

Non-Governmental Organizations and the African State

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INTRODUCTION

The rapid growth and expansion of NGOs worldwide attests to their growing critical role in the development process. At the international level, NGOs are perceived as vehicles for promoting democratization and economic growth in Third World countries. And within Third World countries, NGOs are involved in relief, rehabilitation, community development and sundry other activities that are aimed at complementing weak states and markets in the promotion of economic growth and provision of basic services to most people in these countries.

Increasingly, both international and indigenous development-oriented NGOs are making up for the failure or neglect of states and markets in countries in Africa and other Third World countries to deliver economic development. Because of pervasive government corruption and inefficiency in Africa, the international donor community prefers to channel development aid through developmental NGOs, thus avoiding or bypassing the African state. This raises the twin issues of the relevance of

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the African state in the development process and the nature of emergent NGO-state relations. The first issue has been discussed elsewhere,¹ while the second one is the concern of this chapter. The central question raised and discussed in this chapter is whether current and future NGO-state relations in Africa will be characterized by cooperation or confrontation.

THE FAILURE OF ECONOMIC DEVELOPMENT IN THE SUB-SAHARAN AFRICA AND NGO GROWTH

Background

In general, donor agencies are increasingly supporting NGOs in the provision of services to the poor in Third World countries where markets are inaccessible or weak and where governments lack capacity or resources to reach the poor. In most Third World countries, including African ones, both states and markets are weak or inadequate. In Africa, the persistence of the dual crises of weak states and nascent or inadequate markets pose a classic dilemma for proponents of either market-led or state-led economic development. The failure of both markets and governments in Africa to deliver economic development has contributed to the rapid growth and expansion of NGOs on the continent.

THE TRAVAILS OF ECONOMIC DEVELOPMENT

Evidence accumulated over the past three decades shows “the inability of the African state to deliver on its development promise” (Ndegwa 1996: 15). In fact, the African state is now perceived as “the inhibitor of social, economic, and political development” (Ndegwa 1996: 15). The demise of the African state has inevitably given rise to the ascendancy of NGOs to fill the “development vacuum”. The expansion of the NGO sector in Africa since the 1990s is most clearly reflected at the country level. For example, in Kenya, there are about 500 NGOs, while in Uganda there are an estimated 1000 registered foreign and indigenous NGOs. Similarly, other African countries have a large number of active NGOs including: “Zambia with 128, Tanzania with 130, Zimbabwe with 300, and Namibia with over 55” (Ndegwa 1996: 20). The growing role of NGOs in all sectors of development is an indication of the decreasing

capacity of the African state to undertake meaningful development. Besides increases in NGO numbers, the amount of development resources they receive or handle for development purposes has grown over the years. It is estimated that “official aid to Kenyan NGOs amounts to about US\$35 million a year, which is about 18% of all official aid received by Kenya annually [and]... in Uganda, NGOs disburse an estimated 25% of all official aid to Uganda” (Ndegwa 1996: 20).²

The weakening financial situation of Uganda and Kenya, like that of other African countries, is due to a combination of huge external debt, corruption and the effects of structural adjustment programs imposed by the International Monetary Fund (IMF). In particular, the structural adjustment programs have “strained the ability of the African states to provide services and has attracted more NGOs to cushion the adverse short-term effects of adjustment programs, such as by providing affordable healthcare services” (Ndegwa 1996: 2). Given the prevailing political and economic conditions in Uganda and Kenya, as well as elsewhere in Africa, the role and contribution of NGOs to the development process are expected to increase.

Donor agencies increasingly funnel development assistance through NGOs and other non-state institutions because states in sub-Saharan Africa are considered both inefficient and corrupt. As Dicklich observes, the “failure of the [African] state to provide basic services has led many official donors to use NGOs, rather than the local state, to provide services” (1998b: 6). In Uganda, for example, a succession of inefficient, violent and corrupt regimes since 1971 has contributed to the emergence of over 1000 indigenous NGOs to provide self-help solutions to the poor. Most “ordinary Ugandans have had to fend for themselves, relying on organizations outside of the state rather than on the state itself to provide basic necessities” (Dicklich 1998b: 22–23). In general, most service-oriented NGOs have “moved into service provision where the state has moved out” (Dicklich 1998b: 6). No doubt, NGOs have been necessary in Uganda and other African countries to fill the “developmental gaps” caused by weak post-independent states.

While African states have become increasingly weak, formal markets have steadily declined and in some cases they are nonexistent or have been replaced by informal or parallel markets. According to Callaghy, most African economies are faced with:

declining or negative rates and stagnating or falling per capita income figures; balance of payments and debt problems (which have become more severe (since) the 1980s), requiring IMF and the World Bank programs with their attendant conditionality packages and consequences. Many (export) commodity prices remain low while most import prices remain high. In many countries, agricultural production is falling while aid levels stagnate. Health and nutrition levels are falling while informal or *magendo* economies (have) become more important as states weaken and formal markets decline. ‘Socialist’ states have performed poorly and ‘capitalist’ ones are not significantly better. Hopes for economic growth and development have shriveled on all sides. (1995: 201)

In Uganda and other African countries, authoritarian regimes “induced an ‘exit’ from the formal economy [as well as] a general avoidance of state institutions by a wide range of groups and occupations” (Dicklich 1998a: 145). Furthermore, economic restructuring due to structural adjustment programs and privatization contributed to the retreat of African states from their responsibilities of promoting economic development and providing “basic social services such as health care, education, sanitation and basic security...” (Dicklich 1998a: 145). Given the weak private sector and the state withdrawal from the provision of basic economic necessities and social services, “many NGOs are being presurized into dealing with poverty alleviation (not eradication), and the provision of basic social services...” (Dicklich 1998a: 149). Thus, NGOs increasingly fill in social and economic spaces created by weak markets or retreating states. As a result, “NGOs have been heralded as... new agents with the capacity and commitment to make up for the shortcomings of the state and market in reducing poverty” (Dicklich 1998b: 3).

Some critics of NGO participation in economic development contend that such involvement provides legitimacy and support to governments that have failed to deliver economic development or to provide basic social services to their citizens. Other critics charge that NGOs save “donors money and allow them to avoid addressing implementation difficulties, while also allowing them [the donors] to retain ultimate control over activities” (Van de Walle 1999: 346).

The absence of viable states or markets in most African countries has left NGOs as the most important alternative for promoting economic development (Makoka 2002). Thus, the failure or inability of both states and markets to meet the basic needs of the majority of the people in Africa and other Third World countries has given rise to the growing

importance of the NGO sector in the development process (Vetter 1995: 2; Salamon 1994: 116). Such inability may have exposed the limitations of the state or private sector as major agents of promoting economic development in Africa or the Third World in general.

Some proponents of the state-market debate contend that rather than blaming either the government or market for Africa's poor economic performance, there is need to consider how both states and markets interact with internal and external factors to facilitate or hinder economic development on the continent (Mkandawire 2001; Luiz 2000). According to such a political economy approach, market failure in Africa may be partly due to the policy environment and partly due to the inability to achieve economies of scale (Mkandawire 2001: 294).

The politicization of the policy environment means that the political elite (leaders) rather than bureaucrats or technocrats tend to play an oversized role in making economic development decisions while relying on political considerations or assumptions. In addition, the African state or its institutions, often under the pressure of ethnic or political interests, is vulnerable to both corruption and patronage, which inevitably distort or undermine state development policy priorities. In contrast, there is sufficient evidence indicating that states with a high degree of administrative capacity concentrated in the executive branch of governments increases both the capacity and effectiveness of policy implementation (Makoba 2011: 8). A good example is the case of the postcolonial state in Botswana which, with a high degree of autonomy from popular interest groups and a strong institutional and administrative capacity, has continued to deliver democracy and a sustained economic growth since 1966 to the present.

Beyond the constrained political environments most African countries face, are the structural adjustment programs (SAPS) often imposed by the World Bank and the IMF. Very often the SAPS tend to marginalize and weaken the capacities of African states. In turn, such policies ensure that African states cannot provide the expected enabling institutional and regulatory environments necessary for the markets or private sectors to emerge and thrive on the continent.

Although market failure in sub-Saharan Africa is partly attributed to the lack of the necessary conditions and the regulatory environment to create and sustain viable or strong markets, market inability to achieve economies of scale is a major challenge. According to the World Bank, market failure in sub-Saharan Africa is partly due to "high transaction

costs, risks, and [lack of] economies of scale” (World Development Report 2008: 12). Indeed, it is because of this challenge that the World Bank in the same report recommends strongly that “the [African] state has a role in market development providing core public goods, [and] improving the investment climate for the private sector...” (World Development Report 2008: 23).

This means that in the African context, states are not only expected to provide an enabling environment for the emergence of markets, but where necessary, the state must engage in the creation of markets. In particular, since most African countries have weak or underdeveloped markets, the state must first develop the private sector (Nkurayija 2011: 11). Hence, in order to bring about sustainable economic development in sub-Saharan Africa, it will require a strategic or pragmatic “combination of the activities of the market and the state” (Makoba 2011: 14).

NGO GROWTH AND THE CRISIS OF STATE LEGITIMACY IN SUB-SAHARAN AFRICA

The Crisis of the State

As noted above, the failure of both states and markets in the Third World, including Africa, to meet the basic needs of the population has given rise to the growing importance of the NGO sector (Levy 1996: 1–3). Furthermore, the inability or unwillingness of either the African state or market to deliver expected economic development has exposed their inherent limitations as agents of development in sub-Saharan Africa. However, the stakes for state failure seem to be much higher than those for market failure. The most important explanation for this is that “the state as the guardian of national development [in African countries], has a moral and political obligation to initiate or accelerate development and promote equity throughout society” (Makoba 1996: 459). And as Nyangoro has correctly observed, “even the most repressive states in the [Third] World are theoretically committed to some socioeconomic agenda which makes state participation in the economy inevitable” (1992: 24). This suggests that the failure of the African state to deliver expected economic development is not only taken very seriously, but also threatens to undermine any residual legitimate authority the state may possess. It has been pointed out, for example, that as the African state is increasingly unable or unwilling to deliver economic development,

“the issue of its authority and legitimacy [has begun] to loom large in the [context] of state-society relations” (Nyangoro 1989: 146–147).

In democratic countries, the legitimacy of the state depends on the consent of the governed, and the continued accountability of the administration to the electorate. In contrast, in African countries, where governments are predominantly authoritarian and unaccountable to the public, the legitimacy of the regime rests primarily on economic performance and maintaining political stability. After the achievement of political independence in most African countries, the social compact that had helped to mobilize the people in support of the nationalist leadership in the anti-colonial struggle came to an end. This occurred as civil society organizations such as trade unions, which had helped in the decolonization process, were either banned or co-opted under the one-party state. The concentration of power in the hands of a single political party or a military junta or dictatorship led to personal rule. Over time, personal rulers came to represent the law and the state. As a result, “the postcolonial [authoritarian] state floated above civil society much as the colonial state had” (Baregu 1994: 159). Furthermore, since the demand for national independence did not include a commitment by the nationalist leadership to democratic rule, the primary source of postcolonial regime legitimacy rested on economic performance and political stability as indicated earlier.

The postcolonial African state variously called “soft”, “overloaded”, “over-centralized”, or “authoritarian” has failed to deliver economic development. No doubt, Africa’s poor economic performance was affected by external factors such as huge foreign debt, poor terms of trade, the oil price shocks of the 1970s, and world recession of the 1980s. However, it is economic mismanagement and widespread corruption that has led to the severe economic crisis experienced from the mid-1980s to the present. Africa’s economic decline made most African countries far more susceptible to outside pressure from the IMF and the World Bank and to internal opposition elements in the early 1990s. Thus, economic failure made the African state vulnerable to both outside intervention and to the internal erosion of its legitimacy. Indeed, I have argued elsewhere that Africa’s economic crisis “critically eradicated [any residual] legitimacy of the authoritarian state and created the intellectual climate in which the democratic alternative [became] widely perceived as... the only viable solution to Africa’s ills” (Makoba 1999: 63). According to Baregu, the legitimacy of the one-party state in Tanzania

which rested on economic performance was seriously eroded due to the severe economic crisis that began in the 1980s and persisted through the early 1990s (Baregu 1994: 159).

FILLING THE VACUUM? NGOs AND DEVELOPMENT

There is no doubt that poor economic performance by the African state has eroded its legitimacy. However, the current retreat of the African state from active economic development followed by the donor community's promotion of the NGO sector as an alternative to state-led economic development threatens to further undermine state legitimacy. With the end of the Cold War, development assistance is no longer used primarily by the U.S. and its allies or Russia (successor to the former Soviet Union) to "buy" ideological allies. This implies that if aid is given at all nowadays, it is likely to go toward the promotion of genuine grass-roots development (Craig and Mayo 1995: 10). In addition, the new thinking in development theory and practice views markets, private sector initiatives and especially NGOs as having the greatest potential for achieving economic growth and providing most services to most people including the poor, women and children. Under the new thinking, the role of the state or government is increasingly being reduced or rolled back. The "roll back of the state" in Third World countries including sub-Saharan African ones, partially manifests itself in the "reduction of state spending on social programs while promoting solutions based on the market forces or voluntary/NGO sectors and community based self-help" (Craig and Mayo 1995: 10). Because of the end of the Cold War and pressing financial needs in developed industrialized countries, official loans and grants from northern governments and multilateral lending agencies (such as the IMF and World Bank) have declined dramatically since the 1990s. As a result, the international donor community prefers to channel its scarce development aid through NGOs instead of governments that are perceived as both corrupt and inefficient. There has been increased donor funding through NGOs since the 1980s. According to Sandberg, "northern NGOs collectively now transfer to the South more than the World Bank does. Net grants to Africa from NGOs rose from \$0.8 billion in 1982 to \$1.4 billion in 1989, which was equal to more than half of all private financial follows to Africa in the same year". (cited in Craig and Mayo 1995: 21). Moreover, by the close of the decade of the 1980s, for example, about \$1.5 billion of public funds were

channeled to Africa through northern NGOs (Craig and Mayo 1995: 21). Southern indigenous NGOs are also increasingly being targeted by international donors as financial recipients of development assistance. As a result, African “NGOs often can secure more financial resources from both external and domestic sources to undertake a new development project than a local or national debt-ridden or authoritarian African government can [or will] secure” (Galjart 1995: 18–21). This, of course, threatens to render the state irrelevant in the development process. It also raises the central question of whether current and future NGO-state relations in Africa will be dominated by cooperation or confrontation.

NGO-STATE RELATIONS IN SUB-SAHARAN AFRICAN COUNTRIES

The Frameworks

There are two broad perspectives on the NGO-state relations in Third World countries that may readily be applied to sub-Saharan Africa. The first perspective views the relationship between NGOs and the state as “essentially oppositional, antagonistic and conflictual” (<http://www.bond.uk/wgroups/civils/report.html>, 1997: 4). This notion is based on the assumption that civil society (including NGOs) serves as the means by which citizens’ rights and interests are protected from the incursion of the state.

In contrast, the second perspective sees NGOs and the state as “mutually interdependent and complementary rather than as mutually antagonistic” (ibid.). This perspective regards the NGO and state sectors as complementary, since neither is fully autonomous nor fully self-sufficient. The perspectives are presented as if they were mutually exclusive.

Toward Synthesis

This chapter argues that the two perspectives of NGO-state interaction, when applied to Africa, are not mutually exclusive. The scope for NGO-state collaboration or confrontation in Africa, like elsewhere in the Third World, is determined “not only by the attitudes and ideas of individuals [who manage these] institutions, but also by broader political, social and economic factors” (Wellard and Copestake 1993: 5). At one end of the spectrum, NGOs operate largely within the official state

policy framework. At the other end of the spectrum, they openly resist or confront government policy and seek to change it by mobilizing popular opinion, through advocacy or direct lobbying. It is important to understand why some NGOs cooperate with the state, while others resist and seek to change government policy (Ndegwa 1996: 109).

Both indigenous and international (or northern) NGOs involved in filling the gaps left by the state's withdrawal from the provision of social services or promotion of economic development through poverty reduction tend to view collaboration with the state positively. In particular, they consider collaboration with the state as providing an opportunity for improving their influence or leverage in order to achieve their stated objectives. On the other hand, collaborating government agencies view the relationship with NGOs as "a way of gaining access to NGO's local knowledge, expertise and external finance" (Wellard and Copestake 1993: 287). In most cases, NGO-state collaboration is based on compatible development goals or objectives. According to Wellard and Copestake, "constructive interaction is clearly impossible without some common purpose or shared goal" (1993: 300). But in situations where goals are not compatible, NGOs may be regulated and "coopted... by the regime which uses them for legitimacy building and social service gap-filling" (Dicklich 1998b: 19). Increased NGO-state collaboration depends on cordial relations with government and especially undertaking "grass roots, humanitarian, welfare or development activities that governments cannot or will not do" (Dicklich 1998b: 19).

In many sub-Saharan African countries, both local and international NGOs have taken a leading role not only in promoting economic growth and coordinating the delivery of services, but also by engaging in the production and distribution of technical information to various segments of the population. In Kenya, for example, the agro forestry research and development conducted jointly by the government and NGOs produces newsletters, magazines, community training workshops, educational kits for schools and radio programs aimed at making technical agricultural and environmental conservation information available and accessible to both the public and policymakers.

In addition to collaboration, NGOs may use lobbying or advocacy through their networks of members or set values derived from the wider (global) development movement, and may draw upon their professional and specialist knowledge to influence government policy such as on the environment and sustainable agricultural development. KENGO,

a Kenyan NGO, aims to increase public awareness and debate on the (poor) state of the environment and to promote implementation of policy and practical means for its amelioration. To attain its objective, it has organized traveling workshops for scientists, community leaders, journalists and policymakers to meet farmers and visit places around the country.

The cooperative NGO-state relationship depends largely on the absence of major ideological or developmental differences between NGOs and the host African governments. Also, regular informal contacts between NGO leadership and the political or bureaucratic elite help to sustain the collaboration. And in most cases, mechanisms for coordination, regulation and resolution of disagreements between NGOs and host governments are set up to ease the interaction.

Close NGO identification and collaboration with the host government may undermine the NGO's objective of targeting the poor and other marginalized segments of the population. In addition, transaction costs involved in collaboration with government agencies can be exceedingly high. Critics claim that coordination meetings tend to be both time-consuming and unproductive (Wellard and Copestake 1993: 302). Coordination meetings with government representatives take too long to arrange, yet are frequently canceled or rearranged at short notice and time and effort spent building up rapport with key senior civil servants/bureaucrats is wasted when they are transferred to other locations.

To make collaborative interactions meaningful to the NGO, two pathways are proposed (Wellard and Copestake 1993: 303). First, NGOs may accept government invitations to engage in collaborative efforts and, then afterwards, seek to negotiate more interactive involvement as government bureaucrats become more aware and trusting of NGO abilities and partnerships. Second, NGOs may concentrate upon preserving independent and successful work programs including developing local expertise and a base for constructive criticism of public policy and practice. NGOs can then decide either to remain and operate independently or to negotiate collaboration with host governments from a position of technical and financial strength. In the final analysis, NGO-state disagreements that are ideological or involve fundamental policy differences are likely to lead to confrontation rather than collaboration or permissive NGO autonomy.

NGO-state confrontation may arise from one or more of the following situations: (1) the NGO being too overtly political in its work (e.g., advocating human rights, democracy or environmental issues); (2)

NGO's success threatens bureaucratic interests; and (3) where the survival of NGOs themselves is threatened by government legislation. In the following analysis, each one of these situations is explored.

NGOs are generally viewed by politicians as being of marginal political and economic importance. However, in situations where their work is perceived as overtly political, they are taken very seriously by the political elite. In particular, NGOs involved in the advocacy of human rights, democracy or controversial environmental issues are viewed with suspicion and hostility by host African governments.

NGOs in Africa seek to contribute to the overall democratization process at two levels. First, NGOs seek to "pluralize" civil society by pursuing or encouraging actions that enable them to operate more independently of the host government. To this end, they may organize collectively, be assertive and pursue their own interests in the development process. In this way, NGOs help to "enlarge" and "safeguard" the political space that the post-independence African state has eroded over the past four decades.

Second, "NGOs contribute to the process of democratic development by empowering grassroots communities where they pursue their development activities" (Ndegwa 1996: 25). NGOs may serve as vehicles through which grassroots communities can channel, protect or articulate their interests. NGOs view the goal of empowering grassroots communities as "a crucial step toward social, economic, and political recovery in Africa" (Ndegwa 1996: 23). Grassroots empowerment by NGOs is not possible without "pluralizing" the civil society and ensuring that the African state accepts or tolerates other actors in the development process. However, African states with little legitimacy tend to be "highly suspicious of NGO activities, especially those that may be construed as political in any way" (Dicklich 1998b: 24). In most cases, the state allows NGOs to operate (or not to operate) on the basis of political consideration rather than the NGO's contribution to economic and social development. Overall, the parameters within which NGOs can promote "pluralization" or "empowerment" of clients in most Third World countries including African ones, are defined by the regime in power.

In Kenya in the 1980s, the Daniel arap Moi administration sought "to consolidate power and neutralize potential independent agents of agitation" (Ndegwa 1996: 25–26). The government's actions included dismantling several civic and political organizations and networks of patronage that had served Kenyatta's administration and had the

potential to undermine Moi's power. From the 1980s until Moi's political party lost to the opposition in 2003, several organizations resisted attempts by the KANU government in Kenya to control them. The most notable ones included: the Law Society of Kenya, the National Council of Churches and the Green Belt Movement. The Green Belt Movement, a radical environmental organization led by the late Professor Wangari Maathia, a Nobel Peace Prize winner, and a cabinet minister in the Kibaki government, emerged as the most outspoken critic of the single-party regime in Kenya. Maathia's challenge to the single-party regime of former President Moi contributed to her "organization's abandonment of the self-restraint that was characteristic of NGOs..." (Ndegwa 1996: 28). As a result of state-NGO tensions in the late 1980s over human rights, democracy and environmental issues, the Kenya government responded in 1990 by passing the NGO Coordination Act designed to regulate and control NGO activities. Similarly in Uganda, the government created the NGO Registration Board to monitor and regulate NGOs and their activities throughout the country. In addition to monitoring NGO activities, the National Resistance Movement (NRM) Government in Uganda has tried to co-opt developmental NGOs into its national development strategy. As a result, critics contend that "NGOs are vehicles of NRM-inspired and led development. This distracts from the ability of NGOs,... to provide an alternative source of influence or accountability to the regime" (Dicklich 1998b: 25).

In Egypt, Dr. Saad Eddin Ibrahim, the founder and head of the Ibn Khaldun Center and prominent advocate of democracy and human rights, was convicted by a Cairo court on charges of defaming the country and he was sentenced to seven years in prison (The New York Times Editorials 2001: A22). Furthermore, his respected center on democracy and human rights education was closed by the Egyptian government. However, as a result of persistent international pressure on the Egyptian government, Dr. Ibrahim was released from prison and his sentence was commuted.

The second area of NGO-state confrontation is where NGO success threatens bureaucratic interests. As noted earlier, the legitimacy of many Third World countries, including those in Africa, is "based on their ability to deliver services" (Paul and Israel 1991: 73). And since the legitimacy of many states in the Third World still rests on performance or the ability to deliver services, "any NGO that delivers services more efficiently than government may be perceived as a political threat"

(Paul and Israel 1991: 73). According to Ndegwa “the growing presence and capacity of NGOs in all sectors of development and their ‘overtaking’ of [African] states in some instances due to the states’ decreasing capacity have put the two on a sure collision course” (1996: 21). In such situations, successful NGOs are viewed by African countries as posing a direct challenge to the states’ so-called “imperatives of sovereignty” which include; territorial integrity, security, autonomy, legitimacy and revenue collection. Because of this, “African governments have come to view NGOs as socioeconomic assets but also more warily as political challengers whose benevolence needs to be directed and coordinated in order not to undermine the state” (Ndegwa 1996: 22). In general, African governments are concerned about the growth and activities of NGOs for two political reasons. First, as NGOs constitute a vast network of resourceful organizations with international financial and technical support, they are growing more autonomous of the host governments.

Secondly, NGOs have the potential to reshape state-society relations, especially in the grassroots communities where they operate. For their part, NGOs have greatly challenged the state’s monopoly over development—especially by penetrating remote areas that the state has been unable or unwilling to reach (such as northern Uganda or southern Sudan). The international donor community has continued to channel development aid through NGOs, thereby “bypassing” the state. As a result, Third World governments including African ones, view NGOs as competitors for scarce development aid. This has “led [such] governments to attempt to control NGOs and their resources in the name of preserving national sovereignty” (Ndegwa 1996: 22). As discussed earlier, the Moi government in Kenya responded to the NGO political challenges by enacting the NGO Coordination Act of 1990, which sought to monitor and control NGO activities. And in Uganda, the NRM Government created the NGO Registration Board under the Ministry of Internal Affairs (not planning or economic development ministries) to oversee NGO activities throughout the country.

The final area of NGO-state tension concerns government legislation that may threaten the survival of NGOs. Increasingly, “many governments in [sub-Saharan Africa] are moving towards some form of compulsory regulatory framework for the [NGO] sector, particularly for those [that] receive funds from abroad” (Wellard and Copestake 1993: 298). The state has often a wide repertoire of control strategies at its disposal. The state can monitor, coordinate, co-opt and if necessary, reorganize

or ban NGOs from operating in the country. Although state power is overarching, NGOs can lobby, collaborate selectively, keep a low profile, disband or withdraw (if they are international NGOs). In general, “NGOs are likely to accept regulation and coordination if they are persuaded of the case for it, and fears that the state is attempting to dictate what they do can be assuaged” (Wellard and Copestake 1993: 300).

Previous studies on NGO-state tensions tend to stress state repression of NGOs and assume that NGOs merely submit to the repressive regime (Ndegwa 1996: 32). However, Ndegwa argues that “attempts to control NGOs have also presented opportunities to oppose the state at a time when resources and international good will are... in favor of non-state actions” (Ndegwa 1996: 32). In general, NGOs have reacted to authoritarian government control in three ways. First, they have tried to adjust and pursue amicable coexistence with authoritarian regimes. Secondly, they have opposed and agitated against repression. And, finally, they have lobbied or mobilized with international organizations and Western governments to force Third World states to loosen their control over the NGO sector.

The NGOs in Kenya, for example, were concerned about the scope and intent of the NGO Coordination Act of 1990. The NGO reaction which was initially informal and informational, quickly turned to collective mobilization and face-to-face lobbying with high-ranking Kenyan government officials. This strategy ultimately led to intense and sustained confrontations with the Moi government throughout the 1980s. But in 1992, the Moi government responded to NGO concerns about the legislation by revising it. Four major factors contributed to NGOs’ success in Kenya. First, the availability of political opportunity to voice dissent and to pursue oppositional action without imprisonment. Second, the high level of NGO collective organization and combined human, technical and financial resources—in particular, the establishment of the NGO network and a powerful elected NGO Standing Committee gave NGOs a strong collective voice. Third, NGO alliance with international donor agencies: International donors consistently facilitated the NGO effort to fight the controlling legislation in various ways, including organizing discussion seminars and providing financial resources to enable the NGO Standing Committee to mobilize the stakeholders. Finally, NGO alliance with other oppositional forces in civil society was very important in challenging both the government and its policies such as the law controlling NGOs. In particular, the newly legalized opposition parties embraced

the NGOs' cause as contributing to the broader goal of "pluralism" or democratization. In a nutshell, NGOs in Kenya were able to receive a less threatening controlling legislation because of their "enhanced leverage due to collective organization and resources, alliances with donors and oppositional forces and crucial access to the state as the result of the prevailing political opportunity" (Ndegwa 1996: 52). Thus, NGOs in Kenya were well organized, resourceful and conscious actors contributing to political reform and pluralism.

CONCLUSION

The collaborative and confrontational models of NGO-state relations in Africa are not mutually exclusive. Indeed, they should be perceived as being on a continuum or coexisting. It is argued that most NGO-state relations in Africa fall somewhere between collaboration and confrontation. For the most part, NGOs are "skeptical if not suspicious of state power, yet accepting of the government's necessary function" (Paul and Israel 1991: 30). In other words, NGOs in Africa are prepared to work with governments when opportunities arise that are consistent with their social mission, and to resist when governments impose their policies on NGOs.

Furthermore, governments vary in their ability or capacity to enforce NGO controlling legislation. As a result, "some governments that might like to constrain NGO activities simply lack the political and administrative strength to do so" (Paul and Israel 1991: 30). The simultaneous desire by the African state in seeking to control NGOs while at the same time reaping benefits that are offered by an autonomous NGO sector, is not inconsistent. African governments welcome NGOs as sources of resources, especially technical expertise and foreign aid, and provided their activities complement those of the government.

At the same time, governments strengthen mechanisms for the monitoring and control of the NGO sector to ensure their activities fit within the overall government policy framework. As a result, governments in Africa and other Third World countries tend to restrict NGO activity that is deemed too political, while co-opting or coordinating those whose activities are considered compatible with development objectives as stipulated in their national development or action plans. It is for this reason that critics assert that NGOs are essentially "service-providers and legitimacy providers" (Dicklich 1998b: 170). But in order for NGOs in

Africa and other Third World countries to transcend the role of “mere gap-filling” they will need to be more proactive, and empowerment-oriented when promoting both democracy and economic development. To successfully do so, NGOs need to develop a constructive relationship with host African governments and international donors that provides protection and the bulk of their financial resources, respectively.

NOTES

1. See J. Wagona Makoba, “Nongovernmental Organizations (NGOs), Development and the Crisis of State Legitimacy in the Third World,” unpublished paper, Fall 2003.
2. The 25% in Uganda represents the annual average expenditure by NGOs. During the particular fiscal years, NGO expenditures may be higher. For example, it is reported that during the 1992/1993 fiscal year, the expenditure of foreign and indigenous NGOs “was US\$125 million,... almost equal to the expected World Bank contribution to the Rehabilitation and Development Plan for the same year” (Dicklich 1998a: 148).

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