2010 Sustainability Index of NGOs in Sub-Saharan Africa

Indice 2010 de pérennisation des ONG de l'Afrique sub-saharienne

2010 INDEX OF SUSTAINABILITY OF NGOs SUB-SAHARAN AFRICA

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 INTRODUCTION USAID is proud to present the second edition of the Index of NGO Sustainability for Sub-Saharan Africa (IPONG). The IPONG reports on the overall sustainability of the NGO sector in nineteen countries in Sub-Saharan Africa, namely the countries of East Africa, West Africa, and Southern Africa. The IPONG complements the Index of NGO Sustainability for Central Europe, Eastern Europe, and Eurasia, whose fourteenth edition was published in November 2010. Given the growing role of civil society and its role in development, the Index will expand to two new regions in 2011: the Middle East and North Africa, as well as Afghanistan and Pakistan. This series of publications will then carry a new name. Given the wide range of non-profit civil society organizations (CSOs) that have always been covered by these reports, this publication will now be called the 'Index of Sustainability of CSOs'. The IPONG highlights the advances and setbacks of NGOs, which are examined collectively as a sector, and allows for comparisons over time between countries and sub-regions. The Index is a useful and unique tool for local NGOs, governments, donors, universities, etc., and helps to understand and measure the sustainability of the NGO sector, as well as the changes and evolution of trends. The Index analyzes and assigns ratings to seven interdependent dimensions: legal context, organizational capacity, financial viability, advocacy, service provision, infrastructure, and public image. The average of these ratings is established to obtain an overall sustainability score. A panel of practitioners and experts from NGOs in each country assesses the sector's performance in each of the seven dimensions. A Washington-based editorial committee, composed of technical and regional experts, then analyzes the findings of this panel. Based on their ratings, countries are grouped into three main categories of NGO sustainability: enhanced sustainability, progressing sustainability, and constrained sustainability. Details on the methodology applied for establishing the ratings are provided in Sections 1 through 3 (pages 10-18). This type of publication would not be possible without the contribution of many actors. Special thanks from the Index team are listed on the following

page. We would like to express our deep gratitude to all local NGO experts and all donors who participated in the group discussions in each country. Their knowledge, observations, and contributions form the foundation upon which this Index is based.

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iv 2010 INDEX OF SUSTAINABILITY OF SUB-SAHARAN AFRICA ACKNOWLEDGEMENTS Angola Fern Teodoro, World Learning Burundi Melchoir Ndayimirije, Government Action Observatory (OAG) DRC Baudouin Hamuli Kabarhuza and Justin Kangwenyenye Kazige, National Center for Development Support and Popular Participation (CENADEP) Ethiopia Debebe Hailegebriel, Independent Legal Consultant Gabon Protet Judicaël Essono Ondo and Marc Ona Essangui, NGO Brainforest Ghana Dr Emmanuel Akwetey and Douglas Quartey, Institute for Democratic Governance (IDEG) Guinea Abdoulaye Diallo and Aziz Diop, National Council of Civil Society Organizations of Guinea (CNOSCG) Kenya Faith Kisinga Gitonga, ACT Liberia Pewu Subah and Precious Cee, Subah-Belleh Associates Mali Soumana Doumbia, National Center for Support and Training for Human Resource Development (CENAFOD) Mozambique Phillip Machon and Joao Pereira, Civil Society Support Mechanism (MASC) Nigeria Umaru Ibrahim Yakubu, Center for Research and Documentation (CRD) Rwanda Jean Claude Ngendandumwe, Jean Bosco and Peter Muvara, Council of Consultation of Organizations Supporting Grassroots Initiatives (CCOAIB) Senegal Momar Talla Kane, Boubacar Seck, Council of NGOs Supporting Development (CONGAD) Sierra Leone Maynard Cox-George, The Sierra Leone Association of Non-Governmental Organizations (SLANGO) South Africa Yvette Geyer, Idasa Tanzania Theo Macha and Georgia Beans, Pact Tanzania Uganda Arthur Larok and Festus Kahiigwa, Uganda National NGO Forum Zimbabwe Maria Mache, Crisis in Zimbabwe Coalition

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2010 INDEX OF SUSTAINABILITY OF NGOs IN SUB-SAHARAN AFRICA v Project Managers Management Systems International, Inc. Lisa Slifer-Mbacke Paul Diegert The International Center for Not-for-Profit Law Catherine Shea Jennifer Stuart Elaine Scudder Editorial Committee USAID: Mark Billera, Kellie Burk, Claire Ehmann, Edward Gonzalez, Jeremy Meadows, Eric Picard Aga Khan Foundation: Sarah Comer, Hussein Faruque MSI: Lisa Slifer-Mbacke ICNL: Stephan Klingelhofer, Catherine Shea Regional Experts: Boichoko Abraham Ditlhake, Jacob Mati, Paul Takow Translation from English Kamar Bencrimo *Additional funding was provided by the Aga Khan Foundation to expand this report and include Kenya, Mali, Tanzania, and Uganda.

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2010 INDEX OF SUSTAINABILITY OF NGOs IN SUB-SAHARAN AFRICA 1 ANALYTICAL SUMMARY Whether it is to address landslides in Uganda, combat corruption in Burundi, or confront the AIDS pandemic in Mozambique, NGOs in sub-Saharan Africa are actively working to meet the challenges their countries face.1 The civil society sector in the 19 countries covered by this year's Index exhibits great diversity in terms of size and influence. While Kenya is home to over 350,000 NGOs, Sierra Leone's sector includes barely 285 registered NGOs, of which 118 are international organizations. In Tanzania, the dynamic NGO sector actively participates alongside the government in the country's policies and provides vital services to vulnerable communities. In contrast, Angolan NGOs must struggle to operate in a restrictive environment that leaves little room for advocacy or service provision. The effectiveness of NGOs in bringing people together to identify, advocate for, and implement solutions to problems inherent in their societies depends

on various factors measured in the NGO sustainability Index, such as the legal context, access to funding, organizational capacity, access to training and support services, and public image, as well as specific historical and cultural factors. Change is the main focus of this year's Index. The first edition of the sub-Saharan Africa NGO sustainability Index, published last year, aimed to establish accurate baseline data and describe the overall state of the civil society sector in the covered countries. This year's report focuses on the situation in 2010, emphasizing changes, whether positive or negative, that occurred during the year. This year's Index shows that there has been more improvement than deterioration over the past year. Five countries—Burundi, Guinea, Kenya, Liberia, and Mali—have indeed improved their overall sustainability this year. While some countries have regressed in certain dimensions of sustainability, no country experienced an overall deterioration in sustainability this year. The year 2010 was marked by significant political changes in several of the countries covered by the Index, and NGOs were at the heart of these movements. Guinea, for instance, launched a democratic transition in 2010, leading to presidential elections in November. NGOs were at the forefront of the fight for a return to constitutional order, urging the military junta to step down and participate in the transitional government. They played a key role in the elections. Their efforts in civic education for voters and election observation helped ensure the transparency of the elections. In Nigeria, NGOs succeeded in pushing the National Assembly and the Federal Cabinet to transfer power to the then Vice President due to the health issues of the President. Kenya adopted a new constitution in August 2010 that establishes a rigorous legal and institutional framework promoting good governance, human rights, the rule of law, as well as the safety and security of all citizens. NGOs played an essential role in raising awareness among citizens about the provisions of the constitution before and after its adoption. Elections dominated the political landscape of 2010 in several other countries. In Burundi, for example, the highly controversial electoral process was marked by rising tensions and escalating violence, such as grenade attacks, arson, targeted assassinations, and arrests. Despite intimidation and threats from the ruling leaders, NGOs remained active during the electoral period. They demanded that political parties publish their platforms, supervised the elections, and contributed to the revision of the electoral law. Tanzania, on the other hand, held general elections on October 30. NGOs debated the independence and impartiality of the national electoral commission and engaged in civic and electoral education and election observation. In Zanzibar, NGOs actively participated in discussions that led to the adoption of a new

constitution and a national unity government. NGOs in Liberia and Uganda undertook a multitude of activities in anticipation of the 2011 elections. At the same time, NGOs in countries as diverse as Ethiopia and South Africa faced increased pressures from the state. In Ethiopia, a virtual political monopoly allowed the Ethiopian People's Revolutionary Democratic Front (EPRDF) to severely restrict freedoms of expression, assembly, and association. In this country, it is indeed prohibited for NGOs to engage in activities on controversial topics such as human rights and conflict resolution, as described in more detail below. In South Africa, NGOs are resisting a shift in government policy and practices leaning towards centralization. In 2010, South African NGOs faced increasing political pressure from the state, including the withdrawal or refusal to fund NGOs that are critical of the government. Interestingly, this trend particularly affected social service organizations, which are more likely to rely on funds provided by the state. The levels of development of the various civil society sectors examined in this report are characterized by great diversity. However, they all continue to evolve: indeed, not a single score in the Africa Index is assigned to the highest development category, enhanced sustainability. More than two-thirds of the countries covered by the Index continue to fall within the intermediate phase, progressing sustainability, while the remaining six countries (Democratic Republic of the Congo, Burundi, Gabon, Ethiopia, Guinea, and Angola) fall under constrained

sustainability, the lowest category. South Africa continues to have the strongest civil society sector among the countries covered by this year's report. In fact, in addition to holding the highest overall score, South Africa has the best scores in each individual dimension, except for infrastructure. At the other end of the spectrum, Angola has the lowest overall score and shares the last place for certain dimensions with Ethiopia (legal context and advocacy), Burundi (organizational capacity), and Guinea (financial viability and infrastructure). No distinct sub-regional trend is perceptible in this year's NGO sustainability Index. In fact, the three best- rated countries each belong to one of the sub-regions: South Africa, Kenya (West Africa), and Senegal (West Africa), just as the three lowest-rated countries: Angola (Southern Africa), Guinea (West Africa), and Ethiopia (East Africa). The regional averages for overall sustainability are virtually identical. The NGO sustainability Index for sub-Saharan Africa has focused on establishing an accurate baseline that describes the state of the civil society sectors of the countries concerned. With a new year of available data providing a more accurate picture of the civil society sectors in these countries, it has become apparent that some of the original scores needed to be adjusted to ensure reasonable comparisons between countries. Consequently, the Editorial Committee retroactively adjusted some scores from 2009 for the following countries: Burundi, DRC, Ghana, Kenya, Liberia, Mali, Mozambique, Rwanda, Senegal, Sierra Leone, and Tanzania. The adjustment of scores in certain dimensions resulted in a slight variation in the overall sustainability score for Burundi, DRC, Liberia, and Mali. These adjustments were not made lightly, and the Editorial Committee does not doubt that these minor adjustments will improve the comparability of scores between countries and over time in this Index as well as in future Indices. The 2009 scores indicated in this publication are the adjusted scores.

 Legal Context The political environment and the legal framework in which NGOs operate significantly affect their ability to fulfill their roles as service providers and advocates. The legal context for NGOs in Sub-Saharan Africa varies greatly from country to country. In South Africa, NGOs benefit from the most permissive legal context among the countries covered by this year's Index, although they are experiencing a gradual encroachment on their freedoms and increasing political pressure from the state, such as the withdrawal or rejection of funding for NGOs that are critical of it. Several countries improved the operational environment for NGOs in 2010. Thus, the legal context for NGOs in Kenya significantly improved with the adoption on August 27, 2010, of a new constitution that protects the freedom of assembly, thereby providing civil society with a strong legal basis to carry out its activities. The registration of NGOs in Ghana has been facilitated by the decentralization of the process. In Liberia, it was also facilitated in 2010 with the establishment of a one-stop shop for registration; however, in this country, online registration, also expected for 2010, was delayed due to a change in the leadership of the NGO coordination unit at the Ministry of Planning. Following years of advocacy by NGOs in Mali, the state finally amended the NGO law in 2010, thus decentralizing the distribution of public funds to NGOs. Intolerant governments that fear the power and influence of NGOs often use the legal context to control them. Ethiopia, for example, has one of the most restrictive legal contexts in Sub-Saharan Africa. In this country, the Charities and Societies Law in effect since September 2009 significantly restricts the free exercise of NGO activities and their access to foreign funds. NGOs must now choose to register as Ethiopian organizations, residents in Ethiopia, or foreign organizations. The vast majority of funding sources for Ethiopian organizations must be local; no more than 10% of revenues can indeed come from foreign sources. Resident and foreign organizations can, on the other hand, benefit from unlimited foreign funding, but cannot intervene in critical areas such as human rights, gender equality, children's rights, and the rights of persons with disabilities, conflict resolution, and the effectiveness of the justice sector. The

environment in which NGOs operate also deteriorated in several other countries in 2010. In the DRC, NGOs dedicated to promoting and defending human rights have long suffered from government intolerance. The situation sharply worsened in 2010 with the murder, abuse, and detention of civil society activists. Similarly, in Uganda, staff and volunteers from NGOs focusing on civic education in the lead-up to the 2011 elections were arrested and faced physical threats and psychological abuse in 2010. In Senegal, NGOs also had to face a stricter legal context. In November 2010, the decree governing NGOs was unilaterally amended to grant the state greater control over NGOs, including an annual review of their funds by the Ministry of Economy and Finance. Senegalese NGOs that dared to criticize the actions or services of the state also faced criticism and threats from the government. In many countries, NGOs are eligible for tax exemptions. However, NGOs in the DRC, Gabon, Ghana, Guinea, Liberia, South Africa, Tanzania, and Uganda all report difficulties accessing these benefits due to bureaucratic procedures. In general, legal experts specializing in NGO legislation are few in Sub-Saharan Africa, and NGOs struggle to afford such services when they exist. Organizational Capacity The organizational capacity dimension measures the internal capacity of the sector and concerns the creation of interest groups, strategic planning, internal management and governance, staffing, and technical progress. Only two countries (Rwanda and Mali)

reported a change in their organizational capacity this year. Rwandan NGOs have indeed strengthened their organizational capacity with the support of various donor-funded programs that have focused on operational capacities, communication and advocacy skills, and governance. In Mali, NGOs are increasingly using internal procedure manuals and meetings to organize their work and are increasingly benefiting from a rise in volunteering among youth and retirees. The separation of management and governance bodies within an NGO is a common problem in Sub-Saharan Africa. Often, NGO founders make all the decisions, and boards of directors exist only in theory. For example, while NGOs in Angola are legally required to have a board of directors, a World Learning study concludes that less than 10% of NGO boards have met since their organizations were established. In most organizations, a single person, often the founder, sets the directives and holds executive power. Due to financial constraints, many NGOs are unable to pay competitive salaries to their staff. As a result, NGOs suffer from high staff turnover. Mozambique, Rwanda, and South Africa all report that NGOs often lose recruits who leave for international NGOs, public agencies, or companies that can offer them more stability and better benefits. Volunteers are the backbone of the sector in several countries. For instance, in Rwanda, many NGOs rely on the efforts of local volunteers. In Mali, the Agency for the Promotion of Youth Employment (APEF) placed 2,000 young volunteers in NGOs in 2010; Malian retirees also voluntarily offer their services to NGOs. However, NGOs may find that relying on volunteers comes with costs. Both Mozambique and Senegal indicate that NGOs often provide transport allowances to volunteers to maintain their motivation. Furthermore, NGOs sometimes struggle to find the right combination of skills at the volunteer workforce level and to motivate volunteers in the long term, complicating their efforts in planning and implementing long-term projects. The strategic planning of Sub-Saharan African NGOs, when implemented, remains a largely theoretical exercise, with missions and plans frequently changing according to the availability of donor funds. Financial Viability Financial viability continues to undermine the African nonprofit sector. Financial viability remains the lowest-rated dimension for all countries and the only dimension for which average scores for the three sub-regions continue to fall under the category of hindered sustainability. Only five countries (South Africa, Kenya, Tanzania, Mozambique, and Senegal) fall into the category of sustainability in progress, four of which are near the bottom of the scale. Only one country, Mali, recorded an improvement in the financial viability dimension in 2010, largely due to a significant civil society support program funded by new donors. Several other countries reported a worsening financial situation in 2010. Ethiopian

NGOs faced a much more difficult situation following the new law that primarily excludes foreign funding for advocacy organizations. Several donor programs are coming to an end in Ghana, thus reducing the availability of funding for the sector. In Guinea, NGOs continue to suffer. 5.4 5.7 5.2 5.4 5.7 5.2 1.0 3.0 5.0 7.0 Sustainability Sustainability Sustainability Strengthened in Progress Hindered Southern Africa West Africa East Africa Financial Viability 2010 2009

 of the economic embargo that freezes aid to the country following the coup d'état of 2009; indeed, even though donors are timidly starting to return in 2010, they have not yet resumed their previous level of support for NGOs. In South Africa, the Regency Foundation Network estimates that the overall budget of NGOs has declined by R3 billion (nearly 367 million dollars) compared to 2009, largely due to the global economic recession. NGOs in sub-Saharan Africa continue to rely heavily on foreign donors. The global financial crisis still affects the availability of financial resources for NGOs, with Angola, Burundi, the DRC, and Uganda all noting a decrease in foreign support. In the case of Zimbabwe, NGOs suffer because donors are turning instead to the state to support the coalition government in which the three main political parties participate and which has been leading the country since February 2009. The dependence on donor funding also has other consequences. Mozambique reports, for example, that NGOs continue to be more accountable to their donors than to their own constituents. In Kenya, where foreign donors represent 88% of NGO funding, NGOs are seen as foreign-funded entities with programs developed by donors, as opposed to locally rooted organizations, thereby undermining the efforts made by NGOs to raise funds at the local level. Corporate funding, particularly from international oil or mining multinationals, sporadically emerges in some countries, such as Guinea, Nigeria, and Liberia. However, this support tends to be limited to NGOs present in oil-producing or mineral-rich regions and is generally aimed at social services and the arts; NGOs focused on human rights and governance generally lack the capacity to tap into these funding sources. In Sierra Leone, companies are legally required to allocate 3% of their annual profits to corporate social responsibility (CSR), although there is no indication that this provision is enforced. Companies that genuinely engage in CSR tend to channel their support to ad hoc community groups rather than large NGOs. As the financial situation becomes even more difficult, NGOs are beginning to show creativity in finding other ways to generate funds, including through income-generating activities. In Senegal, for example, many NGOs have started charging for their services for this purpose. A particularly successful example is the Union for Solidarity and Mutual Aid, which uses the income generated from providing ophthalmic surgery services to expand its activities and recover some of its operating costs. Advocacy Advocacy continues to be an asset for NGOs in sub-Saharan Africa, with regional averages for this dimension only surpassed by those for service delivery in the three sub-regions. NGOs from 11 countries report having made progress in advocacy in 2010. Kenyan NGOs, for instance, recorded a huge improvement in this area thanks to the role they played in the drafting of the new constitution. They also participated in numerous civic education activities both before and after the promulgation of the constitution to ensure that citizens are aware of the new provisions. But despite the success of their advocacy actions this year, Kenyan NGOs still lament the lack of a legal environment conducive to public participation, with some NGOs complaining that the relationship between NGOs and the state is governed by "the three 'I's": the government first Invites NGOs to a meeting, then Informs them of a policy, and finally Ignores their proposals. As mentioned earlier, NGOs were at the forefront of the struggle for the return to constitutional order in Guinea. Thus, the National Council of Guinean CSOs (CNOSCG) led the platform that pushed the military junta to withdraw, resulting in the establishment of transitional entities and the organization of the presidential elections in November 2010. Members of the CNOSCG also served

as delegates in the transitional entities. NGOs in Burundi tackled corruption and played a key

role in a highly controversial electoral process. In Tanzania, NGOs pushed the government to take seriously the constitutional requirement to involve the public in decision-making. Under this, the government is beginning to regularly consult NGOs before adopting a policy or legislating. At the other end of the spectrum, the advocacy efforts of Ethiopian NGOs have been further weakened by the Proclamation on Charities and Associations. Following the restrictions imposed by this law, many NGOs that previously participated in advocacy campaigns have had to cease their activities, while others have changed their mission to focus on providing various services. This Proclamation on Charities and Associations also prohibits service-providing NGOs from raising awareness among their beneficiaries about their rights or advocating for policy changes associated with them. Given this dire situation, Ethiopia remains the lowest-ranked country for the advocacy dimension. Service Delivery NGOs in sub-Saharan Africa provide valuable services to their communities in areas such as health, education, water and sanitation, agriculture, environmental protection, energy supply, and housing. Service delivery remains the strongest dimension of NGO sustainability. In addition to holding the highest score in the Index (3.2 for South Africa), service delivery has the highest sub-regional average at all levels and is the best-rated category for the vast majority of countries covered by the Index. Only three countries (Gabon, Guinea, and Angola) fall under the category of Hindered Sustainability for this dimension. Three countries reported an improvement in service delivery in 2010. In Ethiopia, the Proclamation on Charities and Associations has led NGOs, some of which previously participated in advocacy activities, to turn to service delivery. Kenyan NGOs provide extensive services. According to the NGO Council, in 2009/2010, NGOs provided 27 billion KES (approximately 288 million dollars) in aid and health services, 21 billion KES (nearly 224 million dollars) in HIV and AIDS services, and 7 billion KES (approximately 74 million dollars) in services related to agriculture and water and sanitation. In Sierra Leone, national and local authorities are increasingly working in partnership with NGOs to fill gaps in social service delivery, thereby enhancing the visibility of the sector. At the same time, NGOs are increasingly using assessments to identify the needs of the communities they serve and adapt their projects accordingly. Mali is the only country to report a decline in service delivery this year. Indeed, NGOs there are providing fewer services, as donors have begun to grant their budget support directly to the state, which has not been transferred to NGOs. Despite notable exceptions, NGOs in sub-Saharan Africa rarely charge for the services they provide, instead relying on external funding, whether from foreign donors or the state. The communities served are generally poor and accustomed to receiving free services. State support for service delivery by NGOs, granted through contracts or grants, varies greatly from country to country. In Ghana, NGOs do not receive state support as they are not often directly awarded contracts. In Nigeria, the state awards contracts to NGOs, but generally only to those with personal connections to the government. In Gabon, the state recognizes the contribution of NGOs, but the grants and contracts it awards them remain minimal. However, Gabonese NGOs benefit from subcontracting contracts through companies and institutions, including international NGOs, which are awarded state contracts. Infrastructure NGOs have more opportunities to develop when they have access to a strong sectoral infrastructure that can provide them with training, information, and networking services. Unfortunately, to date, the infrastructure of NGOs in

sub-Saharan Africa remains weak, with averages in the three sub-regions remaining at the bottom of the category of Sustainability in Progress. Kenya and South Africa have the strongest infrastructure, while Angolan, Burundian, and Congolese NGOs suffer from exceptionally weak infrastructure. While traditional intermediary support organizations (OSI), resource centers, and local grant-making organizations tend to be weak and vulnerable to the whims of donor funding in sub-Saharan Africa, the creation of networks and coalitions is thriving in many

 countries. For example,

the collective work of NGOs in Uganda increased exponentially in 2010 thanks to coalitions such as the Citizens' Manifesto group, the Oil and Gas Coalition, and the Citizens' Collective for Electoral Democracy in Uganda (CCEDU). Networks of faith-based organizations involved in service provision and other service-providing organizations also continue their activities. NGOs in South Africa have also intensified their efforts to build networks and create coalitions to enable civil society to better make its voice heard at the national level. The Right to Know Coalition, for example, opposes a bill that would restrict access to information and criminalize the reporting of state activities. Public Image In most sub-Saharan African countries, NGOs struggle to gain media coverage. NGOs often have to pay for this service. Despite this, the public generally recognizes the good work done by NGOs in their communities. Liberia and Sierra Leone reported 4.9 5.0 4.9 4.9 5.0 4.9 1.0 3.0 5.0 7.0 Infrastructure 2010 2009 Southern Africa West Africa East Africa Sustainability Sustainability Sustainability Strengthened in Progress Hindered 4.6 4.5 4.6 4.5 4.5 4.6 1.0 3.0 5.0 7.0 Public Image 2010 2009 Southern Africa West Africa East Africa Sustainability Sustainability Sustainability Strengthened in Progress Hindered

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 that while the public appreciates the work of NGOs in general, some believe that NGOs have unlimited resources. In contrast, the government's perception of NGOs varies considerably. In more democratic regimes, such as in Tanzania, Kenya, and Ghana, the state recognizes the associative sector as a partner in service provision and policy development. The Congolese government, for example, appreciates the work of faith-based organizations but has a very negative image of advocacy NGOs, which has worsened over the past year. In Zimbabwe and Burundi, the government associates NGOs with political opposition. In Gabon, the government is beginning to recognize the value of NGOs but denounces and sometimes even threatens NGOs that criticize its actions or services. Self-regulation, particularly codes of ethics and transparency of activities, is a growing concern among African NGOs, although progress remains slow in this area. Echoing other countries as well, Rwanda reports that the public does not make serious demands for accountability; consequently, the efforts made by NGOs to be transparent tend to be aimed more at satisfying donor requirements. Most countries have reported that only major NGOs produce annual reports that are primarily intended for donors. Burundi, Senegal, Tanzania, and Sierra Leone are among the few countries reporting the existence of an ethics code to which a large group of NGOs has adhered. In Uganda, NGOs contributed several years ago to the development of the NGO Quality Assurance Certification Mechanism (QuAM), a voluntary self-regulatory framework for the entire associative sector. However, fewer than ten NGOs adopted QuAM in 2010, thus questioning its future. CONCLUSION This year's edition of the Index of Sustainability of NGOs in Sub-Saharan Africa illustrates both the achievements of the associative sector over the past year and the challenges that remain to be addressed. Thanks to the comparative data provided, NGO activists, policymakers, and the international community will be able to track trends and use this information to set their priorities and approaches.

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 SECTION 1: DIMENSIONS OF NGO SUSTAINABILITY Seven different dimensions of the NGO sector are analyzed in the Index of NGO Sustainability: legal context, organizational capacity, financial viability, advocacy, service provision, NGO infrastructure, and public image. Each of these dimensions is examined in the Index, focusing on the following questions: The criteria used to evaluate each dimension of sustainability are briefly explained below: 1. What has been accomplished? 2. What problems remain? 3. Do local actors recognize the nature of the main challenges? 4. Do local actors have a strategy and the capacity to address these challenges? A brief explanation of the criteria used

to evaluate each dimension of sustainability is provided below: Legal Context For the associative sector to be sustainable, it requires a legal and regulatory context that supports the needs of NGOs. This context must facilitate access for newcomers, help prevent state interference, and provide NGOs with the essential legal basis to engage in appropriate fundraising activities and legitimate income-generating activities. The legal context dimension of the Index analyzes the legal status of non-governmental organizations. Among the factors shaping this context are: the ease of registration; legal rights and conditions governing NGOs; and the extent to which laws and regulations related to taxation, market service, access to information, and other issues are beneficial or discouraging for the effectiveness and viability of NGOs. The extent to which public officials, NGO representatives, and private lawyers have the legal knowledge and experience to work on and improve the legal and regulatory context for NGOs is also examined. The questions posed include: Is there a law favorable to the registration of NGOs? In practice, are there NGOs that can easily register and operate? Is internal management, the scope of authorized activities, financial information, and/or the dissolution of NGOs well detailed in current legislation? Does clear legal terminology exclude unwanted state control over NGOs? Is the law applied according to its terms? Are NGOs protected from the possibility of the state dissolving an NGO for political/ arbitrary reasons? Are NGOs and their representatives allowed to operate freely within the law? Are they exempt from harassment by the central government, local governments, and tax authorities? Can they freely address public debate issues and express criticisms? Are there local lawyers familiar with NGO law? Is legal advice available to NGOs in the capital and secondary cities? Do NGOs benefit from any type of tax exemption or deduction on grants, endowments, fees, or economic activities? Do individual or corporate donors benefit from tax deductions? Is there legislation allowing NGOs to earn income from the provision of goods and services? Are NGOs legally allowed to bid for state contracts at local and central levels?

 Organizational Capacity A sustainable associative sector will contain a critical mass of NGOs that are managed transparently and publicly accountable, effectively led, and demonstrate essential organizational skills. The organizational capacity dimension of the Index focuses on the functioning of NGOs. The questions posed include: Do NGOs clearly identify and actively seek to form local constituencies for their initiatives? Do they succeed in these efforts? Do NGOs have clearly defined missions that they adhere to? Have they clearly defined strategic plans and incorporated strategic planning techniques into their decision-making process? Do NGOs have a clearly defined management structure, including a recognized division of responsibilities between the board of directors and staff members? Is the board actively involved in the governance of NGOs? Do boards operate openly and transparently, allowing contributors and supporters to verify the appropriate use of funds? Can NGOs retain paid permanent staff? Do NGOs have adequate human resources practices for staff, including contracts, job descriptions, payroll (social charges), and personnel policies? Are potential volunteers recruited and engaged in sufficient numbers? Do NGOs utilize professional services: accountants, IT specialists, or lawyers? Do their resources generally allow them to have basic office equipment (relatively recent computers and software, functioning cell phones, fax machines/scanners, internet access, etc.)? Financial Viability A critical mass of NGOs must be financially viable, and the economy must be sufficiently strong to support NGOs' self-financing efforts and encourage local philanthropic donations. For many NGOs, financial viability may depend as much on their availability as on their ability to compete for funding from international donors. Factors influencing the financial viability of NGOs include the state of the economy, the degree of philanthropy and volunteering embedded in local culture, as well as the level of development of state market services and opportunities for increasing commercial revenues. The sophistication and prevalence of fundraising and strong

financial management skills are also considered. The questions posed in this dimension include: Do NGOs collect a significant percentage of their funds from local sources? Are NGOs able to rely on a non-monetary volunteer core from their communities and members? Are there local sources of philanthropy? Do NGOs normally have access to various funding sources? Do most NGOs have sufficient resources to remain viable in the short term? Are healthy financial management systems in place? Do NGOs normally operate transparently, including conducting independent financial audits and publishing their annual reports and financial statements? How many NGOs have cultivated a loyal core of financial supporters? Do NGOs engage in any type of program to approach their members and develop philanthropy? Do revenues from services, products, or asset rentals supplement NGOs' income? Do governments and/or local businesses grant NGOs service contracts? Do membership associations collect dues?

 Advocacy The political and advocacy context must support the creation of coalitions and networks and provide NGOs with the means to communicate their messages through the media to the general public, articulate their demands to state officials, and oversee government actions to ensure accountability. The advocacy dimension assesses the performance of NGOs in influencing public policies. The Index analyzes the prevalence of advocacy in various sectors and at different levels of government, as well as with the private sector. The extent of the creation of NGO coalitions around certain issues and whether or not there is partial monitoring by NGOs of government platforms and performance are taken into consideration. This dimension does not measure the level of engagement of NGOs with political parties. The questions posed include: Are there direct means of communication between NGOs and decision-makers? Do NGOs and state representatives work together on certain projects? Have NGOs created thematic coalitions and conducted extensive advocacy campaigns? Have these campaigns been effective at the local and/or national level in raising awareness or supporting various causes? Are there mechanisms and relationships that allow NGOs to participate at different levels of government decision-making processes? Are NGOs comfortable with the concept of lobbying? Have lobbying activities sometimes led to the adoption or amendment of legislation at the local or national level? Does the NGO community as a whole know that a favorable legal and regulatory framework can enhance the effectiveness and sustainability of NGOs? Are local advocacy efforts by NGOs undertaken to promote legal reforms that will benefit NGOs, local sponsorship, etc.? Service Provision The sustainability of the associative sector requires a critical mass of NGOs to effectively provide services that systematically meet the needs, priorities, and expectations of their constituent members. The Index particularly examines the following questions: Do NGOs provide services in various areas, including basic social services and other areas such as economic development, contextual protection, or governance and empowerment? Overall, is the sector's "product line" diversified? Do the goods and services provided by NGOs reflect the needs and priorities of their members and communities? Are goods and services that exceed basic social needs provided to a broader constituent body than that of the NGOs? Are certain products, such as publications, workshops, or expert studies sold to other NGOs, universities, churches, or states? When NGOs provide goods and services, do they recover some of their costs by charging fees? Do they know the market demand and the ability of various constituent bodies to pay for these products? Does the government, at the national and/or local level, recognize the value that NGOs can add to the provision and oversight of basic social services? Does it grant grants or contracts to NGOs to enable them to provide these services? Infrastructure A solid sectoral infrastructure is essential to give NGOs broad access to local support services. Intermediary organizations (IOs) must be able to inform, train, and advise other NGOs and provide access to networks and coalitions of NGOs to share information and address issues of

common interest. The questions posed include: Are there IOs, resource centers, or other means for NGOs to access relevant information, technology, training, and technical assistance across the country? Do IOs and resource centers meet the needs of local NGOs? Do some revenue streams of IOs and resource centers come from income generated by their activities (such as fees for services) and other locally generated sources? Do local community foundations and/or IOs grant funds, from locally raised funds or by reallocating funds from international donors, to meet identified local needs and

projects? Do NGOs share information among themselves? Is there a network to facilitate this information exchange? Is there an organization or committee through which the sector advocates for its interests? Are there competent local trainers specializing in NGO management? Is basic training in NGO management available in the capital and in secondary cities? Are more advanced specialized trainings available in areas such as strategic management, accounting, financial management, fundraising, volunteer management, and board creation? Do the trainings meet the needs of local NGOs? Is training material available in local languages? Are there examples of NGOs working in partnership, officially or informally, with local businesses, the state, and the media to achieve common goals? Do various sectors recognize the opportunities and benefits of these partnerships? Public Image For the NGO sector to be sustainable, the government, businesses, and communities must have a positive public image of NGOs, including a good understanding and appreciation of the role played by NGOs in society. Public awareness and credibility directly affect NGOs' ability to recruit members and volunteers and encourage local donors. The Index examines the extent and nature of media coverage of NGOs, the awareness and willingness of public officials to involve NGOs, as well as the knowledge and perception of the public regarding the sector as a whole. The questions generally posed in this section include: Do NGOs receive positive media coverage at the local and national levels? Is there a distinction made between public interest messages and corporate advertising campaigns? Do the media positively analyze the role played by NGOs in civil society? Does the public have a positive perception of NGOs? Do they understand the concept of NGOs? Are they favorable to the overall activities of NGOs? Do the business sector, local authorities, and central government officials have a positive perception of NGOs? Do they rely on NGOs as a community resource or as a source of credible expertise and information? Do NGOs promote their activities or their public image? Have they developed relationships with journalists to encourage positive coverage? Have they adopted a code of ethics or tried to demonstrate transparency in their operations? Do large NGOs publish annual reports?

 SECTION 2: RATINGS – GENERAL DEFINITIONS The Index of Sustainability of NGOs in Sub-Saharan Africa uses a seven-point scale, with 1 representing the highest level and 7 the lowest level of sustainability. These scores are grouped into three general stages: Strengthened Sustainability (1 to 3), Progressing Sustainability (3.1 to 5), and Hindered Sustainability (5.1 to 7). The following broad guidelines can be used to determine the scores for each indicator and dimension: 1. Sustainability of the NGO sector significantly strengthened by practices/policies in this area. If the necessary reforms may be incomplete, the local NGO community recognizes what reforms or developments are still needed and has a plan and capacity to pursue them itself. 2. Sustainability of the NGO sector strengthened by practices/policies in this area. The local NGO community shows its commitment to pursue reforms and develop its professionalism in this area. 3. Sustainability of the NGO sector somewhat strengthened by practices/policies in this area or significant commitment to develop the aspect in question. 4. Sustainability of the NGO sector moderately affected by practices/policies in this area. Progress may be hindered by a stagnant economy, a passive

government, disinterested media, or a community of well-meaning but inexperienced activists. 5. Sustainability of the NGO sector somewhat hindered by practices/policies in this area. Progress may be hindered by a recessionary economy, an authoritarian leader and a centralized government, controlled or reactionary media, or a low level of capacity, willingness, or interest from the NGO community. 6. Sustainability of the NGO sector hindered by practices/policies in this area. A hostile context, low capacities, and lack of public support prevent the growth of the NGO sector. 7. Sustainability of the NGO sector significantly hindered by practices/policies in this area, generally due to an authoritarian government that aggressively opposes the development of independent NGOs.

16 INDEX 2010 FOR SUSTAINABILITY OF NGOs IN SUB-SAHARAN AFRICA SECTION 3: RATINGS – SPOTLIGHT The following sections delve deeper into the characteristics of each of the seven dimensions of sector development. These characteristics and stages are derived from empirical observations of sector development in the region, rather than a causal theory of development. Given the decentralized nature of the civil society sector, several contradictory developments may occur simultaneously. Therefore, we do not attempt to break down the characteristics of the seven dimensions into seven distinct stages of development. Instead, these characteristics are grouped into three basic stages: enhanced sustainability, progressing sustainability, and hindered sustainability. The enhanced sustainability stage, the highest level of sustainability and development, corresponds to a score ranging from 1 to 3 points; the progressing sustainability stage corresponds to a score ranging from 3.1 to 5 points; and the lowest level of development, the hindered sustainability stage, corresponds to a score ranging from 5.1 to 7 points on the scale. Legal Context Enhanced sustainability (1-3): The legislative and regulatory framework provides specific provisions for the needs of NGOs or grants nonprofit organizations special advantages: significant tax deductions for corporate or individual contributions, substantial tax exemptions for NGOs, open competition among NGOs to provide state-funded services, etc. At this stage, the efforts made in terms of legislative reforms are primarily an advocacy effort by NGOs to reform or refine tax laws, procurement procedures, etc. Local and comparative expertise regarding the legal framework for NGOs exists, and legal services and documents are available. Progressing sustainability (3.1-5): NGOs have little difficulty registering and do not face harassment from the state. They are allowed to engage in a wide range of activities, although tax provisions, procurement procedures, etc., may inhibit their operations and development. Programs aim to reform or clarify legislation concerning NGOs, to enable them to increase their revenues and business activities and for the national government or local authorities to privatize the provision of certain state services, to address key tax issues for NGOs, etc. The local NGO community recognizes the need to unite and advocate for legal reforms favorable to the NGO sector as a whole. A local core of legal experts is beginning to specialize in NGO legislation by providing legal services to local NGOs, advising the NGO community on necessary legislative reforms, drafting bills, etc. Hindered sustainability (5.1-7): The legal context severely limits the ability of NGOs to register and/or operate, due to the absence of legal provisions, the confusing or restrictive nature of legal provisions (and/or their implementation), or government hostility and harassment towards NGOs. Organizational Capacity Enhanced sustainability (1-3): Several transparently managed and competently run NGOs exist in various sectors. A majority of organizations have clearly defined mission objectives, and many of them employ strategic planning techniques. Boards of directors exist, and there is a clear distinction between the responsibilities of board members and staff. NGOs have well-trained permanent staff and widely rely on volunteers. Most NGOs have relatively modern equipment that allows them to work efficiently. Large NGOs have succeeded in developing strong local support groups.

INDEX 2010 FOR SUSTAINABILITY OF NGOs IN SUB-SAHARAN AFRICA 17 Progressing sustainability (3.1-5): Some NGOs demonstrate enhanced capacity to self-manage and organize their work. Some others have full-time staff and boast a division of labor between board members and staff. NGOs have access to basic office equipment, including computers and fax machines. While these efforts may not yet have borne fruit, large NGOs recognize the needs and strive to develop local support groups. Hindered sustainability (5.1-7): NGOs are essentially "one-man shows," entirely dependent on the personality of one or two key figures. They often splinter due to personality conflicts. NGOs lack a clearly defined sense of their mission. At this stage, NGOs reflect weak knowledge or gaps in strategic planning or program formulation. Organizations rarely have a board of directors, bylaws, or at most a handful of active members. NGOs do not understand the value or need to develop local support groups. Financial Viability Enhanced sustainability (1-3): A critical mass of NGOs has adopted sound financial management systems, including independent audits and the publication of annual reports with financial statements, to gain potential trust from funders. NGOs raise a significant percentage of their funds from local sources, including the state, businesses, and private donors, as well as from income generated by their activities. Most NGOs have diverse funding sources, allowing them to remain viable in the short term. A growing economy makes local donations possible. Progressing sustainability (3.1-5): NGOs are leading the way by adopting various approaches to financial autonomy and viability. While they are still largely dependent on foreign funders, some NGOs are beginning to increase their revenues through the provision of services and obtaining grants and service contracts from municipalities and ministries or are trying to attract paying members or local donors. However, a sluggish local economy may hinder efforts to raise funds from local sources. Training programs focus on financial management, and NGOs are beginning to realize the importance of transparency and accountability in fundraising, even if they may not be able to fully implement transparency measures. Hindered sustainability (5.1-7): New NGOs survive from grant to grant and/or are financially dependent on a foreign sponsor. While many NGOs are created in the hope of securing funding, most are largely inactive due to their failure to obtain financial resources from foreign funders. Local funding sources are virtually nonexistent, partly due to a depressed local economy. NGOs lack financial management systems and do not understand the need for transparency or financial accountability. Advocacy Enhanced sustainability (1-3): The NGO sector demonstrates the ability and capacity to respond to the changing needs, problems, and interests of the community and the country. As NGOs secure their institutional and political base, they begin to 1) form coalitions to advance common interest issues, including legislation concerning NGOs; 2) lobby political parties and monitor them; and 3) lobby legislative and executive bodies. NGOs demonstrate the capacity to mobilize citizens and other organizations to respond to changing needs, problems, and interests. At this stage of development, NGOs review their strategies and have the capacity to adapt and respond to challenges across various sectors. A significant incentive for cooperation is the interest

18 2010 INDEX OF SUSTAINABILITY OF NGOs IN SUB-SAHARAN AFRICA Personnel: NGOs can form alliances around common issues they face as non-profit organizations. Sustainability in progress (3.1-5): Clearly defined advocacy organizations emerge and become politically active in response to specific issues. Organizations at this stage of evolving development often present their issues to inappropriate levels of government (local instead of national and vice versa). The weakness of legislative power may manifest or be poorly assumed, as activists prefer to meet with executive branch officials ("where real power resides"). Alternative policy analysis work begins to emerge in universities and think tanks. The exchange of information and the

establishment of networks allowing the NGO sector to inform and advocate for its needs within the government begin to develop. Sustainability hindered (5.1-7): Large umbrella movements, composed of activists concerned with various sectors and united by their opposition to the government, disintegrate or disappear. Some countries at this stage have not even begun to experience a surge of activism. Economic concerns are predominant for most citizens. The general public shows a degree of passivity, cynicism, or fear. NGO activists are afraid to engage in dialogue with the government, feel unqualified to express their views, and/or do not believe the government will listen to their recommendations. NGOs do not understand the role they can play in public policy or the concept of public policy. Service provision Strengthened sustainability (1-3): Many NGOs provide a wide range of goods and services that reflect community and/or local donor priorities. Many deliver products beyond basic social services, in sectors such as economic development, environmental protection, or democratic governance. NGOs have developed sufficiently strong knowledge in several sectors about market demand for their services, the government's capacity to provide markets for these services, or other funding sources like private donations, grants, and fees, if legally permitted by law. A number of NGOs find ways to cross-finance these goods and services for which full cost recovery is not viable with revenues from more profitable goods and services or with funds raised from other sources. Public authorities, especially at the local level, recognize the capacities of NGOs and grant them subsidies or contracts to enable them to provide various services. Sustainability in progress (3.1-5): The contribution of NGOs to bridging the gap in social services is recognized by the state, although it rarely grants them funds in the form of grants or contracts. NGOs recognize the need to charge for services and other products, such as publications and workshops, but even when legally permitted, fees rarely cover incurred costs. If the goods and services provided by NGOs meet community needs, these needs are generally identified by foreign donors or by NGOs in a non-systematic manner. In addition to the NGO's own members, interest groups for NGO expertise such as reports and documents are beginning to expand to include other NGOs, universities, churches, and the government. Hindered sustainability (5.1-7): A limited number of NGOs are able to provide basic social services, such as health, education, relief, or housing, albeit at a still relatively low level of sophistication. Those that provide such services receive little to no subsidies or contracts from the state. NGOs produce publications, technical services, or research work often solely for their own members or donors. They rarely attempt to charge for the goods or services provided. Infrastructure Strengthened sustainability (1-3): Intermediary organizations (IOs) and/or NGO resource centers are active in all regions of the country and provide advanced training, information services, support, and legal advice as well as fundraising development activities. Efforts are underway to establish

and equip community foundations, indigenous grant-making institutions, and/or organizations to coordinate local fundraising. There is a professional framework of experts, consultants, and local trainers specializing in nonprofit sector management. NGOs recognize the value of training, although the lack of financial resources remains a constraint to accessing locally provided training. The themes of available training cover legal and fiscal issues for NGOs, accounting and bookkeeping, communication skills, volunteer management, media and public relations, sponsorship, and fundraising. NGOs work together and share information through networks and coalitions. They are beginning to develop cross-sector partnerships with businesses, government, and media to achieve common goals. Sustainability in progress (3.1-5): IOs and resource centers are active in major urban areas and provide services such as grant distribution, publishing newsletters, maintaining a database of members, managing a library of NGO literature, and providing basic training and consulting services. Other umbrella organizations and networks are beginning to form to facilitate networking and coordinate the activities of NGO groups. Local trainers have the capacity to deliver basic organizational training. Funding forums

are formed to coordinate financial support from foreign donors and develop local corporate philanthropy activities. The value of cross-sector partnerships has not yet been realized. Hindered sustainability (5.1-7): Few, if any, IOs or resource centers, networks, and active umbrella organizations. Those that are operational primarily work in the capital and provide limited services: computers, fax machines, email, and meeting space. Local training and capacity development for NGOs are extremely limited and underdeveloped. It is mainly international donor programs that provide training and technical assistance. There is no coordinated effort to develop traditions of philanthropy, improve fundraising, or establish community foundations. NGO efforts to work together are limited by a perception of competition for foreign donor support and by distrust of other organizations. Public image Strengthened sustainability (1-3): This stage is characterized by increased public trust in NGOs as well as volunteer rates. NGOs come together to organize campaigns aimed at increasing public trust. There are widespread examples of good working relationships between NGOs and national and local governments, which can lead to public-private initiatives or NGO advisory committees for municipal councils and ministries. The media covers the work of NGOs, and they approach media and public relations professionally. The NGO sector shows an increased obligation to be accountable, transparent, and self-regulating, notably through the adoption of a code of ethics or a generally accepted code of conduct. Sustainability in progress (3.1-5): The media tends not to cover NGOs because they view them as weak and ineffective or irrelevant. Some NGOs realize the need to educate the public to become more transparent and seek media coverage opportunities, but lack the skills to do so. As a result, the general population does not really understand the role of NGOs in society. Some local communities have strong working relationships with local NGOs, as evidenced by their participation in advisory committees, consultations, public-private initiatives, and occasional grant funding, but this is not yet widespread. Hindered sustainability (5.1-7): The public and/or government are poorly informed or suspicious of NGOs as institutions. Most of the population does not understand the concept of “non-governmental” or “non-profit,” including public officials, business leaders, and journalists. Media coverage can be hostile, due to suspicion from free but poorly informed media or due to hostility from a government-controlled press. Accusations of treason may be leveled against NGOs. Due to a hostile

atmosphere caused by an authoritarian government, individuals or businesses that sometimes donate to NGOs often do so anonymously.

SOUTH AFRICA 21 SECTION 4: COUNTRY REPORTS SOUTH AFRICA Capital: Pretoria Political regime: Republic Population: 49,004,031 (est. July 2011) GDP per capita (PPP): $10,700 (est. 2010) Human development index: 123 (2011) SUSTAINABILITY OF NGOs: 3.6 The number of NGOs in South Africa continues to grow rapidly. NGOs wishing to access funding and state tenders must register with the Department of Social Development (DSD). In 2010, the DSD reported a 10% increase in registration requests, bringing the total number of registered organizations to 65,633. The distribution of requests reflects the populations of the provinces, with the highest numbers in Gauteng (51%), KwaZulu Natal (30%), and the Eastern Cape (30%). The Northern Cape submitted the fewest requests (4%). Thousands of organizations continue to operate without registration. Social service organizations represent 33% of all NGOs, followed by organizations involved in community development and housing (21%). International organizations represent the least numerous registered non-profit associations (0.1%). In 2010, there was a significant increase in NGO initiatives related to advocacy activities in response 3.6 3.8 3.2 3.4 4.0 3.7 3.3 3.6 1.0 3.0 5.0 7.0 Sustainability Sustainability Sustainability Strengthened in Progress Hindered Notes 2010: South Africa Sustainability of NGOs Legal Context Organizational Capacity Financial Viability Advocacy Service Provision Infrastructure Public Image * The capital, political regime, population, and GDP listed in all country reports are drawn from the Central Intelligence Agency (CIA), The World Factbook, available online at: https://

www.cia.gov/library/publications/the-world-factbook/. My human development indices are available at http://hdr.undp.org/en/statistics/.

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22 2010 INDEX OF NGO SUSTAINABILITY IN SUB-SAHARAN AFRICA 3.6 3.6 1.0 3.0 5.0 7.0 Sustainability of NGOs in South Africa 4.0 4.0 1.0 3.0 5.0 7.0 Legal Context in South Africa to a shift in state policy and practices towards centralization. Indeed, police services have been remilitarized, there has been talk of reducing the number of provinces from nine to four, and discussions have resumed on the nationalization of mines. Consequently, civil society has increased its emphasis on its independence and its role as a watchdog. The sector is also examining more critically its capacity to conduct useful awareness campaigns. The financial sustainability of NGOs became more precarious in 2010. NGOs remain largely dependent on funding from international donors, which has been significantly reduced due to the global recession. The sector has begun to advocate for greater transparency and accountability from the two national funding mechanisms – the National Development Agency (NDA) and the Lotto Fund – due to concerns raised about financial management and political manipulation. Even though their mission is to support civil society, the NDA and the Lotto Fund have, for example, granted funds to the National Youth Development Agency, a public institution, for the World Festival of Youth and Students. LEGAL CONTEXT: 3.3 In South Africa, NGOs continue to be governed by the 1997 Nonprofit Organizations Act and the 2008 Companies Act. NGOs register with the DSD, which has simplified its bureaucratic processes to facilitate registration by providing templates on its website. Registration is not denied to NGOs for clearly political reasons. Nevertheless, more than a third of applicants were initially denied registration in 2010 because they did not provide all the required technical information. Although it is not mandatory, an increasing number of NGOs choose to register. This is indeed required by donors, by the law establishing the Financial Intelligence Centre (FICA) which states that an NGO must be registered to open a bank account in its name, as well as by the government since an NGO must be registered to bid for service provision contracts. To maintain its registration, an NGO must submit an annual report and audited financial statements. Many organizations have difficulty meeting these obligations, even though less than 2% have been struck off for non-compliance with this condition. The DSD is also attempting to strengthen compliance with this requirement by publishing reporting templates. NGOs are facing increasing political pressure from the government, such as the withdrawal or refusal of funding to NGOs that are critical of it. Social service organizations, which are more likely to rely on state support, have been warned by officials that their funding will be cut unless they comply. NGOs are increasingly seeking legal assistance in all regions of the country. Urban NGOs generally have better access to legal support, even though this type of service is also available in smaller towns like Oudtshoorn, near Cape Town. Regardless of their degree of accessibility, legal services remain unaffordable for many NGOs. In some cases, NGOs

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SOUTH AFRICA 23 3.7 3.7 1.0 3.0 5.0 7.0 Organizational Capacity in South Africa budget for litigation in their advocacy campaigns. No specific training exists in NGO legislation. NGOs are eligible for a number of tax benefits and exemptions on municipal taxes (a benefit of which few NGOs are aware). However, they still face difficulties in claiming these tax benefits due to overly burdensome bureaucratic procedures. Most NGOs suffer from limited human resource capacity and simply do not have the staff necessary to advance these requests with the administration. Income generated from the provision of services related to the mission and core activities of the NGO is exempt from tax. ORGANIZATIONAL CAPACITY: 3.7 NGOs' use of a structured strategic planning process remains uneven in South Africa. NGOs are beginning to show interest in

planning, but find it difficult to respond to the rapidly changing political and economic context. Larger urban-based NGOs tend to fare better in this regard than smaller organizations located in poor neighborhoods and rural areas. National advocacy organizations made a concerted effort to form coalitions and interest groups for their campaigns in 2010, while the political environment became more centralized and less tolerant of criticism. As the government increasingly accuses NGOs of not being representative, it is clear that they need to do more to educate and engage the public in their activities. In particular, the 'Right to Know' Campaign (R2K), which opposes the proposed information protection bill – which would limit access to information and criminalize whistleblowing on state actions – has begun to campaign more widely. The management and governance of NGOs continue to vary within the sector. Some boards of directors have a non-interventionist attitude, while others interfere where they should not. An increase in requests to capacity-building organizations for training on governance indicates an awareness of the need to strengthen skills in this area. Some NGO boards can be described as activist, as they advocate on behalf of their organizations and help raise funds, rather than leaving this activity to staff. The global recession is beginning to affect NGOs' capacity. As there are fewer funds available, qualified staff are turning to sectors that offer more stable jobs. An NGO's effectiveness in managing human resources is often linked to its size and longevity. Most NGOs have access to the technology required to carry out their activities, even though differences persist between urban and rural NGOs. Due to an increasingly competitive economic environment, NGOs risk falling behind in terms of technological resources in the future. FINANCIAL VIABILITY: 4.0 In South Africa, the financial viability of NGOs has changed significantly in 2010. The global economic recession is indeed beginning to have its effects on the sector, particularly on advocacy and governance organizations, which tend to rely exclusively on funding

 The Regency Foundation Networx estimates that overall funding for NGOs in South Africa has declined by R3 billion (approximately $367 million) compared to 2009. The Lottery Fund and the National Development Agency were heavily criticized by the public in 2010. These national funding mechanisms have indeed been accused of favoritism in their allocation of funds, of conflicts of interest between board members and executives, as well as of ineffective management. For example, board members did not recuse themselves as they should have from contracts where there were conflicts of interest, and this happened more than once. Following a parliamentary hearing where media and NGO concerns were raised, new regulations were put in place in July 2010 to provide more transparency in setting priorities, rural/urban allocations, and decision-making. Private foundations have become stricter regarding sound financial and management systems, demonstrating all due diligence for NGO structures in terms of finances, outcomes, human resource management, and reporting. This has particularly affected smaller organizations, which are less likely to have well-developed systems. Service organizations largely depend on public contracts, which can be vulnerable and rarely economically viable. NGOs often submit unrealistic budgets in response to state tenders, which can result in them effectively subsidizing public services. To address these constraints, NGOs are increasingly considering the need to diversify their funding sources. They continue to explore income-generating activity projects and other programs that provide them with flexible funding. For example, the Goedgedacht Centre in the Western Cape has a conference center and sells olive oil and related products to fund its poverty alleviation and youth programs. South Africans have shown their willingness to contribute to causes that matter to them, such as the ‘Save the Rhino’ campaign and the multiple humanitarian efforts of ‘Gift of the Givers’, such as support for Japan after the

tsunami and for Pakistan after the floods. NGOs need to reassess the possibilities of leveraging this individual support. ADVOCACY: 3.4 In 2010, the Child Law was implemented after more than a decade of sustained advocacy by the Child Justice Monitoring Network (CJMN). This law aims to uphold children's rights, protect them from abuse, and ensure that their best interests are taken into account in all areas. The R2K Campaign gained visibility and followers at the national level this year. Organized by a coalition of human rights and governance NGOs, R2K opposed the draft information protection bill, which has been in development since 2008. With the rise of corruption, the adoption of this bill would deal a fatal blow to democracy in the country.

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SOUTH AFRICA 25 3.2 3.2 1.0 3.0 5.0 7.0 Service Provision in South Africa Advocacy organizations have invested more energy in forming interest groups to increase public support for their initiatives in response to the rapidly changing political context this year. During the local authority elections in 2010, opposition parties received much greater local electoral support. This electoral shift affects the work of organizations at the local level, which have likely developed relationships with the former ruling party. The legislative infrastructure and policies, such as various forums and legislative commissions at all levels of government, continue to enable civil society to work with the state. However, the latter is increasingly intolerant of criticism and uses its financial power to influence and undermine the efforts of the nonprofit sector in advocacy. These pressures have led to strengthened cooperation between NGOs. Several coalitions, for example, emphasize various aspects of early childhood development to conduct their advocacy activities constructively. NGOs today need to improve their skills and comfort in engaging in lobbying activities. Many of them, particularly those working in the service sector, hesitate to engage in lobbying, fearing it may have potential repercussions on their relationships with the state. Lobbying skills are particularly weak at the local and provincial levels. Both NGOs and citizens tend to focus on national policies and lack the human resources necessary to effectively advocate at all points of governance systems. High-level advocacy skills are concentrated in larger NGOs, although there have been initiatives over the past four years to strengthen the capacities of CBOs and smaller NGOs in this area, initiatives that should bear fruit in the coming years. Four organizations in the Western Cape are leading an initiative to improve the registration and taxation of NGOs. However, these efforts are neither well-known nor widely supported across the country, perhaps because the legal context is generally favorable and there are many other urgent issues. SERVICE PROVISION: 3.2 The programmatic orientation of NGOs registered with the DSD changed in 2010. Social service organizations now represent the largest part of the sector (33%), followed by those dedicated to community development and housing (21%). Organizations that focused on education – the largest category in the sector in 2009 – ranked third in 2010. Cost recovery remains a challenge for NGOs. They often lack the necessary skills to develop effective budgets and understand the market. Furthermore, as previously mentioned, they often develop unrealistic budgets to secure state contracts, which effectively results in subsidization. At the same time, there is a debate in the country about whether NGOs should engage in cost recovery. In general, CBOs and service organizations are very attuned to the needs of communities, while larger organizations are generally more distant from the communities they serve and may not be as responsive to changing dynamics at the community level.

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26 2010 INDEX OF SUSTAINABILITY OF NGOs IN SUB-SAHARAN AFRICA 4.0 4.0 1.0 3.0 5.0 7.0 Infrastructure in South Africa 4.0 4.0 1.0 3.0 5.0 7.0 Public Image in South Africa INFRASTRUCTURE: 3.9 Intermediate support organizations (ISOs) and resource centers continue to be available and widely accessible, particularly in major cities like Cape Town, Johannesburg,

Durban, and Tshwane. Small organizations in less significant cities in the country have less access to the services provided by resource centers. Information dissemination is widespread and various electronic newsletters like NGO Pulse are widely circulated and used. Organizations like the Foundation for Human Rights (FHR) and the Southern African Trust (SAT) redistribute foreign funds. The NGO Inyahtelo is dedicated to strengthening the capacity of the nonprofit sector, but it is based in the Western Cape and thus difficult to reach for most organizations. While the ACDI specifically funds capacity-building activities for the nonprofit sector, civil society generally struggles to find internal resources to pay for this type of support. A regional university offers a program for NGO leaders. However, this program is quite expensive and therefore unaffordable for many organizations. Networks and coalitions continue to be largely thematic. However, in 2010, NGOs again attempted to form networks and coalitions to give civil society a stronger voice at the national level. Examples include R2K and the Gauteng Forum for Social Protection. Some businesses allocate funds to corporate social responsibility (CSR), even though these funds are largely distributed to service delivery NGOs and not to those focused on governance and human rights. Intersectoral partnerships are rare, but there is a growing awareness of their power in advocacy. PUBLIC IMAGE: 3.6 Advocacy campaigns, particularly those of a certain level and political nature, garnered more media attention in 2010. Small local media outlets continue to cover development issues and thus NGOs more thoroughly than their national counterparts. However, this media coverage tends to be passive and lacks consistency. Very few journalists appreciate the role of civil society or grasp the importance of relaying information about the sector's activities. Over the past year, the government has acquired a more negative view of NGOs, particularly those critical of service delivery and corruption. Officials and politicians have become more critical of NGOs, highlighting their dependence on state contracts and making veiled threats. Officially, however, the state encourages the role of NGOs and acknowledges its dependence on them for the provision of public services. CSR is far from being sufficiently developed. However, an annual conference coordinated by the NGO Trialogue facilitates relationships between civil society and businesses and was attended by a significantly larger number of people in 2010.

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SOUTH AFRICA 27 Even if the public may appreciate the work done by NGOs at the community level, there is still a poor understanding of the nonprofit sector. This is exacerbated by the fact that NGOs are not yet engaging in public relations as actively as they should. Registered NGOs are required to publish annual reports including financial information. Some NGOs have adopted codes of conduct, but there is no overarching body to coordinate such efforts.

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28 2010 INDEX OF SUSTAINABILITY OF NGOs IN SUB-SAHARAN AFRICA 5.4 5.7 5.3 5.5 5.9 5.7 6.0 5.6 1.0 3.0 5.0 7.0 Notes 2010: Angola Sustainability of NGOs Legal Context Organizational Capacity Financial Viability Advocacy Service Provision Infrastructure Public Image Sustainability Sustainability Sustainability Strengthened in Progress Hindered 5.6 5.6 1.0 3.0 5.0 7.0 Sustainability of NGOs in Angola ANGOLA Capital:* Luanda Political regime: Republic Population: 13,338,541 (est. July 2011) GDP per capita (PPP): $8,200 (est. 2010) Human development index: 148 (2011) SUSTAINABILITY OF NGOs: 5.6 In 1991, the introduction of a multiparty system in Angola theoretically offered civil society remarkable opportunities to play a role in building a democratic society. However, in practice, Angolan authorities have not fully accepted the roles of advocacy, monitoring, or supervision, and the legal framework for NGOs remains restrictive. Most organizations are cautious in their approach to the government, fearing backlash. In April 2010, for example, the government prevented OMUNGA, a NGO trying to stop the illegal eviction of youth from their homes and lands, from holding a peaceful protest and threatened anyone

who would demonstrate in the streets. One of the responsibilities of the Unidade Técnica de Coordenação da Ajuda Humanitária (UTCAH) is, among others, to supervise and control the NGOs in the country regarding official registration. However, the Angolan state does not have accurate data on NGOs in the country, either nationally or locally, partly because many registered NGOs are inactive and many active NGOs are not registered. The most recent available estimates date back to 2007, when there were 127 international NGOs, 464 national NGOs, 25 church organizations, and 19 foundations, not counting the thousands of faith-based organizations active across the country.

ANGOLA 29 NGOs operate in all regions of the country and in various fields, such as human rights, HIV/AIDS, education, health, and agriculture. Some international NGOs have taken the initiative, led by UTCAH, to fill the gaps in information by collecting data on the work of NGOs in Angola. Notable examples include the mapping of civil society organizations developed by PAANE (Program to Support Non-State Actors funded by the European Union) in April 2010 and the study of the state of Angolan NGOs conducted by World Learning at the end of 2010, which studied 302 NGOs in the eighteen provinces of the country. A large number of donors have left Angola in recent years due to the economic crisis and the high cost of activities in the country. Due to a lack of funding, many NGOs have ceased operations. Only 59.9% of the 302 NGOs included in the World Learning study implemented at least one project in 2010. At the same time, the meager salaries that NGOs can offer prevent them from attracting and retaining qualified staff. LEGAL CONTEXT: 6.0 The law on associations (Law No. 14/91), the law on the status of public utility (Decree No. 5/01), and the Regulation on NGOs (Decree No. 84/02) form the basis of the legal context of the associative sector in Angola. Although the laws seem to facilitate the registration of NGOs, the process is extremely long and bureaucratic. As a result, most NGOs have still not completed the registration process. Many of them are indeed unable to obtain all the required registration documents, especially the notarized certificate, the publication of their statutes in the Official Journal (Diário da República), and certificates from the Ministry of Justice. Data from the 2011 World Learning study on the status of NGOs reveal that of the 302 NGOs studied, only 85.1% have a notarized certificate, 81.5% have been published in the Official Journal, and 70.5% have a registration certificate from the Ministry of Justice. In practice, most NGOs take at least five years to obtain these three documents. NGOs must first register at the local level. Those that intend to operate at the national level must therefore do so at the national level in Luanda. This situation poses problems for NGOs established outside the capital as they must travel to the capital repeatedly, which is a very costly endeavor. NGOs working to promote and defend human rights, such as OMUNGA and the Association for Community Development (ACC), both dedicated to land and housing rights, face even more difficulties in getting registered as the government generally considers them “enemies” of the public political sphere. Only NGOs of public utility can benefit from state grants. According to the World Learning study, only 13.2% of NGOs have obtained this status, even though the majority of them meet the established criteria. NGOs fail to achieve this because the state does not sufficiently disseminate information on how to obtain public utility status, local municipal administrations are unaware of the provisions in this regard, and the criteria for acquiring the status are ambiguous. NGOs managed by high-ranking members of the ruling party or their inner circle are more likely to obtain public utility status and therefore tend to be more powerful and visible. For example, the daughter of the Angolan president heads the Angolan Red Cross (CVA), one of the largest public utility organizations in the country. In contrast, some NGOs, particularly those engaged in advocacy actions, do not wish to obtain public utility status to maintain their independence. Indeed, NGOs that obtain public utility status must implement activities according to the interests of the state and are not allowed to engage in advocacy activities. A

draft law on associations, called the Law on Private Associations, has been in preparation since mid-2006. If adopted, this law will narrow the environment for NGOs and prohibit them from engaging in advocacy activities or organizing

protests. Its drafting process has lacked transparency: independent NGOs have been excluded from this process, and the state has banned the circulation of the draft law. The only way to obtain a copy of this text is through personal contacts with the appropriate officials. ORGANIZATIONAL CAPACITY: 5.7 Angolan NGOs generally lack transparency and communicate poorly with their members. While NGOs are required to have boards of directors, these rarely function. According to the World Learning study, less than 10% of NGO boards have met since the establishment of their organization. In most organizations, a single person – often the founder – determines policies and holds executive powers. Attempts to adequately separate powers occasionally lead to the collapse of an organization. For example, when the board of directors of Okutiuka-Benguela, a respected NGO for its community work in war-affected regions, attempted to remove the dynamic executive director of the NGO for lack of accountability and transparency, he dismissed all staff, and the organization gradually ceased to exist. Volunteering is underdeveloped in Angola. Given the high cost of living in the country, people expect to be compensated for their participation in activities. Most NGOs do not recognize the need for strategic planning. While some NGOs attempt to develop and implement strategic plans, the lack of funding and staff stability often interferes with their capacity to engage in such long-term efforts. The study on NGOs conducted by World Learning confirms that they have limited technical equipment due to a lack of resources. Furthermore, NGOs often fail to maintain their equipment or master its use. Of the 302 NGOs involved in the study, only 26.2% have their own offices; 8.9% do not have premises, while the rest rent offices or share space with others. 87.7% of the organizations studied have telephone service, while only 53% have access to the Internet. 69.2% have computers and 65.2% have printers. Less than half of the organizations have a post office box and a fax machine. A minority of organizations have their own vehicles (28.1%), small photocopiers (39.1%), or access to the Internet (45.4%). Human resources are limited both qualitatively and quantitatively. The lack of financial resources to adequately compensate employees and provide them with other benefits prevents Angolan NGOs from retaining competent and qualified staff. The latter often obtain better positions in the public or private sector. Only 50.7% of NGO staff have completed secondary school, and barely 0.12% have enrolled in university. At least 48.5% of NGO employees have other jobs; 76.7% of them work in the public sector. 5.7 5.7 1.0 3.0 5.0 7.0 Organizational Capacity in Angola

 Angolan NGOs face shortcomings in human resource management practices. They rarely use administrative tools such as contracts, terms of reference, salary scales, or staff evaluation systems. The few organizations that have these instruments developed them to meet the needs of a single project without integrating them into their organizational practices. NGOs do not select employees through public job offers. Instead, preference is given to relatives and friends, with little regard for their technical skills or familiarity with modern office practices. FINANCIAL VIABILITY: 5.9 Most NGOs are unable to achieve financial viability, even after a decade of existence. Nearly half (49.3%) of the funding received in 2010 by the 302 NGOs included in the World Learning study came from international donors, NGOs, or businesses. Membership fees (39.4%) and income-generating projects (22.8%) represent the second and third sources of revenue. The state ranks last, providing only 10.6% of the overall funding for NGOs. According to the same study, only 4.7% of NGOs received $200,000 or more from foreign donors, while 40.3% received less than $50,000. Thirty-two NGOs were funded by the state. Of this number, two received $200,000 or more from the state, while the remaining thirty received

less than $50,000. Public interest NGOs stand out among the organizations funded by the state, notably the CVA and other organizations with close ties to the government. NGOs receive little local support. Generally, NGOs do not engage with a permanent group of donors and do not work to increase their membership or promote sponsorship. Neither the state nor local businesses award contracts to NGOs for service delivery. While oil companies engage in sponsorship, their support increasingly goes to foundations managed by state officials. Several NGOs, including World Learning, have worked to strengthen the financial management systems of Angolan NGOs. However, the lack of funds available to the non-profit sector has affected this effort. Of the fifty NGOs that World Learning supported in organizational capacity in 2006, only twenty-two continued to operate as of September 2010. The lack of transparency remains an issue. With the exception of one NGO - the Youth Forum for Health Support and AIDS Prevention (Fojassida) - organizations are not subject to independent annual financial audits nor do they publish their financial statements. ADVOCACY: 5.5 A significant gap exists between the state and NGOs at both local and national levels. The state does not view NGOs as strategic partners in the implementation of public policies. NGOs that have managed to work with the government tend to share its agenda and are often, like the CVA, led by individuals with close ties to the government. The World Learning study reports that 26.4% of NGOs engage in advocacy. NGOs often fail to develop advocacy strategies or measure their impact in terms of public policy changes. Only a few, such as OMUNGA and ACC, have developed medium- and long-term strategies to influence public policies. Despite their campaign 'Stop Illegal Evictions', the government has not halted forced evictions. The low involvement of Angolan NGOs in advocacy also corresponds to the country's high poverty rate, which drives NGOs to focus their attention on providing basic services to meet urgent needs. Some NGO leaders also avoid advocacy because they do not want to upset the government, are members of the ruling party, or are waiting for a favor from the government, such as a vehicle or housing. The drafting and adoption of the new Constitution of the Republic of Angola in 2010 clearly demonstrate the government's disregard for civil society participation. Despite amendments proposed by OMUNGA and other NGOs, civil society was completely excluded from this process. Similarly, NGOs have been unable to engage with the government on the issue of legal reform in the non-profit sector. SERVICE DELIVERY: 5.3

NGOs are heavily dependent on foreign funding but have no say in the funding priorities of donors. When available, foreign funding tends to focus on the process of building democracy and national reconciliation, the AIDS pandemic, and the high illiteracy rate. This explains why NGO services often address these areas. Interventions do not always reflect the needs of targeted communities, given that most donors have poorly defined programs and are not open to change. NGOs are very little recognized or supported by local authorities. Beneficiaries pay for some services, but this remains an exception. INFRASTRUCTURE: 5.7 The number of networks, intermediary support organizations (ISOs), and resource centers is negligible. The few that exist are weak and mainly operate in Luanda, where telephone and internet connections are more reliable. NGOs take no initiative to establish partnerships with local businesses, the state, or the media. International NGOs, such as World Learning, Norwegian People's Aid, and Trocaire, stand out as major providers of financial support, communication networks, training, and technical assistance. World Learning operates in ten provinces, while the Norwegian People's Aid focuses its efforts in Luanda and a few provinces. Trocaire operates in three provinces but will cease its activities in January 2012. There is a skilled workforce capable of meeting the training needs of NGOs in management. However, these capacities are mainly concentrated in the capital. 5.3 5.3 1.0 3.0 5.0 7.0 Service Delivery in Angola 5.7 5.7 1.0 3.0 5.0 7.0 Infrastructure in Angola

ANGOLA 33 PUBLIC IMAGE: 5.4 NGOs are not very visible. The media show little interest in the work of NGOs and consequently do little to raise public awareness. They are largely controlled by the state, which generally views NGOs as adversaries. NGOs do not have a clear media strategy and use little or no tools such as community newspapers, newsletters, and the internet to publicize their actions. OMUNGA, one of the few NGOs actively promoting its image, has a blog where it regularly shares information. In many cases, people confuse NGOs with private businesses, suggesting that the general population does not grasp the concept of NGOs. The government, on the other hand, likely understands the role of NGOs but tends to ignore their existence or treat them as political parties or their affiliates. Like the government, businesses recognize the role of NGOs in providing social services but have concerns about their legitimacy and difficulties understanding their role as advocates for causes. Most NGOs do not document or disseminate their activities. They at most send reports to their donor organizations, which are generally based in Europe and can therefore exercise only limited oversight. 5.4 5.4 1.0 3.0 5.0 7.0 Public Image in Angola

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34 2010 INDEX OF SUSTAINABILITY OF SUB-SAHARAN AFRICAN NGOs BURUNDI Capital: Bujumbura Political regime: Republic Population: 10,216,190 (est. July 2011) GDP per capita (PPP): $300 (est. 2010) Human development index: 185 (2011) SUSTAINABILITY OF NGOs: 5.2 In 2010, Burundi was marked by a highly controversial electoral process that resulted in the re-election of the National Council for the Defense of Democracy - Forces for the Defense of Democracy (CNDD-FDD) as the ruling party. Human rights and civil liberties remained problematic over the past year as civil society organizations, particularly those active in the field of human rights, faced intimidation and threats from those in power. Political training activities were obstructed, and opposition party activists were imprisoned, raising fears of authoritarian drift and the potential boycott of the National Assembly elections by major opposition parties. The electoral period was also marked by rising tensions and escalating violence, including grenade attacks and arson, targeted killings, and arrests. Burundi's development partners continued to provide support during this period, particularly for the electoral process. In Burundi, NGOs operate in a fairly challenging legal environment. The current law governing NGOs makes no distinction between NGOs, political parties, cooperatives, professional associations, and religious institutions. Registration takes a long time and is costly. NGOs that criticize the government face harassment, including threats of cancellation of their registration. By the end of 2010, 3,964 NGOs had been registered with the 4.3 5.6 4.5 4.5 6.0 5.9 5.8 5.2 1.0 3.0 5.0 7.0 Sustainability Sustainability Sustainability Strengthened in Progress Hindered Notes 2010: Burundi Sustainability of NGOs Legal Context Organizational Capacity Financial Viability Advocacy Service Delivery Infrastructure Public Image

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BURUNDI 35 Ministry of the Interior in Burundi, of which only about 10% have permanent staff and offices. Most NGOs face operational difficulties and struggle with issues of democratic governance and professionalism. NGOs remain heavily dependent on foreign funding. The state does not finance NGOs, and other local resources and member contributions are insufficient to ensure the sustainability of NGOs. NGOs that rely on local resources do not enjoy good visibility. Networking is a common practice, and NGOs share information and work together on various advocacy initiatives, some of which yielded positive results in 2010. About fifteen coalitions of NGOs are currently active in Burundi. NGOs provide valuable services in areas such as education, health, support for orphans and other vulnerable children, income generation, housing, water supply, environmental protection, food security, and HIV/AIDS. The public increasingly understands and appreciates the role of NGOs in society and participates in the planning and

implementation of NGO activities. The government's perception of NGOs is variable. It tends to associate NGOs that address sensitive topics such as governance, corruption, human rights, and democracy with political parties. It is sometimes hostile to reports of abuses and criticism, even if they are intended to be constructive. However, it appreciates the contributions of NGOs to service provision. LEGAL CONTEXT: 5.8 Article 32 of the Constitution of the Republic of Burundi guarantees the freedom of assembly and association, as well as the right to create associations or organizations in accordance with the law. Decree-Law No. 1/11 of 1992 governs non-profit associations but does not distinguish between NGOs, political parties, cooperatives, trade unions, and religious institutions. This lack of differentiation has led to confusion on the part of the government and the general public regarding the mission of different types of associations. Like most legislative texts, the law on associations was drafted in French. The National Legislation Service has not yet translated this law into Kirundi, the national language, making it inaccessible to the vast majority of the population. It is also not widely disseminated. A draft revision of this decree law was developed in July 2009 but has not yet been reviewed by the Council of Ministers. Apart from clearly establishing a distinction between different types of organizations, this new draft would set up a National Commission for Associations and decentralize registration. The requirements for registering NGOs are clearly defined, but the procedure lacks transparency and remains discretionary. Approval is obtained from the Ministry of the Interior, located in Bujumbura, which makes registration logistically difficult and costly for associations located outside the capital. Furthermore, the required documents for approval are numerous, expensive, and time-consuming to obtain. For example, the criminal record extract is a prerequisite for obtaining the certificate of good conduct, life, and morals issued by the provincial governor or the mayor of Bujumbura. Some of the required documents are only issued in Bujumbura. Once the documents are submitted, registration must be approved within three days. In practice, however, the speed of the registration process depends on the type of association. While self-help groups are generally registered quickly, those working in the field of human rights or governance often face delays, as the Ministry of the Interior investigates the political trends of their founders. Once approved, NGOs are allowed to undertake activities throughout the country. However, in 2009, the Ministry of the Interior began requiring national organizations working in governance or human rights protection to request special permission to undertake activities in localities within the country. Moreover, the government regularly hinders certain activities, particularly

public demonstrations. It also reserves the right to revoke the approval of associations. In 2010, the ministry indeed threatened to revoke the approval of the Association for the Protection of Human Rights and Prisoners in Burundi (APRODH) and to dismiss its president because it continued to denounce human rights violations by the government. Local NGOs can mobilize funds both inside and outside the country. Only international NGOs benefit from tax exemptions on the import of certain goods such as vehicles, cement, and other materials distributed for humanitarian purposes. NGOs can generate income by providing goods and services. Some NGOs bid for government contracts funded by donors such as the World Bank, the Global Fund to Fight AIDS, Tuberculosis, and Malaria (GFATM), and the European Union. Public authorities tend to equate certain non-profit associations with political opposition and sometimes create parallel associations to certain civil society organizations to limit the power and credibility of CSOs. For example, the government created two “independent” teacher unions to serve as partners in negotiations over the teachers' strike. It blackmails some leaders of organizations and media considered too critical of its actions and harasses them, sometimes even leading to the detention and expulsion of representatives of international NGOs or the refusal of approval. In 2010, for example, the government threatened to lynch the leader of the Forum for Strengthening Civil Society (FORSC). There are no lawyers specialized in the field of NGOs in

Burundi. However, there are lawyers who are members of civil society organizations that defend the interests of the sector when necessary. ORGANIZATIONAL CAPACITY: 5.9 Organizational capacity remains limited in Burundi. Very few NGOs have national or regional coverage or have offices, equipment, or permanent staff. Most NGOs would like to improve their organizational capacity but lack the necessary resources to do so. Some organizations establish transparent management structures, namely the appropriate documents to govern their functioning and management such as statutes, internal regulations, administrative and financial procedure manuals, and strategic and operational plans. These organizations regularly produce technical and financial reports and undergo annual financial audits conducted by independent firms engaged for their professionalism. A few organizations have internal oversight committees that closely monitor operations and report to the general assembly of the concerned NGO. However, many organizations face conflicts of interest where members belong simultaneously to management, execution, and oversight bodies. 5.9 5.9 1.0 3.0 5.0 7.0 Organizational Capacity in Burundi

 Some organizations – notably FORSC, the Collective of Women's Associations and NGOs of Burundi (CAFOB), the Collective of Youth Associations (CPAJ), the Observatory of Government Action (OAG), the Women's Association DUSHIREHAMWE, and the Alert and Conflict Prevention Center (CENAP) – are gradually forming local support groups and networks to expand the implementation of activities at the grassroots level, improve their visibility, and support on the ground. Only a few NGOs have strategic plans, which are not always followed due to lack of funding. Other NGOs develop ad hoc projects aligned with funding opportunities. Some NGOs do not even have an annual operational plan. With the support of their partners, some organizations are increasingly conducting assessments of their organizational capacity and developing operational plans to improve their management. In principle, collectives are created to strengthen the capacities of member NGOs. However, they currently function as mere associations, submitting their own projects to donors, which can lead to direct competition and conflicts with their members. Civil society organizations do not have sufficient resources to professionalize their staff. Moreover, the associative sector suffers from high mobility, particularly among management staff, who are often attracted by higher salaries offered by international NGOs or cooperation agencies. The resources of most NGOs do not allow them to purchase or modernize their office equipment or to gain access to the Internet. Many NGOs work in areas without electricity and lacking Internet access. FINANCIAL VIABILITY: 6.0 There are striking disparities between the financial situations of NGOs. Most of them formulate projects and submit proposals to donors, but many organizations fail to mobilize funds due to their limited capacity and the absence of strategies for community mobilization. Institutional support is particularly difficult to obtain. Some organizations disappear due to lack of funding, changes in their leadership or mission, or donor priorities. Dependence on foreign donors remains significant. Some have indeed left the country in 2010, while others have reduced their support. This has had significant implications for NGOs. For example, the League of Human Rights of Burundi (ITEKA) had to close all its offices outside the headquarters and lay off most of its central staff due to a lack of funds this year. There is still no culture of patronage in Burundi, and the mobilization strategies of NGOs are weak. On the other hand, the population shows a clear willingness to make in-kind contributions for concrete community development projects, such as the construction of schools and health centers. Member contributions are minimal due to their low incomes. Only a few NGOs charge for their services. The state does not grant subsidies to NGOs from the general budget. However, in accordance with donor guidelines, the state more often calls on NGOs to implement activities under grants or subcontracting contracts funded by the World Bank, the GFATM, and the European Union. 6.0 6.0 1.0 3.0 5.0 7.0 Financial Viability in

Burundi

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38 2010 INDEX OF SUSTAINABILITY OF NGOs IN SUB-SAHARAN AFRICA Donors are making increased efforts to strengthen the financial management capacity of NGOs. In 2010, some organizations received accounting software and benefited from training in this regard. In addition to training the permanent staff of the non-profit sector in financial management practices, donors closely supervise expenditures and reports to ensure transparency. Furthermore, many of them require NGOs to undergo annual audits; some donors even impose specific auditing firms. ADVOCACY: 4.5 NGOs actively advocate for the promotion and protection of human rights, governance, fighting corruption, gender consideration in decision-making bodies, women's inheritance rights, HIV/AIDS, education for all, and combating gender-based violence. Professional organizations, such as unions, the bar association, and journalist associations, are also very active in advocacy. Organizations involved in the analysis and monitoring of public policies continue to grow. This includes OAG, ABUCO (Burundian Consumers Association), CENAP, PARCEM (Speech and Action for the Awakening of Consciousness and the Evolution of Mentalities), and FORSC. NGOs share information and have strengthened their capacity to work in synergy to carry out advocacy initiatives. In 2010, a coalition of NGOs helped increase the percentage of the budget allocated to agricultural funding from 3.7% to 6.7%. The ongoing efforts made by NGOs in advocacy against corruption led to a political change in 2010, with the President placing his new mandate (2010 - 2015) under the banner of zero tolerance for corruption; moreover, several high-ranking state officials involved in embezzlement were imprisoned during the year. NGOs were very active during the electoral period. They demanded political parties publish their programs, supervised the elections, and contributed to the revision of the electoral law. Other advocacy campaigns led by NGOs throughout the year focused on the establishment of transitional justice mechanisms, such as the Truth and Reconciliation Commission and the special court, land conflicts, the inheritance law, and the protection of human rights defenders. In 2010, NGOs continued to advocate for the adoption of the bill revising the decree on non-profit associations. Despite these successes, the advocacy actions of NGOs still face significant challenges. They sometimes find it difficult to respond to government actions in a timely manner because they do not receive regular funding. NGOs also have to overcome the difficulties of raising deeply entrenched political and cultural obstacles. For example, despite the constant advocacy of NGOs, the law on inheritance, matrimonial regimes, and gifts, which provides that daughters can inherit from their parents on the same basis as their brothers, continues to stall with the government. NGOs attribute this failure to old cultural traditions based on the system of land transmission from father to son and the fear of social disorder, given that land parcels continue to shrink due to rampant demographics. To meet donor requirements, the state continues to include NGOs in steering and monitoring committees such as that of the heavily indebted poor countries initiative (HIPC) and national consultations on issues such as transitional justice, public procurement, employment, and social security. However, this type of collaboration remains largely formal. 4.6 4.5 1.0 3.0 5.0 7.0 Advocacy in Burundi

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BURUNDI 39 4.5 4.5 1.0 3.0 5.0 7.0 Service Provision in Burundi Some NGOs with decentralized structures carry out advocacy actions at the local level. For example, APRODH advocates for the rights of prisoners across the country and the Association for the Defense of Women's Rights (ADDF) advocates for the rehabilitation of victims of rape and gender-based violence. SERVICE PROVISION: 4.5 Many NGOs provide services in areas such as health, education, housing for vulnerable people, water supply, environmental protection, food security, development of

wetlands, and agricultural and livestock inputs. Due to a lack of know-how and insufficient financial resources, services are virtually absent in areas such as energy supply and environmental protection. Given the context of widespread poverty in the country, NGOs can only meet a small percentage of the population's needs in terms of service provision. Compared to the very large number of people in need, NGOs assist a very limited number of vulnerable individuals such as orphans, child heads of households, widows, people living with HIV/AIDS, persons with disabilities, the Batwa minority, and albinos. Some NGOs, particularly those working in the fields of development, humanitarian aid, good governance, and human rights, provide services beyond their own members. Beneficiaries participate in program development and sharing results, especially through media. NGOs are beginning to establish support groups. The state recognizes the contribution of NGOs to service provision but does not grant them any direct funding. NGOs do not sell their products, but some of them request a contribution from their beneficiaries. They generally do not control market demand for their services. INFRASTRUCTURE: 5.6 Burundian NGOs have access to some OSIs and resource centers that provide access to information, technology, and training on topics such as project startup, fundraising, advocacy, and communication skills. Notably, the House of Non-State Actors (MANE) was established as part of the project Support for Strengthening the Capacity of Non-State Actors (ARCANE) funded by the European Union. In addition to opening a branch in each province, MANE manages a civil society website (www.civilsociety-burundi.org), which provides information on civil society activities. National expertise in training is emerging, but the sector has not yet reached the desired level to address public concerns. Several local organizations reallocate donor funds to local organizations, such as the National AIDS Control Center (CNLS), Global Rights, and Twitezimbere. 5.6 5.6 1.0 3.0 5.0 7.0 Infrastructure in Burundi

 There are active platforms and networks of NGOs, mostly based in Bujumbura. These networks generally contribute to strengthening the capacities of their members through training programs, discussions, and awareness workshops. The networks are beginning to structure themselves, and some of them have websites and newsletters. Coalitions were strengthened during the electoral period, thanks to the activities of the Joint Support Plan for Media (PACAM), the Civil Society Coalition for Electoral Monitoring (COSOME), the Partners' Synergy for Women's Rights (SPPDF), and the Media Synergy. The coalitions also played a role in advocacy for the rights of the survivors of the late Ernest Manirumva, a prominent anti-corruption activist who was assassinated under obscure circumstances. In 2010, NGO networks were also strengthened by their affiliation with sub-regional networks such as the East African Civil Society Organizations Forum (EACSOF) and the East and Horn of Africa Human Rights Defenders Project (EHAHRDP). These regional networks support the advocacy efforts of local organizations. PUBLIC IMAGE: 4.3 NGOs and the media work closely together, and both public and private media voluntarily cover most NGO activities in a positive light. The media sometimes work in synergy with NGOs to address current issues. The latter continue to regularly organize forums bringing together private radio stations with government representatives to discuss governance, democracy, and development issues. Some NGOs sign agreements with the media to ensure coverage of their activities. While some NGOs pay the media to enhance their visibility, in most cases, the media outlets take the initiative to proactively relay the activities of NGOs and treat them as valuable sources of information. The public increasingly understands and supports NGOs and participates in the implementation of the activities they organize. The government's perception of civil society varies depending on the type of NGO and interests at stake. The state tends to associate certain organizations, particularly those working in the fields of governance and human rights, with political opposition. The perception of businesses in the sector is also mixed. While staff

generally support NGO activities, managers can become hostile towards them when they denounce mismanagement or irregular awarding of contracts. Several public enterprises, including the Moso Sugar Company (SOSUMO), the National Telecommunications Office (ONATEL), and the Public Transport Office (OTRACO), criticized NGOs this year, as the latter had criticized them for mismanagement, corruption, or other suspicious practices. In 2010, FORSC finalized a code of conduct to which about a hundred NGOs have already adhered. By adhering to this code, NGOs commit to having transparent and democratic management structures, political neutrality, democratic management, and good communication practices. The supervision of this code is ensured by a specialized committee established by the Civil Society Integrity Observatory. During the elections, several youth associations also adopted a code of conduct calling on young people to respect each other regardless of their political affiliation, to avoid violence, and not to be instrumentalized by political actors. 4.4 4.3 1.0 3.0 5.0 7.0 Public Image in Burundi

DEMOCRATIC REPUBLIC OF CONGO 41 4.5 4.7 3.7 3.9 5.6 4.2 4.2 4.4 1 3 5 7 Sustainability Sustainability Sustainability Strengthened in Progress Hindered Sustainability of NGOs Legal Context Organizational Capacity Financial Viability Advocacy Service Provision Infrastructure Public Image Notes 2010: Democratic Republic of Congo (DRC) 4.0 4.0 1.0 3.0 5.0 7.0 Sustainability of NGOs in DRC DEMOCRATIC REPUBLIC OF CONGO Capital: Kinshasa Political regime: Republic Population: 71,712,867 (est. July 2011) GDP per capita (PPP): $300 (est. 2010) Human Development Index: 187 (2011) SUSTAINABILITY OF NGOs: 5.1 The year 2010 was rich in events in the Democratic Republic of Congo (DRC). The country indeed celebrated the fiftieth anniversary of independence, made a remarkable return to the regional and international scene, accelerated the major projects in the infrastructure sector, and reached the completion point of the Heavily Indebted Poor Countries (HIPC) Initiative with a relief of nearly 80% of external debt. However, poverty remained high and the demand for basic social services, particularly water, health, electricity, and education, effectively increased during the year. According to the NGO directory published by the National Council of NGOs and recent data from the United Nations Stabilization Mission in the Democratic Republic of Congo (MONUSCO), UNDP, and the Ministry of Planning, nearly 5,000 NGOs operate throughout the country, even though new organizations are created while others disappear. NGOs intervene in various fields, including the promotion and protection of human rights, natural resources, media, community development, children and youth, women, trade unions, economic governance, poverty reduction, and microfinance. 2010 was a particularly fateful year for human rights NGOs. Human rights activists and media professionals were indeed murdered under suspicious circumstances. Thus, the National Network of Congolese Human Rights NGOs (RENADHOC) was weakened by the assassination in June 2010 of Floribert Chebeya, a leading human rights activist and executive secretary of RENADHOC. Since his assassination, several journalists and human rights activists have been harassed and beaten by security services, including leaders of the African Association for the Defense of Human Rights (ASADHO), which has ties to Nelson Mandela. An independent journalist from a television channel was killed in North Kivu in April 2010. The current global financial crisis continues to affect civil society life in the DRC. At the same time, however, there is a strong dependence on external funding and a low capacity for mobilizing financial resources, particularly at the local level. Increasingly, there is a strong synergy among NGOs, as evidenced by the establishment of various thematic networks focused on issues such as peasant movements, women's rights, human rights, and economic governance. These networks have improved the quality of NGO advocacy and led to several laws being passed at the national Assembly and Senate levels, as well as at the provincial assemblies. The perception of the government and the public towards NGOs did not evolve significantly in 2010. The government

continues to view NGOs as echo chambers for the West and appendages of the political opposition. NGOs still have much to do to improve public perception of the associative sector. LEGAL CONTEXT: 5.4 NGOs in the DRC fall under the broader category of non-profit associations. Law No. 004/2001 on general provisions applicable to non-profit associations, enacted in 2001, governs all non-profit associations and includes a specific section on NGOs. The registration of NGOs continues to be a slow and costly process. To register, an NGO must submit several documents to the Ministry of Justice to obtain an administrative document, called F92, which serves as a provisional authorization for a period of six months. After this period, the Ministry of Justice is supposed to

automatically grant legal personality to the organization. In practice, however, the ministry often remains silent, which puts NGOs in difficulty, as they do not know if they are officially recognized or if they can legally act without this official document. Article 7 of the Law on non-profit associations details the elements that must be contained in the statutes of an NGO, including the management structure and its mandate, the method of establishing annual accounts, and the rules to be followed for amending the statutes. NGOs are required to legalize their statutes by submitting them to the Ministry of Justice and the relevant ministry. Administrative fees must be paid for all these formalities. As this entire process takes place in the capital, it is particularly long and costly for organizations based elsewhere in the country, due to the long distances that must be traveled to register. The Law on non-profit associations recognizes NGOs' right to operate freely. This law does not allow the state to exercise unwanted control and protects NGOs from dissolution by the state. DEMOCRATIC REPUBLIC OF CONGO 43 4.0 4.0 1.0 3.0 5.0 7.0 Organizational Capacity in DRC However, NGOs dedicated to the promotion and defense of human rights often face intolerance from political actors. The situation sharply worsened in 2010, with a murder and abuses committed against civil society actors. In addition to the assassination of Floribert Chebeya, other civil society activists were kidnapped, beaten, and detained. In contrast, faith-based organizations have gained the trust of the authorities through their poverty alleviation activities. Some local lawyers are familiar with the Law on non-profit associations. But in most cases, NGOs do not have the means to pay for their services. The Law on non-profit associations specifies the tax and customs exemptions for NGOs, but in practice, only large faith-based and charitable organizations benefit from these exemptions; other NGOs, particularly those dedicated to political rights, fundamental freedoms, and human dignity, are identified by the government as political opposition and thus forced to pay. Moreover, NGOs must pay bank taxes at the same rate as commercial enterprises. NGOs can sell their products and services and bid on state tenders. In practice, however, the lack of transparency is often reported in the selection of beneficiary NGOs. ORGANIZATIONAL CAPACITY: 5.1 Congolese NGOs generally consist of support groups made up of members of local communities who identify problems and develop appropriate strategies. The statutes of NGOs often include a well-defined vision, but this is not always supported by a strategic plan. NGOs lack the capacity to develop strategic plans and face enormous difficulties in effectively implementing them due to a lack of financial resources. NGOs have a management structure, and the responsibilities between board members and staff are clearly defined in their statutes. But in practice, many NGOs still fail to implement an internal democratic governance system. Some NGOs obtain work materials through various projects they implement. However, due to a lack of institutional support, they do not always have the financial means to maintain this equipment, let alone upgrade or renew it. Few Congolese NGOs have the adequate means to hire permanent and paid staff; those that do face difficulties in paying them regularly and generally offer just enough for survival. There is no clear policy on social security or other benefits in human resources. There has been a significant exodus of qualified NGO staff in 2010 to larger national NGOs, international organizations, the United Nations system, and political parties, particularly in Kinshasa and the east of the country.

Most Congolese NGOs work with volunteers due to their limited budgets, but few are able to operate effectively with only volunteers. FINANCIAL VIABILITY: 5.8 The year 2010 was difficult for NGOs

financially, and the budgets of some national organizations were nearly halved. Most NGOs depend on bilateral donors and

 Multilateral organizations. Very few have sufficient resources to remain viable in the medium and long term. Many development NGOs operate with very limited resources that only allow them to implement short-term activities. While some Congolese NGOs can operate based on member contributions, they remain rare; the majority of NGOs do not put much effort into collecting these contributions. The local support that NGOs, particularly faith-based associations and mutual groups, are able to mobilize is generally sporadic and insufficient to manage a long-term program. Most Congolese NGOs rely on volunteers for the execution of community projects. Except for religious groups, Congolese NGOs have limited capacity to establish a core of local financial support groups. Only a few NGOs have adequate financial management tools, publish their annual reports, or prepare financial statements. However, they only send their annual reports to the financial partners that support them and submit to external financial audits. Very few NGOs generate income from service provision or other internal additional sources. The state's and local businesses' use of NGO services is very rare. ADVOCACY: 4.5 In 2010, NGOs in the DRC actively campaigned for agricultural reform, access to public information, achieving the Millennium Development Goals, and transparency in the extractive industries. Furthermore, NGOs continued to be as present as active in various sectors of national life, such as health, education, relief, housing, water, and energy. Several organizations demanded that the Ministry of Finance regularly publish government revenues to enable NGOs to better monitor. There are increasingly more opportunities for interactive dialogue between NGOs and the government at the national, provincial, and local levels. For example, the Ministry of Environment has developed a framework for consultation between the government and civil society on reducing the effects of deforestation and degeneration. Moreover, the government involves NGOs in the definition of development policies and programs, as in the case of the Poverty Reduction Strategy Paper (PRSP) and the evaluation of the effectiveness of development aid. Twenty thematic groups tasked with reflecting on national policies and interacting with the government were established following the National Civil Society Symposium in 2009. These working groups suffer from a shortage of resources, which hinders the regularity of their meetings. Members of the economic governance thematic group worked enthusiastically on the development of the national budgets for 2010, but limited funding did not allow them to effectively supervise the execution of the budget. The group on natural resource management did remarkable work during the review of mining contracts and the validation process of the DRC as a signatory of the Extractive Industries Transparency Initiative (EITI), but this group has increasingly lost its enthusiasm.

 and its energy. The Congolese state must show a stronger political will to finance these dialogue opportunities instead of relying on the contributions of donors. While NGOs in the DRC are comfortable with the concept of lobbying, their capacity to influence decision-makers needs to be strengthened. NGOs know that a conducive legal and regulatory framework could improve their structural viability and sustainability, but this does not seem to be a priority for the state. SERVICE PROVISION: 4.5 NGOs provide a variety of services to the most disadvantaged populations, particularly in the

areas of reproductive health, microfinance, nutrition, poverty alleviation, social rights, economic development, education, access to drinking water, access to information, combating childhood diseases, and maternal mortality. The services and products provided by NGOs generally reflect the needs and priorities of local communities, even though some NGOs do not take the time to study the actual needs of these communities. Other NGOs settle for the priorities defined by their financial partners. Congolese NGOs have not yet developed sufficient capacity to provide services and products to broader groups. For example, the publications and studies conducted by NGOs are not widely disseminated. NGOs sometimes recover the costs incurred, although these organizations do not always know the market demand or the ability of users to pay. The Congolese government recognizes the value of NGOs in providing basic social services, but does not provide them with any financial support. However, it supports NGOs in the implementation of international programs according to the wishes of donors. In 2010, it worked with NGOs on programs related to childhood diseases, HIV/AIDS, tuberculosis, sleeping sickness, disabled persons, and assistance to street children. INFRASTRUCTURE: 5.6 There are relatively very few intermediary support organizations (ISOs) and resource centers for NGOs in the DRC, which hinders their ability to access information. These resource centers funded by USAID operate in Maniema, Katanga, Bandundu, and South Kivu, while a variety of resource centers operate in Kinshasa, including those developed by UNDP, the Carter Center, the Walloon Community, the French Cultural Center, and the Justice and Peace Commission. These centers generally provide some training and access to the Internet. ISOs and resource centers depend on funding from donors and have not developed alternative funding sources at the local level. ISOs generally do not practice grant-making, and very few foundations grant local funding to meet community needs.

Public Image in the DRC NGOs share information among themselves at the national and local levels through their platforms and thematic networks. Networks and coalitions bring together NGOs around themes such as combating corruption, women and youth, human rights, and development. Several qualified local trainers and training programs in NGO management are available. In 2010, PREFED SERACOB organized several trainings in project management, execution, and monitoring, as well as good governance and conflict resolution. Other organizations, such as the Open Society Institute for Southern Africa (OSISA), UNDP, the European Union, and MONUSCO, organized training to strengthen the capacities of CSOs in advocacy. CENADEP, CRAFOP, and DIOBASS organized training courses for revitalizing community and peasant organizations. All of these trainings are funded by external donors. Training modules should be translated into local languages to reach broader groups. Congolese NGOs are beginning to develop partnerships with the state and private companies, but especially with the media at the national and local levels. The BRALIMA Foundation and VODACOM, for example, support local NGOs in rehabilitating schools, mentoring orphaned children, and providing access to drinking water in villages and poor neighborhoods. However, the beneficiary NGOs unfortunately do not implement appropriate strategies to maintain such partnerships. PUBLIC IMAGE: 5.0 Congolese NGOs do not effectively promote their image. They must actively reach out to the media and pay for media coverage. The media charge for their services without distinction between public services and commercial advertisements. They invite NGO leaders to participate in specialized programs. Congolese media that provide independent analysis of the work of NGOs are rare. The public does not always fully understand the concept of NGOs. Due to their dependence on external funding, NGOs sometimes have problems establishing themselves in the communities they serve, making it difficult for the public to support their activities. Even though it appreciates the work of faith-based organizations, the

Congolese government and private companies have a very negative image of NGO advocacy, which has worsened over the past year. In most cases, state representatives only cooperate with NGOs at the express request of donors or international partners, as in the case of the process of Reducing the Effects of Deforestation and Degradation (REDD) and the Extractive Industries Transparency Initiative (EITI). The NGOs and the assassination of journalists in 2010 provoked a public outcry and allowed the public to better understand the work done by NGOs. A code of ethics for development NGOs and an ethical charter for civil society actors have been developed, but they are neither regularly disseminated nor promoted, and there is no strong mechanism for enforcing them. Only large NGOs publish their annual reports.

ETHIOPIA 47 ETHIOPIA Capital: Addis Ababa Political regime: Federal Republic Population: 90,873,739 (est. July 2011) GDP per capita (PPP): $1,000 (est. 2010) Human development index: 174 (2011) SUSTAINABILITY OF NGOs: 5.5 Ethiopia adopted its current constitution in 1995, which strongly emphasizes human rights. Ethiopia is also a party to various major international and regional instruments related to human rights. However, despite all these commitments to democracy and human rights, Ethiopian NGOs operate in an extremely restrictive environment. The Ethiopian People's Revolutionary Democratic Front (EPRDF) has won all four national elections held since the adoption of the constitution. In the last elections, in 2005, only one seat out of the 547 seats in parliament was won by a member of an opposition political party. Following this overwhelming victory, a series of laws were adopted to regulate political parties, the media, and civil society, as well as anti-terrorism legislation. These laws have significantly reduced the political space in the country, severely restricting freedoms of expression, assembly, and association. Among these laws is the Proclamation on Charities and Societies, which came into effect in September 2009. This Proclamation restricts the operational freedom of NGOs as well as their access to foreign funding. In October 2010, the total number of NGOs re-registered in accordance with the Proclamation on Charities and Societies was 2,020, which is just over half of the number of organizations that existed before the mandatory re-registration. The associative sector is characterized by a sense of fear, cynicism, and passivity. The new laws severely limit the capacity of NGOs for advocacy. Many NGOs that previously engaged in advocacy activities have been forced to re-register as service providers. NGOs continue to provide various services in health, education, environment, poverty alleviation, capacity building, and job creation. NGOs continue to deal with the low development of interest groups, insufficient diversification of resources, weak internal democracy, and limited partnerships with other NGOs. The new law has led to a significant reduction in foreign funding, while national sources still need to develop. NGOs lack the capacity to effectively inform society of their missions, achievements, or value to counter the state's hostility towards them. LEGAL CONTEXT: 6.2 According to the Proclamation on Charities and Societies, NGOs must register either as a charity created to help others or as an association created to be useful to its members. Furthermore, NGOs must now choose to register as Ethiopian organizations, residents in Ethiopia, or foreign organizations. Ethiopian associations must receive the vast majority of their funding from Ethiopian sources; a maximum of 10% of their income can come from foreign sources. In contrast, resident and foreign organizations can receive unlimited foreign funds but cannot work in the strategic areas of human rights, gender equality, children's rights, and the rights of persons with disabilities, conflict resolution, and the effectiveness of the justice sector. NGOs receiving more than 10% of their funds from foreign sources are denied the right to judicial recourse against any action taken against them by the Agency for Charities and Societies. According to Article 104(3) of the Proclamation, only organizations registered as charities or Ethiopian associations have the right to appeal a decision of the Agency to the Federal Supreme Court. All civil society organizations are required to register; informal associations are prohibited,

regardless of their size or type. The majority of NGOs (82%) have re-registered as resident and foreign charitable service providers. Only 112 organizations (6%) are currently registered as Ethiopian charities dedicated to the rights or services of others with local funding, while 261 organizations (13%) have registered as Ethiopian

associations working for the benefit of their members. The new regulatory framework also has a significant impact on networking and cooperation among NGOs. A directive from the Agency for Charities and Societies prohibits the establishment of networks involving both charities and associations or Ethiopian charities and resident and foreign charities. This is intended to restrict the flow of funds from resident and foreign charities to Ethiopian charities or associations. Networking between resident and foreign charities is permitted. Following this directive, out of the thirty-three registered consortiums and networks, only one network – the Ethiopian Women's Associations Network (NEWA) – has been created as an Ethiopian organization. 6.1 6.2 1.0 3.0 5.0 7.0 Legal Context in Ethiopia

 The state implements and interprets the new law quite strictly. For example, in December 2009, the Director of the Agency instructed four private banks to freeze the assets of the Human Rights Council (HRCO). The HRCO had re-registered as an Ethiopian charity, allowing it to operate in the field of human rights as long as 90% of its income comes from national sources. The Agency argued that the HRCO had to renounce the foreign funds it had accumulated before the adoption of the new legislation, while the HRCO claimed that the law should not apply retroactively. The Agency issued a similar decision against the Ethiopian Women Lawyers Association, another local human rights advocacy organization. It has been said that the Agency lacks both the capacity and the willingness to apply the law uniformly and fairly. Agency officials do not always have the necessary training to assess or evaluate the application of the law by NGOs or to understand the law literally. For example, although it is not legally prohibited, the Agency is reluctant to register charities that offer adoption services. NGOs are exempt from income tax on grants. Furthermore, donors are entitled to a tax deduction on donations made to NGOs certified by the Agency as having an exceptional record in the transparent and responsible use of resources. The Proclamation on Charities and Societies grants NGOs the right to engage in paid activities but imposes excessive prerequisites. NGOs must obtain permission from the Agency, which has been very restrictive in implementing this provision. As a result, very few organizations have been authorized to engage in lucrative activities. Additionally, NGOs must pay taxes on income derived from economic activities. There are lawyers who specialize in representing NGOs and providing legal advice both in Addis Ababa and in secondary cities. The Faculty of Law at Addis Ababa University has recently begun offering a course on laws related to non-profit associations. ORGANIZATIONAL CAPACITY: 5.1 Most organizations are guided by the availability of funding rather than by a commitment to their visions and missions. Due to the financial restrictions of the Proclamation, a considerable number of organizations that operated in the field of human rights or advocacy have redirected their mission to focus on service delivery. The majority of NGOs tend to emphasize short-term projects rather than long-term programs based on strategic planning. Most NGOs in Ethiopia can be described as individualistic and depend on a single individual, usually the executive director. Each registered NGO must, under the law, have a clearly defined governance structure. However, in most cases, board members are not very active in fulfilling their oversight or resource mobilization roles. A majority of organizations often lack basic documents such as human resources and financial management manuals. Most NGOs have permanent staff and offices equipped with the necessary infrastructure: vehicles, computers, internet, and telephone service. However, local associations struggle to recruit and retain specialized staff and may also

lack computers, internet access, telephone service, and office space. The culture of volunteering in Ethiopia is weak. 5.1 5.1 1.0 3.0 5.0 7.0 Organizational Capacity in Ethiopia

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50 2010 INDEX OF SUSTAINABILITY OF NGOs IN SUB-SAHARAN AFRICA FINANCIAL VIABILITY: 5.9 NGOs face significant challenges regarding financial viability. Foreign funding, which local NGOs have long relied on, is considerably decreasing due to new legal restrictions. Donors are increasingly reluctant to provide financial support, particularly to human rights organizations. Nevertheless, the majority of NGOs remain heavily dependent on foreign funds and face acute difficulties in diversifying their resource bases. NGOs lack experience and have limited access to national resource mobilization techniques, and very few individuals and businesses engage in philanthropy. The state does not allocate grants to NGOs, and only those with a permit are allowed to bid for government contracts. The Proclamation regarding charitable organizations and associations generally defines administrative costs as "the costs involved in salaries, wages, benefits, the purchase of products and services, travel, and activities necessary for the administration of a charitable organization or charity, and limits these expenses to a maximum of 30% of the total budget of an NGO." If this provision is applied inconsistently by the Agency, it has had serious repercussions on the financial viability of NGOs. NGOs are legally required to undergo an independent financial audit and to submit an annual financial and activity report to the Agency responsible for charitable organizations and associations. ADVOCACY: 6.0 Advocacy actions have been significantly weakened in the country by the new law. Indeed, as stated above, this law severely undermines the capacity of NGOs to engage in advocacy on issues such as human rights, gender equality, children's rights, and the rights of persons with disabilities, conflict resolution, and access to justice. The state views these as political activities that should be undertaken by citizens with local resources. The Agency reported that seventeen human rights and advocacy organizations have been forced to change their mission to focus on providing various services. Organizations previously focused on juvenile justice with child victims have also ceased their activities and are now dedicated to service provision. Furthermore, the Proclamation regarding charitable organizations and associations prohibits service-providing NGOs from raising awareness among their beneficiaries about their rights or advocating for policy changes in this area. Advocacy activities are also limited by new restrictions on networking. Only one advocacy network – dedicated to gender issues – is currently legally registered, but it is not functioning at all due to serious financial constraints. 5.8 5.9 1.0 3.0 5.0 7.0 Financial Viability in Ethiopia 5.8 6.0 1.0 3.0 5.0 7.0 Advocacy in Ethiopia

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ETHIOPIA 51 There is no communication line between NGOs and decision-makers, and the NGO community is no longer comfortable promoting policies due to the restrictions of the new law. Despite attempts by some NGOs to engage the government in dialogue about amending the law and even organizing consultation meetings at various levels, these efforts have been in vain. Local NGOs have not undertaken any further advocacy efforts to promote legal reforms favorable to NGOs. SERVICE PROVISION: 4.9 Since the re-registration process, over 82% of NGOs have engaged in service provision, an area where both NGOs and the government feel comfortable. NGO services cover various areas such as health, education, the environment, poverty alleviation, capacity building, and job creation. NGOs rarely charge for their services, which limits their financial viability. By definition, associations, which operate exclusively for the benefit of their members, provide goods and services that reflect the needs and priorities of those members. Charitable organizations, on the other hand, rarely include beneficiaries in the design and implementation of projects. NGOs lack strong partnerships with the media, universities, the private sector, and the public. The five-year growth and transformation plan

adopted by the government in September 2010 recognizes the role and investment of the private sector and civil society in education, agriculture, and overall capacity-building activities, but clearly defines civil society as mass organizations, cooperatives, and professional associations. It does not recognize the role of NGOs in implementing, monitoring, and evaluating development activities. INFRASTRUCTURE: 5.3 Although few in number, resource centers and networks existing at the federal and regional levels provide support, such as information sharing, technology, and capacity building, at least to their member organizations. However, most of these organizations have only been established recently and do not have the capacity to meet the range of needs of the associative sector, particularly local NGOs. Some organizations and networks reallocate international funds, and some organizational networks provide information to their members about grant opportunities. The Consortium of Christian Relief and Development Associations (CCRDA), one of the largest and oldest umbrella organizations in the country, provides training to its members in NGO management, governance, project management, and financial management. Twenty-five sectoral and regional consortia are registered at the federal level, but no network represents the sector at the national level. Existing organizational networks are criticized for their lack of cooperation, the creation of opportunistic alliances, redundancy, and mutual distrust. Intersectoral partnerships are very weak. 5.0 4.9 1.0 3.0 5.0 7.0 Service Provision in Ethiopia 5.3 5.3 1.0 3.0 5.0 7.0 Infrastructure in Ethiopia

 PUBLIC IMAGE: 5.1 The government's hostility towards the sector has had negative repercussions on media and public opinion. Media coverage of NGO activities is limited and further exacerbated by the fact that NGOs lack media strategies. As the state holds a monopoly on electronic media, it is virtually impossible for NGOs to use television or radio to promote their activities. Moreover, airtime is so expensive that most NGOs cannot afford it. Public media generally portray NGOs as wasteful organizations that squander public funds for personal interests. Compared to public media, private media provide more equitable coverage of NGOs, but are mainly interested in reporting on NGO activities rather than covering the sector in a more in-depth or analytical manner. Ethiopian NGOs are unable to communicate effectively about who they are, what they do, their achievements, or their value to society, which hinders their relationships with the public. They are commonly perceived as being sufficiently funded by foreign donors and spending considerable amounts on salaries and benefits for their staff, as well as other administrative costs, rather than on the direct implementation of projects. Working relationships between NGOs and businesses are not strong, and the latter do not provide any significant financial support to the associative sector. The sector lacks a strong self-regulatory system, despite attempts by major organizational networks, such as CCRDA and the civil society working group, an ad hoc group of CSOs set up to create a conducive environment for the sector, to revise the NGO code of conduct developed in 1999. 5.1 5.1 1.0 3.0 5.0 7.0 Public Image in Ethiopia

GABON 53 GABON Capital: Libreville Political regime: Republic Population: 1,576,665 (est. July 2011) GDP per capita (PPP): 14,500 (est. 2010) Human development index: 106 (2011) SUSTAINABILITY OF NGOs: 5.4 In Gabon, the sustainability of NGOs has not changed significantly over the past year. NGOs continue to be governed by an outdated law, and efforts to revise it remain stalled. NGOs, especially those addressing governance issues or criticizing government actions, continue to face government hostility. Despite these pressures, NGOs have begun to carve out a space for advocacy. In 2010, NGOs were fierce advocates in areas such as environmental issues, governance, and health, among others. The relative strength of NGOs in

advocacy and lobbying is moderated by a lack of professionalism in the sector. NGOs do not manage their human and financial resources well. While some NGOs have strategic plans, most do not even have a medium-term action plan. The lack of capacity means that only a few NGOs are able to attract potential donors, who are mostly foreign. State grants are minimal, and local philanthropy is non-existent. NGOs provide an increasing array of services, such as workshops and studies for the government and businesses. Gabonese NGO networks provide valuable support to their members and promote information sharing. While the public generally has a perception of NGOs as being well-funded, they often do not recognize the challenges faced by these organizations in terms of sustainability and effectiveness. 5.4 5.4 1.0 3.0 5.0 7.0 Sustainability of NGOs in Gabon 5.0 5.1 5.1 5.1 6.1 5.5 6.0 5.4 1.0 3.0 5.0 7.0 Sustainability Sustainability Sustainability Strengthened in Progress Hindered Gabon: 2010 Notes Sustainability of NGOs Legal Context Organizational Capacity Financial Viability Advocacy Service Provision Infrastructure Public Image

 Positive aspects of NGOs, the sector must strengthen its media coverage and enhance its relationships with the government and businesses to improve its effectiveness, particularly in advocacy. It is difficult to estimate the number of registered or active NGOs in Gabon. A directory developed by the Non-State Actors Strengthening Program (PROGREANE) funded by the European Development Fund in mid-2010 identified 700 NGOs and 14 national thematic networks. However, only 200 of these NGOs are active and not all are registered. The directory did not cover all provinces of the country. In comparison, the Ministry of the Interior reported that 516 NGOs registered in 2009 but could not provide information for 2010. LEGAL CONTEXT: 6.0 The legal framework for NGOs has not changed in 2010. NGO interventions have been governed since 1962 by Law 35/62, the Law on Associations. NGOs continue to operate in this outdated legal climate while discussions are ongoing for an upgrade and amendment of this law. Article 3 of the Law on Associations allows NGOs to operate without being registered. NGOs wishing to register legally must submit an application or declaration containing the relevant information to the prefecture where the NGO's headquarters is located and receive a provisional receipt. Upon issuance of this receipt, an NGO must refrain from conducting any activities for three months unless it receives its final receipt before this deadline. However, the law does not specify a timeframe for the issuance of the final receipt. The law does not specify the appropriate management structure for NGOs. The operations of each NGO are governed by its own statutes, which must be submitted with the declaration to the relevant prefecture. In 2010, under the auspices of PROGREANE, NGOs lobbied the government for a complete revision of the Law on Associations. The requested amendments include the need to distinguish between simple associations and NGOs and the fiscal aspects related to the operation of the latter. NGOs submitted their proposals to the competent authorities, but no follow-up has yet been given. NGOs faced increasing pressure from the government in 2010 due to ongoing political tensions surrounding the 2009 elections. In particular, NGOs that criticized public institutions or public services or the political situation in the country were subjected to pressure or veiled threats. The Ministry of the Interior, for example, threatened to dissolve the Publish What You Pay NGO platform and the Civil Society Network for Good Governance in Gabon (ROLBG) following their campaign for greater transparency in electoral processes and reform of state institutions. Furthermore, some members received anonymous threats by phone. The number of lawyers familiar with legislation related to civil society organizations is increasing due to the growing pressure from the government. NGOs that hire lawyers must ensure they have funds available to pay their fees since there are currently no pro bono legal consultations available for NGOs. Few NGOs benefit from tax exemptions as the law is vague on this matter, and most NGOs are unaware of the

benefits that could be provided to them. Furthermore, the procedure for applying for VAT exemption, for example, is long and complex. NGOs are free to charge for their services. 6.0 6.0 1.0 3.0 5.0 7.0 Legal Context in Gabon

GABON 55 However, like any other service provider, NGOs must pay 9.5% of their service contracts to taxes, in addition to VAT. ORGANIZATIONAL CAPACITY: 5.5 Except for a small number of well-organized NGOs, few local NGOs employ permanent and paid staff or have a board of directors. NGOs tend to recruit volunteers and temporary employees for specific projects. Due to the lack of permanent staff, few NGOs develop strategic plans. While appropriate roles can be defined in the statutes and internal regulations, in practice, only a few NGOs have a clearly defined distribution of responsibilities. Many NGOs lack office space and modern office equipment. Most NGOs rely on cyber cafes for internet access; some NGOs also use these services for their word processing and accounting. Some individuals use their own computers when starting an association and purchase the organization's equipment after receiving a grant. Mobile phones are relatively affordable, and most NGOs can only be reached by this means. FINANCIAL VIABILITY: 6.1 Most NGO funding comes from foreign sources, such as international organizations and partners, as well as embassies. An increasing number of NGOs, especially in the environmental sector, are bidding for contracts to provide services to the state and other actors in Gabon. These contracts are generally awarded to pre-identified local NGOs for small short-term studies. Local funding sources are virtually nonexistent. The only real source of local philanthropy is the Sylvia Bongo Ondimba Foundation, created by the First Lady of Gabon. Wealthy individuals politically involved create and fund their own NGOs to promote their political ends, for example, by advocating for certain issues or political candidates. Membership fees are rarely paid even though they are provided for in the statutes and internal regulations. The financial viability of NGOs is threatened as funding sources remain very limited. Available funds are often intended for short- or medium-term activities. The lack of reliable funding hinders the professionalism of NGOs. Outside of a few fairly structured NGOs, financial management systems are practically nonexistent. ADVOCACY: 5.1 NGOs participate in government forums and working groups on a range of issues, such as screening and managing sexually transmitted diseases, family planning services, support for people living in slums in Libreville, and HIV/AIDS. Civil society is also represented in the Extractive Industries Transparency Initiative (EITI) and the Voluntary Partnership Agreements under the Forest Law Enforcement, Governance and Trade (FLEGT) process supported by the EU. Despite some apprehension between the two parties, cooperation between NGOs and the government is increasingly strengthening on a technical level. However, NGOs still have limited access to the decision-making level of the state. Although there is still no legal mechanism for NGOs to participate in the political and legislative process, they regularly provide their opinions on issues related to electoral transparency and good governance. However, NGOs do not yet sufficiently master lobbying, which somewhat limits their impact on legislation. Nevertheless, some NGOs are increasingly consulted for the revision of certain laws, although their opinions are not always taken into account. Since the presidential election of 2009, ROLBG and the National Observatory for Democracy (OND) have engaged in a campaign to allow civil society to participate more fully in the political life of the country. In May 2010, the Network for the Defense of Human Rights in Gabon (REDDHGA) trained a hundred electoral observers with the support of the U.S. Embassy. In June 2010, HADASSA launched a campaign to collect food donations for economically disadvantaged people. The Mussobini Federation, which brings together more than twenty NGOs, organized a series of conferences on corruption as part of a campaign titled “All Against Corruption.”

Awareness-raising activities on HIV/AIDS and sexually transmitted diseases were organized by

the Gabonese Movement for Family Welfare (MGBEF) and other organizations. In February 2010, NGOs publicly denounced radioactive pollution in the Mounana region (Haut Ogooué province) by AREVA, the French industrial group specializing in nuclear energy, as well as the dumping of toxic waste by a laboratory in the same region. Following these campaigns, the state was obliged to send an investigation mission and inform the public. A representative of the civil society from the NGO Brainforest was subsequently chosen to sit on the committee responsible for monitoring the implementation of the recommendations from the investigation mission. All NGOs know that a favorable legal and regulatory framework can enhance their effectiveness and sustainability. With the support of PROGREANE, NGOs are advocating for the revision of the Law on Associations to align it with the current context of NGOs. While some NGOs and platforms have links with political actors favorable to reform, there is currently insufficient political will to improve the legal environment for NGOs. SERVICE DELIVERY: 5.1 The range of products and services provided by NGOs is constantly expanding based on the needs of support groups, but also on ongoing processes in Gabon. Thus, in 2010, NGOs provided various products and services, such as workshops, case studies, and publications in different areas made available to various stakeholders, particularly the government. Environmental NGOs are increasingly active in service delivery. The Environment Gabon platform conducted an analysis of the regulatory framework of the forestry sector. NGOs also conducted an impact assessment of mining operations in the Haut-Ogooué province. They also carried out socioeconomic studies in several sectors. 5.3 5.1 1.0 3.0 5.0 7.0 Advocacy in Gabon 5.1 5.1 1.0 3.0 5.0 7.0 Service Delivery in Gabon

  57 NGOs generally identify the needs within their target groups and adapt their services accordingly. Some NGOs engage in cost recovery, mainly those working in health and sanitation, which often provide waste collection services at reasonable prices. Furthermore, in October 2010, MGBEF established a medical analysis laboratory and a model reproductive and sexual health clinic that offers services at very affordable prices. Other organizations are increasingly developing income-generating activities to cover operational costs that are not normally funded by grants. The government is increasingly recognizing the contributions of NGOs and invites them to participate in various working groups. State grants to NGOs are still minimal, and the government does not directly award contracts to NGOs, apart from a limited number for the provision of social services. However, NGOs benefit from subcontracting contracts through certain companies and institutions, such as international NGOs, which have been awarded state contracts. INFRASTRUCTURE: 5.1 OSI, resource centers for NGOs, and local donor organizations are virtually nonexistent. PROGREANE, which was created to serve as an OSI, faced operational difficulties before its closure in mid-2010. Discussions are ongoing to launch the second phase of PROGREANE to consolidate the project's achievements. Gabonese NGOs are increasingly establishing networks and platforms to address common issues and share information, most often through mailing lists or formal meetings. The Réseau Environnement Gabon platform, for example, continues to unite a number of local NGOs involved in negotiations between the European Union and Gabon on forestry issues. The National Support Center for Women’s Organizations (CENAF) provides support to its beneficiaries. At the end of 2010, CENAF received an award for promoting the MDGs for its actions in strengthening the capacities of five networks of women's associations to improve their participation in political, economic, and social governance. There are skills for specific training, but no database to identify competent trainers. This means that the choice of trainers is often made based on affinities rather than on the qualifications and expertise of the trainer. Training materials are rarely available in local languages. Local funding is practically nonexistent, and intersectoral partnerships are only observable during specific workshops or working groups. PUBLIC IMAGE: 5.0 Like other actors,

NGOs must pay for their media coverage. While radio and television programs dedicated to themes followed by NGOs are beginning to emerge, the vast majority of the media still do not concretely recognize the role played by NGOs in society. Generally, the media merely report on the activities of NGOs but do not conduct in-depth analyses to better explain this role. This may be related to the fact that the number of journalists specialized in NGO issues is very limited. 5.1 5.1 1.0 3.0 5.0 7.0 Infrastructure in Gabon

 Even if the public does not yet fully understand the concept of NGOs, it generally has a positive perception of the work of NGOs, especially those lobbying for good economic, political, and environmental governance. NGOs and civil society in general are beginning to be seen as the true representatives of the people. The government's perception of NGOs is more ambiguous. While it is starting to recognize the value of NGOs, it fears them when they become critical, especially when they advocate for good governance. The government will denounce or even threaten NGOs that cross this line, as it did this year with the 'Publish What You Pay' platform and ROLBG. Except for a few tenders for specific studies, the relationships between NGOs and businesses are often tense and marked by a lack of trust, which can be exacerbated by conflicting objectives. NGOs try, as much as possible, to make their activities known. Those that have the capacity set up communication tools and materials such as websites, newsletters, and flyers. Some NGOs develop relationships with journalists or media outlets to improve their media coverage. Gabonese NGOs strive, either at their level or within platforms and networks, to make their operations more transparent. However, they still do not have a code of ethics. A few leading NGOs publish their annual reports and make them available to all stakeholders. 5.0 5.0 1.0 3.0 5.0 7.0 Public Image in Gabon

 GHANA Capital: Accra Political regime: Constitutional democracy Population: 24,791,073 (est. July 2011) GDP per capita (PPP): 2,500 (est. 2010) Human development index: 135 (2011) SUSTAINABILITY OF NGOs: 4.3 The sustainability of NGOs in Ghana continues to evolve. NGOs operate virtually in all sectors of the economy and are spread across the ten regions of the country. NGOs in Ghana do not face any major difficulties at the local or national level during their registration or at the beginning of their establishment. Data from the Department of Social Protection indicates that there are 4,772 registered NGOs in Ghana, which indicates a slight increase compared to the previous year. The past year has been marked by a significant improvement in communication between the government and NGOs. The latter have played an important role in the development of several significant policies, such as the Non-Profit Organizations Bill and the Ghana Shared Growth and Development Agenda (GSGDA) (2010-2013), the Ghanaian government's medium-term development framework. Most of the funding for NGOs still comes from foreign donors. Due to the global financial crisis, several programs from foreign donors have faced cuts or have been completely abandoned. Even though the state and the private sector recognize the unique role of NGOs, they provide little direct funding to the sector. Through their advocacy activities, NGOs - especially research and advocacy organizations (RAPs) and community groups in mining areas - benefit from extensive media coverage. To improve standards and support operations, the Coalition of NGO Networks in Ghana (CONnet-Ghana) recently initiated, through the Ghana Anti-Corruption Coalition (GACC), a project aimed at assessing the capacity and operations of NGO networks in the country. LEGAL CONTEXT: 3.9 The legal framework for NGOs in Ghana is favorable. The 1992 Constitution guarantees civil and political rights, allowing NGOs to operate without state interference as long as their activities comply with the laws of the country. No specific law regulates NGOs in Ghana. They are registered under the Companies Code of 1963 (Act 179) as

non-profit companies limited by guarantee, with their members acting as guarantors. The number of registered NGOs continues to increase as administrative barriers to the registration process are reduced through initiatives such as the decentralization of registration offices, which started in 2010 and allows organizations outside the capital to register locally. Ghanaian NGOs have denounced the Trust Bill proposed by the government for the past ten years. The government has indeed designed this bill to regulate the activities of NGOs, as well as the relationships between NGOs, the state, and the donor community. NGOs have worked hard to advocate for a new bill through the National Consultative Group (NCG), a forum that includes representatives from various NGOs, the state, and its development partners. Regarding changes, the NCG has called for the separation of NGO legislation from the Trust Bill, considering the different needs of these two types of entities. The NCG worked with prominent lawyers in 2010 to produce a draft law on non-profit organizations. This draft law is currently being finalized at the Attorney General's Department. NGOs do not have difficulties with the state unless they violate the laws of the country. In 2010, for example, a few NGOs that violated child custody laws were scrutinized. While NGOs can hire lawyers to advise them on the Companies Code, legal professionals or organizations specializing in legal assistance for NGOs are rare. The eventual adoption of a law on non-profit organizations should pave the way for specialized lawyers. NGOs are eligible for tax exemptions, but the application procedures are lengthy and cumbersome. NGOs are not prevented from earning income and can also bid for state contracts at both local and national levels. ORGANIZATIONAL

CAPACITY: 3.9 NGOs in Ghana generally define their mission describing their activities and constituent groups. Large NGOs, often located in urban areas, tend to do a better job of faithfully following their missions. These organizations may have long-term strategic plans but are unable to implement them due to financial constraints. In contrast, smaller NGOs tend to find funding sources without worrying about meeting the objectives they have set. To meet registration requirements, even small NGOs have established management structures, such as boards of directors, with clearly defined roles in their statutes. However, the extent of the board's influence on long-term planning and operations varies significantly. 4.0 3.9 1.0 3.0 5.0 7.0 Legal Context in Ghana

 Most organizations have minimal capacity. Most councils do not meet regularly and are therefore unable to adequately carry out their monitoring activities. Only large NGOs are able to employ permanent staff. Most NGOs hire their personnel through short-term contracts. It is becoming increasingly difficult for both small and large NGOs to maintain permanent staff due to a lack of long-term funding for their activities. Volunteering, which generally provided a significant portion of the necessary personnel to implement these activities, particularly at the local level, is declining due to professional and geographical mobility and a general decrease in work ethic across the country. Smaller NGOs do not have well-equipped offices, but the advent of mobile Internet modems has allowed many of them to access the Internet regularly. Some NGOs depend on commercial enterprises for the use of fax machines and scanners. FINANCIAL VIABILITY: 5.6 The financial situation of several NGOs has weakened over the past year. Foreign donors remain the primary source of funding for Ghanaian NGOs. The global financial crisis has reduced the overall funds available from foreign donors, with several loyal funders terminating their funding this year. The ‘Right to Speak’ Initiative (RAVI) project funded by DFID, which provided funds to many small NGOs, ended in 2010, as did the Ghanaian Research and Advocacy Program (G-RAP) funded by several donors, which provided core funding to NGOs, including regional arts organizations. The loss of these funding sources has had a detrimental effect on organizational sustainability. Smaller organizations that depend on short-term or annual grants

to implement their activities have been hit hardest. A handful of new programs, however, are filling some of these gaps. The establishment of the Savannah Accelerated Development Authority (SADA) to develop the northern part of the country is expected to provide some state support for NGO activities, especially outreach activities to promote participation as well as social accountability and monitoring of project implementation. The Mwanachi program, a component of the Governance Transparency Fund (GTF) from DFID, funds small NGOs to enable them to carry out activities aimed at strengthening citizen engagement in governance and development. The successor to G-RAP – Strengthening Transparency, Accountability, and Responsiveness (STAR) in Ghana – was not fully operational in 2010 and therefore did not disburse significant amounts for NGO activities. It is expected to begin disbursing funds in 2011. The state does not provide financial assistance to NGOs. Local and multinational companies are now actively engaged in corporate social responsibility (CSR), although they provide only limited direct support to NGOs. Telecommunications companies have begun to establish foundations, some of which offer grants to CBOs focused on education and health. Individual philanthropy does not yet exist, aside from some technical or professional support provided by friends or close individuals. NGOs can generate income from consultations and other services rendered to the state and the business sector; however, these opportunities are generally realistic only for large NGOs with greater technical capacities, such as RAOs. Networks and coalitions generally require membership fees, but fundraising – especially by smaller NGOs – remains problematic. The decrease in funding has forced both large and small NGOs to implement prudent financial management practices. NGOs are indeed becoming increasingly cautious and avoiding duplicate activities, deepening collaboration with the media to reduce advertising costs, and initiating some cost-recovery programs, such as the sale of publications. ADVOCACY: 3.9 Communication between the government and NGOs has significantly improved over the past year, with sustained cooperation on a number of major strategic issues at both the national and local

levels. For example, an NGO representative was appointed to the management committee of the public school feeding program. Several NGOs are working together to revise the Ghana Shared Growth and Development Agenda (GSGDA 2010-2013), the medium-term national development framework. In August 2010, NGOs presented a seventeen-page study of the thematic sections of the GSGDA; most of their recommendations were included in the final document. The platform of CSOs on oil and gas has deployed sustained lobbying and advocacy actions over the year, revising the Oil Revenue Management Act and contributing substantially to it. The Right to Information (RTI) coalition continued to advocate for the adoption of the right to information law. NGOs in both urban and rural areas participated in public consultations on the constitution and decentralization that took place during the year to gather citizens' opinions. Furthermore, as previously mentioned, NGOs participated in the NCG framework in the development of the draft NPO bill, which was submitted to the Attorney General's department. NGOs continue to actively push the department to forward the bill to the cabinet for review. Collaboration between Parliament and NGOs has been at the heart of discussions on a number of proposed laws, such as the bill on oil revenue management and SADA. SERVICE DELIVERY: 3.8 Ghanaian NGOs provide useful goods and services across all sectors. In 2010, NGOs played a crucial role in responding to natural disasters. They provided vital assistance to populations affected by floods in Ashaiman in the Greater Accra region and Agona Swedru in the Central region in June 2010. The media and faith-based organizations were at the forefront of mobilizing resources for the victims. NGOs also continue to collaborate with local authorities to provide access to water for communities not equipped by the state with water distribution infrastructure. NGO products, such as publications, are generally widely marketed. Publications are usually sold at cost or at a price lower than the cost price, except in rare cases where demand for the product exceeds initial production. Furthermore, the expertise services of NGO personnel in policy development

and capacity building are in high demand by the state and the private sector. INFRASTRUCTURE: 4.7 NGOs have access to a few resource centers, mainly in Accra, which are run by multilateral funders. The UNDP Civil Society Resource Center and the World Bank public information center are the most well-known, although the former ceased operations this year due to budget cuts. Regional arts organizations are increasingly opening libraries while continuing to offer access to the Internet. A few organizations rarely reallocate funds from international donors to meet locally identified needs and projects. Coalitions and umbrella organizations bring together NGOs working for the same causes, mainly for specific advocacy initiatives. Due to the lack of stable long-term funding, these coalitions struggle to operate sustainably, which limits the ongoing sharing of information. CONnet-Ghana, which includes twenty-one networks and coalitions, aims to strengthen the effectiveness of civil society in Ghana by developing the capacities of member networks. Through GACC, CONnet assessed the membership of member networks against certain principles and references, such as accountability, effectiveness, and operations. Participating networks agreed to undergo an annual review to assess their improvement. Training programs have been developed to strengthen the capacities of NGOs, including project management programs offered at the university level. Additionally, consulting firms and CSOs have developed private training programs facilitated by local trainers. The West Africa Civil Society Institute (WACSI) organized, among other things, courses for civil society actors on NGO management, fundraising, and project management at the beginning of the year. NGOs

work in partnership with the media and the private sector on a number of issues. For example, GACC has involved the Ghana Chamber of Mines, the Association of Ghana Industries (AGI), and some media groups in the fight against corruption in both the public and private sectors of the economy. PUBLIC IMAGE: 4.3 The image of NGOs in Ghana is generally good. NGOs receive extensive media coverage of their activities at both local and national levels. The proliferation of FM radio stations in Ghana has also increased coverage of NGO activities in local languages. However, the media's focus, especially FM radio stations, on political party activities reduces the media space for NGOs. On several occasions, the Ghana Journalists Association and the National Media Commission have criticized media professionals for failing to consider development issues in their reporting. Communities are generally supportive of NGOs engaged in providing social services. Even though the state and the business sector have a positive opinion of NGOs and consult think tanks on many relevant issues, they are generally unwilling to fund them. Larger NGOs based in urban areas publish their annual reports. NGOs had previously made attempts to improve their performance through an independent body called the Standards Commission, which reviewed NGO standards, but this initiative is no longer active due to financial and organizational issues. While GACC conducts peer assessments of NGO networks under CONnet-Ghana, there is no recognized code of ethics for individual NGOs.

GUINEA 65 GUINEA Capital: Conakry Political regime: Republic Population: 10,601,009 (est. July 2011) GDP per capita (PPP): $1,000 (est. 2010) Human development index: 178 (2011) SUSTAINABILITY OF NGOs: 5.5 In 2010, the Guinean political class engaged in a series of dialogues aimed at resolving the political crisis that arose from the military takeover in December 2008. Following intense negotiations, the parties involved reached agreements for a democratic transition, paving the way for the election of Alpha Condé as President of the Republic on November 7, 2010. The preparations for the presidential election dominated the year. The year 2010 was marked by an attempt to bring back development partners who had left the country after the coup d'état. Most donors only funded activities related to the presidential election, leading to a rush of NGOs towards voter mobilization and presidential election observation projects. Emphasis was placed on the effective involvement of youth and women in the electoral process. Donor funds also enabled human rights NGOs to investigate serious human rights violations that occurred throughout the electoral process. These activities were

largely implemented within the framework of consortiums, the most active of which are the National Council of Guinean Civil Society Organizations (CNOSCG), the Coalition for National Election Observation (CODE), and the Coalition of Human Rights Organizations (CODDH). 4.9 5.7 5.1 5.5 6.3 5.8 5.5 5.5 1 3 5 7 Sustainability Sustainability Sustainability Strengthened in Progress Hindered Notes 2010: Guinea Sustainability of NGOs Legal Context Organizational Capacity Financial Viability Advocacy Service Provision Infrastructure Public Image 5.6 5.5 1.0 3.0 5.0 7.0 Sustainability of NGOs in Guinea

 It is difficult to get an exact count of NGOs in Guinea, as registration can occur at the prefectural, regional, or national level. In 2009, the National Service for the Coordination of Cooperatives and NGOs (SACCO) reported that it had registered 125 international NGOs, 555 national NGOs, and 1,257 coalitions. However, less than 30% of them are estimated to be truly operational. The withdrawal of development partners in recent years has significantly reduced the financial resources available to NGOs, preventing them from improving their infrastructure or strengthening their organizational capacity. However, the scarcity of resources has also pushed Guinean NGOs to form consortiums to advocate for a swift return to constitutional order, resulting in a noticeable improvement in their public image. While the sustainability of NGOs has seen little progress in 2010, the associative sector is now optimistic about its future prospects following the election of the first democratically elected president, the gradual return of traditional development partners, and the growing international interest in the country. LEGAL CONTEXT: 5.5 Since 2005, two laws, law L2005/013/AN and law L2005/014/AN, govern the functioning of associations, cooperatives, groups, networks, and platforms. NGOs have the option to register at the sub-prefecture, prefecture, regional, or national level. SACCO, a public autonomous institution established by the state to coordinate and support NGOs, continues to be responsible for NGO certification. This certification can be obtained upon simple payment of a fee; no control mechanism has been established to verify the backgrounds of NGO founders. The lack of precise legal provisions setting registration costs is problematic. NGOs are not a priority for the transitional government, and SACCO and its local branches are poorly monitored, which has sometimes led to abuses of authority and arbitrary setting of NGO registration fees. The law clearly defines the normal operational framework for NGOs, such as internal management, scope of activities, obligations to present financial reports, and to submit to internal and external audits. However, the level of enforcement of these provisions remains low. The few NGOs that comply with these legal provisions generally do so under pressure from their foreign partners and donors. NGOs are generally free to express public criticism regarding sectoral policy issues related to development. In 2010, the transitional government, whose mission was primarily to organize the presidential election, was reluctant to restrict the freedom of expression of NGOs. The presence of civil society actors within this government also contributed to reducing tensions with NGOs. A few law firms in Guinea are well-versed in the laws and regulations pertaining to NGOs. While large NGOs sometimes seek their services when needed, most NGOs lack the financial means to access legal consultation services. It should also be noted that law firms are mostly concentrated in the capital, making them largely inaccessible to NGOs in the interior of the country. The finance law offers NGOs the possibility of tax exemptions, but most of them are unable to access these due to the complexity of the procedures, their lack of knowledge of the conditions for obtaining these exemptions, and also due to corruption among the public agents responsible for them. There is no specific law allowing NGOs to derive income from their provision of goods and services, but there are also no restrictions in this regard. NGOs engaging in income-generating activities do not face legal issues but must reinvest their income into their activities. The state rarely invites NGOs to bid for public contracts. ORGANIZATIONAL CAPACITY: 5.8 The number of

Guinean NGOs that engage in strategic planning or define clear missions to guide their work is minimal. NGOs are unaware of these

practices, lack qualified human resources in this area, and do not have the financial means to hire consultants to guide them through this process. Some Guinean NGOs establish support groups that serve as management committees for specific projects. While legislative texts are categorical about the organizational framework of NGOs, the dysfunction of these structures is notorious in practice. Many organizations confuse governance and management roles, violating regulatory provisions. In most cases, the president, the vice president, and the treasurer make all decisions affecting the organization. Other board members are often marginalized and poorly informed. General assemblies are rarely held, leaving marginalized members with few opportunities to sanction the leadership team. When a general assembly is held, the president of the NGO often buys the silence of marginalized members in advance. These members generally do not resist the pressure from the president, who is often also the founder of the NGO and whom they consider the “owner” of the organization. Guinean NGOs do not have employment plans or human resources policies. Generally, the management of NGOs is subject to the rules of the donor funding their program or project. Volunteering is the driving force behind the functioning of most Guinean NGOs. While this allows many groups to operate, it also exacerbates the poor quality of services, as volunteers are unlikely to have the same skills as permanent staff or be able to commit long-term to an organization. The lack of electricity coverage and access to the Internet in much of the country, as well as the weakness of financial resources, hinder NGOs' ability to acquire and properly use information and communication technologies. FINANCIAL VIABILITY: 6.3 Most Guinean NGOs depend on foreign donors. In 2009, most foreign donors and partners withdrew from Guinea to protest against the military junta's takeover. All Western embassies froze their cooperation with the country, and out of fear of violence, some embassies withdrew their non-essential personnel from the country. The economic embargo limited both the 5.8 5.8 1.0 3.0 5.0 7.0 Organizational Capacity in Guinea 6.2 6.3 1.0 3.0 5.0 7.0 Financial Viability in Guinea

 diversification of funding sources and the amounts allocated by various bilateral and multilateral partners has hindered the short-term sustainability of NGOs. In 2010, donors began a timid return to Guinea, without resuming the level of support they previously provided to NGOs. Communities participate and contribute to the implementation of micro-projects. Some donors require a contribution from the communities, which can be provided in kind and ranges from 5 to 10% of the total project cost. The Village Community Support Program (PACV) funded by the World Bank, which supports investment at the local community level, requires 8% of the total project budget as community participation. Member contributions are quite rare and do not even cover the administrative costs of most NGOs. Few Guinean NGOs have a significant number of sympathetic members capable of providing voluntary or philanthropic support to NGOs, which generally lack any communication strategy aimed at reaching potential new members. A small group of NGOs are able to generate some income by providing professional services on behalf of the state and local businesses, which helps to bolster their viability. Mining companies pay NGOs to assist local communities in mining areas to develop their local development plans and to conduct awareness campaigns and implement projects aimed at promoting peaceful relations between mining companies and local communities. For example, one NGO received funding from a mining company to place sentinels at each crossing point of the train transporting ore to the port of Conakry in order to reduce the number of accidents. Most NGOs are unable to meet basic financial governance standards, such as engaging independent financial audits and publishing

annual reports and financial statements. ADVOCACY: 5.5 In the mid-1980s, the Guinean state established an autonomous public institution, the SACCO, to ensure the coordination and support of NGOs in their operations. The SACCO is also supposed to help the government better understand the sector. Unfortunately, it lacks both a coherent policy and a mechanism to effectively promote NGOs. In 2010, NGOs were at the heart of the struggle for the return to constitutional order and thus had a significant impact on the state. In particular, the CNOSCG was at the forefront of the platform that pressured the military junta to step down, leading to the establishment of transitional bodies, including the government and the National Transitional Council (CNT), as well as the elections in November. Members of the CNOSCG also served as delegates in the transitional bodies. Thanks to the election observation mechanisms set up by NGOs, the presidential election was conducted transparently. The results reported by NGOs were almost identical to those announced by the Independent National Electoral Commission (CENI). As a result, political actors abandoned any intention to contest the results of the presidential election. In some cases, NGO networks work with the state to develop public policies. For example, in 2010, the National Coalition of Guinea for Women's Rights and Citizenship (CONAG-DCF) conducted intense advocacy actions and influenced the development and adoption of the Family Code, while the Coordination of Women’s NGOs of Guinea (COFEG) pressured to increase the role of women in decision-making bodies. These two networks are increasingly participating in the formulation and implementation of public policies related to women's issues. Empowered by this strong position, NGOs exerted pressure on the state that led to the end of the transition by organizing legislative and local elections to accelerate the return of development partners who support the actions they undertake. NGOs also exerted targeted pressure on the state to improve the status of NGOs. For example, thanks to this advocacy, certain categories of NGOs are now recognized as

public interest organizations and are eligible for financial support from the state. SERVICE DELIVERY: 5.1 Most Guinean NGOs provide services to help communities implement their development priorities. NGOs engage in communication focused on behavior change, income-generating activities, microcredit, basic infrastructure development, and the provision of social services. They also organized extensive training programs on citizenship and election observation in 2010. However, despite this wide range of services and products, Guinean NGOs still lack professionalism, undermining the quality and effectiveness of the services provided. Thanks to the World Bank's Village Community Support Program (PACV), all rural communities in Guinea have a local development plan (PDL) that identifies local priorities. Some NGOs and associations implement activities that do not fit within the communal PDLs; however, this type of intervention is doomed to fail in most cases. The capacity of Guinean NGOs in research and studies is weak. They face difficulties in disseminating their publications and various products to other NGOs, as well as to universities and the government. The Guinean state practically does not award direct contracts to NGOs. Specialized NGOs sometimes succeed in obtaining contracts, although they are often forced to pay undue sums to corrupt agents to win bids. Furthermore, development partners often require the state to award service contracts to NGOs, most frequently in the area of school infrastructure construction, where donors require the state to sign contracts with NGOs to supervise the work carried out by the companies they hire. However, inflation and market instability complicate the efforts made by NGOs to generate income. INFRASTRUCTURE: 5.7 In theory, the SACCO and its offices across the country should act as intermediary support organizations and resource centers. Unfortunately, due to a lack of financial resources, the SACCO has not been able to effectively play its role since the departure of its Italian development partners in the mid-1990s. As a result, NGOs generally do not have sufficient access to training and information. Since 2007, UNDP has made proximity information centers (PIC) available to youth associations to help strengthen their capacities. The PICs provide

training on topics including communication and project management, social mobilization techniques, strategic and operational planning, and project monitoring and evaluation. Unfortunately, these centers are currently only available in Conakry and other major cities, and therefore only support a very limited number of youth groups. NGOs share information within various networks. However, there is no operational platform for unified information exchange across the sector as a whole. The CNOSCG continues to play its federating role for NGOs to some extent. However, due to its strong monitoring position, this organization dedicates considerable time to advocacy and lobbying activities to improve citizens' lives. In 2010, the CNOSCG distinguished itself through its involvement in the transition and presidential elections, even delegating some of its members to sit in the government and the CNT, the latter temporarily playing the role of the national assembly. The presence of the CNOSCG in the government has been interpreted by civil society actors in various ways, but most did not appreciate it. As a result, NGOs in Guinea no longer have a committee or body through which they can advocate for their interests. Some NGO networks, as well as a few private companies, offer training to NGOs. However, the quality and content of this training are neither regulated nor monitored. Some training provided by companies and independent consultants does not meet the needs of beneficiaries. Guinea lacks an institution capable of providing specialized and advanced training in areas such as strategic management, accounting, financial management, fundraising

techniques, voluntary management techniques, or the establishment of boards of directors. No progress has been recorded in this area in 2010. Support organizations and community foundations redistribute foreign donor funds to local NGOs to meet locally identified needs. In general, NGOs working in specific sectors feel the need to establish partnerships with the relevant public departments. Partnerships between NGOs and businesses are infrequent. Despite the weakness of intersectoral partnerships, there has been a resurgence of interest in recent years for NGOs, businesses, the government, and the media to network to achieve common goals. PUBLIC IMAGE: 4.9 In general, NGOs receive good media coverage at the local and national levels. NGOs often pay reduced rates to publicize their activities. The press, in its vast majority, has a positive perception of the role played by NGOs in the socio-economic development process. The Guinean population continues to have a very good impression of the role of NGOs, as evidenced by the active participation of local communities in the implementation of projects. The state and most businesses also have a positive opinion of NGOs, especially those that develop expertise and provide services in the requested area. Increasingly, businesses are turning to NGOs for social mobilization, awareness campaigns, and environmental protection. 5.7 5.7 1.0 3.0 5.0 7.0 Infrastructure in Guinea 4.9 4.9 1.0 3.0 5.0 7.0 Public Image in Guinea

GUINEA 71 Only a few Guinean NGOs use management tools that promote transparency in their activities. Guinean NGOs still do not have a code of ethics. While some of them submit financial statements and activity reports to their donors and partners, the publication of annual reports is not yet a common practice among NGOs in the Republic of Guinea.

 KENYA Capital: Nairobi Political regime: Republic Population: 41,070,934 (est. July 2011) GDP per capita (PPP): $1,600 (est. 2010) Human development index: 143 (2011) SUSTAINABILITY OF NGOS: 4.0 The year 2010 marked the dawn of a new era for Kenya. Following the disputed presidential election of December 2007 and the ensuing violence, international and local actors pressured the government to revise the constitution. The new constitution was subsequently promulgated on August 27, 2010. It establishes a strong legal and institutional framework promoting good

governance, human rights, the rule of law, safety, and security for all. Furthermore, its emphasis on freedom of association provides civil society with a solid legal basis to operate. The implementation of the new constitution is now fundamental to ensuring the political, social, and economic stability of the country. The constitution calls for public participation in the formulation of laws and policies so that the rights it guarantees can be realized. The term civil society organization (CSO) is generally used in Kenya to refer to the very broad range of organizations that operate between the individual and the State and are created to promote the interests of their members or the public interest. The term NGO specifically refers to the 6,000 national and international public interest entities registered by the NGO Coordination Board. Although NGOs constitute only a small part of the CSO sector, they are the most visible. Other types of CSOs include community-based organizations (CBOs), of which there are more than 300,000, companies (32,000), non-profit limited liability companies by guarantee, and trusts. LEGAL CONTEXT: 4.1 The new Kenyan constitution is the most significant achievement of CSOs in recent history. It lays the foundations for holistic legislative and institutional reform and a more conducive environment for CSOs and guarantees freedom of association. In Kenya, CSOs have the option to register as NGOs, limited liability companies by guarantee, trusts (under the law of succession), community-based organizations (such as solidarity groups and youth or women's groups), or companies. The constitution leaves sufficient space for NGOs to thrive even without registration, prohibits the refusal of registration for unreasonable reasons, and protects NGOs from arbitrary dissolution. Organizations acting in the public interest register as NGOs under the 1990 NGO Coordination Act. NGOs register with the NGO Board, a public body also responsible for coordinating and facilitating their work. In theory, the registration of NGOs is relatively easy. However, it can prove to be very lengthy in practice. The laws do not specify timeframes within which authorities must respond to a registration request. Furthermore, registration requires an approval process, which is generally undertaken by the national security agency and can take a long time. The approval aims to verify the integrity of the individuals forming the NGO and that the applicants do not pose a threat to national security. The NGO Board has intervened in some cases where the approval process has lasted more than six months. Other obstacles to registration include the need for legal expertise in drafting the statutes. Unlike in 2009, advocacy NGOs no longer face registration obstacles related to their area of intervention. CSOs that choose to register as trusts or limited liability companies by guarantee are subject to relatively high registration fees. The law and regulations regarding NGOs provide general guidance on themes such as internal management and annual and financial reporting. NGOs are free to structure their management and governance systems within the legal guidelines. NGOs are required to publish financial statements in their annual reports. However, given its insufficient human resources and other limited capacities, the NGO Board

struggles to enforce these regulations. NGOs are now largely free to operate without state interference. Even advocacy groups are so long as they operate within the law. NGOs can indeed freely address public debate issues and criticize government actions. In some cases, picketing or protests – even if authorized by the new constitution – have led to arrests. For instance, on August 27, 2010, immediately after the promulgation ceremony of the new constitution, two men were arrested while protesting against the government's invitation to Sudanese President Omar al-Bashir. The arrested individuals were charged and released within twenty-four hours. In some cases, provincial administration and local authorities are unaware of NGOs' rights and seek to impose illegal restrictions. There are also instances of interference by local politicians in NGOs' employment practices. For example, NGOs – primarily in the most remote parts of the country – sometimes employ unqualified individuals who are relatives or acquaintances of local legislators to avoid problems in their work. A number of lawyers work with the non-profit sector, but few firms specialize in NGO law per se. Lawyers are concentrated in cities, especially Nairobi.

Donations to non-profit organizations whose activities are of public interest are tax-deductible. NGOs are exempt from income tax on grants and income-generating activities, as well as from VAT for the acquisition of goods and services related to the NGOs' mission. However, the exemption is not automatic. An organization must apply for income tax exemption every three years and as often as necessary for VAT exemption. NGOs complain that the exemption application process is lengthy and tedious. These benefits are also not widely publicized. While the NGO Board shares information about these benefits during the NGO registration process, the Companies Registry does not make the information available to organizations seeking to register as limited liability companies by guarantee. Many NGOs also fear an audit by the Kenya Revenue Authority (KRA), the national revenue collection agency, which is likely to occur if tax exemptions are granted. The income tax law allows an NGO to earn income, which is exempt from tax if the income comes from activities carried out in line with the missions and purposes of the NGOs, conducted by the NGOs' beneficiaries, or if it comes from rents or leasing of land. In theory, NGOs can bid for government contracts. However, they are not very competitive, and there are no specific legal provisions in this regard. A number of NGOs bid for government grants from the Ministry of Planning, the Community Development Trust Fund (CDTF), the Micro-Enterprise Support Programme Trust (MESPT), and the Global Fund. ORGANIZATIONAL CAPACITY: 3.9 Most but not all NGOs involve their constituent groups and target groups in the design and implementation of their projects and activities. Those that do not generally lack legitimacy and do not receive sufficient local support. Faith-based NGOs typically have clearly identified constituents who are willing to volunteer their time and resources. Following extensive training, many NGOs have strategic plans with missions, a vision, and strategic objectives. However, it is unclear whether strategic planning is perceived as important or simply undertaken to please funders and constituents, as few NGOs follow their plans, especially for daily decision-making. Smaller local NGOs, CBOs, and unregistered local organizations generally do not have institutionalized strategic planning because they lack the means to hire consultants with the required qualifications. Many local NGOs also change their missions to respond to funding opportunities. International NGOs, which make up about 25% of the organizations registered with the NGO Board, are significantly more likely to adhere to their missions. Large NGOs tend to have more clearly defined management structures and separate

the responsibilities of management and the board of directors. Local organizations, on the other hand, do not

KENYA 75 generally do not have well-defined management and governance structures unless required by their funders. However, most of these small organizations still have elected leaders and are accountable to their members. While some NGOs are well-managed and frequently elect or appoint new leaders, poor governance is a problem for the entire sector, both for international and national NGOs. Most NGO governing bodies are not independent, but their members are handpicked by the founders of the organization. While international NGOs have boards based abroad, how these governance bodies address the concerns of local communities raises questions. The NGO Council requires these organizations to establish certain governance structures in order to be registered. It issued violation notices to 65 NGOs in 2010, requiring them to create permanent boards and to separate powers between their board of directors and management. These notices were based on a review of the statutes of the NGOs; the Council claims that the number would have been higher if the review had been based on actual practices. Most NGOs struggle to retain permanent staff due to a lack of sustained funding, as well as restrictions imposed by funders on the use of grant funds for administrative costs. Thus, most organizations employ staff for a period of one to three years and cannot afford to offer competitive salaries. Many NGOs have human resources policies, even if they are not often implemented. Some large NGOs regularly have access to professional services, while smaller

NGOs hire professionals such as IT specialists and accountants as needed. Many NGOs engage volunteers. Some organizations are too dependent on volunteers as they do not have the necessary funds to hire permanent employees. The culture of volunteering is not sufficiently established. NGOs are more tech-savvy than the government, and some even indulge in the luxury of allocating funds to purchase equipment. Many funders are reluctant to finance infrastructure and restrict NGOs' opportunities to modernize by imposing strict conditions on the use of funds. FINANCIAL VIABILITY: 4.8 According to reports submitted to the NGO Council, 88% of the income of registered NGOs comes from foreign sources. Most registered NGOs are indeed dependent on a single foreign funder for the majority of their funding, which tends to be project-based. Even though several registered NGOs would like to diversify their funding sources, they struggle to do so due to a highly competitive environment. The situation is extremely different for member-based organizations, such as professional, sports, and recreational associations, cooperatives, and social protection groups. Most of these organizations generate revenue by charging for their services. 4.8 4.8 1.0 3.0 5.0 7.0 Financial Viability in Kenya

 NGOs have not adequately invested in local fundraising. According to the NGO Council, only 12% of registered NGOs raise funds locally. Only 0.4% of the funds raised by registered NGOs are community contributions. Apart from faith-based organizations, most NGOs have not maintained local supporter groups identifying with their causes or missions. The efforts made by NGOs to raise funds from the communities where they operate suffer from the perception that NGOs are financially solid and are not sufficiently accountable for their actions. NGOs are also seen as foreign-funded entities with programs developed by donors, unlike locally rooted organizations. While efforts are being made to develop local philanthropy, contributions from these sources are negligible. Nevertheless, Kenyans are willing to support initiatives that receive broad communication. NGOs also benefit from the non-financial contributions of volunteers. While Kenyans may make generous contributions to high-profile humanitarian actions, they rarely support advocacy and governance organizations. Only a few registered NGOs supplement their income with revenues from fixed assets and financial instruments, such as stocks. According to reports from 2009/2010 submitted to the NGO Council, only 1% of NGOs' assets are held in the form of stocks. Only twelve percent of NGOs own land or buildings. NGOs rarely offer services for fees. Only CBOs, professional associations, and clubs derive a significant portion of their income from their members; membership fees for NGOs are generally insignificant. The state is increasingly awarding service contracts to NGOs. The recent transfer of finances and services at the national level offers NGOs new opportunities to compete for public funds. The state also provides grants. In 2010, public agencies granted NGOs nearly 1.85 billion KES (approximately 19.7 million dollars) in grants. The law requires NGOs to publish their financial statements. Some NGOs, mostly international organizations, have rigorous financial systems and publish reports. The practice is different for smaller NGOs, due to a lack of sufficient capacity. Most small NGOs, especially those in rural areas, lack basic financial systems and records. In some cases, NGOs are pushed by funders to establish financial systems. NGOs do not always operate transparently. Even when they have financial systems, the willingness of NGOs to be transparent is limited. For example, some international NGOs do not conduct local audits. Audit inputs do not always meet basic standards, raising questions about the competence or integrity of auditors. However, the sector has significantly improved in this area overall. ADVOCACY: 3.5 The collaboration between the state and NGOs remains generally ad hoc. However, there are examples of successful collaboration at both the national and local levels. Governance-focused NGOs and those involved in the implementation of the new constitution work closely with policymakers to advocate for

more conducive laws. During the first half of 2010, CSOs continued to teach civic education on the constitution project. After the adoption of the constitution, political discourse shifted towards the new county-based governance system, as well as the implementation of the constitution. Civil society actors, along with the private sector, development partners, and the media, highlighted the potential of the new counties as engines of economic growth and democracy. NGOs also urged the public to be vigilant and ensure a transparent implementation of the constitution. Finally, civil society organizations organized civic education campaigns on the provisions of the new constitution to correct misconceptions that could lead to conflict and violence. For its part, the state allows for structured input and participation from civil society in policy-making through working groups established in various ministries,

parliamentary committees, and public hearings. Advocacy organizations are well-organized, and caucuses and coalitions are visible. Democracy and governance coalitions, such as the Citizens Coalition for Constitutional Culture (4C), Muungano wa wanavijiji, the Kenya Civic Education Programme (NCEP), and the Consortium for the Constitution and Education Reform (CRECO) are well-known for their advocacy and civic education work at the national and local levels over the years. NGOs are constantly making efforts to improve the existing legal context. As part of an initiative led by an NGO, Kenyan NGOs were widely consulted, and their input included in a bill on public interest organizations. Under this initiative, NGOs collaborated with several public bodies, such as the NGO Council and the Kenya Law Reform Commission, to seek support for the adoption of this law. Despite all these successes, NGOs face a number of challenges in collaborating with the state. Some MPs have a very poor perception of NGOs. Several NGOs, especially advocacy organizations, still adopt a hostile attitude in their engagement with the government. Moreover, the legal frameworks for public participation are lacking. NGOs are often invited to attend government meetings with very short notice. They may have access to policy-making mechanisms, but the extent to which their proposals shape the final products is another matter. Many NGOs complain that the relationships between NGOs and the government are governed by the three I's: the government Invites NGOs to a meeting, Informs them of a policy, and then Ignores their proposals. SERVICE DELIVERY: 3.4 Although funding is declining, NGOs continue to provide services and still reach very remote districts. The product line of NGOs covers various areas. According to the NGO Council, in 2009/2010, NGOs provided 27 billion KES (approximately 288 million dollars) in aid and health services, 21 billion KES (approximately 224 million dollars) in HIV and AIDS services, and 7 billion KES (approximately 74 million dollars) in services related to agriculture, water, and sanitation. Even though some NGOs conduct needs assessments using tools like participatory rural assessments (PRA) to design their programs, they remain in the minority. Some NGOs plan programs from their offices in the city and consequently fail to effectively target community programs. The programs of several NGOs are driven by funders. Despite these practices, more and more communities are influencing the priorities of NGOs. 3.5 3.4 1.0 3.0 5.0 7.0 Service Delivery in Kenya

 Most NGOs work to support constituent groups beyond their members, to openly share their products, and to widely exchange information and knowledge. The commercialization of NGO products is not common. Generally, NGOs do not adopt a commercial approach, tending rather to offer their services for free. Some NGOs recover costs by imposing fees, but most serve very poor communities and consider it counterproductive to charge the poor. On the other hand, the few registered NGOs that offer commercial services or emphasize social programs or capacity development do charge fees. Most member organizations charge for their services. The state recognizes the role of NGOs in supporting and complementing its services, and intersectoral engagement and

collaboration are real in terms of service delivery programs, especially at the territorial level. Public departments such as the Ministries of Education, Agriculture, and Health have partnership policies, and many NGOs participate in district committees, round tables, and other development forums. The state grants some subsidies to NGOs, for example, the National AIDS Control Council (NACC) and the Njaa Marufuku program aimed at eradicating hunger. However, these subsidies are relatively limited, providing only 1.8% of total income to NGOs in 2009/10. INFRASTRUCTURE: 3.7 Several CSOs and NGO resource centers exist in Kenya, and all earn part of their income by charging for their services. Very few NGOs provide local grant services. Local foundations include Safaricom, Chandaria, and KCB. The Kenya Community Development Foundation and Pact Kenya reallocate funds from international donors. NGOs are increasingly tending to form networks and share information, although many still adopt a competitive approach. Information-sharing networks exist in areas such as health, peace, governance, land, and resource mobilization. The National Council of NGOs, established under the NGO Coordination Act, is the national umbrella body for registered NGOs. In addition to advancing self-regulation among NGOs, this Council is intended to play a key role in information sharing but is unable to effectively fulfill its core mission due to leadership struggles. Some organizations have significantly invested in training and capacity development for NGOs. The sector also includes private consultants, mainly in cities, who are well-trained or have significant experience. Some of the training offered is demand-driven, while others are funded by donors. Several small NGOs do not have access to training, especially if it is paid. Furthermore, the Council of NGOs has a program focused on strengthening the legal and financial compliance of NGOs as well as other aspects of technical capacity such as governance. However, there are still considerable unmet needs in NGO training and technical assistance. According to the Council of NGOs, non-compliance among NGOs is often due to a weakness in capacity. The state has significantly invested in technical assistance to ensure that the content and organization of training provided by NGOs and other actors in the education and health sectors meet certain basic standards. In these areas, NGOs are encouraged to consult with the government before launching a training program. Partnerships exist between the state, the private sector, the associative sector, and the media. In these relationships, NGOs play an important role in identifying gaps and needs in society. Generally, however, awareness of the benefits of such partnerships seems low. Examples of NGO/business partnerships include the annual Maralal Camel Derby, which raises awareness of desertification, and the Stanchart Marathon, which raises funds for the poor. PUBLIC IMAGE: 4.3 Some NGOs receive positive media coverage, and some larger NGOs develop fruitful working relationships with the media. However, it is more likely that the media covers negative stories about

NGOs, especially when funds have been mismanaged, rather than their positive actions. In 2010, for example, the media widely reported the story of Feed the Children, an international NGO that tried to prevent the NGO Council from investigating its accounts. Writing skills capable of adequately capturing the importance of NGO activities are lacking in the press. NGOs sometimes have to pay for media coverage. In rural areas where NGOs provide direct services, public perception is generally good. At the national level, the public tends to perceive employment in an NGO as a profitable affair. Some NGOs have perpetuated this stereotype, with agents or staff misappropriating or diverting funds for personal use. Nevertheless, a polling company, Synovate, ranked NGOs as the third institution generating the most trust after the Interim Independent Electoral Commission (IIEC) and the media, and ahead of the church. Officials, especially at the community level, rely on NGOs and work in partnership with them in the field of development. Local authorities have a more positive perception of NGOs than national authorities. Some private sector actors support NGOs in their development activities. While the official position is that the state, businesses, and NGOs are partners, in practice, these

relationships are generally marked by suspicion and a lack of understanding and ignorance of each other. Most NGOs do not know how to document or report their activities properly. Associative jargon deters the media and the private sector and is not easily understood by the public. Most NGOs lack the skills to engage the media. Some have good relationships with journalists or invite them to their activities. Most donors do not allocate resources for publicity. As a result, apart from a few international organizations or larger national organizations, NGOs rarely publicize their actions as they have limited budgets and the cost of advertising is very high. Registered NGOs under the NGO Act must comply with a published code of ethics. The Regulatory Affairs Committee of NGOs, a self-regulation mechanism under the Council of NGOs, is responsible for ensuring compliance with this code. However, the Committee is not effective due to issues within the Council of NGOs. Even though the code of ethics is not widely understood or consciously respected, efforts are being made to promote internationally recognized standards of good governance, competence, and accountability. The Viwango Kenya initiative led by a CSO seeks to develop sector standards, strengthen the capacity of CSOs to comply with the standards, and establish an organization responsible for assessing compliance with the standards. In 2010, the initiative was registered, developed standards, and began establishing the certification mechanism. Leading NGOs publish their annual reports, but this practice is not widespread. In many cases, NGOs prepare annual reports to meet donor requirements rather than for internal good governance, transparency, and accountability reasons. Many NGOs also publish audit reports in accordance with their statutory obligations.

LIBERIA 81 LIBERIA Capital: Monrovia Political regime: Republic Population: 3,786,764 (est. July 2011) GDP per capita (PPP): $500 (est. 2010) Human development index: 182 (2011) SUSTAINABILITY OF NGOs: 4.8 Liberia has enjoyed lasting peace for the past seven years. Under an internationally negotiated and sponsored agreement, hostilities ceased, humanitarian services transitioned from aid to development, and governance was restored at both national and local levels. General and legislative elections were held, giving Liberians the opportunity to vote seriously for the first time. A national economic recovery program was developed focusing on poverty alleviation. NGOs and other non-governmental actors have played an important role in the significant recovery and reconstruction efforts undertaken to date. NGOs provide a range of diverse services in health, education, agriculture, and social and community development, sometimes acting as the main service providers. NGOs are increasingly engaged in governance, economic empowerment, and environmental protection. In 2010, NGOs became more involved, in partnership with the National Elections Commission and other institutions, in the direct promotion of democracy, encouraging citizens to participate in the by-elections and to register and vote in the 2011 elections. In 2010, the NGO coordination service at the Ministry of Planning and Economic Affairs accredited 192 new NGOs, bringing the total number of accredited NGOs in the country to 606. NGOs operate 4.7 4.8 4.4 4.2 5.8 5.1 4.9 4.8 1 3 5 7 Sustainability Sustainability Sustainability Strengthened in Progress Stalled Notes 2010: Liberia NGO Sustainability Legal Context Organizational Capacity Financial Viability Advocacy Service Delivery Infrastructure Public Image 4.9 4.8 1.0 3.0 5.0 7.0 NGO Sustainability in Liberia

 freely carry out their activities without facing harassment or intimidation from the government. The National NGO Policy of 2008 provides the necessary regulatory framework for NGOs. Registration was facilitated in 2010 by the establishment of the National Companies Register, a one-stop registration shop, although online registration, also expected for 2010, was delayed. Cooperation between the public sector and local NGOs has slightly improved over the past year,

although most ministries are still not in a position to involve non-governmental actors in service delivery. Most local NGOs lack a clearly defined mission or strategic plan. Internal governance is also a common weakness. Funding diversity is limited, with most funding coming from international donors. The formation of networks is evolving. Various umbrella organizations coordinate the work of international and local NGOs. Additionally, NGOs have created several thematic coalitions to conduct global advocacy campaigns throughout the year. Media coverage of NGOs does not recognize the special role played by the sector in society. Although the government's perception of NGOs has improved, the public still has mixed opinions about the sector. LEGAL CONTEXT: 4.9 The legal context for NGOs in Liberia improved in 2010. The National NGO Policy, adopted in 2008, is now fully implemented as the main regulatory framework for NGOs, including international NGOs. The NGO coordination service of the Ministry of Planning and Economic Affairs is responsible for accrediting NGOs, although they still need to register their statutes with the Ministry of Foreign Affairs. NGOs are required to submit periodic reports on their programs and finances, such as statements on the sources and use of funds. However, compliance with this obligation remains low. The implementation of the NGO Policy is still somewhat complex. NGOs find the various levels of registration particularly burdensome and confusing. The Ministry of Planning is responsible for accrediting NGOs, while the supervising ministries – which previously participated in accreditation – now limit themselves to a coordinating role. These ministries often overstep their functions, effectively attempting to accredit NGOs. The registration of NGOs and companies was facilitated this year by the establishment of a national registry in Monrovia. The registry concerns the incorporation and registration at a one-stop shop, thus eliminating the need to submit documents separately to three ministries – Foreign Affairs, Finance, and Commerce. Following a change in its leadership, the NGO coordination service of the Ministry of Planning postponed the launch of an online registration system, planned for 2010. The service continues to operate from Monrovia; the lack of delegations in the rest of the country poses registration challenges for NGOs based in rural areas. 5.0 4.9 1.0 3.0 5.0 7.0 Legal Context in Liberia

 NGOs are free to operate without facing intimidation. They reported no harassment from the state in 2010. However, there have been cases where local authorities, particularly in rural areas, have sought to informally influence local NGOs. NGOs can bid for state public contracts. However, due to their limited capacities, local NGOs are generally unable to take advantage of these opportunities, which are mostly seized by international NGOs. NGOs are eligible for customs duty exemptions on imported items for their activities. However, the procedure to benefit from the exemption is long and cumbersome. As a result, most organizations prefer to pay these duties rather than apply for the exemption. There are no specialized lawyers to provide legal assistance to NGOs. ORGANIZATIONAL CAPACITY: 5.1 Many NGOs were founded by international NGOs or foreign donors during the emergency period to serve as their implementing bodies. As a result, most local NGOs do not have clearly defined missions. Most also lack strategic planning skills; generally, NGOs only develop strategic plans to meet donor requirements, despite efforts by TrustAfrica and UMCOR to introduce strategic planning to a group of organizations. Internal governance remains one of the main weaknesses. In most local NGOs, a single person – usually the founder – runs the organization's affairs. The founder's influence often extends to the selective vetting of individuals designated as board members. Boards tend to operate ineffectively: meetings are irregular and not minuted. Due to limited funding, NGOs struggle to attract qualified staff. Most NGOs lack financial resources or flexibility to maintain a paid permanent staff. Instead, personnel are hired to work on specific projects. Although having an office is a requirement for registration and accreditation, many NGOs do not have a permanent space. Some NGOs have offices in residential buildings,

sometimes in apartments owned by a board member or someone else involved in the organization. Volunteering is a relatively new phenomenon in post-conflict Liberia. Efforts by NGOs to develop membership and support groups are fragile. Apart from umbrella organizations, a few NGOs participate in the development or recruitment of members. FINANCIAL VIABILITY: 5.8 Funding diversification is limited. Liberian NGOs receive most of their funding from foreign donors. Several donors lack confidence in the capacity and ability of local NGOs to provide goods and services; thus, most local NGOs do not deal directly with donors but rather go through international NGOs as implementing partners. 5.1 5.1 1.0 3.0 5.0 7.0 Organizational Capacity in Liberia

 NGOs do not have the capacity to mobilize significant resources within the country. The local population is accustomed to receiving support from donors and not being asked for contributions. A few NGOs have initiated cost-recovery programs. A number of NGOs, for example, manage internet cafes that are funded by users. The state does not grant subsidies to NGOs, although there have been some cases where public agencies, such as the National Elections Commission, contract with NGOs for the execution of specific tasks within their area of expertise. Multinational companies operating in the extractive industries constitute another emerging source of funding, allocating resources to development activities in host communities. The Liberian diaspora provides NGOs with in-kind donations, such as books and medical supplies. While these donations are helpful, they are, however, irregular. Local organizations do not have rigorous financial management systems. NGOs only care about transparency to meet donor requirements; accountability to the public is not a concern, particularly because it is not required. ADVOCACY: 4.2 Cooperation between the public sector and local NGOs has somewhat improved over the past year. Communication between the supervising ministries and NGOs has remained open, particularly with the Ministries of Planning, Health, and Internal Affairs, all of which have coordination units with NGOs. NGOs have played a key role in formulating the Rape Law, which criminalized an offense that has been on the rise in the country since 2006. In 2010, NGOs, women lawyers, and other civil society groups petitioned the president, law enforcement authorities, and key legislators to expedite the prosecution of offenders and increase penalties for rape. Additionally, the advocacy actions of NGOs led to the establishment of a unit within the Ministry of Justice to prosecute sexual crimes and gender-based crimes. At the local level, two NGO networks – SinoeNet and LofaNet – have been established to work with authorities in the counties of Sinoe and Lofa to help strengthen community responses to national recovery efforts. These networks have organized partnership meetings with county authorities and developed action plans. The new African Research and Development Agency (NARDA) continued to establish and create development committees at the county and district levels in 2010. NGOs have also formed coalitions on specific issues to conduct broad advocacy campaigns. The initiative 'Peace Comes From Within: Networking and Advocacy' brought together thirty-three civil society organizations and the Interreligious Council of Liberia to deliberate on the peace process, exchange ideas and experiences, and evaluate previous activities of the network. Towards the end of 2010, a group of NGOs led by Talking Drum established the Liberia Media Center to serve as an independent and non-partisan election monitoring group. 5.8 5.8 1.0 3.0 5.0 7.0 Financial Viability in Liberia 4.3 4.2 1.0 3.0 5.0 7.0 Advocacy in Liberia

 SERVICE PROVISION: 4.4 NGOs provide a range of services in areas such as agriculture, health, water and sanitation, capacity building, and humanitarian aid. There are increasingly more local organizations working in areas such as governance, peace processes,

economic empowerment, and environmental protection. While projects provide valuable services, they are mostly driven by funders. NGOs need to do more to involve communities in the process of identifying their needs. International NGOs represent a growing share of the services provided by the nonprofit sector, even though local NGOs remain important actors in this field. Some NGOs have cost recovery programs. In addition to NGOs that operate internet cafes, those working in the health sector charge minimal fees for their services. The state does not always recognize the value of involving NGOs in service delivery, and most ministries do not yet involve NGOs in the provision of services. In some cases, however, this has led to successful partnerships. For example, a deterioration in the relationship between Phebe Hospital and the Bong County Legislative Committee resulted in a local institution losing a valuable state grant. INFRASTRUCTURE: 4.8 The infrastructure of Liberian NGOs has not changed over the past year. There are still no resource centers exclusively dedicated to providing information or services to NGOs. A few libraries, such as those at USIS and some universities, provide some general information to NGOs. Meanwhile, NARDA and the Liberian Association for Family Planning (PPAL) have set up reading rooms for their member organizations. During the year, We Care, a local NGO, launched a community library program in Monrovia with the intention of expanding it to rural communities. Umbrella groups occasionally organize training sessions on various topics for their member organizations. For example, at the beginning of the year, members of the NARDA National Secretariat organized a financial management training to deepen members' understanding of budgeting processes and a planning meeting with network members and local authorities in Lofa County. Some consulting firms provide training activities for NGOs, often with funding from donors. Training sessions are increasingly organized outside of Monrovia to benefit organizations located in the counties. The formation of networks among NGOs is evolving. The Message Steering Group coordinates international NGOs. Two umbrella organizations - NARDA and the Liberia NGO Network (LINNK) - coordinate the work of local NGOs; however, these organizations remain weak as member organizations lack the capacity or determination to pay their dues regularly. NARDA also reports a decrease in active members. NGOs also share information among themselves through newsletters, emails, and letters. PUBLIC IMAGE: 4.7 The media does not recognize the role of the nonprofit sector in society: no distinction is made between NGOs and businesses, and no media outlet has a specific service dedicated to NGOs. NGOs pay for coverage of their activities and events, just as businesses do. However, the rapid emergence of community radio stations has strengthened media coverage of the sector. NGOs rarely engage in structured public relations efforts. Many of them believe that the results of their work will be recognized over time without additional effort on their part. The public has a mixed perception of NGOs. While some appreciate NGOs for the role they play in solving community problems, others view NGO workers, particularly international humanitarian staff, as show-offs in flashy vehicles. NGOs have not made significant progress in self-regulation to promote transparency. They do not regularly publish their annual reports, nor do they submit to financial audits. More importantly, NGOs still do not have a code of ethics, despite efforts made to develop one a few years ago. 4.7 4.7 1.0 3.0 5.0 7.0 Public Image in Liberia

MALI 87 4.5 4.7 3.7 3.9 5.6 4.2 4.2 4.4 1.0 3.0 5.0 7.0 Sustainability of NGOs Legal Context Organizational Capacity Financial Viability Advocacy Service Provision Infrastructure Public Image Sustainability Sustainability Sustainability Strengthened in Progress Hindered Notes 2010: Mali 4.0 4.0 1.0 3.0 5.0 7.0 Sustainability of NGOs in Mali MALI Capital: Bamako Political regime: Republic Population: 14,159,904 (est. July 2011) GDP per capita (PPP): $1,200 (est. 2010) Human development index: 175 (2011) SUSTAINABILITY OF NGOs: 4.4 Mali has a decentralized democratic system that officially recognizes the role of civil society. According to the Local Development Support Cell (CADB) responsible for overseeing NGOs, Mali hosted 1,146 NGOs in

2010, nearly twenty more than in 2009; 464 of these NGOs published their annual reports. According to these reports, the total value of services and products provided by NGOs in 2010 was 111,332,696,542 FCFA (approximately $227 million), an increase of 87,882,508,210 FCFA (approximately $175 million) compared to 2009. Despite full recognition of their role and the freedom of action they enjoy, Malian NGOs face a number of obstacles that hinder their contribution to the development process. NGOs are indeed dependent on foreign funding, both bilateral and multilateral, and are institutionally weak. There is a lack of synergy among NGOs, making it difficult for them to speak with one voice to influence public policies. Finally, collaboration with the state is weak and ineffective. However, the public generally holds a good opinion of NGOs, and the law recognizes the public utility status of all NGOs. The year 2010 was relatively productive for Malian NGOs. The Forum of CSOs, composed of NGOs, the state, and technical and financial partners, was created to discuss issues concerning civil society at the national level. For five years, the government promised to

 revise the NGO law, as well as the framework agreement signed with them, particularly to decentralize resources and allow them access. This revision was finally adopted in 2010. LEGAL CONTEXT: 4.2 NGOs are largely governed by Law No. 04-038 of 2004. After three months of operation, Malian NGOs can sign the framework agreement with the state that allows them to access public funds. No legal text allows for the creation of foundations in Mali, a problem that the government has been studying for some time. NGOs had to advocate for several years for a revision of the NGO law, which was finally adopted by the state in 2010. This amendment decentralizes the distribution of state funds to NGOs in accordance with the principles enshrined in the Malian constitution. The registration of NGOs is relatively easy. It was decentralized four years ago and is now handled by the local governor or prefect instead of the Ministry of Administration. However, partly due to the high illiteracy rate in the country, grassroots CSOs are unaware of the legislation and have difficulty accessing information, which can complicate their registration efforts. The state does not harass NGOs, nor does it specifically hinder their involvement in policies and strategies. NGOs regularly express their position to the government, ministerial departments, and the National Assembly and are often solicited by the state to participate in the implementation of development strategies. But despite this openness and collaboration, NGOs' concerns are not systematically integrated into the final decision-making process. Certain types of NGOs, particularly those that have signed the framework agreement with the state, benefit from favorable tax provisions on donations, grants, and certain imports. There are no specialized lawyers or recognized expertise for the specific issues of civil society in Mali. ORGANIZATIONAL CAPACITY: 4.2 The statutes of NGOs specify their objectives and activities, and professional NGOs and collectives adopt strategic plans. However, NGOs often deviate from their stated objectives to access funding. In Mali, most NGOs have statutes and internal regulations clearly defining their management structures and specifying roles and responsibilities. NGOs more frequently hold statutory meetings and submit required reports as well as their technical and financial statements. Professional NGOs are increasingly developing administrative and financial management manuals. However, a large number of NGOs do not effectively implement these organizational policies, resulting in a lack of democracy and transparency as well as some confusion in the application of roles and responsibilities. A founder or leader of an NGO is

 often considered a lifelong president, undermining efforts made towards democratic governance, accountability, and information

sharing. This explains why transparent management is more common among collectives, networks, and federations than among NGOs. In some cases, transparency is encouraged by contractual requirements imposed by technical and financial partners (TFP). In general, NGOs employ permanent staff and hire technical experts on a full-time or part-time basis for specific projects. However, some NGO leaders hire relatives without concern for their skills or qualifications. In 2010, the Agency for the Promotion of Youth Employment (APEJ) placed 2,000 young volunteers with NGOs. Some retirees also offer their voluntary services to NGOs. Three-quarters of NGOs lack resources to acquire technological equipment. Federations and professional NGOs have basic equipment (computers, photocopiers, phones, and Internet access). NGOs located far from urban centers have less access to technology, although the Internet is generally available. FINANCIAL VIABILITY: 5.6 Malian NGOs have access to multiple sources of funding: State, regional development funds, contributions from local authorities, philanthropic resources, contributions from economic operators, private donors, and bilateral and multilateral cooperation agencies. However, despite the diversity of available support, the sector is largely dependent on foreign funds, and its financial viability remains precarious. Most resources are indeed earmarked for specific activities; organizational support covering ongoing management and administrative costs is harder to obtain. Overall funding for NGOs decreased in 2010. Indeed, donors are increasingly granting funds directly to the State, which is supposed to transfer them to NGOs. In many cases, however, there is no law allowing NGOs to access these funds. Furthermore, many donors have stopped initiating projects in Northern Mali. The ongoing rebellion in this region makes field visits difficult, thus deterring donors who wish to distribute and monitor grants themselves. A significant new support program for NGOs started in 2010. The Support Program for Civil Society Organizations (PAOSC) aims to strengthen the institutional and organizational capacities of Malian CSOs to improve the programs and policies of the State. This three-year initiative is fully funded by a consortium of donors including Canada, the Netherlands, France, the European Union, Denmark, and USAID, for an amount of nearly one billion FCFA (almost 2 million dollars). NGOs do not always have the knowledge and communication skills necessary to mobilize resources. They also need to take more initiatives to promote member engagement and corporate sponsorship. Despite the increasing use of financial management systems by professional NGOs, the lack of financial transparency in the sector as a whole remains a concern and does not encourage members, sponsors, and businesses to make donations.

 ADVOCACY: 3.9 NGOs have organized themselves into several networks and collectives to carry out advocacy initiatives: National Framework for the Training of Paralegals, Aoudaghost Network, Publish What You Pay, Advocacy and Lobbying Network (RPL), Advocacy Committee for Women's Associations. Advocacy and lobbying initiatives target various institutions, including the government, ministerial departments, the National Assembly, and technical and financial partners (TFP). In 2010, for example, NGOs actively participated in discussions on the revision of the NGO law and contributed to the development of economic policies. In 2010, the FCD (Forum on Cooperation for Development), led by the United Nations and comprising all development actors in Mali, partnered with women's organization collectives to promote a Family Code in favor of the rights of Malian women. While the advocacy efforts made by this group succeeded in placing this Code on the agenda of the National Assembly, it has since been withdrawn by the State for improvement. NGOs have also regularly met with the government to discuss various issues. For instance, the RPL convened a meeting between representatives of the State, the nine collectives, and local elected officials to assess the collaboration between the State and NGOs. Similar

actions have also been taken at the municipal level. The recently launched PAOSC supports advocacy efforts for good governance and transparency in the management of public aid for development. Malian NGOs benefit from legal provisions requiring the State to consult or involve them in the development of policies. CSOs are often also called upon to collaborate with the government informally. NGOs participate in two consultation meetings per year with ministerial departments on shared issues, including drafting laws and decrees, implementing various policies, and more effective collaboration methods. The annual civil society forum, which takes place annually, brings together NGOs, TFPs, and ministerial departments, while an annual consultation meeting occurs between the State and NGOs that have signed framework agreements. The advocacy efforts made by NGOs are hindered by persistent nepotism in the selection of representatives within various commissions and working groups, by the low quality of NGO contributions in these instances, and by the fact that the State does not sufficiently consider the concerns raised by NGOs in the implementation of decisions. NGOs also suffer from a low capacity for policy analysis and do not have a deep understanding of appropriate advocacy strategies. Furthermore, they often present inconsistent arguments on themes such as the fight against corruption, budget processes, transparency, tourism, and trade. SERVICE PROVISION: 3.7 NGOs provide a diverse range of products and services, including humanitarian services and basic social services in health, education, water and sanitation, and food security. They also provide support to local actors in the fields of economy, environment, and governance as well as services in conflict management, peace and security, human rights, and gender. NGOs are increasingly involved in microfinance. The State recognizes the public utility of the basic social services provided by civil society and directly finances the participation of NGOs in State projects and programs. The quality of services provided by NGOs is acceptable, but their quantity has declined over the past three years as donors have begun to grant their aid directly to the State, which has not yet been transferred to NGOs. Moreover, these organizations often terminate their services at the slightest delay in disbursement from the donor or at the end of a project. NGOs face several constraints in service delivery. Their interventions are concentrated in the

preferred sectors of donors. They lack expertise in project management and bidding processes, and State officials do not train them in this area. Finally, NGOs rarely communicate about their results and products. At the same time, the information disseminated by the State regarding the availability of funds in departmental budgets is insufficient. The low participation of NGOs, particularly women’s associations, in the budget process also impacts their ability to access public funds. NGOs do not recover any of the costs of providing goods and services through billing. To cover their expenses, they rely instead on their donors, whether from the State, local authorities, or foreign donors. INFRASTRUCTURE: 4.7 Mali has a multitude of coordination offices, collectives, networks, federations, and forums to promote communication and information exchange among NGOs and enable them to access equipment. All collectives and large NGOs have meeting rooms suitable for training sessions or other group activities. In 2010, actions were able to be carried out with the regional NGO coordinations thanks to the Internet, even though the poor quality of connections sometimes delays the dissemination of information. NGOs collaborate and establish partnerships with local businesses, the State, and the media. In terms of capacity building, they benefit from various types of support from State structures and projects, international NGOs, private companies, collectives, NGOs, research institutes, and training schools. Local foundations, international NGOs, humanitarian institutions, and some intermediary support organizations (OSI) provide grants to NGOs for activities such as basic social services, humanitarian aid, disaster interventions, as well as capacity building. The Djoliba Center, which has sections in all regions of Mali, except in the three northern regions, serves as a decentralized resource structure and training center for CSOs. PUBLIC IMAGE: 4.5 Even though the public generally has a positive opinion of the associative

sector, people no longer want to mobilize further for the activities of this sector and often question the ability of NGOs to provide tangible goods and services in areas such as water, education, and health.

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92 2010 INDEX OF SUSTAINABILITY OF NGOs IN SUB-SAHARAN AFRICA 4.0 4.0 1.0 3.0 5.0 7.0 Public Image in Mali NGOs are increasingly focusing on the visibility of their activities and achievements, but often struggle to promote their image and strategy. The media covers the activities of NGOs, including the launch or reception of projects, training or consultation workshops, press conferences, information/awareness campaigns, and some advocacy/lobbying activities. However, NGOs must pay the same rates as businesses for any media coverage. The official speeches of government representatives are generally favorable to NGOs. They indeed appreciate their proximity and support to the population, as well as their contribution to the implementation of policies, strategies, and government programs. However, some public officials are critical of the way NGOs use public resources. Businesses have different perceptions of NGOs. Industries and processing companies, for example, generally know little about NGOs. Some consulting firms and service providers even consider them as unfair competitors because they do not pay the same taxes. There is no national code of ethics for the non-profit sector, and NGOs practice self-regulation as outlined in their statutes, internal regulations, and procedural manuals. Furthermore, some collectives, such as the signatory associations of the framework agreement, have developed a code of ethics. Some collectives, like Action-Mopti and REDL, publish and distribute annual reports and newsletters.

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MOZAMBIQUE 93 MOZAMBIQUE Capital: Maputo Political regime: Republic Population: 22,948,858 (est. July 2011) GDP per capita (PPP): 1,000 (est. 2010) Human development index: 184 (2011) SUSTAINABILITY OF NGOs: 4.8 Compared to many African countries, the non-profit sector in Mozambique is relatively young. A study from 2003/4 conducted by the National Institute of Statistics of Mozambique revealed that 4,853 non-profit institutions are active: associations, foundations, and national and international NGOs. Although this number has not been officially updated, it is estimated that there were more than 5,000 non-profit institutions by the end of 2010. The public image of the sector slightly improved in 2010, as organizations better utilized the media to disseminate information about their activities. For example, the book from the Institute of Social and Economic Studies (IESE) on the challenges facing the country received extensive coverage, while the Center for Public Integrity (CIP) generated significant media interest for its research and publications on the lack of transparency of the Extractive Industries Transparency Initiative (EITI) in Mozambique. At the same time, the state and the funders are beginning to give more weight to the opinions of NGOs. If the legal context in which NGOs operate has not changed, district authorities have accelerated the registration process for local NGOs to allow them to access the District Development Fund (DDF). This Fund was established by the state to accelerate district development by financing food production and job creation projects. Organizations must complete their registration process at the district level to be able to apply for funds from the DDF. The participation of NGOs in the decision-making process at local, provincial, and national levels continues to be largely consultative. Moreover, the NGOs involved in these forums are often effectively controlled by political powers. Although access to technology, such as mobile phones and computers, is continuously improving, NGOs do not yet use them effectively. LEGAL CONTEXT: 4.8 NGOs in Mozambique are established and operate under the Law on Associations (Law 8/91). The registration of NGOs continues to be very costly in terms of time and money, particularly for associations located in remote rural areas, as the registration process must be completed in regional capitals. Additionally, as part of the

registration process, NGOs must submit criminal records, which can only be obtained in Maputo. Registration agents systematically ignore the deadlines for approving the registration of NGOs. Even when there are no issues with the documents, the state can take up to two years to validate the registration of an NGO. If the registration process has not officially changed, local authorities have accelerated in recent years the registration process for certain associations, particularly farmers' and small livestock breeders' associations, largely to enable them to access the DDF. In general, NGOs can freely carry out their activities within the framework of the law, promote public debates, and openly criticize the government. Decree 11/2005 stipulates that local public bodies have the duty to consult local associations in any decision-making process affecting them so that they can defend their interests. Even though the number of lawyers in the capital is increasing, none specialize in NGO legal issues. The lack of legal support is even more acute at the provincial and district levels where there are very few lawyers in general. NGOs guided by national and community interests and cooperating with national or local authorities in service delivery, under written agreements or contracts, can obtain public utility status. However, since NGOs generally do not establish official relationships with the government, very few NGOs – currently estimated at less than 5% – have acquired this status. Public utility NGOs benefit from limited tax

exemptions. Mozambique has no legislation regarding the rights of NGOs allowing them to engage in income-generating activities. As a result, very few NGOs charge for their services or sell items produced by their members. While NGOs can bid for public contracts, they rarely take advantage of this opportunity. ORGANIZATIONAL CAPACITY: 5.4 Community organizations, trade and professional associations, and unions tend to have close ties with their target groups. Other types of organizations generally have weaker ties with their constituents, partly because they are often created in response to calls from funders rather than to needs identified at the local level. The only organizations with strategic plans tend to be well-established NGOs, which are generally based in the capital. However, this situation is changing thanks to the Action Program for Responsible and Inclusive Governance (AGIR), recently established and funded by the Swedish International Development Cooperation Agency. AGIR requires NGOs to have strategic plans to obtain funding; this program also helps NGOs develop strategic plans. Large NGOs sometimes have adequate human resources practices, such as contracts and job descriptions. Smaller organizations continue to suffer from weak management structures and inadequate distribution of responsibilities between their boards and staff members. The lack of financial resources makes it difficult for NGOs to maintain professional staff. As a result, a coordinator often assumes all the responsibility of an NGO with the support of the president. The board of directors, especially the finance committee, is generally inactive. The majority (75%) of active NGO members are volunteers. Paid employees tend to receive very low salaries and have no long-term job security due to the lack of long-term financial resources. Local qualified staff members are often poached by international institutions and the private sector that can offer higher salaries and greater job security. Access to technical advancement and office equipment varies according to the size and location of the NGO. Large organizations with regular long-term financial support are able to acquire and update their computer equipment. At the provincial level, NGOs generally have access to computers and fax machines, often second-hand, while local NGOs may not even have typewriters and have only limited access to landlines or fax machines. These organizations depend on their mobile phones for the majority of their communications. FINANCIAL VIABILITY: 5.0 Foreign funders represent well over 70% of NGO income. Local sponsorship, such as support from local businesses and wealthy individuals, is still underdeveloped. Most NGOs do not have access to diversified funding sources, nor do they have sufficient resources to remain viable beyond the short term. Most organizations survive on one or two projects at a time. Many community-based organizations rely on volunteers who may

receive a small stipend to ensure their continued participation. NGOs continue to be more accountable to their donors than to their own constituents. Only NGOs that benefit from donor support are able to conduct financial audits 5.4 5.4 1.0 3.0 5.0 7.0 Organizational Capacity in Mozambique 5.0 5.0 1.0 3.0 5.0 7.0 Financial Viability in Mozambique

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96 INDEX 2010 OF SUSTAINABILITY OF NGOs IN SUB-SAHARAN AFRICA independent. NGOs only establish financial management systems to meet the demands and requirements of funders. Most organizations do not maintain strong ties with their constituents, beneficiaries, or members. NGOs rarely generate funds from their own members, whether in the form of subscriptions or donations. While NGOs can seek funds from the DDF, most of it goes to associations created by individuals close to political parties at the expense of well-established NGOs. ADVOCACY: 4.5 NGOs participated in several advocacy campaigns in 2010. For example, a group of four NGOs continued to monitor governance in six districts and three municipalities, while the CIP supervised public spending in fifteen districts across the country. In October 2010, Justiça Ambiental (JA) filed a complaint on behalf of a coalition of organizations, with the government, the parliament, and the UK National Contact Point (UK NCP), regarding a multinational company's project to bypass smoke and gas treatment centers at its aluminum smelter for six months. MS Mozambique, a Danish organization, collaborated with fourteen national partners to implement a campaign in southern Mozambique aimed at supervising the distribution and facilitating access to textbooks distributed free of charge by the State to public primary schools. This campaign included plays, debates, and data collection on the distribution process in schools. At the local level, farmers' associations significantly participated in the fight against land encroachment and the defense of other land rights, such as reforestation of agricultural areas. Mechanisms are available for NGOs to participate at various decision-making levels of the State; but these mechanisms tend to be consultative rather than deliberative. The recommendations arising from these processes therefore have only a limited, if any, impact. Local authorities manipulate the selection of civil society representatives within advisory councils at the district and municipal levels, which also limits their impact. At the local level, civil society representatives, as well as public officials, lack the technical capacity, independence, and credibility necessary to play a key role in local governance. Lobbying activities are concentrated in Maputo, with consultations at the district and local levels being limited. Consequently, they do not always represent the needs of rural populations or respond to them. However, NGOs have achieved some success in lobbying at the national level. For example, NGOs such as Women and Law in Southern Africa (WLSA), the Women’s Forum, the Association of Women, Law and Development (MULEIDE), and the Mozambican Association of Women in Legal Careers (AMMCJ) have contributed to the formulation and promulgation of new laws on domestic violence. More recent programs from funders, such as the Civil Society Support Mechanism (MASC) and AGIR, focus on supporting organizations in the areas of governance, advocacy, and monitoring. Although progress is being made, the government still has apprehensions when NGOs supervise the quality and quantity of basic services, and NGOs often struggle to access State plans and budgets. 4.5 4.5 1.0 3.0 5.0 7.0 Advocacy in Mozambique

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MOZAMBIQUE 97 4.0 4.0 1.0 3.0 5.0 7.0 Service Provision in Mozambique The Foundation for Community Development (FDC) and the Civil Society Learning and Capacity Building Center (CESC) are leading a group of local NGOs discussing tax exemptions for NGOs and potential amendments to the association law, but have not yet proposed any concrete recommendations. SERVICE PROVISION: 4.0 A study conducted by the National Institute of Statistics (INE) in 2004 and 2005 indicates that the services provided by NGOs mainly concern the areas most funded by

foreign donors, such as health, education, and development. NGO services frequently deviate from the missions they have defined and rarely reflect the needs and priorities of communities. The majority of NGOs concentrate their services in local municipalities (42.4%) or districts (33.5%), while only 5.7% operate at the national level. The latter are all based in Maputo. Even national organizations do not have sufficient resources to widely disseminate their products. Although organizations like IESE, CIP, and FDC display publications on their respective websites, NGOs in remote localities and districts of the country cannot access them due to limited Internet access. NGOs have little knowledge of market demand for their products and rarely recover their costs by charging fees. INFRASTRUCTURE: 5.1 Despite the growing number of NGOs in Mozambique, the country still does not have a sufficient number of intermediary support organizations (OSI) and resource centers. According to a national study conducted in 2007, 58% of the NGOs surveyed considered the support infrastructure as very limited, 20% said there was no infrastructure at all, and only 5% found the associative infrastructure well developed. While the situation remains largely the same, a few intermediary organizations have recently emerged. For example, in 2010, the FDC began providing training to the Budget Monitoring Forum to strengthen its capacities and reallocating funds from international donors to meet locally identified needs. The Community Information and Communication Support Center (CAICC) and the Forum of Community Radio Stations (FORCOM) have increased their technical assistance and support to telecenters and community radio stations throughout the country. MASC, funded by the British Department for International Development (DfID) and Irish AID, has been providing financial and technical support since 2008 for monitoring, advocacy, organizational capacity, and internal governance of NGOs; the program reached its cruising speed in 2010, both in terms of the number of grants and the effects of its capacity building. In 2010, CESC supported the creation of indigenous organizations at the district level, working to strengthen their capacities to participate in development programs and monitor school budgets. 5.1 5.1 1.0 3.0 5.0 7.0 Infrastructure in Mozambique

 More than fifty thematic and geographical networks of NGOs facilitate coordination, share information, and provide technical support to their members. This is the case, for example, of Rede de Criança (a network of NGOs working with children), the Mozambican Network of Service Organizations for HIV/AIDS (MONASO), the Women’s Forum, and the Farmers' Union (UNAC). Over the past five years, it has become apparent that many of these forums lack the internal capacities and financial stability necessary to have a greater impact. For example, the G20 was created to represent civil society in the civil society observatory and other joint controls where the State, donors, and civil society meet together to discuss development issues and monitor progress. In 2010, the G20 faced organizational problems that rendered it largely non-operational, risking potential funding loss. One of the biggest challenges facing NGOs in Mozambique is the absence of courses and trainers at the national level on issues such as strategic management, accounting, financial management, fundraising, internal governance, and leadership. Intersectoral partnerships are still rare, although NGOs collaborate with the State in national campaigns against HIV/AIDS, the rights and protection of vulnerable women and children, and universal education. These campaigns also include collaboration with newspapers, television, and radio. PUBLIC IMAGE: 4.8 In general, the media, particularly independent media, present NGOs in a positive light. A small group of NGOs, such as FDC, IESE, CIP, and CESC, regularly appear in the press and have built a very good reputation. For example, in 2010, the launch of the IESE book on the country's future challenges received extensive coverage. The CIP also received positive media coverage related to its views on the extractive industry, public integrity, and corruption in Mozambique. Most organizations based in provinces and districts have recently begun to receive some media

coverage, partly because donors pressure NGOs to disseminate information about their work in the media, primarily on radio. Despite limited media coverage, public perception of NGOs at the district and local levels is positive, as the public believes these NGOs are trying to find solutions to the basic needs of local communities in health, education, water, and sanitation. In comparison, the government – whether at the central or local level – does not always have a positive perception of NGOs. The government sees them as competitors for donor funds and associates those working in sensitive areas of monitoring and advocacy on the quality of public services and the fight against corruption with political opposition. The private sector also generally has a negative perception of NGOs. Businesses view NGOs as unprofessional institutions that receive "free" funding, while they themselves have to pay high interest rates on bank loans. There is no code of ethics to encourage transparency in NGO activities, although CESC began working on a code of ethics in 2010. Large NGOs produce annual reports, which they primarily direct to their donors and members. NGOs lack financial resources to publish information in newspapers or to disseminate their reports more widely. 4.9 4.8 1.0 3.0 5.0 7.0 Public Image in Mozambique

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NIGERIA 99 4.0 5.0 4.2 3.8 5.6 4.7 5.0 4.6 1.0 3.0 5.0 7.0 Sustainability of NGOs Legal Context Organizational Capacity Financial Viability Advocacy Service Provision Infrastructure Public Image Sustainability Sustainability Sustainability Strengthened in Progress Hindered Notes 2010: Nigeria 4.0 4.0 1.0 3.0 5.0 7.0 Sustainability of NGOs in Nigeria NIGERIA Capital: Abuja Political regime: Federal Republic Population: 155,215,573 (est. July 2011) GDP per capita (PPP): 2.00 (est. 2010) Human development index: 156 (2011) SUSTAINABILITY OF NGOs: 4.6 Nigeria is the most populous country in Africa. With over 152 million inhabitants, the population includes more than 250 ethnic groups speaking 320 dialects. After gaining independence in 1960, Nigeria was governed by a series of military regimes until 1999, when it transitioned to a democratic form of government. Nigeria has abundant oil reserves and has recorded strong economic growth in recent years, with a real GDP growth of 5.5% in 2010. However, due to corruption and poor management of public sectors, more than half of the population still lives below the poverty line. Nigerian NGOs have the option to register at the local, state, or national level, making it difficult to establish the actual number of registered NGOs in the country. According to the Commission for Social Affairs (CAC), 8,005 new NGOs were registered at the national level in 2010, bringing their total to over 54,000. The legal context is favorable to NGOs and registration has become easier in recent years. NGOs are characterized by weak internal management structures and financial instability. There are some local sources of patronage.

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100 2010 INDEX OF NGO SUSTAINABILITY IN SUB-SAHARAN AFRICA 4.0 4.0 1.0 3.0 5.0 7.0 Legal Context in Nigeria 4.0 4.0 1.0 3.0 5.0 7.0 Organizational Capacity in Nigeria The government recognizes the value of NGOs in service provision, although their products and services do not always reflect the needs of their communities. The associative infrastructure in Nigeria remains weak. However, advocacy campaigns led by NGOs have succeeded in influencing legislation, which has helped establish a generally positive public image of the sector. LEGAL CONTEXT: 5.0 The legal context in Nigeria is generally favorable to NGO activities. Nigerian NGOs are not governed by a specific law; they register and operate according to the Companies and Allied Matters Act - CAMA of 1990. NGO registration in Nigeria has recently become easier due to capacity building at the CAC. In particular, name searches and other background checks are now conducted more quickly. Registration at the state and local levels continues to be hindered by lengthy background checks and the high cost of legal services to facilitate the process. The capacity of registration officers at the state and local levels remains weak. NGOs can only be

dissolved by a court decision at the request of the NGO Council, a majority of members, or the CAC. The state cannot dissolve an NGO for political reasons and NGOs are not targeted for harassment by the government or political parties. However, while NGOs are exempt from all taxes, tax authorities sometimes wrongly require them to pay certain taxes. For example, profit-making companies are legally required to pay taxes when they display their names and logos on their official vehicles or place signs on their buildings. Unqualified tax collectors have demanded these taxes from several NGOs, such as the Center for Research and Documentation (CRD) and Kano, even though CAMA clearly states that NGOs are exempt from all taxes and levies, including this one. No measures have been taken to end this practice. NGOs are free to address public debate issues and express criticisms. Legal counsel is available for NGOs that can afford it; however, no local lawyer specializes in NGO legislation. They are allowed to generate income from the provision of goods and services. They can also bid for public contracts, although they rarely meet the requirements of tenders. Furthermore, personal contacts are still crucial for obtaining public contracts in Nigeria. ORGANIZATIONAL CAPACITY: 4.7 Generally, large NGOs located in major cities have strategic plans and have succeeded in developing interest groups around issues such as gender, youth, and good governance. In contrast, many local NGOs lack a strategic focus and risk developing activities based on the availability of donor funds. This prevents them from developing stable interest groups and following their vision and mission.

 Financial Viability in Nigeria The boards of many NGOs, particularly those operating at the state and local levels, do not operate openly and transparently. While some NGOs have formal internal management structures, many of them only appoint board members to meet registration requirements. Some NGOs do not replace board members at the end of their term; there have even been cases where a person continues to appear as a member after their death. Most organizations do not have a clear distribution of responsibilities between board members and staff, which can lead to internal conflicts. Accounts are generally audited only when required by donors. Many small NGOs are unable to maintain a paid permanent staff due to insufficient resources, relying instead on volunteers and members of the National Youth Service Corps (NYSC) to carry out their operations. Larger NGOs in major cities like Abuja and Lagos are more likely to employ paid permanent staff and have adequate human resource practices. Investment in staff capacity development is limited. Many NGOs only employ professionals, such as accountants, when necessary. For example, to be able to bid for contracts under the procurement law, NGOs must have their accounts audited in the last three years. Many NGOs do not require the services of IT professionals and very few can afford the services of legal advisors. Only large NGOs provide their staff with access to the Internet, cell phones, and computers; in smaller organizations, the director is sometimes the only person with access to a computer and other office equipment. Staff members use their personal phones and computers for NGO activities. FINANCIAL VIABILITY: 5.6 Funding for NGOs largely comes from foreign sources. NGOs have been unable to attract significant support from their communities and interest groups. There are local sources of patronage in Nigeria, such as the Tony Elumelu Foundation and the T.Y. Danjuma Foundation, but few local NGOs have managed to access them due to their lack of capacity, particularly in developing funding proposals. Oil companies support some NGOs based in Nigeria's oil-producing states. NGOs also receive support from other businesses to a limited extent. Many local NGOs cannot obtain financial resources to remain viable beyond the short term. NGOs are required to submit audited annual financial reports to the CAC. However, many of them continue to violate this law and the CAC does little to enforce it. As for NGOs that have their accounts verified, they do so mainly to meet donor requirements. The majority of NGOs in Nigeria do not have the means to generate income. Some organizations earn revenue from providing services, such as training and workshops. The state signs contracts

with some NGOs, especially at the national level. For example, in 2010, the Federal Ministry of Women's Affairs hired the services of an NGO to implement an economic empowerment project for women across the country. Additionally, the office of the Special Advisor to the President for the Millennium Development Goals (MDGs) works with NGOs to track the country's progress in achieving the MDGs by 2015. Most public contracts, however, benefit NGOs run by state agents or their associates.

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102 INDEX 2010 ON THE SUSTAINABILITY OF NGOs IN SUB-SAHARAN AFRICA 4.0 4.0 1.0 3.0 5.0 7.0 Advocacy in Nigeria A relatively small percentage of NGOs, between 5 and 10%, are membership associations, primarily working in areas such as human rights, gender, and governance. Membership organizations collect dues, although members are often not up to date with their financial commitments. ADVOCACY: 3.8 Due to Nigeria's turbulent history, NGOs are very active in advocacy. Having indeed evolved under military regimes, they have always been very active in advocacy related to politics, and this momentum has been supported by the emergence of democracy in the country. The relationships between NGOs and the State are generally strong. The Presidency has an advisor on civil society, and the government collaborates with NGOs on a number of initiatives. Civil society has thus been actively involved in the process of amending the electoral law and some chapters of the constitution in 2010. NGOs regularly form thematic coalitions and conduct extensive advocacy campaigns. The Transition Monitoring Group (TMG) is a coalition focused on good governance in Nigeria. At the beginning of 2010, the TMG and other coalitions, such as the Alliance for Credible Elections (ACE), successfully pressured the National Assembly and the Federal Cabinet to transfer power to the person holding the vice-presidential position due to the President's health issues. The advocacy campaigns of active NGOs also led in 2010 to the adoption of a bill on persons with disabilities. Civil society organizations like the Media Rights Agenda continued to pressure the National Assembly to adopt the freedom of information bill in 2010. Following this sustained advocacy, some positive signs at the end of the year indicated that the bill would soon be adopted. NGOs are sometimes invited by the government to participate in decision-making processes. However, while NGOs may have the opportunity to provide their feedback, it is the State that ultimately decides whether to accept or reject their contribution. Despite some successes, such as the amendments to the electoral law and the constitution mentioned above, most NGOs have not yet integrated effective advocacy or lobbying tactics into their work. NGOs have recorded some advocacy successes at the state and local levels, as many advocacy-focused NGOs, especially the most effective ones, dedicate themselves to national issues. The success of advocacy actions in 2010 at the state level includes the adoption by some states of laws on public procurement and the initiation by others of the process of establishing commissions on state assembly services to oversee civil service. No advocacy efforts are currently being undertaken by local NGOs to promote legal reform in favor of the associative sector in Nigeria. NGOs have resisted previous attempts to tighten regulation of their activities. SERVICE DELIVERY: 4.2 NGOs in Nigeria provide a wide range of services in areas such as health, education, and environmental protection. They sometimes provide goods and services according to the priorities of funders without any consideration for community needs.

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NIGERIA 103 4.0 4.0 1.0 3.0 5.0 7.0 Service Delivery in Nigeria 4.0 4.0 1.0 3.0 5.0 7.0 Infrastructure in Nigeria Most NGOs have weak marketing skills and are unaware of the demand for their goods and services. Some more developed NGOs are able to identify and develop products for different constituent groups, but this is not yet a widespread practice. NGOs rarely charge for their publications as, in most cases, funders cover the production and distribution

costs to academics, the State, and NGOs. Even when NGOs charge for publications, their selling price is minimal and does not fully cover costs. Paid training is sometimes provided. National authorities recognize the advantage of involving NGOs in certain activities. NGOs have collaborated with the Federal Ministry of Finance to develop a Medium-Term Expenditure Framework for the country. They have also participated in formulating the Nigeria Extractive Industries Transparency Initiative (NEITI). The State awards contracts to NGOs for the provision of certain services; however, in general, contracts are only awarded to NGOs with personal connections to government members. Public officials have recently begun to establish their own NGOs to personally benefit from these contracts, even if they do not directly or publicly identify with the NGO. Furthermore, several governors' wives also have an NGO; the president's wife herself leads an NGO called Women's Initiative for Change. INFRASTRUCTURE: 5.0 There are some intermediary support organizations (ISOs) and a number of resource centers that primarily provide support in capacity building and access to literature and technology. Most of these resource centers are located in major cities, making it more difficult for rural NGOs to fully take advantage of the services they provide. Only a few ISOs engage in local grant-making and redistribute funds from international NGOs. These grants have not always adequately targeted locally identified needs and projects. Training is primarily offered in areas such as management, strategic planning, and women's empowerment; a limited number of advanced trainings are offered in strategic management, fundraising, and other themes. Only large NGOs in the main cities of the country can afford training, although funders sometimes finance training for small NGOs. Training is mostly conducted in English, with very few training modules available in local languages. Several coalitions facilitate information sharing among NGOs. Key coalitions include the TMG, the Joint Association of Persons with Disabilities (JONAPWD), and the Nigeria Gender Budget Network (NGBN). Most NGOs implement projects in partnership with other NGOs to meet funding requirements. The government recognizes the benefits of collaborating with NGOs and works in partnership with them to achieve common goals. For example, in some states of the Federation, such as Kano, the government involves NGOs in the budgeting process. As

 in Nigeria mentioned above, the Ministry of Finance worked in 2010 with NGOs to develop a Medium-Term Expenditure Framework for the country. PUBLIC IMAGE: 4.0 Public perception of NGOs has improved over the years, especially due to the success of advocacy campaigns by the nonprofit sector. While some people still have negative views of NGOs, the public is increasingly aware of their role in society and more supportive of their activities. Nigerian NGOs generally receive positive media coverage, particularly large NGOs in major cities. While NGOs must pay for their advertisements in print and electronic media, the rest of the media coverage is free. However, some journalists still expect bribes to cover NGO activities. These NGOs recognize the need to make their activities public. However, many organizations, especially rural NGOs, lack the skills, contacts, or resources to do so. The traditional rivalry between officials and NGOs is beginning to decline. Collaboration between NGOs and the government at the state and federal levels on initiatives such as the Medium-Term Expenditure Framework for the country and NEITI is helping to change the government's perception of the sector. However, some state agents still view NGOs with suspicion, fearing that they are only interested in exposing their corruption. Although collaboration between NGOs and businesses is still minimal, the business sector does not perceive NGO activities negatively. In many cases, businesses do not wish to pay for NGO services, believing that funders have already paid for these activities. The CAMA provides the basic operational standards for registered NGOs. However, these standards are often ignored by NGOs, and no monitoring or enforcement mechanism has been established to ensure compliance with these standards. NGOs have not

been able to develop internal regulatory mechanisms, such as a code of ethics, and have rejected previous attempts to tighten regulation. Leading NGOs in the country publish annual reports, primarily for their funders.

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RWANDA 105 RWANDA Capital: Kigali Political System: Republic Population: 11,370,425 (est. July 2011) GDP per capita (PPP): $1,100 (est. 2010) Human Development Index: 166 (2011) SUSTAINABILITY OF NGOs: 4.5 The nonprofit sector in Rwanda continues to evolve. About 2,050 registered and active NGOs currently operate in all sectors and regions of the country. This number does not include informal community-based organizations (CBOs) operating at the local level. NGOs operate freely in a generally favorable political context. The government views NGOs, especially those engaged in service delivery, as development partners. That said, it often neglects to consult them on public policy issues, leading them to advocate for their voices to be heard. Following pressure from NGOs, several bills and policies were indeed amended in 2010. With the support of funders, NGOs are increasingly working to improve their internal management system and strengthen their financial management practices. The work of Rwandan NGOs is increasingly understood and appreciated by both the population and the State. Despite these advances, the sector still needs to strengthen local legal capacity, develop mechanisms to retain staff, and implement strategic plans based on citizens' needs. NGOs must also enhance their capacity to raise funds locally, improve partnerships with the State and the 4.5 5.0 4.0 3.9 5.3 4.6 4.3 4.5 1.0 3.0 5.0 7.0 Sustainability Sustainability Sustainability Strengthened in Progress Hindered Notes 2010: Rwanda Sustainability of NGOs Legal Context Organizational Capacity Financial Viability Advocacy Service Delivery Infrastructure Public Image 4.5 4.5 1.0 3.0 5.0 7.0 Sustainability of NGOs in Rwanda

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106 2010 INDEX OF SUSTAINABILITY OF NGOs IN SUB-SAHARAN AFRICA businesses and attract broad media coverage. They must also continue to advocate on behalf of their stakeholder groups. LEGAL CONTEXT: 4.3 In 2010, Rwandan NGOs continued to be governed by Law 20/2000 relating to non-profit organizations (NPO) and Organic Law 55/2008 governing non-governmental organizations. Unregistered organizations have no problem conducting their activities, although they are generally not eligible for donor funding. The registration of NGOs is somewhat burdensome. They must first obtain a provisional authorization from local authorities or the relevant ministry, then register with the Ministry of Justice. An NGO is legally required to renew its registration every year. This renewal is granted only if the NGO has submitted a report on its programs and finances to the Ministry of Local Government, which oversees local NGOs. NGOs are not harassed by the State and are allowed to operate in all areas. However, administrative obstacles sometimes hinder their work. Joint Action Development Forums (JADF), which encourage cooperation between the private sector, civil society, and the private sector to advance development at the local level, for example, charge participation fees that some NGOs cannot afford. Even though participation in JADF is not mandatory, NGOs know that it is important to avoid duplication of efforts and create synergies. Grants and most other categories of NGO income are not taxed. However, while businesses benefit from tax exemptions on goods they purchase, NGOs are not eligible for these same exemptions. They are allowed to bid on public contracts for goods and services, but not to earn income by charging for their services. A draft law addressing all these issues continued to be considered in 2010. Under this bill, NGOs would be recognized as partners in public policy matters, authorized to engage in income-generating activities, and would benefit from certain tax exemptions. Additionally, an independent unit would be created within the Ministry of Local Government to regulate NGOs. Even though NGOs can obtain legal advice, few lawyers in Rwanda specialize in the law

dedicated to them. Legal advice is more easily accessible in urban areas than in rural ones. ORGANIZATIONAL CAPACITY: 4.6 Rwandan NGOs have strengthened their organizational capacity through support from various programs, such as the Capacity Building Project for Rwandan Civil Society of the African Foundation for Capacity Building and the Civil Society Strengthening Project of the Millennium Challenge Corporation (MCC/CSSP). As part of these programs, more than fifty-three Rwandan NGOs have improved their operational capacities and skills in awareness and advocacy and reformulated their advice 4.3 4.3 1.0 3.0 5.0 7.0 Legal Context in Rwanda 4.7 4.6 1.0 3.0 5.0 7.0 Organizational Capacity in Rwanda

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RWANDA 107 administration to operate more transparently. NGOs face challenges in retaining professional staff. The lack of secure long-term funding results in a high turnover rate. Many NGOs rely on the efforts of local volunteers. Most Rwandan NGOs do not have well-developed interest groups involved in the project cycle, from planning to implementation. Due to their heavy reliance on external funding, NGOs struggle to adhere to their strategic plans, especially when their priorities differ from those of donors. Most NGOs lack office equipment, such as computers with internet access. FINANCIAL VIABILITY: 5.3 NGOs in Rwanda remain largely dependent on external financial aid. Support from donors is generally project-based; institutional support is difficult to obtain. Most NGOs only secure financial resources to maintain their short-term activities. Local financial support is minimal. Membership in NGOs remains very low, as do contributions, which are reluctantly granted. The sources of sponsorship that NGOs can tap into are rare, if not nonexistent. NGOs try to generate income through service provision, even though this remains illegal. Local and central government grants and contracts are also minimal. Various training programs focus on the financial management of NGOs, such as budgeting, procurement procedures, and general accounting. As a result, NGOs are increasingly subject to independent audits, and some are beginning to understand the benefits of transparency and accountability in their fundraising efforts. ADVOCACY: 3.9 NGO advocacy was significantly strengthened in 2010. The government became more receptive to the contribution of NGOs to public policies, and they are more active and heard in this area. NGOs implemented several advocacy initiatives in 2010 in Rwanda. For example, they advocated for extending the mandate of gacaca jurisdictions, the traditional courts where genocide cases are heard. Additionally, associative advocacy efforts led to an improvement in the electoral law to explicitly allow NGOs to monitor elections. A coalition of Rwandan NGOs led by the Health and Development Initiative (ISD) successfully opposed a law that would have criminalized homosexuality and sex workers. Throughout the year, NGOs played a key role in the development of the gender equality law, which stipulates that the impact of measures on men and women would also be taken into account. NGOs continued to advocate for the adoption of the NGO bill in 2010. 5.3 5.3 1.0 3.0 5.0 7.0 Financial Viability in Rwanda 4.0 3.9 1.0 3.0 5.0 7.0 Advocacy in Rwanda

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 Interest advocacy coalitions are emerging, organizing, and becoming politically active in response to specific issues. For example, in 2010, the umbrella organization Pro-femmes Twese Hamwe quickly rallied support and developed a clear advocacy message, successfully dissuading public authorities from adopting a law that would have lowered the marriage age from twenty-one to eighteen. However, associative advocacy continues to be hindered by many shortcomings. Some NGOs know well where to focus their concerns; there is a deficit in information sharing, coordination, and networking among NGOs; and NGOs do not sufficiently document the needs of the population. SERVICE DELIVERY: 4.0 Rwandan NGOs are heavily involved in service delivery,

operating nationally in areas such as health, agriculture, education, environment, infrastructure, human rights, and capacity building. The State tends to recognize the value of contributions from the non-profit sector, especially when they result in physical products such as schools, water, or infrastructure. Capacity building and human rights activities, however, are not appreciated; therefore, funding for these programs mainly comes from non-state sources. Service delivery by NGOs is still hindered by their failure to establish cost recovery systems. Cost recovery is illegal, and NGOs claim that, in any case, populations are too poor to afford to pay fees for services. Interventions are still generally identified by foreign donors or state structures, rather than by beneficiaries. INFRASTRUCTURE: 5.0 Existing umbrella organizations act as intermediary support organizations (ISO) and centers for supporting NGOs. These groups publish newsletters, maintain databases of their members, manage libraries with literature related to NGOs, and provide basic training. They occasionally grant subsidies to NGOs. However, their capacity remains weak in terms of local fundraising, which leads to competition with their members for funding. This undermines their legitimacy and their ability to establish standards and codes of conduct for member organizations. Information sharing within networks is weak due to a lack of funds. Resources are needed to exchange information, whether through the internet, text messages, or meetings. Local training capacities exist in areas such as fundraising, strategic planning, and NGO management. Training in awareness and advocacy is also available, although it is often provided by international experts, as this is a new area of interest in Rwanda. Donors sometimes require that training be provided by 4.0 4.0 1.0 3.0 5.0 7.0 Service Delivery in Rwanda 5.0 5.0 1.0 3.0 5.0 7.0 Infrastructure in Rwanda