Zambia Council for Social Development

Accountability in Zambia

A Case Study Report on the Status of Civil Society Organisations

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ACRONYMS

AU	African Union
AIDS	Acquired Immune Deficiency Syndrome
AGMs	Annual General Meetings
CHAZ	Churches Health Association of Zambia
CSOs	Civil Society Organisations
CSI	Civil Society Index
HIV	Human Immune Virus
IMF	International Monetary Fund
NGOS	Non-Governmental Organisations
NGOCC	Non-Governmental Organisation Coordinating Council
PPAZ	Planned Parenthood Association of Zambia
ZCEA	Zambia Civic Education Association

1.0 Introduction

It is a paradox of the contemporary period that, at a time when increasing numbers of states all over the world have adopted democratic forms and procedures, there is decreasing trust in elected officials and politicians. This lack of trust is reflected in growing political apathy, declining membership in political parties and low voter turnout in many elections. At the same time, however, there appears to be more trust in civil society groups (Kaldor, 2003:1). Kaldor argues that these civil society groups, which are supposedly independent of the state and of big companies, are not elected into strategic decision making positions. Rather they are voluntary groups composed of committed individuals that have become very publicly prominent in the past decade and are often seen as the expression of public morality. With greater visibility and influence comes greater responsibility.

Concerns about the role and accountability of Civil Society Organisations (CSOs) have been voiced from different quarters in recent years (Ehrenberg, 1999). Donors, governments, corporations and international agencies raise important questions about the effectiveness of NGOs and the legitimacy of their work. Some CSOs have also recognized the need to ensure good practice in the wider voluntary sector. For this emerging agenda to lead to positive development outcomes, there is need to ask what initiatives will improve the accountability of institutions to the people whose lives they shape, and what initiatives could serve merely to undermine CSOs' useful and largely accepted role in holding business and government themselves accountable for their actions.

The problem for CSOs is that scrutiny from constituents is difficult as they have multiple people whom they have to be accountable to. Furthermore, the tools for accountability enforcement are limited, in that they lack a formal constituent membership to whom they are required to be accountable. The relationships that do exist between CSOs and their constituents are not matters of civic entitlement, but rather lie in the realm of 'grace and favour' (Mulgan, 2003).

From the foregoing, the aim of the current study is to generate information on the status of accountability in a selected sample of civil society organisations in Zambia. That is, it will investigate if there are any accountability mechanisms, how they are employed to enhance

accountability among CSOs in Zambia, and what improvements are necessary to increase the practice of this value.

1.2Definition of key concepts

1.2.1 Civil society

White (1994: 376), in highlighting the ambiguities of the term 'civil society', points out that "though there is now a `paradigm' of thought and a terrain of discussion… the term means different things to different people and often degenerates into a muddled political slogan." Notwithstanding the ambiguities associated with the concept, the contemporary term 'civil society' has its origins in the early modern period, the seventeenth and eighteenth centuries (Goldwin, 1987: 507). The term, of course, had appeared earlier. Like all western political concepts, it can be traced back to Greek political philosophy. Aristotle talked about *politike koinona* (political community/society) to refer to a rule-governed society in which the ruler puts the public good before his (not usually her) private interest. The term was translated into Latin as *Societas Civilis*.

A good number of definitions have been put forward. Some of them are listed below. *Rodrick (2000) argues that*

> *Civil society refers to the arena of un-coerced collective action around shared interests, purposes and values. In theory, its institutional forms are distinct from those of the state, family and market; though in practice, the boundaries between state, civil society, family and market are often complex, blurred and negotiated. Civil society commonly embraces a diversity of spaces, actors and institutional forms, varying in their degree of formality, autonomy and power. Civil societies are often populated by organisations such as registered charities, development non-governmental organisations, community groups, women's organisations, faith-based organisations, professional associations, trades unions, self-help groups, social movements, business associations, coalitions and advocacy groups.*

The CIVICUS Civil Society Index (2008:16) has defined the concept of civil society as "the arena, outside of the family, the state, and the market, which is created by individual and collective actions, organisations and institutions to advance shared interests". For purposes of this study, the definition set by CIVICUS CSI is to be adopted.

1.2.2 Accountability

Much of the literature on accountability tries to distinguish between internal and external accountability, or between functional and strategic accountability (Edwards and Hulme, 1996). Internal or functional accountability relates to internal management practices and responsibility for

resources. External or strategic accountability, sometimes called political responsibility (Jordan and Tuijl, 2000), is about accountability towards the beneficiaries, the people that the CSOs try to help; it is about the extent to which a CSO remains true to its stated mission or goal. Kaldor (2003) uses the term 'moral accountability' to refer to external or strategic accountability, or political responsibility, and the term 'procedural accountability' to refer to internal or management accountability.

Furthermore, Naidoo (2003:2) in his analysis of CSO accountability notes that

> *Accountability is a complex notion regardless of the actor or entity to which it is applied. The notion of accountability is particularly complex in relation to CSOs, however, because of the multiplicity of actors with whom civil society engages and to whom it is therefore accountable. We can speak of 'upward' accountability (to funders, donors, governments or other external actors, often in the context of accounting for resources or the fulfillment of particular service targets) and 'downward' accountability (to constituents such as community groups, activists, or other beneficiaries of CSO activity). Some also speak of 'horizontal' accountability to refer to the relationship that exists between civil society actors, who see themselves as part of a public process rather than part of a competitive culture (as is the case within the business community).*

Central to the issue of civil society accountability are the following concepts: governance and good governance. The concept of 'governance' is not new. It is as old as human civilization. Simply put governance means the process of decision-making and the process by which decisions are implemented or not implemented (Downwer, 2000). Good governance has eight major characteristics. It is participatory, consensus oriented, accountable, transparent, responsive, effective and efficient, equitable and inclusive and follows the rule of law. It assures that corruption is minimized, the views of minorities are taken into account and that the voices of the most vulnerable in society are heard in decision-making. It is also responsive to the present and future needs of society (UNDP, 1997).

Against the above background and as a result of the low scores obtained in the CSI Diamond for the Practice of Values dimension, it became necessary to analyse the status of civil society in Zambia, in terms of their accountability practices, to determine the reasons for these low values. This led to the research questions below:

1.3 Research questions

1. Is civil society's role of giving voice to the poor and marginalised a legitimate one?

2. What type of accountabilities do civil society organisations employ?

3. Are there accountability mechanisms employed by Civil Society Organisations in Zambia?

4. What is the general perception of civil society organisations accountability in Zambia?

1.4 Hypotheses

✓ CSOs in Zambia operate better with self-accountability mechanisms.

✓ Civil society accountability is enhanced when participatory approaches are employed in programmes.

✓ Where stakeholder complaint systems are employed among CSOs in Zambia, there is improved accountability as opposed to when they are absent.

2.0 Literature review

Many scholars have studied the issue of civil society accountability with different findings. The following is typical of such studies. In countries newly independent of the Soviet Union, and in Russia, NGOs are often perceived as covers for organized crime, in Bangladesh and Pakistan NGOs are sometimes seen as fronts for fundamentalist causes, and in Central Asia they can serve as platforms for failed politicians (Fowler, 2002; 5). Consequently, the growth in NGOs should not be assumed to mean a growth in support for, or positive contributions by NGOs.

Governance is also quite often inadequate, with some managers of large organizations having complete autonomy to decide on strategy and operations, including setting their own salaries. This is partly because of the way most large NGOs have grown over time from small initiatives of only one or two people. Research on NGOs in Eastern Europe found that boards are often intertwined with management and thus riddled with potential conflicts of interest—a situation undermining good governance and full accountability. Examples include a finding that 90% of Hungarian and Ukrainian NGOs have CEOs with voting rights on the board, and in 75% of cases, the CEO acting as chair. The founders are often still CEOs, and they appoint new board members, thus retaining complete control. Thus moral accountability to their constituents proves a challenge and the same with procedural accountability (Wyatt, 2003: 37).

However, a comparison of other studies have indicated an opposing view to the above situation as reviewed by what has been currently going on in the voluntary sector. Looking at initiatives in 17 Asian countries, a range of accreditation and certification bodies, rating systems, codes of conduct, discussions of charity commissions, intranet peer discussion and self-monitoring systems were found. Standards and codes relating to accountability have been developed globally and examples include; the American Council for Voluntary International Action, the Canadian Council for International Cooperation, the Philippine Council for NGO Certification, the Voluntary Action Network India, the Commonwealth Foundation of Britain, and the International Red Cross and Red Crescent (Ebrahim, 2003; 202).

Similarly the African Union (AU) established a Provisional Working Group (PWG) to facilitate interaction with civil society and to develop a Code of Ethics and Conduct for Civil Society Organizations. The code was developed to apply to all NGOs seeking accreditation with the AU, involving systems of accreditation and complaints processes. The aim for this was to encourage NGOs more broadly to aspire to the accountability principles (AU, 2003).

The above studies indicates different self-NGO regulatory initiatives, which have been criticised for being preoccupied with clarifying and strengthening upward accountability relationships to donors and governments to the neglect of increasing downward accountability to constituents they represent.

Other studies review accountability measures from outside the civil society sector; with most of these measures emanating from states or governments. In the 1970s, after the state of emergency was declared in India, Prime Minister Indira Gandhi passed a law to track funds going to those NGOs that were critical of it.

Modern day examples of this motivation behind State regulation of NGOs are not unusual. In Central Asia, the governments of Uzbekistan, Turkmenistan and Kazakhstan have moved to regulate NGOs for fear of their influence in political discourse (Larrabee, 2005). Similarly, many African states have introduced accountability measures through statutory instruments for various reasons bordering on accountability. In Zambia, the government introduced the NGO Bill in 1997 which was later withdrawn and reintroduced and enacted into law in 2009. The objectives of the bill are to coordinate the sector and ensure accountability.

3.0 Methodology

3.1. Research design
The research design that was employed in this study was the case study design. Yin (1989: 1) defines a case study as "an empirical inquiry that (a) investigates a contemporary phenomenon within its real life context (b) the boundaries between phenomenon and context are not clearly evident and in which (c) multiple sources of evidence are used." This simply means that in order to achieve the intended objectives, more than one case study was undertaken. This was done in order to not only make it possible for a broader and holistic understanding of the phenomenon under investigation but also to make it easy for plausible analytical generalizations of the results.

3.2. Sample size and sampling procedure
Five (5) prominent civil society organisations in Lusaka province, namely Transparency International Zambia (TIZ), PANOS Southern Africa Zambian chapter, the Non-Government Organization Coordinating Committee (NGOCC), Zambia Civic Education Association (ZCEA) and the Citizen's Forum, were selected using a purposive sampling design. According to Frankfort and Nachmias (2000: 168) "purposive sampling (occasionally referred to as "judgment samples") is used when researchers use their subjective judgment and attempt to select sampling units that appear to be representative of the population." These organisations were sampled on the basis of them having a national character given their wide representation and presence throughout Zambia. The NGOCC is an umbrella body for many CSOs within Zambia, thereby giving it a national character and justification for inclusion in the sample.

3.3. Time frame of focus of study
The study employed both historical and comparative analysis owing to different accountability initiatives employed within the civil society sector and outside at different times in history.

3.4. Methodology for data gathering
The study used both qualitative and quantitative data gathering techniques. Primary and secondary data sources were used in the study. In order to capture primary data, a self administered questionnaire was used as a data gathering instrument. With regards to secondary data sources, the

study undertook a documentary content analysis on CSOs and accountability from the organisations sampled and many others. More data on the subject matter was gathered from various literatures which included books, on-line materials and journals.

3.5. Data analysis

After collecting the data, a case-by-case content analysis of the case studies and direct interpretation was used to produce an in-depth description and interpretation of the cases investigated. Triangulation of the data sources will also be used to validate the findings. The purpose of analysis was to give some meaning from the collected raw data.

4.0 Summary and analysis of findings

Civil society in Zambia has always been at the defining moments of the country's political history, even when its role as an indispensable actor in the governance of the country seem restricted in some sectors. The proliferation of CSOs, particularly human rights and governance advocacy groups however, is a special feature of the post-1991 era of political and economic liberalization. The decline in state capacities in providing public services, as a result of cutbacks in public expenditure brought by the implementation of the International Monetary Fund (IMF) and World Bank supported structural adjustment programmes, saw the emergence of many relief and developmental NGOs. These NGOs played a supplementary role to the state by filling the gap created by state withdrawal. The work of these organizations has grown and encompassed most sectors of the economy, most notably water and sanitation, drought relief, post drought relief, education and health, particularly focusing on HIV/AIDS, among others.

As the donor community added political conditionalities to the more traditional economic conditionality in their lending programmes, there was a corresponding increase in the number of human rights and advocacy civil society groups that have become part of the international discourse. In the case of Zambia, these groups spanned a whole range of activities including civic education, election monitoring, human rights, women's rights, anti-corruption groups and many others. Against this background, it is evident that in Zambia, civil society and governance are intricately linked. This observation however, does not entail that the relationship of civil society and government in governance of the country is always harmonious (Mutesa, 2010).

According to the CIVICUS Civil Society Index (CSI 2008-2010) Zambian diamond, the extent to which civil society is able to impact the social and policy arena is at 60.34%, as indicated by internal and external surveys. This proves a decisive role is played by CSOs across the country. This was supported by PANOS Zambia when interviewed on the legitimacy of CSOs giving a voice to the poor and marginalized communities; "civil society, as a sector, has been instrumental in bringing about social change as evident of the role of Churches Health Association of Zambia (CHAZ) , Planned Parenthood Association of Zambia (PPAZ), in HIV and AIDS sensitization, as well as nutrition" (Personal interview, 2010).

CSOs' legitimacy for giving a voice to the poor has always been met with suspicion and rivalries, while in very rare circumstances, with mutual cooperation between the state and the CSO sector. This is evident through a number of accountability initiatives initiated by other sectors outside of the civil society sector. For example, in the most recent past in Zambia, there has been a growing debate on the need for NGOs to disclose their sources of funding by the government. This move has been seen as an act of intimidation as it came in the wake of mounting criticisms on the government championed by CSOs. There have been a number of legislative pieces meant to ensure accountability and general coordination of the voluntary sector in the country. No comprehensive national policy on civil society was in place until in 2009, when the NGO Act was enacted. This was quickly met with strong criticism by a wide range of stakeholders and consequently was condemned, citing reasons that developmental stakeholders were not consulted in its formation. The objections to this legislation came from the fact that it is seen as arrogating excessive discretionary powers to the government. For instance, under Section 13 and 15, the board has the mandate to prescribe the terms and conditions to be attached to the certificate of registration. These terms and conditions could vary from NGO to NGO, where terms will vary upon re-registration. Under section 15, the Minister responsible for NGOs has discretionary powers to reject applications if activities are deemed not in *public interest,* but this *public interest* has not been defined, which leaves broad area for rejection of an application (Zambia NGO Act No 16, 2009)

The regulatory environment in which civil society operates in Zambia is characterized by disparate pieces of legislation, many of which are considered incompatible with the current democratic dispensation. For instance, one of the basic principles of good governance is that of participation where all men and women should have a voice in decision-making, either directly or through legitimate intermediate institutions that represent their intention. Such broad participation is built on freedom of association and speech, as well as the capacity to participate constructively. Similarly,

good governance mediates differing interests to reach a broad consensus on what is in the best interest of the group and, where possible, on policies and procedures (UNDP, 1997). Thus the use of the term 'accountability' brings to attention pertinent questions such as who is accountable, to whom, for what, and how.

Organisations of all forms, including the government, influence people's lives. Therefore the concept of 'stakeholder' becomes very important, as it groups people together on the basis of their being affected by an organization, because the 'demos', or population, that makes claims for the democratic control of organizations are those affected by the organization. This can be understood as "stakeholder democracy." The ability of a system of democracy by stakeholder groups to ensure that all decision-making is accountable depends on those stakeholder groups being democratic themselves. As most stakeholder groups form organizations themselves, their accountability is a valid question in terms of the ideal of stakeholder democracy. Thus stakeholder democracy can be defined as an ideal system of governance of a society, where all stakeholders in an organization or activity have the same opportunity to govern that organization or activity. Therefore, accountability on the part of CSOs to their constituents and the government necessitates accountability on the part of the government to its citizen. In the long run, democratic accountability should be the ultimate of any society, where 'accountable' means both justifying to, and being regulated by, those to whom one is accountable. So accountability is not a good thing in itself, and a lack of accountability is not necessarily a bad thing, particularly in societies that tend towards the centralization of power and autocracy. So is there a particular form of accountability that merits being regarded as desirable?

Self-regulatory mechanisms, as a means of ensuring accountability, have been preferred by most CSOs. Organisations did express a good understanding of the importance of self-regulation as a form of NGO accountability. Generally, it was indicated that working in a sector that seeks to provide checks and balances to government, places an important requirement for CSOs to have controls in place that regulate their conduct and enhances responsibility in their work. A cardinal point is that in the quest to promote and influence socio-economic and legal justice, CSOs should be seen to be transparent in the implementation of their core business and accountable to various stakeholders that include their immediate constituency, members, and donors among others. Furthermore, it was recognised that CSOs should strive to work within the laws of the land at all times. The respondents emphasised that the intrinsic value of self-regulation lies in the creation of good social reputation and credibility in addition to the promotion of self-empowerment in institutional development.

The CSOs/NGOs submitted that they account to their members through the dissemination of findings and recommendations on key research activities undertaken. The organizations account to their members through statutory meetings provided for in their respective constitutions. These meetings include Annual General Meetings where the elected Board presents reports to the general membership. It is important to mention that the regular Board meetings equally provide a layer of accountability within organizations. Management and staff are expected to report periodically to the Board, or any other governance structure. It is important to note that it is from the general membership that board members are elected and periodical elections are held to usher in new members.

Another feature of CSO accountability is financial transparency. As a way to ensure that finances are disbursed according to strategic plans, all the interviewed organization assented to having financial policies in their organizations, even though they did agree that other CSOs do not have such. One organization interviewed stated their financial statement is a way to ensure that accounting records are accurately and timely updated and critical monitoring reports produced every month. External auditors are also periodically engaged to review financial expenditures and financial reports are distributed to donors and other stakeholders quarterly. Similar studies conducted have highlighted CSO accountability and most NGOs have internal management structures. They have boards, executive committees and directors, to whom the staff reports. However they also have responsibility to external actors. They have to account for the use of financial resources to donors, and they are responsible to their beneficiaries; the people they are supposed to help. Finally, public opinion is also important for the survival of NGOs; how they are reported in the media is an important mechanism for generating resources. Thus, unlike governments and companies, NGOs have no 'bottom line'. Governments are responsible to their electorates — they can be voted out of office. Companies depend on profits to survive.[1]

NGOCC noted that most CSOs engaging in participatory approaches as a way of accountability have placed emphasis on the local level, when many of the processes contributing to negative local outcomes, such as international politics and trading relations, are extra-local. They focus on the victims of international processes, rather than possible victimizers. This is compounded by the way donors require mechanistic summaries of project goals and achievements, rather than focusing on the underlying processes of problematic development and how to change them.

Zambia Civic Education also noted that most organisations have not enhanced participatory approaches in ensuring that the intended beneficiaries of the action are on board when decisions are made, as most decisions are taken within organisations to the utter exclusion of the masses whose interests the CSOs purport to save. This has therefore led to some critics of CSOs arguing that the interest in these approaches has been self-serving and has not created real accountability to the groups that are in need, such as people facing poverty. These groups are supposed to be the sole beneficiaries and carefully thought of in every action undertaken by the CSOs, as they are the very essence for their continued existence. It is because of these various groups that the various donors and funders keep the finance and other forms of support flowing to these CSOs.

5.0 Conclusion

The study has shown that CSOs need both internal and external accountability mechanism for them to for fill their role as the third sector of government. Evidence shows that there are a number of accountability mechanisms in place. These include financial and administrative mechanism, policy and procedures manual, holding of AGMs and submitting of annual returns to the register of society. The CSOs have strived, even under difficult circumstances, to ensure accountability. However this cannot be said for all of them, as there are still pockets of CSOs that are still facing difficulties in this area. The study is of the view that the accountability process in Zambia have inbuilt weakness as there more inclined to saving the interest of the most influential and powerful interest groups such as donors. The study therefore concludes that there is need to look beyond technical managerial accountability mechanisms and focus more on enhancing participatory accountability processes with emphasis on empowering the beneficiaries.

6. 0 Recommendations

❖ Future work on CSO accountability must be based explicitly on the concept of democratic accountability. Otherwise it could lead to poor decision-making in society as a whole, by hampering processes of holding corporations and governments accountable. Therefore, unless they address issues of comparative power in society and frame their work in the context of democratic accountability, even those initiatives on NGO accountability which do not seek to hinder NGOs may actually do so.

- ❖ Donors should encourage proposals that are well encompassing of factors that are extra local such as international politics, international trade as such impinge on local outcomes. This will ensure that intended project outputs benefit the intended people. Thereby ensuring moral accountability to the beneficiaries.

- ❖ CSO self-accountability mechanisms and that from outside the sector should be supportive of each other.

- ❖ Accountability should enhance stakeholder participation in governance. Future programmes should focus on the root causes of weak accountability relationship between CSOs and the beneficiaries.

- ❖ There is growing criticism of NGOs which should not be ignored. The current accountability debates will be damaging if they are driven by politicians or corporate executives, who seek to undermine NGOs or accountants and consultants who seek to create markets for their services. Therefore all stakeholders should be involved in the accountability debates and in building action plans.

- ❖ CSO self-accountability mechanisms should not only focus on financial and administrative processes of accountability, but more on enhancing participatory approaches.

Annex 1: Organisations' Profiles

1. (NGOCC), the Nongovernmental Organisations Coordinating Council was established by a few Zambian women in 1985. NGOCC focuses on linking affiliates to donors. Focuses on women Organisation and children focused NGOS.

2. (ZCEA) Zambia Civic Education Association is at the heart of children's rights issues in Zambia, leading advocacy and running a number of community and school based projects. ZCEA runs a wide range of projects in Zambia, both in schools and in the community, focusing on advocating and protecting the rights of the child.

3. PANOS ZAMBIA is a registered charity NGO dealing in the multi spectral issues like; land, land empowerment, food security, governance and so forth.

4. Transparency International-Zambia (TI-Z) is a local chapter of the international anticorruption movement –Transparency International. TI-Z is not for-profit non-governmental organization with a registered office in Lusaka. The organisation has been in existence in Zambia since June 2000 and has since then been involved in significant and high profile activities meant to raise awareness on anti corruption and the need for a consolidated approach to tackling corruption at different levels.

5. CITIZEN'S FORUM, is a non-governmental organisation involved in multi sector issues bordering on governance.

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