ENUGU FORUM POLICY PAPER 3

DEBATING POLICY OPTIONS FOR NATIONAL DEVELOPMENT

UNDERSTANDING CIVIL SOCIETY/ GOVERNMENT ENGAGEMENT

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T o p i c :

UNDERSTANDING CIVIL SOCIETY/ GOVERNMENT ENGAGEMENT

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ABOUT ENUGU FORUM

INTRODUCTION

Opening new spaces for domestic policy dialogue is one of the most important potential gains of democratic governance. Democratic space creates public policy arena in which government can be engaged by private sector and civil society on what it is doing or not doing, and hence be pressured to perform. Since the return to democratic rule in 1999, there has been an upsurge of private sector and civil society engagement with governments on economic policy and development issues. But, the upsurge of civic advocacy on economic and development issues has not been matched with commensurate improvements in the quality of debates on policy alternatives and roadmaps for national development.

ENUGU FORUM is intended to provide a civic arena for proposing and debating policy alternatives and roadmaps towards social, economic and political progress of the country. It is hoped that the FORUM will foster interaction between government and non-state actors towards good governance, accountability and participatory democracy.

IDENTITY AND MISSION

Enugu Forum is a civic platform devoted to intellectual conversation and of policy issues affecting the growth and development of the country. It was founded in 2001 to promote informed and credible avenues of stakeholder dialogue and policy advocacy. It seeks to improve the policy process through high quality debate and non-partisan discourse of alternative solutions to contemporary development questions.

The Forum deploys both intellectual and empirical insight to nurture a shared understanding and objective scrutiny of policy issues on social, economic and political development of the country.

ACTIVITIES

Enugu Forum's activities take several forms:
- Public Lectures
- Seminars
- Workshops

- ◈ Conferences
- ◈ Roundtables

The activities bring together diverse stakeholders including government officials, private sector operators, independent think-pots and civil society to exchange and constructively critique perspectives and experiences on critical policy imperatives. Attendance is by formal invitation.

OUTPUTS

The outputs of the Forum's activities take the form of communiqué outlining key outcomes of discussions, conclusions and recommendations. The presentations and proceedings are further developed into Occasional Papers, Working Papers or Policy Briefs widely circulated to inform, sensitise and enlighten stakeholders.

STRUCTURE AND ORGANISATION

Enugu Forum is structured into a Steering Committee, a Coordinating Committee and the General Members. The Steering Committee governs the Forum through guides and policies agreed in consultation with the General Members. The Coordinating Committee executes the activities and programmes.

MEMBERSHIP

There are two classes of membership: individual and corporate. The Forums' activities are open and can be attended by all interested persons but formal invitations are issued to members and designated guests only. To be a member, one needs to register in the appropriate category. Registration can be done during the Forum's events, or at the Host Organization - *African Institute for Applied Economics, Enugu.*

SPONSORSHIP

Ownership of the Forum resides in the members. It is run on the goodwill contributions from corporate

bodies and individuals. Sponsorship includes provision of venue, refreshments, logistics, and facilitation of Guest Speakers and Resource Persons.

HOST INSTITUTION

The Enugu Forum is hosted by the African Institute for Applied Economics (AIAE) Enugu. AIAE is a non-governmental, not-for-profit and independent organization devoted to economic policy research for the purpose of promoting evidence-based decision making. It is located at 128 Park Avenue, GRA, Enugu, Phone: (042) 256644, 256035, 300096; Fax: (042) 256035. E-mail: aiaeinfo@aiae-nigeria.org, aiae@infoweb.com.ng; http://www.aiae-nigeria.org

ENUGU FORUM POLICY PAPERS

Enugu Forum Policy Paper Series publishes the proceedings and outcomes of workshops, conferences, seminars or public lectures held by the Enugu Forum. The Series provides documentation of the topical presentations, debate, comments and perhaps consensus at the Forum.

It is intended to disseminate the Forum's intellectual discourse to a wider audience. The essence is to stimulate broader policy debate and promote multi-perspective dialogue on policy options.

Enugu Forum Policy Papers constitute an advocacy instrument to canvass alternative development solutions and policy roadmaps, for the overall purpose of enriching the policy discourse in the country. The Series also draws attention of government, private sector and civil society to salient dimensions of contemporary development challenges in Nigeria.

Series Editors:
Eboh, Eric Chiedum
Ukeje, Stanley
Ibe, Chidiebere
Ikpo, Kobi P.

Abstract

Modern states are built on the platform that stands on four pillars - informed/engaged citizenry, civil society, private sector, and government. Each has a role to play in the sustenance and development of the political economy. However, public policy which ought to be the responsibility of the government has to have civil society and citizens' involvement and input to make it more inclusive, acceptable, credible and transparent. More often than not the voice of the citizens is echoed through the civil society. However, the extent to which civil society participates in public policy is largely dependent on the space and support which the government is willing to give. In other words, the government must be willing to guarantee freedom of association, freedom of expression, and an environment that supports dialogue in order for the people to give vent to their opinions and be able to engage the government. Besides, government should be able to provide resources which are required for civil society activities.

There are typically three types of civil society engagements with the government resistance, inclusion, and implementation. These imply that the civil society ought to relate with the political system – the executive and legislature to provide direction and insight into the formulation and implementation of public policy. Besides, it ought to monitor and provide feedback on public policy (that is to provide the watchdog function). In civil society relation with the government, it should be able to reject bad policies and stand to ensure that such policies are not approved and implemented while providing alternative policy direction to the government. The engagement ought to be constructive for good governance and overall well-being of the citizens.

The citizens also have to engage the government in the public policy process especially in the formulation and implementation monitoring. Creating an 'engaged' citizen requires intellectual capital, and knowledge. Freedom to information will provide this knowledge, while intellectual capital must be combined with social capital in effective education for engagement in political and civic life. An informed citizenry in an atmosphere of trust and freedom will eventually create the civic institutions that ensure a healthy relationship between the state and civil society for nation building.

UNDERSTANDING CIVIL SOCIETY/ GOVERNMENT ENGAGEMENT

Understanding Civil Society/Government Engagement

✎ Presentation will be in four sections:
1. Definitions
2. Role of Government
3. Role of Civil Society
4. Creating an "Engaged" Citizen

I would like to begin by thanking my friends at the African Institute of Applied Economics for inviting me to Enugu to discuss the issue of engagement between civil society and government, especially as it pertains to our context in Nigeria.

I would also like to stress that the views expressed here are mine and mine alone. They should not be seen as representative, in whole or in part, of the various organizations that I am professionally associated with – Management Systems International (MSI) and, via the PROSPECT project – USAID Nigeria.

My presentation is premised upon what I consider a simple truth: that the engagement of citizens with the institutions and operations of their communities and government is a central characteristic of a strong democracy.

Defining Civil Society

- "the arena in which people come together to pursue the interests they have in common. As such, it includes all organizations and associations between family and state, except firms [businesses]" – World Bank
- "the arena, between family, government, and market where people voluntarily associate to advance common interests" - CIVICUS

In a former life as an academic, I used to implore my students to begin their research, essays, etc., with a definition of the concepts which were central to their work and, in keeping with approach, I have provided two definitions (from the World Bank and CIVICUS respectively) as to 'what' civil society is.

These definitions contain two important ideas. First, civil society is defined by what it is not - it is not government, not family, not business. It is everything else about societies. It thus is so inclusive as to make it extraordinarily difficult to describe precisely what it is.

Second, both suggest that the key distinguishing element of civil society is that it is based on voluntary association. By extension, then, it suggests that freedom of association is critical to the development of strong civil society.

Paradox…

- It is at this point that the key paradox emerges: civil society is not government, but in the main, it owes its very existence to government and, specifically, to the willingness and ability of government to ensure freedom of association and, thus, create the 'space' required for civil society.

Essentially by definition, the organized institutions of civil society - variously called associations, nonprofit, organizations, nongovernmental organizations, voluntary organizations, etc. - cherish their independence from government and work hard to ensure it. But were it not for government, they would not and, more importantly, could not exist, except in very rudimentary forms.

Roles of Government

- Government thus both ensures the existence of civil society and acts in ways that regulate it. In doing so, it also interacts with civil society in ways that define the terms of that interaction.
- CIVICUS breaks this interaction into 3 types:
  - Civic Existence
  - Civic Expression
  - Civic Engagement

Civic Existence - creating a legal environment that allows for civil society to exist. Central to civic existence is ensuring freedom of association. Citing this as an internationally protected right, Fowler argues that "governments have an obligation to allow citizens to exercise this right, be it formally or informally".

Civic Expression - ensuring the autonomy and capacity of civil society to perform. At the core of this is acting to maximize the availability of the resources required by the organizations of civil society. This may be done through laws defining the tax status of such organizations or by direct allocation of resources by government.

Civic Engagement - ensuring the right of civil society to engage with government and other elements of society in the formulation of public policy, in dialogue on critical societal issues, and in influencing the behavior of government. This requires creation of conditions that allow and enable civil society to participate in political processes.

Roles of Government

✍ What then are specific roles of government in relation to civil society? Here are eight possibilities:

1. Legal conditions that allow for the existence of civil society.
2. Extension of laws, regulations, and policies encourage the active participation of individual citizens in the work of civil society.
3. Government understands that it has an affirmative obligation to ensure the availability of resources for civil society organizations and takes actions consistent with that obligation
4. Government acts to build the capacity of civil society organizations to perform effectively.

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1. Government creates and ensures the legal conditions that allow for the existence of civil society. This includes but is not limited to laws which both guarantee and operationalize freedom of association. It also includes removal of legal, regulatory, or policy barriers to the existence and work of civil society.

2. Government extends that laws, regulations, and policies encourage the active participation of individual citizens in the work of civil society. This means, if necessary, legalizing the concept of volunteering. It also means ensuring such related rights as freedom of speech.

3. Government understands that it has an affirmative obligation to ensure the availability of resources for civil society organizations and takes actions consistent with that obligation. This means allowing for and encouraging, through tax law, the giving of financial and other resources to civil society organizations in support of their work - through individual contributions, the establishment of private foundations, and the legality of corporate philanthropy. It also may mean providing the resources controlled by government to civil society organizations and/or the use of those organizations in vendor roles to deliver services that fall under the responsibility of government to provide.

4. Government can act to build the capacity of civil society organizations to perform effectively. This may be done through the provision of financial resources, through assumption of the responsibility to provide training and technical assistance to civil society organizations, or through programs that encourage and enable the participation of civil society organizations in the processes of government.

Roles of Government

5. Leadership role.
6. Invite and enable civil society participation democracy-building activities.
7. Invite and enable civil society participation in the formulation of public policy.
8. Invite and enable civil society participation in the planning, implementation and monitoring.

5. Government can play an essential leadership role in creating a public environment that places high value on the concept of civil society, on the work of civil society organizations, and on volunteering as a fundamental building block of civil society.
6. Government can invite and enable, through laws and its practices, the participation of civil society in the electoral system including programs for civic education, voter education and mobilization, and democracy-building activities.
7. Government can invite and enable the participation of civil society organizations in the formulation of public policy. This may include allowing their engagement with policy-makers in both executive and legislative branches of government and utilizing civil society organizations as experts on the issues under consideration by government.
8. Government can enable the participation of civil society in the planning and implementation of development activities, including direct engagement of those most likely to be affected by the work, particularly in macro projects (for example water and sanitation projects in rural areas).

Attitudes

- Simply put, it is not only what government does but how it does it.
- The role of government in relation to civil society begins with the attitude of government toward civil society.

A government that is antagonistic to the very concept of civil society is unlikely to act in ways that provide for the civic existence, expression, and engagement. But, at least, such antagonism usually is obvious and, thus, it may be possible to address it head-on.

More insidious is when government accepts the concept but is not enamored with the specifics of civil society, when there is antagonism to particular roles played by civil society or even to particular actors within civil society. It is easy to say, " I may not agree with what you say but I will defend to the death your right to say it," than it is to practice it, particularly in environments in which civil society acts as watchdog over and vocal opponent of government.

Recent Developments

i.   Why does government want to develop civil society?
ii.   Is there a consensus within government about the value of civil society?
iii. Is there an understanding of the roles played by civil society and an acceptance of the diversity of structures, activities, and views that are inherent in a dynamic civil society?
iv.   Is there a focal point for leadership within government that is appropriately placed to be able to engage with civil society at a policy level and to engage across government with key players in both executive and legislative branches?

Recently the federal government in Nigeria (and here I am referring to my specific interaction in the area of economic reforms) appears to be making a sincere and concerted effort to develop civil society. Nevertheless, it is critically important that it put its own house in order first.

Therefore, we need to ponder the following questions.
- *Why does government want to develop civil society?*
- *Is there a consensus within government about the value of civil society and about the desirability of government efforts on its behalf?*

- *Is there an understanding of the roles played by civil society and an acceptance of the diversity of structures, activities, and views that are inherent in a dynamic civil society?*
- *Is there a focal point for leadership within government that is appropriately placed to be able to engage with civil society at a policy level and to engage across government with key players in both executive and legislative branches?*

Recent Developments

v. Is there a willingness to accept the leadership of civil society in determining the role of government in relation to it?

vi. Is there a willingness and the requisite skills to engage effectively with civil society, not to act behind closed doors but to act with transparency and full disclosure?

vii. Are there protections in the process of engagement to ensure that the work does not become bogged down?

viii. Is government willing to provide the resources, including money, that likely will be required to enable civil society to engage with it?

Thus far I have been discussing the role of government towards civil society and I have started with this perspective because there does seem to be an opening of 'space' for constructive interaction. However as the preceding has touched upon, there is the need for critical reflection to ensure that the opportunities created are real.

The Role of Civil Society

- Vast majority of Nigerian CSO do not relate with the political system.
- Primarily concerned with direct service delivery or socio-cultural activities.
- Many CSOs do not understand how public policy is formulated or whether or not it is implemented.
- In particular, the political economy of public policy is largely 'unknown territory'.

The Role of Civil Society

- Types of Civil Society Engagement
  - Resistance
  - Inclusion
  - Implementation

Where we do see civil society engagement in public policy, in tends to be in three types:

Generally the most prevalent and visible engagement of civil society with the public policy making system is to resist policy reform. Highly publicized cases of protest against large dams and industrial

projects underscore this point.

Civil society action begins when policy has actually been made and gets presented in the public domain. It is then that civil society organisations recognise that these policies may have negative impacts on their constituencies. It is then that direct engagement with the policy system occurs. Direct field action through popular mobilization and innovative means of protests on the street are the dominant forms of engagement with the policy system in such an eventuality.

Less frequent and less visible is the second type of engagement. This engagement by civil society results in <u>inclusion</u> of certain constituencies and perspectives in policy making. For example, a number of public policies for urban poor primarily focus on slum-dwellers who have an identified location of living, - illegitimate, illegal - as it may be. However, pavement-dwellers and invisible street children get neglected in public policy on urban poor unless specific civil society engagements have been made to highlight their plight and contribution. Thus, policy inclusion as a mode of engagement by civil society can have long term policy gains for the marginalized communities.

Least visible and rarely analyzed is the third form of civil society engagement which implies <u>implementation</u> of already existing progressive public policies. In democratic regimes of many nations legislations and public policies on minimum wages, delivery of services, etc. have a long history. But the political economy of officials of the government machinery creates insider-vested interest against actual implementation of such progressive public policies.

Many government officials and political leaders are part of the problem in the implementation of such policies favorable to the interests of the marginalized.

Civil society engagement works towards authentic implementation of policies and access resources of government programs to actually rehabilitate them in a sustainable livelihood etc.

However, many advocates of civil society do not consider this type of intervention as relevant to policy reform at all. It is accorded a somewhat low level of importance since the excitement of creating a new policy or resisting visibly a new policy is absent in this slow incremental plodding that policy implementation actually entails. Dealing with local level government officials and local vested

interests requires more careful balancing of confrontation and cooperation strategies.

However, civil society contributions in the area of implementing public policy commitments have become the most urgent arena for action. Many public policy commitments are not even converted into proper operational rules and procedures; many public policy commitments remain at the level of generality in the legislations arenas; many public policy commitments gather dust in the bureaucratic labyrinth of district offices. It is this arena where sustained and systematic civil society engagement can bring far more concrete results in favour of the marginalised than has been acknowledged so far.

Creating the 'Engaged' Citizen

- Requires intellectual capital.
- Development of intellectual capital involves the conjoining of content and processes--basic subject matter and cognitive processes and skills.
- Strategies can help us process knowledge, but first we have to have the knowledge to process.

Political and civic engagement, the constructive interactions of citizens with their civil society and government, requires intellectual capital – knowledge of democratic principles and practices and cognitive capacity to apply it to public affairs.

Institutes such as this one here in Enugu can play a critical role through the development of well-designed and delivered courses in civics, government, and economics. Knowing what I know of the African Institute for Applied Economics I am aware that these are common aspirations and that Dr. Eboh and his colleagues need no encouragement to undertake the tasks. But I want to offer a few thoughts on how to proceed.

The work you undertake needs to be firmly based on key ideas, information, and issues of Nigeria's

past and present. This, in turn, will enable citizens to acquire a fund of civic/political knowledge that can be called upon to comprehend, cope, and otherwise interact successfully with the issues, problems, and challenges of their civil society and government.

Development of intellectual capital involves the conjoining of content and processes – basic subject matter and cognitive processes and skills. To elevate one over the other – content over processes or vice versa – is a pedagogical flaw that impedes achievement of learners.

Further, some ideas, information, and issues are more worthy of emphasis than other subject matter in education for engagement in democratic civil society and government. For example, common knowledge of core principles and practices of democracy among students is a prerequisite to the development and maintenance of an active community of self-governing citizens. Without this kind of knowledge, citizens are unable to analyze public policy issues or problems, make cogent decisions about them, or act intelligently to resolve them.

Creating the 'Engaged' Citizen

- Intellectual capital must be combined with social capital in effective education for engagement in political and civic life.
- A key element of social capital is trust among the citizens of a community.

DEVELOPMENT OF SOCIAL CAPITAL FOR THE ENGAGED CITIZEN

Intellectual capital must be combined with social capital in effective education for engagement in political and civic life. Social capital consists of participatory skills and civic virtues or character traits necessary for the constructive engagement of citizens with their civil society and government.

Examples of civic virtues are civility, honesty, self-restraint, tolerance, compassion, patriotism, respect for the worth and dignity of each person, concern for the public good, and social trust.

A key element of social capital is trust among the citizens of a community. People who trust one another can cooperate to achieve common objectives. Conversely, alienated, atomized, or cynical people are likely to stay outside civil society in a marginalized domain of inefficacy. Political scientist Robert Putnam explains, "By analogy with notions of physical capital and human capital – tools and training that enhance individual productivity – social capital refers to features of social organizations such as networks, norms, and social trust that facilitate coordination and cooperation for mutual benefit" (1995).

Development of social capital can be achieved through experiential learning in concert with academic, cognitive-based learning activities. For example, civic virtues and participatory skills can be developed through methods of cooperative learning and service learning. Cooperative learning experiences involve students working together in small groups to achieve common goals. And service learning involves students participating together in projects that serve the public good in the school or the community outside the school.

Learning experiences that involve cooperation and community service provide opportunities for students to practice skills and behavior that in time become habits of responsible citizenship. Development of these elements of social capital for the engaged citizen is likely to be enhanced when cooperative and service learning experiences are connected systematically to the development of intellectual capital through lessons about academic subject matter. For example, principles of democracy that students learn through formal academic activities in the classroom should deliberately be applied to service learning experiences in the community outside the school. And students should be required to reflect upon the connections of core academic concepts and service learning experiences (Youniss and Yates 1997, 135-153).

Concluding thought

- Democratic governments cannot long exist in environments that lack a dynamic, viable civil society.
- Thus, it is incumbent on both those in government and for members of civil society to take actions that will ensure the health of civil society.

But, as noted above, these actions are as much about how they are done as what is done. Grudging action by dominant government may be helpful to civil society in the long-run but does not create the atmosphere and framework for the kind of partnership that can be forged between the two sectors. Cynicism and the lack of civility amongst members of civil society is equally problematic.