

STATE CIVIL SOCIETY RELATIONSHIP IN ZAMBIA

Mulonda Munalula, Kanyamuna Vincent and Kanenga Haggai

Department of Development Studies, University of Zambia, Lusaka, Zambia

ABSTRACT

This paper aimed at discussing state civil society relationship in Zambia. How does civil society relate with the state in Zambia? Do the two entities see each other as partners in furthering good governance and development? These were the central questions that the paper endeavoured to explore. Information collected shows that state civil society relationship in Zambia is laden with high degrees of mistrust and suspicion, making it fragile and confrontational especially with those civil society organizations specialized in issues of governance, rule of law, human rights and participation. On the other hand, the relationship seems to be good with civil society organizations that are specialized in issues of public social service delivery such as poverty reduction. Weighing the two sides of the relationship, the paper concluded that the relationship seems to be more on the negative, confrontational side mainly because civil society is perceived as a threat to state or political power, which has been turned into a lifeline or source of amassing wealth by those that hold it. .

KEYWORDS

State, Civil Society, Governance, Partnerships, Development

1. INTRODUCTION

1.1 BACKGROUND

Today's Africa has become the basin that arguably constitutes the largest concentration of poor countries of the world. It is the seat of the most debilitating, deepened, prolonged as well as subsisting economic declines and development crisis. Among the development challenges on the continent¹, especially south of the Sahara has been the general failure of the post colonial state; the state which emerged after independence, which massively embarked on doing so much in line with the aspirations of its people. A failure which vividly showed lack of capacity to effectively manage development activities. This was made manifest in form of economic decline, poor governance as evident from the decay in the provision of social services as well as violent conflicts to mention but a few.

The failure of the post colonial state has led to the mushrooming of civil society organizations purporting to fill up the impasse or bottle necks left by the state in as far as good governance and development are concerned. Civil society as a third sector from the state and the market is romantically and euphorically associated with much of the positive transformations in today's societies (Ikelegbe, 2003). It is a sector that is massively supported and funded by the donor community and other interested parties to perform roles especially where the state seems to be failing.

Besides filling up the development gap, civil society is seen as an important third sector that positively influences the state. It is an indispensable motor for the promotion of transparency, responsibility, accountability and openness, elements that are crucial in sustaining a democratic

¹Ikelegbe, A. (2013) *The State and Civil Society in Nigeria: Towards a partnership for sustainable development*, Centre for Population and Environment Development, Benin City, Nigeria

polity. It is crucial in protecting citizens' lives, property, freedoms and monitoring of activities of the state². Despite the role that civil society plays in the development process of a country, it appears not everyone perceives it as significantly important. This is even more pronounced in third world countries, Africa in particular, where there seems to be so much mistrust and suspicion between the state and civil society. Against this background, this paper explores state civil society relationship in Africa, with a special focus on Zambia, a developing country in sub-Saharan Africa.

1.2 DEFINING CIVIL SOCIETY

Civil society has been defined differently by various scholars, commentators and organizations. According to the World Bank (2010), civil society refers to the wide array of non-government and non-profit organizations that have a presence in public life, expressing the interests and values of their members or others, based on ethical, cultural, political, scientific, religious or philanthropic considerations³. It can be understood to be a political space where voluntary associations deliberately seek to shape the rules that govern aspects of social life.

It is some kind of social capital encompassing a whole range of private, formal and informal groups of people with a set objective. Such groups are important as they endeavor to better their societies by creating and enhancing social capital which is cardinal to the sustainability of democracy and development in general. The sector makes a very huge contribution in democratizing politics by lobbying and mounting pressure on governments for improved policy changes. They comment on government policies and also providing policy alternatives, a tool that helps in advancing the effective functioning of the democratic politics by providing important feedback to governments and public functionaries⁴.

The idea of civil society stretches many stretches back in western thinking, with its roots in Ancient Greece. Its modern conception emerged in the 18th century, following the influence of political theorists like Thomas Paine, George Hegel among others who developed the idea of civil society as a domain parallel to but separate⁵. However, it was around the 1990s that the world witnessed a renewed and increased interest in civil society following the collapse of the Soviet Union and the transition to democracy in the former Soviet Union countries, Latin America and Africa, as it was seen as a force for mobilizing societies towards democratization.

1.3 DEFINING THE STATE

State is a human community which successfully lays claim to the monopoly of legitimate physical violence within a certain territory; it refers to political and administrative institutions⁶. It is politically organized under a common law within a prescribed boundary and stands for the protection of life, liberty and property to individuals and it tries to promote human welfare and good life.

²UK Essays (2005) *State civil society relationship*: Social work essay, available at <https://www.ukessays.com/essays/social-work/state-civil-society-relationship-social-work-essay.php>, (last consulted: 27/09/2017).

³World Bank (2010) *Defining Civil Society*, <http://go.worldbank.org/4CE7W046K0> (13/04/ 2017).

⁴Wagle, U (1999) *Civil Society in the Developing World*, https://www.researchgate.net/publication/228605580_The_Civil_Society_Sector_in_the_Developing_World (last consulted: 07/11/2017).

⁵Carothers, K. (2009) *Aiding Democracy Abroad*, Carnegie Endowment for International Peace, Washington DC, USA

⁶Weber, B. (1994) *Political Writings*, University of Cambridge Press

2. METHODOLOGY

Information for this write up was collected from secondary sources including published books, articles and seminar papers among others. Few interviews were also conducted with selected civil society organizations and academicians specialized in the field of civil society and governance.

3. STATE CIVIL SOCIETY RELATIONSHIP IN ZAMBIA

State civil society relationship has become a key issue in political sociology. The relationship ranges from overt and hidden tensions and active hostility to cooperation and collaboration, depending on multiple influences such as successive government regimes and their dispositions and changing civil society strategies and interventions⁷. Zambia like many countries around the global, has over the past few decades witnessed a meteoric rise of civil society organizations. These organizations have had a growing influence in many aspects of society and are playing a crucial role in public policy making, development debates and service delivery⁸. The growing influence of civil society has ignited some curiosity among academicians and other commentators as regards how the sector relates with the wielders of political power, the state in this case.

According to Mumba (2010)⁹ State civil society relationship in Zambia like other countries in Africa can be described in two broad ways. On one hand, it is described as good on issues of public social service delivery. This implies that the relationship between the two tends to be cordial when it comes to delivering public services. Public social services in this context includes services such education, health, water and sanitation etc, which have a direct bearing on human development. Provision of such public social services is a responsibility of the state and every citizen is entitled to such services.

However, given the huge resource gap in the country, the government's arm has been shortened in terms of its ability to provide the aforesaid services. Given this scenario, civil society organizations that come on board to help in providing such services certainly become a darling of the state. Such organizations are seen to be supplementing the efforts of the state, and are considered as partners in development. This actually explains why there are so many NGOs in Zambia specialized in providing public social services.

Social service oriented CSOs in Zambia focus on HIV/AIDS and other health issues, education, micro-credit, small business management, agriculture, relief for refugees, clean drinking water, sanitation, disabled, elderly care, orphans and street children. HIV/AIDS related work is the most common. About one out of six Zambians aged 15-49 years are estimated to be HIV positive, making Zambia one of the countries in Sub-Saharan Africa most affected by the HIV/AIDS¹⁰. Hence, it is not surprising that there are a lot of civil society organizations venturing in this field and some of them have partnered with government in curbing the scourge.

⁷Rosenberg, A.Hartwig, K. and Merson, M. (2008) *Government-NGO Collaboration and Sustainability of orphans and Vulnerable Children Projects in Southern Africa*, Evaluation and Program Planning

⁸Ndue, P. (2001) *State Civil Society Relationship: Building Public Private Sector Partnerships*, 23rd African Association for Public Administration Annual Roundtable Conference, Abuja, Nigeria, <http://unpan1.un.org/intradoc/groups/public/documents/AAPAM/UNPAN026272.pdf> (last consulted: 09/11/2017).

⁹Mumba, M (2015) *Civil Society and Development*, University of Zambia, Lusaka, Zambia

¹⁰National AIDS Council (2015) *Monitoring and Declaration of Commitment on HIV/AIDS and the Universal Access*, Country Report submitted to the United Nations General Assembly Special Session on HIV/AIDS, January 2014 to December 2014, Lusaka, Zambia.

Besides the aforementioned, there are other several organizations specialized in poverty reduction activities. A good example is AFRICARE, a civil society organizations operating in Choma, southern Zambia. It is involved in development, and in particular agriculture and environment. AFRICARE has put up 7.5hectares of the cassava crop to enhance food security in Choma district and the local authority is involved in this program. It also distributed several seed types such as maize, millet and groundnuts as well as cassava and sweet potato planting materials, amounting to 3,500 metric tons to small-scale farm families who were assessed to be in a vulnerable condition¹¹. These organizations tend to have a smooth and friendly relationship with the government simply because they are supplementing the efforts of the state.

On the other hand, Mumba (2010) again states that the relationship seems to be fragile and confrontational when it comes to issues bordering on governance of the country such as citizens' participation, rule of law etc. Simply put, the state does not entertain civil society organizations that venture into politically sensitive subjects such as the ones indicated earlier. According to Habasonda (2010) mistrust and suspicion tend to dominate the way the two entities relate in Zambia¹². This is not surprising given that the country has been shaped by a history of authoritarian tradition emanating from colonial rule and later during one party rule in 1972. In addition, the transition to a multiparty system in 1991 was equally dominated by leaders that inherited the mindset of one party characterized by Neopatrimonial politics such as patronage and corruption.

Since the democratization waves of the 1990s, civil society has embarked on more politically nuanced subjects like constitutionalism, human rights, participation, rule of law and accountability. To this effect, the state sees civil society to be more of a threat to its authority than as a partner or an instrument for promoting and consolidating democracy as well as fostering development. Unfortunately, most civil society organizations that are into politically sensitive subjects are labelled as weapons of the opposition political parties. There appears to be a misconception and misunderstanding of the role of civil society organization especially on the part of the state. Jesuit Centre for Theological reflection (JCTR) (cited in Habasonda, 2010) back up this by indicating that *'there is an unfortunate amount of misunderstanding in the country at the moment regarding the role of civil society organizations. This misunderstanding has been increasing through the sharp criticism by the authorities that has been raised against some civil society organizations, a criticism that sometimes comes from government officials and political leaders'*. These criticisms are a clear manifestation of the mistrust and manifestation characterizing how the two entities relate in Zambia.

In 2007, the Zambian government introduced a proposal for a new NGO Bill. At its best, the new Bill should have been an instrument to guide the relationship between government and civil society, but at its worst severely restrain the latter's activities. After some pressure from civil society and the donor community the process was halted¹³. The Bill was however, passed into Law in 2009 and is called the Non Government Organizations' Act of 2009. It is an Act that provides for the establishment, co-ordination and registration of Non Governmental

¹¹AFRICARE (n.d) *The Role of Non Governmental Organizations and the Business Community in Public Service Delivery by Local Authorities*, <http://dspace.unza.zm:8080/xmlui/bitstream/handle/123456789/1785/LoljihPK300001.PDF?sequence=3>. (last consulted: 20/06/2017).

¹²Habasonda, L. (2010) *State-Civil Society Relations in Zambia: An Assessment of Conflict Dynamics, Contestations and Cooperation in the Political Space'*, in Mutesa, F (ed) *State -Civil Society and Donor Relations in Zambia*, UNZA Press, Lusaka, Zambia.

¹³Republic of Zambia (2009) *Non Governmental Organization Act of No 16 of 2009*, Lusaka, Zambia

Organizations in Zambia. This is one of the most contentious laws in Zambia and has to a large extent contributed to the mistrust and suspicion that dominates the relationship between the two. Most NGO experts interviewed over this piece of legislation expressed the feeling that it was a scheme aimed at reducing the space for civil society operation in the country. The most cited areas of the Act is part two, which has been described by many commentators and observers as giving overbearing powers to the Minister responsible for Community Development and Social Welfare.

This is in the sense that the Act provides for the establishment of the NGO Registration Board, which is responsible for registering, coordinating and regulating Non Government Organizations. The Board has fifteen members, all appointed by the Minister including the chair and vice chairperson. The figure below gives a snapshot of the composition of the Board.

Table 1. Composition of the NGO Registration Board

Type of members	Number of people
Members appointed by the Minister by virtue of their knowledge/ experience in development and welfare management	Two
From Ministry responsible for health	One
From Ministry responsible for home affairs	One
From Ministry responsible for economic planning	
From Ministry responsible for community development	One
From Ministry responsible for local government	One
Representative of the Attorney General	One
Members nominated by the Congress of NGOs	Seven
Registrar (ex-officio member)	One

Source: (Compiled and modified from NGO Act of 2009)¹⁴

This figure clearly indicates that the Act gives too much power to the Minister responsible for community development and social services to control the activities of the NGOs and also to determine at his/or her own discretion, which organizations to register and the ones not to. As if that is not enough, the Minister also through this board can cancel or revoke the operating license of those organizations that are labelled to be non compliant. This definitely is targeted at those organizations that seem to challenge government especially on politically sensitive issues bordering on the governance of the country. Further, through this Act, governance activists with some history of siding with opposition political parties, and intend to form NGOs get to be blocked at the stage of registration. This act speaks a lot in as far as lack of trust and suspicion between the two is concerned.

Moving on, the Law Association of Zambia (LAZ), one of the leading civil society organizations in the country came under fire for being so critical of government on several governance related issues. This organization has made an indelible mark by showing strong leadership to other civil society organizations in times when other institutions of good governance have been threatened

¹⁴Open Zambia (2017) *Patriotic Front Move to Disband the Law Association of Zambia*, Friday November, 20, <http://www.openzambia.com/2017/03/pf-move-disband-law-association-zambia/>

by the actions of the ruling elites¹⁵. For instance, the Law Association of Zambia strongly and overtly criticized the suspension of three media houses namely Muvi TV, Komboni Radio and Itzhi- Tezhi radio by the Independent Broadcasting Authority, citing that the suspension was done without earlier issuing notices to them, which is contrary to section 29(2) and (3) of the Independent Broadcasting Authority Act No. 26 of 2010¹⁶. LAZ was also vocal on the presidential election petition by the United Party for National Development (UPND), a move which made government accuse the Association of siding with the opposition party.

In a more recent case, government lashed out at the Association on its statement regarding the invocation of Article 31 of the Laws of Zambia to declare a Threatened State of Emergence following a series of fires that swept across many places of the country. The Association in its statement questioned the circumstances under which the Article 31 was invoked. In its response, government indicated that the Association's statement was not made in good faith and was merely calculated to cast doubts in the minds of the Zambian people¹⁷. LAZ has been a thorn in government's flesh and has stood firm even in darker times of the country's democracy. Given these confrontations, government has been so suspicious of this organization and it is not surprising that a move to dissolve it was initiated by the ruling party through a private member's motion in parliament early this year.

Another vivid case that demonstrates the confrontational and fragile nature of the relationship is that of Southern African Centre for the Constructive Resolution of Dialogue (SACCORD), a civil society organization established in 1992, which was banned in 2003 without proper hearing for being so critical of the then president to adopt a new democratic constitution before the 2006 general elections¹⁸. A move which the civil society sector labelled as a continuation of the victimization of civil society organizations, particularly governance NGOs, which is a wrong signal to the democratic standing of the country (Mail Guardian, 2004). It is understood that the deregistration was done contrary to the stipulations of the Societies' Act which provides that '*any registration under the provisions of section 13, the Registrar of Societies shall notify his intentions to the society concerned and shall give such society an opportunity to submit reasons why the registration should not be cancelled*' [(Societies' Act, 1958) cited in (Mail Guardian, 2004)]. This in itself entails a form of state bashing to those organizations that seem to challenge government concerning the governance of the country.

4. EXPLORING PARTNERSHIPS BETWEEN THE STATE AND CIVIL SOCIETY IN ZAMBIA

In the best of worlds, the relationship between the state and civil society should be that of collaboration. Such collaborations should be in form of partnerships. It is an undeniable fact that both entities have their individual strengths and weaknesses. For example, and as earlier alluded

¹⁵Lusaka Times (2016) *The European Union condemns the closure of Private Broadcasting Stations in Zambia*, <https://www.lusakatimes.com/2016/09/01/eu-condemns-closure-private-broadcasting-stations-zambia/> (last consulted: 27/09/2017)

¹⁶Lusaka Times (2017) Government Lashes out at LAZ on their statement regarding the invocation of Article 31, <https://www.lusakatimes.com/2017/07/18/government-lashes-laz-statement-regarding-invocation-article-31/> (last consulted 04/11/2017).

¹⁷Mail Guardian (2004) *Zambia bans civic group for security reasons*

¹⁸Mohr, J. and Spekman, R. (2014) *Characteristic of partnerships success: Partnership Attributes, Communal Behavior and Resolution Techniques*, John Wiley and Sons LTD, Strategic Management Journal, Vol.15, 135-152.

to, the state does not have enough resources to implement all the governance and development activities. On the other hand, civil society organizations are small in size and in most cases their projects are confined to small geographical areas. Given these weaknesses, it becomes cardinal that the two should work together as partners in the governance and development of the country.

A partnership can be understood as a purposive strategic relationship between independent actors who share compatible goals, strive for mutual benefit and acknowledge a high level of mutual independence¹⁹. The idea is that the involved parties should join efforts or collaborate to achieve set goals. Partnerships between the state and civil society are very important as they bring a mix of skills and resources that partners may not otherwise have by acting alone. They bring about resource complementarities, which is of paramount importance especially given the resource gap in the developing world.

State civil society partnerships have become more pronounced following the development agenda of the early 2000s which called for more stakeholder participation in national development plans. In line with this, the Zambian government introduced coordinating committees at district, provincial, and national levels in a bid to strengthen and institutionalize state civil society engagement. These are called Sectoral Advisory Groups (SAGs). Through these platforms, Government officials, civil society groups and in some instances the business sector meet every three months to discuss vision, direction and strategies for development. In addition, through the parliamentary portfolio committees which examine how government is being run and how it is spending money, another platform has been created for state civil society engagement. These committees working on different thematic areas do invite members of the public, civil society organizations as well as the private sector among others to make submissions.

Apart from the above, another platform for state civil society engagement has been opened through what are called the Sector-Wide-Approaches (SWAp). Many bilateral and multilateral donors today prefer channelling their aid through state agencies and not through NGOs as advocated by Judith Tendler through her 'articles of faith' notion which supports the former as being more effective. As the recipient government takes the lead over the development process of the country, it is obliged as a conditionality to involve other stakeholders in the planning and implementation of aid funded projects. These stakeholders include civil society organizations as well as the business sector among others.

Through these platforms, government has been working together with civil society organizations to implement various development projects. For example, civil society has been very active in the formulation of Zambia's development plans such as the Poverty Reduction Strategy Papers. Civil Society for Poverty Reduction, a famous civil society organization in the country, was also very instrumental in the formulation of the Seventh National Development Plan (SNDP) (currently under implementation). It organized several debates and discussion forums as input to government's consultative process towards the formulation of the said document. Other organizations like FAWEZA, a women's organization, has partnered with government in promoting girl child education in the country.

5. REMARKS

Despite the existence of platforms that provide for state civil society engagement, observers, commentators and civil society actors still argue that the level of engagement is not deep. According to Zaman and Mavonda (2009) for a partnership to be successful, it must be built on high levels of trust. In a layman's language, trust is the expectation that the other party will act

¹⁹Zaman, M. and Mavonda, T (2009) *The Role of Partnerships Characteristics, Relationship Quality and Organized Capabilities on Alliance Outcomes*, <http://www.duplication.net.au/ANZMAC09/papers/ANZMAC2009-542.pdf> (last consulted: 11/11/2017).

accordingly or as agreed [20]. In the Zambian case, the relationship between the two is laden with mistrust and suspicion. This implies both actors are always suspicious of each other. Government officials view civil society actors as fronts of the opposition parties that are just there to frustrate the efforts of the government. This is so especially with those civil society organizations that are so critical of government programmes and always presenting their position a way that appears contemptuous to the state.

Given that most civil society organizations are funded by western donors, government has always been suspicious of them because they seem to pledge more allegiance to the funders than to the government or the people they claim to serve, who are the citizens. It is also common to see people that start as NGO workers later switching to form or join opposition political parties and contesting as members of parliament in those communities. Because of this, any charitable works that non-profit organizations undertake are always taken with a pinch of salt by government officials because they do not know the motive.

On the other hand, civil society organizations have come to a realization that most invitations extended to them by government are just a window dressing ceremony. Mostly, they are invited when the most critical decisions have already been made, such that whatever their contribution, nothing will be considered. These invitations are mostly orchestrated by two main factors. Firstly, it is donor induced, where donors demand that for a country to qualify for a financial assistance, the government should involve other stake holders like civil society and the business sector. Second, the government itself can deliberately engage civil society not necessarily for the sake of getting input from it, but rather, just to show that it is inclusive. Civil society actors are aware of these tactics; hence, their participation or engagement with government is not deep.

6. CONCLUSION

In conclusion, this paper has brought out a lot of issues concerning state civil society relationship in Zambia. As indicated in the discussion, the relationship is two sided. On one hand, it is good on issues on public social service delivery, and fragile and confrontational when it comes to issues of politics or governance. Comparing the two sides of the relationship, the information presented in the paper seems to portray more of a negative and confrontational relationship. This is not surprising given that political power has been and still remains a major area of contestation in much of Africa, Zambia inclusive. Many people have turned to politics as a lifeline or source for amassing wealth and not necessarily a platform to save the people. It is for this reason that many politicians tend to cling to power and feel only death can dethrone them from office. As such, any efforts aimed at challenging them unfortunately turns into a battle. Thus, in the wake of weak institutions of democracy and opposition political parties, civil society has taken up some of these responsibilities in an effort to ensure fairness as true democracy demands. Politicians view civil society as a threat to their 'sweet' stay in power, hence the need to silence them. Simply put, it is about power preservation on one end, and demand for fairness on the other. Civil society is not appreciated as a tool for bettering democracy and our societies at large by those in power. Hence, not until the state begins to view civil society as a partner in the development of the country, this fragile and confrontational relationship shall not end.

RECOMMENDATIONS

- Government should see civil society as a partner in development and not as a challenger or threat to political power. As such, it should begin to genuinely engage civil society matters concerning the governance and development of the country.
- Government should come up with proper and effective regulatory mechanisms that will enhance the effectiveness, vibrancy and transparency of civil society organizations.
- Civil society to always be objective in its criticisms of government or when commenting on issues of national importance. It should avoid being disdainful or subjectively siding with the opposition political parties or external funders. Thiers should be to protect the interests of the Zambians. This will help develop some level of trust with government and they will be given a listening ear.

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AUTHORS

The authors are all lecturers in Department of Development Studies, School of Humanities and Social Sciences at the University of Zambia.