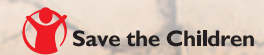




HealthNet TPO



WORKING TOGETHER IN



FRAGILITY BY CHOICE?

**A SCOPING MISSION IN BURUNDI,
SOUTH SUDAN AND UGANDA**

A SYNTHESIS REPORT ON RESEARCH COMMISSIONED
BY THE DUTCH CONSORTIUM FOR REHABILITATION (DCR)

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September 2013



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Over the past decade, the concept “fragile states” has taken centre stage in international development policy and practice. The recently published Dutch policy document “A World to Gain: A New Agenda for Aid, Trade and Investment” states: “These countries are in danger of being left far behind the rest of the world politically, socially and economically. One and a half billion people in these countries face a difficult if not impossible task to break free from poverty. Without peace, security and the rule of law, the prospect of a better future is slim. It is thought that two-thirds of poor people will live in fragile states and conflict countries in 2025.”

There is growing consensus about what the support to people affected by conflict and fragility should aim to achieve. Interventions should contribute to legitimate politics, human security, justice, economic foundations, and fair delivery of basic social services. This agenda is most comprehensively put forward in the Peacebuilding and Statebuilding Goals (PSGs) of the “New Deal for Engaging in Fragile States”. It remains contested however, how to best achieve these goals. While participation of and ownership by local actors is considered paramount, working in fragile contexts remains extremely challenging. The interplay of diverging and sometimes opposing interest among local and international stakeholders makes it a daunting task to identify whom to engage with for meaningful, lasting change.

The Dutch Consortium for Rehabilitation, consisting of the four International Non-Governmental Organizations (INGOs) CARE, HealthNet TPO, Save the Children and ZOA, is one such stakeholder. We jointly implement programmes in six countries labelled “fragile”: Burundi, DR Congo, Liberia, South Sudan, Sudan and Uganda. Our programmes aim to rehabilitate the physical, societal and economic infrastructure of conflict-affected communities and assist civil society and governmental actors to become stronger stakeholders in the creation of a sustainable peace dividend. Individually, our organizations have a long track record of engagement with local populations in situations of crisis and distress. Not unlike other actors however, we face a range of old and newly emerging challenges.

In order to increase our contextual understanding and improve our programmatic interventions, we commissioned underlying research study on the strategies civil society organizations (CSOs) in Burundi, South Sudan and Uganda deploy to counter fragility in their countries and contribute to sustainable development for their communities. Building on the ECDPM Discussion Paper No. 135 (Strengthening civil society? – Reflections on international engagement in fragile states), a central feature of this study is the focus on stakeholder relations. This study takes CSOs as a prism and tunes in on relations with and between host governments, donor governments and INGOs. Other relevant actors such as the private sector and the media have been left out for sake of manageability. As this is an external, independent study, the conclusions and recommendations drawn do not necessarily represent policy positions of the organizations involved. They do force us to critically reflect on our work in fragile contexts.

The study firstly challenges the notion of a civil society as a countervailing power in the African context. Subsequently, it subdivides the interventions of local civic organizations over three dimensions of fragility: the socio-economic, security and political dimension. Civil society is a ‘mixed bag’ with successful examples across the spectrum, most clearly so in the socio-economic dimension. It comes to the salient conclusion that socio-economic activities can take place relatively unhindered, but once activities become more political in nature or challenge structural issues, the State invariably responds with repressive measures. The report goes as far as saying that States are not always willing to change practices that sustain fragility and in this respect coins the phrase “fragility by choice”.

As this bold conclusion challenges mainstream discourse, we considered it an appropriate title for the study report, which aims to contribute to a meaningful policy debate.

Another set of conclusions is addressed at INGOs as a stakeholder-group. As learning organizations we very much welcome constructive feedback and are open to discuss diverging views such as presented in this report. One key area of concern is the perceptions that host government officials and civil society organizations’ staff have of INGOs. According to some, INGOs tend to dictate the terms and conditions of the relationship, which some CSOs qualify as based on suspicion and distrust. The study goes further, stating that “The level of distrust that characterizes INGO perceptions of local CSOs has perverse side-effects. As intermediaries of the aid chain, INGOs tend to keep CSOs small, underdeveloped and without adequate capacity for genuine engagement in the long-term”. It even states that INGOs “have become direct competitors with local implementers and are constantly on the lookout for funding, thereby to some extent compromising their own mission statements and mandates, leading to spoiler effects”.

While it is obvious that we are eager to counter such comments with examples of successful interventions and collaboration, we do recognize that such perceptions reflect challenges we face when intervening in the complexities of fragile societies. The question then clearly is what course of action external agencies such as INGOs and donor governments should take to change these negative perceptions and better address the challenging dynamics to have a positive impact? The study proposes a list of eighteen recommendations, amongst which one we would like to highlight here:

“Thorough debates about the rationale behind specific interventions and how they might fit into local, regional or even national development frameworks are lacking. Intervening agencies and CSOs should encourage a content debate and identify ways to engage authorities at various levels. Also, community input at various stages of planning and coordination processes should be ensured.”

The release of this study feeds our on-going internal learning. We hope it will also be a meaningful contribution to a public content debate leading to better policies and programmes, supporting people living in fragile situations to break free from poverty.

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ACODE	Action Coalition for Development and Environment (Uganda)
APDH	Association pour la Promotion des Droits Humains (Burundi)
CAFOB	Collectif des associations et ONG féminines du Burundi
CBO	Community Based Organisation
CNDD-FDD	Conseil National pour la Défense de la Démocratie- Forces pour la Défense de la Démocratie (Burundi)
ConDF	Constituency Development Fund (South Sudan)
CS	Civil Society
CSO	Civil Society Organisation
DCR/AWG	DCR Advocacy Working Group
DCR	Dutch Consortium for Rehabilitation/ Consortium Néerlandais pour la Réhabilitation
DGF	Democratic Governance Fund (Uganda)
EU	European Union
FBO	Faith Based Organisation
FORSC	Forum des Organisations de la Société Civile (Burundi)
GoU	Government of Uganda
IDP	Internally Displaced Person
INGO	International Non-Governmental Organisation
LRA	Lord's Resistance Army
MASP	Multi-Annual Strategic Plan
MPs	Members of Parliament
MFS II	Co-financing Scheme II (Dutch Ministry of Foreign Affairs)
NGO	National Non-Governmental Organisation
NRM	National Resistance Movement (Uganda)
OAG	Observatoire de l' Action Gouvernementale (Burundi)
OLUCOME	Observatoire de Lutte contre la Corruption et les Malversations Economiques (Burundi)
OPM	Office of the Prime Minister
PDRP	Peace, Development and Reconstruction Programme (Uganda)
PISC	Plateforme intégrale de la société civile burundaise
PRSP II	Poverty Reduction Strategy Paper (Burundi)
PSG	Peace-building and State-building Goal (New Deal)
RDC	Resident District Commissioner
RDI	Rural Development Initiative (South Sudan)
RNE	Royal Netherlands Embassy
RSS	Republic of South Sudan
SPLA/M	Sudan People Liberation Army/Movement
SSNGOF	South Sudan NGO Forum
SuDEMOP	Sudanese Democracy and Election Monitoring and Observation Program
UDN	Uganda Debt Network
ULA	Uganda Land Alliance
UNYDA	Upper Nile Youth Development Association (South Sudan)
UNYMPDA	Upper Nile Youth Mobilization for Peace and Development Agency (South Sudan)



Aim, approach and concepts

This research was conducted on behalf of the Advocacy Working Group (AWG) of the Dutch Consortium for Rehabilitation (DCR). The objective was to strengthen knowledge and understanding of stakeholder response strategies to situations of fragility, and to gather stakeholder views, actions and experiences on how to overcome fragility, including in relation to their interactions with other actors operating in fragile contexts. The study aims to provide the DCR/AWG with a set of practical recommendations to enhance support for civil society actors active in addressing fragility issues and strengthen DCR/AWG's policy on fragility-related issues.

The research focused on the role of civil society in overcoming situations of fragility. Fieldwork was carried out in three countries: Burundi, Uganda and the Republic of South Sudan (RSS), where focus group discussions and interviews were carried out with a broad representation of state and non-state actors in the countries concerned. These were complemented by a literature study and an assessment of relevant secondary information.

Central concepts in the research include **fragile states**, **fragility** and **civil society**.

The way in which fragile states are defined varies and there exists no single generally accepted definition. It is not a neutral concept and has serious political and normative implications. The concept usually refers to a state's lack of capacity or political will to provide security, basic services and governance to its population and an associated lack of legitimacy in state-society relations.

The notion of fragility per se refers to various challenges and constraints that affect the everyday lives of civilians living in political entities whose governments, for one reason or another, are presumed to fail to provide adequate support to address their fragile living conditions. For the purpose of this study fragility has been subdivided in a socio-economic, security and political dimension.

Civil society is long-established in Western societies as a social force distinct from both the state and capital. In the current, neo-liberal context civil society acquired a new meaning as an alternative, competitor and counterweight to the state. In the African context, civil society has emerged only recently and is a contested notion as some view it as a neo-colonial concept that is alien to the African context.

Civic and civil society's actions in combating fragility

The research found that **communities** deploy coping strategies to deal with the different dimensions of fragility facing them. In the socio-economic dimension, these coping mechanisms are mostly ad-hoc and immediate, it being more difficult to forge long-term coherent and structural response strategies. In the security dimension, communities sometimes benefit from existing traditional justice mechanisms or form local militia to defend their territory against intruders. In the political dimension, communities can hardly access or influence political decision-making. Overall, communities seemed to lack the capacity to organise and coordinate responses related to higher level political and security issues. Civil society organisations play an important role in bridging this gap.

In this study five categories of CSOs were identified in the research countries of Burundi, RSS and Uganda.

CSOs involved in **service delivery** operate in the socio-economic dimension of fragility and comprise the bulk of all CSO activity. These CSOs have been fairly successful in providing all type of basic services to communities albeit that they largely function as implementing partners on behalf of INGOs and back donors. Such interventions are seen as politically neutral by recipient governments and are readily accepted by them. As implementing agencies CSOs face constraints such as short-term contracts, limited project duration and size, limited sustainability and dependence on external donors.

Lobby and advocacy CSOs intervene in all dimensions of fragility depending on the nature of the activity they engage in. These CSOs have been successful in individual cases but generally have difficulties in promoting structural and systematic changes. The lobby and advocacy CSOs touch on issues pertaining to all dimensions of fragility and largely cater for professional and group interests. However, their effectiveness depends to a large extent on the political context and the prevailing public opinion. Also, personal contacts with influential power holders determine their room for manoeuvre.

Peace-building & conflict mediation CSOs operate in the security dimension of fragility. They have registered individual success cases, but these mostly are geographically limited. Amongst these CSOs there is a lack of long-term sustained efforts to help consolidate peace and to address underlying conflict factors. These CSOs suffer from limited mandates (mostly dealing with community level security). Furthermore, funding is piecemeal and one-off which limits effectiveness.

Access to justice and human rights CSOs also intervene in the security dimension of fragility. Their focus is on individual cases and most of their efforts go into lengthy judicial procedures. When such CSOs engage in structural issues they are repressed or undermined by state government agencies. Collective organizing is often more efficient. These CSOs are also constrained by erratic funding and may be even more dependent on external funding than other types of CSOs.

Governance CSOs intervene in the political dimension of fragility. They mostly engage in high profile issues testing the public space. Such cases have a highly symbolic value as structural reform is beyond

the reach of these CSOs. These organisations are often facing a high level of repression and targeting of individual activists. They also suffer from a lack of access to information about public spending. They can show individual success cases, but if high level officials are involved there is generally no follow-up from the authorities.

The most salient conclusion is that CSO activities on neutral socio-economic issues can take place unhindered, but once activities become more political in nature or even challenge structural issues, the state invariably responds with repressive measures.

The role of other actors in fragile contexts

In fragile states, aid donors provide a large portion of available development funding and a considerable part of government budgets, thereby exerting a significant influence on national policies and priorities. Most aid delivered to the research countries fits into overall development frameworks such as the New Deal, the PDRP and the PRSP II.

The **New Deal** initiative aims to revive the policy dialogue between the donor community and governments of fragile states. In exchange for transparency and monitoring a number of Peace and State-Building Goals, governments are allowed to take charge of the aid funding and determine priorities directly. However, there are doubts whether the goals will be reached and whether governments are sincere about it or solely see the New Deal as a new window for raising funds. Civil society argues it should be involved in those aid dialogues more prominently as currently its role is very limited.

Government engagement in the **socio-economic dimension** is rather limited as they either lack the funds, the institutional capacity or the will to deliver services. They limit themselves to oversight and coordination roles. Externally funded assistance in this field is readily accepted and they usually collaborate with intervening agencies. There are however issues between donors and recipient governments around accountability when such support is channeled through government. Generally at the local level, civil servants are more cooperative and accommodating than at the central level.

In the field of the **security dimension** the three states show different patterns. While the situation is far from stable, there is relative peace in northern Uganda. Insecurity still prevails in large parts of RSS. RSS is barely able to maintain national unity and cannot provide community security. There is a proliferation of local militia groups in the absence of state security forces and police. In Burundi, there has been a wave of extrajudicial killings and state security actors allegedly are involved creating an atmosphere of impunity and fear. The dominant political party condones a militia group which patrols the countryside and intimidates civilians.

The **political dimension** witnesses a decreasing public sphere and increased repression through legislation curtailing CSOs and the media. Political activism and interference is barely tolerated, if at all possible. In Burundi there is no formal opposition and in Uganda only a few MPs outside of the ruling party are actively trying to influence policy development. Engaging in political activities in these countries is challenging and dangerous.

International donors have provided generous support to service delivery and livelihood support. They mainly work through donor trust funds to limit risks of embezzlement and fraud. They also make use of professional INGOs to implement the programs. In the field of security, donors are involved mostly in

large scale security sector reform programs, which target state security organisations mainly. On the other hand, support to CSOs is limited in scale and caters largely for 'victim' rights through transitional justice initiatives and compensation mechanisms. There is a disconnection between the large-scale support to states which confirms their hegemony in the security sector and the fairly insignificant support to CSOs, which do have a role to play. In relation to the political dimension of fragility, donors engage in capacity-building of crucial state institutions such as parliaments and political parties. There is also limited support to CSOs active in these areas.

Overall there is a lack of consistency and coherence among donors due to different geopolitical and resource interests of various large donors which may override humanitarian, developmental and ethical motives.

The main aid priorities of **the Netherlands** focus on thematic issues (justice and security, food security, water sector and reproductive health). Support to CSOs takes place through specific funding modalities such as MFS II and the reconstruction tender, and at local levels through trust fund constructions such as the Democratic Governance Fund in Uganda. Support to CSOs is provided based on their role as an aid channel and hence is largely instrumental. Dutch-funded INGOs enjoy a large degree of autonomy but they have fairly small organisations and their impact is limited to specific geographical areas and target groups. Capacity-building is an important issue, but efforts at field level by Dutch funded INGOs are neither systematic nor sustained. Also, increasingly there is competition for funding between INGOs and local CSOs due to the decentralisation policies of the former. The autonomy of Dutch funded INGOs allows the Netherlands to have a quasi-independent channel to be used for sensitive political activities without being held accountable directly. New Dutch policies as announced in the recent policy brief 'A World to Gain' may open opportunities such as the proposed Accountability Fund and also promote the watchdog function of civil society. The policy brief also emphasises forms of political support and expects to help promote a new relationship between the Dutch INGOs and local CSOs.

Relations between main stakeholders in fragile contexts

The relations between **CSOs** and **governments** depend on the nature of CSO interventions: the more political activities are, the more repressive the state becomes. Fragile states are particularly sensitive to political interference. Hence, in contexts of fragility, government tends to be perceived by CSOs as a major spoiler or at best as a marginal contributor to resolving fragility, although civil society does acknowledge that at local levels civil servants are more cooperative and sometimes genuinely interested in trying to solve issues for communities.

Donors and **governments** in fragile states maintain complex and ambiguous relations. Governments in the research countries are reluctant to allow donors to exert leverage on what they consider to be purely domestic issues. They view such efforts as external interference in domestic affairs. Though for a less tight donor support structure, in the New Deal governments of fragile states are allowing outsiders to engage in a dialogue and monitor their performance on a number of crucial Peace-building and State-building Goals (PSGs).

CSOs view **donors** with suspicion as they rarely speak with one voice. Although our interviewees gave some donors a good press, on the whole their assessment was that inconsistency on the part of the donor community limits the impact of both civil society and the donors.



CSOs and **INGOs** need each other to be able to operate in fragile contexts (in terms of programme implementation, training, etc.) and on the whole relations are functional. However, there is also a level of suspicion and distrust. CSOs complain about the top-down management by INGOs, limited and short-term funding and they doubt the commitment of INGOs. Intervening in fragile states requires long-term engagement. Capacity-building by INGOs is considered to be erratic and one-off, lacking a structural and sustained approach.

CSO performance in countering fragility

Governments applaud the socio-economic contributions of **CSOs**, but are wary of any political activism which in their view undermines their legitimacy: CSOs should comply with government policies and refrain from open criticism. Governments also criticise the lack of budget transparency, high overhead costs and high numbers of expatriate staff and often appear to feel that they themselves could do a better job.

Donors view **CSOs** as useful implementers in service delivery. In relation to the security and political dimensions of fragility, CSOs are seen as potentially the only viable countervailing power. However, they are not sustained by concomitant funding. Support for the CSOs active in these fields often leads to increased tensions between CSOs and the incumbent government and sometimes puts CSO activists at risk. However, donors clearly see no alternative to try and correct repression and help improve governance in fragile states.

INGOs tend to portray local **CSOs** as emerging and relatively inexperienced organisations in need of institutional development and capacity support and tend to view them through a technical, if not instrumental lens. For INGOs, CSO effectiveness depends on their capacity to develop themselves and to establish as functional implementing agencies. They assess CSO effectiveness to help combat fragility based on their institutional capacities, the quality of their staff and their capacity to implement programs and projects in various fields.

CSOs self-perception generally tends to overemphasise their accomplishments and successes, downplaying the fact that these are generally the result of collective action by both CSOs and external agencies (INGOs and donor agencies). Representatives of CSOs, however, admit to structural deficiencies that include the existence of ghost and briefcase CSOs, institutional and capacity problems among CSOs and sustainability problems exemplified by continued reliance on external funding.

Recommendations

The role of CSOs

1. Available local capacities to deal with fragility largely revolve around traditional coping mechanisms. Such popular coping mechanisms need to be complemented by more structural, long-term and sustainable approaches supported by local CSOs, especially NNGOs and CBOs.
2. CSOs working in the political realm require extra attention in view of the constraints and pressures they face. INGOs could more openly support and back these organisations, including when this implies running a risk of incurring the displeasure of the recipient governments.



3. Informal structures, including community justice systems and traditional mediators, have been effective in dispensing security and the rule of law. Informal or hybrid security and legal structures should be used more effectively to promote security and the rule of law.
4. INGOs and back-donors should try and change the parameters of aid modalities to the extent possible to optimise more long-term, structural and autonomous operations of the assisted CSOs. This could include engaging in longer-term partnerships, supporting CSO fundraising and income generation.
5. Governance CSOs need explicit international backing and support, as well as mechanisms for internationally backed protection. Work with these NGOs can get a boost from the recently announced Dutch Accountability Fund and the renewed emphasis on political support.
6. Programmes need to be more consistently and systematically accompanied by institutional and capacity development efforts for local civil society actors. Capacity development assessments and associated programmes and budgets need to be a standard component of operations in fragile states.

The role of INGOs

7. Service delivery offers good opportunities for the discussion of the (often problematic) governance regimes relating to service delivery, thereby potentially embarking on broader governance debates. Socio-economic service delivery could be used as an entry point to forge programs for, and ultimately changes in, the security and political fragility domains increasingly privileging work in the security and political domains.
8. CSOs should first of all be supported in their own roles as properly functioning institutions with the required capacities in place and only then use them as instrumental channels for external aid.
9. INGOs and CSOs need to work on their mutual relations. It is recommended that partners take time to discuss mutual expectations and systems of operation. INGOs should be aware of the power differentials at stake and be open and patient, allowing sufficient space for the partners to come up with their issues, problems and potential.

The role of the Netherlands and other donors

10. The new policy directions, such as outlined in the New Deal, should be anticipated on. New forms of more innovative and egalitarian partnerships with CSOs in the political and governance realm should be entered into, going beyond existing forms of collaboration that are plagued with problems and deficiencies and may be considered out-of-date by the recipient CSOs and countries.
11. An (ex-ante) analysis of the possibly diverging interests of parties involved in civil society support and how this may affect the position and interests of the recipients and eventually be addressed.
12. Donors and INGOs should better coordinate their assistance messages and stop promoting dependency by providing services for free. Even if a significant local contribution is not feasible, small or symbolic contributions need to be introduced to ultimately attain a level of sustainability and independence.

► Pictures from Pagak, Upper Nile. This is one of the locations where Save the Children is implementing DCR activities. The pictures were taken at one of the demonstration plots, supported by DCR. Save the Children uses the plots to train the targeted farmers on agricultural techniques. © Colin Crowley/ Save the Children

Interrelationships between stakeholders

13. The announced policy changes by the Dutch Minister for International Trade and Development with regard to the relationships between donors, INGOs and CS and the New Deal give cause for reflection. Mutual principles and rules of the game need to be re-established and supported by proper, systematic and intensive dialogues as well as systematic institutional and capacity development initiatives.
14. Most discussions between stakeholders focus on implementation and operational issues. Thorough debates about the rationale behind specific interventions and how they might fit into local, regional or even national development frameworks are lacking. Intervening agencies and CSOs should encourage a content debate and identify ways of how to engage authorities at various levels. Also, community input at various stages of planning and coordination processes should be ensured.

Relations with the host governments

15. Civil society should be supported in their demonstrable contributions to improve situations of fragility. Even in the face of lacking support from host governments. Specific peace-building and state-building goals (PSGs), such as those identified in the New Deal framework, can be helpful to stimulate new forms of partnerships between donors, implementing agencies and host governments.
16. Hard-core security aspects, such as the circulation of small arms and the existence of militias, need to be resolved as a pre-condition for successful civil society work. Donors and INGOs need to insist on proper measures in this domain at the international and bilateral levels.
17. INGOs and donors need to reflect on how to stop or reverse the diminishing of civilian space and how to protect and shield their partners from state intimidation, violence and surveillance. This also should include a monitoring system to assess whether New Deal commitments and principles are complied with in practice.

Dealing with the broader fragility context

18. Strategies to deal with the structural underlying root causes of fragility need to be based on a comprehensive political, socio-economic and institutional analysis with proper attention paid to governance issues. Recipient governments might be convinced of this need and must not be allowed to engage in cherry-picking by only allowing socio-economic support. The required approach should ideally be based on a New Deal type process with associated PSGs.

Africa





Pictures from Pagak, Upper Nile. This is one of the locations where Save the Children is implementing DCR activities. The pictures were taken at one of the demonstration plots, supported by DCR. Save the Children uses the plots to train the targeted farmers on agricultural techniques. © Colin Crowley/ Save the Children

This research was commissioned by the Advocacy Working Group (AWG) of the Dutch Consortium for Rehabilitation (DCR) with the aim to strengthen knowledge and understanding within the Consortium regarding stakeholder response strategies to fragility, to improve its response strategies in fragile contexts and to influence others to do the same. A better understanding of perceptions and responses can help improve approaches of all relevant actors towards various aspects of fragility.

The report looks into the role of various stakeholders in Burundi, the Republic of South Sudan and Uganda, seeking to identify which are the parties intervening to assist communities to help overcome challenges in the different 'dimensions' of fragility identified in the research approach. Although Uganda is considered as a country in transition by the Dutch Government, arguably parts of the country, in particular in the North, can be classified as fragile. The research assumes these countries and areas to be fragile in terms of that they lack the provision of adequate basic services, are deficient in terms of the rule of law and are subject to imbalanced governance, which may imply repression or even a virtual absence of governance. Recognizing that their interventions may be both beneficial or negative and may either alleviate or aggravate the conditions of fragility that communities in the countries under research experience, the report focuses on the role of local civil society organisations in dealing with fragile contexts.

1.1 Research objective

The research project was set up around two specific objectives:

Knowledge development of actors/ stakeholders in fragile situations/contexts/states and their views and know-how regarding fragility, their opinions of and experiences with other actors operating in local contexts, and their own specific ideas and actions on how to overcome fragility;
Development of recommendations to enable the DCR/AWG to enhance support for civil society actors who act against fragility, including in the Dutch government's policy approaches vis-à-vis fragile states and contexts of fragility.

The main focus of the research was on the role of civil society in situations of fragility and the ways in which donor countries such as the Netherlands assist civil society organisations in fragile contexts. This led to the formulation of the following research question: What are the main strategies and activities of civil society groups to help counter fragility and to what extent do Dutch government policies concerning fragile states take into account and support civil society initiatives?

1.2 Research approach

Fieldwork was carried out in three countries, i.e. Burundi, Uganda and South Sudan. These countries were selected for being countries in which the DCR is operational and which clearly demonstrate relevant aspects of fragility. This chapter gives the major conceptual and methodological considerations underlying this research¹.

Thematically, the study discusses different dimensions of fragility, i.e. the socio-economic dimension (livelihood strategies, economic aid, labour market), political dimension (political participation, accountability, governance) and security dimension (community security, access to justice and rule of law).

¹ See Annex A Conceptual framework and methodology.

In each country, focus group discussions were carried out, which were loosely structured around several main themes: livelihood, core problems, strategies, external assistance and opinions about the government and other intervening agencies. Semi-structured interviews with individual respondents made use of an aide-mémoire enabling adjustment of the focus depending on the background and function of the interviewee in question².

The selection of interviewees focused on a variety of state and non-state actors, to include all type of professionals, community leaders and dissidents to help inform the consortium about the variety of opinions and experiences with fragility in a number of contexts. In each research country a provisional list of categories of CSOs was drawn up and subsequently for each category representatives were approached for individual interviews³. This approach helped unveil the views and experiences of a variety of CS actors with other intervening agencies, such as government agencies, donors, INGOs and beneficiary groups at local levels. The research covered some extent the variation of CSOs in each country.

In each country, the research was positioned against major aid strategies. For the Republic of South Sudan (RSS), attention also focussed on the New Deal process. In addition, various local development funds and programs were taken into account. Finally, the priorities of the Netherlands' bilateral aid programs were reviewed and its funding modalities for support to CSOs were looked into. In addition, the Dutch government's most recent policy brief 'A World to Gain'⁴ was perused to identify relevant future policy trends.

1.3 Limitations and constraints

The effective time available for interviews and field visits was limited. Fieldwork in RSS (20 days), in Northern Uganda (15 days) and in Burundi (14 days) was used to engage with representatives from a variety of CSOs, government agencies, INGOs and some donors. Given both the time and methodological constraints, this research project must be treated as a scoping mission around the main objectives formulated.

In the sample of interviews, some categories of respondents were absent or only minimally represented. This concerned representatives of political parties as well as private sector actors, while also only a limited number of Faithbased Organisations (FBOs) could be contacted, of which some were reluctant to collaborate.

² See Annex B Aide Mémoire for the research on fragility.

³ See Annex C Interviews by category of CSOs.

⁴ 'A World to Gain: A New Agenda for Aid, Trade and Investment' is the English version of the Dutch Ministry for Trade and Development Cooperation's policy brief 'Wat de wereld verdient: Een nieuwe agenda voor hulp, handel en investeringen'. <http://www.government.nl/documents-and-publications/letters/2013/04/05/global-dividends-a-new-agenda-for-aid-trade-and-investment.html>.



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1.4 Synthesis report

This synthesis report is based on the country reports that were drawn up for each of the three research countries, complemented by relevant literature on state fragility and civil society in fragile contexts⁵ as listed in the bibliography, as well as some additional secondary sources. The report is organised thematically around the major topics of the research; core concepts and beneficiary responses, CSO strategies in situations of fragility, other actors' actions regarding fragility and the way in which various intervening agencies and actors view each other, followed by recommendations and suggestions for follow up research. The synthesis report was written by the lead researcher Pyt Douma and Georg Ferks, who assisted in analysing the country reports. The final draft has benefitted from the critical comments of a DCR reference group⁶.

⁵ Funck, Lennart (2013). *Bibliography of literature on fragility. Bibliography for the Dutch Consortium for Rehabilitation*.

⁶ Consisting of the Klankbord Groep (Dr. Ir. M. van Leeuwen, Prof. Dr. Ir. D.J.M. Hilhorst, Mr. W. van de Put), the members of the Programme Working Group of DCR and the members of the DCR AWG.



In order to situate this study, the central concepts of fragile state, situations of fragility and civil society are reviewed⁷. There is an on-going policy debate in the Netherlands regarding interventions in fragile states, necessitating a discussion on the usefulness of these concepts as analytical tools, as will be highlighted in the following sections.

2.1 Fragile States

The actions of the actors studied in this report all take place in fragile states. The way in which fragile states are defined varies and there is no single generally accepted definition. Instead, the idea of fragile states seems to have been coined by donor countries and multinational organisations. The concept is based on a Western political, academic and social perspective and discourse. The term 'fragile state' is a broad concept which is largely based on an external judgement of the ability of states to perform a number of core functions on which there is a degree of international consensus among developed states. States which cannot or do not adhere to this 'standard' are categorised as fragile. It is not a neutral concept and has serious political and normative implications as it classifies states according to a set of criteria that are often felt to be imposed by the states concerned. The majority of states considered fragile are located in Sub-Saharan Africa, and the African Union (AU) has rejected the concept on the basis that it is an implied criminalisation of African countries and a rationalisation of Western interventionism (Observatoire De L'Afrique, 2008). In the dialogue with the European Union, the more neutral notion of a "situation in fragility" was agreed upon.

The term 'fragile state' replaces the terms 'weak states,' 'failed states,' 'difficult partnerships' and various other labels used previously, before each was debated and discarded in turn. There are debates about its definition, accuracy, usefulness, and indicators⁸. The various definitions of fragility make it necessary to look at why certain definitions are formulated, by whom and for what purpose. Who owns the concept of fragility and why does it emphasise weakness of governance models and lack of capacity for service delivery as core elements and not for instance state repression and imposed governance as crucial elements of a definition of fragility? This raises the central question of ownership of the concept of fragile states and about the presumed universal nature of the Western model of governance as the blueprint approach to be imposed upon so called fragile states. Frances Stewart and Graham Brown (2009) in their work "Fragile States" argue that in order to deal with fragility, it is necessary for donors and the development community as well as the affected governments to develop a comprehensive consensual approach in order to develop standard requirements for achieving 'non-fragility'.

At the same time, there is no operationalisation of the concept which enables researchers to use it for empirical studies, and hence the concept to date has generated low quality research (Susan, 2004). In relation to the 'war on terror', the use of the term more or less provides a moral justification for dominant powers to engage in interventionist strategies in states they label as fragile, presumably lacking capacity to fight terrorism (viz. the use of drones by the USA in Pakistan). Some countries do not use the concept at all (France, Germany and China), whereas others use a 'soft' version of the notion (UK-countries at risk of instability). In the framework of this research, the DCR has used the term 'situations of fragility', which also could be viewed as a 'soft' version' of the notion of fragile states.

⁷ Part of this chapter is based on or copied from Lennart Funck's Issue paper *Fragile States* (2013). The Hague: Care Netherlands, which was written as an integral part of the research project on fragility commanded by the Dutch Consortium for Rehabilitation.

⁸ Annex D lists some of the key academic and policy definitions used at present.

Despite continuing policy and academic debates, this report uses the notion of state fragility, as the term is widely used in the policy arena, where it is highly influential in determining policies and policy implementation. In this report, the concept refers to a state's lack of capacity or political will to provide security, basic services and governance to its population and hence also lacks legitimacy in state-society relations.

2.2 Fragility

Importantly, when looking at the notion of 'situations of fragility' it becomes even more poignant to review what such a derived concept stands for and by whom it is being used for which purpose. Fragility seems to be used in reference to the constraints facing ordinary civilians living in political entities which are labelled as fragile states and whose governments are presumed to fail to provide adequate support to help overcome such fragile situations for one reason or another. Fragility hence may refer to various issues that affect people's lives, ranging from inadequate security to outright persecution, from inadequate justice to outright impunity, from periodic lack of food to famine, from a lack of access to a formal labour market job to a lack of means of livelihood, from limited access to political decision-making to outright political marginalisation and from limited access to basic services to a lack of any basic services. As such, it sums up the various dimensions of people's resource position in contexts of scarcity, want, marginalisation and (political) exclusion. Mostly, in line with the predominant mandate of intervening agencies, the concept of fragility is viewed through a specific lens, i.e. an NGO working on health will focus on access to medical facilities and another organisation or donor taking on education or water and sanitation will define fragility within those thematic areas of intervention. In order to try and cover the full complexity of local contexts, fragility should therefore ideally be understood in a comprehensive manner, taking into account not only its socio-economic dimension, but also its political and security dimensions. This study uses a broad conceptualisation of fragility to appropriately reflect the local context in the three countries researched.

2.3 Civil society

A brief explanation of what is meant by 'civil society' is required as the study's main focus is on the role of civil society in relation to situations of fragility. The concept has its origins in the European Enlightenment of the 18th century, where it signified the realm of private interests as distinct from the state. Today, civil society has generally come to signify the emancipatory activity of social forces distinct from both state and capital. However, having developed as a Western political concept that emerged at a distinct moment in European history and is rooted in European and American schools of thought (Cox, 1999), there are questions as to whether it can be claimed as a universal concept that has meaning and relevance in a region characterised by a completely different cultural and political setting such as in Africa. Major donor agencies pushing for a Western model of civil society are viewed by some as imposing a form of Western imperialism (Kothari & Minogue, 2002). Van Rooy (1998) argued that the concept of civil society might be suitable to the political reality of Western society but it is very limited in the complex reality of African associational life, as it fails to comprehend the informal character of many forms of associations, the fundamental roles played by class and ethnicity and the domination of African societies by a fragile state (Lewis, 2001).

The fact remains that civil society tends to be seen, including by the donor community as the only credible countervailing force to the onslaught of free markets, global capitalism, and neoliberalism and the associated decline of governmental structures and support mechanisms. Since the 1990s,



the civil society sector dealing with development encountered a boom of funding, as a result of a shift in policies that increasingly favoured the strengthening of civil society as opposed to support to the state. (Farrington, J., & Lewis, 1994; Fowler, 1992) The belief was that "civil society could do no wrong and there was nothing it could not do" (Eade, 2000). This perception of civil society as an engine of development, was taken up by various schools of thought including environmentalists and feminist, as well as neoliberal or populist, activists, all of whom have acculturated to the notion of civil society (Howell & Pearce, 2001). This new alternative to development thinking combined the aims of development and emancipation and emphasised a development approach from below (Nederveen, 2001) and furthermore gave agency towards the poor and vulnerable (Mohan, 2002).

2.4 Civil society in the African context

In the African context and in the absence of capable state institutions, the literature has started to shift attention away from the state and governing elites, and towards social actors who are devising various strategies to survive the nested crises of state action, economic development, and political legitimacy (Doornbos, 1990). As a consequence, civil society has become an all-encompassing term referring to social phenomena beyond formal state structures, but not necessarily free of all contact with the state.

Looking at most African countries, there are plenty of associations (such as trade unions, church bodies, student groups, professional and business associations, and private voluntary and nongovernmental organisations), which can serve as agents towards a "democratic civil society." And as Michael Bratton (Bratton, 1989) and others have contended, they do hold at least a latent promise of political pluralism. However, a closer look at the variety of civil society organisations shows serious deficiencies in their effectiveness as key agents in the long and difficult process of democratic consolidation. Moreover, civil society organisations are highly vulnerable to repression and power games by the state and are often completely dependent on external donor or governmental funding.

This constitutes a compromising strategy that distorts the accountability owed to their own members and also affects their independence. Still, only a handful can do without outside help. Assistance from Western bilateral agencies, the UN, and a host of international NGOs such as CARE, Save the Children, Catholic Relief Services, and the African Development Foundation has been crucial for the survival of many local NGOs (Bennett, 2010).

Many local NGOs face low levels of institutional development as they tend to be very young organisations. Moreover, they are faced with having to regularly change or adapt their organisational set-up in response to ever-changing donor guidelines and funding provisions and often have to deal with a high staff turnover, which challenges their development and future sustainability. In effect, many CSOs seem little more than funding pipelines, implementing donor policies and programs. Others have become increasingly politicised and seem to have become "political-action committees" or replica political parties.

In the African context, civil society organisations evolve in the same public sphere as public state institutions and there is significant interaction between the individuals that work in both types of

► Pictures from Pagak, Upper Nile. This is one of the locations where Save the Children is implementing DCR activities. The pictures were taken at one of the demonstration plots, supported by DCR. Save the Children uses the plots to train the targeted farmers on agricultural techniques. © Colin Crowley/Save the Children.

organisations. CSOs therefore seem to compete with the state in certain domains and powerful civil society leaders may use their track record in civil society for political positioning. Also, where the state is absent, CSOs pick up credibility and legitimacy and are often viewed as alternative power centres and by consequence are looked at with suspicion by incumbent political elites. Often this political power struggle is overlooked when analyzing civil society in Africa, either by choice because it may constitute an inconvenient truth for some interested parties or by omission because the activities and potential of civil society as developmental organisations are deemed more important than their implicit political role. But the positioning of powerful individuals within civil society organisations has become an important feature of contemporary African politics, as CS sometimes provides a safe heaven or a technical position which allows people to (temporarily) opt out of the local politicised context, or alternatively use it as a vehicle for personal or political gain.

In our three research countries, there is in fact no such thing as completely independent civil society. The political setting in which CSOs operate is highly politicised and each organisation has a particular image and is connected to specific groups in local society and is classified accordingly by the ruling elites on a gliding scale between supporters and opponents.

Hence, it is important to review the perceptions of civil society in the countries concerned. How do these CSOs function and relate to the state and to beneficiary groups? Are they indeed no more than a foreign instigated concept deriving their mandate and legitimacy from development ideals imposed and funded from outside the national context? Also, how do these CSOs function in relation to situations of fragility? While still using the concept of civil society as a generic term, this study also tries to investigate critically into its multiple forms and roles.

2.5 The role of the state

The debate on fragile states highlights the underlying question of the functions a state ought to fulfil. Many state structures in Sub-Saharan Africa can be categorised as 'strong' states in terms of their capacity to suppress internal dissent or to coerce populations into obedience and compliance with policies established by incumbent elites of these states.

The flipside of this state repression is of course a lack of legitimacy, which in turn is viewed as a state weakness. The security forces (police, security services and the army) are often relatively well-endowed structures within these states who enjoy a monopoly over the use of arms and the control of the public sphere. In fact, such states may be viewed as the successors to the erstwhile colonial states which also centred on coercion and control of the public sphere and that were first and foremost geared towards controlling the domestic population rather than the defence of the national territory. Hence, many Sub-Saharan states have originally hardly been involved in a significant level of service delivery to the population regardless of the question whether they were capable or willing to do so. However, increasingly, new ideas on the state's responsibilities, including those emanating from international conventions and external aid delivery, have forced this issue on those governments, who had it drummed into them that service delivery is a core task of government. In response, host governments have reluctantly engaged in such service delivery, with most of them continuing to rely on a plethora of international and domestic actors which have filled the service provision gap. In the wake of by the debate around good governance, issues relating to political participation formed an additional impetus to the debate around the role of the state. As a result, local pressure groups are slowly beginning to challenge incumbent political elites with regard to access to political decision-making. To date, however,

the existing repressive, top-down governments have more or less successfully been able to keep such demands at bay.

Although there is an on-going dynamic debate about the role of the state in many African countries, most states focus on maintaining their power monopoly and exerting repression through their security agencies. Many other tasks of government are seen as Western impositions and left to other actors. However, this attitude of indifference on the part of domestic governments is increasingly being challenged.

2.6 The role of the population

It is important to establish roughly what domestic citizens of the countries investigated contribute regarding the three dimensions of fragility identified (socio-economic security, rule of law⁹ and political participation).

2.6.1 Socio-economic security

The literature dubs people's strategies to deal with crises and shocks 'coping mechanisms' or 'coping strategies'. In the countries researched, in relation to socio-economic security as one of the key dimensions of fragility, coping strategies to deal with food insecurity seemed to predominate. At the same time, local communities hardly seem to have developed concerted collective strategies in this regard.

The coping strategies most frequently cited in the literature include skipping, reducing and adjusting meals, reducing adults' food consumption, borrowing food and reliance on natural resource extraction for food and fuel (WFP 2010). Traditionally, pastoralists, agro-pastoralists and farmers have all developed adaptive strategies to cope with complex climatic conditions, especially drought. Agro-pastoralists and farmers often plant crops that are resilient under dry conditions, such as sorghum, millet and sesame, and often send family members to dry season grazing areas in order to exploit available wild foods and fish (USAID 2006).

At field level the above findings were largely corroborated. In the Republic of South Sudan, Northern Uganda and in Burundi, various coping strategies were identified, ranging from gathering and hunting to sale of livestock, labour and support through kinship relations.

However, the study also found that the degree to which local communities were able to access natural resources (gathering wild plants, roots and hunting) varied widely among the three research countries. In RSS, local communities can still access additional resources from their natural environment, whereas such options have greatly diminished in Northern Uganda and disappeared in Burundi.

Some communities, such as the Acholi in Northern Uganda are engaged in tool making, pottery and basket weaving for additional income¹⁰. Most citizens in the research areas depend on subsistence agriculture combined with a great variety of formal and informal commercial activities, ranging from beer brewing, honey making and charcoal burning to petty trade, selling agricultural produce at markets and by the road side, hired labour and transportation services, but also prostitution, gambling and smuggling (such as coffee from Burundi to Rwanda).

⁹ Literature used in the sections socio-economic security and rule of law are based on Lennart Funck's Issue paper fragile states (2013). Dutch Consortium for Rehabilitation.

¹⁰ Pyt Douma (2013). *Northern Uganda report on Fragility*, page 18. Dutch Consortium for Rehabilitation.

2.6.2 Rule of law

Apart from livelihood security, justice and conflict resolution are also important dimensions of fragility. Our three research countries are characterised by interactions between formal and informal justice institutions. RSS and Burundi in particular have extensive traditional systems, in which local chiefs or traditional community conflict mediators, such as the Bashingantahe¹¹ in Burundi, deal with community justice issues. In Maiwut (RSS), community issues, disputes and court cases are settled by local chiefs¹². Cases of adultery are also dealt with by the local courts. In Burundi, the Bashingantahe¹³ deal with community issues and mediate when disputes arise at the local level. The Bashingantahe played a positive role after the killing of President Ndadaye in 1993, when ethnic militias were formed to avenge his death and these traditional mediators managed to calm the youth groups and prevent large scale ethnic violence. This group of mediators is appointed by the community members and traditionally played a mediating role between the King and the people. They intervene strictly in non-criminal cases and refer criminal cases to higher authorities. This system of traditional mediation through the Bashingantahe seems to be effective in dealing with most community issues as more than 90% of the rulings are accepted by both parties to the conflict, including land disputes, which constitute the bulk of local conflicts¹⁴. In Uganda too, traditional chiefs continue to deal with local community justice issues. Chiefs supported by a council of elders rule over local disputes and settle issues between individuals as well as clans¹⁵. In terms of fragility, the existence of traditional systems means that at the community level justice mechanisms continue to exist and function. This enables communities to resolve a proportion of conflicts among themselves without having to seek recourse with higher authorities.

If a dispute cannot be settled locally, it depends on the individual whether or not they pursue the issue any further. In Tali (RSS), the pursuit of justice is a costly affair, with the costs generally far outweighing the potential benefits. “If you bring a charge of cattle rustling to the police you have to pay them to investigate the case. After this you have to pay the soldiers to go and find the culprit and again you pay for the chiefs to sit and then for soldiers to go and get the stolen cows in case they rule in your favour. So it basically does not pay to seek justice”¹⁶. Therefore, while individuals can seek redress for specific issues, they have to calculate whether such efforts may turn out to be profitable or ultimately are prohibitively expensive.

Community security is another domain in which local communities sometimes develop collective strategies. Some examples were found of communities organizing their own defence militia to fight external threats, the arrow boys in Western Equatoria in RSS fighting the Lord’s Resistance Army being a case in point. In this case, local communities have armed hunters to fight roving bands of LRA fighters who move around in the triangle between the DRC, Central Africa and the Republic of Southern Sudan (notably Western Equatoria). However, it seems that such responses develop in the absence of adequate security provision by the government, i.e. develop in a vacuum as a default strategy. In addition, such responses may in turn pose threats to other communities if not properly managed. Sometimes specific groups in local society may form armed groups for political purposes. In Burundi, the ruling party CNDD-FDD has a youth movement called ‘imbonerakure’, consisting of youths and allegedly instructed by disgruntled former rebel fighters, who try to gain visibility with the party leadership and thereby try to secure access to a job or a position in the party organisation¹⁷. They actually patrol

¹¹ Interview with a Bashingantahe, Ngozi, 24-5-2013.

¹² Interview with a group of chiefs in Pagak, Maiwut county, 11-4-2013.

¹³ Interview with a Bashingantahe, Ngozi, 24-5-2013.

¹⁴ Ibid, Interview with a Bashingantahe,

¹⁵ Interview paramount chief Paimol, 14-5-2013.

¹⁶ Interview senior INGO officer, Tali, 20-4-2013.

¹⁷ Interview journalist in Musinga, 21-5-2013.



the countryside and act as representatives of the state and thereby virtually substitute the police¹⁸. Such phenomena may not be considered community strategies as such, but pertain to a segment of society which terrorises others for its own benefit.

Hence, collective responses with regard to the prevailing security setting largely depend on the local setting and whether the state manages to stabilise a given situation or wishes to do so. The effectiveness of local militias to defend their communities depends on their capacity to generate enough resources to maintain a relevant counterforce against outside aggression. Sometimes, incumbent elites may instigate movements that assist them in maintaining a grip on the local context (e.g. party militias).

2.6.3 Political participation

The research found very few examples of communities organizing themselves to gain access to political decision-making. In fact, there were numerous cases in which decision-making over local development programs and funds was viewed as the affair of state officials and influential politicians, with local groups simply accepting the political process as something beyond their sphere of influence. In Maiwut County in RSS, a former commissioner decided to spend the constituency development fund money on building a government guesthouse, despite the fact that such an intervention was not considered a priority by the population as such¹⁹. And in Lainya County, a high level commission decided single-handedly how to deploy the Constituency Development Fund (ConDF). As a local savings group indicated, the community did not have an opportunity to participate in the decision-making on the allocation of the development funds, as that had already been decided elsewhere²⁰. A representative of a local NNGO confirmed: “There is no accountability from the ConDF to the people, the size of the funds is not being disclosed and there is no transparency on its spending”²¹.

It seems that community strategies are largely limited to restoring or supplementing livelihood security and to survival. Communities were unable to go beyond existing coping strategies, and overall they lacked coherent strategies to address fragility or formulate response strategies to overcome structural problems. In some cases communities organised to address poignant security issues, but it seems that such responses were a last recourse in the absence of state support. They also seem to lack the capacity to organise and coordinate responses to fragility related to higher level political and security issues greatly impacting on their everyday lives, such as an absence of security forces in RSS or state repression and youth militias in Burundi.

In summary, access to decision-making generally appears to be limited. Communities can sabotage interventions as a political strategy, try to benefit from them or simply accept the fact that decision-making lies beyond their sphere of influence.

¹⁸ Ibid, journalist Musinga.

¹⁹ Azuruku, Henry & Pyt Douma (2013). *Research Report on Fragility in the Republic of South Sudan. Report for the Dutch Consortium for Rehabilitation*, p. 44.

²⁰ Interview Savings Group Limbe, 6-4-2013.

²¹ Interview with a representative from a National NGO in Lainya County, 6-4-2013.



3.1 Introduction

This section reviews the role of civil society organisations with regard to fragility, based on a subdivision of CSOs into several functional categories.

Ranking CSOs into their different areas of intervention is a prerequisite to a meaningful analysis of the broad spectrum of CSOs operating in the countries reviewed.

Based on the different categories identified in the three research countries, the CSOs can be sorted into the following five thematic categories:

- Service delivery (basic service delivery, education, health, water and sanitation, agriculture)
- Lobby and Advocacy (relating to specific target groups, i.e. women, youth and professionals (trade unions) or regarding specific themes (environment, culture)
- Conflict Resolution and Peace-Building
- Access to Justice and Human Rights (transitional justice, reform of justice sector, human rights abuses, visiting prisoners)
- Governance (accountability, transparency, democratisation, corruption)

In addition to the CSOs active in these extensive thematic fields, private media (newspapers and radio stations) play an important role in news dissemination about all the above issues.

FBOs, (I)NGOs and CBOs can all be placed under the five broadly defined thematic clusters identified above. In reality, many organisations engage in various thematic fields simultaneously, i.e. some FBOs may be involved in development activities while simultaneously engaging in access to justice work, such as some Catholic CSOs. The thematic fields identified in this section are used for the purpose of illustrating what CSOs do to assist the population to overcome a number of constraints related to various situations of fragility.

3.2 CSOs working in the field of (basic) service delivery and livelihood

Service delivery is considered to be a 'neutral' field of intervention. Governments welcome organisations working in this field as it relieves their own tasks. This would in principle imply a possibility to persuade the government to take its own responsibilities in this area seriously, but so far it has proved difficult to make effective use of this potential. The debate around service delivery tends to predominantly centre on technical issues and on the risks of overlap of interventions rather than on principles or quality criteria.

Many CSOs work in the field of service delivery programs and are involved in the implementation of a wide range of activities. In Burundi, RSS and in Uganda, large INGOs such as CARE or Oxfam have been involved in service delivery for sustained periods of time. There are many different INGOs active in donor-funded projects that aim to provide all types of basic services to local communities. The importance of and the success rate in the provision of basic services to local constituencies in the countries concerned, which has invariably been facilitated by CSOs functioning either as implementing agencies for INGOs or for the governments in their respective countries, can hardly be overstated. The fieldwork identified a large number of local organisations engaged in service delivery and livelihood. In Pagak payam in Maiwut county in Upper Nile state (RSS), Save the Children and its local partner UNYDA form farmer groups and train them in modern agronomic practices. In Tali payam in Terekeka county

and Lainya county in Central Equatoria state (RSS), ZOA in partnership with local CSOs COMPASS, TAYA and local NGOs RDI and ASTAD form farmer groups in Kenyi, Mundu and Wuji bomas and provide farmer groups with hand tractors²². In Burundi, many so-called solidarity groups are involved in the development of agriculture²³. The Anglican Church in Muyinga province (Burundi) is involved in drilling boreholes and in reforestation²⁴.

In many cases CSOs have acted as mere implementers working on behalf of the various commanding agencies. These CSOs were largely engaged for short-term contract periods with a limited amount of direct funding, greatly limiting their autonomy. In Tali (RSS) for example, local CSO Tali Youth Association (Taya) was recruited to work on specific projects with a three-month duration in a neo-natal health project²⁵. This is a common practice which applies to practically all local CSOs working in the field of service provision and livelihood support. Although capacity-building of CSOs has been a consistent feature of the aid relationship, in practice structural support and consistent approaches to achieve this objective have been lacking.²⁶ At the same time, the formation of all types of community organisations (farmer's groups, savings groups, water point management groups, parents and teachers committees, voluntary health workers and so on), the provision of direct assistance (food items, mosquito nets, tools and seeds) and community mobilisation would not have been possible without the active involvement of these local CSOs.

The results of CSO engagement in service delivery – supported by donors and INGOs - have been impressive and in many places basic service delivery interventions have yielded tangible results. In RSS, for example, the Basic Services Fund has resulted in the provision of water in many parts of the country. However, a key question is the issue of attribution; to what extent can CSOs in the research countries be credited for this performance? It is safe to assume that CSOs have been instrumental in reaching out to the beneficiary communities and as such have played a crucial role in the delivery of services to communities where hitherto such facilities had been absent. These organisations have helped alleviate the suffering of ordinary citizens and thus contributed to reducing fragility. On the downside, many of these interventions proved to be short-lived due to resource constraints, as local CSOs and NGOs depended largely on external funding to be able to deliver services to local communities.

3.3 CSOs active in Lobby and Advocacy

There is a multitude of local organisations that lobby on behalf of specific target groups, ranging from advocacy on behalf of professional groups, women or children to specific advocacy for handicapped people, AIDS orphans or street children. For example women groups in RSS, Burundi and in Uganda are actively lobbying to pressure their governments to implement UN resolution 1325. Also, these organisations have been trying to include women's priorities in national development strategies (such as CAFOB²⁷ in Burundi regarding the Cadre Stratégique de Lutte contre la Pauvreté and Cordaid and partner CSOs in RSS with regard to the priorities of the New Deal process²⁸). Trade unions, notably the



Teachers Unions in Uganda and in Burundi, are successfully defending the interests of their members. In Burundi, a national strike by the national teachers' union has been instrumental in getting the government back to the negotiation table concerning salary increments²⁹. Also in Uganda the teachers' trade union has gradually managed to be accepted by the government as a party in the negotiation process around the same issue³⁰. However, the various efforts to impact on government policies require sustained campaigning. For example in the field of woman's rights, legislation on women's rights to inherit land and property either still have to be formulated as a concept law or such initiatives have been stalled and yet have to pass through Parliament. The Burundian government tried to hijack the national women's organisation by appointed representatives³¹. The interests of large groups of professionals represented in various trade unions are not systematically taken into account by governments and the prevailing discourse is dominated by repression or sometimes simply ignored or downplayed. In Burundi, the government actively tries to side-line the Teachers Union and ignores its representatives in local school councils and Provincial Educational boards³² which are dominated by members of the party in power. In Uganda, the Uganda National Teacher's Union has been publicly ridiculed by the incumbent minister instead of taking their claims for a modest salary raise seriously³³.

The importance of interest articulation on behalf of specific interest groups is on-going and may be labelled 'work in progress'. Success very much seems to depend on the persistence of individual organisations in the face of sometimes heavy-handed repression and tends to be erratic, piecemeal or incidental. Much depends on knowing the right people in government, who may give a hand or who may have a positive attitude towards specific advocacy causes or groups³⁴. In addition, structural success on behalf of specific interest groups largely depends on the prevailing public attitude and discourse. For example, to be able to change laws that discriminate against women may require a substantial change in the prevailing mind-set and mentality of the majority of the people.

3.4 Conflict Resolution and Peace-Building CSOs

Organisations working in this field make an important contribution to resolving conflicts and address issues of reconciliation between communities in the research countries. All countries involved in this study have undergone significant levels of violence. In RSS there still are inter-communal conflicts (notably in Jonglei state between Murle, Dinka and Nuer communities) as well as intra-communal violence between different clans. Also, the conflict between RSS and Sudan has yet to be solved completely. In Northern Uganda, the main issue is transitional justice and how to deal with former LRA rebels reintegrating into society, as well as the cumulative impact of repression and human rights abuses by the national army on the population in that region. Finally, in Burundi, resettlement of internally displaced persons (IDPs) in their areas of origin has led to increased conflict around land. Also in Burundi there are important outstanding issues of transitional justice as a result of successive rounds of genocidal violence.

22 Interviews with RDI and ASTAD respectively on 5th and 6th April 2013.

23 Pyt Douma & Pierre Claver Seberere (2013). Rapport Final de L'Etude sur la Fragilité au Burundi, p.21. The Hague: Dutch Consortium for Rehabilitation.

24 Interview Anglican Church in Muyinga, 21-5-2013.

25 Interview representatives of Tali Youth Association (TAYA), Tali, 19-4-2013.

26 See the sections on relationships between INGOs and CSOs in the chapter on experiences and opinions of CSOs and other intervening actors.

27 CAFOB-Cooperative des Associations et ONGs Féminines du Burundi.

28 Interview Cordaid representative, Juba, 8-4-2013.

29 Interview Syndicat d'Enseignants, Bujumbura, 17-5-2013.

30 Interview Uganda National Teachers Union, Kampala, 9-5-2013.

31 Interview CAFOB, Bujumbura, Burundi, 29-5-2013.

32 Interview Syndicat d'Enseignants, Bujumbura, 17-5-2013.

33 Interview Uganda National Teacher's Union, Kampala, 9-5-2013.

34 Various interviewees emphasised the importance of personal contacts with civil servants or high ranking politicians as a crucial entry point to influence political decision making.

Some successful CSO interventions included active mediation, transitional justice initiatives and conflict prevention as well as advocacy on behalf of the reintegration of specific groups. In RSS, the Upper Nile Youth Mobilization for Peace and Development Agency (UNYMPDA) organised several community dialogues in Jonglei state. Between 2008 and 2011, UNYMPDA brought together chiefs and elders from Murle and Lou Nuer in Jonglei state to engage in a dialogue on issues of cattle raiding, abduction and killing. These efforts resulted in peace agreements and resolutions³⁵. In Uganda, the council of religious leaders has played a prominent role in trying to mediate between the Lord's Resistance Army and the government. They have also actively lobbied for the reintegration of formerly abducted children who had become active LRA soldiers and also advocated for Acholi community compensation for the collective loss of cattle and means of livelihood³⁶. Today in Burundi, the Bashingantahe continue to deal with conflict and peace issues at the local level. Although there are attempts to curtail their power, they are still influential. Local officials have been trying to replace the Bashingantahe by taking over mediation tasks³⁷. But in contrast to these officials, Bashingantahe are viewed as impartial mediators who seek to consolidate stability within local communities³⁸. This institution remains very much alive today in Burundi and provides the only independent venue for local conflict mediation.

Overall, it can be concluded that there have been a substantial number of successful peace and conflict mediation initiatives by CSOs. However, there are some constraints that limit the effectiveness of such interventions. In many cases CSOs receive limited funds to sustain their efforts, as donors may only provide funding for one-off interventions³⁹. Unfortunately, the signing of an agreement between opposing groups is all too often viewed as the end to hostilities, after which no further attention is required. In South Sudan this has happened in Jonglei state, resulting in the recurrence of violence as the main underlying causes were not addressed after the initial successful peace mediation between conflicting groups⁴⁰. In Burundi, the room for manoeuvre of the Bashingantahe is small as higher authorities fear that their success may compromise the legitimacy of state actors⁴¹. In yet other cases the effects are limited to a specific region or may apply to a small target group only⁴². Also, when CSOs are unable to meet the expectations of local communities, notably regarding compensation for losses incurred in the past, they are quickly discredited and subsequently also lose their credibility as peace brokers. In Uganda, a specific civil society group was accused of having embezzled money given by government for the purpose of compensating Acholi communities for the loss of their cattle, with seriously undermining effects, also on the credibility of similar organisations⁴³.

35 Azuruku, Henry & Pyt Douma (2013). *Research Report on Fragility in the Republic of South Sudan. Report for the Dutch Consortium for Rehabilitation*, p. 29.

36 Interview senior church official, Gulu, 10-5-2013.

37 Interview Bashingantahe Ngozi, Burundi, 24-5-2013.

38 Interviews with Bashingantahe in Ngozi and in Mwaro, Burundi, on the 24th and 29th of May respectively.

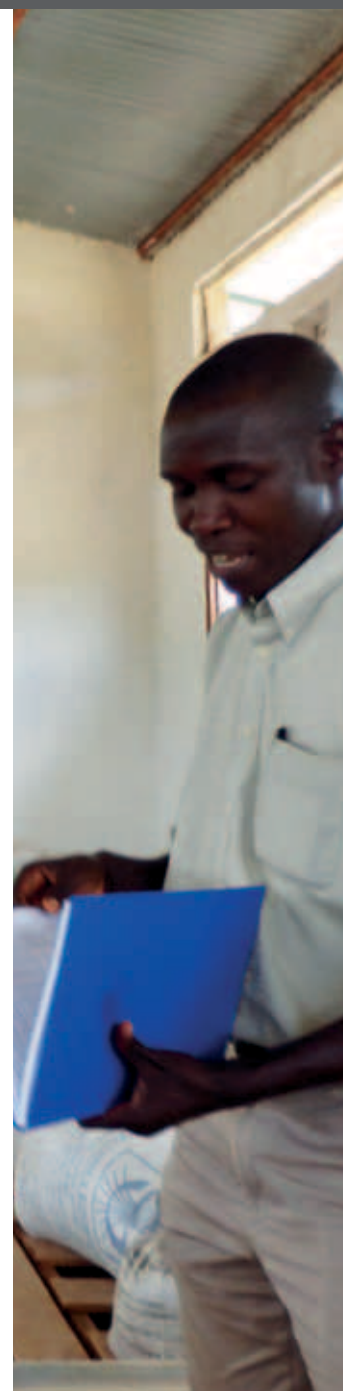
39 Azuruku, Henry & Pyt Douma (2013). *Research Report on Fragility in the Republic of South Sudan. Report for the Dutch Consortium for Rehabilitation*, page 29.

40 Ibid.

41 Interview with church official in Gulu, Uganda, 10-5-2013.

42 The case of Mwaro province in Burundi, remaining an island of peace in a country ravaged by genocidal large scale killings in the aftermath of Ndadaye's killing by Tutsi officers in 1993.

43 Interview with a human rights lawyer in Gulu, 11-5-2013.



3.5 Access to Justice and Human Rights CSOs

There are many organisations active in this field in the three countries involved in the study. Whereas in RSS the scale and frequency of human rights abuse was significantly higher over the past years, in Burundi and in Uganda human rights violations have been a consistent feature of society. In Burundi, in the period 2010-2012 there was a series of politically motivated extrajudicial killings and in Uganda people have disappeared or were tortured. Nevertheless, there is some room for manoeuvre for human rights organisations and access to justice CSOs. Generally, the autonomy of such CSOs depends very much on individual cases and on the attitude of individuals vis-à-vis their respective governments. Some human rights organisations in Burundi stated that if complaints are consistently based on thoroughly researched and double-checked facts, this reduces the risk that authorities will clamp down on human rights activities. *"Our reputation protects us"*, summarises this argument⁴⁴. In some cases it is risky to engage the authorities as an individual organisation and it becomes necessary to team up with others or use alternative channels to disseminate news about specific cases⁴⁵.

Many organisations mainly provide pro-bono defence for individuals, be it human rights activists or individual citizens. This tends to generate a case-by-case approach, which results invariably in prolonged attention for individual cases and takes up most of the energy of the people involved. In Burundi *Avocats sans Frontières* (ASF) is engaged in 'judicial caravans', whereby a group of lawyers tours a given province and is open to any complaints from local residents. Their main constraint is the fact that they have a limited capacity to deal with the lengthy paperwork required to prepare each individual case⁴⁶, which impacts on their effectiveness. In RSS, the justice sector is problematic as many people are detained without proper investigations and held for months without a formal accusation. A local law firm takes on some pro-bono cases to defend the most outstanding cases in order to draw attention to the dismal performance of the justice system in the country⁴⁷. The crucial issue for the human rights organisations working in these countries is that they are forced to focus on incidents and on individual cases, to resolve the legal issue for that specific individual. They struggle to deal with generic issues, such as the impact of certain policies or the impact of the massive return of refugees reclaiming their land. In Burundi, the return of refugees mainly from Tanzania has caused enormous tensions around the land issue. But such higher policy-related justice issues appear to be largely beyond the reach of human rights and justice CSOs. The case of the *Association pour la Promotion des Droits Humains* (APDH) in Burundi clearly illustrates their dilemma. APDH was successfully involved in setting up a communal land survey system, whereby local land titles are registered and title deeds distributed. They are also involved in active lobbying for a new constitution regarding land rights. However, although at local levels the dialogue has been successful, there is much resistance from the higher policy level to bring the local communal land system under the law to be applied to the country as a whole and to revise the constitution⁴⁸. Here, CSOs such as APDH reach the limits of their influence in this field.

To sum up, human rights organisations largely work on a case-by-case approach and generally do not seem capable to address structural issues such as land problems, state-organised repression or extrajudicial killings in a systematic manner. They also lack funding and many face organisational deficiencies.

44 Interview Ligue ITEKA, Bujumbura, Burundi, 17-5-2013.

45 In such cases INGOs such as Amnesty International or Human Rights Watch are used to channel information.

46 Interview ASF, Ngozi, Burundi, 23-5-2013.

47 Interview Loromo Law Firm, Juba, RSS, 2-4-2013.

48 Interview APDH, Ngozi, Burundi, 23-5-2013.

3.6 CSOs involved in governance issues

This group of CSOs engages in the most politically sensitive issues in the countries concerned. In RSS, groups such as Sudanese Democracy and Election Monitoring and Observation Program (SuDEMOP), in Burundi, Civil Society Forum FORSC (Forum des Organisations de la Société Civile) and OLUCOME (*l'Observatoire de Lutte contre la Corruption et les Malversations Economiques*) and, in Uganda, the Ugandan Debt Network (UDN) and the Ugandan Land Alliance (ULA) expose cases of corruption, fraud and mismanagement by government officials of public funds. All of these organisations have to tread carefully in a hostile context and must scrupulously accumulate evidence and witness accounts in order to document their cases. Most of the cases are brought to the attention of the authorities as a first step in order to sound out the official response to the allegations made⁴⁹.

In Uganda, the Ugandan Debt Network has successfully monitored budget spending both at local levels and at the national level. At local levels, UDN initiated a Community Based Monitoring and Evaluation system. UDN are providing a tool to hold local government accountable, thereby empowering local communities⁵⁰. In Burundi, notably OLUCOME has actively revealed high profile corruption scandals and constantly walks a tight rope. Their vice-chairman was killed when he was investigating a case of illegal arms trafficking, indicating the high personal risk activists take⁵¹.

In RSS, lobbying for political transparency is complicated even further by an atmosphere of distrust among CSOs. In one case, the anti-corruption campaign by the Civil Society Alliance was labelled by some national non-governmental organisations (NNGO) as an “attention-seeking venture” by the organisers, for their personal interest⁵². This is a clear example of mutual distrust among CSOs themselves. In Uganda, the government actively seeks to destabilise some politically active CSOs. In one specific case all assets of ACODE (Action Coalition for Development and Environment) were frozen by the government of Uganda following its highly successful capacity-building programme for local councillors on local accountability regarding the management of public funds⁵³. In Burundi, the government is actively seeking to undermine the Civil Society Forum by setting up a shadow forum, which lacks any support from Burundian civil society and has been clearly set up only to sabotage the existing forum⁵⁴. Also, OLUCOME in Burundi has allegedly been infiltrated by government agents, who have falsified signatures to siphon off funds⁵⁵. These latter cases are an example of distrust of others against CSOs.

The efforts made by governance CSOs have a high symbolic value in a context where there is little control over public spending and high-profile politicians are hardly challenged. Even though exposure of cases of fraud doesn't necessarily result in recovery of the embezzled funds and bringing the culprits to justice, raising public awareness around such cases is an important contribution to help fight corruption

49 Interviews with OLUCOME in Bujumbura and Ngozi on the 17th and 23rd of May 2013.

50 Interview Ugandan Debt Network, Kampala, 7-5-2013.

51 Interview FORSC, Bujumbura, 29-5-2013.

52 See Azuruku, Henry & Pyt Douma (2013). *Research Report on Fragility in the Republic of South Sudan*, The Hague; Dutch Consortium for Rehabilitation page 27.

53 See Pyt Douma (2013), *Northern Uganda report on fragility*, page 24. The Hague; Dutch Consortium for Rehabilitation.

54 In Burundi, the government has helped set up Plateforme Burundaise Intégral de la Société Civile (PISC) as an alternative for Forum des Organisations de la Société Civile (FORSC), Pyt Douma & Pierre Claver Seberege (2013). *Rapport Final de L'Etude sur la Fragilité au Burundi*, The Hague: Dutch Consortium for Rehabilitation, p. 32.

55 Interview OLUCOME, Bujumbura, Burundi, 17-5-2013.



and promote public accountability⁵⁶. These CSOs are few in number, but generally have a high public profile in their respective countries. They almost invariably encounter difficulties with the incumbent governments as they expose high-ranking officials and illicit practices to the wider domestic audience. Despite allegations of political positioning of some of the leaders working for these CSOs, they are clearly the most outspoken representatives of civil society, trying within the constraints imposed upon them to promote more accountability and openness in societies where freedom of speech has yet to become a normal feature of everyday life.

3.7 Conclusion: improvement or aggravation of fragility through CSO action?

There is a great variety of civil society actors in the countries visited, ranging from local CBOs to professionals working to preserve nature or to assist AIDS orphans. CSOs are active in a broad range of thematic fields: education, health, agriculture, livelihoods & employment creation, elections, political awareness, democratisation, security, justice, corruption, governance and so on. In this chapter, we have distinguished five categories of CSOs which in turn can be placed on a 'political sensitivity' scale between 'neutral' service provision and livelihood support, advocacy and lobbying to more politically active CSOs engaged in human rights advocacy and governance issues. The track record of CSOs to help overcome or aggravate situations of fragility is valued against the three dimensions of fragility identified earlier; the socio-economic dimension, the rule of law dimension and the political dimension.

In relation to service provision, the main conclusion is that in all three countries researched, local CSOs provide services on a sizeable scale and have managed to realise service delivery to a large proportion of the population. Regardless of the multitude of problems which continue to beset the delivery of services (lack of funding, untimely distribution, incomplete coverage, erratic service delivery, lack of consultation of the beneficiary population, and government bureaucracy, to name but a few), this must certainly count as a major accomplishment.

56 In Burundi, CSOs working in this field are generally viewed as genuine watchdogs monitoring the behaviour of politicians in power.



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However, at the same time service provision continues in large part to depend on funding through INGOs, donor trust funds or back donors, i.e. on external funding. Without exaggeration it can be concluded that without such funding there would hardly be any service delivery by local civil society organisations.

Additionally, the degree of professionalism of local CSOs varies widely across and between countries. In RSS, many such CSOs are embryonic in nature and in a process of consolidation. In northern Uganda, there is a longer history of CSO activities and some local organisations are more firmly rooted, but many of the stronger CSOs are based in Kampala. In Burundi, most CSOs are based in and work from the capital Bujumbura. Some Burundian and Ugandan CSOs have antennas in the rural areas, but in practice many of them struggle to maintain this presence with overhead costs as a major obstacle. The countryside has many active CBOs, but there is a disconnection between these organisations and the CSOs based in the capital cities. Many local CBOs lead a dormant existence and aspire to land a contract or access funding to be able to implement activities for their members.

The dependency relationship with back donors (either INGOs, donor trust funds, bilateral or multilateral donors) and the fragmented nature of funding (limited time span of programmes or activities, short-term funding for activities only, no overhead support) have a profound impact both on the way in which these local CSOs operate as well as in terms of their effectiveness.

In the dimension of rule of law two types of CSOs stand out, namely conflict mediation and peace-building CSOs on the one hand, and human rights/access to justice CSOs on the other. As can be inferred from the sections above, the CSOs engaged in peace-building struggle to consolidate their efforts. Once successful and negotiations have resulted in some type of agreement between contending groups, their main challenge is to find ways to address grievances and underlying causes of the conflicts at hand. Back donors invariably seem oblivious to such issues as their funding often is piecemeal and

of a one-off character. Human rights and access to justice CSOs often deal with individual cases and are consequently swamped by work to guide a substantial amount of such cases through the full length of judicial procedures and processes. When such CSOs attempt to address structural issues such as land disputes or succession rights for women, they incur much political interference from their central governments, which seriously hampers their effectiveness in trying to resolve such issues. While they can claim individual successes, they largely depend on the prevailing power politics and the extent to which their leadership is able to negotiate with and wrestle some degree of influence from leading politicians.

The three research countries differ with regard to CSOs active in the field of governance. RSS has but a few CSOs in the field of advocacy, lobbying and political activism, but they are outspoken and active. Uganda and Burundi have a large group of local CSOs engaging in interest articulation on behalf of (part of) the population. In RSS, CSOs are still struggling to overcome the enormous challenges. In Uganda and Burundi, professional CSOs are involved in large campaigns to lobby the government to change certain controversial policies (the new media law in Burundi, the NGO law in Uganda) and to amend situations of scarcity (high food and fuel prices, low wages), while they also expose human rights abuses, promote transparency and fight corruption. Without the advocacy and lobbying activities of local CSOs most civilians would be defenceless and exposed to unbalanced economic policies or political repression.

Without exaggerating their importance, it can be concluded that CSOs that engage in governance issues are probably the only genuinely critical force in local society, functioning as watchdogs in the best of cases, but invariably providing information to the wider domestic audience about some of the issues that affect their daily lives. The downside is that at times some of these organisations derail and engage in unfounded or half-researched allegations, which compromises their position and credibility. This phenomenon can be seen within the local media where professionalism still is lacking. However, in the absence of strong political opposition and parliaments, these CSOs in fact more or less fill the political vacuum, which inevitably leads to high tensions with the incumbent power holders. Within the current situation, where the public space is diminishing and repressive legislation is being developed, this can lead to political stand-offs and often to repressive reactions by the powers that be, trying to silence voices of dissent.



Recipient governments and donors are also important actors in relation to the fragility debate. National governments play an important role in the design of development policies, in the oversight and coordination of aid implementation, in service delivery through the various line ministries, determining the overall security context and the political space for citizens. Donors, especially in post-war societies such as RSS, Uganda and Burundi, have an enormous impact on our three fragility dimensions. Donors deliver most of their funding to post-conflict countries and also partly determine priorities in various sectors. This section highlights the role of the Netherlands, focusing in particular on the main Dutch aid strategies in countries concerned and Dutch support in fragile contexts.

4.1 Recipient governments

4.1.1 Republic of South Sudan

4.1.1.1 Introduction: The New Deal process; the case of the Republic of South Sudan

The Republic of South Sudan is currently engaging with what is known as the New Deal process. The New Deal is a new approach for international collaboration with fragile states in response to their disappointing performance with regard to the Millennium Development Goals. The New Deal hopes to provide a new impetus and new modalities for change in the existing aid architecture. The RSS serves as a pilot case for the New Deal process. Denmark and the Netherlands are co-chairs representing the donor community in this process.

The New Deal builds on the existing Aid Strategy for the Government of South Sudan, which stipulates modalities and partnership principles for aid delivery. The main principles are that aid interventions should be government-owned and government-led; that aid strategies should align with government policies; should use government systems and institutions; should be predictable, coordinated, managed for results; and that mutual accountability should form the cornerstone of aid delivery⁵⁷. The New Deal idea is that donors will provide budget support to those fragile states that engage in government reform and adhere to a number of institutional principles and arrangements, and to states that demonstrate a willingness to seriously engage with outsiders on political and governance issues. In return for a less tight donor support structure, governments of fragile states are allowing outsiders to engage in a dialogue and monitor their performance on a number of crucial Peace-building and State-building Goals (PSGs). As a result, a number of PSGs⁵⁸ have been developed which will be monitored through a set of indicators that are being developed. The emphasis is on building a trust relationship based on mutual accountability.

⁵⁷ *Aid Strategy for the Government of the Republic of South Sudan*, November 2011. Juba: Ministry of Finance and Economic Planning, RSS.

⁵⁸ These five Political and State Building goals are: stimulate legitimate politics, establish and strengthen security, address injustices and increase people's access to justice, generate employment and improve livelihoods i.e. improve the economic foundations and manage and increase government revenues for accountable and fair service delivery.

The government of RSS views the New Deal as a new window for aid that will allow it, instead of the INGOs, to determine how service delivery is to be organised. The government admits that INGOs have been the main service providers since the signing of the Comprehensive Peace Agreement (CPA) in 2005, but that it is now time for the government to be in the driver's seat⁵⁹. In the perception of the government donor funding to INGOs is currently creating two parallel systems of service providers, which undermines the legitimacy of the government. Government officials furthermore allege that much of the aid money received by South Sudan but channelled through INGOs was spent on overhead costs, and that only a fraction of the money trickled down for service delivery to beneficiary communities⁶⁰. The government is of the opinion that it would be cheaper to deliver services itself rather than leave service provision to the INGOs. INGOs must be contracted to deliver services by the government instead of by the donors. The government will develop the legal and regulatory framework, with the implementation to be carried out on its behalf by (I)NGOs and other actors. In the view of the government, the TRUST principle of the New Deal regarding risk sharing, use of country systems and capacity support to governments provides the rationale for this change.

Donors such as the Netherlands are confronted with a dilemma; the Dutch minister for Development Cooperation is ready to run risks in providing enhanced ownership to governments in fragile states, but the Dutch parliament is highly critical of risk-taking in such states in view of their poor track record and poor past performance. The minister will have to manage the expectations of Parliament in the Netherlands, while the government of RSS will have to provide concrete evidence of their commitment. To date, South Sudan has offered preciously little proof that the political leadership is truly committed to principles of accountability. The response to a major corruption scandal has been no more than lukewarm and few follow-up activities were undertaken⁶¹. From a donor perspective, transparency and accountability are a prerequisite for the greater freedom to spend aid money that the government of South Sudan would like to see. However, RSS struggles with the limited absorption capacity of the authorities and continues to be plagued by a disjointed government with local level authorities acting on their own accord and large discrepancies between what is felt as a priority at regional levels and the Juba rhetoric.

Most civil society representatives interviewed emphasised that the New Deal process will be strengthened if civil society is encouraged to participate in the dialogue between the donors and the government. The crucial question is whether and how the criteria on Peace and State-Building Goals will be monitored and whether there will be an effective sanction regime in case of non-compliance. Although there is consensus that in due time the government should take control of the aid distribution process, the strategy for transition needs to be clarified. There is a fear that the government is engaged in this process only to access financial means. Austerity measures and the chronic lack of operational funding lead state and county officials to claim control over the development funds managed by INGOs. CSOs may eventually be co-opted for similar reasons.

59 See interview with Ministry of Finance and Economic Planning on 4th April 2013.

60 Interview Ministry of Humanitarian Affairs, Juba, 2-4-2013.

61 Over the past years four billion US dollars earned as oil revenues 'disappeared', and the president did not take adequate steps to find the culprits. Interview senior diplomat, Dutch Embassy Juba, 4-4-2013.



At the EU level, the New Deal has yet to be discussed by the Council of Ministers and ratified by Parliament⁶². Meanwhile, various representatives of the international community have shown themselves to be very sceptical about the success of the New Deal. They argue that engagement between the various actors will remain limited, that accountability will provide a stumbling block and that the New Deal might remain a paper project⁶³.

4.1.1.2 The role of the state in RSS

In the course of our research it became clear that government in RSS lacks the operational funding at the level of states and counties to be able to effectively intervene in service delivery and is largely confined to a passive role as supervisor of activities undertaken by others. There is little debate on the content of aid strategies and interventions, as government officials rarely engage with intervening agencies beyond the level of coordination (who does what where) and the avoidance of duplication of efforts. In addition, the disconnection between the various ministries, state governments and local administrations leads to an ineffective institutional set-up⁶⁴. The government looks to decentralisation as the answer to the country's problems because of negative past experiences with a highly centralised system imposed by the Khartoum-based government. In addition, many civilians and CSOs have pointed out the inadequacy of the central state in providing solutions for problems facing ordinary citizens. The government is hindered by capacity constraints⁶⁵ and tends to generally acknowledge the role of CSOs in the field of service provision and livelihood support, acting mostly as a referee and as a regulating entity trying to improve on vetting and certification of NGOs⁶⁶.

In the field of providing security, the state is barely able to fend off what they perceive as Northern aggression in relation to unresolved issues regarding the Comprehensive Peace Agreement with Sudan over the contested areas of Abyei, South Kordofan and Blue Nile, presently located in Sudan to which RSS have territorial claims. Violence has recently flared up in the Blue Nile area, leading to refugees

62 See interview with Ministry of Finance and Economic Planning on 4th April 2013.

63 See interview with South Sudan NGO Forum in Juba on 3rd April 2013 as well as interview with senior staff RNE, Juba, 17-4-2013.

64 One of the main complaints mentioned by a majority of interviewees both from government and from CSOs.

65 The local government service delivery project is about to start, with support from the World Bank. Under this project, funds will be transferred to state governments for basic service delivery. States shall receive block transfers for subsequent transfer to counties.

66 Systems for monitoring and evaluation are not in place at the Ministry of Humanitarian Affairs, so most of the work is done piece meal. Interview senior government official at the Ministry of Humanitarian Affairs, Juba, 2-4-2013.

pouring into the adjoining Upper Nile state in RSS. At the same time the national army has so far failed to contain the Yau-Yau insurgency in Jonglei state. Community security is not being ensured throughout the national territory as the security forces are occupied by the border skirmishes and the police are spread thinly, and even when present, lack the logistical means and budget to enforce security. While local activists are allowed to visit the sites where the army works on disarmament, in some cases army commanders act as spoilers by intervening violently in a partisan manner⁶⁷ and aggravating ethnic tensions instead of resolving them. And in the bush, conflicts are settled by force at the individual or clan level and there is much impunity⁶⁸. By and large, the government is unable to provide community security effectively. Hence, there is some leniency and space for CSOs to operate⁶⁹ and interventions by CSOs in the field of peace-building are welcomed by government in the acknowledgement that in many cases they themselves lack the means to set up the required dialogue.

At the political level the state tends to act in isolation and doesn't appreciate interference by third parties in civil-state relations. This includes inputs by INGOs. Examples are the constitutional review process and the repressive NGO bill. Government officials are of the opinion that any dialogue between civilians and government on accountability and checks and balances should take place without 'INGO interference'⁷⁰. Repression is increasing. Human rights activists and journalists in particular are being targeted. All in all, the public sphere is shrinking. There is decreasing space to raise sensitive issues connected directly to the sovereignty of the state. This includes military issues, justice issues and human rights issues. Local organisations bear the brunt of stricter regulation and repression, while some INGOs tend to keep a low profile. Foreign-based INGOs such as Human Rights Watch and Amnesty International serve as channels to criticise the government. Some INGOs form a protective umbrella for their local partners and sometimes this combination of local NGOs shielded by INGOs works⁷¹.

4.1.2 Burundi

4.1.2.1 Introduction

In Burundi, the Poverty Reduction Strategy Paper (PRSP-II) provides the comprehensive framework for the development of Burundi. The document lists many key constraints and outlines strategies to address these issues. The main priority lies with job creation through economic growth and increased access to basic services. All external intervening agencies and donors have aligned themselves with the priorities identified in the PRSP-II strategy. However, as the objectives are vaguely formulated, PRSP-II has become like a pick and choose menu. CSOs have pointed out that the strategies have not been embraced by the population at large and that the bottom-up procedures designed to identify people's priorities at the lowest administrative levels (*colline and commune*) in reality do not function, as non-representative development committees, often comprising political appointees, determine priorities on behalf of communities⁷².

67 Ibid, Utrecht 12-2-2013. A Dinka army commander condoned an army incursion on the Murle in Jonglei state, allegedly motivated by revenge.

68 Interviews with government representatives in Maiwut County and Tali Payam, 10-4-2013 and 19-4-2013 respectively.

69 Interview programme manager IKV-Pax Christi, Utrecht, 12-2-2013.

70 Interview with senior official from SSNGOF, Juba, 3-4-2013.

71 One example has been the Wau based NNGO Women Development Group, which is backed by INGO Oxfam and has been able to actively lobby the government.

72 Rapport final de l'Etude sur la Fragilité au Burundi, page 40.



4.1.2.2 Role of the state in Burundi

Burundi suffers from a lack of operational funding at the lower administrative levels, crippling the public administration's capacity to intervene effectively in certain crucial domains such as livelihood, health and education. Governors and administrators can barely afford to move around to visit the communities let alone provide assistance to alleviate the effects of poverty, food insecurity and lack of means of sustenance at local levels. Due to the high degree of politicisation of the civil service, almost all civil servants are party members owing allegiance to the government, while being less committed to the interests of the population. Service provision by CSOs is welcomed by the incumbent government who perceive it as a useful contribution to the alleviation of real needs. Hence, CSOs operating in this field are supported by government, within the limits of their budget and logistical constraints. Many intervening agencies, in turn, support government officials at local levels with fuel, food allowances and also with sitting allowances for joint meetings⁷³. This, however, is dysfunctional as it provides the wrong type of incentives for activities that should emerge spontaneously. On the other hand, there are cases like that of a governor collaborating with an intervening agency in Mwaro province on an almost daily basis⁷⁴. Such examples are positive and functional.

At the level of security, there have been many problems over the past years, with the practice of extrajudicial killings in particular tainting the image of the incumbent government. The space for CSOs to actively intervene and lobby the government on security-related issues is limited. CSOs that seek to address issues of this kind are targeted and it is dangerous to try to engage state officials on such matters⁷⁵. The state, notably the security service, acts at its own discretion and with impunity.

In the political realm, parliament is dominated by the majority party in power CNDD-FDD and parties that subscribe to their rule. Consequently, there is no formal opposition represented in parliament. Political interference by CSOs is not tolerated by the majority party and when CSOs engage in political lobbying activities they tend to be accused of anti-state or anti-government activities⁷⁶. Independent media reporting on political issues are criticised by the government⁷⁷. Hence, in the Burundian context, politically active CSOs have effectively become the formal opposition by default.

4.1.3 Uganda

4.1.3.1 Introduction

The strategic development framework for Northern Uganda is the Peace, Development and Reconstruction Programme (PDRP). The PDRP contains a host of priorities which all are relevant and all actors agree that these priorities are important for the recovery of the North. However, there are serious doubts about the commitment of the government with regard to its implementation. The auditor general has recently revealed that a large share of the funds earmarked for the execution of the PRDP is unaccounted for. In addition, the disbursement of funds destined for programs at district and sub-county levels are frequently delayed, leaving precious little time for implementation in a given fiscal year, after which the remaining funds must be returned to the treasury⁷⁸.

73 These practices were acknowledged unanimously by many CSO and INGO representatives interviewed throughout in Burundi.

74 Interview GIZ, Mwaro, 27-5-2013 confirmed by the governor; interview governor of Mwaro, 28-5-2013.

75 Interview Ligue Itaka and FORSC on 17-5-2013 and 29-5-2013 respectively.

76 Interview FORSC, Bujumbura, 29-5-2013.

77 Interview Observatoire de la presse Burundaise, Bujumbura, 16-5-2013.

78 Interview district council, Gulu, Uganda, 10-5-2013.



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4.1.3.2 The role of the state

In Uganda, there is an apparent disconnection between the different layers of the government. For example, where a local government may want to make headway with community development and services, the central government is dragging its feet. In this context, the importance of service provision by INGOs and CSOs is acknowledged by government officials at the district and sub-county level. As in Burundi and RSS, coordination takes place in order to avoid duplication and to keep track of who is doing what, where and when. The lack of government funding, or its belated and piecemeal distribution in the framework of the PRDP invariably cripples the service provision capacity of regional and local government entities. CSOs are tolerated to fill the gaps left by government. According to some civil society representatives there is little to no functionality in the service delivery as run by government⁷⁹. There is a lack of accountability of individuals appointed within the system, a lack of timely delivery of provisions such as drugs or school materials, and a lack of skilled staff. An ethical dimension is absent, as many civil servants do not feel responsible for the people they are supposed to deliver services to. “The problem is that government is not actively supporting service provision programs so it is like dragging a dead horse”⁸⁰. These problems are compounded by the wider context of population growth accompanied by financial austerity.

In the field of security, after years of forced displacement and encampment, the North enjoys relative peace and security. The army is in control of the national territory and the Lord's Resistance Army has exiled itself to the neighbouring countries of Central Africa and parts of RSS and Sudan. However, CSOs working on reconciliation issues and more specifically on transitional justice issues are viewed with suspicion by local representatives of the central state. At district level, a local CSO signed a

⁷⁹ Interviews with bishop Anglican Church in Kampala 8-5-2013 and with a senior staff member INGO in Gulu, 15-5-2013.

⁸⁰ Quoted from an interview with a senior Church Based Organisation staff member in Kitgum, 13-5-2013.

Memorandum of Understanding with the authorities to be able to engage local communities in dialogue on transitional justice: “These guys (local administrators) are very stubborn and we have had three cases where the Resident District Commissioner (RDC) came to stop our activities. Our staff was arrested in Soroti District; [the RDC asking us] what do you do with our victims and what have you come to do here?”⁸¹. In Uganda, every district has an appointed RDC officially in charge of public security, but this official is in fact often operating as a censor on behalf of the incumbent power elite⁸².

4.1.3.2 Political engagement

In Uganda, political engagement is a challenge. At the political level, the ruling party NRM virtually monopolises decision-making⁸³, with influential party politicians dominating the political process.

The government actively targets and seeks to disable CSOs engaging in political activities⁸⁴ and threats are delivered to individual activists⁸⁵. The state responds with acts of repression aimed at neutralizing political activities and actively suppresses political dissent. Several CSOs indicated they regard key figures within the central government as spoilers, pointing to the high degree of fraud and corruption⁸⁶ and the repression of specific CSOs actively engaged in issues of reconciliation and governance.

4.1.4 Summary

Summarising, a distinction must be made between national governments and (sub-national) regional and local governments. In RSS, Northern Uganda and in Burundi national governments determine the pace and scale of assistance to the population. The national budgets voted by parliament reflect the highly centralised and monopolistic character of politics in these countries. The dominant political parties in RSS (Sudan People's Liberation Movement-SPLM), Uganda (National Resistance Movement –NRM), and Burundi (*Conseil National pour la Défense de la Démocratie- Forces pour la Défense de la Démocratie-CNDD-FDD*) have a firm hold on political power and determine how much and on which priorities the national budget will be spent. In RSS and in Uganda, the defence sector has been prioritised to the detriment of investments in other sectors. Limited state budgets due to a small formal economy, a lack of tax revenues and sometimes a limited or underexploited resource base have made the governments of these countries vulnerable to macro-economic fluctuations and variation in donor aid. Widespread corruption and nepotism are additional burdens on the national budget. There are recurring cases of embezzlement of public funds, including external aid assistance (in Uganda, up to 50% of the Peace, Development and Recovery Plan-PDRP budget for northern Uganda recently disappeared). Security and politics remain the privileged domains of the incumbent governments and efforts to challenge decision-making or lobby on specific issues are met with hostility and acts of repression.

⁸¹ Quote from an interview with a local transitional justice CSO in Gulu, 10-5-2013.

⁸² This issue came up in many encounters with civil society representatives, as many people felt RDCs were overstepping their mandate and interfering with administrative affairs officially delegated to the chosen chairmen of the districts.

⁸³ More than 70% of the parliamentarians are affiliated with NRM.

⁸⁴ The freezing of all assets of ACODE (Action Coalition for Development and Environment) by the government of Uganda following its successful capacity-building programme on local accountability in relation to the management of public funds mentioned before is a case in point.

⁸⁵ Interview senior church official, Gulu, 10-5-2013.

⁸⁶ Special investigation report by the Auditor General of Uganda, November 2012.

At the regional and local levels the capacity of local governments to assist the population in combating situations of fragility is very limited. The authorities have minimal operational budgets and can barely sustain their own staff. Our fieldwork shows that the service delivery by the local government depends to a large extent on the commitment of the local civil servants, i.e. on individuals. While there is a number of civil servants who are committed and qualified, the impact of their work is limited by the systematic high rate of job rotation.

4.2 Donors

4.2.1 General donor role

Donors largely play a role as facilitator and funder of the respective recovery and development programs in the countries studied. The international donor community present in the researched countries provides the bulk of financial contributions for the implementation of all types of development assistance. In Burundi, aid dependency is extremely high, with roughly 40 to 50% of the national budget being provided by external donors. Donors try to balance between building up state capacity for service delivery to the population and trying to counterbalance some of the negative governance and security-related trends observed in the countries concerned. In order to enhance their impact, donors support local CSOs and take on a role as 'brokers' between CSOs and the host governments when tensions arise.

The relationship between state actors and donors is ambiguous and largely follows the political dynamics on the ground. Tensions often arise on an ad hoc basis resulting from specific events such as heavy-handed government crackdowns, human rights abuses, extrajudicial killings, restrictive and undemocratic legislation, inadequate transitional justice, disputed access to land and cases of corruption and fraud with public funds (including aid funds). The degree of leverage of the donor community varies; due to the oil shut-down in RSS and the consequent austerity measures, donor leverage was significant over the past year, while in Uganda there is a stand-off between the donor community and the government over the embezzlement of aid money, whereby leverage is in the balance. In Burundi, the incumbent government does not accept what it sees as interference in domestic affairs, so that leverage is limited.

In relation to the various dimensions of fragility and the different types of CSOs identified earlier, donors generously support socio-economic activities, while also willing to engage to a somewhat lesser extent in rule of law-related or governance-related programs and activities. Notably in RSS, but also in North Uganda and Burundi, basic service delivery and livelihood support, including responses to humanitarian crises, continue to receive the bulk of donor funding. Large multi-donor trust funds are set up (e.g. the Basic Services Fund in RSS), and regional programs (such as the PRDP in North Uganda) or budget support with specific earmarking for line ministries providing specific services predominate. Donors generally tend to subcontract INGOs because of their established and widely recognised track record in service delivery and because they are generally viewed as non-partisan actors. In the aid chain, INGOs in turn subcontract local CSOs and NGOs to implement (parts of) programs and projects on their behalf. Thus, back donors indirectly support a multitude of CSOs engaged in service delivery and leave the daily management and 'nitty gritty' of the implementation cycle to the INGO 'brokers'. As such, donors are partly responsible for the existing aid chain and concomitant issues relating to the ensuing power relations between INGOs and CSOs.



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The security dimension is increasingly being targeted by the donor community, mostly within the framework of joint programs with state institutions. Hence, all type of security sector reform (SSR) activities are carried out in direct collaboration between donors and host governments. Donors tend to target specific security agencies to benefit from capacity-building and operational support (infrastructure, logistics, uniforms, equipment). Specialised INGOs are subcontracted for specific tasks, while at the same time there is remarkably little attention for CSOs in the countries that are the beneficiaries of such targeted support. There are support programs providing ad hoc support to CSOs working on rule of law issues, on transitional justice or on human rights, but there is a clear disconnect between 'higher' security issues such as the reform of an entire justice sector or the national army and 'lower' security issues addressing impact of injustice on communities and advocacy on their behalf for redress or compensation. Donors thereby tend to confirm that the security dimension is the prerogative of states and not of communities themselves. This perpetuates the role of communities as passive recipients of security and only amends cases of abuse against them, and consolidates a victim perspective as regards citizens of these countries, ignoring recent trends in community-based security initiatives. By dismissing the potential role of communities and CSOs active in this field, donors reconfirm the hegemony of certain state elites, even though at the same time they doubt their capacity to administer justice or impose an impartial rule of law⁸⁷. This inherent contradiction may explain why donor support to CSOs for peace-building and rule of law activities tends to be for one-off projects and limited in scope.

Donors struggle with the reluctance on the part of the authorities to address governance issues. They are involved in designing a wide range of programs to help build capacity among civil servants, as well as among MPs, political parties and ministries to deal more effectively with governance issues, while at the same time doubting the political will of recipient governments to apply such newly acquired skills. There is the realisation among donors that civil society activists are possibly the only actors genuinely willing to promote good governance and help improve the performance of state institutions, and therefore actively seek ways to provide them with financial support. In Uganda, a specific donor fund has been initiated: the Democratic Governance Fund (DGF). The main objective of the fund is to deepen democracy through support for key institutions such as parliament and political parties. In RSS,

⁸⁷ Interview political advisor European Union, Bujumbura, 17-5-2013.

donors are discussing the establishment of a specific fund to assist CSOs engaged in political activities. At the same time, donor support for CSOs active in the field of governance tends to be limited both in quantity and in duration. Another issue is that support for 'political' CSOs sets up civil society activists as targets for repression. While donors have sought to offer activists that are being threatened and their families some form of protection⁸⁸, it remains difficult to effectively protect political activists, as they cannot be guarded around the clock. Informing governments that domestic activists at risk are being monitored by donor representatives has not precluded the use of violence against them.

In the three research countries, donors such as the World Bank, the European Union and the United States are by far the largest players for all types of interventions. However, these major donors rarely speak with one voice, which affects their capacity to effectively lobby the respective host governments on critical governance issues. Overall, donors contribute significantly to assisting the civilian population to overcome various existing socio-economic and political challenges, but the diversity of interests and political agendas contains spoiler tendencies which can offset any beneficial effects. The presence of strategic natural resources, such as oil in RSS and oil, gas and gold in Uganda, have resulted in divergent donor attitudes to the incumbent governments and resulted in leniency in some cases (with, for example, the UK and USA becoming more pro-government in the case of Uganda). The ultimate message for civil society activists is that geopolitical interest agendas are a reality that may supersede humanitarian or ethical considerations and that donors must be scrutinised with care.

4.2.2 The role of the Netherlands

The priorities of the Dutch embassies in the countries covered by this research do not specifically target (the development of) civil society organisations as Dutch priority areas are security and justice, food security, water and sexual and reproductive health. The Dutch government sees civil society as actors in society and for development, and does not prioritise maintaining direct relationships with CSOs or to identify and develop embryonic civil society groups, and gladly leaves this to INGOs. The policy of the Dutch government has shifted to contribute to the abovementioned sectors, while simultaneously promoting the interest of the Dutch private sector, provided they can deliver specific know-how and contribute to aid effectiveness. National self-interest plays an increasingly dominant and explicit role in Dutch policies. This raises questions with regard to the extent to which this may negatively affect the position and interests of recipient countries and populations, especially in case of friction between the donor and the recipient's interests.

In the Republic of South Sudan (RSS), in Uganda and in Burundi the Dutch embassies do provide support to civil society organisations through various funding modalities. One modality aims to provide support through programs which fall within the bilateral priorities described above and which are carried out by or channelled through local partners. In addition, the Ministry of Foreign Affairs funds a large number of Netherlands-based INGOs through its regular MFS-II funding mechanism. Additional funding is provided through the so-called reconstruction programme issued in 2012, specifically targeting fragile states. There is much indirect support for local civil society actors through Dutch INGOs as a non-governmental funding channel, who maintain close relations and regularly meet with the Dutch embassies. And finally, there are several multi-donor initiatives in which the Netherlands participate. Donors are considering setting up a pooled fund targeted at supporting civil society in RSS, to be coordinated by a Joint Donor Team⁸⁹. In Uganda, such a mechanism has already been put in place,

⁸⁸ Sometimes families of activists receive visa to migrate to a safe country; it acts as a kind of insurance policy for such activists to know that their families are safe.

⁸⁹ Interview Dutch Ambassador, Juba, 17-4-2013.



albeit that it does not focus exclusively on civil society. In Burundi, the Netherlands also implement a governance programme that includes support to independent media in Burundi.

Dutch INGOs have always enjoyed a large degree of autonomy, generally determining their own priorities and proposing interventions for Dutch government funding. Dutch INGOs tend to be smaller in size than their British or American counterparts and interventions are mostly small-scale, focusing on a limited geographical area and relatively small target groups. Interventions are usually limited to a project cycle period of around four to five years. Most Dutch INGOs are involved in service delivery and livelihood support programs. Some specialised INGOs work in specific thematic fields (youth employment, peace-building, media support, gender issues, health services and so on). The approach favoured by the Dutch government mitigates against local CSOs benefiting directly from existing funding modalities, with Dutch INGOs playing a continued role as donor-supported brokers in fragile states. It was widely suggested by our interviewees that this position is motivated by an assumed lack of capacity among local CSOs. Although all INGOs are involved in efforts to build up capacity among local partners, the study found that such efforts are neither systematic nor sustained and that support is provided on a piecemeal basis only. Simultaneously, it was found that many INGOs are directly involved in the implementation of project and programme activities, although in many cases subcontracting such tasks out to local partners would certainly be more cost-effective. Increasingly, the decentralisation tendency among larger Dutch INGOs (ICCO, Cordaid) has resulted in a situation whereby such organisations have become direct competitors for local CSOs. Having said this, most Dutch INGOs generally act in good faith and engage altruistically in the various countries where they operate. However, the Dutch CSO support system has a downside in that it also helps sustain relations of dependency and subservience of local CSOs and NGOs. Such policies are apparently motivated by fears of corruption among local organisations, an alleged lack of capacity of local CSOs and fear of inadequate performance among local CSOs⁹⁰.

The recent changes in Dutch foreign policy and notably in the field of development cooperation have resulted in an increased emphasis on the private sector, while budget cuts are gradually impacting on support to civil society. Several government representatives are highly critical of the existing aid modalities, while earmarked expenditures for civil society organisations will be phased out after the expiration of the current MFS II programme in 2016.⁹¹ The idea is that INGOs should again become independent from government, which implies they should also access funding from other sources than donor governments. To quote Kees van Baar, the Dutch ambassador to the Republic of South Sudan: "NGOs should again become civic initiatives to deal with issues because in fact the real civil society is made up by people who spend their free time engaging in voluntary activities"⁹². The most recent Dutch policy brief on development 'A World to Gain' re-emphasises the importance of civil society, especially in relation to strengthening of the rule of law, inclusive social and economic development and arresting environmental degradation and loss of biodiversity. The policy brief highlights civil society's contribution to accountability and transparency through its watchdog activities and announces the establishment of an 'Accountability Fund' to support such activities. Civil society can also play a role in connecting national and global agendas for poverty reduction, economic cooperation and international public goods. The policy brief further stresses the relevance of political support to civil society next to financial and technical support. It also asserts that the relationship between the Dutch government and INGOs

⁹⁰ Interviews with senior officials at the Dutch Embassies in Juba and in Kampala on 4-4-2013 and 8-5-2013 respectively.

⁹¹ A World to Gain: A New Agenda for Aid, Trade and Investment. 2013, p. 6.

⁹² Quoted from interview with Kees van Baar, Dutch Ambassador, Juba, 17-4-2013. This view was shared by the newly appointed ambassador in Uganda; Alphons Hennekens, interview RNE, Kampala, 8-5-2013.

and local civil society needs to change in order to avoid Dutch organisations becoming competitors to local organisations.⁹³ A follow-on letter has been announced for mid-2013 in which the Minister will further elaborate on her policies with regard to civil society.

All in all, there still appears to be a substantial amount of (in)direct support from the Netherlands for all types of CSOs in the research countries. At the same time, the Netherlands are increasingly looking to other aid modalities such as contributing to and participating in multi-donor pooled funds from which specific civil society actors receive incidental funding. In Uganda, the Netherlands are participating in the Democratic Governance Fund (DGF)⁹⁴. As mentioned earlier, assistance to CSOs from this fund is incidental and seen as complementary to reform of crucial government institutions and political parties. The fund comprises 75 million USD, but will be extended to 100 million for a five year period. Though incidental, at present it is the main channel for Ugandan CSOs active in the field of governance and rule of law to obtain donor funding. The fund's assistance focuses on watchdog-type funding for civil society actors, through support for independent media, human rights organisations and governance-related civil society activities. For local CSOs, working with a group of donors avoids the pitfall of being earmarked by the host government as 'too critical' or 'too political'⁹⁵ and being sidelined as irrelevant.

4.2.3 The Dutch approach: Creating room for manoeuvre

Summarising, the Netherlands have a generic perspective on assistance to CSOs in fragile states and do not specifically focus on channelling assistance to a particular type of CSO or within a certain dimension of fragility. The Dutch policy perspective focuses on concepts formulated within a certain funding modality. Applicant CSOs need to align their proposals and interventions with the perspective elaborated within the funding modality framework. For the Dutch government the main objectives remain to help attain the millennium development goals and to limit the effects of humanitarian crises affecting fragile states. The Netherlands appear to be giving a certain degree of freedom to civil society actors, be they Dutch or local. Such an approach has the added benefit of absolving them a priori of any responsibility should organisations become (too) deeply enmeshed in political issues. At the same time, it allows the Dutch to maintain a quasi-independent channel which may be used to support politically sensitive activities and interventions in fragile states.

⁹³ A World to Gain: A New Agenda for Aid, Trade and Investment. 2013, p. 37-38.

⁹⁴ The Netherlands participate together with the United Kingdom, Denmark, Sweden, Norway, Ireland, Germany and the European Union.

⁹⁵ Interview RNE Kampala 8-5-2013.





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The information in this chapter is based on interviews and focus groups discussions with the different actors involved and reflects their views, opinions and experiences. While the authors seek to draw some tentative conclusions, they have not tried to ascertain or verify these statements. The information as such is considered a social fact and hence relevant for the aims of this research.

5.1 CSOs and governments

Generally, civilian space is diminishing in RSS, Uganda and in Burundi. In each of these countries legislation has either been adopted (RSS) or is being developed to curtail the autonomy of CSOs. In Burundi, members of opposition parties and critical CS activists have been killed. In Uganda, critical civilians are being followed by the secret police and arbitrarily arrested, detained and often maltreated. And in RSS some critical civilians were killed and others have been harassed and maltreated. That CSO activities focusing around politically sensitive issues, including high-level corruption, abuse of power, economic crimes, impunity, extra-judicial killings and other gross human rights abuses in which state organs are implied, are met with high levels of repression has been mentioned before. Nevertheless there are differences in the degree of repression and the way it is being organised. It seems that Burundi tops the list as in that country there have been organised and targeted attacks on specific individuals throughout the country, and in the countryside youth militia groups related to the government intimidate ordinary civilians and almost substitute the police. In Uganda too, there is organised repression, but there have been fewer lethal attacks on civil society activists and there are no local militia activities. In RSS, repression to date seems random and unorganised whereby sometimes personal scores are settled as influential politicians or military leaders seek to avenge what they perceive as personal attacks. Also, in RSS there clearly is an ethnic dimension to these issues as people belonging to particular ethnic groups are protected, while others are more vulnerable to repression.

When looking at less politicised areas of intervention, CSOs enjoy a greater degree of autonomy. Consequently, service delivery and livelihood development oriented organisations, be they CSOs, NGOs, INGOs or CBOs, tend to have more constructive relations with governments. So when CSOs and other intervening agencies relate to government officials, they are likely to be welcomed and they receive the official go ahead from local and national authorities. Moreover, at local levels⁹⁶, authorities generally have good working relations with organisations working on this type of activities. In such cases tensions mostly relate to implementation modalities, recruitment policies of intervening agencies (all three governments are promoting nationalisation of staff within INGOs and NNGOs) and perceived lack of transparency about budgets and post-project transfer of equipment to government.

CSOs perceive governments mostly as a controlling entity, offering little or no contribution to solving everyday problems for civilians i.e. as a marginal contributor to help fight situations of fragility. Some CSOs, notably the politically active organisations, experience government as a spoiler who works directly against the interests of the population. Many CSOs view political elites in power as the key obstacle to solving socio-economic and political problems in their countries because of their vested interest in maintaining the status quo which leads them to sabotage any efforts to check their activities, their grip on power, and calls on them to be transparent and accountable.

⁹⁶ State and county in RSS, province and commune in Burundi and at district and sub-county level in Uganda.

There are notable exceptions to this overall conclusion. At lower levels (see table 1), for instance in Mwaro province in Burundi and in Gulu district in Uganda, authorities are committed to assisting their populations, and do not shy away from public accountability and transparency. In Mwaro, the CSO *Observatoire de l' Action Gouvernementale* (OAG) has been organizing public accountability meetings where high ranking civil servants give accounts of their performance in a certain sector and communities can freely engage with them⁹⁷. Also, in local sub-counties and districts (Uganda), counties and *payams* (RSS) and *communes and collines* (Burundi) much depends on the individual qualities and level of commitment of the administrator, commissioner or district chairman whether or not government at that level provides support to help overcome some of the multiple challenges facing the communities concerned.

Table 1: Levels of public administration in the three research countries

Burundi	Republic of South Sudan	Uganda
Province- gouverneur	State-governor	District ⁹⁸ -district chairman
Commune- administrateur	County-commissioner	Sub County-administrator
Colline-chef de colline	Payam-administrator	Parish-local chairman
	Boma-chief	

5.2 INGOs and host governments

Relations between INGOs and host government tend to be ambiguous. Whereas INGOs provide much needed service delivery, host governments view them with suspicion. Without exception government officials at the national levels complain about lack of budget transparency, ghost INGOs, high overhead costs, high numbers of expatriate staff, and about slow transfer of goods once projects come to an end. (I)NGOs complain about red tape and a decreasing civilian space. More importantly, a number of INGO representatives complain about the lack of a pragmatic framework for INGOs to be able to lobby the government effectively, without politicizing issues between them⁹⁹. At local levels the relationship between government and (I)NGOs can be viewed as one of dependency, as local administrators do not have an adequate operational budget and depend on locally based INGO offices for support (logistics, stationeries and internet services).

5.3 Donors and host governments

Donors entertain complex and ambiguous relations with host governments. They view the host governments somehow as 'pupils', who still need to learn how to effectively run a state. Larger donors have their own geopolitical agendas and want to ensure future access to natural resources in some of these countries. Donors ideally want to have leverage on how the aid assistance is being put to use so they organise all types of funding modalities and oversight mechanisms to try to limit corruption and fraud. Donors view local civil society generally as the sole local mechanism to provide checks and balances and to give civilian feedback to incumbent governments. For donors, CS has virtually become the 'de facto' political opposition in Burundi as the opposition is not represented in parliament. In RSS, donors perceive civil society as weak and divided, singling out church-based organisations as the most influential and organised. In Uganda, donors have a specific funding modality to provide support to civil society, which is seen to be organised and strong, but lacking political clout to take on the government.

⁹⁷ Interview senior representatives OAG, Mwaro province, Burundi, 27-5-2013.

⁹⁸ In Uganda, the government appoints a Resident District Commissioner (RDC) at the district level, responsible for security issues and public order.

⁹⁹ Interviews in all three countries.



However, the volume of donor assistance to host governments far outweighs the support given to CSOs. On the one hand, donors prop up governments and on the other in lesser strength support opposition groups in order to try and correct perceived undemocratic behaviour and abuse of power.

5.4 CSOs and donors

CSOs view some donor representatives as courageous (the former Belgian Ambassador in Burundi, the former Dutch Ambassador in Uganda) as these individuals exposed and protested against undemocratic government acts and thereby supported local activists. Sometimes larger donors also act as figureheads for a group of donors (EU in Burundi) in order to table sensitive issues. Also, support to specific CSOs assisting them to disseminate specific information or to lobby on particular sensitive issues is viewed by those CSOs as active support to fight injustice and help overcome fragility. At the higher level of aid assistance donors provide the bulk of the funding which goes to livelihood support, food security interventions, assistance to health, education and other sectors which have a significant impact on the lives of many civilians in these fragile states. However, despite the huge amounts of funding involved effects tend to be temporary and there is a high level of 'run off' of externally funded interventions as many peter out and their impact tends to vanish after some time, inevitably provoking questions about sustainability and ownership at local levels.

5.5 INGOs and CSOs

Though INGOs and CSOs are mutually dependent, they are yet involved in an asymmetric relationship. INGOs cannot function in the host countries without local counterparts. They depend on a variety of civil society groups for knowledge about specific contexts, for mobilisation of target groups and for project implementation. CSOs depend on INGOs who act as brokers between back donors and local organisations for funding. They also use INGOs as protective shields in case of confrontation with their governments, e.g. Oxfam Novib protecting a women's organisation in South Sudan. Furthermore, CSOs benefit from the institutional capacity of INGOs to acquire the skills to be able to effectively run projects and implement activities. Despite these mutual benefits, relations between both actors in the three countries tend to be based on suspicion and distrust, greatly hampering functional collaboration. Different reporting formats, randomly imposed implementation trajectories which fail to take into account local realities (rainy season dynamics, political events) and top-down communication patterns feed into these dynamics. Many representatives of local and national NGOs assert that in case of straightforward implementation subcontracting INGOs invariably impose their conditions, determine the length of contracts and generally act without properly communicating with local counterparts. Another general complaint focused on the short-term character of INGOs support to CSOs engaging in peace-building, conflict mediation or other lobby and advocacy activities. Allegedly, funding is often geared towards short-term activities ('one-off' activities) without embarking on longer term engagements with these actors.

Several CSOs have doubts about the character of INGO engagement and wonder whether these organisations are active in these fragile states for personal gain and institutional continuity only. This reflects a level of suspicion which seems especially high in RSS. As project cycles generally last for around four years, local CSOs doubt the real commitment of INGOs. Reconstruction and peace-building processes in fragile states require a long-term engagement and therefore a project-oriented approach cannot effectively achieve such objectives. Meanwhile, INGOs are increasingly confronted with rigid donor requirements for accessing funding modalities.

Although repeatedly presented as a main component of the engagement with local counterparts, the way in which INGOs engage in capacity-building of local partners can be characterised as piecemeal and erratic. Most INGOs engage actively in capacity-building but it seems that such efforts lack a strategic and long-term vision on how to accomplish such assistance. The cyclical nature of funding with short term cycles of four years also complicates the capacity-building endeavour as many INGOs are stretched to capacity themselves, operate in difficult environments and are obliged to prioritise programme outputs and deliverables. They also lack adequate funding to be able to deliver appropriate and sustained support for capacity-building to local partners. Concluding, CSO representatives tend to perceive INGO staff as ambiguous partners, who may provide necessary support but who also dictate the terms and conditions of the relationship.

Also, many CSOs and NNGOs complained about INGOs using their project proposals for raising funds with back donors but once these projects are approved the local partners are allegedly not fully integrated in the implementation and do not share in funding received. Other CSO representatives complain about agenda setting by INGOs. Strategies and priorities are not always based on community needs and often not the result of negotiations and coordination with local organisations. According to CSOs, INGO effectiveness in assisting population groups to overcome fragility therefore hangs in the balance. In order to be able to survive as an organisation, INGOs have become direct competitors with local implementers and are constantly on the look-out for funding, thereby to some extent compromising their own mission statements and mandates, leading to spoiler effects.

5.6 Appreciation of the role of CSOs regarding situations of fragility

There are different appreciations with regard to the role of CSOs in situations of fragility.

5.6.1 Government appreciation of CSOs

Governments in fragile states generally acknowledge the contribution of civil society in the provision of service delivery. In RSS, the cumulative effects of donor-funded and INGO-supervised basic service delivery have yielded significant results. However, governments sometimes view CSOs as unprofessional, notably concerning sensitive political issues. Reporting tends to be incident-based, with CSOs in the government's view often blowing certain facts out of proportion. The lack of fact-based reporting, fact-finding and cross-checking has tarnished the public image of some private media and damaged their reputation as independent news providers. Governments expect civil society to abide by certain unspecified rules and condone the powers that be (i.e. engage in self-censorship). Autocratic regimes find it hard to have a dialogue with critical independent organisations that may foster dissent and tend to fall back on authoritarian reflexes. Where CSOs engage in exposing malpractices, abuse of power and lack of adequate governance, they become, from the perspective of the authorities, a nuisance factor and a counterproductive force aggravating the fragile political context.



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5.6.2 Donor appreciation of CSOs

Ironically, when donors consider engaging in development activities they look around for 'professional' (I)NGOs with a proven track record, thus almost automatically ignoring local CSOs, as donors tend to think that (I)NGOs are better able to ensure timely delivery and proper accounting of funds disbursed to them.

Donors generally use professional INGOs and NNGOs to implement service delivery and livelihood support programs and view them as contributors to help solve problems for communities. In the realm of security and political dimensions of fragility, donors tend to frame CSOs in a political role. This has probably far-reaching consequences as assistance to CSOs engaged in rule of law and governance issues amounts to covert political interference in these fragile contexts. This provides incumbent governments with a motive to clamp down on such CSOs. Hence, donors are involved in a power struggle-by-proxy, using local partners to fight the battle partly on their behalf. This poses a major dilemma. While support for political activism in the short term is likely to aggravate the prevailing political instability, without such 'interference', internal repression and authoritarian rule would arguably continue unhindered. Support for 'activist' CSOs may in due time lead to the political pluralism which is a characteristic of strong states. However, in view of the prevailing zero-sum political power struggles, instead of fostering public debate on sensitive issues in a fragile political context, donor engagement might be more inclined to try to involve governments and CSOs in a concerted dialogue within new frameworks such as the New Deal process.

Tentatively, it can be concluded that donors view politically active local CSOs primarily as watchdogs for government performance. Donors have to realise that this perspective on civil society has (had) a profound impact on state-society relations in many fragile states as well as on the position and safety of the CSOs concerned.

5.6.3 INGO appreciation of local CSOs

INGOs view local CSOs as indispensable counterparts and try to work with them to help solve fragility issues for the communities. At the same time, they assess the impact of local CSO actors on overcoming fragility as limited, taking the view that CSOs in fragile states should be primarily approached as emerging and relatively inexperienced organisations in need of institutional development and capacity support. INGOs appear to appreciate CSO capacity to alleviate or aggravate fragility primarily through a technical lens. They seem to doubt about CSO capacity to deliver assistance to civilians as issues of corruption, briefcase NGOs and 'family business' CSOs continue to haunt their perception of CSOs. This leads INGOs to engage in capacity-building, while also providing them a convenient excuse to distance themselves from underperforming CSOs if necessary. The level of distrust that characterises INGO perceptions of local CSOs has perverse side effects. As intermediaries in the 'aid chain', INGOs tend to keep CSOs small, underdeveloped and without adequate capacity for genuine engagement for the long term.

5.6.4 CSOs self-perception

The majority of CSO representatives interviewed provided a variety of examples of their successes and also gave criteria why they think such interventions have been successful. CSOs view themselves as guardians of the civilian population and of the fragile process of democratisation in their respective countries. In general, they appear to be proud of their achievements but are also aware of their limitations. Most representatives of CSOs recognise their dependency on foreign sources of funding which makes them vulnerable to criticism by their domestic governments who sometimes accuse them of being agents for foreign powers.

The overall conclusion is that CSOs have a proven track record (albeit with significant deficiencies), but that they have become increasingly entangled in a process of politicised relationships with their governments. This process is a response by default as strong and viable political opposition is lacking in RSS, Uganda and Burundi. CSO representatives also acknowledge that although there are many outstanding issues with INGOs (see section on relations between INGOs and CSOs above), without the presence and support of INGOs many CSOs would have not been able to engage in effective interventions to address fragility issues.



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In this chapter we present our suggestions starting from the role of local CSOs and working up through the INGOs, donors, and the states concerned to the broader context. Unless explicitly mentioned otherwise, these recommendations can be taken up by one or more of the actors engaged in civil society, be they donors, INGOs, local CSOs or host governments. Each recommendation (presented in italics) is preceded by a resume of the main observations on which they are based.

6.1 The role of CSOs

1. The study shows that available local capacities among the population to deal with fragility seem largely to revolve around traditional coping mechanisms for crisis. Though such efforts may form a good first entry point to start working on the different dimensions of fragility – especially the socio-economic dimension –, it should be kept in mind that coping by definition is an immediate and ad-hoc response to crises. Moreover, the basis of and scope for traditional coping is shrinking, and is sometimes based on degrading and harmful forms of ‘distress coping’.

Existing popular coping mechanisms need to be complemented by more structural, long-term and sustainable approaches supported by local CSOs, especially NNGOs and CBOs.

2. Lobby and advocacy, human rights and access to justice CSOs have been successful in individual cases, but face difficulties in promoting structural changes. Peace-building CSOs may resolve overt conflicts, but are often unable to address underlying conflict factors and suffer from limited mandates (dealing with community level security mostly). Furthermore, funding is piecemeal and one-off, which limits effectiveness. When such CSOs engage in structural issues they are repressed or undermined by state government agencies. These CSOs are nearly totally dependent on external funding that often is erratic or short-term.

CSOs in the political realm require extra attention in view of the constraints and pressures they face. INGOs and embassies could more openly support and back them also if the recipient governments are displeased about this. Problems about funding require urgent ameliorative action, e.g. by reaching more long-term collaborative agreements and demanding less red tape.

3. The study found that several informal structures, including community justice systems and traditional mediators, have been effective in dispensing security and the rule of law.

It is recommended to link more effectively to informal or hybrid security and legal structures to promote security and the rule of law.

4. As local agencies, CSOs face constraints such as short-term contracts, limited project duration and size, limited sustainability and dependence on external donors. This hampers the implementation of effective policies to mitigate fragility.

INGOs and back donors should try and change the parameters of the aid modalities to the extent possible to optimise more long-term, structural and autonomous operations of the assisted CSOs. This can be done by including forms of capacity and institutional development, longer-term partnerships and support in own fundraising, income generation and direction.

- 5.** Governance CSOs – as well as many CSOs active in the service delivery domain - engage with high profile issues, such as corruption, nepotism and lack of transparency, provoking high levels of repression and targeting of individual activists.

Governance CSOs and others engaging with controversial issues that provoke the displeasure of the state need explicit international backing and support as well as mechanisms for internationally backed protection. These CSOs also need to become organised at the intra-organisational level in order to protect themselves against intrusions by the state and to develop having safety net constructions. Work with these NGOs can get a boost from the recently announced Dutch Accountability Fund and the renewed emphasis on political support (see also below).

- 6.** Civil society is a mixed bag with a mixed record. In the countries concerned there are INGOs, NGOs, NGO networks and umbrellas, CBOs, FBOs, cultural and development organisations that work in different thematic or sectorial fields. The study shows limited to moderate success in certain areas (largely service delivery domain and livelihood, but advocacy, watchdog, human rights work and conflict resolution as well) on the one hand, and serious deficiencies and unsustainable results in several other domains on the other. CSOs often suffer from weak leadership, management and organisation, mistrust, delays, lack of coordination, lack of vision, and lack of long-term strategies. They need improvement in a whole series of strategic and management issues that currently affect their operations and the sustainability of their results. Capacity development programmes do exist but are not carried out systematically and effectively.

Programmes need to be more consistently and systematically accompanied by institutional and capacity development efforts for local civil society actors. In view of their histories in contexts of conflict and state fragility, capacity development assessments and, if needed, associated programmes need to be a standard component of working in fragile states. If required, substantial budgets need to be devoted to this as otherwise local CSOs will not be able to develop and function independently.

6.2 The role of INGOs

- 7.** The bulk of CSO support distributed by INGOs goes to civil society organisations involved in socio-economic service delivery which is seen as politically neutral by recipient governments and hence readily accepted.

Socio-economic service delivery appears to be a relatively easy and uncontroversial form of aid in otherwise difficult contexts and is hence prioritised by INGOs and back donors. However, this shows a disregard for the interrelationship between the socio-economic, security and political dimensions of fragility and can imply a questionable acceptance of existing conditions that include political repression, low human security and ill governance. Service delivery offers good opportunities for the discussion of the (often problematic) governance regimes relating to service delivery, thereby potentially embarking on broader governance debates. It is therefore recommended to use socio-economic service delivery more as an entry point to forge programs, and ultimately changes, in the other domains of fragility and even shift the uneven balance between the different forms of aid, privileging increasingly work in the security and political domains.



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- 8.** INGO support to CSOs is often based on their role as an aid channel and hence is largely instrumental. Also, increasingly there is competition for funding between INGOs and local CSOs due to the decentralisation policies of the former.

It is recommended to support CSOs first of all in their own roles as properly functioning institutions with the required capacities in place and only then use them as channels for external aid. These two aspects should always be looked at in conjunction both in the (ex-ante) analysis and during programming.

- 9.** Mutual CSO-INGO relations are characterised by suspicion and distrust. CSOs complain about the top-down management by INGOs and doubt their commitment.

INGOs and CSOs need to work on their mutual relations. It is considered part of the recomposing of the post-conflict field with new donors, programs and opportunities, that competitive repositioning, posturing and negotiations take place about respective roles and responsibilities. This may admittedly even create a level of (sound?) tensions, but care should be taken that the negative aspects do not prevail. It is recommended that partners take time to discuss mutual expectations and systems of operation. INGOs should be aware of the power differentials at stake and be open and patient, allowing sufficient space for the partners to come up with their issues, problems and potential.

6.3 The role of the Netherlands and other donors

- 10.** The main aid priorities of the Netherlands focus on thematic issues (justice and security, food security, water sector and reproductive health). Support to CSOs is not central to the respective country programs, but takes place through specific funding modalities such as MFS II, the reconstruction programme or through pooled trust funds. The Netherlands indicate that they do not see support for the development of local CSOs as their immediate responsibility, preferring to relegate this task to (Dutch) INGOs or co-financing organisations. The recent policy brief 'A World to Gain' announces an Accountability Fund and also promotes the watchdog function of civil society. The policy brief also emphasises forms of political support and expects to help promote a new relationship between Dutch INGOs and local CSOs.

It is recommended to anticipate on the new policy directions and enter into new forms of partnership with NGOs in the political and governance realm and turn those partnerships into a more innovative and egalitarian form that reflects new realities of collaborating in a post-development world. (Dutch) INGOs should muster their imagination and courage to tread new paths beyond existing forms of collaboration that are plagued with problems and deficiencies and may be considered out-of-date by the recipient CSOs and countries.

- 11.** Self-interest plays an increasingly dominant and explicit role in Dutch policies. This raises questions with regard to the extent to which this may negatively affect the position and interests of recipient countries and populations, especially in case of friction between the donor and the recipient's interests.

It is recommended to make an (ex ante) analysis of the possibly diverging interests of parties involved in civil society support and how this may affect the position and interests of the recipients and eventually be addressed.

- 12.** International donors use a variety of different and sometimes contradictory aid modalities. This creates confusion, while populations show a ‘wait-and-see’ attitude and tend to expect inputs for free.

Donors and INGOs should coordinate their messages better and desist from promoting dependency by providing services for free. Even if a significant local contribution is not feasible, small or symbolic contributions need to be introduced to ultimately attain a level of sustainability and independence.

6.4 Interrelationship between stakeholders

- 13.** Collaboration and relations between governments, donors, INGOs, NNGOs, CBOs are beset by a range of problems (perceived or real), including distrust, lack of transparency, hierarchical or asymmetrical relations, impositions, corruption, abuse, etc. Moreover, at central levels of government, relations are often tense and unproductive, with lower level relations appearing somewhat more cordial and functional. Politically charged activity is the most difficult to carry out for CSOs compared to technical or economic support. This implies that an important section of the fragility agenda is in trouble. These problems exist not by omission, but on purpose and are hence difficult to resolve through normal deliberations and discussions.

There seems to be a need to rethink and reconceptualise the mutual relations and the policy dialogue between the different partners, if not the whole aid architecture. The announced policy changes by the Dutch Minister for International Trade and Development with regard to the relationships between donors, INGOs and CS and the New Deal give cause for reflection. Moreover, this study identified a remarkable set of problems and contentious issues, the causes of which as yet are not fully clear. While the problematic relationship between the government and the others actors can be well explained, the contradictions between the other partners are less easily accounted for. Are these an inevitable feature of a highly problematic post-war situation, and if so, what can or needs to be done about it? If not, are they a matter of unsound expectation management? Are they a result of an abundance of aid donors that have rushed to the scene and have become engulfed in a chaotic self-centred game? Or is it just that some of the established relationships have become obsolete and need to be revamped? We suggest that the mutual principles and rules of the game be re-established and supported by proper, systematic and intensive dialogues as well as systematic institutional and capacity development initiatives as recommended above.

- 14.** The research has revealed a lack of substantive dialogue between the government, intervening agencies, CSOs and beneficiaries regarding the vision on and content of development and other interventions. Most discussions focus on implementation and operational issues. Thorough debates about the rationale behind specific interventions and how they might fit into local, regional or even national development frameworks are lacking.

Intervening agencies and CSOs should encourage a content debate and identify ways of how to engage authorities at various levels. Also, community input at various stages of planning and coordination processes should be ensured. Hence, consultations with beneficiary groups should take place at all intermediary stages. For large-scale interventions public hearings could be organised to ensure that divergent opinions, expectations and possible misconceptions can be taken into account or addressed prior to implementation.



6.5 Relations with the host governments

- 15.** Several aspects of fragility (lack of capacity in the security, political (legitimacy) and service delivery domains) can demonstrably benefit from civil society involvement. This study however found states not always willing to change their adverse practices or to involve CSOs in their business. This is fragility by choice. The question here is what course of action can support agencies such as INGOs and especially donor governments take to change this?

Other strategies than those based on the traditional aid relationship are needed to overcome this bottleneck. More explicit approaches based on specific PSGs as identified in the New Deal frameworks may be helpful. Explicitly political issues require different sorts and levels of leverage. Whether these include different forms of conditionality is a matter for political decision-making. INGOs in their turn need to consider what they see as their role and potential contribution to resolving such problems.

- 16.** The security of the states and populations in question is hindered by the inadequate completion of demobilisation and reintegration programmes, the circulation of small arms and the existence of vigilante groups and militias, sometimes sponsored by the state itself or by political parties in power. Apart from potentially adding to fragility, this hampers reconstruction and economic development efforts by civil society and constrains the public space needed for social action.

Hard-core security aspects need to be resolved as a pre-condition for successful civil society work. Donors and INGOs need to insist on proper measures in this domain at the international and bilateral levels.

17. There is increasingly less civilian space for action because of host government repression and undermining of CSO activity. Donors have not been able to reverse this trend and also have not always offered enough protection. What policies and strategies remain when the government at stake refuses to collaborate or even obstructs efforts to increase civic space and improve state-society accountability?

INGOs and donors need to reflect on how to stop and reverse this trend. They need to think how to protect or shield their partners against the deleterious effects of state intimidation, violence and surveillance. Is it possible to design 'post-conditional' approaches that can achieve this? What can e.g. be done in the context of the New Deal and how can CSOs more explicitly be made part of these dialogues? INGOs and CSOs are recommended to design a strategy to achieve this at country or donor level. This also should include a monitoring system to assess whether New Deal commitments and principles are complied with in practice.

6.6 Dealing with the broader fragility context

18. The states in this study show a variety of pathological symptoms which include violence, criminal actions, cattle-raiding, land and inter-communal conflict, gender-based violence and nepotistic politics and which themselves are serious signs of fragility, next to overall low levels of development and limited access to basic services. The causes and backgrounds of these issues are deeply rooted and cannot simply be tackled by a development-as-usual approach. All three countries researched have overall development frameworks to guide donor efforts and civil society action. In addition, they have regional or local community level programmes in place that seem to have developed in a more participatory and inclusive fashion over the years. These programmes set priorities in infrastructure and economic development as a basis for reconstruction and poverty reduction, but tend to neglect the fields of political action, advocacy and human rights. In addition, they suffer in various degrees from weaknesses in terms of implementation, coordination and follow-up, as well as misguided allocations and allegations of abuse and corruption.

Strategies to deal with the above mentioned problems and pathologies need to be based on a comprehensive political, conflict, socio-economic and institutional analysis with proper attention paid to governance issues and a balance between state-centred and civil society approaches. Recipient governments need to be convinced of this and must not be allowed to engage in cherry-picking by only allowing socio-economic support. The required approach should ideally be based on a New Deal type of perspective and the associated PSGs. Dutch aid can be supportive here, but on its own tends to be too limited in scope and range of priorities to achieve sufficient traction and impact. Contributions to joint donor funds may constitute a way around this. Livelihood support needs to be continued, but no longer on the continued provision of free inputs and unsustainable forms of aid delivery, and complemented by more overt, widespread and internationally supported political action.



SUGGESTIONS FOR FOLLOW-UP RESEARCH



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1. Overall, the analysis of CSO roles in relation to fragility and the impact of specific interventions in the three dimensions of fragility identified should be continued and expanded. Open questions remain in relation to whether all three dimensions are addressed in a balanced manner and the missing links in CSO efforts to help overcome fragility in specific countries.
2. There is a need to expand on how political activities of CSOs and funded by back donors impact on fragile states. This demands a more in-depth investigation into the effects of public debates and media campaigns on political stability in specific countries, answering questions with regard to their track record to date and whether there might be other more effective strategies to ensure political participation and feedback from communities on the political process in fragile states.
3. The support given to CSOs in fragile states for politically sensitive activities and its impact on the expected results and the roles such organisations ought to play is a key issue that warrants more profound investigation. Is funding commensurate with the policy objectives, i.e. if CSOs are funded to perform watchdog tasks, are they being adequately facilitated to fulfil their designated role? For example, a thorough review of the Democratic Governance Fund (Uganda) might yield more insights into the proportionality of assistance to CSOs in relation to aid provided to governments in fragile states.
4. An important question concerns the (absence of) modalities to offer activists the necessary protection, given the high personal risk involved in engaging in activities that are politically sensitive. Official donor acknowledgement of the need for specific attention for the security of certain individuals, for example through the “buddy” idea, which involves linking politicians with individual activists, appears to be lacking, and current protection efforts do not ensure the individuals concerned the necessary personal security, for example by failing to provide visa to ensure the protection of their immediate family. Further research is needed on whether there are options for local CSO activists to organise their own protection, including hiring body guards, recourse to safe havens or emergency evacuation procedures.
5. Follow-up research might also look further into the relations between CSOs and INGOs as the study has revealed many outstanding issues, misconceptions, distrust and (real or perceived) competition. We recommend a more in-depth analysis of a sample of INGOs, CSOs and their programs in order to assess the allegations made by the respondents in the present study in more detail. Research angles might comprise: 1) competition for program/donor resources; 2) average duration of subcontracts for local CSOs and average size of grants provided; 3) capacity-building efforts (design, average length of programs, involvement of beneficiary CSOs, available budgets, impact on CSO development) and possibly 4) power relations (how are conditions for collaboration determined, patterns of dependency, access to means to implement programs, such as logistics, stationery, and so on).

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Annex A Conceptual framework and methodology

Aim and scope of the research

The Dutch Consortium for Rehabilitation (DCR), consisting of ZOA (lead agency), HN/TPO, CARE and Save the Children, works to improve basic services and livelihoods in so-called fragile states and contexts. The DCR's Advocacy Working Group (AWG) commissioned a research into aspects of fragility in three of the six countries where the DCR operates, Burundi, the Republic of South Sudan (RSS) and in Northern Uganda, with the aim to contribute to the political debate in the Netherlands on how to operate in fragile states and respond to fragile contexts, with special attention for the role of citizens and local civil society. A better understanding of their perceptions and response strategies can help shape and improve the response strategies of other actors, such as the Dutch government, towards various aspects of fragility.

The many actors involved in the process of development in fragile states/contexts, including foreign and domestic state governments and, (inter)national stakeholders, both from the private sector and civil society all impact on the lives of civilians living in precarious and complex political contexts, whether they have a vested interest in maintaining the fragile status quo, or work to promote peace and stability. The main focus of the DCR/AWG is on the role of civil society, foremost the national and local civil society with the support of the international civil society, as they provide the clearest link to their target group: ordinary people, and in particular the most vulnerable groups amongst them.

The Dutch Government supports the so-called New Deal initiative which provides additional support to fragile states to help them attain specific development goals and improve state-society relations with the objective of enhancing legitimate governance and sustainable state-building. DCR/AWG will use the research findings to inform the Dutch Ministry of Foreign Affairs, Foreign Trade and Development Cooperation and the Ministry of Defence on perceptions of fragility (human insecurity) among local actors and offer practical recommendations on how civil society actors in fragile contexts can contribute to stability.

The New Deal

In 2011, the New Deal between the G7+ and 19 conflict-affected states was presented at the 4th High Level Forum for Aid Effectiveness in clear recognition that in fragile states the Millennium Development Goals will not be achieved in 2015 without additional effort. The New Deal further operates from the acknowledgement that the transition from situations of fragility to more stable and enabling environments for citizens is a long-term process, which requires country leadership and ownership. The 4th High Level Forum declaration explicitly calls for a realigning of strategies for engagement with non-state actors in fragile contexts¹⁰⁰. It expressly underlines that overall capacity of states and local accountability can be strengthened by focusing on extending the role of civil society in state-building processes. The New Deal approach is currently piloted in three countries where the DCR operates, namely Liberia, DRC and South Sudan.¹⁰¹

¹⁰⁰ 4th High Level Forum on Aid Effectiveness, 'A New Deal for Engagement in Fragile States', November 2011

<http://www.aideffectiveness.org/busanhlf4/>

¹⁰¹ <http://www.oecd.org/international%20dialogue/49151944.pdf>

Research goal

Two specific objectives underpinned the research project:

1. Development of knowledge about the actors/ stakeholders in fragile situations/ contexts/ states and their opinions and experiences regarding fragility, their opinions of and experiences with other actors who operate in local contexts and their own ideas and actions on how to overcome fragility themselves;
2. Development of a set of recommendations to enable the DCR/AWG to work towards more effective support to civil society actors acting against fragility and strengthen their lobby of the Dutch government on their policy development for fragile states and contexts.

The research asked a number of specific questions. The **main research question** was: *What are the main strategies and activities of civil society groups to help counter fragility and to what extent do Dutch government policies concerning fragile states take into account and support such initiatives?* This translated into a set of sub-questions that included:

- A. To what extent have Dutch government policies on fragile states taken into account the role of local civil society actors in countering fragility? What channels and funding mechanism exist to support the activities of civil society in countering situations of fragility?
- B. What actions do civilians and local civil society actors in RSS, Burundi and Uganda take to help overcome situations of fragility?
- C. What actions do other actors (INGOs, donors, local government etc.) take to assist civilians to help overcome fragility?
- D. What are the opinions and experiences of civil society actors and beneficiaries with the relevant intervening agencies (local civil society, security sector organisations, government, international donor community, INGOs, etc.) in terms of alleviating or aggravating situations of fragility?
- E. What are the opinions and experiences of the relevant civil society actors regarding their own interventions and those of others aimed at assisting beneficiary groups to overcome situations of fragility?
- F. To what extent do civil society actors and beneficiaries possess the autonomy to intervene in specific dimensions of fragility (social, economic and political)?

Implementation strategy; participation of field staff and sustainability

The study provides an inventory of Dutch policy interventions in the three countries selected (South Sudan, Uganda and Burundi), based on the analysis of a number of policy documents and a series of interviews with Dutch government civil servants both in The Netherlands as well as in the Dutch embassies in the research countries. The study further rests on interviews with a number of representatives from government agencies in the research countries as well as from other donor countries and INGOs that gauge the impact of their activities on different dimensions of fragility. These interviews sound out civil society actors' opinions and experiences with regard to fragility and look into the strategies of aid beneficiaries to counter fragility and the role of other intervening actors on the ground.

The fieldwork inside the research countries was limited to a number of research areas per country due to resource and time constraints. Per research country, the research was carried out by one lead researcher assisted by a local researcher. Some fifteen to twenty fieldwork days were budgeted for each country, taking into account the logistical problems of some areas being barely accessible and travel to and from these areas challenging. The available time limited the number of interviews per

research location. Five days of fieldwork were estimated to allow for around twenty interviews. However, in practice there was significant variation in output, based on whether the research team was able to split up into two independent units, including a lead researcher or a national researcher teamed up with a local staff member of one of the participating agencies.

The effectiveness of the study was enhanced by encouraging the involvement of local consortium staff. This has served to increase the outreach of the study, stimulate ownership of the research and enable local staff to acquire research skills and experience, and as such has contributed to the secondary aim of this research to develop a research tool for the local consortium field offices to serve as a starting point for continued monitoring of fragility-related interventions, perceptions and indicators.

Selection of research areas

The research sought to include a variety of contexts to encompass variations in the degree of fragility and associated potential variation in opinions and experiences. The research areas were selected on the basis of socio-cultural and agro-ecological diversity. The selected areas ideally represent the ethnic diversity and the various agro-ecological zones in each research country. The conflict dynamics and prevailing cleavages in the research countries, where ethnic groups represent important political and socio-cultural entities, make it crucial to reflect the ethnic composition of the population within each country. Agro-ecological zones to some extent reflect different livelihood systems. For example, in South Sudan, it was important to include areas with one cropping season and those with two, as well as pastoral and agriculturalist communities. The research areas were also selected to include both conflict-affected areas and relatively stable areas within each research country.

However, some biases remain. Instead of being randomly based on the criteria mentioned earlier, our selection was inevitably structured around areas where one or more consortium partners are active. The research team did seek to somewhat amend this bias by also venturing out into areas adjoining these consortium intervention areas. In Uganda, northern Uganda was singled out as a separate entity to the exclusion of the rest of the country, so that the research criteria exclusively reflect the diversity of that context only.

Identification and selection of target interviewees (groups and individuals)

Access to local civil society organisations was primarily organised through the existing partner networks of consortium partners and, where possible, of networks of other INGOs. A pre-selection of CSOs, including community-based organisations, local organisations (both formal and informal actors), INGO implementing agencies and key civil society representatives to be interviewed was made, based on recommendations from regional office staff in the selected areas, who were briefed in advance on the research approach. Interviews were held in the capitals of the three research countries with national government officials, some INGOs, national civil society organisations, professionals (lawyers, journalists, bankers) and few private companies.

The range of interviews covers efforts to combat fragility along the various dimensions associated with the issue, providing insights in the assessments of professionals both from civil society, government circles and the private sector. The inclusion of such a broad spectrum of civil society, which in South Sudan also included a number of actors actively involved in the New Deal pilot, has ensured a diversity of opinions, experiences and actions around the concept of fragility.

In addition to the field work, the research has taken stock of the existing research and literature on views and experiences of aid beneficiaries with regard to fragility and the range of actions and strategies deployed by them to overcome fragile situations. The information gathered from interviewees in the course of this research has been compared with key conventional paradigms in the fragility field to identify regional deviations in the research countries. However, it must be noted that the study was limited in the number of actors that could be interviewed, which mitigates against drawing any general conclusions.

In terms of the civil society organisations approached for the purposes of this study, a distinction was made between religious CSOs, service and development oriented CSOs, lobby and advocacy CSOs, representatives of professional groups e.g. trade unions, and professionals such as journalists, judges and influential community leaders. Each category includes a range of different actors, including INGOs, national NGOs and community-based organisations, including local solidarity groups and associations based on age, gender and livelihood activities. To ensure the broad representativity of our approach, efforts were made to include spokespersons for exemplary organisations across each civil society sector concerned. Any follow-up research would do well to expand on the range and number of professionals, community leaders and dissidents to provide even more broad-based information with regard to the variety of views and experiences with fragility in the different contexts within the research countries.

Annex B Aide Mémoire for the research on fragility

Questionnaire Civil Society Organisations (CBOs, local and national NGOs)

1. How do you view the role of civil society in your country? What should the government do and what should external agencies do?
2. What are the main fields of intervention?
3. What is your most successful intervention and why?
4. Does your organisation have the autonomy to determine its own priorities? If yes, how do you assess the overall context in which you operate and what are the priorities regarding the needs and constraints facing the local communities? If no, who determines your priorities based on which assumptions?
5. How do you rate your own effectiveness in the local context? How can you improve upon your actions? What is your opinion on the capacity of your organisation?
6. How do you view the effectiveness of other intervening agencies in the local context such as other local NGOs, CBOs, foreign INGOs and donors, local and national government agencies? Who performs best and why?
7. How does your organisation communicate and interact with local communities? Do you organise meetings and discuss priorities and implementing strategies with them? If not, why not. If yes, how and what have been the results?
8. Do you know of any local initiatives by communities to organise some of the basic services themselves? If so, please give examples. How do you rate their efforts?
9. How do you rate other the performance of other intervening agencies, organisations and the government in assisting communities? Who performs best and why? Who does not perform according to you and why?
10. Does the population have a say in public affairs? What is your opinion about the local administration (payam administrator, local chiefs)? What do you think of the involvement of higher government agencies; do they take into account the interests and ideas of local beneficiaries?
11. What are the major community issues that you are facing in your community? Do you feel that government (local and national) or other agencies are aware of these problems? If yes, what do they do to help? If no, why not?
12. What do you feel are the biggest threats to the security of your community? Is there anything you and your organisation can do to help resolve some of these threats? If yes, what do you do?
13. What is your opinion on how the government deals with inter-communal violence, (cattle rustling-relevant for the RSS and northern Uganda only), land conflicts and ordinary banditry? What do the local communities do to solve some of these issues?
14. Can you explain why certain conflicts are solved and others not?
15. What can be done at the national level to solve conflicts and increase community security?

Questionnaire government agencies

1. What is the main mandate of your organisation and how do you view your role? For the Republic of South Sudan the relevant levels are State, County and Payam. For Uganda the relevant levels are: District, Sub County and Village. For Burundi the relevant levels are; Province, Commune and Collines. Do you feel you have sufficient capacity both in terms of manpower and resources to fulfil your mandate adequately?
2. What are the main constraints for local people and communities; what are the important stress

factors? If the main constraints are socio-economic; what can you do about them? If the main constraints are political; what can you do to amend the situation? If the main constraints are related to the security setting; what can you do to alleviate the suffering of local people?

3. In what area has your agency been most effective, and why? What do you think about your own agency; is it functioning properly? If not, how can it be improved?
4. What is your opinion about the main role of other organisations such as local NGOs, CBOs, INGOs, and donors in your country? what should they do? Are there specific fields of interventions in which such organisations are more effective?
5. Do you make a distinction between various civil society organisations working at community level? If yes, on the basis of which criteria do you distinguish various categories of civil society organisations?
6. Do you communicate with people in local communities directly and if so, do you allow them to have a say in the way you plan your activities and execute them? If not, why not? If yes, can you give an example of how this works?
7. Do you know of local initiatives by communities to resolve problems at their level? If yes; please give examples.

Questionnaire INGOs and donor representatives

1. In which thematic areas do you provide assistance? Do you work solely through local/international counterparts and /or government agencies?
2. What are the main mandate and/or objective of your organisation in this specific context/region/ country?
3. What are the main constraints for local people and communities; what are the important stress factors and in which ways are these people and communities fragile? If the main constraints are socio-economic; what are you doing about them? If the main constraints are political; what can you do to amend the situation? If the main constraints are related to the security setting; what can you do to alleviate the suffering of local people?
4. What have been your results since you have become active I this country? Are you satisfied with those results? What do you think can be done to improve the effectiveness of your organisation?
5. In what area has your agency been most effective and why? What are the main constraints your agency is facing?
6. How do you rate the effectiveness of other organisations such as local NGOs, CBOs and local and national government agencies in this country regarding the alleviation of poverty and assistance to help overcome all type of vulnerability/fragility of the local population? Are there specific fields of interventions in which such organisations are more or less effective? What is the reason for the selective performance of these actors?
7. Do you make a distinction between various civil society organisations? If yes, on the basis of which criteria do you categorise civil society organisations?
8. Do you communicate with people in local communities directly and if so, do you allow them to have a say in the way you plan your activities and execute them? In case you work through other agencies and counterparts can you indicate what the requirements are on your behalf in this respect? How do you sound out the perceptions and opinions of ordinary citizens on whose behalf you claim to work?

Annex C Interviews by category of CSOs

	Burundi	South Sudan	Uganda
Government	5	7	7
Donors	2	3	3
INGOs	5	7	5
Chiefs	2	2	2
Media	3	1	2
Trade Unions	4	-	1
CBOs	8	11	5
Political CSOs	4	3	5
Lobby and advocacy CSOs	8	2	5
Faith Based CSOs	3	2	4
Development CSOs	1	6	5
Independent Professionals	2	1	3
Peace building CSOs	-	3	-
Total 142 interviews	47	48	47

Annex D Fragile states definitions

AUSAID	Fragile states are countries that face particularly grave poverty and development challenges and are at high risk of further decline - or even failure.
	Government and state structures lack the capacity (or, in some cases, the political will) to provide public safety and security, good governance and economic growth for their citizens.
DFID	Those states, where the government cannot or will not deliver core functions to the majority of its people, including the poor...DFID does not limit its definition of fragile states to those affected by conflict.
DGIS	(Fragile) States are the least likely to achieve the Millennium Development Goals. The countries in these regions are in a post-conflict, transitional phase. They all need an international peace force to guarantee stability in the region, which is a prerequisite for sustainable development.
OECD- DAC	Fragile states can be a global threat. Terrorism, refugees, migration flows and drug-related crime can all too easily affect other countries.
	When governments and state structures lack capacity—or in some cases political will—to deliver public safety and security, good governance and poverty reduction to their citizens...four categories...deteriorating, violent, improving and transition (Sara Pavanello, 2008)
Stewart and Brown	States that are failing, or at risk of failing, with respect to authority, comprehensive service entitlements or legitimacy (Stewart and Brown, 2009)
USAID	There are two categories of fragile states: vulnerable and in crisis. The former are those states unable or unwilling to adequately assure the provision of security and basic services to significant portions of their populations and where the legitimacy of the government is in question, this includes states that are failing or recovering from crisis.
	In crisis: central government does not exert effective control over its own territory or is unable or unwilling to assure the provision of vital services to significant parts of its territory, where legitimacy of the government is weak or non-existent, and where violent conflict is a reality or a great risk (Sara Pavanello, 2008).
World Bank ¹⁰²	“Fragile states are characterised by very weak policies, institutions and governance. Aid does not work well in these environments because governments lack the capacity or inclination to use finance effectively for poverty reduction.” (Sara Pavanello, 2008)

Based on: Canavan (2008)

¹⁰² The World Bank has recently replaced the term Low-Income Countries Under Stress (LICUS) with fragile states, while retaining the same criteria to identify these countries.