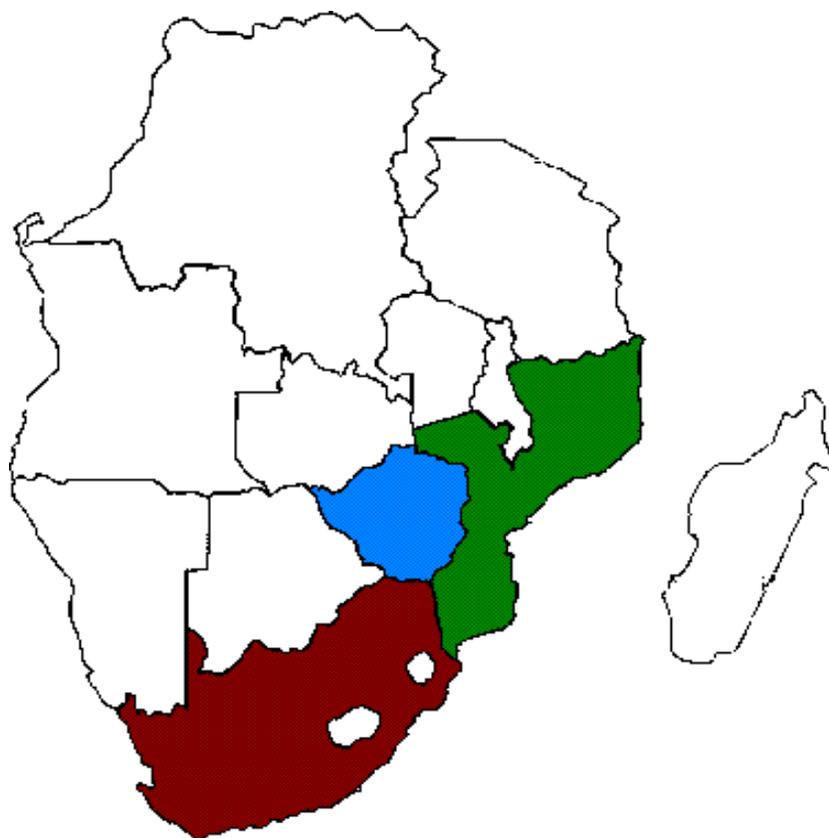


# The Role of Civil Society Organisations in Promoting Social Justice and Sound Developmental Policies in SADC



*A case study of Mozambique, South Africa and Zimbabwe*



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**The Role of Civil Society Organisations in Promoting Social  
Justice and Sound Developmental Policies in SADC**

**A case study of Mozambique, South Africa and Zimbabwe**

**Report Prepared for**

CIVICUS: World Alliance for Citizen Participation

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## **1.0 INTRODUCTION AND BACKGROUND**

The Southern African Development Community (SADC) Accountability Project surveys in Mozambique, South Africa and Zimbabwe were carried out by three researchers from each country. This report draws heavily from these country studies to provide a synthesis of the salient issues applicable to and obtaining in Southern African countries. In addition, the report also provides a comparative analysis of the main issues across countries in order to come up with clear conclusions and recommendations for the benefit of CSO-State relations.

The study's main objective is:

- to make a contribution to building closer cooperation between civil society and governments in the SADC region in order to strengthen the role of civil society organisations (CSOs) in promoting social justice and pursuing sound development policies.

Specifically, the study will:

- examine how civil society actors relate to the government and its policies at national levels (studies drawn from 3 countries)
- identify key constraints impacting on the role of civil society in policy formulation and monitoring implementation of policies
- make recommendations on how to strengthen the role of civil society in working to build social justice and contribute to broad-based participatory development processes

## **2.0 SURVEY METHODOLOGY AND LIMITATIONS**

### **Methodology**

A study questionnaire was developed and administered to ten CSOs in Mozambique and ten in Zimbabwe while about fifteen civil society organisations were surveyed in South Africa. Literature reviews were conducted to complement data/information from the interviews.

The three countries were chosen for the ideal representation they provide across the CSO-State relationship continuum. Mozambique, as a developing democracy, presents a situation where there is a higher collaboration between CSOs and the state. South Africa has a situation where the state is strong and has sufficient resources and does not necessarily feel it needs CSO support or partnerships, whereas Zimbabwe

desperately needs CSO resources, support and partnerships because it is a weakening state. These three situations obtain in the SADC countries in varying degrees and thus are an ideal sampling for a regional study of CSO-State relations.

### **Limitations**

One of the key limitations was that there is very little available information in the literature that directly addresses the study objective. In addition, there were a number of constraints encountered during the interviews as some CSO directors did not feel free to give information. They doubted the confidentiality of interviews with completed questionnaires. They also preferred to be asked key questions from the questionnaire instead of going through question by question.

## **3.0 OVERVIEW OF STATE-CSO RELATIONS IN SOUTHERN AFRICA**

### **Definitions**

In discussing CSOs, this paper takes the broader view of civil society organisations. CSOs should be seen as “a third sector, existing alongside and interacting with the State and profit-making firms” (UNDP, 2001, p. 1). They consist of non-profit organisations and special interest groups, either formal or informal, working to improve the lives of their constituents (UNDP, 2002b, p. 9).

Put more succinctly:

*...Civil society comprises the collectivity of those social organisations that enjoy autonomy from the state (i.e. are not part of the state or creatures of it) and have one important goal among others to influence the state on behalf of their members [Blair, 1997:24]<sup>1</sup>.*

### **Overview**

Even though Southern Africa has had a proliferation of civil society organisations (CSOs) in the past four or more decades, there is not much available in terms of independent assessments or information on where they have been most successful, either as collaborators, alternatives, watchdogs or independent voices of society, let alone any other operative role of CSOs. While it is true that many CSOs have aided the development process of Southern African societies in various fields, it is

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<sup>1</sup> [www.ids.ac.uk/ids/civsoc/final/tanzania/Tan4.doc](http://www.ids.ac.uk/ids/civsoc/final/tanzania/Tan4.doc)

also true that these processes are beginning to slow down in a number of Southern African countries.

The slow-down is partly due to a melt-down in relations between CSOs and the state. Such melt-downs are not new in the life cycle of civil society organisations and state relations. They come and go depending on the times, the mood and the issues at stake in any country. The historical landscape of these CSO-State relations does reveal various patterns and progressions across the region.

The experience of many countries in Southern Africa, not much different from any other African countries, is that civil society organisations were the main driving force for change before and after the colonial era and, in particular, they were a key driving force in the democratisation process while these countries were going through a transition from authoritarian rule to multiparty democracy. Generally, the cyclical tendency has been that before the end of the colonial era, governments in place had confrontational relationships with civil society organisations while, after the end of the colonial era, governments usually started with cordial collaborative relationships with civil society up to a point; that point being either when the state's governance and service delivery capacity/confidence was reaching its peak or when the state's governance and service delivery capacity/confidence was on a downward spiral. This scenario lends itself to an unavoidable conclusion by some that CSOs blossom in times of state decline or failure while they are an unnecessary lot when the state is strong and able. Others would conclude that, in whatever situation, CSOs are an integral part of a pluralist democracy in which different sections of society should have a say or a role in the affairs of the state.

In the case studies presented in Sections 4, 5 and 6 of this report, we document and describe the status of civil society-state relations in individual countries. In Section 7 we bring these experiences together in a comparative analysis and attempt to draw out contrasts and similarities as well as general patterns in civil society-state relations. Section 8 presents a summary of general conclusions and recommendations.

#### **4.0 FINDINGS: MOZAMBIQUE CASE STUDY**

- From the total number of CSOs interviewed, 80% reported that they have an “ongoing” or continuous interaction, either as interested party or as partners in the process of provision of services and development in the country.

- The main mode of interaction between the CSOs and the government is reported to be “direct lobbying” (26.5%) (Table 1).
- The most important form of interaction with government (see Table 2) was reported by 70% of the respondents to be “direct lobbying” and “written submissions.” The second most important mode of interaction is through “informal discussions or consultations” (30%).
- It is clear that with direct lobbying civil society has achieved a lot (80%) in influencing policy (see Table 3).

**Table 1**

<b>Mode of interaction with Government</b>	<b>Percentage</b>
Informal discussions or consultations	23.5
Direct lobbying	26.5
Written submissions	23.5
Legal action	0
Other (specify)	26.5
Total	100

**Table 2: The most important modes of interaction with government**

<b>Percentage of first and second most important modes</b>		
<b>Modes of interaction</b>	<b>Most important</b>	<b>2nd most important</b>
Informal discussions or consultations	10	30
Direct lobbying	70	20
Written submissions	10	30
Legal action	0	0
Other (specify): - Bilateral meetings	10	
Other (specify): MoU with Min. of Agric.		20

**Table 3: Level of influence on policy according to the most important mode of interaction**

Level of influence	Most important mode of interaction	Second most important mode of interaction	% - level of influence	
			Most important mode of interaction	Second most important mode of interaction
None	-	-	0	0
A little bit	-	-	0	0
Some, but not a lot	2	4	20	40
A lot	8	6	80	60
Total			100	100

**4.1 Key constraints impacting on the role of civil society in policy formulation and monitoring of implementation of policies**

- The mixture between political and judicial powers results in delays to the criminal processes that have political interest.
- There is poor perception of human rights issues by government.
- There are differences in opinion between the public and the private sectors.
- There is no individual conscience or political will concerning human rights.
- CSOs have identified the fact that the space provided by government for civil society is still limited although it has been increasing recently, especially due to government decentralisation. This new dimension of space for CSOs brings other challenges related to the human and technical capacity at decentralised local levels.
- According to the syndicate of workers (OTM), the fact that the economy of the country is still weak, results in poor conditions for workers and thereby becomes a constraint.
- The free market economy is forcing many companies into bankruptcy and consequently increasing unemployment.
- Poor coordination of civil society reduces the level of success.

## **4.2 Recommendations on how to strengthen the role of civil society in working to build social justice and contribute to broad-based participatory development processes**

### **Improved mechanism for dialogue and decision making between CSOs and the State**

- Establish a forum where CSOs and the government mobilise financial and human resources for implementing joint programmes.
- There is a need for more dialogue with government and faster decision making processes on issues.
- Build a stronger state in which CSOs monitor the implementation of government programmes.
- Some CSOs prefer a weaker state (a state with a minimal role in the economy). This favours the possibility for the imposition of diversified agendas including those of donors.

### **Promotion of harmony among CSOs**

- There is need for more harmony of interests among CSOs.
- There is need for one voice that represents the interests of all CSOs in the country; this would strengthen the voice of civil society.
- There is need for the creation of a common platform that could coordinate the activities and the interests of CSOs. This platform should not act as an NGO because there may be conflicts of interest between the coordination and the implementation of activities.

### **Strengthening of CSO relations with academia**

- There is also need for better interactions with and a better link between CSOs and academia.

### **Capacity building**

- CSOs face challenges related to lack of human, technical and financial resources for a more proactive civil society.

- CSOs need to achieve financial autonomy (sustainability) that would allow the recruitment of technical staff that can analyse and produce sound opinions about the government's policies over a long term.
- CSOs need to develop negotiation skills in order to strengthen their voice.
- There is a need to capacitate members at local level in order to empower them with knowledge for the correct interpretation and application of their rights and obligations.
- There is a need for improving the technical and human capacity of CSOs.

### **CSOs' autonomy**

- There is a need to disassociate/disaggregate the interest of donors from those of NGOs.
- CSOs need to disassociate themselves from politics because many of them are founded by former senior members of government.

## **5.0 FINDINGS: SOUTH AFRICA CASE STUDY**

### **CSO-State relationships and influence**

- The research highlighted the fragility of the relationship between civil society and the state and how tenuous CSOs' influence can be.
- Slightly over 40% of respondents felt they had "some impact" but almost a third (29%) of respondents felt they had a "lot of influence" on policies in South Africa.
- Several cases indicate that influence may be the result of a confrontational relationship between the state and the CSO through activism or the courts.
- The ability of CSOs to influence government policy depends, in general, on which state department is involved. Some departments balk at CSO "interference" while others seemingly embrace it.
- Some government ministries consider Civil Society as a minor factor and an irritant in fashioning policy and deal with CSOs in a tokenistic way

- Relationships between civil society and the state depend less on institutionalised arrangements than influential personalities.

### **CSO-State policy making environment**

- There is lack of follow-up and interaction by government departments despite government declarations that civil society will be included in formulating policy.

### **Competency issues**

- There are competency issues especially at provincial levels. Comparatively speaking, the local level functions well and is embracing civil society efforts in the arena of arts and culture. At a national and provincial level there needs to be serious change at strategic and operational level.

### **Capacity issues and staff turnover**

- There is a lack of capacity as there is a high turnover in some departments (e.g. the police) and this hampers continuity regarding engagement which, in turn, limits the efficacy of interventions.

### **Modes of interaction**

<b>Collaboration</b>	<b>Direct influence</b>	<b>Formal</b>	<b>Indirect/informal</b>	<b>Legal</b>	<b>Popular</b>	<b>Written</b>	<b>Other</b>
<b>5%</b>	<b>22%</b>	<b>13%</b>	<b>33%</b>	<b>1%</b>	<b>1%</b>	<b>24%</b>	<b>1%</b>
efforts which entailed joint operations with the state agency	efforts to influence policy directly e.g. direct lobbying	efforts centred on formal departmental mechanisms for interaction	attempts to influence policy outside of designated mechanisms	legal action to compel performance by the department	participation in public consultation	written submission to parliamentary committees etc.	mechanisms not included previously

- Public meetings have long been a favoured way in which the state “involves” local communities in decision making. The low ranking it receives here suggests that CSOs do not see them as an effective way of influencing decisions.

- The most prominent mode of influencing policy was “informal” i.e. outside of the mechanisms established for the purpose of consultation.
- The second most widely used mode of interaction was that of written submissions to the Departments, Parliamentary Portfolio Committees and similar bodies.
- Making written submissions is often the most accessible way of stating viewpoints. Furthermore, while making a written submission may call for significant literary skills, it does not require formal or informal contacts with influential state actors or even the ability to attend committee meetings. This mode is perhaps the most widely used.
- Resources tend to be channelled to civil society organisations that support government policy.
- In spite of all this, 87 percent of attempts to influence policy according to CSOs interviewed had met some degree of success.

#### **5.1 Key constraints impacting on the role of civil society in policy formulation and monitoring of implementation of policies**

- Lack of political will at high levels to engage with civil society
- Corruption and nepotism in the allocation of state funds
- Limited capacity and skills to engage and influence the state
- Insufficient funding for this kind of work

#### **5.2 Recommendations on how to strengthen the role of civil society in working to build social justice and contribute to broad-based participatory development processes**

- There is a need for increased funding to aid CSOs to develop long term sustainability in their activities.
- CSOs need to be assisted in developing capacity to engage and influence policy, a situation that is not the same for all CSOs.
- States need continuous nudging by donor nations in order for them to engage with CSOs in a serious manner.
- The donor nations need to encourage the transparent allocation of funds to CSOs and root out corruption and nepotism by state agencies.

## **6.0 FINDINGS: ZIMBABWE CASE STUDY**

### **Working modalities: human rights and democracy CSOs**

- CSOs working in the field of human rights, democracy or social justice generally do not consult with state ministries when developing proposals. However, on receipt of funding for their programmes they send implementation plans, usually with watered down goals and objectives, to the relevant state ministries, including the Ministry of Labour and Social Welfare and the Ministry of Justice and Parliamentary Affairs. In some cases, plans/strategies are sent to the Office of the Presidency.
- There have been instances where CSO directors are verbally cautioned to refrain from meddling in politics. In many cases they are advised to work together with relevant state ministry/department officials and be transparent in what they do.
- Generally, the government has written off human rights and democracy CSOs as agents of imperialism and therefore do not trust what they do or intend to do.
- There are reports of 'government spies' monitoring all activities of human rights and democracy CSOs.
- There are no forums for these CSOs to report on their progress in programme implementation. CSOs allege that in most cases the government is not interested even when invited to participate in the discussions at public or private meetings.

### **Working modalities: development NGOs**

- CSOs working in sectors such as agriculture, health, water, environment and education at national and local level share their strategic plans and implementation plans with relevant primary state ministries/departments.
- All CSOs interviewed admitted that in most cases they do not consult the relevant state ministries during the time of developing a proposal unless the donor makes that a condition for receipt of funding or submission of proposals. The Canadian International Development Agency (CIDA), its partners in Canada and the Ford Foundation were some of the donors mentioned as requiring government approval of proposals and/or priority focus areas.

- Many NGOs in Zimbabwe are said to be implementing their programmes with the active involvement of government staff from a relevant ministry. If not, they are required further to present their project proposals to the Rural District Council (RDC) where the project is being implemented, to be given the go ahead to go into the communities.
- Officials from the Ministry of Environment and the Ministry of Labour and Social Welfare interviewed stated that their Ministries are working well with environment and national/local rural development organisations. However, some organisations working on food relief and labour issues are politicising their activities by aligning with opposition parties or pressure groups.

### Level of policy influence by specific CSOs

Level of interaction between CSOs and the State	Civil Society Organisations	Total	%
1. Never or very seldom	-	0	0
2. At least once every 5 years	-	0	0
3. About once a year	CCJP, SAHRIT	2	13.3
4. Several times a year	ZCTU, ZLHR, ZESN, NANGO, MCJ, EFZ, ZLHR	6	40
5. On an ongoing basis	CADEC, FACT, NASCOH, OXFAM, SAFIRE, SAVE (UK), WAG	7	46.7

### Mode of interaction between CSOs and government

Mode of interaction with Government	Civil Society Organisations	Total	%
1. Informal discussions /consultations	All CSOs interviewed	14	28
2. Direct lobbying	All CSOs interviewed	14	28
3. Written submissions	CADEC, CCJP, EFZ, MCJ, NANGO, NASCOH, SAFIRE, SAHRIT, WAG, ZCTU, ZESN, ZLHR	12	24
4. Legal action	ZLHR	1	2
5. Other (Specify)	CADEC/ FACT/ MCJ/SAFIRE/NANGO/ SAHRIT (Workshops); ZCTU (Demonstrations, ultimatums, stay aways); Demonstrations (NANGO); ZCTU/ZLHR/NANGO/ MCJ/CCJP (Press release).	9	18
		50	100

**Summary of level of influence on policy according to the two most important modes of interaction between CSOs and the State – 2002 to 2006**

Level of influence	Most important mode of interaction	Second most important mode of interaction	% - Level of influence	
			Most important mode of interaction	Second most important mode of interaction
1. None	-	-	-	-
2. A little bit	11	13	73.3	86.6
3. Some, but not all	3	1	20	6.7
4. A lot	1	1	6.7	6.7
Total	15	15	100	100

- Despite high interaction with government, CSOs feel that they have only managed to influence policy ‘a little bit’.
- Only one CSO interviewed indicated that they have influenced government policy on women’s development ‘a lot’, citing the gender policy, marriage policy/act, domestic violence act and land redistribution policy.
- Direct lobbying and informal discussions were said to be the most important/effective modes of interaction for policy influence in Zimbabwe.

**6.1 Key constraints impacting on the role of civil society in policy formulation and monitoring of implementation of policies**

**Legal framework and trust issues**

- Misunderstanding and lack of trust between the CSOs and the state.
- The new NGO Bill: The legal framework within which civil society operates in Zimbabwe has become progressively harsher from about 1995 and picking up in 2000 to date. The NGO Bill, although not signed into law, is being applied to curb CSO operations.
- POSA and AIPPA: The Public Order and Security Act (POSA) and Access to Information and Protection of Privacy Act (AIPPA) are constraining CSOs from working effectively in formulating policies for social justice and sound development.

### **Strategic choices**

- The confrontational strategy adopted by pressure groups has become a constraint. Most pressure groups are confrontational in their interaction with government. As such, government has responded harshly and now regards all CSOs as pressure groups, working against all government policies.

### **Perceptions and realities**

- The Zimbabwe government's bad track record on human rights: Most CSOs now regard good governance and human rights as key priority problems in Zimbabwe. However, focusing on human rights and electoral issues in CSO operations is forcing government to respond in a confrontational manner.
- The 2002 Presidential and 2005 Parliamentary Election was deemed unfair: Consequently, some CSOs regard the present government as an illegitimate regime. These charges have further alienated some of these CSOs from the State. The situation has therefore made engagement in policy influence, policy formulation and monitoring difficult for some of these CSOs.

### **Sustainable funding sources**

- Lack of funding for most CSOs constrains their operations and effectiveness. In addition, the "brain drain" is affecting CSO effectiveness.
- The economic operating environment of CSOs in Zimbabwe: The current economic environment, with inflation pegged at 2200%, is making CSOs' operations too expensive.

## **6.2 Recommendations on how to strengthen the role of civil society in working to build social justice and contribute to broad-based participatory development processes**

### **CSOs and sustainable funding sources**

- Increase funding from the international community and the state for CSOs' activities. Lack of funding has resulted in a "brain drain" and weakened CSOs' effectiveness in campaigning for and implementing social justice and sustainable development initiatives.

## **Capacity building**

- Develop the capacity of Zimbabwean CSOs and government departments in peace building and conflict resolution. This will allow CSOs and government to engage positively on issues affecting the country.
- Capacity to understand CSOs' role: Develop the capacity of CSOs to understand their role versus that of the state. Divergent and contradictory views on the role of social movements have tended to antagonise the state.
- Develop the understanding for a new constitution with the full and active participation of all Zimbabweans. Is this for NGOs or for the nation? This is an issue which is so huge, it can only be raised as a pre-condition, not as a recommendation.
- Assist in the development of a new NGO Bill with the full and active participation and contribution of all CSOs. Some of the sections of the current NGO Bill can be retained if deemed fit by all stakeholders.
- Further CSO capacity development is required in poverty alleviation, engagement in policy advocacy and dialogue, transparency and accountability, implementation of participatory development processes and capacity for research and policy analysis.

## **7.0 COMPARATIVE ANALYSIS**

### **7.1 CSO-State relationship determinants**

There are various frameworks for examining the relationship between the state and CSOs. Through applying the questionnaire the survey noted similarities consistent with the Tandon (1989) and Bratton (1989) frameworks that emphasise the importance of specific characteristics of the state as the determining factors in the relationship between the state and CSOs. Three typical relationships were observed in the history of state–CSO interactions:

1. Dependent and that of a client
2. Collaborationist

3. Adversarial, where the state may seek to encourage NGO dependency, attempt to co-opt CSOs, enforce regulations or resort to intimidation tactics.

In most SADC states immediately after independence, the relationship between states and CSOs was collaborative. CSOs were consulted during the development of national plans and budgets. This is no longer the case today in a majority of countries in Southern Africa. Many CSOs feel that their operating space has dwindled and they are left to fight for space to operate, let alone to influence the state.

In South Africa for example, CSOs during the apartheid period concerned themselves with opposing the government and to a certain extent they fulfilled a social service delivery function and constituted a shadow welfare system. After the end of apartheid CSOs had to reconsider their development goals. In general civil society organisations experienced difficulties and challenges during this transition but they adapted and took the change in their stride as it were from an adversarial situation to a collaborative one. In the years after apartheid CSOs have had to cope with a lack of resources, the migration of skilled personnel to government and business and a hostile legal and tax environment. It is also true that civil society organisations have been experiencing a fall in funding from external sources, while government funding is continually shifting to different priorities, leaving CSOs with no option but to adapt or die. After the change from an apartheid government to a democratic one, western donors shifted their funding priorities by redirecting their aid from CSOs to the new democratic state. While this shift was taking place, it left many CSOs on the wrong side. Many CSOs in South Africa are operating on a dependent level when their funding is from government and some operate on a collaborative level to a large extent, whether government funded or externally funded. Few are on an adversarial level. The South African study revealed that government resources tended to be channelled to civil society organisations that support government policy. Therefore, those CSOs that for some reason did not want to support government policy had to be prepared to seek resources elsewhere.

In Mozambique and Zimbabwe, like any other Southern African state, a similar situation obtained after independence. Civil society-state relations moved from an adversarial stance pre-independence to a collaborative one after independence. The difference is of course the fact that while in Mozambique the relations have to a large extent remained on a collaborative level, in Zimbabwe they have not. In Zimbabwe there has been such deterioration of CSO-state relations that for most development oriented CSOs the relationship with the state is a dependent one and, in some cases, an adversarial one. The Zimbabwean state has become so

anti civil society organisations that it is legislating and enforcing regulations that inhibit the operations of CSOs and is resorting to intimidation tactics.

The challenge for all civil society organisations in Southern Africa is not only to learn when to be in what relationship (dependent, collaborative or adversarial) but also how to tell when it is time to opt out once the situation has changed in order to ensure the long-term survival and prosperity of the CSO. Evidence is such that when a CSO has failed to get out of a relationship going sour, the price has been heavy and damaging, not only to that particular CSO but to civil society in general. How does a civil society organisation know it is time to get out of a dependent or collaborative relationship with the state? Zimbabwe provides an example where, by failing to get out of a collaborative relationship on time, CSOs were pressed into a corner when the Gukurahundi (internal civil strife in Matabeleland) was taking place. No CSOs raised their voice against it because they found themselves in a compromising situation. The challenge is for CSOs to learn to read the change in the state-CSO relationship temperature in order to avoid the conditioning effect that eventually entraps, discredits or kills CSOs involved.

It is also possible that in weaker states collaboration is much more feasible than in stronger states. However it is also true that should the quality of governance deteriorate in any state so will the quality of the relationship between that state and the CSOs.

## **7.2 Development oriented CSOs versus human rights CSOs**

In Southern Africa there seems to be a difference in the way the state treats development oriented CSOs and human rights and democracy oriented CSOs. It is also clear that many countries in the region are hostile to human rights and democracy oriented organisations and less hostile to development oriented CSOs. In fact, it would appear that governments fail to comprehend why and how human rights and democracy organisations could take their place under the civil society umbrella. Perhaps it is because the human rights organisations come close to rattling or challenging the political space or status quo of government more than the development oriented organisations that they are resented and more occasionally fought off by governments. President Mwanawasa of Zambia while talking about civil society organisations and the Constitutional Review process underway in his country was recently quoted as saying:

*“.....he preferred political parties to discuss the Constitutional review process as opposed to non-governmental organisations (NGOs) because their mission was poverty reduction. The President said NGOs' involvement in political matters was tantamount to a breach of the law because their objectives did not include politics, and advised them to leave the issues to political parties.*

*NGO means non-governmental organisation, so why should they be involved in Government issues? They are formed to serve the poor people, not politics. It is a breach of the law for them to do so because their objectives do not include politics."*<sup>2</sup>

The view reflected by President Mwanawasa above could perhaps be used to shed light on what many politicians contend with when it comes to understanding and accepting the role of human rights organisations on the Southern African landscape. On the other hand, it could assist CSOs in shaping their understanding too as they seek to create a space as their rightful place at the table. The question to be asked is, do civil society organisations develop strategic directions with clear missions and objectives? If they do, are these clear enough for all to see? In other words, are CSOs at fault for being misunderstood? If the CSO strategic intent and engagement policy guidelines are clearly spelt out, then governments should not fault CSOs for not making clear what their core business is about. It is possible that governments are only using this argument to de-legitimise CSOs. A counter argument is that it is also possible that CSOs do not want to be too clear about their core business and how they will carry it out for fear of being refused permission to operate. Legislation of the operative environment is here to stay in Southern Africa. CSOs should not be too dismissive about the issue but rather they should respond pro-actively to secure a better deal before it is too late. The rumblings are not only from Zambia and Zimbabwe. They can be gleaned from all over Southern Africa, even from some of Africa's finest icons:

*"At least twice recently, President Thabo Mbeki is reported to have questioned whether NGOs in South Africa are being manipulated by foreign donors and the extent to which our civil society is independent. As a network of NGOs committed to democracy and free speech, we feel compelled to respond to his attack on the credentials of NGOs.*

*.....the roots of government distrust of NGOs predate the Mbeki era. In a speech to the ANC's 50th National Conference in December 1997, Nelson Mandela, usually renowned for supporting a strong independent civil society, made a scathing attack in which he accused elements within the NGO sector of working with foreign donors to undermine the government and its development programme, and of lacking a popular constituency or membership base among the population. "<sup>2</sup>*

While in South Africa the human rights institutions are Chapter nine institutions, legislated under law, in the rest of Southern Africa it is not

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<sup>2</sup> <http://www.globalpolicy.org/ngos/state/2005/1025mbeki.htm>

necessarily so. Human rights organisations operate as part of civil society organisations in some countries either because there are no similar organisations legislated and protected under law as in South Africa, or those with this responsibility are toothless and ineffective. The studies in Mozambique revealed that there is such a poor perception of human rights organisations by government that there is no political will to engage or form meaningful relationships with such organisations. Some CSOs are disassociating themselves from politics because disaffected former government officials are themselves coming out of government to start their own CSOs critical of government. The government is obviously taking advantage of the situation to divide and rule.

In Zimbabwe where everything seems to have taken a wrong turn, human rights organisations pointing their fingers at the country's bad governance, human rights record and electoral issues are attracting a confrontational response from government, evidencing a shattered CSO-state relationship. In comparison, the Zimbabwean situation is the worst on the Southern African landscape in this aspect. There, the study revealed instances where heads of CSOs have been verbally cautioned by the state to refrain from meddling in politics. During our survey, there were reports of 'government spies' following the activities of human rights and democracy CSOs as these have generally been written off as agents of imperialism by the state. No other state in southern Africa has gone that far but telltale signs and rumblings point to the fact that should any other state reach critical weakening and become unpopular as Zimbabwe has become, they too would adopt the same tactics.

President Robert Mugabe is quoted as saying that NGOs are:

*"hatcheries of political opposition...The moment they seek Governmental power and office as has happened in Binga, we begin to view them differently as political opponents. And political opponents are dealt with politically. ..They should not cry, for they have redefined the rules of engagement." (The Herald, 13/10/02)*

In the same vein, Zimbabwe's minister responsible for NGOs indicated that

*"Some NGOs and churches are causing too much confusion in the country because they are converting their humanitarian programmes into politics...The government cannot allow that to happen so we are saying they should go under scrutiny where we revise all modalities in the country." (The Herald, 5/04/04)*

What is intriguing is the fact that whereas the human rights and democracy CSOs fared badly in the two southern African countries studied (Mozambique and Zimbabwe), in South Africa they did not. Could it be because they are legislated and protected under law? We think so. The

finding was that in South Africa it is the CSOs that are not Chapter nine institutions that are mostly complaining of a lack of political will by government to engage. The feeling was that they were treated in a tokenistic way when dealing with the government.

### **7.3 Levels of state funding support to CSOs**

In Southern African countries most states are heavily subsidised by donor funding. In the recent past some countries have been known to receive close to half, if not more, of their national budget from external sources (western donors). With such a poor economic state of affairs in a country, it is easy to understand why CSOs heavily rely on external funding too. This in itself creates stiff competition for resources and, unfortunately, from the same external sources. By comparison, South Africa is the only country in the region that has sufficient resources within its budgets to fund civil society organisations. Although the funding level is not adequate in the eyes of CSOs and some allege that corruption and nepotism is rampant in the distribution, it is certainly larger than any state funding or even the total of all other states' funding to CSOs on a regional scale put together.

Whereas in Mozambique there were cries of inadequate funding, large or significant resources to CSOs were coming from external sources. This is similar to the situation previously obtaining in Zimbabwe although now the government is beginning to clamp down on such inflows by making the operating environment difficult. The resulting effect is that many CSOs are so seriously constrained that they are no longer effective. The study also points to a 'brain drain' as further compounding the effectiveness of CSOs operating in that country.

### **7.4 Institutionalisation of CSO-state relations**

Across Southern Africa the total number of CSOs is not known but it is generally accepted that the number is in excess of 50,000. Whether this number includes all CSOs, including trade unions, is not clear because no quantification efforts have been made. Therefore, with these kinds of numbers, it is understandable that states would seek to put in place a proper legal and policy framework to aid the institutionalisation of CSO-state relations. However, it is clear that not all states in Southern Africa have good intentions in seeking the institutionalisation of CSO-state relations via legal framework mechanisms. Various bills touted by states in a number of countries to be for the good of CSOs are being opposed by the civil society organisations, with perhaps the loudest voices coming from Zimbabwe and Zambia. It is also clear that some countries have inadequate laws to govern the smooth operation of CSOs.

In the Zimbabwe case study it was cited that the NGO bill, though not signed into law, is being used to curb CSO operations. This compares with the situation obtaining in Zambia where an attempt to have in place a similar NGO bill is meeting resistance by civil society organisations. Emily Sikazwe, director of the Non-Governmental Organisation Coordinating Committee [NGOCC] is quoted as saying:

*"We know for a fact who they are targeting with this new legislation, but we reject it with the contempt it deserves. Democracy has come to stay in Zambia, and we won't allow anyone to sit on critical issues that are important to the country."<sup>3</sup>*

Of course we know that the CSOs being targeted in the majority of cases are the human rights and democracy oriented ones. It is from such organisations that pressure groups have been formed to challenge governments on a number of fronts. The Zimbabwean government has taken the view that all CSOs are pressure groups and are all working against government policies.

What is interesting is that in South Africa, because the human rights and democracy institutions are legally protected institutions, their operating space is allowed for by law. Therefore there is no need to fight. It is only the CSOs that are not directly and specifically catered for under law that have to fight for space to operate or influence the state. However, even though they have to fight, the situation is not as bad as in other countries in the region. This is because the South African legal framework in particular and the institutionalisation of CSO-state relations in general is far better than in the other countries of the region. What is indirectly in question though is the issue around the legitimacy or mandate of many CSOs. Some point to organisations like the trade unions that have specific membership and specific ideologies that are well known to governments and ask the same of other CSOs. The question is, should all CSOs seek to be membership based? The answer is a resounding no! Governments must learn to deal with different CSOs with different missions in society and seek CSO-state relations that underscore a pluralistic democracy.

## **7.5 Politicisation of CSO-state relations**

The issue of politicising CSO-state relations cannot be left out as it is regularly rearing its head with accusations and counter accusations from both parties in the relationship. As quoted earlier above, the Zambian President is of the view that CSOs should not meddle in politics as this is the space for government and political parties. What is perhaps at issue here and is important to point out is the lack of a common and accepted

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<sup>3</sup> The Times of Zambia (Ndola) 12 July 2007, <http://allafrica.com/stories/200707120722.html>

definition of civil society in Southern Africa. Different CSOs are treated differently and in some cases similar CSOs may be legislated differently from country to country in the region. Lack of harmonisation of the legal frameworks in the region is detrimental to CSO-state relations. In Zimbabwe for instance, human rights and democracy organisations, because of the nature of the issues they advocate for, are vilified and accused of doing the work of opposition parties, yet trade unions raise the same issues but are not be treated the same. In South Africa for example, trade unions can and do raise wide ranging issues without as much vilification. Of course others have suggested that the state is lax about trade unions because it has the time and space to engage them in bilateral/tripartite talks while there is no such time and space to engage CSOs. Perhaps CSOs need to push for such time and space too, so long as they can come through one representative body such as the national umbrella body. The challenge of course is to get CSOs to accept one entity to represent them with their multitude and diverse interests. The Mozambique study recommends that such a regional coordinating body should stick to coordination and not get into programme implementation in order to avoid a conflict of interest.

## **7.6 Working modalities for CSO-state relations**

The study also looked at the modes of interaction between civil society organisations and government in Mozambique, South Africa and Zimbabwe. If civil society was talking to government and vice versa, what framework were they using and which mode in use was the most effective? Could we, by looking into this mode of interaction, get an idea of how warm or cordial the relationships are?

Whereas the majority of CSOs interviewed in the three countries indicated they were having a lot of interaction with government, it is interesting to find that in two of the three countries (Mozambique and Zimbabwe) the interactions are mostly through direct lobbying. The difference between the two is that in Zimbabwe CSOs use informal discussions/consultations to the same level as direct lobbying to complement their interactions with the state. In these two countries CSOs are regularly talking to the state in their effort to influence it towards their options, views, processes, etc. It is a good thing to see civil society find and effectively utilise the opportunities for face-to-face interactions with government officials. The critical issue is how influential they are in their interactions, a point that will be dealt with separately hereafter.

In South Africa, the CSOs are using indirect or informal methods as the primary means of interacting with government. The report intimates that these interactions are more through influential personalities as opposed to

being planned and scheduled. When looked at closely, this is not surprising. States without sufficient resources and capacity are usually amenable to CSOs that are better resourced and with capacity to complement government efforts. However, governments with adequate resources of their own play hard to get and are dismissive of CSOs and/or only deal with them in a tokenistic way.

The secondary mode of interaction is via written submissions in South Africa, Mozambique and Zimbabwe. The difference between the three countries in this mode of interaction is that Mozambique uses informal discussions/consultations to the same level as written submissions. It is important to meet and discuss things in the relationship, but it is equally important to put things down in writing. This is being borne out in the research conducted. From the above, it is clear that CSOs are engaging governments in their countries. This scenario could be inferred in the region as a whole though the modes of interaction might differ slightly.

On a regional level it is also possible that there are CSOs working on the sidelines and not having direct engagement with government. This is particularly possible for CSOs with whom the government refuses to engage and/or those that can deliver services without the cooperation of government. The possibility still exists for such CSOs to function in a few countries. For these, interaction is not as important as long as the funding partners are not interested in making collaboration with the state an imperative. While other reports were silent on the matter, the Zimbabwe report pointed out that the Canadian International Development Agency (CIDA) and the Ford Foundation, among others, required government approval of proposals. This is important in that it highlights the fact that external donor conditionalities can be used effectively as a pre-requisite for funding in order to nudge governments and CSOs to engage. On the whole, some external donor conditionalities such as this one do actually play a part in the CSO-state relationships. So, without doubt, such external donors can and do have a responsibility in strained relationships between CSOs and the state.

## **7.7 Level of influence by CSOs in CSO-state relations**

If civil society organisations are engaging the state, as evidenced in this study, what influence do they believe they are bringing to bear on the state? Though the study did address the question, it must be pointed out that the answer to the question is one sided. No state officials or their agents were asked whether CSO engagement with them was influencing policy. Perhaps it should be pointed out that the question was more to assess the 'self belief' perspective of CSOs.

In Mozambique, the study revealed that the majority of CSOs interviewed (80%) were bringing a lot of influence to bear on the state in their engagement with it. In South Africa though, the influence is a lot less than that in Mozambique. About 40% of respondents felt they had some impact while only 29% felt they had a lot of influence on the state. The Zimbabwean CSO influence on the state fares the worst in the study. Only about 7% of respondents felt they were influencing the state. The majority felt they were only influencing the state a little bit. This situation is understandable given the harsh operating environment in that country at present.

## **7.8 Government influence on CSO-state relations**

It is clear from this study that in SADC countries the methods used to influence government policy are different depending on the nature of the operating environment in each country. It is also clear that human rights and governance type organisations are experiencing the most difficulties while development type organisations are not as constrained. The state has various instruments it can use for good or ill, to influence the health of CSOs (Brown 1990). According to Brown, whereas the level of response can be non-interventionist, active encouragement, partnership, co-option or control, the policy instruments can be:

- Factors of governance (encouraging public debate and consultation, and the right to organise interest groups).
- NGO regulations and the legal framework (for example, regarding registration and reporting, auditing and accounting requirements).
- NGO incentives (including taxation policies on income or local fund-raising, duties on imports, subsidies for NGOs, etc.).
- Collaboration (use of NGOs in programme/project implementation).
- Involvement in policy-making (serving on committees, assisting with public consultations).
- Public disclosure of information (NGOs serving as a conduit to inform the public about development schemes which affect them).
- Coordination requirements within the NGO sector; and
- Direct expenditure, including official support (grants, contracts, etc.), and research benefiting the NGO sector.

If it is in the above areas that the state can change the nature of the relationship between CSOs and the state, then it is in these same areas that CSOs will need to engage the state proactively and constructively to formulate laws and/or policies that bring about a favourable environment for CSOs to operate. A non engagement attitude towards the state by CSOs is by default a choice to be locked in “splendid isolation”. Nothing much can be achieved in this mode.

## **8.0 CONCLUSIONS AND RECOMMENDATIONS**

It is of no doubt that civil society organisations in Southern Africa are playing an important and critical role in the development of any state. As outlined above, civil society does not and should not operate in a vacuum. It needs to interact with the state and business in order to influence the two. Government cannot govern alone. It needs CSOs, and CSOs cannot be the alternative to government - they need the state. CSOs need to continue to guard and maintain their autonomy but autonomy should not be used as a reason for non engagement nor should it be an excuse for poor CSO-state relations. The terrain is difficult and is contested in Southern Africa but there is a need for closer cooperation between civil society and governments in the region. This should be a major objective of civil society in the region.

In the light of the above, CSOs need to consider the following recommendations:

- If states are seeking to institutionalise CSO-state relations by putting legislation in place to control the environment, it makes sense for CSOs to realise that the time for a stand alone approach in dealing with the state is coming to an end. CSOs need to find each other and organise better if they are to remain a formidable force. One way of doing this is to strengthen ties with the national and regional CSO representative bodies. In addition, utilisation of or calling for linkages or engagement protocols with organisations such as the African Union and the Southern African Development Community is imperative.
- CSOs need to take advantage of the openings to engage governments on legal frameworks that are still under debate in the region by coming up with comprehensive alternatives superior to the ones currently being floated by various states.
- Clearly, the human rights and democracy oriented CSOs are greatly misunderstood and disliked by governments. More dialogue around best strategies, policies and rules of engagement, education and linkages within the countries and regionally are critical as a way forward.

- Sustainability and independence in terms of CSO funding sources is critical to CSO-state relations. As long as funding is largely from donors outside of Africa, the state view that CSOs are creatures of foreign states will continue to sour CSO-state relations. CSOs need to begin to place emphasis on local funding as well.
- CSOs need to look into mechanisms that enhance the visibility of those sections of society they represent or on whose behalf they speak to provide a strong sense of mandate or representivity without CSOs having to turn into being membership based organisations.
- Donors need to play a pro-active role in CSO-state relations, particularly where they fund both government and CSOs in the same country. There is much to be gained in cooperating with the state and therefore conditionalities for some level of cooperation can be constructive.
- CSOs need to constantly review the obtaining determinants or driving factors in CSO-state relations in each country and create a barometer by which to measure any changes in order to react accordingly.

## 9.0 ANNEXURES:

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## 9.2 QUESTIONNAIRE

# COVER SHEET

## SADC ACCOUNTABILITY PROJECT

Civil society's contribution to governance and development processes in any country is contingent upon the existence of an enabling policy environment and mechanism for engagement between the state which holds political power, and other partners. CIVICUS funded by Oxfam America has commissioned the SADC NGO Study to better understand CSO engagement with governments in the SADC region by conducting case studies in Mozambique, South Africa and Zimbabwe.

The study's main Objective is:

- to make a contribution to building closer cooperation between civil society and governments in the SADC region in order to strengthen the role of CSOs in promoting social justice and pursuing sound development policies.

Specifically, the study will:

- examine how civil society actors relate to the government and its policies at national and regional levels (studies drawn from 3 countries)
- identify key constraints impacting on the role of civil society in policy formulation and monitoring implementation of policies
- make recommendations on how to strengthen the role of civil society in working to build social justice and contribute to broad-based participatory development processes

<b>Name of interviewer</b>	
<b>Location and country of interview</b>	
<b>Interview date:</b>	

<b>Name of organisation (NGO/institution)</b>	
<b>Name of respondent</b>	
<b>Respondent's position within organisation</b>	

\*\*\* Detach this cover sheet at the end of the interview\*\*\*



3.

**3.**  
*Identification of primary state ministries/departments/agencies active (or “overseeing” activities) in each of the sectors/fields identified by the respondent organisation's primary sectors/fields of involvement with respect to development:*

<b>Sectors/fields identified by respondent</b>	<b>Primary state ministries/departments/agencies</b>
<b>a.</b> (from q.2.1)	<b>a1.</b> <b>a2.</b> <b>a3.</b>
<b>b.</b> (from q.2.2)	<b>b1.</b> <b>b2.</b> <b>b3.</b>
<b>c.</b> (from q.2.3)	<b>c1.</b> <b>c2.</b> <b>c3.</b>
<b>d.</b> (from q.2.4)	<b>d1.</b> <b>d2.</b> <b>d3.</b>

*Note any relevant observations or comments by the respondent.*


**4.1 Sector/Field A:**

**4.1 Sector/Field A:**

(Write in name of sector/field, from q3.1 etc. on previous page)

**4.2 State Ministry/Department/Agency A1:**

(Write in name of ministry/dept/agency from q3.a.1 etc. on previous page)

**4.3 Which best describes *how often* your organisation has interacted with [state ministry/ department/agency in A1] in recent years?**

- 1 Never or very seldom
- 2 At least once every five years
- 3 About once each year
- 4 Several times each year
- 5 On an ongoing basis

*Comments:*

**4.4 Which of the following *modes of interaction* with [state ministry/department/agency in A1] have you used?**

- 1 Informal discussions or consultations
- 2 Direct lobbying
- 3 Written submissions
- 4 Legal action
- 5 Other (specify):

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*Comments:*

**4.5 What would you say are your two most important modes of interaction with [state ministry/ department/ agency in A1], and how successful do you believe your organisation has been in influencing state policy or implementation?**

**4.6 Most important mode of interaction with [state ministry/department/agency from q4.4]?**

---

**4.7 How much *influence* on policy do you believe your organisation has been able to achieve through this mode of interaction?**

- 1 None
- 2 A little bit
- 3 Some, but not a lot
- 4 A lot

*Comments:*

**4.8** Second most important mode of interaction with [state ministry/department/agency from q4.4]?

---

**4.9** *How much influence on policy do you believe your organisation has been able to achieve through this mode of interaction?*

- 1** None
- 2** A little bit
- 3** Some, but not a lot
- 4** A lot

*Comments:*

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## Part B

*At this stage we have a view of the field of activities of the NGO, the state agents they interact with and their evaluation of the impact of these interactions. This section is composed of open-ended questions in which detailed responses are called for regarding systemic failures, etc. If possible the responses will be recorded.*

### **1 Agencies not approached**

You imply that you have not tried to influence..... (Refer to each and every state body individually that received a **2, 3 or 4** in q4.3) despite the fact they operate in your field of activity. Why have you not attempted to influence this agency?

*Note: In those countries in which there is no attempt to engage the state in any form the above question should be reworded in an attempt to see when this situation developed – which events precluded them making an impact on policy.*

### **2 Agencies approached**

You imply that you have been *somewhat* successful in influencing the policy of..... (refer to each of the state bodies that received a **3** in q4.7) despite the fact they are influential in your field of activity. Please describe how:

a) you have interacted with them in these attempts (*note for interviewer: methods may include direct lobbying, informal discussions, legal action*)

b) Why do you think you have not been fully successful in these attempts?


3. What do you think needs to be done to strengthen the voice of civil society within the state?


4. We have attempted to measure the importance of your organisation in fashioning policy. Is there anything that we should have asked that we did not?


*Thank participant for their time and conclude the interview. In conclusion clarify whether the participant has reservations at being quoted - in particular whether or not anonymity is required.*

	Mark as appropriate
Anonymity required wrt individual and organisation	
Anonymity required wrt individual	
Anonymity required wrt organisation	
Respondent may be quoted	
<b>Signature of respondent</b>	

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