Abstract: Sovereign nations have the right to regulate the activities and operations of civil society organizations (CSOs) within their jurisdiction. The nature of official policy controls bears important implications for the breath and health of associational life, to the degree that they are relaxed, restrictive, or intrusive. Since nations in Africa have often been seen to subvert the growth and impact of CSOs, this article traces the policy controls that govern CSOs in Nigeria and Zimbabwe. Within the context of policy change, the article employs the Advocacy Coalition Framework in an effort to trace the policy process in these two countries. It particularly focuses on CSOs-focused policies and on clarifying the role and influence of non-state actors. Although political elites continue to dominate the policy process, non-state actors increasingly permeate the process through various formal and informal strategies, including the use of venues and influencing public opinion. Overall, CSOs-focused policies reflect distorted beliefs originating from the West’s preoccupations with a homogeneous, governance-focused African civil society.

Keywords: NGO laws, governance, CSOs, Nigeria, Zimbabwe, advocacy coalition framework

Introduction

Relationships between contemporary African governments and civil society organizations (CSOs) have largely been adversarial and imbued with mutual mistrust, with CSOs increasingly demanding participation in the policy process. With the democratic governance practices of some African governments in contestation, questions remain as to the level of influence CSOs have in policy processes that affect them and the subsequent impact of these policies have on them. Clearly, the
breadth, scope, and vitality of CSOs hinge upon states’ regulatory policy frameworks since they dictate the environment within which CSOs are defined, the activities they engage in, and ultimately, how they operate and whether they can do so effectively. Regardless of backsliding governments, recent protests in several African nations point to a vigorous civil society (Kew and Oshikoya 2014).

A thriving civil society is one where a clear and meaningful institutional separation exists between the state and well-organized civil society (Chabal and Daloz 1999). To Chazan (1992), “the relaxation of official controls over associational life, the closure of alternatives to interaction within the state framework, and the expansion of communication networks” constitute three essential conditions conducive to a flourishing civil society (p.283). To some, Africa is characterized by renewed concerns of stalling democratic development—a critical factor since state emergence is often regarded as a key prerequisite for a thriving civil society (Kew and Oshikoya 2014; Chabal and Daloz 1999). Since African governments are believed to subvert the growth of an influential civil society (Bratton 1989; Jackson and Rosberg 1982; Diamond 2008; Kew Forthcoming), it becomes imperative that we assess whether policymaking in Africa is solely state-centric and whether CSOs as non-state actors play any part in the policymaking process, particularly when it comes to policies that govern them.

Employing the advocacy coalition framework (ACF), this article aims to illuminate the policy process (and policy change) as they relate to CSOs in Nigeria and Zimbabwe. In so doing, this article clarifies the roles that state and non-state actors play within the policy process. To that effect, this research is guided by the following questions: (1) What is the nature of CSOs-focused policies? (2) To what extent are non-state actors, particularly CSOs, involved in the policy process? (3) What is the nature of CSOs-focused policy change? (4) What influence do current policies have on CSOs?

Based on its Western experiential and theoretical origins, civil society is conceived as a “sector of organized social entities and collective voluntary participation between the state, the market and the family, within which social organizations exist based on horizontal solidarities” (Hammett 2014, 125). In Hegelian terms, it is defined as the “distinct sphere of public space separate from the state, which manages social relations and communications between the state and its citizens” (Kew and Oshikoya 2014, 8). In Gramscian terms, civil society can serve both hegemonic and counter-hegemonic purposes, to the degree that CSOs buttress or critique the state’s position (Bratton 1994; Bebbington and Hickey 2006; Hammett 2014). Overall, civil society is viewed as “a dense network of voluntary associations and citizens organizations that help to sustain community relations in a way that generates trust and cooperation between citizens and a high level of civic engagement and participation” (Newton 2001, 201).
Permeating from the above are competing perspectives about civil society's role and agenda within the African political economy, that is, whether civil society exists as an alternative to, an ally of, or a counterbalance to the state (Lewis 2002). Civil society is often viewed as an alternative to, and check on state power, and hence a necessary peg in the democratization process, thus aligning it with neo-liberal governance agendas (Hammett 2014). Others see it as a critic or watchdog of the state and never its appendage or supporter (Friedman 2010). Within the context of Africa, others see no distinct spheres and practices between the state and civil society, as these two are often in constant interpenetration (Chabal and Daloz 1999; Hammett 2014).

However, together with Habib (2005), we hold the view of a heterogeneous set of voluntary associations upholding a diverse set of political and social agendas culminating in diverse CSO-state relations. Consistent with the United Nations Development Program’s (UNDP) utilization therefore, we use the term CSOs in its umbrella form to refer to organizations that are voluntary, not-for-profit, and non-state actors, which include nongovernmental organizations (NGOs), international NGOs (INGOs), community-based organizations and voluntary associations. The term CSOs is therefore exclusively utilized herein except when making direct quotes from research.

The next section offers a brief review of state-CSO relations in sub-Saharan Africa. This is followed by a description of the advocacy coalition framework (ACF) and its utility in this research. Following the data and methodology section, the paper conducts an analysis of the policymaking processes in Nigeria and Zimbabwe with the help of the ACF framework. The goals here are to articulate key CSOs-focused policies and their impact on CSOs, clarify the roles and influences of key actors in the policy process, as well as illuminate the nature of policy changes in these two countries. We conclude with a discussion of our findings and their implications for CSOs, as well as provide suggestions for future research.

State-Civil Society Relations in Africa

A common assumption is that civil society in Africa faces varying degrees of difficulties that have served to undermine its autonomy (Bratton 1989; Essia and Yearoo 2009; Dupuy, Ron, and Prakash 2014), culminating in disagreements about its impact (Kew and Oshikoya 2014). A number of these difficulties originate from civil society’s relations with the state, as history would show. But first, it is important to recognize that even though the concept of civil society
has Western roots, the history of Africa’s receptivity to civil society organizations (CSOs) can be traced back to the continent’s long history of organized collective action (Bratton 1989; Chabal and Daloz 1999; Obadare 2014). In Africa, early associational life, has “a strong normative and moral basis” exemplified by “cultural notions of belonging, togetherness, and caring for one another” (Graham et al. 2006, 8–9). In Zimbabwe, the concept of *vabatsiri* (meaning, those who help others), describes the ethos that continues to underpin voluntarism – an ethos that embodies traditional cultural beliefs, practices, and support systems that are based on the principles of collective responsibility, solidarity and reciprocity (Bratton 1994; Graham et al. 2006, Kaseke and Dhemba 2006, Bukenya and Hickey 2014).

During colonial times, collective action in Zimbabwe comprised of political organization, whereby family ties and other familial obligations were an integral part of the organization (Bratton 1989). Generally, churches and missionary societies were key providers of health and education in response to the colonial government’s aloofness towards (or underprovision of) rural development in Africa (Bratton 1989), in addition to challenging racial governments (Habib 2005; Zhou and Hardlife 2012). In the post-colonial period, some 80 CSOs belonging to official CSO coordinating bodies operated in Zimbabwe. Similarly, in Nigeria, a nation with a deep tradition of civil society that precedes the colonial era, civil society remained vibrant even during the long years of British colonial rule and the country’s authoritarian military rule (Diamond 1988; Kew and Oshikoya 2014).

As noted earlier, the breadth, scope, and vitality of CSOs primarily hinge upon states’ regulatory policy frameworks; the history of state-CSOs in Africa serves to portray this. As history would show, African governments have responded to CSOs in various ways. For instance, their response to the rise of CSOs in the 1980s has been characterized as ambiguous. While African governments generally valued CSOs’ economic contributions, particularly toward the wellbeing of society, they also showed significant resistance to CSOs’ contributions towards political pluralization (Bratton 1989). Consequently, governments sought to monitor CSOs’ behaviors by regulating their registration. For Nigeria, the 1980s constituted a period of failing, intrusive neoliberal economic adjustment programs that culminated in the collapse in public spending resulting in a decline in public services (Adesina 2007). For the newly independent Zimbabwe however, the 1980s constituted a period dominated by the state’s nation-building agenda and hence, a quest for unification, and in some respect order, especially when CSOs’ agendas included monitoring the state’s human rights performance (Bratton 1989, 1994; Adesina 2007; Masunungure 2011; Zhou and Hardlife 2012).
In response to an inevitably growing CSO community, African states tended to employ several forms of regulation in an effort to maintain control of CSOs. African governments sought control of, and monitored CSOs by placing registration and reporting requirements on them (Bratton 1989). However, such attempts were, and continue to be hampered by state’s limited capacity to undertake meaningful monitoring (Masunungure 2011). African governments also sought to control CSOs by establishing quasi-CSOs to achieve cooptation, whereby such organizations enjoyed government patronage through the provision of grants that sought to supplement government social welfare programs (Bratton 1989). Finally, African governments often resort to dissolution by deploying a range of interventions to impede CSO functions (Bratton 1989; Kagoro 2005). For instance, restricting specific CSO activities that governments deem contrary to national security has resulted in the criminalization of some CSO activities (Kagoro 2005).

Hence, the very content of CSO programming can serve to be controversial and deemed illegal (e.g., promotion of gay rights, see Currier and Cruz 2014), relative to less controversial social programs such as, child immunization, clean water, and agricultural services (Bratton 1989; Zhou and Hardlife 2012).

The sociopolitical environments in Africa exemplified by the Arab Spring uprisings, the Occupy Nigeria movements, and Zimbabwe’s contested elections, as well as the sordid socioeconomic conditions in many African nations; however, continue to motivate CSOs to advance a more aggressive human rights and governance issues agenda, among other issues. It appears therefore, that human rights and governance-oriented programming for instance, have gained traction among CSOs in Africa (Kagoro 2005). In general however, there is a growing awareness of and demand for plurality of involvement in the policymaking process across varied state and non-state actors, moving away from the state-centered, top-down approach of the early post-colonial era.

Critical to this article is the fact that African state apparatuses serve to create legislation that support the growth of the voluntary sector to the degree to which legislation represses or promotes their existence and operations. Generally, governments’ responses to CSOs have changed little in contemporary Africa. For one, African governments remain suspicious of foreign-funded CSOs as they did in the 1980s (Bratton 1989; Edwards and Hulme 1996). Such suspicions have led some governments to draw distinctions between domestic CSOs and foreign CSOs, in addition to creating barriers to CSO activities through the imposition of legal restrictions on controversial types of activities as noted above (NANGO 2004; Kagoro 2005; Elone 2010; Dupuy, Ron, and Prakash 2014). In Ethiopia for instance, CSOs receiving more than 10 percent of their funding from foreign sources are classified as foreign CSOs and as such, are prohibited from engaging in politically sensitive issues (Dupuy, Ron, and Prakash 2014) such as, “activities
that advance citizenship, community development, human and democratic rights, conflict resolution, equality, diversity, and the efficiency of the justice and law enforcement system” (Elone 2010; 6).

Similarly, the Zimbabwean government instituted legislation that restricts foreign funding to local CSOs and limits the types of activities non-local CSOs can engage in if they receive foreign funding (Elone 2010). Foreign CSOs whose activities center on governance issues could be denied registration, while local CSOs with similar missions are prohibited from receiving foreign funding (UNDP 2004; Kagoro 2005; Elone 2010; Dupuy, Ron, and Prakash 2014). Even though the fundamental rights to, and freedom of association are guaranteed by Zimbabwe’s constitution, these same rights are also “obstructed by prohibitions against unregistered groups, complex registration procedures, vague grounds for denial, re-registration requirements, and barriers for international organizations” (Elone 2010, 3). Such hostile regulations have consequentially reshaped the population ecology of CSOs, whereby controversial organizations cease to exist, rebrand, or switch to less sensitive work (Dupuy, Ron, and Prakash 2014). If such policies continue to thrive, Africa’s civil society will “remain hostage to political elites in control of state apparatus” (Elone 2010, 6) and will likely never reach its desired or potential level of impact.

Aside from CSO-centered characteristics influencing state-CSO relations in Africa, there are other factors that have historically influenced this relationship. On the government side, the type of political regime sets the climate for relations with CSOs (Bratton 1989). Compared to military or martial law regimes and authoritarian governments, states with civilian constitutions permit more freedom of association and are more likely to tolerate CSOs’ activities. Similarly, multiparty systems based on voluntary interest association are also more likely to promote CSO activities than governments with power consolidated in a single party state.

On the whole, researchers have documented a resurgence of civil society in Africa starting in the 1980s and early 1990s, one motivated by human rights concerns, public service deficiencies, and perceived economic mismanagement of the government (Bratton 1989, 1994; Adesina 2007; Masunungure 2011; Zhou and Hardlife 2012). This resurgence is exemplified by civil society’s prominent role in political liberalization, whereby non-state actors such as professional organizations, trade unions, churches, and other voluntary groups participated in urban protests that triggered political reforms in over 20 African nations, including Nigeria and Zimbabwe (Chazan 1992; Bratton 1994; Kew 2005; Obadare 2014). A review of the current policy process with respect to CSOs-focused policies might be even more critical in contemporary Africa than in earlier times. However, it is important that research keeps in mind that civil society is not homogenous and only embodying neo-liberal governance functions, but that it comprises a rich heterogeneous fabric.
of nongovernmental, voluntary associations, and community-based organizations involved not only in expressive roles, but also important human service and community-building roles as well (Bratton 1989, 1994; Salamon, Hems, and Chinnock 2000; Habib 2005).

**Theoretical Approach: Network Structure in a Policy Subsystem**

Several policy process frameworks have been developed to help clarify the policy-making process by theorizing how problems and issues are defined, how they come to be placed on policy agendas, how the agendas lead to policy formulation, and who participates in the process (Parson 1995; Sabatier 2007). Of the various frameworks, the policymaking process in sub-Saharan Africa might align most closely with the advocacy coalition framework (ACF), as African governments appear to act or make decisions on the basis of what they believe. Initially developed by Sabatier, Jenkins-Smith and others in the late 1980s and early 1990s in critique of linear models of policymaking, the ACF sought to offer a long-range analysis of policy change with a particular focus on U.S. energy and environmental policy (Sabatier and Weible 2007; Stritch 2015). As one of today’s most prominent policy process models (Stritch 2015), the ACF offers insights into the roles of beliefs, advocacy coalitions, and policy learning within policy subsystems, among other factors. Belief systems play important functions in the ACF, whereby the individual is a boundedly rational “beliefer” (Schlager 2007, p 302), with a three-tiered belief system comprising **deep core beliefs** (unchangeable beliefs developed as early as childhood), **policy core beliefs** (difficult to change beliefs that could change and lead to major policy changes), and **secondary beliefs** (beliefs that result in minor policy changes) (Sabatier and Weible 2007).

According to the ACF, when participants are presented with information, they can choose to accept it, particularly if it supports their beliefs, or ignore it if it does not, thereby using their beliefs to challenge and filter information and to ultimately make decisions (Sabatier and Weible 2007). Take for example the belief that CSOs who are funded by the West are mere appendages of the West. Because of this belief, African governments tend not to trust these CSOs, as they might challenge the status quo through human rights, democratic governance, and gender equality advocacy (see NANGO 2004; UNDP 2004; Kagoro 2005; Elone 2010; Dupuy, Ron, and Prakash 2014).

The ACF is also well-suited for the present study because it is one of the more useful multifaceted frameworks for dealing with “wicked” or intense
public policy problems, while giving primacy to the influence of the beliefs of multiple actors in the formation of advocacy coalitions (Sabatier and Weible 2007; Weible and Sabatier 2007). Advocacy coalitions consist of individuals from various governmental and private organizations who share a set of beliefs and engage in nontrivial degrees of coordinated activity over time for the purpose of influencing policy (Sabatier and Jenkins-Smith 1999; Weible and Sabatier 2007).

In the ACF, advocacy coalitions are smaller in size while policy subsystems are the broadest policy community; and the majority of the policy action takes place within the policy subsystem. The structure of the policy subsystem affects the speed and likelihood of moving a policy up the policy agenda and alternative processes. In policy subsystems, two to five advocacy coalitions compete to realize their coalition’s policy core beliefs (Skogstad 2005, Stritch 2015). The ACF is founded under assumptions that policymaking occurs among specialists within a policy subsystem whose beliefs and behaviors are nonetheless affected by factors in the broader political and socioeconomic system (Sabatier and Jenkins-Smith 1993). Through the ACF, the present study benefits from understanding which specialized groups, privileged groups, or special interests are most influential in Nigeria and Zimbabwe’s CSOs-focused policymaking.

Another appeal of the ACF is its attempt to explain how policy change occurs within a policy subsystem over a long period of time (a decade or more) (Sabatier and Weible 2007). It offers a meaningful framework from which to examine state-CSO interactions, as well as policy outcomes. The ACF asserts that belief systems (and thus coalitions) are relatively stable and homogenous over time. To this point, in very contentious policy situations, coalition members may even experience a “devil shift,” where they cling even more to their beliefs and current coalition for fear that their untrustworthy opponents’ less valid beliefs may win the policy game (Sabatier and Weible 2007, 194).

Furthermore, the ACF identifies four ways in which policy change can occur: policy-oriented learning, external shock, internal shock, or negotiated agreement (Sabatier and Weible 2007). Policy learning is considered more of a gradual process that is most effectual for shifts in secondary beliefs. While coalitions and policy core beliefs are fairly stable over time, internal shocks such as political-interest and self-interest (rather than coalition policy core beliefs) may undermine the homogeneity and stability of coalitions and cause policy change (Nowlin 2011). Internal and external shocks can also cause the policy subsystem to shift its balance from a majority (or dominant) subsystem to one or more minority coalitions. Both shocks tend to impact the core beliefs, which in turn lead to major policy change.
Again, although coalitions are said to be an open system, the ACF places an emphasis on the belief systems of policy elites (Sabatier and Weible 2007). The ACF also incorporates researchers and journalists, which enhances the important role of technical and scientific information in belief systems and in the policy process. Overall, the ACF recognizes the importance of information, time, timeliness, power (persuaders, influence, demagogy), and ultimately policy change, and it addresses all of these elements through the lens of policy subsystems (Sabatier and Weible 2007).

Data and Methodology

This research employs components of ACF to trace the nature of the policy process and policy change with respect to CSOs-focused policies in addition to identifying the extent to which non-state actors are involved in the policy process. We also seek to develop an understanding of the nature of current policies towards CSOs in Nigeria and Zimbabwe and the influence such policies have on CSOs. To accomplish this, we rely on a content analysis of secondary data in the form of government bills, Acts, other documents, and materials from government websites, in addition to journal articles, reports, unpublished research, and documents from Zimbabwe and Nigeria CSOs.

Cases: Nigeria and Zimbabwe

Naturally, factors influencing state-CSO relations vary by place and time; besides, African nations are so diverse. Government laws are in part influenced by a national context, in addition to drawing from experiences from within and without (Bratton 1989; UNDP 2004). Therefore, this article limits its analysis to two purposively selected countries. Nigeria and Zimbabwe make for interesting case studies in that these two sub-Saharan nations are both former British colonies, gaining independence in 1960 and 1980 respectively. Ranking eighth in the world, Nigeria, Africa’s most populous country, has an estimated population of 181 million people (The World Factbook 2015a). It is situated in the western coast of the continent. Situated in southern Africa, the landlocked country of Zimbabwe ranks 72nd in the world and 17th in Africa with an estimated population of 14 million people (The World Factbook 2015b). Additionally, only 48 percent of Nigeria’s population and 32 percent of Zimbabwe’s are considered urbanites. Whereas Nigeria’s oil-based economy
places its estimated Gross Domestic Product (GDP) for 2014 at US$1 trillion (US $6,000 GDP per capita), Zimbabwe’s GDP is a modest US$27 billion (US$2,000 GDP per capita) (The World Factbook 2015a, 2015b).

Both countries have had their share of allegations of gross human rights violations, and both are well known for their corrupt and nondemocratic governments (see Kagoro 2005; Doug 2006; Obadare 2009; Masunungure 2011; Zhou and Hardlife 2012; Hammett 2014). Nigeria is notorious for its former military authoritarian rule and massive government corruption, especially surrounding its oil economy (Diamond 1988; Kew Forthcoming; Kew and Oshikoya 2014), in recent times, the government has faced pressures from the CSO and international community as a result (Diamond 1988; Kew and Oshikoya 2014). Zimbabwe, on the other hand, is known for its controversial President, Robert G. Mugabe and the hyperinflation that hit the country in the mid-to-late 2000s (e.g., Kagoro 2005; UNDP 2004). Now ranked 8th largest diamond producer by the industry group, Kimberly Process, questions surrounding the ownership of the newly discovered diamond deposits are mounting (Zhou and Hardlife 2012; Al Jazeera 2016). Suffice to say, both countries’ political landscapes are characterized by much polarization and distrust. Human rights violations, corruption, and authoritarian regimes are three issues that are likely to inflame and provoke adversarial relations with the CSO community (see Rose-Ackerman 1999).

Nigeria and Zimbabwe also make for interesting cases in that they have similar presidential systems of government. Their government systems are composed of the executive, legislative, and judicial branches, where the executive branch consists of an elected President and the President’s handpicked Cabinet ministers, and the legislative branch consists of elected members of the Senate and House of Representatives (or House of Assembly in Zimbabwe). Only members of the Senate or House can introduce bills, with the President having veto powers as to whether bills are ratified into law. Any law passed in Nigeria and Zimbabwe must first be consistent with the respective governments’ Constitutions.

In Nigeria, there are over 54,000 registered CSOs in addition to those that have gone under the radar (Obe 2015), with fewer CSOs in northern Nigeria, where the majority of the population is Muslim. In fact, northern CSOs look and operate quite differently from those in the South. Southern CSOs have greater autonomy, and they engage in political activities that might be banned in the North, such as fighting for human rights and civil liberties (Walker 1999). Southern CSOs are also more likely to be staffed by a highly educated labor force and are also more likely to have international donors than their northern counterparts (Walker 1999). Not surprising, no human rights organization is registered in Nigeria’s Northern states; yet contrary to what might be expected, northern CSOs receive funding from foreign donors such as USAID. Overall, Nigeria’s CSOs have long existed to provide livelihood and survival strategies
during colonial times, and continue to do so within a highly centralized state (Honey and Okafor 1998; Lewis 2002).

According to government officials, there are over 20,000 CSOs operating in Zimbabwe (Mugabe 2015). These CSOs constitute a diverse community of academic associations, professional associations, residents associations, labor unions, religious associations, student groups, think tanks, community-based organizations, and humanitarian and development charities. These organizations advocate for a range of policy issues from democratic governance to public service provision to human rights concerns based on gender, age, ethnicity, region, and religion (Masunungure 2011).

Although there is a strong history of CSOs, most CSOs are a new development in Zimbabwe (Masunungure 2011), having been birthed during a period of “policy making under turmoil and uncertainty” in response to the “socio-politico-economic meltdown” which started in 2000 and peaked in 2008 (Zhou and Hardlife 2012, 217). Responding to rampant allegations of fiscal mismanagement, corruption, and the abuse of political power in many African nations, CSOs continue to play critical watchdog functions in an effort to hold African governments accountable (Clark 1995). Such functions include monitoring elections, political violence, corruption, and tracking public opinions (Walker 1999; Honey and Okafor 1998; Lewis 2002; Okafor 2004, Masunungure 2011; Nigeria Civil Society Situation Room 2014).

Findings

Recall that this research is concerned with identifying key policies that govern CSOs. In addition, we also seek to illuminate the policy process as it relates to CSOs-focused policies. Within the context of policy change, we employ the ACF in order to clarify non-state actors’ involvement and identify key coalitions, their beliefs and how these beliefs shape the policy process. As such, our findings are presented in that order.

The Legal Frameworks Governing CSOs in Nigeria and Zimbabwe

In both Nigeria and Zimbabwe, the Constitution guarantees civil society organizations the right to freedom of assembly and association, freedom to demonstrate and petition, freedom of conscience, and freedom of expression (Government of Nigeria (GoN) 1999, Government of Zimbabwe (GoZ) 2013). “The Constitution is the supreme law... and any law, practice, custom or conduct inconsistent with it is invalid to the extent of the inconsistency” (GoZ 2013, Section 3, 16).
While CSOs in Nigeria are not required to register with the federal government (Obe 2015), they must be registered or incorporated under the Companies and Allied Matters Act (CAMA Act) of 1990, if they wish to enjoy the benefits of having a legal personality, or the limited tax advantages that may be available to them (GoN 1990). The CAMA Act also regulates for-profit organizations. Consistent with historical and current trends, some CSOs consider registration a tool that the government uses to meddle in and potentially restrict their operations (Bratton 1989; Elone 2010; Dupuy, Ron, and Prakash 2014). This concern is particularly prevalent among CSOs that have a political or government accountability orientation. On the other hand, government agents fear that such organizations might challenge their performance and budgetary activities and bring to light any corruption or mismanagement of government resources. In fact, prior to 1999, Nigeria’s CSO registration process was believed to be emasculating and intentionally complex for those perceived as a threat to the state (Aiyede 2003; Essia and Yearoo 2009). Since 1999, CSOs can now complete registration at the national level within a week. Unfortunately, registration at the state and local levels still takes more time since the process has not been computerized (USAID 2011).

Furthermore, organizations’ right to exist can be denied or revoked for political reasons, national security reasons, as well as any other unspecified reason decided by the President or other regulating body, or as stipulated in the CAMA Act. For example, as a result of the Same Sex Marriage Prohibition (SSMP) Act, which was signed in January 2014 by President Goodluck Jonathan, CSOs affiliated with same-sex marriages, civil unions, or homosexual relations are prohibited from existing, registering, or holding meetings in Nigeria (GoN 2013). Whereas the constitutionality of this Act against freedom of assembly and association is yet to be successfully contested in Nigeria, equally controversial is Zimbabwe’s criminalization of same-sex relations, which has been attracting international attention.

Needless to say, registration is not guaranteed to applicants. On one hand, if a CSO’s registration request is denied, it can challenge this decision with the Corporate Affairs Commission (CAC) (GoN 2013; Obe 2015). However, there is no fixed time for deciding on an application. On the other hand, if a CSO’s registration request is approved, it must pay registration fees, which range from N10,000 (US$75) for a company whose capital does not exceed N1 million Nigerian Naira (US$7,500) to N21,000 (US$150) for the larger, incorporated companies (Obe 2015). CSOs must also pay stamp duty on their registration or incorporation documents. There are no provisions for reduced or waived fees. As such, unregistered CSOs might not only be those who pose a perceived threat to the government or simply prefer to stay under the radar; CSOs that are fiscally constrained are less likely to register.
Introduced in 2014, The Foreign Contributions (Regulation) bill imposes a number of restrictions on the ability of organizations to operate independently and receive contributions from foreign sources. If passed, the bill would regulate CSOs’ acceptance and utilization of financial and other material contributions from donor agencies (GoN 2013; NNNGO 2015; Obe 2015). Under this bill, CSOs who seek or accept foreign funds would be required to register their organization with the Nigerian government. CSOs would also be required to obtain government approval before receiving foreign funding (GoN 2013; NNNGO 2015; Obe 2015). As with registration decisions, clear criteria are not in place as to how CSOs’ funding requests are evaluated, denied, or approved. The bill states that decisions would be based on whether the financial contributions are likely to affect “the sovereignty and integrity of Nigeria; adverse diplomatic relation of any foreign country; religious harmony in Nigeria; or be a likely source of money laundering” (Obe 2015). A final stipulation of this bill is that foreign funding be routed through a Nigerian bank. Violations of this bill would be punishable by up to two years imprisonment. With the national presidential election recently ending, attention may soon be redirected back to this very controversial bill.

Ironically, what this bill proposes is already provided for in Nigeria’s legislation and infrastructure. Currently, CSOs can only accept foreign funding once the Special Unit against Money Laundering (SCUML) has approved it (Nigeria Civil Society Situation Room 2014). The one distinction in this bill is that it requires that a new body, the Independent Corrupt Practices Commission (ICPC), be established to provide this oversight. Noting some inadequacies of SCUML’s current oversight, Congressman Mbadiwe sponsored this bill in hopes of curbing the frequent abuse of contributions made by the international community, to better regulate international funding, and thereby help control the inflow of money into Nigeria (Obe 2015).

Similar to the United States of America (U.S.), Nigeria’s CSOs are tax-exempt so long as they are engaged in certain public benefit activities, if they obtain a certificate of tax exemption. However, it is believed that very few Nigerian CSOs are aware of this exception (USAID 2011), suggesting that some CSOs may be paying taxes under the Companies Income Tax Act (CITA). One caveat to this provision is that the profits of these CSOs cannot be derived from trade or a business undertaking (GoN 2007; Obe 2015). Interestingly, companies in Nigeria are exempt from paying taxes on any profits established to promote sporting activities. Nigerian companies may also make tax-deductible donations to CSOs. However, individuals’ donations to CSOs are not tax-deductible, which is unlike what is found in other parts of the globe. Furthermore, in 1993, the Value-Added

1 The Fifth Schedule of CITA specifies the types of CSOs for which donations are tax-deductible.
Tax (VAT) was introduced in Nigeria; the current rate is 5 percent and Nigeria’s CSOs are not exempt from payment of VAT. However, VAT is not assessed on the provision of certain goods and services (GoN 1993).

Towards accountability, CSOs are required to submit annual audited financial reports to the CAC, but this is not effectively enforced (Obe 2015). For one, there is no clear repercussion for lack of compliance. CSOs can be dissolved only by way of a court decision, upon petition by the governing council, the CAC, or a majority of the CSO’s members. Nonetheless, no such petitions have been recorded as filed (USAID 2011). This lack of petitions does not likely mean that there have indeed been no CSO closures.

On the Zimbabwean side, the governance of CSOs has been carried out through similar legislation since the colonial days (Kagoro 2005; Mugabe 2015). Prior to Zimbabwe’s independence in 1980, the piece of legislation that governed CSO operations was the Welfare Organizations Act of 1967. This Act’s main purpose was to control organizations with apparent connections to the liberation movement or suspected of documenting human rights abuse in the former Southern Rhodesia (Kagoro 2005; Masunungure 2011; Mugabe 2015). Consequently, organizations with such missions operated as church-related bodies and training and education institutions, all under the guise of churches. Concurrently, the Unlawful Organization Act [Chapter 11:13] of 1971 was also used to proscribe African political and other colonial resistance movements (Mugabe 2015). Today, similar to Nigeria’s CAMA, the Private Voluntary Organizations Act (PVO Act) defines and governs CSO operations. It also spells out the process by which CSOs can register their organizations.

The PVO Act of 1976 repealed the Welfare Organizations Act of 1967. An amended version of this Act has since governed the operations of CSOs in post-independent Zimbabwe with the most recent version being the PVO Act of 2002. Additional amendments to this Act were published in 2007, following a proposed 2004 NGO bill approved by the Zimbabwe Parliament. In response to widespread

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2 For example, medical and pharmaceutical products; basic food items; books and educational materials; baby products; commercial vehicles and commercial vehicle parts; fertilizer, agricultural and veterinary medicine, farming machinery and farming transportation equipment; all exports; medical services; services rendered by Community Banks, People’s Bank and Mortgage Institutions; plays and performances conducted by educational institutions as part of learning; all exported services; plant and machinery imported for use in the Export Processing Zone; plant, machinery and equipment purchased for utilization of gas in downstream petroleum operations; and tractors, ploughs and agricultural equipment and implements purchased for agricultural purposes.
criticism of this bill from both internal and external NGO/CSO communities, the bill did not receive the President’s assent, and therefore, failed to pass.

Today, Zimbabwe’s CSOs comprise three (3) organizational forms; Private Voluntary Organizations (PVOs), Trusts, and Unincorporated Associations also known as Universitas (Mugabe 2015). The PVO Act of 2002 defines PVOs as organizations with a public benefit, that is, “any body or association of persons, corporate or unincorporated, or any institution, the objects of which include or are one or more of the following – (a) the provision of all or any of the material, mental, physical or social needs of persons or families; (b) the rendering of charity to persons or families in distress; (c) the prevention of social distress or destitution of persons or families; (d) the provision of assistance in, or promotion of, activities aimed at uplifting the standard of living of persons or families; (e) the provision of funds for legal aid; (f) the prevention of cruelty to, or the promotion of the welfare of, animals; (g) such other objects as may be prescribed; (h) the collection of contributions for any of the foregoing” (GoZ 2002). Such organizations register with the Registrar and the PVO Board.

On the other hand, Trusts, which typically have unlimited objectives and are often set up to benefit an identifiable constituency (Mugabe 2015), are regulated under the Deeds Registries Act [Chapter 20:05] and therefore register with the Registrar of Deeds (GoZ 1996; Mugabe 2015), which costs US$300 and takes three days to process (NANGO 2014). Registration through the Deeds Office firmly defines Trusts as a type of ownership of property held by one party for the benefit another (NANGO 2013). Accordingly, per the 2002 PVO Act Section 2(1)(h), “any trust established directly by any enactment or registered with the High Court” (iii); or “any educational trust approved by the Minister” (iv) (GoZ 2002, 86), is not considered a PVO and can only be dissolved by a Court order (NANGO 2013). In light of Trusts’ unlimited objectives, organizations that have faced difficulties registering as PVOs have often adopted the Trust form (Mugabe 2015).

Unlike the U.S., religious bodies such as churches, health institutions registered under the Health Professions Act, bodies or associations carrying out activities for the benefit of a hospital or nursing home approved by the Ministry of Health, and mutual and membership benefit groups such as burial societies that exclusively benefit their own members, are not considered PVOs (GoZ 2002). Instead, they are considered Universitas per the Supreme Court of Zimbabwe ruling on Zimbabwe Lawyers for Human Rights and Anor v. The President of the Republic of Zimbabwe and Anor (Mugabe 2015; NANGO 2013).

3 Other pieces of legislation with implications for CSOs include, the 2001 Unlawful Organizations Act [Chapter 11:13; and the 2001 Income Tax Act [Chapter 23:06], inter alias.
Political organizations and the Zimbabwe Red Cross, which was established by the Zimbabwe Red Cross Society Act, are also not considered PVOs (GoZ 2002).

Although there are no special tax exemptions for Zimbabwe’s CSOs (Mugabe 2015), registration is still important in that, in order to operate in Zimbabwe, as well as be able to solicit financial assistance from any source, PVOs must be registered with the Registrar of PVOs. Based on the General Notice 99 of 2007 of the PVO Act [Chapter 17:05] “Code of Procedure for the Registration and Operations” (GoZ 2007), local NGOs and international organizations follow different registration procedures. Local NGOs register with the Registrar; however, their application must go through the District Social Services Office in the area where they are headquartered (GoZ 2007). Following a review, interviews, and approval by the District Service Officer (DSO), the registration application is forwarded to the Head Office through the Provincial Social Services Officers (PSSO). The PSSO then forwards the NGO’s application packet (which includes application Form PVO, proof of advertisement, a copy of the NGO’s constitution, the curriculum vitae of the members of the NGO’s executive committee, and proof of notification to local authorities of intent to register4) for consideration by the PVO Board5 (GoZ 2007). Note that, similar to Nigeria, operating and receiving funding6 without registration is considered a criminal act punishable by imprisonment and/or a fine (GoZ 2002, Section 6). Although the process of registration is decentralized, some view the process as a bureaucratic hurdle and effectively a barrier to entry for CSOs (e.g., Elone 2010).

The GoZ has different rules for non-local PVOs; unlike local PVOs, international organizations applying for registration as PVOs, must also sign a

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4 The PVO, at its own expense, is required to publish in a local paper where it is headquartered, its intent to register. Publication allows any person to object to the organization’s registration; evidence for grounds of objection must also be submitted (GoZ 2002, Section 9 (3), 88).
5 The PVO Board performs functions conferred to it by the PVO Act. It comprises five representatives from [PVOs], or organizations the Minister of Public Service, Labor and Social Welfare considers representative of the sector. It also includes ten PVO representatives from organizations headquartered in Zimbabwe’s 10 provinces. Additional members include a representative from each of the following Ministries responsible for Public Service, Labor and Social Welfare, Health and Child Care, Justice, Finance, Cooperatives, and Foreign Affairs, as well as the Registrar – whoever is the current Director of Public Service, Labor and Social Welfare – operating ex officio (GoZ 2002, Section 3). The problem however, is that, all representatives, including those from PVOs, are then appointed by the Minister of Public Service, Labor and Social Welfare. Appointed members serve 3-year terms.
6 The Registrar, in consultation with the PVO Board, has the prerogative to grant temporary authority to collect contributions; especially when delays in the registration process would “prejudice the objects for which such contributions are to be collected” (GoZ 2007, Section 8, 88).
Memorandum of Understanding (MOU) with the relevant ministries responsible for administering programs similar to the international organization. For example, an organization like Plan International that specializes in programs that seek to improve children’s “access to their rights to quality education, food, health services, and safe water,” would have to sign an MOU with the Ministry of Health and Child Care. Whereas local PVOs are required to submit a police criminal clearance certificate as part of the registration process, international organizations’ executive committees must submit an Interpol clearance certificate, in addition to identifying the geographical area of operational coverage, and its financial year period.

Consistent with the strategies African states have historically employed to maintain control over CSOs (See Bratton 1989), both local and non-local PVOs are required to notify the local authorities in their geographical areas, of their intended operations, prior to commencing operations, presumably for security reasons. Furthermore, once registered, INGOs cannot alter their geographical areas of operation or “digress into programs that are not specified in the MOU” (GoZ 2007, Section 4(d), 2), without the approval and facilitation of the relevant ministries. And as was the case in the 1980s according to Bratton (1989), the stated purposes of registering PVOs and INGOs with the Registrar’s Office in contemporary Zimbabwe are “to enable both the supervision of the developmental impact of programs under implementation and the monitoring of organizations’ corporate governance” (GoZ 2007, Section 7(a), 2).

Based on the preceding descriptions of Nigeria and Zimbabwe’s CSO-focused legal frameworks, several observations emerge. First, unlike the GoN, the GoZ’s registration requirements are based on CSOs’ raison d’etre, that is whether it exists for public benefit as opposed to mutual benefit, as well as whether the entity is local or non-local. And where classification disputes arose, independent court arbitration had to ensue, in the case of defining Universitas.

Second, although registration appears less of a bureaucratic hurdle in Nigeria, the shroud around the application for tax exemption may, in and of itself, serve as a hurdle for some CSOs. However, in Zimbabwe’s case, no tax exemption privileges are extended to CSOs; this too might serve as a significant barrier for fiscally challenged CSOs since, as in the U.S., charitable tax exemption status is regarded as a financial relief for a majority of small 501(c)(3) nonprofits. Ironically, introducing tax exemptions will effectively have similar effects on African governments as they currently have on many local U.S. governments hence, the promotion of payments in lieu of taxes (PILOTs)

7 https://plan-international.org/zimbabwe.
Furthermore, the absence of the tax-deductibility of contributions for individual and corporate donors not only serves to keep local CSOs dependent on international donors; it also perpetuates the delegitimation of local CSOs from local constituencies (Masunungure 2011).

A final observation is something that appears like a double standard. Prima facie, the demand for registration and notifications of any deviations in CSO programming might appear excessive and intrusive; however, such requirements and expectations are not necessarily deemed unusual when implemented in the West. In the U.S. nonprofits are expected to register with their Secretary of State, in addition, states’ Attorney Generals continue to monitor U.S. nonprofits’ corporate governance.

**The Nature of the Policy Process in Nigeria and Zimbabwe**

As noted earlier, policy process frameworks attempt to clarify the policymaking process by theorizing how problems and issues are defined, how they come to be placed on policy agendas, how the agendas lead to policy formulation, and who participates in the process (Parson 1995; Sabatier 2007). Our data shows that Nigeria and Zimbabwe share similar policymaking systems, perhaps emanating from the British influence. Consequently, we utilize the Zimbabwe’s failed 2004 NGO bill (with a few examples from Nigeria’s Foreign Contributions Regulation bill introduced in 2014), to trace the policy process in Zimbabwe, as well as extrapolate to Nigeria, since the process is essentially identical. Focusing on how these bills came into existence also serves to demonstrate the nature of policy change in both countries.

**The Network Structure of the Policy Subsystem**

The expressed intentions and aims of the 2004 NGO bill were to “provide for the registration of nongovernmental organizations; provide for an enabling environment for operations, monitoring and regulation of nongovernmental organizations; and to repeal the Private Voluntary Organization Act” (GoZ 2004). In spite of the bill’s proposed good intentions, it met with mixed and impassioned responses from various quarters, including the United Nations Development Program (UNDP), the CSO community, including various human rights groups and local lawyers, in and outside of Zimbabwe.

For instance, the UNDP considered “the bill in its totality ... not [to] be inconsistent with international human rights laws” (UNDP 2004, 4), and indeed
concluded that the proposed bill bore “close resemblance to that of other African states and in fact [was] not dissimilar to that of some matured democratic states” (p.4–5). However, similar to other regional groups (NANGO 2004), the UNDP expressed fundamental concerns with various sections of the NGO bill, in particular Sections 9(4) and 17, on the grounds of their “probable inconsistency with international human rights” (UNDP 2004, 24) and therefore “in prima facie breach of its international human rights obligations” (p.26). Whereas Section 9(4) stipulated that “No foreign Non-governmental organization shall be registered if its sole or principal objective involve or include issues of governance,” Section 17 stated “No local Non-governmental shall receive foreign funding or donation to carry our activities involving or including issues of governance”8 (GoZ 2004).

Given that state-NGO accountability practices are largely entrenched in principal-agent relationship model, Sections 9(4) and 17 largely reflect the distrust the GoZ has of foreign organizations. Granted that these restrictions appear excessive, it is important to put things in an international perspective. The United States Government (USG) for instance, also places somewhat similar restrictions on U.S.-based NGOs and by extension, their international partners. For example, the counterterrorism laws aimed at disrupting terrorists’ financial support networks (e.g., the 2001 Executive Order 13224 (EO 13224) and the Anti-Terrorist Financing Guidelines) have arguably created barriers for international philanthropy and programs (Guinane et al. 2008; Eremus 2010). Under EO13224, USAID’s U.S.-based NGO grantees or their partners must undergo scrutiny to ensure that foreign assistance is not provided to and/or delivered through terrorist groups or groups associated with terrorist groups (GAO 2006). Based on Certification Regarding Terrorist Funding, USAID grantees must certify that none of their employees are affiliated with any government-listed terrorist groups and their organization does not provide material support to such groups (GAO 2006). This is in spite of the fact that no U.S. NGO has been found to redirect funding to terrorist groups (Guinane 2010).

Nonetheless, not only did the UNDP find the above two sections unique to NGO laws in Zimbabwe, the UNDP also found these two sections to be in breach of international human rights law (UNDP 2004). And according to local lawyers and CSO groups, these sections also violated the Zimbabwe

8 Governance includes the “promotion and protection of human rights and political governance issues” (GoZ 2004).
Constitution as they essentially served to hinder the exercise of the rights to association and assembly (e.g., NANGO 2004; Kagoro 2005). In addition, Zimbabwe’s National Association of Non-Governmental Organizations (NANGO), an association of over 1,000 NGOs issued a statement deeming the bill ‘unacceptable’ especially since the funding restrictions would have resulted in the closure of the majority of its members (NANGO 2004). According to NANGO, the NGO bill would have grossly narrowed the space within which NGOs can operate effectively.

Furthermore, seeking to exert a concerted regional pressure on the GoZ, participants of the African Civil Society Consultation on Zimbabwe (representing “over thirty church-based groups, human rights organizations, women’s rights organizations from [not only] Zimbabwe, [but also] Botswana, South Africa, Namibia, Malawi, Zambia, and Kenya”) called for the protection of basic human rights in Zimbabwe (NANGO 2004, 4). Bear in mind here that religious groups are not considered PVOs in Zimbabwe.

The General Policy Process

As noted above, the failed 2004 NGO bill above helps to articulate the policymaking process surrounding CSO laws in Zimbabwe and Nigeria, as well as identify the key stakeholders and actors involved in the process, but mostly in respect to Zimbabwe. Also noted earlier, only members of the Senate or House can introduce bills and the President has veto powers as to whether a bill is ratified into law. In the case of Zimbabwe, the NGO bill was part of a Ministerial initiative, in this case, the Ministry of Public Service, Labor, and Social Welfare. Similarly, a Congressman sponsored the Foreign Contributions bill in Nigeria. Such policy sponsors could be viewed as policy entrepreneurs or brokers according to the ACF (Mintrom and Vergari 1996; Weible and Sabatier 2007). The degree to which the process engaged key stakeholders, such as the local and international NGO community, during the policy formulation stage, that is, before its publication in the Government Gazette, is unclear. Nonetheless, deliberative debates ensued following its publication, consisting of feedback and recommendations to the Zimbabwe Parliament from various CSO groups. Note here that, prior to its publication, before its arrival for debate in Parliament, a public bill undergoes scrutiny at various levels of government. Public bills like the NGO bill pertain to “matters of general public interest and are introduced upon notice given by a Member of Parliament” (GoZ 2015).
Executive Level

Following a ministerial initiative, a Minister introduces the bill to the Cabinet\(^9\) at the Executive branch (GoZ 2015). The Cabinet scrutinizes the proposition to ensure consistency with government policy and Constitutional provisions. If accepted, with the assistance of the Attorney-General’s Legal Drafting Department, a draft bill is developed and presented for consideration by the Cabinet Committee on Legislation, under the chairmanship of the Minister of Justice, Legal and Parliamentary Affairs. Following its approval at the Cabinet level, a proposed bill is then published in the Government Gazette for a fortnight for input and feedback from the general public, prior to its introduction for debate in Parliament.

Parliament Level Stages & Public Participation

After the 14 day gazetting, a draft bill is referred to the Parliament of Zimbabwe’s Portfolio Committee (General Assembly in Nigeria) for researching the functions of the Ministry responsible for the administration of the bill (Philip and Peter 2013; GoZ 2015). It is this body that conducts public hearings with special interest groups like CSOs, as well as members of the general public, for input and feedback (GoZ 2015). In the case of the 2004 NGO bill, the CSO community responded by submitting recommendations to Parliament and according to NANGO (2004), these were rejected. And as noted above, not only did the local CSO community object to several sections of the proposed bill, external stakeholders also voiced their objections (e.g., UNDP, Regional CSOs). Following this stage, three (3) Readings occur before the bill is passed on to the President for his assent thus, effectively signing it into an Act of law.

Parliamentary Readings and Debates

Proposed bills undergo debate among the elected members of Parliament. However, debate only occurs after the second reading of a bill. Prior to the first reading, the Ministry in charge gives notice of its intentions to introduce a new bill to either of the two Houses of parliament – the Senate or the House of Assembly (GoZ 2015). The first reading formally introduces the title of the proposed bill, before it is referred to Parliament’s Legal Committee to verify

\(^9\) The Cabinet comprises Ministers appointed by the President.
the proposed bill’s constitutionality if enacted. The second involves the proposing Ministry providing an explanatory account of the principles behind the bill, with the Parliamentary Committee presenting its findings and recommendations (GoZ 2015). It is here that the proposed bill is debated. If amendments are proposed, the House may refer the bill back to the Committee for amendments before it advances to the Committee Stage in the Committee of the House of Parliament in which it was introduced. Here as a committee, the House reviews the bill clause by clause, with the objective of providing recommendations that would render the bill more acceptable, but remaining consistent with the principles of the bill (GoZ 2015).

The final reading takes place after the Chairman of the Committee reports the recommendations made to the bill for acceptance or rejection by the full House. This stage also serves to ensure that the bill is representative of the majority views. Note that, while the process appears deliberative, the party composition of the House can sway the contents of a bill. In other words, the party with the most elected officials influences the nature of the bill. Nonetheless, similar to the second reading, the contents of the bill are debated in an effort to verify consistency with the original principles of the proposed bill. However, new issues cannot be introduced at this stage (GoZ 2015). Once the bill has passed the House in which it was introduced, it is then referred to the upper or lower house for approval before it is presented to the President for his assent. In the case of the 2004 NGO bill, in response to widespread criticism, the President10 withheld his assent of the bill and hence it failed to enroll as an Act (GoZ 2015). This effectively breathed new life into the 2002 PVO Act, with amendments following in 2007. However, since then, NANGO has responded with its own amended version of the PVO Act. It is unclear whether the majority of CSOs in Zimbabwe endorse this proposal.

Discussion

Based on the preceding outline of the policy process in Nigeria and Zimbabwe, we draw several conclusions consistent with the multifaceted nature of the ACF (see Appendix A for a summary). First, the policy process with respect to CSOs-focused policies was initiated by what some might call policy entrepreneurs (Mintrom and Vergari 1996), albeit from within the state apparatus. As such, the

10 Constitutionally, the President has 21 days to either accept or reject a proposed bill. It is then sent back to Parliament if the President fails to give assent (GoZ 2015).
ministerial initiative was responsible for strategizing a vision and path for the policy community comprising various levels of government, all in an attempt to advance their policy agendas. In light of the various checks a proposed bill undergoes, it can also be argued that as policy brokers, ministerial initiatives resemble attempts at establishing “reasonable policy compromises among hostile coalitions” (Weible and Sabatier 2007), divided along partisan lines, in the case of Zimbabwe.

Second, the Cabinet’s role in verifying proposed bills’ consistency with government policy and constitutional provisions, in addition to the add-on scrutiny from legislation, legal, and parliamentary affairs’ specialists, suggests that constitutional rules influence the general policy process (Sabatier and Jenkins-Smith 1999). However, the Cabinet consists of Ministers appointed by the President. Of concern then is whether Nigerian and Zimbabwean governments consistently uphold constitutional rules in deed, especially when incumbent regimes are perceived as authoritarian. As observed above, some components of Zimbabwe’s NGO bill, as, were deemed inconsistent with the country’s constitutional rights to association and assembly, as well as international human rights laws (UNDP 2004; NANGO 2004; Kagoro 2005). The same could be said about Nigeria’s SSMP Act (Obe 2015). The point here is that per ACF, constitutional rules and procedures function as stable constant guides and checks that broadly frame the key values that should inform not only the policy process, but policy outcomes as well (Weible and Sabatier 2007).

A third conclusion is that, although the policy process in these two countries is largely state-centric and therefore dominated by political elites, African governments appear to have adopted a process of inclusive consultations (see Dorman 2003), whereby non-state actors, including CSOs are invited to submit recommendations to Parliament. However, the state continues to maintain tight control of the policy process by designating a consultative role to non-state actors (NANGO 2004), thus raising question of whether inclusive consultations are synonymous with inclusive participation. However, non-state actors are not without strategies, as noted in Nigeria, CSOs also employ resources such as, formal written communications, protests and demonstrations, and public pressure via media outlets, to voice their beliefs. Such strategies serve to sway public opinion, as well as influence the policy process and options (Sabatier and Weible 2007). Okafor (2004) contends that only when the above strategies are coupled with the formation of coalitions and coordinated efforts between CSOs and legislature, are they more consistent and effective in bringing about policy change.

Two important considerations stem from above, that is, the influence policy coalitions can exert even within a somewhat closed policy process and the role
of presidential veto powers. As Weible and Sabatier (2007) point out, the success of policy participation (not consultation) is dependent on a coalition’s ability to convert policy core beliefs into actual policy. Let’s address the question of the nature of the policy community, and whether there is evidence to suggest the existence of traceable policy coalitions in the CSOs policy subsystem. But first, a disclaimer: because this research does not rely on direct interview data, we cannot draw definitive conclusions about the nature of coalitions’ belief systems. We render our speculation on the basis of all the data reviewed.

In the case of Zimbabwe, it appears that two partisan-aligned coalitions existed, a Zimbabwe African National Union Patriotic Front (ZANU PF)-led coalition, from which the bill originated, and a largely Morgan Tsvangirai’s Movement for Democratic Change (MDC-T)-aligned coalition that probably included some local CSOs. As Masunungure (2011) noted, civil society in Zimbabwe, particularly those in the democratic governance arena aligned strongly with opposition politics, perhaps to their detriment. The disagreeable content of the failed NGO Bill therefore makes sense in light of civil society’s perceived association with MDC. At the same time, the content also served to unify an otherwise divided CSO community, albeit ‘ephemerally’ (Masunungure 2011), perhaps resulting in a more CSO-dominant coalition.

As shown above, the revitalized CSO coalition (with partisan backing) also sought support from other regional CSOs (participants in the African Civil Society Consultation on Zimbabwe), culminating in an expansion of its resource and venue bases. Venues serve as important arenas where coalitions can potentially influence beliefs or policy (Weible and Sabatier 2007). Related to the role of presidential vetoes, we speculate that shifting the policy debate to the regional level may have engendered sufficient pressure to influence a shift in the direction Zimbabwe’s CSOs-focused policies were going, resulting in the demise of the NGO bill. Furthermore, we also see a link between external developments, in terms of opinions rendered by international organizations like the UNDP as having helped influence policy decisions.

In the case of Nigeria, the petitions and memorandums that have resulted from the pending CSO Foreign Contributions bill offer some insight into who participates in the policymaking process. With the proposal of this federal bill by a member of the General Assembly, other elected officials, as well as a number of outside actors voiced their opinions for and against the bill, similar to Zimbabwe’s NGO bill. Not only is this an indication of the openness and freedom of speech offered by both governments; this also indicates CSOs’ belief that exercising this liberty will not lead to significant physical or organizational harm.

However, as with the NGO bill, despite this freedom to offer feedback and opinions, CSOs are not typically able to fully influence the policies that the
Nigerian government adopts. Apart from the few powerful elites who play distinctive roles in Nigeria’s policy making and implementation (Juma and Clark 1995; Philip and Peter 2013), as in Zimbabwe, CSOs and the general public are not typically given the opportunity to meaningfully engage in the formal legislative processes. It is only when CSO members are connected to policy elites (or are policy elite themselves), will policy change occur.

Finally, what can be said about differences in beliefs and their influence on policymaking in Africa? According to the ACF, individuals are motivated to convert their beliefs into policy but are limited in their ability to do so. Since individuals’ identities are closely tied to their beliefs, they tend to filter or ignore dissenting information or events that challenge their beliefs and readily accept information that bolsters their beliefs. People are also very suspicious of people with dissimilar beliefs and remember lost policy battles more than previous gains. This makes individuals highly susceptible to exaggerating the influence and maliciousness of their opponents, which in turn strengthens their ties with others who have similar beliefs (Sabatier et al. 1987; Weible 2005).

We speculate that as with many African governments, CSOs are often held in suspicion, especially when there is a perceived association not only with opposition politics, but also with Western funding. Consequently, the belief that CSOs – especially when they are governance-oriented and are funded by international donors – are mere appendages of the West appears to influence the nature of CSOs-focused policy discourse. This deep belief probably originates from, and is heightened by the West’s often-narrow perspectives of civil society in Africa. This belief is further perpetuated by international donors’ attraction to civil society organizations as vehicles for promoting neoliberal notions of governance and democracy (Hammett 2014, 127). Consistent with the ACF, images and perceptions play nontrivial roles in the policymaking process (Sabatier and Weible 2007). Sadly, states’ views are only half-true; yet, they beget politically charged CSOs-focused policies to the detriment of an otherwise diverse CSO community. Put another way, states’ beliefs when distorted or based on half-truths, muddy the policymaking waters resulting in controversial policy outcomes – all because beliefs frame how policymakers define policy problems, how they set the agenda, and ultimately, the content embedded in policy outcomes. In this case, policies based on a homogeneous view of CSOs (as watchdog and governance-oriented) overshadow the rest of CSOs that play other salient roles.

Finally, since coalitions include actors of similar policy core beliefs who engage in nontrivial degrees of coordination (Sabatier and Jenkins-Smith 1999, 120), we also speculate that the same Western views noted above, also inform CSOs’ beliefs about their perceived role in society and in the policy process.
It appears that challenges to existing CSOs-focused policies emanating from CSOs are motivated by deep beliefs of African governments that are corrupt, authoritarian, and power-hungry and therefore are untrustworthy. Research also suggests that such beliefs stem from more objective reasoning based on the prevalent socio-economic conditions of the day (see Bloomquist 2007). As noted earlier, the resurgence civil society in Africa in the 1980s and 1990s was motivated by human rights concerns, public service deficiencies, and government’s perceived economic mismanagement (Bratton 1989; Chazan 1992; Bratton 1994; Kew 2005; Adesina 2007; Masunungure 2011; Zhou and Hardlife 2012; Obadare 2014). Hence, the abovementioned CSOs’ beliefs combined with socio-economic conditions also resonate with, as well as motivate opposition parties, culminating in potential coalition building.

A downside here is that due to lack of sufficient data, we cannot speak on the exact composition of CSOs coalitions involved in the policy process in Nigeria and Zimbabwe. We do know however, that certain types of CSOs continue to demand participation. For instance, CSOs like the Zimbabwe Congress of Trade Unions, once an ally of the government in the 1980s (Bratton 1989; Zhou and Hardlife 2012), and the Zimbabwe National Students Union, increasingly demand participation in the policy process (Masunungure 2011).

Conclusions

Guiding this research were questions about the nature of CSOs-focused policies, their influence on CSOs, the nature of the policy process (and change), and the extent of non-state actors’ involvement. To respond to these questions, this research narrowed its focus to two similar, yet very different Sub-Saharan nations of Nigeria and Zimbabwe, in an effort to capture the contextual nuances and complexities of policymaking therein. Adopting a case study approach therefore ensured the development of more in-depth understandings of the policy processes in Nigeria and Zimbabwe (see Flyvberg 2006; Yin 2009). This design has the ability to generate credible answers to complex questions about what, how, and why things are (Yin 2009). Below are some of our concluding remarks; although not generalizable, they bear important idiosyncrasies.

From the preceding, the utility of the multifaceted nature of the ACF shines in how it allowed us to draw out nuances of the policy processes in Nigeria and Zimbabwe, particularly focusing on CSOs-focused policies – legislations that effectively define what CSOs are and how they should operate as we observed
with Zimbabwe’s PVO Act 2002. Our findings also highlight several ACF elements that help explain the policy processes in Nigeria and Zimbabwe. We found policy community participants, policy entrepreneurs, CSOs and partisan charged coalitions, core beliefs, venues, and public opinion, to be important factors influencing and shaping the policy process, as well as policy content (outcomes).

Consistent with the fact that sovereign nations have the right to regulate the activities of entities – both foreign and indigenous CSOs – within their jurisdiction, the state dominates the policymaking process, even though the process is somewhat opened up to non-state actors. In the case of CSOs-focused policies, political policy entrepreneurs were responsible for articulating policy problems, placing them on the policy agenda, as well as designing the policy framework, with input from various levels of governments to ensure consistency with constitutional rules and procedures. Constitutional rules and procedures however, served to be instrumental in verifying the consistency of policy content, especially for CSOs coalitions. As such they became vital tools for challenging policy.

Although the Nigerian and Zimbabwean governments continue to maintain tight control of the policy process, CSOs were invited to submit recommendations, which were largely ignored. They also exerted concerted regional pressure on the GoZ through the African Civil Society Consultation on Zimbabwe. In Nigeria, CSOs employed resources such as, formal written communications, protests and demonstrations, and public pressure via media outlets, to voice their beliefs, in the hope of swaying public opinion, as well as affect the policy process and options.

Also consistent with ACF, core beliefs seem to strongly shape the tone of the policy process, as well as its outcomes. On one hand, the Nigerian and Zimbabwean governments view CSOs with suspicion as they consider them appendages of their western benefactors. On the other, CSOs and opposition party coalitions’ challenges to CSOs-focused policy proposals were motivated by deep beliefs of corrupt, authoritarian, and power-hungry, and therefore untrustworthy governments. Such beliefs were further legitimated by the socio-economic conditions in Nigeria and Zimbabwe, thus offering non-state actors ammunition to influence policy outcomes.

Based on the above, we believe that African governments need to generate more balanced imageries of CSOs, imageries that recognize its diversity, as well as the contributions CSOs can and do make in society and the economy. As it stands, the states’ prevalent beliefs about CSOs are one-sided and therefore, stand to distort the true nature of policy problems and this culminates in policy solutions that retard the growth and contributions CSOs can make. After all, CSOs perform other services (e.g., clean water, poverty eradication, child
immunizations, agricultural activities, etc.) beyond promoting neoliberal notions of governance and democracy. Equally so, CSOs also need to construct their own identity, and refuse to accept the one given to them by international donors. This might enable them to remain anchored to local constituencies, from which their identity should emerge. Combined, the above might beget negotiated agreements (Sabatier and Weible 2007) that would be beneficial to CSOs and hence, to society.

In closing, this research is not without its shortcomings. First, we do not fully address the question of the influence CSOs-focused policies have on CSOs. However, examples from Zimbabwe’s failed 2004 NGO bill demonstrate the potency of such policies on the governed. Even on its deathbed, the effects of the NGO bill reverberated through the CSO community, resulting in the closure of some CSOs (Muzondo 2004; NANGO 2004). Less extreme, Nigeria’s proposed 2014 bill seeks to regulate CSOs’ acceptance and use of foreign funding and donations (Obe 2015), which threatens to compromise their financial health. Nevertheless, regulations of this nature expose African governments’ mistrust of foreign donors.

A second shortcoming emanates from the absence of first-hand interview data from all participants in the policy subsystem. As a result, we were unable to conduct in-depth analyses of coalitions’ composition, strategies, and belief systems. It is imperative that future research engages key participants within the CSOs policy subsystem. Finally, not that comparative research is without merit, but given the contextual nuances that can potentially influence and shape policy-making, it may be necessary to conduct country-level analyses in order to fully flesh them out. Important contexts cannot be easily condensed into one paper.

**Funding:** The Charles Stewart Mott Foundation is a major sponsor of Nonprofit Policy Forum, underwriting its open access to the public. Other sponsors include the Levin College at Cleveland State University and the Association for Research on Nonprofit Organizations and Voluntary Action. This special issue was funded through a grant by the Kresge Foundation to ARNOVA.

**References**


Development.” Center for Social Development in Africa. University of Johannesburg and the Swedish Red Cross: Johannesburg, RSA.


Appendix A. Summary Demographics and the ACF Applied to the Policy Process

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<tr>
<th>Demographics</th>
<th>Nigeria</th>
<th>Zimbabwe</th>
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<tr>
<td>Year of Independence</td>
<td>1960</td>
<td>1980</td>
</tr>
<tr>
<td>Population</td>
<td>181 million (48% urban population)</td>
<td>14 million (32% urban population)</td>
</tr>
<tr>
<td>Gross Domestic Product (GDP)</td>
<td>US$1 trillion (US$6,000 GDP per capita)</td>
<td>US$27 billion (US$2,000 GDP per capita)</td>
</tr>
<tr>
<td>Political History</td>
<td>Since Nigeria gained its independence, military rule has been a part of its history from 1966 till 1999 when democratic civil rule was reestablished under the leadership of President Olusegun Obasanjo. 1979 to 1983 constitutes a brief period of civilian government rule under President Sheu Shagari. The incumbent president in Jonathan Goodluck.</td>
<td>The government has been under ZANU PF rule since Independence, under the leadership of President Robert G. Mugabe, first as the first African Prime Minister, and then President since 1987 following the abolition of the position of Prime Minister via constitutional amendment (although the office was restored in 2009).</td>
</tr>
<tr>
<td>System of Government</td>
<td>Federal Presidential Republic</td>
<td>Semi-Presidential Republic</td>
</tr>
<tr>
<td>Number of CSOs</td>
<td>54,000</td>
<td>20,000</td>
</tr>
<tr>
<td>Key CSOs-focused Legislations</td>
<td>–Companies and Allied Matters Act (CAMA) of 1990</td>
<td>–Unlawful Organizations Act of 2001 [Chapter 11:13]</td>
</tr>
<tr>
<td></td>
<td>–Companies Income Tax Act (CITA)</td>
<td>–Private Voluntary Organizations Act (PVO) of 2002 [Chapter 17:05]</td>
</tr>
<tr>
<td></td>
<td>–Foreign Contributions (Regulation) Bill of 2004</td>
<td>–Deeds Registries Act [Chapter 20:05]</td>
</tr>
</tbody>
</table>

ACF Components

Relatively Stable Parameters:

Basic Attributes of the Problem Area:

Developing a legal framework that defines what CSOs are and how they should operate, especially as it relates to their activities and funding sources. Western-funded CSOs are generally viewed as agents of the West.

Basic Constitutional Structure (rules):

1999 Constitution

1980 Constitution
### Demographics

<table>
<thead>
<tr>
<th>Policy Subsystem:</th>
<th>Nigeria</th>
<th>Zimbabwe</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Policy Participants</strong></td>
<td>All levels of Government; CSOs, the Media, General Public; Courts</td>
<td>All levels of Government; ZANU PF; MDC, CSOs, General Public; Courts</td>
</tr>
<tr>
<td><strong>Deep Core Beliefs</strong></td>
<td>Government: Governance-focused CSOs, especially when funded by the West, are instruments of Western. CSOs and Opposition Parties: The government is corrupt, power-hungry, and authoritarian.</td>
<td></td>
</tr>
<tr>
<td><strong>Advocacy Coalitions/Communities</strong></td>
<td>CSOs and key legislative members</td>
<td>ZANU PF government; MDC-T/CSOs; CSOs-regional CSOs</td>
</tr>
<tr>
<td><strong>Venues &amp; other Mechanisms for Policy Change</strong></td>
<td>Protests/Demonstrations; Formal Petitions and Letters to General Assembly; Media Pressure; Public Opinion</td>
<td>Regional CSOs (participants of the African Civil Society Consultation on Zimbabwe); Public Opinion</td>
</tr>
</tbody>
</table>