Essay on Development Policy

The role of civil society in good governance as part of international development cooperation

Case study Uganda

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### Abbreviations

<table>
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<th>Abbreviation</th>
<th>Description</th>
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<tbody>
<tr>
<td>ACTV</td>
<td>African Centre for Treatment and Rehabilitation of Torture Victims</td>
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<td>CSO</td>
<td>Civil Society Organisation</td>
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<td>CBO</td>
<td>Community-Based Organisation</td>
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<td>DGF</td>
<td>Democratic Governance Facility</td>
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<td>GoU</td>
<td>Government of Uganda</td>
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<tr>
<td>HIPC</td>
<td>Heavily Indebted Poor Countries (Initiative)</td>
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<tr>
<td>IMF</td>
<td>International Monetary Fund</td>
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<td>MDG</td>
<td>Millennium Development Goals</td>
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<tr>
<td>NGO</td>
<td>Non-Governmental Organisation</td>
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<tr>
<td>ODA</td>
<td>Official Development Aid</td>
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<td>PEAP</td>
<td>Poverty Eradication Action Plan</td>
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<td>PRS</td>
<td>Poverty Reduction Strategy</td>
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<td>PRSP</td>
<td>Poverty Reduction Strategy Paper</td>
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<td>NRM</td>
<td>National Resistance Movement</td>
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<td>QuAM</td>
<td>Quality Assurance Mechanism</td>
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<td>SAP</td>
<td>Structural Adjustment Programme</td>
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1 Introduction

In this essay, the focus lies on the role of civil society organisations (CSOs) in international development cooperation, particularly in the area of democratization and good governance, and the critique relating to this role. The chosen topic is highly relevant in the broader area of international development cooperation. This can be seen by the various scientific and practical publications and the existing development programmes dealing with the thematic area of civil society and good governance. Civil society has even started to be a buzzword, which shows the current importance given to this concept in international development cooperation, together with all the negative implications such as unclear definitions and a very broad usage.

Due to the existing amount of literature on civil society and good governance in general, the main focus will lie on the role of CSOs with regard to their potential for democratization and to their participation in poverty reduction policy processes. After a brief overview on theoretical implications of the concept of civil society and its expected role in democratization and policy processes, some general critique points found in the current literature will be presented. The main analysis will focus on the case of Uganda, which is often presented as a reference example for a comprehensive participation process in the development of its poverty reduction strategies. The aim of the paper is thus to see whether the general critique points hold true as well for Uganda, or if Uganda is indeed such an exception as it is frequently depicted. Methodologically, the author will mostly rely on existing current literature, and the information will be complemented by data gathered through informal discussions with relevant actors in Uganda.
2 The concept and the role of civil society

2.1 Definition and usefulness of the concept for African societies

Civil society is often understood as ‘the population of groups formed for collective purposes primarily outside of the state and the marketplace’ (van Rooy 1998: 30). But as with other extensively used concepts such as ‘democracy’, a wide spectrum of political philosophers have each created and used diverse conceptualizations of civil society.

2.1.1 Historical concept

Whereas Hegel argued that self-organized civil society is a sign of a modern and civilised society, and that a market-oriented society needed to be balanced and ordered by the state, Alexis de Tocqueville moved away from the social and political sphere to a narrower organizational focus by stressing volunteerism, community spirit and independent associational life. This should serve as a protection against the domination of society by the state and to keep the state accountable and effective. Gramsci, on the other hand, represents a different strand of civil society thinking. He argues that civil society is the arena, separate from state and market, in which ideological hegemony is contested. In his view, civil society as a wide range of different organizations and ideologies both challenges and upholds the existing order (Lewis 2002: 571ff.). The specific concept of civil society, which has often been unconsciously used by international development policy makers, takes its element mainly from the associational and liberal view on civil society exemplified by de Tocqueville (Abrahamsen 2000: 54, Lewis 2002: 572, Mercer 2002:7, Mohan 2002:3, Mutua 2009: 20).

In this essay, the term civil society will be used in its broad sense, by including all associational life between the state and the market. Besides small, community based organisations (CBOs) and non-governmental organisations (NGOs), civil society in this sense encompasses as well unions, churches, the media and self-help groups.

2.1.2 Relevance of the civil society concept for the African context

Since civil society as a concept has clear roots in Western European experience, there has been a rich debate on whether the concept itself is also useful for the analysis of non-European contexts such as Africa. For example, Lewis (2002) contends in his analysis that ‘an adaptive, historically contextualized view of the
concept of civil society is analytically useful because its re-emergence is linked to wider structural changes and state transformations’ (ibid. 582).

Also Harbeson (1994) holds that it is possible to treat the question of civil society’s presence in different cultural settings as empirically researchable, as long as ‘civil society is treated not as synonymous with the adoption of particular rules of the political game but as those behaviours by which different cultures define their rules of the game’ (ibid. 299).

In short, the concept of civil society is neither clear-cut nor uncontested, but implies different meanings and perspectives depending on the author and school of thought. Furthermore, despite its historical specificity, civil society as a concept can also be useful for the African context, as long as it is meaningfully adapted to local contexts and cultural meanings.

2.2 Civil society in international development cooperation

Although NGOs form only one part of civil society besides other types of organisations, a clearly documented trend of a growing international NGO sector can be seen as an indicator of the increasing importance given to civil society in international development cooperation as a whole. The 1980s saw the onset of what could arguably be described as the ‘golden age of the NGO’. The number of NGOs has been growing steeply from the beginning of the 1980s; according to Agg (2006), there were 38,000 NGOs registered as working in more than one country in 1996, more than double the number of a decade earlier. The growth in size and significance of the NGO sector beginning in the 1980s was a significant trend for international development cooperation, and one that continued throughout the 1990s. In the 1980s-1990s, and in particular since the end of the Cold War, bilateral and multilateral donor agencies have pursued an agenda which gives a renewed prominence to the roles of NGOs and other civil society actors in development activities (Edwards & Hulme 1996).

2.2.1 Civil society and democratization

This rise of NGOs and civil society as key actors in international development cooperation is closely linked with the paradigm change of international development policy that occurred during that time: ‘good governance’¹ and democracy became the

¹ In the above mentioned World Bank report, together with a second study of the World Bank, Governance and Development (1992), the following elements are regarded as central to the good governance agenda: enhancement of capacity and efficiency in public sector management, accountability of government, improvement
foundational core of development discourse. Reasons for this paradigm change lie
inter alia in the end of the Cold War and thus the collapse of the communist model of
development, which implied also the decline of superpower rivalry in Africa and
elsewhere. It meant as well a confirmation of the superiority of Western values,
including a liberal type of democracy (Abrahamsen 2000).

Besides the so-called ‘third-wave-democratization’, an overturn of several
authoritarian regimes in Sub-Saharan Africa at this time, this process was closely
linked with a perceived failure of the ‘Structural Adjustment Programmes’. The
failure of these programmes to foster economic growth on the continent is closely
linked to donors’ and creditors’ concern with issues of governance. In the World Bank
report Sub-Saharan Africa: From Crisis to Sustainable Growth, it was argumented
that political factors had prevented the implementation of the right economic policies,
and that the failure of public institutions were the root cause of weak economic
performances in the past (1989: xii). Yet - as several authors comment - this
rediscovery of politics and its relevance to development did not result in valuating
democracy or good governance in its own right, but was seen first and foremost as a
means to the end of (neo-liberal) economic growth (Abrahamsen 2000, Nielinger
1998).

The focus on good governance had crucial implications for the perceived role of civil
society in international development cooperation. Within this framework, civil society
is given a central role in strengthening the pluralization of society and in supporting
the political dialogue and participation of citizens (Nielinger 1998). Furthermore, civil
society’s role in this conceptualization is essentially to act as a counterweight to state
power (Edwards & Hulme 1996). The reasoning underlying this conceptualization
goes that democracy within capitalist society requires a vibrant and autonomous civil
society. Civil society is thus assisted because it is a core element of democratic
consolidation, which in turn provides an enabling environment for economic
liberalism (Hearn 1999, Mercer 2002). As a consequence of this focus on civil society
in international development, a remarkable mushrooming of CSOs can be observed
since the 1990s, as stated earlier on. A parallel observable process is a strong

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2 These were the defining feature of international development policy towards the countries in Sub-Saharan
Africa throughout the 1980s. Inspired by neo-liberal economists and designed by the IMF and the World Bank,
these programmes were devised to deal with Africa’s unsustainable debt and economic decline (Abrahamsen
1999).
increase in available ODA funding of CSOs and a resulting high dependence of CSOs on donor funding (Agg 2006, Edwards & Hulme 1996, Mohan 2002).

2.2.2 Poverty reduction strategies, aid efficiency agenda and civil society

The introduction of Poverty Reduction Strategy Papers (PRSPs) in 1999 as a new internationally recognized aid modality had far-reaching implications for CSOs and their specific role in international development cooperation. Meanwhile the PRSPs have stimulated much debate and some controversy regarding their implementation, they also include some significant innovative practices. For example, there is the requirement that the PRSP must be nationally owned and drawn up as well as monitored in consultation with a diversity of national stakeholders, such as CSOs, churches, unions and private sectors. According to Curran (2005:3), ',this opening up of policy processes to new forms of participation resulted, in practice, in a variety of consultation processes, with civil society organisation – usually NGOs – as the main non-governmental actors, during the formulation phase of the full PRSP’.

The above-mentioned principle of 'national ownership' formed also a crucial element of the Paris Declaration on Aid Effectiveness, which was internationally endorsed in 2005. But the poor and rather narrowly interpreted implementation of the ownership principle in the first three years has been highly criticized. As a result, in the Accra Agenda for Action, which was elaborated during the High Level Forum on Aid Effectiveness in Accra in 2008, CSOs were specifically ascribed an importance as development actors in their own right. Under the principle 'Inclusive Partnership', it was agreed that all relevant development actors, including civil society, participate fully in the development process. And furthermore, the various ways how CSOs contribute to development were pointed out as representing a substantial element in establishing 'ownership'.

2.2.3 Critical viewpoints

Since recently, there is a growing literature criticising various aspects of the specific view and the specific role of civil society in the area of good governance and democratization. In the following, some of the main arguments will be presented. First, as Jenkins (2001) shows with the example of USAID, development policy makers generally lack a thorough conceptualization of civil society – they use it either in a rather narrow, procedural, uncontested neo-liberal perspective, or the meaning of the concept is changed deliberately, depending on the context and the desired
outcome (see as well Hearn 1999, Mohan 2002). Second, the issue of the normativity of the concept has been discussed in several papers. Civil society in this specific perspective is regarded per se as ‘good’, with the implication that aid agencies expect too much of civil society. This view ignores the heterogeneity of civil society, its potential for contesting ideas emerging within and cleavages within civil society along gender, ethnicity and class lines (Jenkins 2001, Lingnau 2003, Mercer 2002, Mitlin et al. 2007). In the same vein, the idea that civil society is generally more efficient and closer to the poor than governements has been criticised repeatedly as not empirically substantiated (Edwards & Hulme 1998, Lingnau 2003).

Especially the latter point is closely connected with the fact that NGOs, as part of civil society, have been pushed to fulfill mainly service-delivery roles through subcontracting, in particular in areas where the reduced, neo-liberal state is not anymore in position to deliver. This in turn, renders civil society unable to engage in advocacy or accountability-demanding activities, which is thought to be the core activity to foster democratization as previously stated (Fowler 1993, Lingnau 2003, Mercer 2002).

Furthermore, as Edwards & Hulme (1998) elaborate convincingly, official funding for CSOs can have serious implications for their legitimacy, accountability relationships, (financial) sustainability and it has the potential to foster competition between CSOs. And lastly, an often cited point of criticism is the fact that only a certain type of CSOs are supported by official donors. These organisations have a clear advocacy agenda, which tend to recruit mainly people from the urban, well-educated middle-class and lack any broad constituency or relationship with the majority of African societies, the rural poor (Fowler 1993, Hearn 1999, Mercer 2002). It seems that the amount of available official funding for CSOs as well as the diminished possibilities for getting a job in the public service due to the SAPs, well-educated Africans opt to found or join a CSO as a viable alternative. That explains the existence of a certain amount of ‘briefcase’-CSOs alongside ‘genuine’ CSOs, and presents civil society in Africa as a rather elitist syndrome (Mercer 2002, Mutua 2009, Ndega 1996).

Besides the potential that national ownership processes can have for CSOs, certain challenges can also be distinguished according to current literature on the role and effectiveness of CSO participation in the PRSP processes. The main critique after the first round of PRSPs has been that the participation process was poorly conceived, very narrow in its agendas, exclusive and rushed. It was described as
mainly superficial due to reluctance or lack of capacity of local governments to supply the relevant actors with important information on time. And also due to the fact that recommendations from civil society were generally not well reflected in the final documents (Cheru 2006:365, Curran 2005:3, Fraser 2005:325). A further challenge often mentioned is the lack of capacity from part of the civil society in effectively participating in the PRSP processes, which require a rather specific technical and macro-economical knowledge. Often, it is thus mainly the bigger CSOs with urban-based middle-class personnel, which have the capacity to engage in these processes, dominating thereby the civil society participation and excluding smaller CSOs representing the rural poor (Curran 2005:3, Driscoll & Evans 2005:13). Another frequently cited criticism, which tackles the role of CSOs only indirectly, stems from the fact that instead of elected, institutionalised representatives such as parliaments, which have a democratic legitimation, in most instances only CSOs and other selected stakeholders are invited to the PRSP participation processes. Besides questions regarding their democratic legitimation itself, the Government’s monopoly on representing the citizenry is largely undermined by this approach (Eberlei 2001, Fraser 2005:332). A last set of critics questions the genuineness of country ownership within the PRSP process in view of the very strong influence of official donors and the IMF, either through substantial funding of the implementation of PRSPs through budget support or through direct influence over the PRSP participation process, or by setting the limits within which topics, such as macro-economic policies, can be discussed (Brock et al. 2002, Curran 2005: 17, Driscoll & Evans 2005:21).

3 Civil society in Uganda

3.1 Historical overview of civil society in Uganda
First representatives of non-governmental associational life can be traced back to colonial times, with co-operatives of export crop growers, trade unions, mission-established hospitals and educational establishments being active. In the run-up to independence between the early 1950s and 1962, together with the weakening of the colonial state as a result of the Second World War, a boost of an increasingly politically oriented civil society was constrained by newly imposed legal restriction and regulation (Oloka-Onyango & Banya 1997, DENIVA 2006)
Independence in 1962 led to the movement towards greatly restricted parameters for political, economic and social organization and participation under the rubric of a single party system. Civil society activity outside the accepted arenas of state supervision and control was completely proscribed, and peasant cooperative societies and trade unions were taken over by the Government and bureaucratised. This left behind activities of a mainly welfarist character. With Idi Amin’s ascendancy in the 1970s, the repression of civil society activity assumed – according to Oloka-Onyango & Barya (1997:120) – ‘genocidal dimensions. Trade unions were completely muzzled, the press became wholly state-owned and controlled, and religious groups were simply outlawed’.

After two decades of civil war, the ascendancy of the ‘National Resistance Movement’ (NRM) and its President Yoweri Museveni to power in 1986, fostered a virtual explosion of civil society activity in Uganda. This is in part on account of the weakened power of the state and a relative freedom that provided space for the emergence of indigenous CSOs. It reflects therefore a greater degree of confidence among civil society actors of the state’s tolerance towards their activities. However, the enhanced interest of the donor community in civil society and the funding that accompanies it can be interpreted as one of the other main reasons for this exceptional growth in civil society organisations, mainly NGOs. Oloka-Onyango & Barya (1997:121) and DENIVA (2006:20) contend both that this explosion has been primarily in the area of social and economic welfarism.

### 3.2 General characteristics of the current civil society in Uganda

Civil society in Uganda can be broadly divided into two groups: on the one hand, there is a widespread nature of rural community groups and a high degree of membership to at least one CBO among the rural population. This is accompanied with widespread volunteering and collective community action, as well as a representation of almost all social groups with a broad geographical coverage. On the other hand, it has been noted that a small part of the Ugandan civil society, mainly operate or are based in Kampala and appear to be dominated by the educated, urban middle class. They are thus often regarded as an elite phenomenon with a narrow social base. (DENIVA 2006).³ This disparity is also seen in the availability and accessibility of official donor funds. Whereas CBOs essentially

³ A CSO expert estimates the current total number of CSOs in Uganda to lie over 8000.
survive on their own income, most Kampala-based CSOs are highly dependent on donor grants, which amount to 86% of total CSO revenues (DENIVA 2006:35).

When looking at the activities of Ugandan CSOs, it appears to be intense, but mainly focused on service delivery and citizens’ economic and social empowerment, rather than on other forms of engagement, such as policy advocacy work. Besides historical reasons and the widespread rural structures focusing on livelihoods, it seems that the rather donor-driven nature of much advocacy work is one reason for this. That is why mainly the urban-based CSOs, which are highly dependent on donor funding, are engaged in advocacy. Furthermore, DENIVA (2006:76) contends that in general, CSOs tend to complement the work of Government rather than question it. This is mainly seen as a measure of benefit in this positioning, through governmental contracts for service delivery work. In view of different possible ways on how to interact with Government⁴, Ugandan CSOs mainly chose thus to complement Government activities.

One of the crucial historical reasons for this tendency is the context of the ‘no-party-system’ in Uganda, which was brought by the NRM when ascending to power in 1986 and which prohibited the creation of any other party than the ruling one. All activities or groupings that appeared to be non-conform to the official NRM position were branded as ‘multi-partyist’ and were closely restricted or controlled. Although Uganda has embarked upon an official multi-party system through a referendum in 2005, the influence of this period is highly relevant to date, in particular for CSO activity (Brock et al. 2002, Thue et al. 2002).

3.3 Ugandan CSOs in governance and policy processes

3.3.1 CSOs as democratization agents?

Although one has to treat any generalisation of governance CSOs in Uganda with caution due to a highly heterogenous nature of this group, there are still some features that can be described as common to a majority of these organisations. As already mentioned above, mostly the urban-based, middle class CSOs implement activities in areas such as human rights, policy advocacy or state accountability. These organisations are relatively young, highly donor-dependent, with generally weak strategies due ‘strong’ leader-driven domination. Often, they lack any real membership and act on behalf of a very narrow social basis. This leads to an

⁴ Different possible forms of interactions could be collaboration, confrontation, complementary activities or consciousness raising.
understanding by many Ugandans that the way to make money is to set up your own NGO. Furthermore, only few of these CSOs make their financial accounts publicly available. More often, accountability to donors is of greater importance than accountability to the beneficiaries. Internal democratic weaknesses are also frequently noted as a characteristic of these organisations, so that influence of members is rather limited and Boards of Directors or Trustees are of a rubber stamping nature. And lastly, there is only limited networking and cooperation between CSOs, coupled with a rather competitive and secretive environment due to the high dependency of donor funds. Nevertheless, coordination has improved in the last few years with newly established umbrella organisations (DENIVA 2006, Dicklitch 1998, Thue et al. 2002).

If one goes back to the critiques presented in the overview in chapter Error! Reference source not found.2.2.2, some of the points become very clear when looking at the case of Ugandan governance CSOs, whereas others are not applicable. First of all, although there are several specific roles, donors ascribe to CSOs in the democratization process of Uganda, it seems that only a very narrow and specific section of civil society is regarded as showing the potential for performing these roles. Hearn (1999) summarizes CSOs’ roles as perceived by donors in the following way: `They act either as watchdogs, holding the Government accountable, or as an entry point to broaden society’s participation in public policy formulation. Donors in Uganda also support interest groups to lobby legislature and human rights-CSOs, since they are seen as those that can mobilise the citizenry.’

This is a rather narrow concept of what roles CSOs are expected to perform. For example, there are only very few CSOs working as watchdogs, holding the Government accountable. This stems from the fact that the accountability concept is locally perceived as a foreign concept, brought into Uganda by foreign donors. Especially in rural areas, where service-delivery CSOs sub-contracted by local Government dominate, CSOs are dependent from the state. The latter group thus tends to work rather in a complementary manner with the Government, but not in any confrontational way, which would be an inherent part of `holding the Government to account’ (DENIVA 2006).

So in the end, those CSOs actively taking on watchdog roles and defending particular interests such as human rights, are mostly those formal, urban-based, professional, elite advocacy CSOs as evidenced above. Two major critical issues
with regard to the democratization potential of CSOs in international cooperation, that of a rather narrow conceptualisation of civil society and that of focusing on a very specific type of CSOs, can thus already be generally substantiated when analysing the Ugandan case. Because not the actually existing, largely rural-based civil society associations are supported, but, as Hearn (1999:4) contends, that ‘a new African elite committed to the promotion of a limited form of procedural democracy and structural-adjustment-type economic policies in partnership with the West’.

One has also to take into account the challenges stemming from Government through regulation and control. Although CSOs are generally permitted by Government, they are regulated through registration and their activities monitored through a `NGO Registration Board`. Many CSOs thus prefer to remain apolitical and presumably on good terms with Government rather than demanding accountability - something that could be perceived by Government as highly political (Brock et al. 2002, Dicklitch 1999).

Furthermore, due to their strong dependence on donor funding, these specific governance CSOs based mainly in Kampala substantially lack credibility, legitimacy, sustainability and accountability towards their beneficiaries. Although some of them, such as ACTV, combine successfully service-delivery with advocacy and are thus seen as credible and legitimate organisations representing real interests of an existing broad membership, most organisations are working almost entirely as private firms of the respective grounding personality, depending highly on donor funding and orienting their strategies according to donor agendas. This leads in most cases to a lack of credibility and legitimacy, which is why a substantial part of governance CSOs can be categorized as ‘briefcase’ organizations. This high dependence on donor funding is also the main reason for a highly competitive working environment for governance CSOs, whereas strong cooperation between CSOs is rather an exception.

Additionally, the question of sustainability is relevant for almost all types of governance CSOs operating in Uganda. In spite of Uganda’s increase in spending capacity of the recent growing middle class, hardly any of these CSOs raise local funding in order to complement external donor funding, neither through charitable donations of individuals nor through local companies or institutions. This heavy reliance on donor funds leads often to an inversed accountability relationship, whereas accountability towards donors is much stronger than towards the
beneficiaries. Furthermore, most of these governance CSOs lack any real grounding with grassroots and exhibit rather weak participation practices (Dicklitch 1999).
This lack of grounding with grassroots, together with weak internal participation processes, heavy reliance from and stronger accountability towards donors undermine the empowering and democratizing potential that these organisations are thought to exhibit. In a nutshell, the author agrees thus with Dicklitch (1999:160) in that ‘CSOs [in Uganda] do not offer a strong autonomous power source that will help keep the regime accountable, or provide firm grounding for the development of a democratic civil society’.

3.3.2 CSO participation fostering a genuine national ownership?

In the beginning of the 1990s, the Government of Uganda (GoU) started to commit itself to macroeconomic stability, liberalisation, and poverty reduction strategies through the elaboration of its Poverty Eradication Action Plan (PEAP). This document, which represents Uganda’s PRSP\(^5\) was elaborated without external influence and led to significant donor support for the GoU. Uganda was thus the first country to reach the completion point for the HIPC Initiative in September 2000. Initially, the World Bank was the main official donor of this aid modality and subsequently, bilateral donors aligned their funds to the poverty agenda. Indeed, Uganda is frequently cited as a case of best practice in the PRSP process, and the role of CSOs in the formulation and monitoring of the PEAP is lauded, despite serious concerns harboured by many participants and observers (Brock et al. 2002, Lister & Nyamugasira 2003).

As Isooba (2005) comments, although the elaboration of the first PEAP in 1997 implied some form of wider stakeholder participation, several challenges resulted in a minor involvement of CSOs in the process. These challenges were relating to the strong focus of Ugandan civil society on service-delivery, as well as a form of CSO participation that was limited to attending meetings and workshops. Conversely, in the PEAP revision process in 2000, CSOs constituted a task force and underwent regional consultations. It was thus the beginning of a relatively meaningful, broad-based participation in the PRSP process. It appears that it was mainly due to the encouragement and support of donors to promote a stronger focus on policy.

\(^5\) The first PEAP was developed in 1997. The revised second PEAP in 2000 counted as an official PRSP under the HIPC Initiative. This second PEAP was revised in 2004. Currently, the National Development Plan 2011-14 with a focus on poverty reduction and economic expansion is implemented.
advocacy, which resulted in a strong growth of the governance CSO sector (Brock et al. 2002).

Despite the opening up of public policy processes and a broader and more effective participation in these processes after 2000, severe challenges remain. In general, one can contemplate the existence of a culture of invitation and consultation rather than participation – CSOs are invited to policy processes mainly in order to listen and to contribute relevant information. But the basis on which the engagement takes place often seems to be unclear or contradictory. There is little discussion about or analysis of which groups constitute legitimate participants in processes and why, and through this invitation procedure, specific CSOs can be selected by Government, whereas others are excluded. Quite often, these invitations happen at short notice and CSOs are supplied with voluminous documents in English only. In certain cases, decisions are not taken in the presence of CSOs, but rather before, after or outside the official public policy spaces (Lister & Nyamugasira 2003, Lwanga-Ntale 2008).

Other challenges are to be found more in the way the agendas for the public processes are set and the role donors play in this context. Several authors acknowledge that the agendas are mostly prescribed and that there are clear ‘no-go-areas’, which can’t be discussed in these fora, such as political systems, macro-economic policies, i.e. SAPs, or defence spending. Donors seem to have a strong influence in pre-setting these topics, and at the same time they also embodied the main driving force, which made the Government willing to open up the policy processes to civil society, which has also been criticised as not representing a genuine willingness (Brock et al 2002, Lwanga-Ntale 2008, Thue et al. 2002).

Other constraints to a comprehensive and effective participation of CSOs in these policy processes are internal to the CSOs themselves. Besides the issues of representation and legitimacy as illustrated in the previous chapter, CSOs in Uganda tend to be much more reactive than proactive. This is strongly linked with the fact that the majority of CSOs are engaged in service-delivery, and those that are participating in the policy processes are occupied with their transition towards their focus on advocacy work. Furthermore, an often cited internal problem of CSOs is the lack of capacity and knowledge in macro-economic or trade areas, as well as in procedural details of these formal processes. It is thus mainly in concrete areas such as health, education or disability, where most CSOs can effectively participate in public policy processes, by combining their first-hand knowledge with advocacy. The combination
of multiple roles of CSOs can thus create synergies, enhanced knowledge and legitimacy, which stands in contrast to the tendency of donors to differentiate between and separate advocacy from service-delivery CSOs (Brewer et al. 2008, Lister & Nyamugasira 2003, Thue et al. 2002).

3.4 Way forward? Recent developments in the governance area

 Taken together, the findings on the potential democratization role of CSOs and on their participation in the public policy processes, most of the critiques presented in the beginning of this paper seem to be confirmed in the Ugandan case. When looking at current developments, this general picture of a civil society that exhibits a rather low potential for strengthening democratization and for fostering national ownership in PRS, seems mostly to be reinforced, but not exclusively.

 An actual case in point is a general absence of CSOs in the so-called ‘Walk-to-Work’ protests that erupted in April 2011, a month after the General Elections were held in Uganda. Although the main opposition leader, Kizza Besigye, who lost against the incumbent President Museveni in these elections in March 2011, tried to present the protest as an opposition movement headed by himself against the newly elected Government, the mass uprising was a rather spontaneous and genuine incident that aimed at protesting against the rising petrol prices, the high inflation rates and the simultaneously disputed Government spending for military purposes and election campaigns. While these issues could form a central part in advocacy strategies of Ugandan CSOs working on good governance and democratization, none of the well-known CSOs, supported for years by foreign donors, were able to take advantage of this momentum and bring itself into the forefront of this movement, which could be interpreted as a sign for a democratic expression of particular interests. It is clear that the general reluctance of CSOs in Uganda to take part in activities that could be regarded as political or partisan, played an important role, but this incident also shows that the challenges mentioned above inhibit these CSOs to perform the role they are expected to, within the narrow civil society conceptualization regarding democratization.

 But then again, as other recent examples have shown, it is too simplistic to say that all Ugandan CSOs working in the area of good governance or democratization are highly dependent on foreign funding and thus incapable of leading controversial advocacy processes on their own and to improve their legitimacy. One of these optimistic signs is the development of a ‘NGO Quality Assurance Mechanism’
(QuAM), which was approved by a cross-section of NGOs in 2006 in Kampala. It aims at promoting adherence by CSOs to generally acceptable ethical standards and operational norms, and it sets principles and standards of behaviour for responsible practice, to protect the credibility and integrity of certified NGOs and their networks in Uganda (DENIVA 2008). Although in 2011, only a small part of the Ugandan civil society has applied for this mechanism, the author and other observers regards this initiative as an attempt to overcome some of the main internal challenges CSOs exhibit, such as lack of legitimacy, accountability and cooperation.

Another positive example showing first signs of independent advocacy work by CSOs is the recent creation of a NGO coalition headed by NGO Forum\(^6\), which started in summer 2011 to elaborate a consolidated NGO Memorandum on the amendment of the current NGO Act\(^7\). The rationale for this consolidated memorandum is a notice made by the governmental NGO Registration Board in May 2011 for the amendment of the NGO Act, which is more constraining than supportive to NGO activity in Uganda. CSOs in the coalition viewed the announcement by the NGO Board as an opportunity, not just to bring the NGO Act in tandem with the existing, rather liberal NGO Policy, but also one that accords space to all stakeholders to put in place a legislation that guarantees a supportive environment for publicly accountable NGOs in Uganda. In October 2011, a draft memorandum was developed and then discussed through a series of regional consultations. Although there has been earlier, similar CSO campaigns on specific topics in Uganda\(^8\), these were all strongly backed up by donors (Brock et al. 2002:16). Contrariwise, the process around the broad-based elaboration process for the NGO Memorandum can be regarded as the first genuine and independent CSO advocacy campaign in Uganda with only minor (financial) involvement of foreign donors. A staff member of Irish Aid formulates it the following way: ‘There is the example of the NGO Act Amendment process – the donors sat aside and were only providing funds to support, but in the end it is the job of the CSOs to do it on their own. This was thus the first joint acting and engaging with the Government of Uganda!’

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\(^6\) This is one of the major umbrella organisations for governance CSOs, based in Kampala. For further information see [http://ngoforum.or.ug/](http://ngoforum.or.ug/)

\(^7\) The NGO Act is the only law applicable for all types of CSOs in Uganda, but as shown with its name, it implies a rather narrow definition of a NGO by mainly focusing on the (apolitical) service-delivery role. That is the reason why the coalition is also called a ‘NGO’ coalition.

\(^8\) Such previous efforts are for example the Land Alliance consortium focusing on the new Land Act passed in 1998 or the campaign for international debt relief led by the Uganda Debt Network in 2000.
The proposed amendments tackled inter alia options on how the GoU can support diversification of funding for NGOs or proposed a more comprehensive view on NGOs by including the multiple roles they are performing besides service-delivery. It still has to be seen on how these propositions will be incorporated by the NGO Registration Board when amending the existing NGO Act.

A last optimistic sign for a strengthened governance role of CSOs comes from a donor initiative aiming at coordinating and harmonizing the funding for governance CSOs in Uganda. Eight of the major donors active in Uganda\(^9\) agreed on setting up a joint funding facility, the *Democratic Governance Facility* (DGF)\(^10\), which has officially started in July 2011 and will be going on until 2016. The aim is to offer a joint funding modality for all CSOs active in the governance area, which is managed by an independently hired professional expert team. Thereby, differing bureaucratic requirements for CSOs should be eased, competition between CSOs lowered and simultaneously their capacities strengthened. Indirectly, there will be a weaker dominance of the individual donor agenda, and together with a focus on more long-term funding, this should strengthen the independent and strategic positioning of CSOs. Even though the DGF has just started and it is too early to draw any conclusions on the fulfillment of its promises, the three-year efforts of the donors for establishing the DGF show first of all a possible way on how to implement the Paris Declaration principle of harmonization with regard to CSO support. Secondly, it also shows that the donors themselves were aware of the challenges existing for governance CSOs and that they tried to find a way to reduce them. But there are still open questions such as what will happen with small CSOs working in rural areas with low capacities, which will possibly not be able to pass the demanding application process of the DGF.

### 4 Conclusion

Due to its specific history in the context of the no-party system, civil society in Uganda can generally be described as apolitical, mainly being active in the area of service-delivery on the countryside. But in the recent years, a new kind of civil society has started to grow, mainly in urban areas. These CSOs are increasingly focusing on advocacy, human rights and good governance, and their staff members stem mainly

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\(^9\) These are the Netherlands, Denmark, Ireland, the UK, Austria, Sweden, Norway and the European Union.

\(^10\) For more information, see [www.dgf.ug](http://www.dgf.ug)
from the educated middle-class. However, characteristics of these CSOs, such as exhibiting weak social bases and a high dependence on donor funding, together with a rather selective support strategy of donors, result in challenges regarding CSOs’ legitimacy, accountability and sustainability. The potential of governance CSOs being an important driving force for democratization and empowerment of the poor is thus severely undermined. Furthermore, this has also relevant implications for the effective participation of CSOs in poverty reduction policy processes, which in turn should enhance comprehensive national ownership of PRSPs. Not only do CSOs have weak capacities to participate effectively in policy processes, but also the way participation in public policy processes is structured, limit the impact of CSO participation. Invited consultation instead of real participation is thus seen as a main challenge from the civil society point of view.

However, when analyzing current developments in Uganda, the picture is not so clear-cut. Although CSOs were mainly absent in the recent mass demonstrations, the so-called ‘walk-to-work-protests’, other developments can be interpreted as rather optimistic signs for a growing consciousness of the challenges mentioned above and attempts to tackle these effectively. Examples mentioned in this paper are the creation of a quality assurance mechanism (QuAM) by CSOs themselves, and the NGO coalition for proposing amendments to the current NGO Act, which can be regarded as a first genuine and independent advocacy campaign from Ugandan CSOs. Other important efforts can be noticed from the donors’ side, with the creation of a joint funding mechanism for governance CSOs as a case in point. Although these developments are relatively new and it is difficult to make any conclusions yet on the changing roles Ugandan CSOs are performing in the governance area, they can still be regarded as first positive results of a continued support of civil society since the 1990s.

Even though there is a relatively growing literature on the subject of civil society and its role for democratization and national ownership, important questions still remain open, particularly after a more in-depth analysis of the case of Uganda. Further research is for example needed around the way different donors conceptualize civil society and its role for good governance, and how this is reflected in the concrete programmes and strategies for CSO support. Furthermore, it would be interesting to analyse in detail the effects of the introduction of the multi-party system in Uganda in 2005 on the way CSOs can operate in the governance area. Most existing literature
dates back before the referendum took place in 2005. And lastly, more concretely, it would be of interest to observe the development and impact of the joint donor funding mechanism (DGF), in view of the independently acting USAID in the area of governance, one of the major donors in Uganda, which didn’t join the DGF.
5 Bibliography


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