



Civil Society, Aid Effectiveness and Enabling Environment

**Political Space of Civil Society Organisations in Africa:
The Cases of Burkina Faso, Ghana and Zambia**

Imprint

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A report prepared by:

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Preface

This report is part of the “Action of Churches Together- Alliance’s” (ACT- A)¹ effort to advance the understanding and knowledge of civil society’s situation in Africa and its significance as political, development related and operational actor. The report seeks to examine whether civil society’s realm for effective development participation has been extended and enhanced as pledged by the Accra Agenda for Action (2008).²

In the run-up to the Fourth High Level Forum on Aid Effectiveness in South Korea the findings of the report add to the current debate on aid effectiveness. Based on interviews and data from Burkina Faso, Ghana, and Zambia recommendations are drawn to back civil society’s stand in relation to governments and donors.

Civil Society Organisations (CSOs) have a comprehensive and complex mandate.³ Especially in developing countries many CSOs are part of the aid delivery system. Particularly capable service delivery CSOs play an increasing and accepted role in aid delivery. Moreover, a rising number of CSOs gets involved in lobby and advocacy, human rights based development, empowerment of the poor and marginalised, initiation of socio-political change to name just a few of the areas. The analysis of CSOs runs deep into the socio-political fabric of culture, society and economy. In fact CSOs are not merely actors of aid effectiveness - they are actors of development effectiveness.

The report assesses the changes in the available political space for a more enabling environment and greater effectiveness of civil society since the third High Level Conference on Aid Effectiveness in Accra 2008. It focuses on the implementation of the Accra Agenda for Actions’ (AAA) resolutions on “democratic ownership and accountability”, “division of labour” and “conditionality” in Burkina Faso, Ghana, and Zambia.

1. The AAA emphasises a process of democratic ownership and accountability which facilitates developing countries’ poverty eradication and development planning. While the Paris Declaration (PD) hardly mentions civil society⁴ the AAA recognises it as a development actor “in its own right”. According to the AAA civil society is supposed to ensure along with government and other actors the democratic ownership and accountability of a country. The AAA is committed to multi stake holder development dialogues with civil society. It desires to improve civil society’s capacity and most importantly, it seeks to provide an enabling environment to maximise civil society’s aid effectiveness and development contribution. This report therefore, addresses the question of civil society’s participation in the national

¹ ACT is an alliance of 100 churches and church-related organisations that work together in humanitarian assistance and development. The alliance works in 130 countries and mobilises US\$1.5 billion annually in its work for a just world. The alliance has over 30,000 people working for it globally. <http://www.actalliance.org>

² <http://siteresources.worldbank.org/ACCRAEXT/Resources/4700790-1217425866038/AAA-4-SEPTEMBER-FINAL-16h00.pdf>

³ http://www.concordeurope.org/Files/media/0_internetdocumentsENG/3_Topics/Topics/20_CSO_effectiveness/Final-Istanbul-CSO-Development-Effectiveness-Principles_footnote.pdf

⁴ 2005 at the Paris Conference civil society witnessed but did not endorse the negotiations process that led to the formulation of the Paris Declaration.

planning, implementation and monitoring process. Has civil society's role changed and have its views received more consideration?

2. In the AAA both donors and recipient governments pledged to align and harmonise their country development planning through an approach known as "country-led division of labour". The report aims to assess whether this approach succeeded to extend the policy space for civil society.

3. Regarding conditionality the AAA stresses transparency and pledges to tie conditionality to country ownership. It further underlines receptiveness towards the views of civil society. Therefore, the interviews with civil society raise the question whether an exchange of views with donors and governments on conditionality has been established, and whether CSO opinions were heard or CSO advice was sought.

The assessment of trends and developments in these three areas provides a conclusive picture of changes in the CSOs' working environments. The results of the three country studies indicate that only Ghana has accorded new roles and new political and operational spaces to civil society. In all the countries reviewed however, a change in roles and spaces of CSOs requires the support of legal and constitutional confirmation. Sector Working Groups seem to provide promising platforms for better cooperation of governments, donors and civil society within the three countries. So far donors have not employed the division of labour approach for the purpose of strengthening the democratic ownership and accountability of civil society. Neither donors nor governments have been receptive to the view of civil society on conditionality. The report concludes by recommending the establishment of national multi stake holder fora to develop national solutions which adequately reflect the commitments of the AAA.

The Development Effectiveness Working Group of Action of Churches Together- Alliance (ACT- A) has conducted this report out of its concern for civil society's role and space in the field of development. Unfortunately, its findings tend to reinforce the concern that in the absence of concerted initiatives from civil society itself and from governments, the political and the policy space for CSOs is in fact shrinking.

I should like to express my sincere gratitude to the author of the report Mr. Vitalice Meja, Coordinator, Reality of Aid Network Africa, Nairobi. Furthermore, I am particularly grateful for the support of the German Federal Ministry for Economic Cooperation and Development in Bonn as well as its staff at the offices in Burkina Faso, Ghana and Zambia. I also like to thank General Secretary Rev. Dr. André Karamaga of the All African Conference of Churches (AACC) and his colleagues as well as the members of the Working Group on Development Effectiveness of ACT-A.

Bonn, May 2011



Dr. Claudia Warning

Director EED

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Executive Summary

CSOs particularly in Ghana have created a platform to monitor the implementation of the Paris Declaration (PD) and the Accra Action Agenda (AAA). This has seen the quality of dialogue on aid effectiveness improve considerably between the CSOs and the government supported the development of a national aid policy. The same observation cannot be made with regard to Burkina Faso and Zambia where such platforms are non existent.

The PD/AAA was able to put in place a high level forum for coordination of aid issues across the countries and this has since 2003 facilitated policy and institutional reforms between governments and donors and among donors. The report found a mixed impact of PD/AAA on the political, legal, and operational environment of CSOs and on their relations with donors. While in Ghana the PD/AAA provided a strong impulse for CSOs to engage at policy level on aid effectiveness, the CSOs in Burkina Faso and Zambia did not register any marked changes. All stakeholders nevertheless unanimously endorsed the relevance and unique value of PD/AAA in creating an enabling environment for CSOs.

The implementation of PD/AAA largely depended on the high level political ownership of their principles and the indicators. For example, having failed to attend the HLF (High Level Forum) 3, the Zambian government did not acquaint itself with the AAA. It did not spend time to understand the provisions such as developing national action plans for implementation of the AAA targets, supporting the CSOs, organizing meetings related to aid harmonisation and budget support harmonisation. Thus in Zambia the PD/AAA failed to put in place a sustainable, political and legal mechanism for multi stake holder planning, monitoring and evaluation of the development process. This is different from Ghana who, having been the host for the HLF 3, took the necessary measures to implement the spirit of AAA.

Under the heading of transparent and responsible aid through the country-led Division of Labour approach, donors were able to build capacity and monitor sector and cluster coordination mechanisms as envisioned in the AAA. However the sector and cluster coordination mechanisms continued to be carried out in an ad hoc manner. Donors participated depending on the perception in their respective headquarters of the political temperature and priority of a particular area of PD/AAA-policy. Government involvement in the country-led Division of Labour mechanisms is limited. Across all three countries governments engage with donors at the level of commenting on Joint Assistance Strategies. Governments seem to play a passive role in this context. Furthermore there are no criteria applied to determine comparative advantage among donors. Criteria, such as policies, experiences and capacities of donors to include CSOs, parliament and local government in national development dialogues are not applied in selecting donors for donor coordinating roles under country-led Division of Labour. Furthermore there is no CSO involvement in the dialogue on country-led Division of Labour.

Donor transparency and co-operation is largely focused on the government processes. CSO - official donor relations on policy is virtually non existent. Part of the reason given was to foster national ownership by government. CSOs on their part have not made donors part of their target for advocacy work, leaving initiatives of donors for Division of Labour at national level towards aid effectiveness unmonitored.

In Zambia, donors and stakeholders interviewed were of the opinion that the NGO (Non Governmental Organisation) act is in fact oppressive. It was recently adopted by parliament and government and also meant to improve the enabling environment for advocacy based CSOs. The act had failed to take into account views of the CSOs. CSOs observed, issues to do with registration procedures, regulation and independence of CSOs should have been discussed and a consensus reached before the act was passed. For Zambia this report comes to the conclusion that the commitments of the AAA in working with the CSOs were not considered in developing an NGO act capable of providing an enabling environment in order to maximize their contribution to development. Concerns of the CSOs include the mandatory registration of all NGOs within 30 days of their formation or adoption of their constitution. At the same time no time limit is prescribed for the processing of a registration application or even denial of registration in the “public interest”. Since this term is open to definition it leaves scope for the exercise of executive discretion. These concerns need to be addressed within the framework for registration procedures.

In Burkina Faso and Ghana on the other hand, advocacy based CSOs have no legal framework to anchor their activities. They find themselves in a legal vacuum that needs to be filled if their demands for inclusion in the policy making process is to be sustainable and locally driven. The impasse between the government of Ghana and CSOs on the draft NGO bill calls for dialogue between the two parties for finalisation of the bill. The absence of a process to facilitate a legal enabling environment in Burkina Faso calls for CSOs to be proactive and initiate a dialogue towards this end.

The AAA commits to be open to the views of CSOs on conditionality. The research in the three countries however showed no opportunities for CSO participation in conditionality discussions were offered in any context. The commitment to transparency and ownership of conditionality as per the AAA does not extent to civil society.

Given the feedback from the stakeholders, this report recommends that all three countries consider forming a multi stake holder forum consisting of the government, development partners and non state actors as a dialogue on implementing the spirit of AAA.

To create an encouraging and enabling environment, that maximises CSO aid effectiveness, as committed in the AAA/PD, CSOs need to be supported through a mixture of different initiatives including legislation capable of facilitating CSO effectiveness, financial support and capacity building across the countries.

1. Background of the Research

1.1 Purpose of the Research

As part of the work programme of the ACT- A Working Group on Development Effectiveness, and as part of an agreed cooperation with the All African Council of Churches, EED Germany hired a consultant to research and report on the status and the progress of CSO space in participating in development planning, monitoring and evaluation against the targets set in the Paris Declaration and the Accra Agenda for Action (AAA).

The purpose of the research was to conduct three country case reports on Burkina Faso, Ghana and Zambia in order to establish if, after the Paris Declaration and the Accra Agenda for Action, the political and operational space of civil society has increased. Furthermore, it was to discern in which ways in selected areas of concern introduced by the PD/AAA a change has been registered in political acceptance, operational space as well as opportunities and finances for a more effective development involvement of CSOs in the three countries.

Burkina Faso, Ghana and Zambia have been selected on the basis of Germany having been identified as part of an EU Fast Track initiative to coordinate the division of labour process in these countries. The good access to the German cooperation officials thereby helped to gain a deeper insight on ownership, harmonisation and alignment issues at the country level.

1.2 Key issues addressed

The researcher worked intensively to review, analyze and formulate recommendations on the broad areas defined by the terms of reference of the project including:

- Identifying measures aimed at improving the implementation of PD/AAA in the context of building a stronger multi stake holder process together with governments, donors and CSOs.
- Researching the extent to which governments have welcomed CSOs to engage in a multi stake holder process. Multi stake holder processes are thought to improve coordination of CSO efforts with Government programmes in order to work out ways in which an enabling environment could help the CSOs to maximise their contribution to development.
- Identifying areas in which donors have given CSOs the political space and opportunity to provide their views on result based conditionalities, country-led division of labour, and finally how alignment and harmonisation in the context of e.g. programme based support have impacted funding opportunities for civil society organisations.

1.3 Methodology of the Evaluation

The Research was carried out in Lusaka in Zambia, Accra in Ghana and Ougadougou in Burkina Faso during the period of August 19 - October 24, 2010, and thereafter in Nairobi for finalization of the report. Prior to the field visits, the consultant reviewed documentation on aid effectiveness, national development plans and regulatory frameworks for CSOs in Burkina Faso, Ghana and Zambia. With assistance from local CSO contacts – ORCADE (Organisation pour le Renforcement des Capacités de Développement) in Burkina Faso, IDEG (Institute for Democratic Governance) in Ghana and CSPR in Zambia, the consultant gathered documentation for the research.

The researcher used the explanatory case report methodology, essentially focusing on the “how and the why” of the planning, monitoring and evaluation process, harmonisation and alignment process, division of labour, legal regulatory framework for CSOs as well as conditionality. During the visit, structured interviews were set up with senior government officials, development partners, and NGO representatives. Secondary data were gathered from a desk review of relevant information to the research.

2. Findings

2.1 Zambia

Zambia was one of the 34 countries which participated in the 2006 survey on the monitoring of the Paris Declaration and also volunteered to be part of the 2011 evaluation of the PD whose results will inform the High Level Forum on Aid Effectiveness scheduled to be held in Busan, Korea in November 2011. In spite of this, the Zambian government faces numerous challenges in seeking to implement the PD/AAA within itself and with the donors. This is largely due to lack of personnel to facilitate the co-ordination of the aid effectiveness process at the national level.

The Zambian government observed their difficulty while reaching out to a broader range of stakeholders outside the official circles because of lack of personnel. At the same time there has been no process of seeking to implement the PD/AAA commitments that call for a multi stake holder approach despite its existence in the Zambian Aid Policy.

National Development Plan

Zambia develops its sixth national development plan. The government asked the CSOs to provide comments to the zero-draft developed by the consultants to which the CSOs produced a

shadow report⁵ that was presented to the government for consideration. At the time of presenting this report, the document is awaiting further consultation.

CSOs seemed proactive in the development of the National Development Plan. They mobilised and organised themselves through the Civil Society for Poverty Reduction (CSPR) platform and gave their input into the draft plan. It is however not clear, if their views are reflected in the national document as the process has been closed to CSOs since the submission of their Shadow National Development Plan. CSOs were of the views that they were “just rubber stamping” the document whose production process had begun without their input, i.e. the government had already prepared a zero draft and the CSOs were the last to be requested to give their input to the zero draft for its finalisation.

While such opportunities provide for CSOs participation in the development planning and operationalisation, they still remain fractured, unsystematic and not institutionalised at the national level. The situation is not any different at the planning and the local level where the problem is further compounded by capacity problems on how to engage from both government side and CSOs.

Other opportunities provided for CSOs to influence the policy making process in Zambia also include the Sector Working Groups (SWGs) which form the basis of alignment between the government and donors. The Sector Working Groups seem to have:

- A strategic plan to put into operation the sector policy and legal framework
- The sector budget framework paper
- The consultative sector reporting and review processes to review implementation of the budget and strategic plan.

Underlying these elements is the sector dialogue and sector coordination between government institutions in the sector, civil society and development partners. The Sector Working Groups are key policy executing institutions that guide local governments in service delivery. The National Planning Authority also uses them to deliver on the priority interventions of the National Development Plan (NDP). The sector strategic plans spell out the details of how the NDP will be delivered within that sector.

At the sector advisory group level, there seems to prevail a more structured process for engagement, particularly, in sectors such as health, macro economy and governance. Some CSO receive invitations to attend the proceedings of the advisory group. However these advisory groups are riddled with challenges. The government chooses the groups it wants to work with, leaving out those it feels threatened by. Furthermore, the advisory groups are dominated by government and donors leaving very few seats for CSOs.

The modalities of engaging CSOs are weak. CSOs are invited the day before the meeting. This compromises their capacity to prepare for the meetings. The documents are also circulated late, (mostly a day before the meeting or on the meeting day) and positions are already formed. Governments and donors seem to meet amongst themselves before they meet with the CSOs raising the question of the sincerity of the deliberations across the sections. The process seems to satisfy a donor requirement rather than facilitate a genuine engagement within a multi stake holder process.

⁵ The shadow report was meant to collate the views of CSOs on development priorities that the government would consider in its 6th national development plan.

There is “reluctant openness” of the government to CSO inputs. The engagement of CSO by government seems to be closely linked with a process requirement resp. a donor conditionality rather than looking at CSOs as a partners in development. This can be observed e.g. in the context of winding down the consultation process as soon as a product has been realised. As already mentioned there is a lack of an institutionalised approach in dealing with the civil society in matters of national planning, monitoring and evaluation.

National Budget

The Zambian national budget making process is consultative, with government inviting input from the public through the media. CSOs provide their input through CSPR (Civil Society for Poverty Reduction, Zambia) and Jubilee Zambia. There are other fora for influencing the national budget including the parliamentary budget committee. CSOs are allowed to make submission to this very important committee of the national parliament.

However key challenges still remain. CSO input in most cases seems not to appear in the national budget. There also exist no opportunities for CSOs to defend their submission on the national budget, neither is there a feedback mechanism on CSO contributions. Furthermore there is no CSO participation in the development of the supplementary budget which is increasingly becoming an important instrument for authorising government expenditure.

Monitoring and Evaluation

Zambia has been conducting annual public expenditure reviews. These involve government institutions, civil society and development partners. The reviews assess levels of achievement both in financial and physical terms and discuss challenges.

The government has used the reviews to redirect implementation efforts with a view to enhancing effectiveness. The development partners have used the findings from these reviews as performance indicators for their reporting purposes to home offices. On the other hand the CSOs use the information to lobby the government to improve service delivery.

Government Funding

There have been significant improvements of aid to Zambia since its introduction. At the same time, there is a remarkable variety of instruments to support the Zambian government. These include the programme-based support such as direct budget support, basket or sector wide approaches as well as project based support.

It is important to note that, the use of direct budget support in Zambia did not have the effect that the government set funds aside to support CSO initiatives within the framework of the national development plan.⁶ While there are some elements of outsourcing to some CSOs doing advocacy in the health sector particularly in the HIV/AIDS sector, concerns are that most of these are government owned CSOs. Even to such organizations the government does not provide institutional support.

⁶ Government refused to sign funding meant for CSOs from the EU because one was of the opinion that the government could not sign over funds to a sector that is not regulated. The Gender Ministry also observed it would not provide funds to CSOs since they did not know what CSOs were doing. The above statements epitomise the difficulty of government – CSO relations in Zambia

2.1.5 Legal enabling environment

The NGO-Act

In Zambia NGOs were previously mainly registered by the Registrar of Societies which is a quasi-government body. Others sought to be registered as trust while some registered under the company act. The latter made it hard for the government to crack the whip on dissenting CSOs particularly, those of human rights and advocacy based groups. For example the “Southern African Centre for Constructive Resolution of Disputes (SACCORD)”, a human rights and good governance watchdog organisation, was de-registered by the government in 2006, only to have its NGO status reinstated by the court.

In an attempt to streamline CSO operations and update its laws to deal with policy based CSOs, the government of Zambia has enacted a law that seeks to regulate the activities of NGOs particularly those that deal with advocacy. The act which was voted into law in August 2009 seems to be a document developed exclusively by the government. It did not go through consultation and consensus building. It contains sections that CSOs feel are restrictive and retrogressive. The new NGO act gives discretionary powers to the new government-controlled NGO-board to determine both the sector and the geographical area where organisations can work. Other problematic requirements include:

- The act provides for mandatory registration of all NGOs within 30 days of their formation or adoption of their constitution but no time limit is prescribed for the processing of an application
- Denial of registration in the “public interest”, a term not defined and leaving scope for the exercise of executive discretion
- The act ignores the principle of continued existence for legal entities by requiring NGOs to re-register every five years.
- The act forces NGOs to submit to a code of conduct to be monitored by a government dominated 16 member NGO-council⁷ having a comprehensive mandate to rule over the autonomy of individual NGOs

Even though the NGO-act has been promulgated, it is yet to be operationalised. The government is yet to set up the relevant structures and institutions for it to be operational.

The development of the act missed the opportunity for a true multi stake holder process. Even though CSOs views were sought after the bill was drafted and some of their input was incorporated into the final act, CSOs are of the opinion that the act does not facilitate their work but rather restricts their operations and seeks to scare them from involving themselves with advocacy work. This is especially so for those working in public expenditure and monitoring, and human rights based advocacy.

⁷ A 16-member board will be established by the community development minister, consisting of not less than eight government officials and a minimum of two representatives from civil society, to “receive, discuss and approve the code of conduct [of NGOs], and ... provide policy guidelines to NGOs for harmonizing their activities to the national development plan of Zambia.”

The act is seen to have the potential of making it hard for critical analysis and to demand checks and balances on the sitting government to function properly. Furthermore the implementation of the act is seen to have the potential of leading to a dwindling number of civil society organisations, in particular small locally-based ones, as they will struggle to meet the criteria of the bill. This will eventually be detrimental to allowing the voice and free expressions of the population living in rural and remote areas to be heard.⁸ As for NGO donors the bill has the potential of scaring them away as it is not guaranteed that an NGO donor is re-registered should it be involved in financing controversial locally based CSOs.

CSO – Donor Relations

The bilateral donors' primary engagement focus is with the government. However, the German government has official implementation agencies such as GIZ (Deutsche Gesellschaft für internationale Zusammenarbeit). They can deal directly with the local CSOs in the context of capacity building, policy dialogue and sub-contracting services. This is confined to the programme operational level.

With regard to the policy dialogue between CSOs and bi- or multilateral donors at the national level, there seems to be no engagement. CSOs see donors as development partners and not as target for advocacy work and therefore have not been in a position to engage donors on issues of this report, i.e. policy dialogue and enabling environment, conditionality and division of labour. There is also no evidence suggesting that bi- or multilateral donors invite or include CSOs in their discussions. There is also no mechanism for bringing on board CSO views to bear on the donors deliberations or coordination.

The mode of engagement with CSOs is limited to meeting with the local donors' policy brief from their headquarters. CSO/donors/government meetings seem to be more of a public relations exercise rather than a critical forum for policy engagement. This is particularly true of the multilateral institutions. Despite the conditionality agenda of the AAA (para 20c) committing to be transparent and "receptive to contributions from civil society", there is no invitation or preparedness to receive the views of CSOs on the conditionality that donors impose/ implement with the government. On issues of result based conditionality, it is clear that this is a pre-serve of the government and the donors. CSOs are excluded from these discussions.

Furthermore, division of labour is seen as an exclusive donor affair as donors use the Joint Assistance Strategy to determine the division of labour⁹ and the coordination amongst donors. Neither the government of Zambia nor the CSOs are consulted in this regard. The guidelines and criteria are not clear and not made public. This is despite the fact that the ministry of finance is supposed to take a lead role in the aid effectiveness process. The AAA's paragraph 17b actually visualizes a country-led division of labour.

With regard to donor funding, there seems to be a more harmonised approach towards the government than towards the CSOs. Currently there is only one basket fund¹⁰ for CSOs – for

⁸ <http://www.irinnews.org/report.aspx?Reportid=85860>

⁹ The development of the *Zambian Joint Assistance Strategy* is a document developed by donors to assist in aligning their programmes around the national development priorities. The strategy is a donor document and has no government participation in its development. It is from this document that donors derive their DoL. donors assign each other tasks in the context of sectors identified in the strategy and this is mostly through the SWG.

¹⁰ A basket fund is understood to be a thematic fund operated by both donors and governments

governance. While it is still at its infancy, it is important to note that not all donors working on governance view this structure as a viable one and have therefore, not planned to put their funds into this structure. They opt to use their own individual partnership framework with individual CSOs.

A closer look at the CSO basket fund reveals that there is a lot of usage of consultants to capacity building programmes. The transaction cost is seen to be high by some CSOs. The funding from this kitty comes with organisational development support in areas of accounting. However in the aspects of capacity building for lobby and advocacy areas, there seems to be no direct support.

2.2 Ghana

Ghana endorsed the PD and the AAA. It underscored its commitment at the international level by participating in the OECD/Development Action Committee's Joint Venture on Monitoring the PD, by hosting in Accra the High Level Forum 3 on Aid Effectiveness in 2008, and by participating in the OECD Working Party on Aid Effectiveness¹¹. Ghana seems to be the only country in the report that empowered CSOs to make demands on government with regard to partnership and development. The signing of the PD and the subsequent hosting of the HLF 3 in Ghana energised Ghanaian CSOs to organise themselves into the Ghana Aid Effectiveness Forum which has seen them greatly engage both donors and government for the involvement of CSOs in aid effectiveness issues as reflected in the Ghana Aid Policy.

At the national level, dialogue between government and CSOs on addressing enabling environment issues within the context of AAA has been relatively mixed. There is no legal frame-work guiding the activities of the advocacy based CSOs. This was due to a stand off organised after the government's promulgation of an NGO bill 2007. It resulted in an out-cry from the CSOs and proceedings were discontinued. Nevertheless, there is remarkable progress in involving CSOs in the policy development of national development planning, the domestic main-streaming of the aid effectiveness agenda and the contributions of CSOs to the national budgeting process.

Political and Policy Environment

Ghana has finalised its medium term national development framework for 2010 – 2013 titled "Ghana Shared Growth and Development". The role of CSOs as development partners is fully recognised in the document, with CSOs being seen not only as service providers in the context of achieving the framework but also critical in enhancing transparency and accountability. The document further calls for streamlining the roles and responsibilities of CSOs as well as developing a functional relationship with the government. CSOs inputs¹² were sought albeit

¹¹ The Working Party on Aid Effectiveness consists of 24 recipient countries, 8 countries that are both donors as well as recipient countries, 31 donors including the EU-Community, 9 Multilateral organisations like UN or the World and the Regional Banks, as well as representatives of Parliamentarians, Civil Society, Business and Industry
(http://www.oecd.org/document/7/0,3343,en_2649_3236398_43364487_1_1_1_1,00.html)

¹² CSOs input were limited to giving reviews and criticism to the document rather than jointly identifying the priority areas.

after the development of the zero draft. It is however evident that the CSO input greatly influenced the final document.

The inclusion of CSOs in the Policy Forum for Aid Effectiveness is anchored in the Ghana national aid policy. The policy recognises the role of CSOs in making not only aid but also development effective.¹³ In this regard the government of Ghana has made a deliberate attempt to include CSOs in its policy making process particularly through the Sector Working Group. Various CSO platforms/fora have been included in the Sector Working Groups alongside CSO think tanks. CSOs even co-chair the Sector Working Group on governance.

While previously Sector Working Groups were a preserve of donors and government, the trends have changed with CSOs being involved. The Sector Working Group is where representatives of ministries, departments, agencies (MDAs, Multilateral Development Agency) and donors involved in a specific sector discuss strategic plans, monitor performance and implement harmonized projects. Currently there are 15 Sector Working Groups. Chief-Directors and a donor counterpart co-chair the SWGs to ensure government ownership and mutual accountability.

The involvement of CSOs in the policy making process seems to emanate not only from the national aid policy but also from the level of preparedness of the CSOs in Ghana to engage with the process. There are various CSO groups and platforms addressing each of the Sector Working Groups. At the same time the government has improved its information dissemination process to CSOs.

Still, the methodology of inviting the CSOs is not systematised and structured. There are those CSOs that have already been identified by the government therefore precluding a CSO based process of consultation and sector consensus building. In some cases invitations seem to largely rely on the goodwill of the officers and informal contacts rather than a procedure. The number of CSOs in a particular process is also not defined.

Legal Enabling Environment

While the constitution recognises the need of broad consultation on national development issues as reflected in chapter 6 of the constitution and the decentralisation law chapter 214, the government has not institutionalised and systematised the consultation process. To date a mechanism for the feedback from the Government to the CSOs does not exist. With regard to lobby and advocacy organisations, there is no legislation that guides advocacy based CSO involvement thereby, leaving it to the executives to interpret what would deem suitable in the public interest.

The government attempted to present an NGO bill in 2007 to streamline advocacy work, but its content was seen as controversial and thus, was withdrawn due to public pressure. CSOs have developed an alternative bill and a code of conduct to regulate their activities. The latter is yet to be implemented. Both the government and CSOs seem to have developed a wait and see attitude, creating an impasse.

¹³ See also Better Aid Coordination Group: "Development Cooperation: Not Just Aid" http://www.betteraid.org/images/Documents/dev%20coop%20not%20aid_english.pdf

Government Funding and CSOs

Table 1 Multi Donor Budget Support- Contribution (MDBS) as a percentage of total aid, 2003-2008

	2003	2004	2005	2006	2007	2008
MDBS % of total aid	30.01	26.74	29.34	33.02	26.48	25.72

Source: Ministry of Finance and Economic Planning (MoFEP)

In 2009 donors provided approximately USD 497 Million in general budget support, eight bi-lateral and three multilateral development partners provide general budget support. The table below shows the breakdown of donor disbursements for 2009.

Table 2: Donor Disbursement

DEVELOPMENT PARTNER	MIO USD
African Development Bank	42.3
United Kingdom	80.7
Canada	27.9
Denmark	13.5
European Commission ¹⁴	99.1
France	22.7
Japan	3.9
Germany	14.4
Netherlands	34.9
Switzerland	8.0
World Bank ¹⁵	150.0
Total	497.3

Source: MoFEP

While government receives direct budget support through a harmonised process of multi-donor budget support, there is no evidence to show that government has allocated funds to support the activities of CSOs including their institutional support. This is despite their

¹⁴ This includes €35m provided through the Vulnerability-Flex Facility

¹⁵ This disbursement was made through the World Bank's Economic Growth and Poverty Reduction Credit (EGPRC)

recognition in the medium term development framework. CSOs heavily rely on external support to facilitate their lobby and advocacy activities.

Donor funding for CSOs

Donors have not harmonised their funding processes with regard to CSOs. While there seem to be efforts to create basket funds for various sectors including those targeting CSOs, individual donors still fund individual CSOs. Thus the transaction cost for CSOs for accessing both individual donor funds and basket funds remain high. The procedures are cumbersome and lengthy. They are especially unpredictable for CSO platforms working across sectors, as donors find it difficult to finance platforms. With specific reference to policy based organisations, the problem seems to be further compounded by the lack of funding for policy engagement based CSOs. Donors seem to prefer supporting service delivery and awareness raising based CSOs to policy based CSOs. This has compromised the participation of such CSOs in the policy making arena, as funds for critical research and analysis are scarce in Ghana.

CSOs, PAF and Conditionality

CSOs participate in elaborating the Performance Assessment Framework (PAF)¹⁶ within the Sector Working Group, which is where the benchmarks and triggers are identified. These are jointly identified. CSOs are invited at the stage of the finalisation of the PAF rather than at the stage of conceptualisation and setting up of the targets. CSOs only give input with regard to the already identified triggers and benchmarks.

With regard to result based conditionality, there is no evidence to show that donors are receptive of the views of CSOs. The setting up of conditionalities continues to be the preserve of donors.

Division of Labour (DoL)

CSOs are not part of the discussions regarding country-led division of labour. This is an area that is seen to be exclusively a donor concern with the government. Further, the determination of lead-donors is guided by field factors as well as policy directives from headquarters. There is no formalised methodology. Studies or written guidelines to determine the process for country-led division of labour do not exist. Political interest, financial resources and capacity seem to be the unwritten guidelines for the process. However, in order to reduce friction between the donors, the lead-donor approach is applied in a rotational manner to guarantee that each interested donor has an opportunity to be a lead donor. Criteria such as comparative advantage, proximity to national policies, experiences and

¹⁶ Performance Assessment Framework (PAF): Discussions in the SWGs result in policy reform measures, specific growth and poverty reduction objectives are drawn from the GPRS II and are jointly agreed as MDBS targets. All of the targets from the SWGs are collated in a matrix or framework, called the PAF. Targets are meant to be results-oriented, time-bound, specific, measurable, realistic and achievable. From the list of targets a small sub-set will be raised to the level of a 'trigger'. Triggers are considered to be targets that require achievement and are directly linked to the disbursement of funds. The PAF is the main monitoring tool used by government and development partners within the MDBS mechanism to jointly assess achievement of objectives.

capacities of donors to participate in national development dialogues with government, parliament, local government and CSOs are yet to form the core framework of determination.

2.3 Burkina Faso

Burkina Faso is one of the signatories of the PD and has also adopted the AAA. It is one of the countries in Africa that continued to register positive growth in aid contributions with the government receiving a 20 % increase in donor flows in 2009, from 1 billion USD to 1.2 billion USD.¹⁷ As a party to the PD the country has adopted a National Action Plan for Aid Effectiveness. Every year a progress report on the implementation of the PD/AAA is produced, the most recent one is from 2010. The report seeks to outline the achievements and challenges the government continues to experience in implementing the PD and AAA.

Government has made attempts to finance one-off activities of CSOs in as far as they relate to the national process. The government of Burkina Faso financed CSO initiatives for collecting input of CSOs for the development of the current national development strategy. The government also funded the post ACCRA meetings for CSOs to organise themselves and prepare for the monitoring of the PD/AAA.

Political and Policy Environment

The government of Burkina Faso is currently developing the National Strategy for Accelerating Growth and Sustainable Development¹⁸ as a follow up to the earlier Poverty Reduction Strategy. The document contains policies and development programmes which the government sees as a priority in tackling poverty both at provincial and national level. The development of this strategy is seen as emerging from the need for making aid more effective. Mature contributions came from the various Sector Working Groups.

In the national planning process, the government sought to include CSOs in different ways, both at sector level as well as in the national technical coordination commission. The commission currently has government representation, three donors, three members of CSOs and the private sector. CSOs are of the view that they have been properly represented in the process and await the production of the final document.

From the foregoing, it can be said that at the political and policy level, there are deliberate attempts by the government to include CSOs in the policy making process. The CSOs in Burkina Faso observe improvement in their relationship with the government. This is different from the previous years when policy planning and deliberation was strictly a concern of the government and the donors.¹⁹ CSOs have been incorporated in various organs of policy formulation including the Sector Working Groups, which review and issue recommendations on various sectors and priorities. CSOs are also part of the technical committee that is

¹⁷ Co-operation for Development Country report 2009

¹⁸ In French this is the «Stratégie de Croissance Accélérée et le Développement Durable» (SCADD)

¹⁹ This is particularly true with the development of the first generation poverty reduction strategy paper

overseeing the development and the finalisation of the next Medium Term Strategy for Poverty Reduction.

The quality of CSO participation remains a concern. This is due to various reasons, including a lack of a deliberate process on scheduling of the meetings. Another reason is just like in the country cases of Zambia and Ghana the absence of an institutionalised framework of engagement. The executive chooses the stage he/she wants to engage CSOs in a given process. Other challenges include the early dissemination of meeting documents to CSOs to better enable them prepare for their representation and participation.

CSOs involved in budget advocacy have no opportunity to present their views at appropriate times and levels to the government. Budget planning is a government privilege until the plan is submitted to the parliament. The process is guided by the ministry of finance. CSOs contribution is limited to providing inputs and analysis during the parliamentary debates, as well as after parliamentary approval.

CSOs find it difficult to participate in budget monitoring as there is limited access to data. The government of Burkina Faso does not readily provide information to CSOs to facilitate their monitoring of budget execution. This is further compounded by the lack of an act guaranteeing access to information to the public enabling qualified participation on the basis of relevant data.

Regarding the implementation of national plans, local CSOs are not directly part and parcel of this process. They do not receive funding from the government. They are also not included in the monitoring and evaluation of national plans. Despite such challenges, CSOs continue to monitor the implementation of government plans. However, with no legal framework for access to information, the monitoring process is complicated. On occasions when the information is made available, it is not sufficiently detailed to form the basis of a sound policy analysis. While at national level the budget making process remains strictly an executive function with limited parliament involvement, the trend is different at the regional level. Here, the development of the regional budget is more democratic and open to the participation of the civil society. CSOs seem to be able to influence the development of local and regional budgets to an extent especially under the decentralisation framework. This is largely due to deliberate structures the government has created for CSOs to participate at the grassroots level.

On the other hand the government has sought to include reputed CSOs to assist it with delivery of certain services within the framework of the National Strategy for Accelerating Growth and Sustainable Development. The government has made big strides in the implementation of its strategy through outsourcing to international NGOs. The official programme operations in the health and education sector use CSOs as service providers. It must however, be observed that the funds given to CSOs are not to facilitate their work but to implement the government's operations. Furthermore the government seems to prefer international NGOs to local CSOs whom they out source to and hence the local CSOs become subcontractors. There is no direct funding to CSOs from the government particularly for those focussing on development policy work.

It can be observed that an enabling environment has not been systematised, structured and institutionalised in Burkina Faso. CSO participation relies on the benevolence of the government and is dependent on the informal contacts of CSOs with the government officials. There is no specific act that governs the operations of the advocacy based organisations.

Legislation for an Enabling Environment

The political and policy space provided for CSOs in development planning and monitoring is not commensurate with the legal environment for CSOs operations in Burkina Faso. There are various legislations governing CSOs. However these have not been harmonised to streamline CSO operations. According to CSOs this partly explains why there is no direct institutional funding made available by the government.

On occasions when there are conflicts between the CSOs and the government, CSOs have limited room to manoeuvre. The law is interpreted by the state. This seems to create discomfort and suspicion between the government and the CSOs with regard to each other's agenda. Certainly, the state has the upper hand in dealing with the CSOs creating a patronage – client kind of relationship.

Donors and CSO Engagement

The World Bank and the International Monetary Fund invite CSOs to meet their visiting delegations. However, these invitations are not seen in the context of robust policy debate but rather a formality for the officials and a public relations exercise. Regular fact finding missions and/or a framework for collecting CSO views are virtually non existent.

Donors seem to have put a barrier between themselves and CSOs. They have not made attempts to engage CSOs in the policy dialogue or have not collected CSOs views with regard to their policy position e.g. on conditionalities or division of labour. Donors appear to have understood their mandate as that of dealing with the government of the day and therefore, have not attempted to interact with CSOs on policy issues or those that touch on issues of result based conditionality.

Burkina Faso and Conditionalities

The triggers and benchmarks are determined at the Sector Working Group level. Apart from elaborating the triggers and the benchmarks of the Performance Assessment Framework, the Burkina Faso government also has to satisfy multilateral conditionalities in order to continue receiving direct budget support. The conditionalities of the multilateral institutions are negotiated in Washington and not in the capital.

At the same time, CSO participation in the Sector Working Groups is limited. This is due to many reasons. Internally, there are few organisations that focus on policy advocacy across the sectors. It is also difficult for CSOs to mobilise themselves to participate periodically in the Sector Working Group meetings. This is because the exercise is resource consuming and many local CSOs are not in a position to support their engagement with the process. Externally, the fora for such discussions are structured in such a manner that does not allow for a meaningful input from the CSOs. CSOs participation in this process is considered as an afterthought and more often than not they are invited at the last minute to attend the meeting. Furthermore the documents for the meetings and the time schedule for the meetings are not readily shared and accessible to CSOs.

Division of Labour

While there are attempts by donors (EU-Commission and the European donors) to fast track Division of Labour, the process is still in its infancy. In Burkina Faso the current efforts still remain a donor concern with government playing a passive role. The government has little influence if any on how the donors assign roles to themselves. Clearly, there are no written guidelines or a framework to guide the dialogue for the division of labour process. With the current dialogue towards reforming the Division of Labour process in Burkina Faso under the Working Party on Aid Effectiveness framework, the government sees an opportunity for negotiation with donors on who should be the lead donor and in which sectors and regions donors should like to get involved. CSOs are however not part of this process. There are no structures to bring them on board of these discussions either by the government or by donors.

Donors directly funding CSOs

The PD harmonisation agenda among the donors is geared towards the government and not the CSOs. There was no evidence to show that donors had sought to harmonise their funding towards CSOs. Most donors opt to finance individual partners. The German cooperation is using its technical arm GIZ to support the initiatives of CSOs. This includes facilitating CSOs' input in the national poverty reduction strategy. Donors attempted to create a basket fund for a gender equality and gender development sector working group where all CSOs working on Gender would be able to apply.

3. Conclusions

From the three country studies the conclusion is that PD/AAA has the potential for developing and strengthening a multi stake holder approach in improving both policy space and the enabling environment for CSO operations. But measures should be taken both at government and at donor levels. There is a need for a consultative process to develop a legislative framework to legitimise the activities and initiatives of policy based advocacy groups in various national constitutions. The legislation should define structures and an institutional framework for the government's engagement with policy based CSOs. This would mean going beyond the national aid policy statements that merely recognise CSOs as stakeholders and taking deliberate measures to work with CSOs as development partners.

4. Recommendations

The report has unearthed critical issues that need to be addressed to strengthen measures that have been undertaken in the context of PD/AAA under the commitment of creating an enabling environment for civil society organisations in the countries under study. At the same time bold steps must be taken in calling for a multi stake holder approach to national development if the spirit of PD/AAA is to be anchored at the national level.

From a comparative analysis perspective of the country cases, the following is recommended:

4.1 Governments

Governments across the three countries need to widen the policy space for CSOs in the following context:

Structured engagement: Governments need to create an institutionalised and systematised process of deliberately seeking the input of CSOs in the policy dialogue. This could be done in creating additional spaces for CSOs in the Sector Working Groups or by requiring CSO participation in various commissions relevant in planning, monitoring and evaluation.

Improve access to information: Access to timely information remains a challenge for CSOs across the countries. This is further compounded by the lack of “access to information”- laws in the three countries. For CSOs to make meaningful input to the development process, as well as provide robust alternative policy analysis, governments should enact Access to Information Acts to facilitate the work of CSOs.

Improve quality of consultative processes: Governments lead the Sector Working Groups. But their review processes are unpredictable and are often held in haphazard and rushed manners. It is important for governments to prepare time schedules and abide by them. At the same time they will have to improve on producing working documents in a timely manner. The foregoing points are important in not only improving the quality of CSO contributions to the process but also in order to allow for ample time for CSOs to mobilise themselves and to give their input through their fora and networks.

Create a legal enabling environment for CSOs: Governments across the three countries need to work with CSOs to develop the relevant legislation that not only anchors the CSO’s legitimacy within the country legal framework but also maximises their contribution in the development process of their countries.

Developing feedback mechanisms: Governments need to develop feedback mechanisms for CSOs to be able to monitor their contributions and consider them in the policy formulation process.

4.2 Donors

CSOs are key stakeholders: Donors need to see CSOs at national level as stakeholders and as partners in development. In this context, there should be a framework for seeking to engage CSOs beyond the field missions and public relation related exercises. Donors should create and develop structures that engage CSOs in their deliberations.

CSO funding at the national level: Donors should also consider CSO-funding at the national level, particularly for advocacy based CSOs to enhance their capacity for influencing policy formulation not only in the budget making process but also in the Sector Working Groups.

Donors to improve access to information: Donors need to improve the information dissemination at the country level beyond the national government. This should be a deliberate and general approach not only applied, when CSOs or the media seek information.

On Division of Labour: Donors should endeavour to develop a fully country-led dialogue on division of labour and ensure a space for CSOs in their deliberations.

4.3 Civil Society Organisations

CSOs need to broaden and democratise their consultative process to include input from the grassroots based organisation, faith based organisations, academics and trade unions.

CSOs should improve their participation in Sector Working Groups: Civil society participation in Sector Working Groups, although with many qualitative differences across the three countries, in general seems haphazard and inconsistent. Better participation could further optimize the CSO contribution. There is also different representation at different meetings. CSOs need to consolidate their representation across the SWG, take up issues of division of labour and conditionality and streamline their engagement with the policy formulation process.

Legal framework: CSOs should develop a self regulatory mechanism such as codes of conduct to help streamline and protect the integrity of their work. At the same time they must work with the governments to facilitate laws to secure and anchor their work within the constitutions.

4.4 Country Specific Recommendations

Zambia

The government of Zambia sees the importance of CSOs in national development planning. They are included in the formulation of various policy instruments as well as the execution of certain programmes at the local level. The current NGO Act does not facilitate the work of advocacy based groups and does not ensure that donors are willing to finance such groups. It should be amended to make it more conducive for advocacy and human rights based

organisation. While amending the Act the Government of Zambia should work closely with CSOs and take their input on board for the development of the next NGO-legislation in the spirit of strengthening the implementation of PD/AAA.

CSOs need to create a forum to engage on the implementation of PA/AAA. This will help to push the CSO engagement in various national policy fora and to advocate for an enabling environment.

This report recommends learning from the Ghana National Aid Effectiveness Forum which has been monitoring the implementation of PD/AAA with positive results.

Ghana

The government of Ghana should institutionalize and systematize its engagement with CSOs in the planning, monitoring and evaluation process. The government will also need to enact a law to facilitate the work of CSOs within the national development context. Given the currently existing positive inclination of the Government to expand the policy and operational space provided to CSOs, this is of particular importance.

Donors too need to engage CSOs more robustly than they are doing through the Sector Working Groups. There is a need for a CSO/Donor-Forum to share experiences and views on policy positions, result based conditionalities and division of labour

CSOs also need to be included in the multi- and bilateral budget support debate to help enriching the discussions and decision-making process on budget alignment based on national priorities.

In the absence of a legal framework regulating their activities, CSOs need to finalise their debate on a CSO code of conduct and begin its implementation.

Burkina Faso

In Burkina Faso, the policy space has greatly improved while the legal framework has remained unchanged. This report recommends therefore that, the government of Burkina Faso creates an enabling legal environment for CSOs to anchor their contribution to national development in the constitution. Given the increased budget support to the government, it is advised that the government of Burkina Faso considers giving long term institutional support to local civil society Organisations.

The government of Burkina Faso also needs to include CSOs in the national budget formulation exercise. This is particularly important in order to assist the government to align its expenditure to national priorities. Furthermore it will be important for government to enact an “Access to Information Act”. This will help CSOs to fulfil their surveillance role in monitoring the national budget execution and impact.

Donors need to create a structure to engage the Civil Society Organisations. They should also strengthen and harmonise the funding facilities for CSOs. The purposes should go beyond mere service delivery and include capacity building efforts in policy formulation, monitoring and implementation.

Acronyms

AAA	Accra Agenda for Action
AACC	All African Conference of Churches
CSO	Civil society Organisation
CSPR	Civil society for Poverty Reduction, Zambia
JAS	Joint Assistance Strategy
EED	Evangelischer Entwicklungsdienst (Church Development Service, an Association of the Protestant Churches in Germany)
GIZ	Gesellschaft für Internationale Zusammenarbeit
HLF	High Level Forum
IDEG	Institute for Democratic Governance
MDA	Multilateral Development Agency
MDBS	Multi Donor Budget Support
NDP	National Development Plan
NGO	Non Governmental Organisation
PAF	Performance Assessment Framework
ORCADE	Organisation pour le Renforcement des Capacités de Développement, Burkina Faso
PD	Paris Declaration
SWAP	Sector Wide Approach
SWP	Sector Working Group

Quotes from the Report

“There is a need for a consultative process to develop a legislative framework to legitimise the activities and initiatives of policy based advocacy groups in various national constitutions. The legislation should define structures and an institutional framework for the government’s engagement with policy based CSOs. This would mean going beyond the national aid policy statements that merely recognise CSOs as stakeholders and taking deliberate measures to work with CSOs as development partners”

“CSOs are not part of the discussions regarding country-led division of labour. This is an area that is seen to be exclusively a donor concern with the government. Further, the determination of lead-donors is guided by field factors as well as policy directives from headquarters. There is no formalised methodology. Studies or written guidelines to determine the process for country led division of labour do not exist. Political interest, financial resources and capacity seem to be the unwritten guidelines for the process”

“The AAA commits to be open to the views of CSOs on conditionality. The research in the three countries however showed no opportunities for CSO participation in conditionality discussions were offered in any context. The commitment to transparency and ownership of conditionality as per the AAA does not extent to civil society”

“The provision of direct budget support to Zambia did not have the effect that Zambia set funds aside to support CSO initiatives within the framework of the national development plan”

“The government of Burkina Faso seems to prefer international NGOs to local CSOs whom they out source to and hence the local CSOs become subcontractors”

“Donors seem to prefer supporting service delivery and awareness raising based CSO to policy based CSOs. This has compromised the participation of such CSOs in the policy making arena, as mobilisation funds and funds for critical research and analysis are scarce in Ghana”

“There is “reluctant openness” of the government to CSO inputs. The engagement of CSO by government seems to be closely linked with a process requirement respectively a donor conditionality rather than looking at CSOs as a partners in development”

“Government refused to sign funding meant for CSOs from the EU because one was of the opinion that the government could not sign over funds to a sector that is not regulated.

The Gender Ministry also observed it would not provide funds to CSOs since they did not know what CSOs were doing. The above statements epitomise the difficulty of government – CSO relations”

“On occasions when there are conflicts between the CSOs and the government, CSOs have limited room to manoeuvre. The law is interpreted by the state. This seems to create discomfort and suspicion between the government and the CSOs”

“CSO/donors/government meetings seem to be more of a public relations exercise rather than a critical forum for policy engagement”

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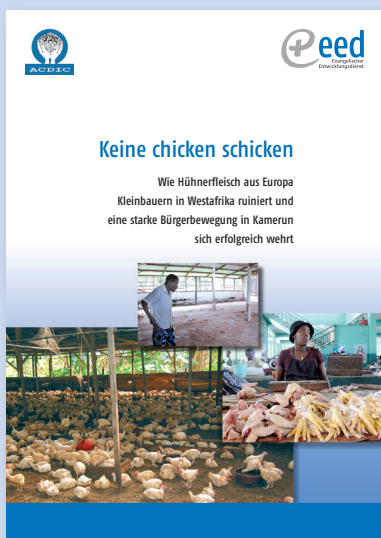


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3. Auflage

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