

Consolidating Democracy:
Lessons We Are Learning from the Results of USAID
Democratic Governance Programs in Africa

Final Report

by Lisa Peterson



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USAID's democratization programs have been a continuing learning process. Similarly, decision making has been marked by flexibility and refinement. How we make choices has been based on changing circumstances and knowledge accumulated over time.

THE CONFERENCE

The "Consolidating Democracy" Workshop, funded by the U.S. Agency for International Development (USAID), took place on April 23-25, 1996, in Johannesburg, South Africa. The workshop brought together African politicians, non-governmental organization (NGO) practitioners, academics, and journalists; Washington and field-based USAID personnel; other U.S. agency and donor representatives; and U.S. and field-based representatives of U.S. NGOs, PVOs, foundations, and academic institutions. The Conference was not structured to produce conclusions or consensus on the broad validity of observations, but rather to:

- Take stock of the results that USAID has achieved (and is achieving) in democracy and governance (D/G) programming throughout sub-Saharan Africa (hereafter "Africa").
- Examine the lessons learned about environmental context, program planning and implementation.
- Consider the implications of these lessons for future programming in the D/G sector.

The wave of political change that swept through Africa in the early 1990s and the United States government's efforts to facilitate that change provided the backdrop for the conference. By 1995, almost two-thirds of African countries were regarded as being in some stage of democratic transition. In response, over 20 of USAID's African missions developed programs focusing on some aspect of democracy and governance.

Charles Costello, Director for USAID's Democracy Center and Gary Bombardier, Deputy Assistant Administrator for USAID's Africa Bureau opened the Conference. During the course of the Conference, there was a key note address by Dullah Omar, South Africa's Minister of Justice, and ten panels that discussed issues ranging from development of countervailing powers and premature closure of programs to the importance of supporting a free press, elections and political parties.

INTRODUCTION

There is an increasing awareness and appreciation within USAID that donor development programs will inevitably fail in countries whose governments are not held accountable to their citizens. Years of experience in fostering such accountability have demonstrated, however, that democratization is a long process, ripe with short term setbacks, but producing long term gains that are crucial to sustainable development. USAID field staff have watched education, health, and agriculture programs swept away as a consequence of sudden, non-democratic changes in the political climate. The perceived link between political liberalization and success of other development work has naturally led to USAID's adoption of D/G as a priority area. Yet, looking back on the progress made toward democratization in Africa in the past decade, we see a mixed bag of revolutionary successes (e.g., South Africa), discouraging backslides (e.g., Liberia), and many cases that fall between these two extremes.

It is useful, therefore, to examine USAID's cumulative experiences in D/G programming in Africa and to determine which types of D/G assistance have been most effective in building and sustaining new democracies. Given that the demand for D/G assistance exceeds the supply available, USAID must focus its limited resources on *results-oriented* activities. This report discusses opportunities for effective D/G programming in the following functional areas: civil society, press, elections, political parties, rule of law, and governance. The report outlines the salient points covered on these sectors through the panel discussions, then concludes with lessons learned and recommendations for future action drawn from the panel sessions, breakout groups, and the final plenary session. The lessons learned represent a broad consensus among the Conference participants and offer a starting point for future discussions of USAID's democracy and governance programs.

There were also small group discussions that were led by: Yolanda Comedy, AAAS Fellow (Group A: Civil Society/Press); Melissa Brown, USAID Center for Democracy and Governance (Group B: Elections and Political Parties); and Thomas Carothers of the Carnegie Endowment for International Peace (Group C: Rule of Law and Governance).

PANEL DISCUSSIONS

PANEL 1: DEMOCRACY AND GOVERNANCE IN AFRICA

With the first phase of democratization nearing completion, attention is shifting to the problem of consolidation. Expectations regarding civil society's contribution are running high. Unfortunately, they are likely to be disappointed. Civil society remains too weak to be

democracy's mainstay. In nearly all cases, the ability of civil society to help deepen democratic governance and put it beyond reversal remains in serious doubt.

Professor Emmanuel Gyimah-Boadi, American University

Panel 1 was moderated by Charles Costello. Panelists were: Professor Emmanuel Gyimah-Boadi of American University's School of International Service and Professor Richard Joseph of Emory University and Massachusetts Institute of Technology, formerly the Director of the Carter Center's Africa Governance Program.

In the area of Democracy and Governance the panelists discussed several challenges as well as opportunities for consolidating democracy in Africa. The broad trends in Africa's democratic development present constraints, areas of opportunity for meaningful political changes and model approaches, both country-specific and broad-based, for assessing opportunities for results-oriented USAID involvement in the D/G area.

Common Constraints to Democratic Change

The "Liberal Autocracy" Phenomenon: Professors Gyimah-Boadi and Joseph expressed reservations on the status of democratization in Africa. Both agreed that in many African countries "democracy is incomplete, and consolidation is in doubt."

For those countries which witnessed their first multiparty elections in the early 1990s, serious constraints to democratic consolidation remain. These constraints include:

- Patrimonial/personal rule exhibited by many new heads of state.
- Persistent secrecy in the highest levels of government.
- Lack of an independent judiciary, legislature, and electoral commission.
- Animosity between government and opposition forces.
- Lack of positive exchange between government and a weak civil society.
- Factionalized opposition.

Professor Joseph warned that while we may have seen significant changes in the outward appearance of African regimes following the multiparty elections of the early 1990s, many of these regimes in fact evolved into "liberalized autocracies" marked by the preservation of underlying state control and dominance.

Democratization vs. Economic Reforms: In addition to the challenges confronting young democracies, the Conference participants discussed the inherent tension between economic reform and political liberalization, and agreed that structural adjustment programs have complicated the democratization process in Africa, at least in the short-run. Economic reforms may be at least partly responsible, for example, for former President Kérékou's return to power in Benin's second multiparty

election. One participant suggested that USAID/donors might use policy dialogue to impress upon a host government the importance of practicing austerity and making visible sacrifices in order to sell economic reforms to its citizens. Economic education programs for civil society leadership may also reduce tensions surrounding difficult but necessary economic reforms.

Opportunities for Achieving D/G Results

While the "liberal autocratic" phenomenon and economic reforms present serious challenges to genuine democratic reforms, there are examples of successful solutions. The panelists discussed several successful models and reminded participants that there are a variety of opportunities to achieve the same end. Pursuing an overarching democratic strategy is an important way to generate the building of a "democratic culture." At the same time, however, there are country-specific issues to consider.

A Broad Approach: USAID should use its resources to strengthen the sustainability of democratic transitions, by ensuring that the first set of positive political changes are sustained until other challenges (social, military, ethnic, etc.) are defused so that they can no longer challenge the formal structure of the government. In this way, USAID can help to build an environment conducive to the achievement of concrete results in the D/G arena. As part of this process, participants stressed the importance of "building a democratic culture" as a precursor to sustained democratic consolidation in African countries. USAID can contribute to this process through the sponsorship of training, workshops, conferences, and/or technical assistance aimed at raising citizens' awareness of basic democratic principles, behaviors, and attitudes.

Simultaneous Country-Specific Approach: To complement the use of an overarching strategic framework in developing its D/G programs in Africa, Professor Joseph suggested the use of a country-specific approach to enhance opportunities for achieving desired results. At the country-level, USAID should:

- Identify particular challenges to democracy (e.g., military opportunism, ethnic mobilization, or uneven allocation of resources);
- Identify particular resources (e.g., potential leaders, traditional institutions) that may assist in the consolidation process;
- Challenge manipulative uses of power; and
- Acknowledge and address the danger of "show" or facade democracies.

PANEL 2: ASSISTING DEMOCRATIC CONSOLIDATION

What we are doing is trying to exercise the "Leninist" option. What was Lenin's problem? Lenin wanted revolution, but Russia was not ready for revolution, [according to Marx's writings]. And he wanted his revolution nonetheless. Just as we do when we say, "Well,

these countries are not democratizing well, but we want democracy nevertheless, and therefore we need to find a shortcut."

Professor Marina Ottaway, Georgetown University

Panel 2, "Assisting Democratic Consolidation," was moderated by Melissa Brown of USAID's Center for Democracy and Governance. Panelists were: Andrew Sisson, USAID/Malawi; Professor Marina Ottaway of Georgetown University; and Professor John Harbeson, formerly USAID's Regional Democracy and Governance Advisor for East and Southern Africa.

Effective democratic consolidation is one of the greatest challenges to democratic transitions. Establishing an overarching strategic framework for promoting democratic consolidation requires, among other things, clear programming priorities, patience, development of an effective coalition, involvement of local partners and coordination with other donors. Professors Harbeson and Ottaway emphasized the broad strategic choices that USAID/donors make in their D/G programming (both positive and negative), while Mr. Sisson illustrated a country-specific approach based on USAID's D/G success in Malawi. Specific suggestions and ideas are discussed below.

Broad D/G Programming Priorities: According to Professor Harbeson, USAID's past involvement in national elections and constitutional development has been particularly effective in Africa. He suggested five priorities for future USAID D/G involvement:

- Decentralization
- Civil society;
- Governance, especially as it relates to the executive branch, "state building," and linkage to USAID's other development sectors;
- Policy dialogue;
- Institutional strengthening, including elections systems and political party systems.

[NOTE: Panels 3, 4, 6 and 7 provide more discussion on USAID's suggested role in programming related to civil society, elections/political parties, governance/decentralization, and policy dialogue.]

"Premature Closure" Issue: Professor Ottaway argued that forcing premature closure of the democratic process has done more harm than good to many African countries. There is a tendency for donors to force a formal transformation (usually through multiparty elections) once they see the first sign of a political opening. Donors have funded elections in countries such as Ethiopia and Angola, for example, where conditions were not yet favorable. The prevailing attitude is that elections in these countries were flawed, but "a step in the right direction." Ottaway argued that

forcing multiparty elections in these countries led to escalations of hostilities, and thereby set them back further on the democratization continuum than they had been prior to donor interventions. In cases where the situation is not ripe for U.S. support for formal transitions (through elections), USAID needs to develop intermediate benchmarks of progress.

Development of Countervailing Powers vs. Support to Small NGOs: According to Professor Ottaway, USAID's current approach toward support of democratic transitions is problematic because it does not address the task head-on. Democratization, by its very nature, is a revolutionary transformation involving very fundamental structural changes. Yet USAID has limited resources and limited time. As a result, the agency attempts to take a "short-cut": It tries to promote democratization by implementing cheaper, "easier," but generally less effective D/G programs, often focused on civic education and the promotion of democratic culture through a large number of small NGOs. USAID should devote its resources to the development of "countervailing powers" which can impose themselves on society, such as those that played an important role in the transition in South Africa. What makes civil society effective, according to one panelist, is not a large number of individual NGOs, but the existence of one large coalition or movement strong enough to open up political space such as, the ANC in South Africa, or perhaps FODEP in Zambia.

One participant asked what USAID should do in countries such as Ethiopia where countervailing powers have been destroyed, and civil society programming is our only window of opportunity. Participants disagreed over whether USAID should remain engaged in this case. Proponents of continued engagement argued that building civil society through the empowerment of local communities is the only chance that USAID has to work toward democratization. Opponents argued that USAID should re-direct its limited resources to countries with minimally acceptable conditions.

Country-Specific Approach to D/G Programming: The Malawi Approach:

Speed and Flexibility are Vital: Several conference participants pointed to USAID's general inability to move quickly as an impediment to effective D/G programming. A representative of USAID/Zambia claimed that USAID lost a great opportunity in Zambia because of the delays involved in developing a D/G project in that country. In Malawi, however, the USAID mission was able to recognize urgent priorities; move quickly, decisively, and comprehensively to respond by "picking the winners;" provide them with relatively limited support; then develop its D/G program incrementally while carefully monitoring progress and responding accordingly. Speed, decisiveness, and flexibility in D/G programming were vital in this case. The mission also lowered its risks by determining levels of commitment on the part of beneficiaries before increasing resource levels. The Malawi D/G program, for

example, began at a level of \$500,000, and has gradually built up to over \$10 million.

Involving Citizens of Host Country in Project Design/Implementation/Evaluation:

The Malawi case also points to the value of USAID's continuous interaction with host-country partners through the project design, implementation, and evaluation phases. USAID did not carry out its own democracy assessment in Malawi, but depended instead on several external sources, including a study on the media conducted by knowledgeable Malawians. Malawians' early involvement and support was critical to the success of the program.

Donor Coordination: Effective donor collaboration is also seen by USAID/Malawi as a key to effective D/G programming. A UNDP-chaired group meets weekly and discusses salient D/G issues in depth and with candor. Small post size and a lack of competing interests (both sectoral and inter-donor) may be keys to successful donor coordination in the Malawi case.

PANEL 3: CIVIL SOCIETY

The other way we as FODEP measure our success is that we feel we are making an impact because of the government's resistance. The government feels that we are making strides in getting people to be aware of their rights, therefore, they are not very happy with us. It shows that we are moving in the right direction.

Kalila Chella-Kunda
Foundation for a Democratic Process, Zambia

Panel 3, "Civil Society," was moderated by Professor Emmanuel Gyimah-Boadi of American University. Panelists were: Mathole Motshekga, a member of the Gauteng Provincial Legislature in South Africa; Kalila Chellah-Kunda, Executive Director of the Foundation for Democratic Process (FODEP) in Zambia; and Souleymane Kanté, the Program Coordinator for World Education in Mali.

Panelists discussed two common problems related to USAID's approach of supporting local NGOs. The two problems include NGO sustainability and NGO-host government tensions. Members of the "civil society" break-out group subsequently discussed whether USAID should be focusing its resources on D/G-oriented NGOs, or whether there should be an emphasis on supporting larger groups with grassroots bases. The following are summaries of both the panel discussion and the break-out group discussion.

Problem of NGO Self-Sustainability: Of great surprise to many participants was the fact that most African NGOs are 100 percent donor funded. The discussion revealed that USAID has not placed enough emphasis on working directly with NGOs toward

self-sustainability. Participants were well aware of the importance of NGO roots in their own culture and society, as illustrated by Mali's World Education/Mali, which thrives on the sense of responsibility that Malian parents feel for their children's education. African NGO representatives highlighted the challenges facing D/G NGOs by describing how certain service-oriented NGOs lend themselves to fundraising through fee collection, while "pure" D/G NGOs may not have a channel for raising funds without changing their mission. Ms. Chella-Kunda, for instance, indicated that they would have to diverge from their original objectives in order to generate funds.

The NDI representative, however, offered an instructive lesson from Botswana: A human rights NGO in that country built a school, then used a portion of the school fees generated to support its human rights activities. Participants also discussed the possibility of establishing indigenous trust funds and foundations to support local NGOs as USAID winds down its funding. They agreed that USAID should work with NGOs early on to help them develop long-term plans toward sustainability.

Improving NGO-Host Government Relationships: A hurdle to increasing NGO sustainability is improving NGO and host government relations. In certain countries such as Kenya, USAID funding may expose local NGOs to host government accusations of being a "front" for the U.S. government. Certain governments, as in the case of Zambia, use the accusation selectively. For instance, only when the NGO is discussing issues perceived as challenging to the government does the government interfere with activities. Several of the USAID-funded African NGO representatives expressed the opinion that USAID has generally followed a non-interference policy, allowing them to be self-directional in their programming. The African NGOs felt that independence in programming helps to defuse tension with host governments.

Participants agreed that a productive two-way relationship ultimately benefits both parties. In Zambia, FODEP has attempted to build a dialogue with government by consistently inviting government representatives to all of its workshops. Over time, the government has begun to accept the invitations, and NGO/opposition-government suspicions have markedly decreased. Both sides are learning that the existence of different opinions is a healthy sign, and that democracy does not necessarily mean confrontation. If government sees NGOs as vehicles for the delivery of important citizen services, for example, it will more likely offer support, as demonstrated by the South Africa experience.

The Broadening of USAID Civil Society Support: Participants agreed that USAID should not focus exclusively on D/G-type organizations, but should instead diversify its support to a cross-sectoral array of civil society organizations. Cross-sectoral groups, they argued, tend to be more sustainable than traditional human rights-focused groups. Additionally, USAID will have a more meaningful policy impact across

sectors by diversifying its civil society support.

[NOTE: See the discussion of USAID support of “countervailing powers” vs. small civil society organizations under Panel 2.]

SPECIAL PANEL: PRESS ISSUES

There are a myriad of restrictive laws in Zambia, enacted in the colonial days. They survived through the one party regime and they continue to survive under the current regime, which is supposed to be a democratic regime. Those laws are being used now much more than they have ever been used.

Fred Mmembe, Editor, The Post, Zambia

The special panel on the press was moderated by Professor Richard Joseph of the Massachusetts Institute of Technology. Panelists were Zeria Banda, a reporter for Malawi Broadcasting Corporation, and Fred Mmembe, the editor of The Post in Zambia.

In this special session, panelists and participants discussed ways in which the press can interact with civil society to strengthen accountable government. They also discussed which types of press produce the most favorable results.

Mutual Dependency of Civil Society and the Independent Press: The Malawi experience suggests three pre-conditions for an independent media, including:

- A proactive civil society that openly expresses its desire for free radio to the government
- A strong opposition
- A strong journalistic profession

In the absence of a proactive civil society, the independent press, especially radio, which reaches a larger population than print media, has an important role in holding government accountable to its citizens, thereby strengthening the civil society. An effective press provides an arena for debate on important issues, allowing citizens to present their views to government. According to Zeria Banda, even government-supported radio such as the Malawi Broadcasting Corporation (MBC) can be as “independent” as government allows. The MBC is beginning to shift from its role as ruling party mouthpiece to that of an organ used to encourage participation of civil society in the discussion of important development issues. A member of Zambia’s press corps agreed and stated that independent media has provided the same service in Zambia. The mutually dependent relationship between independent press and civil society lends itself to USAID involvement, particularly in the areas of civic education, journalism training, and the funding of public debates and exchanges.

Future USAID Involvement: Additional Training Needs: Participants noted a significant improvement in the professionalism and skill levels of independent and government-affiliated journalists in African countries following USAID-supported training. Zeria Banda noted that while journalism training exists in Malawi, only basic courses have been offered through USAID support. The agency should consider assisting in the funding of intermediate and advanced courses to expand training opportunities for journalists affiliated with both independent and government-controlled media.

The Need for Policy Dialogue on Legal Constraints: Panel participants felt that donors also should be involved in supporting the revision of press laws to allow for greater freedoms. In Zambia, according to Fred Mmembe, the press has actually seen an increase in repressive laws under the new “democratic” government. The independent media made legal recommendations to the government in 1993, but the government has maintained the restrictive laws enacted under the colonial period, and added a few of its own.

PANEL 4: ELECTIONS AND POLITICAL PARTIES

We note that little or no aid is available for the development of political parties, which are a necessary part of the democratization process. USAID should consider assisting parties to develop organizational structures.

Vincent Assieh, Press Secretary
National Democratic Congress, Ghana

My experience in Mozambique is that what the political parties really want is equality of access to resources. Neither FRELIMO nor RENAMO is going to allow that the other party gets more attention than it does. What is most important is that they discuss, as a group, which types of assistance would be most appropriate, and then trust that each party will receive it. This would prevent USAID or any other donor agencies from being perceived as partial to one party.

Brazao Mazula, Rector
Eduardo Mondlane University, Mozambique

Panel 4, “Elections and Political Parties,” was moderated by U.S. Ambassador to Malawi Peter Chaveas. Panelists were: Nana Akufo-Addo of the National Council of Ghana’s New Patriotic Party; Vincent Assiseh, Press Secretary for Ghana’s National Democratic Congress; Zegeye Asfaw, former Ethiopian Minister of Agriculture and former representative of the Oromo Liberation Front; and Brazão Mazula, Rector of Eduardo Mondlane University and former President of the Mozambican National Election Council.

Similar to other areas of democratic reform, it is impossible to design strict guidelines

for determining when to support political parties and elections. Adequate responses depend on specific situations in different countries. While Conference discussions could not provide definitive answers, they did offer the following guidelines:

- The need to provide political parties equal access to resources.
- Careful consideration of the minimum standards for supporting elections.
- Establishing a culture of tolerance within and among opposition parties.
- Coordination among international donors.

Political Party Support: Overall, no consensus was reached on whether USAID should support political parties and, if so, under what circumstances. Based on his experience in Mozambique, Dr. Mazula suggested that opposition parties really want equal access to resources. According to Mazula, USAID/donors could offer proportional material assistance to all parties involved in a given election. This way, USAID would avoid being perceived as partial to any given party.

An IRI representative commented that, in most African countries, a wide array of political actors exists: parties, NGOs, issue-oriented associations, private sector, media, trade unions, churches, etc. USAID should consider the particular circumstances of each country (including strategic interests to the U.S.) and design its approach to political actors on a case-by-case basis, considering and rating political actors based on factors such as effectiveness, trainability, accessibility, and motivation. Rather than adopting a broad regional strategic approach to limit USAID's efforts to the support of one or two categories of political actors, USAID should fund those actors which make the most sense in a particular country context. In Mozambique, for example, the traditional authorities and religious organizations were the two "actors" that guaranteed successful elections.

Criteria for USAID Elections Support: A USAID/Kenya representative commented that any form of USAID participation in an electoral process lends legitimacy to that process. For this reason, USAID/donors should carefully consider the implications of planned involvement. Participants discussed ways of withdrawing support in cases where election conditions do not conform to a "minimum threshold" of acceptability, and possibly diverting resources into other D/G sectors in the same country such as civil society. They also questioned whether resources should in fact be redirected from countries which *do not* meet the threshold to those that *do*. No consensus was reached on this issue.

[NOTE: See also the discussion on "premature closure" under Panel 2: Assisting Democratic Consolidation.]

Divided Opposition as a Constraint to Democratic Transition and Consolidation: Panelists recognized that, in many African countries, factionalism within the political opposition is a major impediment to democratization. Participants suggested that training courses that build a culture of tolerance might help opposition parties to overlook their differences and form a united front--a "countervailing power"--as a viable challenge to the ruling party.

Advantages of International Community Engagement: Dr. Mazula pointed to the successful transition in Mozambique, where the Rome Peace Accord led to multiparty elections whose results were accepted by all parties following decades of civil war. He indicated that donor intervention was highly successful in this case because the international community felt a distinct responsibility for the outcome. Rather than driving the process, donors such as USAID were *cooperative participants* in a process driven by a local dynamic.

PANEL 5: RULE OF LAW

What has gone wrong [with the U.S. D/G project]? First the composition of the people running the government. Secondly, the lack of seriousness of those particular people to commit themselves to the various reforms they undertook to implement.

Rodger Chongwe, Former Minister of Legal Affairs, Zambia

It may also be suggested that USAID democracy and governance projects should focus on creating citizens' awareness, so as to enable the public to actively participate in the political transition to democracy. This can be achieved through intensive civic education both through formal schools and other fora.

Tsehai Wada

Ethiopian Human Rights and Peace Center

Panel 5, "Rule of Law," was moderated by Steven Dinkin of ARD's Africa Democracy and Governance Project. Panelists were Tsehai Wada, the Program Coordinator for the Ethiopian Human Rights and Peace Center; Thomas Carothers of the Carnegie Endowment for International Peace; and Rodger Chongwe, former Minister of Legal Affairs in Zambia.

In this session, panelists and participants discussed the impact of past USAID experience in rule-of-law programming, including "top-down" institution-oriented assistance, "bottom-up" civil society-based support, and hybrid programs. They also discussed recommendations for results-oriented judiciary reform assistance in the future and, specifically, which types of assistance are most successful in achieving desired results.

"Top-Down" vs. "Bottom-Up" Approach to Judiciary Reform: Mr. Carothers made the distinction between two types of rule-of-law programs that USAID has

traditionally supported in the past:

- Top-down programs, where USAID works directly with formal legal institutions such as infrastructural support for courts, training for prosecutors, legal reform and police assistance.
- Bottom-up programs, where USAID promotes reform by working through civil society such as legal aid programs, human rights education and the training of NGOs in the use of legal techniques.

The Political Will to Reform: According to Mr. Carothers, there is a slow, steady trend within USAID toward “bottom-up” programs and a simultaneous de-emphasis on “top-down” programs. USAID has learned that “top-down” programs, in addition to being relatively expensive, are unsuccessful if there is no will to reform on the part of the host government. Even well-meaning judges tend to bow to the government in these circumstances. In the Zambia case, for example, USAID-supported constitutional reform activities have failed to achieve their objectives primarily because the Zambian government was not committed to carrying out the targeted reforms in the first place. Where the will to reform is lacking, however, Carothers explained that USAID may still have opportunities for policy dialogue focused on convincing the government of the importance of judicial reform. Political will is not a binary measurement, but rather a continuum.

Where to Use Bottom-Up Assistance: Participants discussed how “bottom-up” programming may be useful in countries such as Zambia and Ethiopia, where the leadership lacks the political will to push through legal reforms. In Ethiopia, for example, programs advocating basic human rights may be instrumental in safeguarding basic rights, particularly in the absence of other avenues for reform. According to Carothers, USAID must seek out “bottom-up” organizations that match the amount of resources available. Yet it is important to remember that the results are usually proportional to the amount of resources committed: Small amounts to small NGOs rarely produce major judicial reform. USAID’s experience also shows that working with bar associations and other lawyers’ groups is not very effective, as these tend to be elitist organizations, the support of which offers a minimal “trickle-down” effect.

Hybrid Programs - Using both Bottom-up and Top-Down Approaches: In certain circumstances where the host government has demonstrated its will to reform, USAID can integrate “top-down” and “bottom-up” programming to create “hybrid” programs, such as assistance to NGOs for the training of formal institutions (e.g., prosecutors) about fundamental human rights issues. Alternative dispute resolution (ADR) programs demonstrate a successful type of hybrid program. South Africa offers an example of a country primed for a hybrid program.

Other Possible Avenues for Future Support: A representative from the Ethiopian Human Rights and Peace Center indicated that USAID's support for NGOs and USAID-sponsored workshops for Supreme Court judges in Ethiopia have been a useful way of educating Ethiopia's justices, most of whom have had no legal training. In today's climate, he suggested that USAID should focus on raising awareness of fundamental human rights and legal issues through civic education programs implemented by local NGOs. ADR programs have proved to be very popular within USAID, because the agency can avoid politics while pursuing a flexible programming approach.

PANEL 6: GOVERNANCE

The lack of free expression and open political discourse in Malawi for 30 years created a very serious information gap in our country. This gap is most serious in Parliament, where the average level of formal education is rather low, and the lack of resources is severe. Yet when parliamentarians are more informed about an issue, the debate is much more vigorous, and votes are less likely to break down along party lines.

Honorable Lillian Patel, Member of Parliament, Malawi

Given the vogue for decentralization among donors and host governments, the results in terms of policy initiatives are extremely modest. Very little has been accomplished. Only in Senegal and Mali has there been any significant reform of local institutions resulting in a genuine devolution rather than deconcentration of authority.

Rene Lemarchand, USAID/REDSO/WCA

Panel 6, "Governance," was moderated by Yolanda Comedy, Fellow, American Association for the Advancement of Science (AAAS). Panelists were: the Honorable Lillian Patel, Malawian Member of Parliament; René Lemarchand, USAID's Regional Democracy and Governance Advisor for West and Central Africa; Gulfteen Kaira, Permanent Secretary, Policy Analysis and Coordination Division of Zambia's Cabinet Office; and Harry Garnett, Manager of Abt Associates' Economic Policy and Democratic Governance Group.

In this session, panelists and participants discussed past impact of USAID and other donor programs to strengthen legislatures, executive branches, and the decentralization of power to local authorities. They also discussed how to build on past experiences to design governance programs which will achieve improved results.

Legislative Strengthening:

Building the Relationship Between Civil Society and Legislatures: Lillian Patel raised the important point that a country's legislature and its civil society have a mutually dependent relationship, which can be enhanced with USAID support. In Malawi, members of civil society are regularly invited to Parliamentary committee meetings to

allow for greater input. To enhance this process, it is useful to provide civil society with the tools it needs to effectively interact with the legislature. In Malawi, USAID supported a successful NDI advocacy workshop for civil society representatives. This workshop was also attended by MPs, whose presence helped to “bridge the gap” between the two bodies.

Information Gap Constrains Legislative Strengthening: In countries such as Malawi, a significant “information gap” continues within Parliament, leftover from the 30-year Banda regime. MPs often lack substantive knowledge about the issues under consideration. For example, Ms. Patel described a situation where new budget committee members called in an outside analyst to explain to them the significance of the budget presented to them by the executive branch. An inadequate library and a lack of research staff compound this problem. While the provision of computers and information databases would be useful, Malawi’s Member of Parliament contended that the development of human capacity is the most important way that USAID can intervene to enhance the legislative process.

USAID’s Successes in Legislative Programming: A Basis for Future Directions: In Malawi several USAID initiatives have proved successful toward strengthening the legislative branch. USAID-sponsored seminars for Malawian MPs have been central to legislative invigoration. Seminar topics have included: the role of Parliament in a constitutional democracy, parliamentary organization, and the role of parliamentary committees. USAID also supported an NDI-run workshop to decide whether the formation of a women’s caucus was appropriate. The resulting caucus now works across party lines to examine laws that are considered discriminatory against women, and makes recommendations for reform. Another NDI workshop focused on the issue of “commitment to constituents vs. party loyalty.” A suggestion for building on these past successes was USAID support for a regional or sub-regional “Lessons Learned” conference for MPs and their counterparts.

Decentralization:

According to Rene Lemarchand, the justification for USAID support for decentralization is that a genuine devolution of authority from central governments to local authorities is seen to widen local participation, bring decisionmakers closer to the problems at hand, and make local officials accountable to their constituencies.

The Need for a Favorable Enabling Environment and Institutional Capacity: A favorable juridical framework is necessary to effective decentralization. This framework must allow for the genuine devolution of power and simultaneous strengthening of local governments; otherwise, decentralization efforts will be merely illusory. The enabling environment should reflect the streamlining and reorganization of the tax system, as well as the establishment of an accurate property survey. In

addition, a minimum of institutional capacity is necessary if decentralization is to produce the expected results. Local communities require qualified personnel, accountants, and managers. This is an area where USAID has been and can continue to play an important role through training of local government personnel.

Disposition of Local Actors: Dr. Lemarchand challenged the common assumption that “If decentralization occurs, the local power-holders will be good democrats.” This is not necessarily the case. Where local actors are disposed to act like petty dictators, decentralization will clearly lead to less-than-optimal results. There is a West African phenomenon where *courtiers de developpement* (development brokers or middle-men) have surfaced as the greatest threat to genuine decentralization. These individuals, usually educated Africans who have mastered the use of development jargon, succeed in short-circuiting local peasant associations, building their own political clientele, and diverting donor resources into their own hands. USAID needs to factor in these types of limitations carefully when designing decentralization programs.

Political Will of Central Government: An Ethiopian participant raised the point that genuine decentralization will not take place if central government has a conflicting agenda. Lemarchand agreed that the political will of the central government to decentralize is a critical precondition for a successful devolution of power to local governments. USAID personnel should also be aware that host governments sometimes express an exaggerated interest in decentralization in order to extract money from donors as occurred in Côte d’Ivoire.

Decentralization Should be Cross-Sectoral and Self-Correcting: Dr. Lemarchand stressed the importance of plugging decentralization efforts into a coherent framework involving USAID’s other priority development sectors (health, education, infrastructure, etc.). Finally, both success and failure stories about decentralization initiatives should be shared among USAID missions, so that USAID personnel can determine to what extent past experiences in decentralization (and all D/G) efforts are applicable to projects at the design stage.

Strengthening Executive Capacity:

Political Leadership Issue: Program success depends on effective leadership on the part of the executive branch. According to Mr. Garnett, the USAID-supported establishment of the Policy Analysis and Coordination (PAC) Division in the Zambian Cabinet Office was a “necessary but not sufficient” condition for better policy performance by that country’s government.

Strengthening Roles of Civil Service as “Agencies of Restraint”: When the PAC project was initiated, there was a considerable amount of resistance to the new office

on the part of government ministers and civil servants. As it developed, however, individuals began to see that the PAC could help them achieve their own objectives. PAC is increasingly used by civil servants such as Permanent Secretaries to help “manage” government ministers who may be backsliding and departing from strong policies, particularly as elections approach. In these cases PAC can play a facilitative role in helping civil servants to resist the minister in question.

"Opening Minds": Key to Success in Executive Strengthening: The most important aspect of the executive strengthening projects, according to Garnett, is opening up minds to a new approach to governance. As more and more individuals within the executive see the value of the process, a project such as PAC becomes increasingly sustainable. The PAC project has also helped the executive to interact more effectively with civil society. A USAID/Zambia representative confirmed that groups such as the Zambian Association of Manufacturers have greater access to the executive branch as a result of the PAC project.

PANEL 7: THE ROLE OF POLICY DIALOGUE IN D/G PROGRAMS

From my viewpoint, a very crucial objective of policy dialogue is to interface with [the members of the host government most dedicated to consolidating democracy], other leaders, and other segments of society to help them to do their business in a fashion that, at a minimum, does not undermine the longer term building process that we are so interested in and, hopefully, enhances that process.

Ambassador Peter Chaveas, US Embassy, Malawi

Panel 7, “The Role of Policy Dialogue in Democratic Governance Programs,” was moderated by Melanie Bixby of the U.S. Department of State. Panelists were: Ambassador Peter Chaveas, U.S. Embassy-Malawi; Joseph Stepanek, Mission Director of USAID/Zambia; Cynthia Rozell, Mission Director of USAID/Malawi; and Roger Carlson, former Mission Director of USAID/Mozambique.

In this session, panelists and participants discussed the role of policy dialogue and conditionality in D/G programming, including their relationship to both projects and project results. They also discussed the importance of donor coordination in policy dialogue, and the problems that can occur when coordination breaks down.

Policy Dialogue as a “Two-Way Street”: According to Mr. Carlson, the U.S. mission in Mozambique learned to view policy dialogue as a “two-way street.” The process kept the donors engaged, and kept the government on track with the transition process. The democratic process requires constant dialogue and support to keep it moving in a forward direction. Ambassador Chaveas credits the success of the U.S. mission’s policy dialogue with the Malawian government to the participation of individuals at high levels of that government who are dedicated to the consolidation of

Malawi's new democracy. At the same time, however, USAID needs to ensure that not too much emphasis is placed on the process itself, at the expense of achieving common results. In Malawi, USAID and the host government have established a relationship of "mutual dependency" (a term used by the host government) on each other to demonstrate expected results. The two parties agreed on a common set of results as a basis for cooperation.

The "Brinkmanship" Issue: Mr. Stepanek described the difficulty that the U.S. government experiences working in consultation with international financial institutions (IFIs) who do not necessarily share our sense that D/G issues should be given priority. With a vested interest in seeing a "Zambian success," for example, the international financial institutions (IFIs) have recently neglected to consider minimum thresholds of D/G performance in that country. For this reason, Consultative Group (CG) meetings have failed to achieve a consensus on how to deal jointly with the Zambian government on its D/G backslide. As a result, the Zambian government's dependence on donor support for 75 percent of its budget has not translated into the type of donor leverage which might help to pull Zambia out of its backslide. A game of "brinkmanship" is thus occurring which is in fact dangerous to the democratization process, according to Stepanek. The U.S. government may not have a great deal of leverage on other donors to increase their attention to D/G issues, but we should have leverage on the IFIs, of which we are part "owners."

SIDE PANEL: USAID IMPLEMENTATION ISSUES

Knowing the system can be frustrating, particularly to our contractors and academics. They say, "I have a great idea..." We at USAID say, "You have to write your PP [project paper] and PID [Project Identification Document]. We'll see you three years; don't worry about it." By then the crisis is already upon us.

Norman Olsen, USAID/Uganda

The side panel on USAID implementation issues was moderated by Gary Bombardier. Panelists were Norm Olsen, USAID/Uganda; James Polhemus, USAID/Zambia; and Kim Mahling Clark of USAID's Center for Development Information and Evaluation (CDIE).

During this session, USAID staff discussed the tools available to them to carry out D/G activities at the mission level: grantees, contractors, and procurement and coordination mechanisms. They also examined the unique problems involved in establishing meaningful indicators for measuring the impact of D/G activities, as well as the advantages of effective intra-mission coordination.

Contracts Vs. Grants, Competitive Vs. Non-Competitive Awards: USAID representatives discussed the relative advantages and disadvantages of using contracts and grants and competitive and non-competitive awards. In this context, the issue of NGO autonomy was actively discussed. Overall, USAID field staff tended to view contracts instruments, bid competitively, as preferable, as it gives the mission an opportunity to choose who it views as most qualified to implement a program and offers the mission more control. If a grant instrument is used, and this applies to both competitive and non-competitive awards, a certain degree of autonomy is reserved for the grantee. A grant (or cooperative agreement) is usually more effective when the "mission's problem fits the NGO's solution" since the purpose of a grant is to support a partners' program when it happens to fit within our priorities. On the subject of competition, a mission will usually award non-competitively in a situation that requires rapid response and where there is predominant capability. This is usually a good bridge until a competitive process can be undertaken.

The director of USAID's Democracy Center reminded participants that, while missions still have a choice between using contracts and grants, it is important to remember that USAID has made a policy decision to increase the amount of development work that it does in partnership with NGOs/PVOs. Many of these organizations were heavily involved in D/G programming long before USAID got into the business, and come to the table with many years of valuable experience. Missions are expected to benefit from this experience by building effective partnerships with NGOs/PVOs.

Relative Independence of Implementing Group: The question of how closely USAID mission personnel should work with grant recipients in their country has no clear answer. Mission personnel feel ultimately responsible for the work being carried out by NGOs/contractors at the country-level. Additionally, a mission often feels it can assist the implementing group with establishing in-country contacts, etc., thereby streamlining the implementation process. On the other hand, NGOs/contractors such as the National Democratic Institute (NDI) and the International Republican Institute (IRI) may have legitimate reasons for maintaining a visible distance from the U.S. government in the field. A representative from one of these NGOs commented that the closeness of NDI-USAID mission relationships in Africa varies widely according to the "personality nuances" involved. Participants agreed that mutual professional respect is the most important requirement for effective mission-implementor relationships.

Qualitative vs. Quantitative Indicators: Some D/G activities (e.g., elections projects) may lend themselves to being evaluated by quantitative indicators. For many other activities, however, quantitative indicators fail to measure progress in a meaningful way. In a country such as Zambia, it may not be a true measure of press freedom merely to count the number of independent newspapers published, particularly if the

newsstands are awash with tabloids. The FODEP representative reported that its success is also very difficult to measure with numbers. FODEP may train 600 people, for example, but it is the impact that these 600 individuals have in changing citizens' attitudes which should be measured. Conference participants generally agreed that USAID should use quantitative indicators where possible, but should not hesitate to use qualitative indicators where required. There is also a tendency within USAID to establish simple indicators when, in some cases, more sophisticated indicators may be necessary. Typical USAID indicators, for example, fail to measure "where we are" vs. "where we would be without USAID involvement."

Need for Multi-Tiered Indicators: A USAID/Namibia representative expressed concern that USAID sets its indicators to measure only the highest level of impact, rather than taking a gradual, "staging" approach. The importance of measuring final impact is clear, but USAID may miss important information (e.g., constraints to progress) by skipping several intermediate steps in its evaluation process and "starting at the top."

Intra-Mission Coordination: Coordination among representatives of USAID, State Department, and USIS on D/G implementation issues has worked well at several missions in Africa. In Mozambique the development of an inter-agency task force supported success of that democratic transition for three basic reasons.

- Top leadership emphasized information-sharing and collaboration
- Individuals leading the individual task forces valued each member's input and thereby contributed to the information-sharing mentality
- State Department and USAID acknowledged their mutually dependent relationship.

LESSONS LEARNED AND RECOMMENDATIONS FOR FUTURE ACTION

Strengthening Civil Society:

- > USAID should emphasize the sustainability of each indigenous NGO it supports, in order to avoid the creation of a “cottage industry” that is not sustainable by the local economy. Possible activities for locally funding NGOs include:
 - Teaching local NGOs the basics of fundraising is one option.
 - A fee-diversion scheme may be appropriate for NGOs without a clear service component.
- > In considering a local NGO for support, USAID should ensure that the organization is internally democratic and participatory in nature, and that it actively engages the government.
- > Training, workshops, conferences, and/or technical assistance are effective ways to build a “democratic culture” by raising citizens’ awareness of basic democratic principles, behaviors, and attitudes.
- > USAID should diversify its support to a cross-sectoral array of organizations. In this way, the agency can have a more meaningful policy impact across sectors.
- > USAID should recognize the critical link between civil society and legislatures. By instructing civil society groups on lobbying and advocacy techniques, USAID can teach them how to influence the legislative policy making process in a meaningful way.

Creating a Free Press:

- > USAID should consider expanding its successful journalist training programs to offer intermediate and advanced courses for journalists affiliated with both the independent and the government-controlled press.
- > The press can play a valuable role in strengthening civil society by providing an arena for public debate on important issues, thereby allowing a forum for exchange between citizens and their government. USAID should look toward ways of supporting this process.

- > USAID should also engage in policy dialogue with host governments to work toward the removal of legal constraints to the press, as appropriate.

Assisting Elections/Political Parties:

- > USAID should not force multiparty elections too early in the transition process. Instead, USAID should work with the government towards the achievement of "intermediate" benchmarks of progress (short of formal elections). If a mission determines that conditions are not ripe for elections support, it may be appropriate to begin (or continue) support in other D/G areas.
- > In areas where elections support may be premature, USAID should consider funding programs that guarantee development of basic freedoms. Bringing opposing parties together and creating a culture of tolerance goes a long way toward fostering a positive outcome in all countries.
- > In choosing political actors for funding, USAID should consider the wide array of actors in a given country (e.g., parties, NGOs, religious groups, labor unions, traditional authorities, etc.). The mission should select political actors for funding based on their effectiveness, "trainability," and accessibility.

Supporting Rule of Law/Judiciary Reform:

- > "Top-down" legal reform is only successful where the host government has the political will to carry through such reform. In cases where political will is lacking, however, USAID can make the advantages and disadvantages of specific policies known to the host government through policy dialogue.
- > "Bottom-up" legal reform is particularly useful in countries whose governments lack the will to reform their legal structures.
- > Hybrid programs can also be successful in circumstances where the host government has demonstrated a will to reform. Alternative dispute resolution (ADR) programs are an increasingly popular form of hybrid assistance, as they allow USAID to pursue an inexpensive, flexible, and often apolitical programming approach.

Promoting Good Governance:

- > Parliamentary assistance can be very effective, but is generally a slow, highly labor-intensive process that depends largely on the building of effective personal relationships between USAID personnel and individual MPs. USAID

should keep these requirements in mind when designing parliamentary assistance programs, which should be long-term and flexible in nature.

- > USAID workshops for Members of Parliament have been successful in some new democracies. An informed Parliament is an effective Parliament.
- > Effective decentralization programs require an enabling environment, an institutional capacity, and the central government's political will to devolve power to local governments. USAID should be wary of host governments that demonstrate a false interest in decentralization in order to secure donor resources.
- > USAID's decentralization programs should be cross-sectoral in nature, involving other USAID sector priorities (health, education, infrastructure, etc.), as appropriate in the country context. As with other D/G sectors, both positive and negative experiences from USAID decentralization programs should be shared widely among the missions.
- > In USAID programs designed to strengthen executive capacity, the changing of attitudes towards the acceptance of a new approach to governance is often the most important result.

Policy Dialogue:

- > USAID's experience demonstrates that policy dialogue is most successful where a "critical mass" of support for reforms exists at the top levels of the government. Policy dialogue will fail unless the host government is serious about the policies under discussion.
- > USAID should initiate effective policy dialogue by "listening" to the host government. Policy dialogue is a two-way street, and potential benefits for each party (USAID and host government) must be considered throughout the process. Mutual dependency on positive results is the key to a successful dialogue.
- > A high quality dialogue is based on access to good information and the exploration of a wide range of options (by both the USAID mission and the host government).

Implementation Issues:

- > Strike while the iron is hot: USAID should begin D/G programming quickly and decisively when it first sees an opening. It should start slowly, pick and

support the “winners” with low levels of assistance, and watch subsequent developments carefully. Assistance should then be calibrated according to those developments. The best USAID D/G programs start small, then expand in the most successful areas. USAID’s approach should be marked by flexibility and refinement.

- > USAID needs to build in mechanisms that enable us to evaluate early warning signs that a program is in trouble (the function of the canary in the coal mine). External perspectives on country conditions and USAID programs may be useful in serving this function. Mid-term evaluation teams, for example, should be made up of individuals with a fresh perspective on the program, rather than those who may have been involved in the initial design.
- > USAID’s experiences point to the effectiveness of strong host country partner input in the design of D/G programming, including indicators. USAID should offer various programming options to its partners, but should not push its “favorites.”
- > Similarly, USAID should broaden its sources of information, and “indigenize” where possible. Country assessments by local experts are recommended.
- > USAID is perfectly within its right to hold “double standards” from one host government to the next, particularly when the agency is merely holding the new government accountable to the standards that it set for itself (e.g., Zambia).
- > Some of the most successful transitions have occurred where donors are actively and collaboratively participating in the process, rather than attempting to drive it (e.g., Mozambique).

Indicators:

- > USAID should use quantitative indicators where possible, but should not hesitate to use qualitative measures where required.
- > USAID reliance on the use of high-level indicators leads USAID personnel to “start at the top.” This approach may cause evaluators to miss seeing institutional-level constraints along the way which prevent the program from achieving the higher-level impacts. Project design teams should consider using a succession of intermediate indicators which reflect the complexity of the D/G process being evaluated.
- > Indicators should be proportional to the D/G program in question.

- > D/G program indicators should be flexible enough to be revised over time, if necessary.
- > Less-than-perfect results to D/G programming are often preferable to no results. Sometimes USAID's efforts should be considered successful merely if the country situation is not deteriorating.

Donor and Inter-Agency Coordination:

- > In light of current budget constraints, USAID missions should acknowledge that their ability to implement D/G programs is limited. Field personnel should utilize donor coordination to focus on USAID's comparative advantage.
- > Donor coordination on D/G issues tend to be much easier and more effective in smaller countries with fewer competing interests. It is generally easier to get donor agreement on economic issues than on D/G issues.
- > Donor coordination involves not only effective communications among representatives of bilateral missions in a given country, but between those bilateral missions and their capitals as well.
- > To date, donors have tended to collaborate most successfully in times of crisis. USAID missions should propose the development of a more consistent and long-term donor coordination approach in their countries.
- > USAID experience shows that intra-agency coordination is most successful where post leadership emphasizes information-sharing and collaboration, and agencies (USAID, State, and USIS) acknowledge mutually dependent relationships amongst each other.

Using Effective Leverage:

- > Donor "brinkmanship" is dangerous to democratization. The U.S. government should engage in a dialogue with donors and IFIs who do not share our sense of priority on D/G issues. Without a strong and unified voice, the CG has no leverage with host governments on D/G performance. The CG has leverage only when all donors agree, and usually only during crises.

Political vs. Economic Reforms:

- > USAID must acknowledge that there are inherent tensions between liberal economic reforms and democratization. As both types of reform are

imperative, USAID should look at ways to decrease the tensions between the two. For example, missions can encourage economic education through the funding of economic debates during election campaigns. Using policy dialogue, USAID can also attempt to convince host governments to set positive examples for their citizens by visibly practicing austerity.

Conclusion:

As it approaches the design of a D/G program in an African country, USAID needs to consider the broad regional strategic framework that emerges from common constraints and opportunities to democratic development in Africa. At the same time, however, staff need to remain flexible enough to consider how unique local circumstances may require them to customize the design of the program in question.