.D. and its partners in development." ("Designs for Collaboration: A Study of PVO/NGO Umbrella Projects in Africa")

## E. Options for Institutional Arrangements

### 1. Some Common Institutional Arrangements

This section contains brief sketches of some common forms of institutional arrangements currently used to provide technical assistance under the instruments discussed above. It is not an exhaustive list of every possible permutation, but rather a quick look at a few models that might be relevant in contemplating resources for Missions working on civil society issues.

- \* Contract with a prime contractor and no subcontractors. This seems to work fine for large firms, within a well defined concentration or sector for which there is considerable consultant expertise. One example among many is the Labot-Anderson Private Sector Development Contract with AFR/ONI/PS to provide technical assistance to Missions in private enterprise development. It is unclear how many contractors at this point have broad skills in D/G, although the opportunity to bid on contracts has certainly served as the catalyst for amassing new expertise in other cases.

\* Contract with a prime and one or more subcontractors is another standard formula that works well, even for smaller firms. Subcontracts allow new contractors to gain experience and build their reputations. This model can produce friction among the contractor and subcontractors over sharing the project's business, especially if a requirements contract provides for new funding resources.

\* IQCs with a small groups of pre-selected contractors that are available in selected fields: might there be an IQC for D/G in the future? There would be some advantages to this in terms of identified sources for Missions for certain well-defined services, if A.I.D. is confident of just what those services should be. There is, however, considerable potential for overlap and confusion with other D/G initiatives providing apparently similar services to those that a new group of IQC contractors might offer. Also, IQCs may not be as rapid as other options, since they still goes through limited competition and Contracts for each use.

\* Cooperative agreement with one agency in charge, i.e., without subcontracts or subagreements. This is like the IFES cooperative agreement for Africa Electoral Assistance, or some PVO/NGO umbrella projects. Even the PVO/NGO NRMS project is of this model, since that project's so-called 'consortium' is really part of the project's support system, and not a group of agencies held together by the expectation of splitting up a package of funding. This institutional arrangement can work very nicely if the recipient is mature and supports the project well. It is not necessarily the best option for a relatively new or inexperienced agency, however.

\* Cooperative agreement with one agency recipient and one or more subcontracts or subagreements. Some PVO/NGO umbrella or support projects have this institutional arrangement. At times it is used to meet a requirement for subcontracting with minority or women owned firms, and at times to secure complementary skills. Examples of the latter include the Rwanda D/G project cited above, and the Namibia LIFE project under which the cooperative agreement recipient, World Wildlife Fund, has a subagreement with World Learning to advise the grant making part of the project. This institutional arrangement could be especially useful if it included one or more African regional organizations as sub-recipients or in a management-advisory 'consortium' like the PVO/NGO NRMS Project has set up.

\* Cooperative agreement to a consortium of agencies with the intention that they will all share the work and funding. AREAF is an example of a consortium of three agencies that came together for that project. Various pre-existing consortia of U.S. colleges and universities manage cooperative agreements, for example the MUCIA consortia that has the cooperative agreement of research, technical assistance and other activities in the Environmental Policy and Training project (EPAT). This seems to offer the advantage of ready access to skills of several agencies, but questions arise around these consortia-based institutional arrangements. Do the members actually have complementary skills or are they essentially similar, having grouped together mainly to bolster their chances of being awarded the cooperative agreement? Does competition for project resources inhibit collaboration among consortium members, or with other potential service providers?

\* Cooperative Agreements under University Development Linkages Program (UDLP) provide funding which connects U.S. colleges and universities to counterpart institutions in developing countries (see Annex 8). A few of the 40 current cooperative agreements worldwide involve D/G work in Africa. One of these is the agreement between University of Florida and Makerere University in Uganda that is meant to analyze human rights education and improve teaching techniques. The UDLP could be a vehicle for certain kinds of civil society enhancement programs, from legal reform to monitoring of democratization efforts to curriculum development for citizen education. As a university-based program

UDLP has certain limitations; however, it could be used much more than it currently is in A.I.D.'s D/G portfolio.

\* Grants to individual agencies to carry out discrete activities are a time-honored method for helping PVOs and NGOs develop new approaches and promote them in rural development projects. Even with the current popularity of cooperative agreements a lot of grants are made, as they require relatively little on-going management by Mission staff. The new D/G funding agreement with a US PVO in Mozambique, for example, is in the form of a grant. When a Mission has confidence that requesting agencies will not require its close supervision, grants offer a lot of flexibility and room for innovation.

\* Grants to US PVOs under the centrally funded Matching Grants program support clearly defined, field-oriented programs that are carried out in a number of countries. With a project life of 3-5 years for each grant, the Matching Grant program encourages A.I.D. Washington office and Missions to add resources to the grant for country-specific activities that are consistent with the scope of the grant. Democratic institution building is already among the sectors of activity that this program supports, and there is certainly room for more PVOs with multi-country D/G program concepts to tap into this A.I.D. resource, in collaboration with the relevant Missions. One limiting factor is the 50% cost sharing provision of this program.

## 2. Options for accelerated access facilities in support of Missions' D/G activities

To review briefly, the key characteristics for a new facility to provide accelerated access to resources for Missions' needs in the area of civil society are: A) a variety of possible services available in whatever combination may be required, including technical assistance, training, commodity procurement, funding to local, national and regional institutions, and management of that funding; B) the determination of activities through direct consultation with the Missions, or with regional offices for countries without Missions; C) these services provided on a timely basis, i.e., within weeks rather than months of request, and from one central source.

It should be obvious that not all of the possible D/G activities that a Mission might want to support can be accomplished through a single project. The previous section of this paper indicates some of the possible approaches that might be useful in a Mission's integrated approach to D/G. This final section looks only at options for a centrally-funded facility that can provide a number of Missions with a constellation of services in the area of civil society transformation.

The need for such a facility might not be self-evident to those operating at a certain distance from field realities. Closer inspection reveals a great deal of concern among Mission personnel over how they are to absorb this new 'pillar' of D/G into their portfolios, and a growing concern within the Africa Bureau over how opportunities can be seized in countries without Missions where the Agency may want to offer assistance with civil society issues.

The continuation and expansion of AREAF or other mechanisms that are intended to deal with issues specific to electoral processes will not meet many needs in civil society programming. These are substantially different fields of endeavor, requiring different kinds of expertise, and so cannot be simply cobbled together for expediency sake. The reluctance of AREAF consortium members to conceive of their mission as primarily Mission driven, and that project's lack of experience in commodity procurement and local grants making, further diminish AREAF's ability to meet the need for responsive, multi-faceted services in support of civil society. A new facility is required.

For most centrally funded technical assistance projects, the design calls for a contract, perhaps with one or more subcontracts. Undoubtedly this approach would produce a number of workable proposals that could meet most of the desired service requirements. However, because it is a contract, it would not offer easily accessible grant making and grant management capacities for Missions. This key piece would have to be picked up through a separate funding mechanism, or perhaps through a subagreement with a non-profit agency. In either case, the grant making and managing would not be consolidated directly with the rest of the services provided. This would add another layer of time-consuming decision making to the process -- thus retarding the response time and reducing the integrated nature of the program. In other words, using a contract would mean sacrificing some desired characteristics of this new facility.

A cooperative agreement with one major non-profit agency appears to be the best option for an accelerated access facility that can serve the various needs of Missions and regional offices for support in the civil society area. This cooperative agreement could provide the full range of services noted just above, including those not easily obtained through a contract. It could be designed and written so that service provision is triggered by Missions, and by regional offices on behalf of countries without Missions, as is the case in the IFES cooperative agreement.

The option of signing a cooperative agreement with a consortium of agencies does not appear to offer significant advantages over a single recipient, and may entail some disadvantages. A number of consortia arrangements have shown the potential for internal competition and tension among members, which can work to the detriment of the project. Through a series of Memoranda of Understanding, a single lead agency managing a cooperative agreement can have access to the services of many agencies or individuals on an as-needed basis, without concern for which ones are receiving more or less than their pre-determined share of activities.

The cooperative agreement for this new facility could, however, encourage a collaborative approach based on the mutual support and advice of several other knowledgeable agencies. As the PVO/NGO NRMS model suggests, given the right incentives, A.I.D. can encourage agencies working on similar problems to contribute their counsel for the common good. In the rapidly evolving field of D/G, and civil society transformation in particular, a combination peer advisory board and ideas diffusion network could enhance the new facility's effectiveness.

This cooperative agreement should be endowed with several provisions to ensure its effectiveness. The core funding should be large enough to allow the project to respond to Missions' initial requests without the necessity of adding new funds through amendments. On the other hand, it should have ample provision for the absorption of additional funding when Missions or regional offices require follow-on services. For example, initial assessments may best be done with core funding to permit a rapid response to Missions' requests. If these assessments lead to requests for additional services above a certain cost threshold, then amendments may be used to add Mission resources.

More design work is need to refine this rough concept for a new facility, and to carry it through the normal stages of project identification and design. Undoubtedly the concept will go through a number of revisions and improvements before the major stakeholders agree on its overall shape and function. If the designers keep in mind the complex nature of the tasks at hand, i.e., supporting the transformation of civil societies in diverse countries, and create a project responsive to the requirements of these situations, then it could become a useful tool for A.I.D. and could make a valuable contribution to improving democratic governance in Africa.