



University of Fort Hare
Together in Excellence

FACULTY OF SOCIAL SCIENCE AND HUMANITIES

DEPARTMENT OF POLITICAL SCIENCE AND INTERNATIONAL RELATIONS

The Role of Civil Society Organizations in the consolidation of Democracy: Comparative Cases from Cameroon and South Africa

BY

Enu Rene Ayuk

20150666

Dissertation Submitted in fulfillment of the requirements for the degree of

Master of Social Science in Political Science

SUPERVISOR: DR VALERY FERIM

DECLARATION

I hereby declare that this study “The Role of Civil Society Organizations in the Consolidation of Democracy: Comparative Cases from South Africa and Cameroon” is my work and that all the sources used have been indicated and acknowledged by means of complete references. This research has not been previously submitted for any other degree at the University of Fort Hare or at any other institution.

.....

.....

Enu Rene Ayuk

Date

DEDICATION

I dedicate this work to my grandmother Ma Regina Osang and all the able members of Manifest Generation Church, Polokwane, South Africa.

ACKNOWLEDGEMENTS

Behind every great achievement is a team of committed individuals who sacrifice their time, efforts and resources to make it happen. This study is the result of the wholehearted and loving sacrifice of such people whom I seek to acknowledge and appreciate. First and foremost, I acknowledge the sacrifice of my supervisor Dr. Valery Ferim for his patience, guidance and useful technical insights in this project. Also I wish to acknowledge the sacrificial support I got from Dr. John Foncha and DrAbongdia. I appreciate you for being a family to me in South Africa and for the immerse effort, resources and encouragement you gave to see me to this point of the academic ladder. Furthermore, I want to appreciate the role of the National Research Foundation for the most needed financial support they provided during my study. My appreciation also goes to Dr. MakiaDiko, Dr. Cynthia Diko, and Dr./Dr. MrsNjom for their constant encouragement, support and love. Indeed I lack words to fully appreciate you all. My gratitude also goes to my parents Mr and MrsOjongArrey for creating in me the desire to be great. Finally my appreciation goes to God Almighty for his abundance grace in my life.

TABLE OF CONTENTS

DECLARATION.....	ii
DEDICATION.....	iii
ACKNOWLEDGEMENTS	iv
TABLE OF CONTENTS	v
ABSTRACT	viii
CHAPTER ONE: INTRODUCTION.....	1
1.1 Background to the Study	1
1.2 The Research Problem	3
1.3 The Research Questions.....	4
1.4 Research Aim and objectives	4
1.5 Significance of the study	5
1.6. Structure of Dissertation.....	5
CHAPTER TWO: LITERATURE REVIEW AND THEORETICAL FRAMEWORK	6
2.1 Introduction	6
2.2 Conceptualization of Democracy.....	7
2.3 Conceptualizations of Civil Society.....	9
2.4 Types of Civil Society Organizations (CSO).....	14
2.5 Overview of NGOs Legal Framework.....	16
2.6 The Role of Civil Society Organizations in the Consolidation of Democracy.....	22
2.7 Theoretical Framework.....	26
CHAPTER THREE:RESEARCH METHODOLOGY	29
3.1 Introduction	29
3.2 Methods of Data Collection	30
3.3 Sampling Technique.....	31
3.4 Data Analysis	32
3.5 Ethical Considerations.....	33
CHAPTER FOUR: NGO LEGISLATIONS AND THEIR ROLE IN DEMOCRATIC CONSOLIDATION IN SOUTH AFRICA AND CAMEROON	34
4.1 Introduction	34
4.2 NGOs Legislation in South Africa.....	34
4.2.1 The Non-Profit Organizations Act	35

4.2.2 Regulation of Gathering Act, 1993.....	38
4.3 NGOs Legislation in Cameroon.....	39
4.3.1 Law No 90/053 of 19 Dec 1990 on Freedom of Association.....	40
4.3.2 Law No 99/014 of 22 Dec 1999 on Nongovernmental Organizations	40
4.4 Role played by NGOs to Consolidate Democracy in South Africa	45
4.4.1 Schools of Democracy Values	46
According to	46
4.4.2 Publicity stunts and Picketing	47
4.4.3 Protests and Mass Mobilization	49
4.4.4 Public Interest Litigation.....	50
4.4.5 Lobbying of Parliament	52
4.4.6 Anti-corruption Campaigns	53
4.4.7 Human rights awareness Campaign	54
4.5 Role Played by NGOs in the Consolidation of Democracy in Cameroon	55
4.5.1 Strike Actions.....	56
4.5.2 Public Protests.....	57
4.5.3 Human Rights Campaign.....	59
4.5.4 Anti-corruption Campaigns	59
4.5.5 Public Interest Litigation.....	61
CHAPTER FIVE: CHALLENGES FACED BY NGOs IN THE CONSOLIDATION OF DEMOCRACY IN SOUTH AFRICA AND CAMEROON	65
5.1 Introduction	65
5.2 Challenges Facing NGOs in the Consolidation of Democracy in South Africa	65
5.2.1 Administrative Bottlenecks.....	65
5.2.2 Legal drawback.....	67
5.2.3 Sporadic hostility from the state	68
5.2.4 Inadequate Funds	69
5.2.5 Lack of Staff Capacity	70
5.3 Challenges Facing NGOs in the Consolidation of Democracy in Cameroon	71
5.3.1 Restrictive Legal Framework from the State	71
5.3.2 Arbitrary Arrest and detention of civil society activists	73
5.3.3 Funding Constraints.....	74

5.3.4 Lack of Staff Capacity	75
5.3.5 The Prevalence of Corruption	77
5.3.6 Internal Divisions within NGOs	78
CHAPTER SIX: CONCLUSION AND RECOMMENDATIONS	79
6.1 Conclusion	79
6.2 Recommendations	79
REFERENCES.....	82
APPENDIX I	102

ABSTRACT

This study investigates the role played by civil society organizations in the consolidation of democracy. It is a comparative study between South Africa and Cameroon. This study utilizes the Habermasian critical theory of civil society which emanates from the liberal ideology of democracy. The objectives of the study were to look at the legislations regulating the operation of NGOs, the activities carried out to consolidate democracy and the challenges faced by these organizations in both South Africa and Cameroon. The qualitative method was used for data collection for the study. Interviews were carried out with NGOs officials and the data was analyzed using thematic analyses. The research found out that there is a liberal legislative framework governing the activities of NGOs in South Africa. On the other hand, though Cameroon laws on association seem liberal, a careful study of these laws revealed a concerted effort from the state to constrain the operation of NGOs. NGOs in South Africa carryout activities such as picketing, publicity stunts, human rights awareness campaigns, anti-corruption campaigns, lobbying of parliament, protests, mass mobilization and public interest litigation to consolidate democracy. In Cameroon, NGOs are involved in activities like strike actions, public protest, human rights and anti-corruption campaign as well as public interest litigation to consolidate democracy. However, South African NGOs face challenges like administrative bottlenecks, legal draws backs, sporadic hostility from the state, inadequate funding and lack of staff capacity. In Cameroon, NGOs faced the following challenges; restrictive legal framework, arbitrary arrests and detention of activists, financial constraints, lack of staff capacity, lack of infrastructure, corruption and internal divisions.

CHAPTER ONE: INTRODUCTION

1.1 Background to the Study

Democratization is a process where a country chooses its leaders through free, fair, regular and competitive elections. It ensures basic civil liberties and rule of law. Democratization involves the transition from a dictatorial or totalitarian regime to a more pluralistic system characterised by a less authoritarian but a more open and participatory society. Democracy is a system of government whose stress is on the ideal of politics based on the will of the people (Stoker, 2015). Once a country has reached the point where it practices free, fair and regular elections, it becomes needful that its democratic values be safeguarded to prevent it from sliding back suddenly or slowly (O'Donnell, 2001; Philip and O'Donnell, 2012) to authoritarianism or it has to be advanced in order to improve its quality and make it more sustainable. This process of protecting a democratic system from sliding back to totalitarianism is called democratic consolidation. A myriad of ingredients have been advanced by various scholars as prerequisites for democratic consolidation. Some of these include; an organized, free and vibrant or lively civil society (Linz and Stepan, 1996:7), a strong opposition (Jung and Shapiro, 1995: 272) and subordinating the military to the democratic government (Trinkunas, 2000).

According to Moyo (2012), in almost all African states, political liberation from colonial domination was supported extensively by civil society organisations which consisted of both organized and informal groups. Through the corporate efforts of these groups, colonialism and apartheid were dismantled in Africa. This was not just the case for Africa but in other parts of the globe. For instance, civil society organisations have been credited as the force behind the fall of communism in Eastern and Central Europe and the subsequent wave of democratization that followed (Carothers, 2007). As a result of these landmark political changes catalysed by these people's movements, international donor agencies and some governments were motivated to invest in civil society organisations particularly Nongovernmental organizations (NGOs) as agents of change in society (Meryer and Nils-Sjand, 2007; Kurokawa et al, 2008).

Diamond (1999) identified some functions of NGOs which are quite critical in the shaping of democracy. These functions shall be briefly summarized below so as to give a clear insight on the role played by NGOs in democratic consolidation in this research. According to Diamond (1999), the functions of civil society which facilitates or shapes democracy is that it is seen as the custodian of the political, economic, cultural and moral fibres of the nation. NGOs in this context monitor and restrain the use of power by the government and sometimes calling them to accountability. This role contributes enormously in reducing corruption which is quite pervasive in Africa. Equally, through these functions of NGOs, the state is compelled to be more responsible to the electorate in terms of accountability and transparency which also strengthen the legitimacy of the government. Secondly, the diversity of NGOs within the state helps in preventing state capture as they ensure that a few groups do not hold the state captive. Thirdly, the growth of associational life within the state helps in enhancing activities as well as fostering political participation of political parties as NGOs educate and encourage the public to get involved in politics by using their voting rights. Through participating in politics, the legitimacy and institutionalization of democratic government which is very vital for democratic consolidation is reinforced or fortified. By and large, NGOs resist authoritarianism.

Relating to the case study, South Africa and Cameroon both have diverse types of NGOs ranging from trade unions, community based organizations, religious organisations, professional or occupational groupings. In South Africa, the role of civil society has changed since 1994 when organs of civil society organizations (and NGOs in particular) had to move from a position of opposition to the government to redefining how to relate with the government. Before 1994, civil society organisations were mainly involved in advocacy work – opposing the apartheid state. They had an agenda to topple the apartheid regime, fight for the poor and improve the lives of South Africa's marginalized groups (Greenstein, 2003). Presently, South African NGOs based on their emphasis on people's socioeconomic rights, are involved in activities such as service delivery protests, fights against corruption, land rights, black economic empowerment, anti-racism campaigns, anti-xenophobia and fights against other human rights abuses as well as court litigations against the state for unconstitutional behaviour especially the land breaking Nkandla constitutional court

judgement against the president of South Africa, Jacob Zuma. This has culminated to the recent popular “Zuma must fall” protest by CSOs following the constitutional court ruling over the Nkandla case. Apparently, this vocal or confrontational attitude of the South African civil society is an indication of its role in the consolidation of democracy (The International CentreFor- Not -For Profit Law, 2017 <http://www.icnl.org/research/monitor/southafrica.htm>).

On the other hand, Cameroon is more of a police state where political power is highly centralized and state stability has been artificially based on the suppression of political participation and great human right abuses (Louw-Vaudran, 2017). As a result of the centralized nature of the state, a few of the civil society organizations existing in the country seem not to be directly focused on the core issues of democracy like the rule of law and human right abuses, but are involved in development, poverty alleviation and humanitarian activities. Also, these organisations appear to lack the manifest presence that acts as deterrence to government accesses. This is because the observation of the legal instruments governing the civil society sector appears to divulge a determined effort by the government to curtail the powers of these organisations (Nyambo, 2008a).

1.2 The Research Problem

A significant number of studies have been done on the role of NGOs in democratization (Habib 2005; Robinson and Friedman, 2005; Nkwi, 2006; Banks et al, 2015; Bush, 2016; Kamstra and Schulpen, 2015). These studies indicate that civil society has a vital role to play in consolidating democracy. This can be achieved through promoting democratic values of tolerance, consensus building, public discourses, raising awareness campaigns, publicity stunts and litigation. There are a multitude of NGOs in South Africa. This can partly be attributed to the country's constitution which has been hailed as the most progressive in the world (Philip, 2012). These are indications that NGOs have a flexible disposition to consolidate democracy in any nation. However, there are currently recent developments to allegations of state capture and attempts by the government to centralise power and undermine the country's democratic institutions such as the Public Protector. These have been accompanied by utterances from government officials that foreign

governments are using NGOs as a means to effect regime change in the country (Munusamy, 2016). These trends are possible indications that NGOs in the country are not given the flexible disposition to meaningfully contribute to the consolidation of democracy in South Africa. On the other hand, the highly centralized nature of the state in Cameroon, coupled with the dearth of well-functioning civil society organisations (Nyambo, 2008b; Nkwi, 2006) are indications that either the legislation governing these NGOs are repressive or the government is stifling the role that they play in consolidating democratic principles in any country. Based on the problem statement above, this study seeks to answer the following research questions.

1.3 The Research Questions

- What are the legislative frameworks governing NGOs in both South Africa and Cameroon?
- What roles do these NGOs play in consolidating democracy in both South Africa and Cameroon?
- What obstacles do these NGOs face in their quest for the consolidation of democracy in both South Africa and Cameroon?

1.4 Research Aim and objectives

The aim of this study is to explore the role of NGOs in the consolidation of democracy in South Africa and Cameroon.

Specific objectives include the following:

- To investigate on the legislative framework governing NGOs in South Africa and Cameroon.
- To explore the role played by these NGOs in the consolidation of democracy in both South Africa and Cameroon
- To examine the obstacles faced by NGOs in their quest for the consolidation of Democracy in both countries.

1.5 Significance of the study

- The study provides clear insight into the nature of legislative framework governing NGOs in both countries.
- The study also advances contemporary insights into the ways through which NGOs are involved in democratic consolidation as well as the challenges that they face in both countries.
- The study adds recent data to existing knowledge on the role of NGOs which could be beneficial to students, researchers and policy makers alike.

1.6. Structure of Dissertation

Chapter 1: Introduction-This chapter provides an overview of the study, the background to the study, the study aim, objectives, problem statement, research questions and significance of study.

Chapter 2: Literature Review and theoretical framework- This chapter deals with research done by other scholars which relates with this study. This enables readers to have a better understanding of the debates on the topic. Key issues discussed include Defining democratization, civil society, types of NGOs, the role of NGOs in democratic consolidation and an overview of NGOs legislation in both South Africa and Cameroon.

Chapter 3: Methodology- This chapter encompasses the research design, sampling methods, instrumentation, data collection tools and methods of data analysis.

Chapter 4: This chapter investigates the legislative framework governing NGOs in South Africa and Cameroon as well as the role played by these NGOs in the consolidation of democracy in both countries.

Chapter 5: This chapter examines the obstacles faced by NGOs in the consolidation of Democracy in both South Africa and Cameroon.

Chapter 6: Conclusions and recommendations- This chapter summarizes the main findings of the study. It also provides a conclusion and recommendations for the study.

Conclusively, this chapter lays the focus of this study. These include the background of the study, the research problem, research questions, aim and objectives of the study and a summary structure of the dissertation. The preceding chapter looks at the literature review of the study.

CHAPTER TWO: LITERATURE REVIEW AND THEORETICAL FRAMEWORK

2.1 Introduction

According to Hicks (2012), the literature review section of any research simply deals with reviewing previous research on the current research topic. It is actually what other scholars have said about the topic the student is researching on (Cook and Murowchick, 2014). A literature review therefore enables us to see how new studies are rather like building blocks, which are laid upon the ideas built by other scholars in the past. It helps us to appreciate something from the sequence and growth of knowledge as well as identify and investigate subject or areas which have not yet been investigated (Machi and McEvoy, 2016). Summarily, a literature review helps us to identify gaps on a particular research area. This can propose areas for future investigation as it helps the researcher to identify main subjects and themes within the current study area. Knowledge in this light can be seen as building from the past to the present to get to a future (Machi and McEvoy, 2016). This chapter looks at what various scholars have said concerning the study area. It takes into consideration the conceptualization of the term democracy, civil society, different categories of civil society organizations, activities of civil society organizations, a review of international and regional conventions governing civil society activities around the world, and national legislations on CSOs within some African countries. Finally theoretical framework of the study is also examined.

2.2 Conceptualization of Democracy

There have been numerous discourses linking the influence of civil society on democratization. Firstly, democratization is a process of governance whereby a country's political leaders are chosen through free, fair and competitive elections, and promotes respect for civil liberties and the rule of law. It is a change from a dictatorial to a more participatory regime (Crawford, 2000). According to Diamond et al. (1990), political democracy is a system of government characterized by "meaningful and extensive competition among individuals and organized groups (especially political parties) for all effective positions of government power at regular intervals excluding the use of force, a highly inclusive level of political participation in the selection of leaders and policies, at least through regular and fair elections, where no major adult social group is excluded and a level of civil and political liberties—freedom of expression, freedom of the press, freedom to form and join organizations, sufficient enough to ensure the integrity of political competition and participation".

Also, O'Donnell (2001) citing Schumpeter's (1975:242-269) famous democratic method, agrees with this definition of democracy. In his view, democracy is a system of government meant at arriving at a political, administrative and legislative arrangement where such institutions act like checks and balances for one another. This definition of democracy as a method holds that "democracy is that institutional arrangement for arriving at political decisions in which individuals acquire the power to decide by means of a competitive struggle for people's vote". While the former definitions of democracy seem broad and quite encompassing, making the concept well understood by the ordinary person, the later definition seems to portray democracy as an event instead of a process of acquiring and relinquishing political power. However, Schumpeter makes it clear that the definition is not talking about an ephemeral phenomenon but a way of choosing and getting rid of a government over time.

Przeworski (1991: 10) defines democracy as a system in which parties lose elections. There are parties: divisions of interests, values, and opinions. There is competition organized by rules. It is needful to stress that only one party rules at a

time while the other losing party has too strategized for the next election. Furthermore, Gandhi and Przeworski (2007) and Hamad and Al Anani (2014) defined democracy as a system of government where the opposition is given a chance to contest and if they succeed, should assume office. On the other hand, Agulanna and Osimiri (2017) assert that democracy is “a political system that exists to the extent that its most powerful collective decision makers are selected through fair, honest, and periodic elections in which candidates freely compete for votes and in which virtually all the adult population is eligible to vote.” They further argue that democracy “also implies the existence of those civil and political freedoms to speak, publish, assemble, and organize that are necessary to political debate and the conduct of electoral campaigns”. This latter part of the definition alludes to the existence of an independent civil society to act as a watch dog against those wielding political power.

Furthermore, Mavhiki (2016) thinks that democracy is clouded by justice where people are free to choose the kind of leaders that they prefer from the contesting parties based on the available institutions that regulate fairness to make sure that the roles of opposition and government are exercised without interruption. These definitions are focused on fair elections to which they often explicitly include some surrounding conditions as freedoms or guarantees that are deemed necessary and/or sufficient for the existence of this kind of election. Other researchers posit that “these definitions have the important benefit of being realistic: especially when referring to elections, they contain reasonable and precise attributes whose absence or existence can be assess empirically” (O’Donnell, 2001; and O’Donnell, 2012).

Dahl (2008) argues that true democracy is characterized by:

1. *Elected officials.* A group of leaders voted by the people who are guided by the provisions of the constitution to make government decisions
2. *Free and fair elections.* Leaders who are chosen through voting under peaceful and conducive conditions
3. *Inclusive suffrage.*
4. *Right to run for office* for practically all adults.
5. *Freedom of expression.*

6. *Alternative information*, [including that] alternative sources of information exist and are protected by law.

7. *Associational autonomy*.

For checks and balances over a democratically elected government, individuals have the right to form independent democratic groups that act as referees to the governing party together with the opposition parties. This definition stipulates some attributes of elections (clauses 1 to 4) and lists certain freedoms (clauses 5 to 7) deemed necessary for elections to be democratic. These freedoms are dubbed “primary political rights and integral to the democratic processes (Magu, 2016). To provide a complete understanding on how civil society helps in the consolidation of democracy, this study proceeds by conceptualizing the term civil society.

2.3 Conceptualizations of Civil Society

Having examined some scholastic interpretation of the term democracy, this study will proceed by looking at how the concept of civil society has been conceptualized by scholars. The term civil society has been conceptualized differently by various scholars. Historically, the concept civil society received great attention following the collapsed of communism in Eastern Europe. The adverse lack of interest in this concept by scholars, prior to the demise of communism especially in the case of Africa, has been partly attributed to the political influence and lobbying process which is not formal and almost invisible (Chabal, 1994:7). Another contributing factor is the expended role of government of modern states (Nyamjoh et al, 1996). Modern states governments carryout numerous political, social, economic and administrative functions. For instance, while the executive and legislative formulate and debate policies, the civil service implements these policies. The judiciary on the other hand interprets and applies public laws which are enforced by the police. The military on their part are preoccupied with defence of the state from external enemies. Apart from these regulatory functions and service delivery functions, governments sometimes are involved in production and investment in the public sector and act as mediator between different groupings within the fabric of the state. This additional function of the modern governments tends to darken the boundaries between people and the government (Nyamjoh et al, 1996:7-9).

Among the various interpretation of this concept by scholars is civil society as an “external” or “inferior state”, as a “bourgeois state” and as a “state in itself”. This understanding considers that civil society is a state based on need. According to this perspective, what is required for civil society as an external or inferior state to become a real state is the “existence of a civil service charged with the care of the general interest of the community” (Stringham, 2015). This means that the civil society is an underdeveloped state that becomes developed by acquiring a civil service role. When this happens, civil society disappears or becomes synonymous with the state. The idea of civil society as a bourgeois state was championed by Shils (1991a:3-9). Based on this view, civil society is greatly perceived as a bourgeois society which is geared towards the institutional representative framework of the United States particularly, with the market as the predominant structuring principle. Shils (1991b:17-18) sees civil society (bourgeois society) as the aim of evolution which is in accordance with U.S society. Ehrenberg(2017) also concurred that in “actual reality, civil society and the state are identical”. This by implication means that civil society and the state are similar. However, this view of considering civil society to be synonymous with the state seems disingenuous. Considering the definition of the state, it is very clear that civil society is in no regards similar to the state, let alone been identical. The modern state by definition possesses the following characteristics: a fixed geographical territory, a population, a government and a “legally defined and recognized status in international law” (Nyamjoh et al, 1996).

In this light, it is the government and civil society that are identical because both civil society and government are components of the state that rely on the territory and population of the state. The government is the political and administrative authority within the state. Government comes and goes based on the political system within the state but the state is fixed and always in existence irrespective of changes in government. Therefore, it is evident from the above explanation that while civil society and government are in connection to one another as entities within the state, both are in contrast to the state as the state possess more component than both. The predominant notion therefore is that of civil society as a space without the state. This notion of civil society as a space outside the parameters of the state was supported by scholars like Kossler and Melber (1996:67-73) who assert that civil

society is a “vital space and network of potentially independent organizations that show themselves instrumental in the authentic articulation of interest and for the expression of conflicting or contrasting views of societal projects”. This implies that civil society refers to those independent and politically active groups that fall outside the structure of the government. Some examples include trade unions, religious organizations, non-governmental organisations, and professional and cultural groups. In this regard, civil society is a style of planned social life whose membership is voluntary and being developed and supported by itself, but independent from the state and guided by shared roles. It involves citizens who work and act collectively in a public domain by expressing their interest, feelings and thinking (Diamond, 1999). The main interest of these organizations is to share ideas and to hold the state to accountability. Therefore NGOs act as a go-between the government and the people.

These definitions generally capture the rudiments of social action, shared interest and the activity needed for civil society to fill in the space the state creates sometimes by failing to fulfil its welfare responsibility to a dependent citizenry. This equally provides the basis for it to be appreciated as covering the sum total of voluntary, civic and social organizations that make up a functioning society, as opposed to the force-backed structure of the state irrespective of the political and economic system. Civil society is usually made up of charity organisations, NGOs that focus on development, community groups, gender based organizations, Christian groups, professional associations, trade unions, self-help groups, social movements, business associations, coalitions and advocacy groups.

Englehart (2017) concurs with this non-state view by postulating that NGOs refer to organisations that do not deal with state governance but which mediate between the people and the state. Spurk (2010) posits that civil society refers to those organisations and associations that are independent of the state in delivering their mandate. This perspective advocates for the independence of civil society from the modern state as a means to a vibrant democracy. Civil society needs to be wildly perceived as a place of non-kingship build on the grounds of a contract between the NGOs, professional groupings and all groupings which are not attached to the government but which have the power to put pressure on the government. The basic

inherent features relating to this understanding of civil society are autonomy from the state and public to the level that the civil society has the power to hold the state to account to the people.

Contrarily, Henderson (2011) states cases of complications in the theoretical concept of civil society autonomy from the state. This perception of the independence of the civil society from the state is misleading. Instead, such a group should be treated as an intertwined part of the same social reality as pointed by Billis (2010). Such an argument is based on the fact that civil society may collide at a given point with the state just by the mere achievement of a given goal. This relates to political associations and institutions that possess not just a manifest but a latent capacity to confront the state and influence state policies for the betterment of the society (Taye, 2010). Civil society plays a vital role in fostering democracy by holding the state to account to ascertain the general interest for all (Risse, 2002). As a result, Haynes (2001) conceives civil society as an important role-player in promoting democracy. He blames the failure of democracy in the African continent to the state's inability to respond to the needs of its people.

The term NGOs in this study refers broadly to those organisations that are officially established, run by employed staff (often urban professionals or expatriates), well supported (by domestic or in most cases international funding) and that are often relatively large and well resourced. NGOs may therefore be international, national or regional organisations. NGOs differ from grassroots or community based organizations in that Grass Roots Organizations are usually considered to be smaller, often membership-based organisations, functioning without a paid staff and often depend on donor or NGOs assistance which sometimes tend to be issued based and therefore short-lived (Mercer, 2002).

Based on existing literature on NGOs and democratization, three pivotal arguments are made in favour of the role NGOs in strengthening civil society and democratic development within a country. Firstly, by virtue of their presence as independent actors, NGOs are said to "pluralize" and strengthen the institutional arena. More civic actors imply more opportunities for wider range of interest groups and autonomous institutions to have a voice and act as watchdog against the excesses of the state. It

equally provides more opportunities for civic actors to network or create alliances to pressurize the government and therefore serve as deterrence for state ambiguities. For instance, Lewis (2017) advocated that NGOs strengthen democracy by expanding the number and range of voices addressing government.

Furthermore, NGOs are said to work with grassroots organizations that comprise of poor and marginalized groups within the society. By virtue of their closeness to these grassroots organisations, NGOs stand a better chance to represent the interest of marginalized groups within the society, campaign on their behalf and seek to influence public policy. As a result, they widen and deepen the participatory possibilities of citizens in political affairs. For example, the grassroots mobilizing work of the Undugu Society in Nairobi Kenya has been referred to as a blueprint in empowering the local community organisations to engage with the state in order to pursue their interest (Otieno, 2016). This type of bottom-up democracy has been quite successful in many instances and is also instrumental in effecting top-down political change. Lastly, NGOs are said to check the power of the state by challenging its autonomy at both national and local levels, pressing for change and developing different set of standpoints and policies. In this view, the worldwide contribution of NGOs in democratic transition and consolidation stands out as the main theme. First and foremost, NGOs institutions contributed enormously to regime change and the transitions from totalitarian rule in Eastern and Central Europe in the late 1980s and early 1990s through public discourses, street protests and other forms of mobilizations (Aliyev,2015).In addition, African NGOs are praised for their contribution as the leading force amongst the forces that dislodged deep rooted authoritarianism in Africa and ushered the era of formal democracy in the 1990s (Kew and Oshikoya, 2014).

Also NGOs played a significant role in opposing the Pinochet regime in Chile between 1970s and 1980s. Also in Indonesia, the downfall of Presidents Suharto and HabibieGolkar (who dominated Indonesia politics in the 1970) in 1999 elections could also be attributed as a victory to the Indonesia NGOs that had aligned themselves with the opposition party to fight for democratization (Mercer, 2002). Also in India, NGOs are considered to have emerged to fill the institutional vacuum caused by the weakness of political parties and trade unions (Desai, 2014). African

political disorders, environmental disasters and general rate of poverty stirred the need for an ancillary resolution to these problems. The need for NGOs was legalized by the socio-political dilemmas facing the continent.

2.4 Types of Civil Society Organizations (CSO)

There are diverse types of civil society organizations. Desse (2012) identified five main types of civil society organizations. These include; religious organizations, community-based organizations, philanthropic or humanitarian organizations, trade unions and expert civil society organizations. Also, there is another type of NGOs known as the human right promotion or protection NGOs (Funding Constraints and Challenges Faced by Civil Society in South Africa, National Development Agency Report,

2013,http://www.nda.org.za/home/43/files/Evaluation%20reports/Challenges_and_Constraints_facing_Civil_Society_Report.pdf). This study will briefly define some of these organizations that made up civil society.

Religious or faith-based organizations are NGOs whose primary emphasis is not just limited to religious preaching but also emphasis on providing welfare services. These organizations provide education, welfare services to the communities in which they operate and sometimes beyond their primary locations. These CSOs also provide legal services to many refugees from various parts of Africa. They have equally spearheaded the campaign against HIV/AIDS, adopting many activities aimed at reducing the spread of the disease. Furthermore, religious/faith based CSOs provide moral argument for improved social government services. In post democratic era, they have contributed in providing assistance in democracy education and practice. Faith based CSOs are mainly self-funded, or funded through support organizations in other countries. Due to the reduction in donor support as well as democratization in Eastern Europe and economic crisis, financial support has been greatly reduced (Desse, 2012).

Community based organizations are those NGOs formed at community level sometimes with links to a wider association of such NGOs. They aimed at promoting the development of their community through service provision, savings clubs, etc.

South Africa and Cameroon have a rich inheritance in this sector and many organizations have worked in rural and urban settings with much success. In recent times, government has supported the creation of specific community development organizations in some municipalities to deal with the poverty (Habib, 2005; Desse 2012).

Philanthropic or humanitarian NGOs are preoccupied with the provision of humanitarian assistance to victims of natural disasters like famine, earthquakes, floods as well as wars and other conflicts. These organizations usually emerge spontaneously at the time of a specific disaster or have as a key function disaster management. These organizations are sometimes chapters of larger international organizations. The International Red Cross organization is a classic example. Others may be national organizations which also may have an international perspective such as Gift of the Givers which has in recent times provided relief to the victims of the tsunamis in East Asia or to victims of conflict in Syria. Some of these organizations serve a cause without any religious affiliation and are based on values such as generosity. They include private and business foundations (ex: Bill & Melinda Gates Foundation) but also independent NGOs such as Doctors without Border or Amnesty International (Desse, 2012).

On the other hand labour or trade unions are organizations formed by workers from related fields that specialize in defending the interest of its members. They aid workers with issues like fairness of pay, good working environment, hours of work and salaries. They act as mediators between a cluster of workers and provide a link between the management and the workers. Within the African continent, South African labour unions are the most organized and also financially secured. These unions have consolidated themselves into various federations, with the most popular amongst them being the Congress of South African Trade Unions (COSATU). These unions play great roles in human right protection (Habib, 2005). According to Desse (2012: 8), expert civil society organizations are NGOs that act in the “new fields” which require at least some scientific knowledge, i.e. environment and finance. These CSOs are not exclusively composed of experts and scientists but they have – or at least they claim to have – an expertise unit and publish some technical reports.

An organization like Greenpeace International is an example of such CSOs. In addition, Desse (2012:9) "distinguishes two types of hybrid organizations, which are, in a way, civil organizations, but which are not completely separated from States". Government oriented NGOs (GONGOs) are independent civil organizations which are more or less influenced and controlled by national authorities. These organizations are especially developed in industrialized Asian countries, particularly in China, following the tradition of a strong bureaucratic central State. Examples of these types of civil society organizations include the chapter 9 institutions in South Africa. Business and Industry NGOs (BINGOs) are civil organizations which defend a given firm's or industry's interests, or at least which are largely influenced by the latter. These organizations are especially developed in Anglo-Saxon countries, particularly the USA, following the tradition of a liberal capitalist oriented society (Desse, 2012:9).

Another type of NGOs is human rights promotion NGOs. These NGOs are formed to monitor abuses of human rights, to lobby against such abuses, and to protect and assist victims of abuse. Most of these NGOs depend on foreign donors for their finance and other support. However, due to funding constraints from the international funders, these NGOs now rely on the government support for their funding. Immigration issues and xenophobic attacks have in recent years caused some of these organizations to change part of their focus. These organizations usually work with other CSOs to educate and lobby on specific policy issues (National Development Agency Report, 2013). Since the advent of democracy, many civil society organizations have influenced government through their advocacy campaigns at the level of Parliament officials and politicians.

2.5 Overview of NGOs Legal Framework

Due to the critical role played by NGOs in the democratization process, a good legal framework is therefore very crucial in ensuring an enabling operating environment for these organisations. Studies on legislative instruments governing associational life differs from country to country. Firstly, this study examines some international and regional conventions governing freedom of association and assembly which are fundamental to human rights. One of such conventions is the Universal Declaration of Human Rights of 1948 and the International Covenant on Civil and Political Rights

(ICCPR) 1966. Article 20(1) of the Universal Declaration of Human Rights stipulates that each individual has the right to freedom of peaceful assembly and association. Section 2 of the same Article 20 states that nobody should be forced to join any assembly or association (Article 20 (1 and 2) of the Universal Declaration of Human Rights, 1948 (http://www.un.org/en/udhrbook/pdf/udhr_booklet_en_web.pdf)).

In addition, Article 21 of the International Covenant on Civil and Political Rights, recognizes and protects the right to peaceful assembly while Article 22(1) asserts that each individual is free to associate with others and therefore has the right to join or form any union of their choice that would serve their purposes. Article 22(2) of the same covenant prohibits restrictions on the exhibition of the right mentioned in Article 22(1) (International Covenant on Civil and Political, 1966). Furthermore, Article 5 d (ix) of the Convention on the Elimination of Racial discrimination 1966 guarantees respect for freedom of association and assembly of all humans irrespective of their race (Article 5(ix) of the International Convention on the Elimination of All Forms of Racial Discrimination, 1969).

These rights are also recognized by other regional conventions like the European Convention on Human Rights of 1959 and the African Charter on Human Rights and People's Rights 1981. For instance, the right to freedom of association and assembly under the European Convention on Human Rights is guaranteed in its Article 11(1 and 2) which stipulates that Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests. No restrictions shall be placed on the exercise of these rights other than as prescribed by the law. These are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, as well as for the protection of health or morals or for the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces, of the police or of the administration of the State (Article 11 of the European Convention on Human Rights, 1959).

Furthermore, the rights to freedom of association and assembly under the African Charter on Human and People's Rights are ensured in its Articles 10(1 and 2) and

11. Articles 10(1 and 2) stipulates that every individual shall have the right to free association provided that he abides by the law. Subject to the obligation of solidarity provided for in Article 29, no one may be compelled to join an association. Article 11 states that every individual shall have the right to assemble freely with others. The exercise of this right shall be subject only to necessary restrictions provided for by the law and in particular, those enacted in the interest of national security, the safety, health, ethics and rights and freedoms of others(African Charter on Human and People's Rights, 198).

Although the rights to assemble and associate with others are fundamental human rights within any democratic society, these rights must be exercised in a way that such associations and assemblies are peaceful. That is why Article 11 of the African Charter clearly states that the exercise of these rights shall be subject to necessary restrictions provided by the law with regards to national security, the safety, health and freedoms of others. Article 10(1) of the African Charter on Human and Peoples' Rights also accord to every citizen the right to associate freely only if it is not against the law of the land. The word 'law' in this case is subject to different interpretations and understandings because most governments normally use this to restrict associations and assemblies. To overcome the power of the state over the individual's right, the African Commission on Human Rights resolved that the government should not limit this freedom. In addition to specific limitations, the freedoms of association and assembly are subject to general limitations which apply to all provisions. In situations of emergency like during state of emergency, states are permitted by international instruments to take temporary measures which may derogate from most human right instruments to protect territorial boundaries.

This is not only unique to the African Charter but also applies to International Covenant on Civil and Political Rights. The European Convention on Human Rights in its Article 11(2) enumerated the circumstances under which the right to freedom of assembly and association can be restricted by the law. This relates to situations of national security and public safety for the prevention of disorder and crime and for the protection of health and morals or protection of the right and freedom of others (Article 11 of the European Convention on Human Rights, 1959). From the

discussion above, the international community supports freedom of association and assembly through the enactment of various human rights conventions. The availability of Laws on freedom of association and assembly are very essential to the functioning of NGOs in any state. Apart from international and regional human rights instruments governing the operation of NGOs, this study briefly looks at the legal frameworks governing the operation of NGOs in some specific sub-Saharan countries. The reason for the choice of these countries is to provide a general view into the nature of national laws governing NGOs in Sub-Saharan Africa.

In Ghana, Article 21(1) of 1992 Constitution guarantees the freedom of association and assembly to its citizens who also include the right to protest and strike. In addition, article 21(5) also provides the right to become part of or form an association or an assembly that is meant to protect their interest. NGOs in Ghana derive their legitimacy directly from Article 21 of the Constitution and operate in accordance with the common law of non-governmental organizations. Article 21(4) allows derogation from certain freedoms guaranteed under Article 21(1), but the sub-Article does not appear to allow abridgment of freedom of association and assembly (Article 21 of 1992 Ghana Constitution). Apart from Article 31 which allows for derogation from all fundamental rights especially during a state of emergency, there is however no other provision under the Constitution that permits derogation from these rights.

Nonetheless, under Sections 112-19, 182A, 183, 183A and 185 of the Criminal Code of Ghana, charges of sedition can be brought against a person who disseminates ideas which can incite the illegal overthrow of the government, or seek to bring the government into hatred or contempt; or inciting dissatisfaction against it; or exciting disaffection against the administration of justice in Ghana; or promoting feelings of ill-will or hostility between different classes of the population of Ghana; or falsely accusing any public officer of official misconduct. These provisions all together operate to impose extensive limitation on freedom of expression. Sections 182A empowers the president to ban any organization whose activities are considers adverse to public good. Some elements of the offence of sedition are tricky as they are used to stifle the voice of NGOs. For instance, Section 183A of the Penal Code of Ghana makes it an offence to publish anything concerning the president that is

defamatory or insulting or has the intent of bringing the President into hatred, ridicule or contempt. This provision, which was originally introduced by a military regime, is therefore an affront to democratic governance (Sections 112-19, 182A, 183, 183A and 185 of the Criminal Code of Ghana). This NGOs legal framework has been very unfriendly until the Ghanaian Parliament unanimously repealed these seditious and criminal libel laws in 2001(<https://www.ghanaweb.com/GhanaHomePage/NewsArchive/Criminal-libel-law-repealed-17009>).

However, similar restrictions are seen in the case of the legislation governing NGOs in Tanzania. The right to freedom of assembly and association in Tanzania is found under Article 20(1) of the Tanzanian Constitution which stipulates that “every person is entitled to freedom, subject to the laws of the land, to freely and peaceably assemble, associate and cooperate with other persons, express views publicly, and more specifically to form or join associations or organizations formed for the purposes of preserving or furthering his belief or interests or any other interests (The Constitution of the United Republic of Tanzania, 1977). Also, article 30 of the Constitution authorizes the imposition of limitations on fundamental rights and freedoms. This is to ensure that the rights and freedoms of other people, or the interest of the public are not prejudiced by the wrongful exercise of the freedoms and rights of individuals. This imposition of restrictions, supervising and controlling the formation, management and activities of societies and organizations in the country are all tactics from the state to control or stifle the works of these organizations. Furthermore, another study by Hayman et al (2014: 34) reveals a mix of these legal instruments.

According to this study, an enabling legislative framework exists in Rwanda, while a restrictive framework exists in Egypt. According to Freedom House report (Freedom in the world, 2016), the assertion that Rwanda has an enabling NGOs legal framework is faulty. It is important to note that although the Rwandan constitution allows for freedom of association and assembly, these rights are limited in practice. Given the fear of arrest and sometimes abuse, individuals and organizations refrained from exercising their rights to peaceful assembly. Several organizations

have been banned in recent years leaving space only for NGOs that do not focus in democracy and human rights to function without government influence. The state government has been accused of using infiltration tactics against human rights NGOs. Though the constitution provides for the right to form trade unions and strike, public workers are not allowed to unionize while employees of many essential services are not allowed to participate in strikes (<https://freedomhouse.org/report/freedom-world/2016/rwanda>). The discussion above reveals that stringent legal instruments are used to control NGOs in most African countries

According to Moyo (2012), the reason behind such stringent legislative instruments is because of strained relationship between the state and NGOs. For instance, in Zimbabwe, cracks in civil society state relationship emerged in the mid-1990s when students from the University of Zimbabwe carried out several demonstrations against rising food prices and the general state of the country. Trade unions soon followed suit leading to the formation of the Movement for Democratic Change (MDC) in 1999. This was the moment when relations strained between the state and many civil society organizations were formed. Since 2000, the state has viewed civil society in particular advocacy and human rights groups as an extension of the opposition. Just as the government has consistently argued that MDC is a 'puppet of the West', so are civil society groups perceived.

In addition, a report by NGOs Law in Sub-Saharan Africa (2012) reveals that there are very few states that have put in place or are in the process of developing an enabling legislative framework for NGOs. Majority of these countries still have a suspicious attitude towards civil society and are therefore seeking the control of these organisations through a restrictive legislative framework. In other countries such as Ethiopia, Sudan, Zambia and Uganda, these restrictions have taken many forms ranging from incrimination of unregistered associations like in Uganda, close government supervision and control of NGOs like Nigeria restriction on the reception of foreign funding as in Ethiopia (NGO Law in Sub-Saharan Africa, 2012). It is evident from the literature that although NGOs are critical element of democratic

advancement and development, that most African state governments usually employ stringent legal instruments to constrain their activities in the state.

2.6 The Role of Civil Society Organizations in the Consolidation of Democracy

The role of NGOs in this study has been classified into two broad categories. Firstly, NGOs play a role in service delivery and advocacy. This study greatly dwells on its advocacy role as it is directly linked to democratic consolidation. Firstly, in terms of service delivery, NGOs act as socio-economical agents by providing concrete services to the population, businesses or governments as well as international institutions. This includes particularly welfare services to the population (education, recreation, health, family etc.), humanitarian support, development project implementation and advice and expertise services to businesses, governments and international institutions (Desse, 2012). Service provision by NGOs is not only restricted to the local level and can sometimes scale up to a more global level. This is for instance, the case when NGOs bring local concerns to the global agenda and discuss these issues with global actors especially when providing advice for development. Most service provision NGOs define themselves as capability builder. This means that they seek not only to provide concrete services to the population but that they try to think in the long term by providing capability so that people will be able to personally choose and take care of their own futures (Desse, 2012).

On the advocacy domain, NGOs influence authorities and impact their policy making process via expressing cultural, spiritual, political, social, environmental and ethnic concerns. Advocacy can take the form of counter-power actions and protests. This includes notably bringing issues to the agenda through awareness campaigns and other strategies. But it can also be a cooperation between NGOs and authorities as the latter consult civil society and incorporate its propositions in its policy making process. This top-down approach is mainly used when NGOs act at a global level (by impacting international institutions and TNCs) and at a national level (by influencing governments). But in some cases, it can also be local actions sometimes called “community building” activities, especially in the culture and recreation sector. The current trend of advocacy CSOs is to try to define their objectives beyond specific advocacy goals. Most of advocacy CSOs define their ultimate goal around

the concept of democracy building which mainly consists of giving voice to the people and creating a citizen's governance (Desse, 2012). To elaborate more on the advocacy responsibility of NGOs, this study looks at how NGOs directly contribute to democratic consolidation.

Firstly, NGOs control the abuse of state power. The first function of civil society is to provide the platform for the control of state power. This allows the populace to have a grip or control over the state administrators or elected representatives. Also, in such a society, democratic political institutions which are the formal means of exercising that control are allowed to thrive. According to He (2016), civil society can change the balance of power between state and society in favour of the latter. In essence, civil society is a vital instrument for monitoring and restraining the exercise of power by the State (Fukuyama, 2017). This implies that civil society also prevents any single group or ideology from dominating society; hence, sustains "open spaces for diverse views and interests" (Ikelegbe, 2013). Likewise, Diamond (2015) argues that civil society is one of the preconditions for democracy as the presence of a widely differentiated and articulated social structure consisting of autonomous groups and provides the basis for the limitation of state power, hence the control of the state by society. The most effective means towards the exercise of such state control is through the existence of thriving democratic political institutions. Thus, the function of civil society during the democratic consolidation is to curb state power that leads to the control of the state by society and that control is made possible by available democratic political institutions (He, 2016).

Secondly, NGOs act as the moral compass of the democracy (Brooks, 2016). According to Yaman (2002), civil society is the most suitable conceptual framework for understanding and responding to the most urgent challenge facing our society: the moral renewal of our democratic project. According to Hearn (2017), the main task of civil society is to promote competence and character in individuals, build social trust, and help individuals to become good citizens. Hertel (2014) concurred to this view by postulating that a strong civil society can play "a disciplinary role in relation to the state" by enforcing standards of public morality and performance and improving the accountability of both politicians and administrators. This implies that civil society is also the sphere concerned with moral formation. This understanding

promotes ethical leadership founded on democratic bedrock of accountability, transparency and honesty.

Thirdly, NGOs act as school of democratic values. Practically speaking, civil society functions as institutions for cultivating citizenship and generating democratic values. Civil society fulfills these functions by “socializing infants into adults and transforming private individuals into public-spirited citizens” (Eberly, 2000). The reason behind this role of civil society is that through this medium, civil society engages in public participation. As a result, the exercise of dominance over the public space which is the arena where people learn very essential democratic habits such as trust, collaboration and compromise is a practical way through civil society.

In addition, NGOs act as mediators of societal conflict. Eberly (2000) reveals three main practical tasks of civil society to mediate between the individual and the large mega-structures of the market and the state. This is to temper the negative social tendencies associated with each, to create important social capital, and to impart democratic values and habits. In addition, the very role of civil society regarding the maintenance of democracy is that civil society helps to build social ties and a sense of mutual obligation in a way that it unites isolated individuals around common objectives. Therefore, the reciprocal ties nourished in civil society boost the vital role of civil society with respect to promoting democracy (Eberly 2000).

Furthermore, NGOs help in the promotion of political participation. As mentioned above, a vibrant civil society helps in checking the power of government, hold the leadership accountable, and promote a strong sense of citizenship among the public. The effectiveness of civil society in deepening democracy relies on the civility of individuals. According to Shils (1991), civility as the virtue of civil society is “the readiness to moderate particular, individual or parochial interests and to give precedence to the common good”. Shils further argues that the virtue of civil society is developed within the civil society itself. Diamond (1994) claims that civil society supplements the role of political parties in stimulating political participation, increasing the political efficacy and skill of democratic citizens, and promoting an appreciation of the obligations as well as the rights of democratic citizenships.

Equally, NGOs contribute in consensus building and social inclusion in society. Another way in which civil society serves democratic consolidation is to inculcate democratic attributes such as tolerance, moderation, willingness to compromise, and respect for opposing viewpoints. Hence, these norms and values emerge through experience. According to Diamond (1994), another function of civil society is to augment the representativeness of democracy by creating channels for articulation, aggregation and representation of interests. Thus, historically excluded groups such as women, and minorities are able to provide access to power. Besides, civil society serves democratic consolidation by recruiting and training new political leaders. Through this way, political arena is revitalized and renewed. In doing so, the established patterns are remodeled.

Furthermore, NGOs help to monitor democratic processes. Beyond leadership training, civil society possesses explicit democracy building purposes. "Election-monitoring groups, the massive voter education and monitoring efforts, human rights groups, and think tanks devoted to democratic reform, and public anticorruption groups play a vital role in consolidation of democracy". In addition, Diamond (1994) claims that legitimacy and governability are reinforced by civil society to the extent that it enhances accountability, responsiveness, inclusiveness, and legitimacy of political system. Consequently, the ability of the State to govern is improved and in turn, the respect of citizens for the State is boosted.

By and large, NGOs act as channel of representation in society. In this domain, NGOs act as intermediary transmission-belt between state and society. Civil society helps to facilitate political communication between state and society in which demands are transmitted, and the interests of the population are articulated. Moreover, civil society plays a constitutive role in redefining the rules of the political game. Civil society creates and sustains a set of new democratic norms which regulate the behaviour of the state and the character of political relations between state and the public sphere of society and individual citizens (Yaman, 2002). According to Hall (1993), civil society helps towards democratic consolidation in two ways. First and foremost, the existence of burly and independent groups helps to balance "excessive concentrations of power. The presence of civil society is able to

push political parties to represent the people, to ensure the adoption of better policies, and to mediate political conflict.

Secondly, civil society maintains social diversity. Hall (1993) claims that on the contrary to civic virtue that sought to make human beings unitary, civil society functions on the behalf of the diversity. Also, Amna and Ekman (2012) in their review labeled the concept of civil society as a 'networks of civic engagement'. They asserted that, the chief virtue of networks of civic engagement is to encourage robust norms of reciprocity, to make possible communication and improve the flow of information about trustworthiness of individuals. Networks of civic engagement are necessarily a form of social capital which bolsters the performance of the polity and the economy. According to Warner and Sullivan (2017), social capital is the key to making democracy work. There are two sources of social capital; norms of generalized reciprocity and networks of civic engagement that encourage social trust and cooperation so that "they reduce incentives to defect, reduce uncertainty, and provide models for future cooperation.

2.7 Theoretical Framework

This study utilizes the Habermasian critical theory of civil society which emanates from the liberal ideology of democracy. The basic assumption of this theory is that the connection between civil society organizations and democratization is one of great benefit to the latter. While NGOs are a part and parcel of civil society, they strengthen civil society through their activities and consequently uphold the democratic process. This perception of NGOs as bolsterers of democracy emanates from the liberal view of democracy. This view is supported by scholars like Huntington (1993) from the modernisation and political development school of thought on democracy. Democracy here is understood to be liberal democracy within a capitalist state capable of balancing the demands of diverse interest groups and requires a vibrant and an independent civil society to check the powers of the state (Sorensen, 2007).

Civil society here is considered as the “realm of organized social life that is voluntary, self-generating, self-supporting, autonomous from the state, and bound by a legal order or shared set of rules” (Johannsen and Diamond, 1999). Based on this liberal democratic ideology, the state is assumed to be an embodiment of power which is wield by enacting laws and enforcing them. Therefore, the activities of the state must be held strictly in check as its encroachment in the private sphere results in the shrinking of individual rights and liberties. From this perspective, the existence of the state poses a threat to individual freedom but cannot be eliminated entirely because this might result to anarchy. Hence, an autonomous, vibrant and pluralistic civil society is therefore necessary to act as a watchdog against state ambiguity or excesses and equally to legitimize the authority of the state when it is founded on the rule of law (Johannsen and Diamond, 1999). For these theorists, civil society constitutes a public sphere wherein democracy. It is therefore strengthened through agency of social movements, if democracy must thrive (Edwards, 2009). In democratic consolidation, civil society checks abuses of state power, resists the re-institution of (or) sliding back to authoritarianism and ensures a comprehensive citizen participation in politics, fosters public scrutiny of the state through monitoring public authorities and calls them to accountability and transparency.

An active civil society is therefore indispensable in maintaining or consolidating democracy just like it is essential at initiating it (Johannsen and Diamond, 1999). Civil society according to liberal view can equally be damaging to democratic consolidation. This happens when civil society is considered to be weak, underdeveloped or fragmented, or where there is severe socio-economic strain, corruption, an ineffective legal system, a tendency towards civil society disruption and conflict, and a lack of democratic culture. In these instances, democratic consolidations is said to be threatened. From the assumptions of the theory above, it evident that civil society organizations contribute to democratic preservation. Therefore, the assumptions of this theory makes it suitable for this study as the objective of this study is to examine how society organization goes about in sustaining democracy in both South Africa and Cameroon.

In summary, the literature review chapter focus on conceptualization of democracy and civil society, types of civil society organizations, overview of NGOs universal,

regional and country by country legal framework, the role of civil society organizations in the consolidation of democracy and the theoretical framework of the study. The next chapter looks at the methodology of this study.

CHAPTER THREE:RESEARCH METHODOLOGY

3.1 Introduction

This chapter deals with the research approach adopted for this study. It also discusses the method of data collection used, the sample size for those interviewed and the reasons behind these choices as well as the method of data analysis. The comparative method has been adopted for this study. According to Crowe et al (2011), a case study research approach deals with an in-depth examination of a particular case (such as a country, institution, policy, program) often undertaken over time. On the other hand, a comparative case study covers two or more cases in a way that produces more generalizable knowledge about causal questions – how and why particular programmes or policies work or fail to work. According to Goodrick (2014:1), comparative case studies are undertaken over time and emphasize comparison within and across contexts. It involves the analysis and synthesis of the similarities, differences and patterns across two or more cases that share a common focus or goal. The rationale for this choice is due to its suitability to the study. The study compares the role of NGOs in democratic consolidation in South Africa and Cameroon. The selection of the specific cases is directly linked to the key research questions which are investigated. An understanding of each case has been quite significant in establishing the foundation for the analytic framework that has been used in the cross-case comparisons (Baskarada 2014).

Comparative case studies often incorporate both qualitative and quantitative data. The qualitative approach has been used for data collection in this study. The rationale for this choice is centred on its suitability to the study and also due to the fact that the qualitative paradigm brings to the study a different view point on validity than that brought by traditional quantitative studies. Qualitative research is a research strategy that emphasises the use of words rather than numbers in the collection and analysis of data. According to Pierce (2008), qualitative method is preferred as it explains the complexities of social and political life. In addition, the strength of this method is founded on its capacity, through in-depth interviewing and

observation, to study and comprehend the fundamental norms of individuals or group.

The qualitative method allows the researcher to explore variety of methods until a deep understanding of the study phenomenon is achieved. Summarily, the qualitative approach aimed at an in-depth study of social phenomenon so as to obtain an understanding of the activities and views of people and organisations. Critics consider qualitative strategy as imprecise and too biased in which case they rely so much on the researcher's personal feelings or judgement which are unsystematic. The questions are so open-ended with the intention to narrow down the research problems. This does not offer an opportunity to understand why the study is focused on a particular area other than another. It is also argued that there is lack of transparency in qualitative research since it is difficult to analyse the researcher's procedures that took him to particular conclusions (Sousa, 2014).

Irrespective of the shortcomings of the qualitative approach, scholars cannot underestimate its contributions to knowledge in the social sciences. Still, we cannot undermine the object of research in the qualitative research approach which has to deal with human beings instead of inanimate objects like chemicals and plants in the quantitative approach. This provides the possibility for quantitative researchers to view social life as a process which changes over time. Hence, this provides details as to why and how individuals have certain modes of behaviour at particular times. Qualitative research is more flexible as it does not have predetermined format in order to have an outcome. Nonetheless, it is unstructured as the researcher has the chance to observe like in ethnography and through this develops new general idea.

3.2 Methods of Data Collection

Based on the research methods, this study used both primary and secondary sources of data collection. Primary data was obtained through in-depth interviews with some selected NGOs while secondary sources include documentary analyses which involved the review of literature in this study, official publications and correspondence, newspaper articles, pamphlets and newsletters, dissertations and theses as well as other online sources. An in-depth interview is one of the main

methods of data collection used in a qualitative research (Ritchie et al, 2013). It can be defined as a purposive conversation: it is an intensive one-on-one personal interview using open-ended and follow-up questions (Ritchie et al, 2013). In this study, open ended questions were posed to the respondents during in-depth interviews sessions. This was to get sufficient answers from the respondents which enabled the researcher to get a deep understanding of the functions of the selected NGOs and their roles in the consolidation of democracy.

On the part of Cameroon, the research utilized secondary sources of data collection. These included journal articles, newspaper articles and other online sources. Equally, primary sources of data collection like official documents such as the constitution and legislative documents were used. The political instability in Cameroon was a great limitation to this study as many people refused to open up to the researcher for fear of arrest. This political instability was fuelled by complaints of marginalization from the two Anglophone regions of Cameroon. This instability served as a limitation to this study because most of the NGOs earmarked for interviews like the Anglophone civil society consortium, the common law lawyer association as well as the teachers trade unions were banned by the state (Amindeh, 2017). Equally, there were indiscriminate arrests and harassment of Anglophones from the Diasporas at the Douala airport (Contra Nocendi, 2017). This made it unsafe for the researcher to carry out face-to-face interviews in Cameroon as planned. The research therefore resorted to other sources to get data for this study. These sources include internet sources, news articles, journal articles, and magazines as mentioned earlier.

3.3 Sampling Technique

The specific sampling technique used was purposive sampling. Purposive sampling is a sampling strategy of choosing small groups or individuals likely to be knowledgeable and informative about the phenomenon under study (Etikan et al., 2016). For identification of respondents in South Africa for the in-depth interview, purposive sampling was used to select key stakeholders from these NGOs for interview. Stakeholders were interviewed from Helen Suzman Foundation (HSF),

Umtapo Centre (local nongovernmental organization) and The National Education, as well as Health and Allied Workers' Union (NEHAWU). A total of three senior administrative and research officials were interviewed from the three selected NGOs. The reason for these choices is their capability to provide the researcher with the information needed for the study. By virtue of their positions, knowledge (understanding of the internal processes), experience and longevity within the organizations, the respondents satisfactorily provided the information required to answer the research questions. In Cameroon, the method of data collection was both primary and secondary as described in section 3.2 above.

3.4 Data Analysis

Data collected was analysed using content analysis. Content analysis has to do with drawing inferences based on a comparative study of information from text, newspaper articles, and journal articles as well as other online sources. It deals with binding pieces of words or information in communication to answer the research question. It is advantageous because it can be used to compare divergent perspectives on the same topic (Pierce, 2008). Also, the data from in-depth interviews with key stakeholders and management of the selected NGOs which comprised of notes taken during interview sections, audiotape recorded interviews was transcribed (the process of converting the notes taken during interviews into a format that will facilitate analysis) and coded (identify small pieces of data that stand alone) to arrive at major themes that answered the research questions. Through thematic analysis, themes were derived from the interviews which helped in the drawing of inferences based on the analysis. A thematic analysis can be defined as the coding of data into themes. It critically examines the data collected and draws on important recurrent issues or codes appearing in the data collected (Major and Savin-Baden, 2010). The data was carefully coded into categories in order to understand the main idea relevant to the research aim and objective. These themes carefully pinpointed the important and relevant information derived from the whole collected data which would answer the research questions (Gill et al, 2008).

3.5 Ethical Considerations

For ethical reasons, the researcher sought consent from participants before they were interviewed. The researcher guaranteed respondents' confidentiality and anonymity by complying with research ethics of privacy and consent from the respondents. Furthermore, the researcher emphasised that the research is for academic purposes which guaranteed respondents right of withdrawal at any stage where the respondent felt uncomfortable with the interview. Also the relevant ethical clearance certificate for this study was applied for and obtained from the University of Fort Hare. Lastly instructions on plagiarism were fully respected with references made to all authors whose materials were utilized for this study.

Conclusively, the above chapter deals with the research methodology. It comprises of the method of data collection chosen for the study and why, the sampling technique, method of data analysis and the ethical considerations. The next chapter deals with NGOs legislation in both South Africa and Cameroon and the role played by these organizations in democratic consolidation in both countries

CHAPTER FOUR: NGO LEGISLATIONS AND THEIR ROLE IN DEMOCRATIC CONSOLIDATION IN SOUTH AFRICA AND CAMEROON

4.1 Introduction

The nature of legislation can either stifle or support the smooth operation of NGOs in a given country. This chapter focuses on the nature of the legislations regulating the creation and functioning of NGOs and the role played by these organizations in democratic consolidation in both South Africa and Cameroon. It looks at the specific provisions within the legislation regulating the operation of NGOs in both South Africa and Cameroon. To find out how liberal or stifling these legislations are on the operations of NGOs in these countries, this study looks at the provisions on freedom of assembly, association, the limitation of these laws, registration and dissolution of NGOs. The first section of this chapter looks at the legislation governing NGOs and the role played by these organizations in democratic consolidation in South Africa. The chapter further deals with the legislation on NGOs and their role in democratic consolidation in Cameroon.

4.2 NGOs Legislation in South Africa

The South African NGOs sector has drastically evolved over the years. Prior to 1994, this sector experienced repression as the apartheid government used repressive laws to constrain the civil society sector. For instance, civil society organizations were forced to undergo a mandatory registration process in order to raise funds. Apart from the limited tax benefit opportunities available to non-governmental organizations, the apartheid government refused to recognize as legal those associations whose objectives were declared unlawful (www.icnl.org/research/library/files/South%20Africa/policy-framework-npo-law.pdf).

The advent of democracy in 1994 ushered in a new era for civil society organizations in South Africa, especially with regards to the legal framework governing this sector. Therefore, as from 1994, one of the critical concerns of the NGOs sector in South

Africa has been to ensure that the new laws move from state control to self-control. This was to provide an enabling environment for the smooth functioning of civil society organizations within the state (National Development Agency Report, 2013).

This new move resulted in what is now known as the Non-Profit Organization (NPO) Act which repealed most of the provisions of the repressive apartheid fundraising Act (<http://www.etu.org.za/toolbox/docs/building/act71.pdf>). To proceed, this study looks at provisions on freedom of association and assembly in the constitution, the Non-Profit Organization Act and the Regulation of Gathering Act which governs public order in South Africa. First and foremost, the rights to freedom of association and assembly in South Africa have been guaranteed under Section 17 and 18 of 1996 South African Constitution. According to the said article, individuals have the right to join any association of their choice, assemble, as well as demonstrate provided it is peaceful and armless. Derogations to these rights are found in Section 36 of the Constitution. Section 36 stipulates that: Rights in the Bill of Rights may be limited by law of general application if it is reasonable and justifiable in an open and democratic society based on human dignity, equality and freedom. The reason for this limitation of rights is because people inevitably have competing and conflicting rights. One person's dignity, for example, may clash with another's freedom of expression. One citizen's right to be protected from violent suspected criminals, conflicts with that suspect's right to freedom of movement. As a result, section 36 of the Constitution, known as the limitation clause, lays down a test that any limitation must meet. The two central concepts in this test are reasonableness and proportionality. Any limitation on a right must be proportional in that the impact or extent of the restriction must match the importance of the aim served by the limitation of the right. (http://www.justice.gov.za/brochure/2014_ConstitutionRights.pdf).

4.2.1 The Non-Profit Organizations Act

The Non-Profit Organization Act was promulgated into law on the 3rd December 1997. The first organizations under this Act were registered on the 1st September 1998. Primarily, the objective of the Act was to establish a suitable milieu which provides nonprofit organizations the opportunity to respect fundamental democratic principles like good governance, transparency and accountability and at the same

time still reserve their independence from the state (Nonprofit Organization Act, 1997).

Prior to 1994, the apartheid era was known for its restrictive laws against civic associations. Some of these restrictions include compulsory registration in order to raise funds. This was due to limited tax benefits for nonprofit organizations which were accessible to very few qualified Nongovernmental organizations. In view of this, the apartheid government refused to recognize as legal those associations whose objectives were deemed unlawful by the State. As a result, the Nonprofit Organizations Act was created to repeal the Fundraising Act of 1978 that constrained the activities of civil society organizations. The NGOs supportive role of the Act is seen through its objectives. The objectives of the NPO Act were geared towards providing a conducive environment for the operation of NGOs (Department of Social Development, Republic of South Africa, 2011). The availability of a legally supportive environment provides NGOs the chance to effectively act as agent of democratic consolidation in South Africa. The objectives of the Act are revealed in Chapter 1(2) of the Non-profit Organization Act which states that:

- 1) This act is meant to encourage and support NGOs to contribute meaningfully to meet the diverse needs of its citizens;
- (2) Create a conducive environment for all NGOs to flourish;
- (3) To establish both a regulatory and administrative frames within which the NGOs may carry out their day to day affairs;
- (4) Promoting NGOs to carry out adequate governance, transparency and accountability that may help to foster the organizations;
- (5) Create a conducive environment to give access to the public by the non-profit organizations; and
- (6) Fostering co-operation and shared responsibility with all stakeholders in their dealings with NGOs (Nonprofit Organizations Act, Department of Social Development, Republic of South Africa, 2011).

Based on the information above, the aim of the Act was to assist in the creation and functioning of NGOs. To meet this goal, Section 3 of the Act states that, “every state organ must be charged with the coordination of implanting its policies and measures

in such a way that is meant to support and foster NGOs to function in their maximum capacities. Furthermore, the NPO Act established the Directorate of Non-profit Organizations that is charged with the responsibility to assist the process for developing and implementing policy. Secondly, it should be charged with determining and implementing programs, especially assisting NGOs in their effort to formalize their existence and to ascertain that good governance is established and maintained within non-profit organizations. Thirdly, it should also push for relationships with state organs and other interested parties so as to encourage the development and implementation of multi-sectoral and multi-disciplinary programs. By providing concrete information pertaining to the registration and administration of NGOs, the Act helped in demystifying the process of creating NGOs thereby reducing reliability on experts (Department of Social Development, Republic of South Africa, 2011). Furthermore, NGOs through smooth registration process tend to get their legal status which warrants them to operate without fear.

To be recognized by law, all NGOs have to register under Section 12(2) of the Act as contained in the 1996 Constitution. Moreover, Section 12(3) of the Act deals with the internal administration of NGOs. This may be found in the constitution of the NGOs that wish to be recognized by the state. Non-Profit Organizations seek for formal identity in order to receive the financial benefits allotted to register NGOs. Section 16 accords to registered members the status of a corporate entity with all the legal benefits attached to it. These organizations may carry out deals in their own names and possess the right to sue and be sued. Furthermore, they may acquire or dispose property in their name. According to Chapter 3 of the Act, any organization wishing to register has to present an application to the Directorate for NGOs. Attached to the application are two copies of its constitution and all other documents deemed necessary. Once the submission is done, the Directorate needs to consider the application and give feedback in writing within two months as to whether the application is successful or not. The Directorate is obliged to motivate why the application is either successful or unsuccessful. Acceptance or refusal of documentation and registration of an NGO is based on the submission of the required paperwork (Non-Profit Organization Act, 1997).

Furthermore, if registration is not granted, the NGO may appeal to the Arbitration Tribunal for a reversal. Members of the Tribunal are appointed by the Minister and constitute a minimum of seven people from a shortlist of nominees as inscribed in Section 9(1) of the Act. The Tribunal may overturn the decision of the Directorate and if this is the case, the NGO must be registered by the Directorate. In terms of deregistration, Sections 17 and 18 of the Act provide a detailed guideline of the required documents to be submitted to the Directorate by all registered NGOs for evaluation and monitoring. In case of Non-Compliance by any NGO, Article 20(1) obliges the director to issue a letter to the registered NGO requesting it to comply with the registration requirements. This usually happens if the organization has not complied with the provision of its constitution and other obligations for registered non-profit organizations. The compliance notification informs the organization of the non-cooperation and the necessary steps to take in order to comply within a month of receiving the notice. Equally, Section 20(2 and 3) of the NPO Act stipulates that, upon good cause from the organization, the director may extend the duration for compliance. Also, if upon receiving a notification of non-compliance from the directorate, a nonprofit organization still refuses to comply, the director can cancel its registration. Deregistration can also take place if an NGO makes false representations in any of its documents submitted to the Director (Section 21(1) of NPO Act). The Director can also ask for a criminal investigation of the organizations activities if it is suspected that non-compliance may constitute an offence. The Act also provides nonprofit organizations the opportunity to voluntarily de-register or wind up.

4.2.2 Regulation of Gathering Act, 1993

Another piece of legislation that regulates the activities of NGOs in South Africa is the Regulation of Gatherings Act of 1993. This piece of legislation deals with the right of assemblies and public order. The Parliament passed the Regulation of Gathering Act in 1993 following the adoption of an interim constitution. The Regulation of Gathering Act altered the legislation on public gatherings and procession in the country. This legislation cancelled the permit requirement before holding a public gathering (Section 4(3) of the Regulation of Gathering Act). Section

3(3) of the Gathering Act stipulates that the requirement for public demonstrations is a seven days notification given to the local administrative authorities and the police. It is worth noting that this notice must be provided seven days in advance before the demonstration takes place. In situations where the organizers cannot give a seven days' notice, it is required they provide at least a 48hours notice to the authorities before demonstration. Failure to provide this notification gives the authorities an unfettered discretion to issue a prohibition against the planned gathering or demonstration. According to Woolman (1998), this provision undermines freedom of assembly. In this regard, Woolman argues that by "We must ask how many members of the public would be willing to risk personal bankruptcy to challenge some undesirable state of affairs." Furthermore, such a risk might only be taken by "only those who supposedly have nothing left to lose." However, the freedoms guaranteed in the Constitution are intended to protect the expressive interests of all which server as an advantage to the role of NGOs towards democratic consolidation. The seemingly liberal nature of the Regulation of Gathering Acts fosters the activities of NGOs given the fact that they are allowed to voice out against unconstitutional acts of the government. Finally, the Act is a solution to the use of force by the police to disperse demonstration which was prevalent before 1994. This curbs police brutality on NGOs activists and encourages freedom of expression which is fundamental for all democratic societies. Generally, the South African law on NGOs is balanced and in accordance with the provisions of the Constitution which are fundamental for a democracy. From the information above, South Africa's law on civil liberties like freedom of expression, assembly and association is liberal.

4.3 NGOs Legislation in Cameroon

Like South Africa, Cameroon's legislation on associational life is rooted in its national constitution. These fundamental freedoms are enshrined in the 1972 constitution which was changed by Law No. 96 of January 1996. The preamble of the Constitution stipulates that "freedom of expression and of association, and of trade unionism shall be guaranteed under the conditions fixed by law". It is in alignment with fundamental freedoms enshrined in the universal declaration of human rights and other regional and international human rights instruments that the Cameroonian Constitution guarantees freedom of association and other freedoms within its national territory (Constitution of the Republic of Cameroon, 1996). Generally, the

legislation governing NGOs in Cameroon is embedded in two texts; Law No 90/053 of 19 Dec 1990 and Law No 99/014 of 22 Dec 1999.

4.3.1 Law No 90/053 of 19 Dec 1990 on Freedom of Association

The principal legislation presently governing freedom of association in Cameroon is the Freedom of Association Law, No. 90/053 of 19 December, 1990. It is a law of general application to all forms of associations. This legislation replaces Law No. 67/LF.19 of 12 June 1967 on Freedom of Association that requires all associations to be authorized by the Minister of Territorial Administration. By general application, (Articles 1, 2) it reflects the diversity of an organization and alludes to specific laws (articles 5.4) for the likes of trade unions (Nyambo, 2008b). The new law repealed the previous one prior to the authorization demand and established a system of registration, regulation, sovereignty and unity. Section 4 of the Legislation stipulates that, "associations whose objectives are contrary to the Constitution, the law and public policy and whose purpose is to undermine especially security, nation integrity, unity and integration or the republican character of the State shall be null and void (Nyambo, 2008b).

4.3.2 Law No 99/014 of 22 Dec 1999 on Nongovernmental Organizations

In accordance with Law No 99/014 of 22 Dec 1999, which applies specifically to NGOs, a non-governmental organization is a declared association or foreign association authorized in accordance with the legislation in force and approved by the administration to participate in the execution of a mission of general interest. Within the framework of this law, an NGO differs from an association in that the legal framework of NGOs is more formalized while that of an association is liberal. In addition, an NGO can operate and benefit from across national borders while an association is confined to the national territory. Furthermore, the legislation regulating the operation of NGOs allows them to own property, receive gifts and subventions while an association does not have these privileges. Therefore for an association to become an NGO, there must be a declaration within the framework of

the 1990 law from the administration which approves it to benefit from the status of an NGO

(http://www.academia.edu/11825767/Simple_Manual_on_The_Legal_Framework_Creation_and_Management_Principles_of_Civil_Society_Organisations_in_Cameroon)

Basically, associations in Cameroon can only acquire legal status in two ways. These include the declaration system which applies to all organizations. The only exceptions are faith based and overseas organizations which follow an authorization system "Which deals with overseas and faith based organizations". According to the declaration system, no association which falls within its sphere can have legal status until it has declared its formation by providing two copies of its constitution to the Divisional Office within the jurisdiction where it has its headquarters (Section 6 of NGO Laws in Cameroon 1990). In accordance with Section 7, an association is not considered "null and void", only if its objectives are in accordance with the laws of the state. To be legal, the Divisional Office has to issue a receipt as soon as the file is complete. Any changes in the name, objectives, headquarters, names/addresses and occupations of those responsible for running the association must be notified to the Senior Divisional Officer within two months. Silence on the part of the Senior Divisional Officer after such changes have been made and submitted implies acceptance of the proposed changes.

If an association is considered by a court decision to be "null and void" under the provisions of Section 4, its premises will be closed and all meetings of the members will be prohibited notwithstanding any appeal which may be lodged. The Minister of Territorial Administration may upon a reasoned recommendation of the Senior Divisional Officer suspend the activities of any association for a period of up to three months to avoid "disturbance of public order." The Minister can dissolve any association which departs from its original objectives or whose activities seriously undermine public order and the security of the State. Any party aggrieved by the decision of the Minister may lodge an appeal with the President of the Administrative Court. Any such appeal must be lodged within 10 days and a ruling must be made within 10 days of an appeal being received (Section 13).

Under the System of Authorized Associations, an association is defined as foreign if it is registered abroad, managed by foreigners, and if half of its members are foreigners (Section 15). No foreign association is permitted to carry out activities in Cameroon unless and until it has obtained authorization from the ministry of Territorial Administration through recommendations from the Minister of External Relations, who must have received the applications for registration in a foreign country (Section 16). Authorization can be temporary subject to certain conditions and may be withdrawn at any time. If a foreign association is refused authorization, or such authorization is withdrawn, it must cease its activities and liquidate within three months, anyone administering, or continuing to administer a foreign association or establishment without authorization is liable to imprisonment for 15 days to six months or may pay a fine or both. Religious organizations are granted authorization by way of a Presidential decree upon a reasoned recommendation from the Ministry of Territorial Administration and decentralization. These religious organizations are required to comply with some strict financial provisions. Failure to corporate with such strict financial provisions may lead to the congregation being declared "null and void". Representatives or officials of a religious congregation who issue 'false statements', or refuse to comply with the instructions of the Ministry of Territorial Administration, would be committing a criminal offence under various provisions of the Penal Code and would be liable to imprisonment or a fine (Freedom of Association and Assembly, Article 19, 2001).

Furthermore, in keeping with Section 30, the Minister of Territorial Administration and decentralization has the powers to suspend or ban religious organizations for disturbance of public order. The minister may also enjoys similar powers in relation to associations falling under the system of declaration system of registration. Section 31 allows authorized religious associations to be dissolved by the President of the republic. After such dissolution, any person who continues to operate or may attempt to re-establish a dissolved association, or may encourage meetings of its members, is committing an offence and is therefore liable to imprisonment or a fine or both.

Although many of the provisions of the law relating to civic associations are reasonable, some of them fall short of international standards on freedom of association as stipulated under international instruments. For instance, although the

law requires local associations simply to 'declare' themselves, making such 'declaration' a condition for acquiring legal status (and the powers given to the authorities to determine null and void any organization that has so declared itself), effectively renders the right of civic organizations to exist in Cameroon subject to the government's fiat. Also, the powers of various government officials to dissolve organizations, whether local or international are too wide. Further, such powers are exercisable under ill-defined circumstances and therefore capable of being misused (Nyamboh, 2008).

Articles 12-14 of NGOs Laws reveals the state powers used for dissolving associations as seen in (articles 12-14). Based on the provision of these articles, the Minister of Territorial Administration and decentralization may dissolve any organization with actions that are incompatible with public order and policy or activities that undermine the security of the state. Again, the group may be suspended by the competent authority on the recommendation of the follow-up committee for the duration of three months when members pursue objectives contrary to their statutes. The conditions for dissolving an association seem arbitrary since the administrative authority alone may determine the degree of incompatibility with public order, policy or the security of the state. In this way the administrators have wide-ranging powers over a domain which is meant to ensure alternative forms of participation and liberties for the common man. For one reason or the other, the authority in charge of the maintenance of public order may dissolve an association which is deemed to be pursuing goals that are contrary to the constitution, laws and good morals. These powers are also extended to dissolve any associations that act in a way that tends to affect national integrity and unity or threatens the security of the state. Once an association is dissolved, the only recourse is to the Administrative Bench of the Supreme Court within ten days, and while the matter is pending, the decision remains valid (Nyambo, 2008).

Unlike South Africa, the powers of the judiciary to review a dissolution or suspension order are negligible. This is because the judiciary is not an independent structure as stated in the 1996 constitution. In reality it is not possible for the judiciary to fully exercise its power because the Ministry of Justice, which is the supervisory body of the judiciary, is paradoxically part of the executive arm of government (see Decree

No. 84/353 of 28 May 1984). By this arrangement, judges are placed under administrative structures which exercise wide powers that often undermine the independence of the judiciary (Temngah, 2008). For instance, there are multiple pressures on the judiciary from the executive arm of government. Once a decision has been issued by the authority suspending or dissolving an organization or structure, the judiciary is usually reluctant to interfere. This may be most especially when such dissolution or suspension consists of matters relating to public order, national security and territorial integrity. Under such circumstances, the courts will normally invoke laws relating to subversion and terrorism as was the case in the one-party days. Although provisions relating to holding assemblies may appear liberal and reasonable, in practice these provisions may only be applied in such a way that they severely interrupt freedom not only of assembly but also of association, for both political and civic associations. Particularly, the 1990 law relating to public gatherings only required planned meetings to be declared in advance. This is meant to ascertain that meetings must be authorized by the relevant officials. For instance the launching of a splinter faction of the Social Democratic Front in Yaoundé in December 1998 was suspended by the authorities on the grounds of threat to public order amidst fears that militants of the ruling Cameroon People Democratic Movement may interrupt the proceedings (Simo, 1999). This greatly undermined the laws of freedom of association and expression as individuals and civic organizations are hindered from exercising these rights based on impartial partisan allegiance by the administrative authorities.

Summarily, while South Africa and Cameroon seem to have legislative framework governing the Activities of NGOs, South Africa's law relating to freedom of expression, assembly and association is fairly liberal where freedom of speech has been afforded special protection to expression even in a political context. Starting from the objectives of the NPO Act through the registration and dissolution of these organizations, it is evident that the legislative framework is liberal which therefore facilitate NGOs activities in the consolidation of democracy in South Africa unlike Cameroon. On the part of Cameroon, freedom of association is greatly monitored by the government and therefore cannot be effective. The law on associational in Cameroon reveals that the state still uses legal instruments to suppress and restrict organizations. Though the legislations accord legitimacy to the various NGOs, the

attitudes towards these organizations seem to be one of caution and repression through the various regulations in force (Nyambo, 2008a).

4.4 Role played by NGOs to Consolidate Democracy in South Africa

The emergence of huge and active NGOs sector in South Africa can be traced back to the 1980s during the days of mild liberalization of the political landscape by the apartheid regime. In view of this, the new prominent role accorded to civil society Organizations at the international development arena contributed in fostering the expansion of the South African NGO sector (Habib and Tailor, 1999b: 74). According to Habib and Tailor (1999b: 74), four different types of NGOs existed under the apartheid regime. These included organisations closely connected to and servicing the anti-apartheid movement. Furthermore, there were also liberal NGOs advocating changes in apartheid policies from within the political system. In addition, there also existed NGOs focusing on social service delivery while trying to remain neutral in politics as well as large welfare bodies which cooperated with the apartheid regime through their racially segregated service delivery programmes.

Worthy of note is the fact that, there existed great differences between the organizational types with regards to their internal democratic practices because of different socialization effects (Habib, 2005:7). While the anti-apartheid NGOs were positively influenced by the struggle for non-racial democracy and by new approaches to developmental efforts. This placed significant emphasis on the inclusion of all relevant stakeholders of the welfare bodies who were subordinated to the decisions of the respective ministers and “thus, were not effective as participatory governance mechanisms which require clear channel of communication and accountability with stakeholders”(Heinrich, 2001). Studies by (Dangor, 1997, Greenstein et al, 1998, van der Merwe et al, 1999) reveal that the relationship between NGOs and democracy in South Africa tend to focus either on the watchdog role of NGOs or on their role as a substitute for the state through the provision of basic social services to black communities. Heinrich, (2001) classified the role of South African NGOs in the strengthening of democracy in three categories. Firstly NGOs act as schools of democracy. Furthermore, they serve as mediators of societal conflicts and finally as effective channels of interest representation for the

poor. These three functions are of particular importance in South Africa context because by fulfilling these functions NGOs are able to reduce and counteract the obstacles to consolidating democracy. The activities of NGOs with regards to democratic consolidation emanate from the interviews carried out with official from Helen Suzman Foundation, Umtapo Centre (Anti-Corruption and Human Right NGO) and The National Education, Health and Allied Workers Union. The rationale for this choice is the relation to the enormous contribution already made by these organizations in consolidating constitutional democracy in South Africa. From the interviews the following themes were arrived at as the activities carried out by NGOs to sustain democracy in South Africa. From the interviews, the following themes were arrived at as the activities carried out by NGOs to sustain democracy in South Africa.

4.4.1 Schools of Democracy Values

According to Vromen (2017), NGOs act as school of democratic values. Practically speaking, NGOs function like institutions for cultivating citizenship and generating democratic values. This function is fulfilled by “socializing infants into adults and transforming private individuals into public-spirited citizens (Eberly, 2000). To this end, NGOs engage in public participation where they consequentially exercise dominance over the public space which is the arena where people learn very essential democratic habits such as trust, collaboration and compromise in a practical way through civil society (Gilman, 2016). From the interviews, it was realized that NGOs provide an avenue through which citizens engage in democratic processes. Such engagements lead to the development of democratic norms and values, known to be the foundation of a steady democracy. One of NGOs official interviewed has this to say:

As an organization, we make use of formal democratic procedures like annual general meetings, seminars, workshops, regular board meetings and consultations with staff and members. We also use competitive elections in the decision making. The bottom-line is that by respecting democratic processes we end the title schools of democracy.

By practicing democratic principles, these organizations earn the credibility to stand against any violation of these democratic principles by the government. Furthermore,

some NGOs like the Umtapo Centre use seminars and workshops to educate people on democratic principles and practices to create awareness on human rights. This awareness helps the citizens to know their rights which can be defended at any time when abused by the state.

4.4.2 Publicity stunts and Picketing

Publicity stunts are some of the cleverest public relation exercises in the entire entertainment game. Publicity stunts sometimes take the form of a dramatic incident that may get people's attention on a particular societal issue. The purpose is to create a picture in their minds that may get them talking about the said issue. It may be a human right abuse or gender related problem. It could be a fight, a relationship or even a break-up. The bottom-line is that it serves the greater good generating a buzz around a celebrity's name (Herring, 2016). Publicity stunt for the past 80 years has noticed an increase in media attention among the NGOs and corporations. For instance, in the United States, People for the Ethical Treatment of Animals (PETA) has for a long period been a trendsetter of Publicity Stunt. The organization has had Playboy Playmates serve veggie dogs to Congressmen on Capitol Hill wearing nothing but lettuce bikinis; circulated bloody mutilated animal toys to journalists; wanting to rename fish as "sea kittens" to keep people from eating them; and had several beautiful actresses and supermodels pose nude to protest wearing furs (Heather, 2017).

The purpose of all these activities is to protect animal rights. From the interviews, National Education, Health and Allied Workers Union use publicity stunts to get public and government attention. This is captured in the interview that follows:

We used publicity stunts materials like placard, news articles to pass our message to the public" We equally use slogans like "workers shall speak" in order to garner support for workers right and get public attention. Also our sister organizations like the human rights protection nongovernmental organizations in time past used slogans such as " You Deserve to Know or Say No to Secrecy" to advocate against the protection of state information bill' 'Publicity stunts are usually utilized by NGOs because of their effectiveness in grabbing public attention towards topical societal issues.

Another respondent has this to say

We utilize publicity stunts to raise public awareness on topic issues like human right, which help us in fighting for respect for democratic institution and principles'.

Publicity stunts by NGOs promote or strengthen democratic consolidation in that they raise public awareness to government excesses and this contributes in the awakening of the public to defend their rights. Road blocks are also used to attract public attention. Picketing is another way through which these organizations get involved in order to express their grievances to the government

Picketing is a form of protest where people (union workers) usually come together outside a work place where an event is going on. This is carried out to discourage employees from entering their work place. This can take place simply because the workers intend to pull attention from the public. Picketing always take a non-violent route (Department of Labour, Republic of South Africa, 2018, <https://www.go2hr.ca/articles/strikes-lockouts-picketing-and-replacement-workers>). It might be provoked by a good number of objectives with the intention to pressurize the person or organization concerned by making sure that all activities including sales come to a standstill or by giving negative publicity. This may be done by keeping both clients and employees from entering the business premises or by stopping operations completely (<http://www.labour.gov.za/DOL/legislation/acts/basic-guides/basic-guide-to-strikes-lockouts-and-picketing>).

In the same vein, trade Unions picket during strike actions to stop a minority group of the union who may not be in accord with what is intended. Alternatively, strike actions may hinder other unions' employees from going to their work sites. It may also be used by pressure groups that belong to any political party. Picketing remains legal so long as it does not obstruct or intimidate other workers and businesses but which has limitations in many countries (Deacon, 2014). In South Africa, NGOs especially National Education Health Allied Workers Union carry out picketing in government departments and other workplaces to express their grievances against the deplorable conditions of workers. For instance in 2017 one of the interviewees says:

We call on the government of Limpopo to intervene and resolve the longstanding stalemate around the payment of the 2nd and 3rd notch progressions owed to workers since 2012. We have been engaging with government on this matter since August 2016 and at one point the government agreed to pay but a month later changed their minds. This year we marched and engaged in lunch hour picketing to attract the attention of the government.

In view of this, picketing is a way of expressing grievances against unconditional behavior from the government as it attracts public and media attention on such grievances. This usually forces the government to address such issues.

4.4.3 Protests and Mass Mobilization

As noted in the presentation above, NGOs act as a channel of representation for the masses. In this light, NGOs act like the voice of the populace in society (Yaman, 2000). This is done sometimes through protests and mass mobilization. Protest politics was very essential for the transition from apartheid to democracy. It should also be stressed that protest still plays a crucial role today. The history of the anti-apartheid struggle reveals that mass mobilization is an essential political tactic to bring change and achieve social justice. The different ways of group manifestations like demonstrating, marching and protesting give the powerless the chance to vent their grievances and force service delivery to become a reality or help to achieve their needs and wants (Ngwane, 2010). In this regard, protests and other forms of mass mobilization do not threaten democracy but rather give strength to democracy because even the poor and the weak are heard. South Africa is well known for its use of mobilizing the mob to achieve their demands. This mode of making public demands has been ongoing on from the days of apartheid to the democratic dispensation under the ANC. The different strategies of mass mobilization including protest march and demonstration are used to gain political, economic and social demands (Ngwane, 2010).

In line with the above, the data for this study tally that some of the NGOs see protest and mass mobilization as a method used to consolidate democracy in South Africa. In his words an NGO official has this to say:

We organize non-violent protest marches to get the attention of the government and employers to yield to the demand of the people. During these protests, all the workers and other sister organizations join us to fight for our rights. This has helped to keep our government in check and thereby stabilizing our democracy. Our public protests are usually non-violent because we have to keep to the legislation on public demonstration. Examples of successful mass mobilizations we organized and led are those of the Anti-Eviction Campaign. We joined our effort with these organizations to fight social injustice in our society. Our reasons for these protests and mass mobilization actions came as a result of the falling standards of living emanating from the poor working conditions resulting from the neoliberal policies. For instance, when a company or corporation does anything for the interest of its workers like providing basic needs, the cost would be recovered from the workers. Even the government tries as much as possible to reduce cost but it is being influenced by the neoliberal policies.

In view of this, workers organize strike actions to express their grievances against such policies. This was very visible when the workers supported mass mobilization by the Treatment Action Campaign during Mbeki's administration's attempt to roll over the medical treatment campaign for HIV/AIDS". Other mass mobilizations have been led by the Landless Peoples Movement of "willing seller and willing buyer" which was not as transformative as it sounded. All these campaigns marked a new era for mass mobilization in South Africa. From the explanation above, NGOs carry out protests and mass mobilization to consolidate democracy in South Africa. According to the testimonies of the respondents, public protests and mass mobilizations are very effective as they usually get the press talking. This helps in capturing the attention of the public and the international committee and force the government to respond to our demands and respect democratic principles.

4.4.4 Public Interest Litigation

As part of their focus in consolidating democracy in South Africa, NGOs carry out public interest litigations to restrain the state from diverting from its democratic path. Organizations such as Atlantic Philanthropies support NGOs especially human rights NGOs to carry out and develop the use of public interest litigation in South Africa (Young, 2015). Based on the interview sessions with these NGOs, a respondent at

the Suzman Foundation has this to say about their engagement in public interest litigation:

We use a combination of legal advocacy, research, campaigning and civil suits that seek to change law, regulations and more broadly public attitudes, to address issues of discrimination and inequity, as well as structural barriers to the use of public interest litigation. Our main concerns are issues of constitutionality in South Africa'.

According Young (2015: 5), litigating is a political act that if used strategically would complement political efforts as well as might enhance meaningful change. If an attempt to litigate becomes successful or not, it would be needful to seek alternatives. Thus, to be able to evaluate litigation's social change potential within a given situation, it would be necessary to look at the political, cultural, social and economic that a lawsuit operates upon.

From the research results, NGOs that use public interest litigations to protect the foundation of South African democracy is the Helen Suzman Foundation. A good example is the freedom of expression litigation against new editorial policies by the South African Broadcasting Corporation (SABC). In an interview, the respondent has this to say:

The South African Broadcasting Corporation announced its decision to pursue a policy of not covering violent protests especially protests involving damage to property. Regrettably, scores of political protests in South Africa involve damage to property, especially burning cars and buses. We feared that the SABC policy would be used as an excuse not to publicize evidence of discontent that reflected badly on the ANC. Another, very troubling, development was that the South African Broadcasting Corporation dismissed eight journalists who criticized the editorial policy. They also locked up journalists still working at the broadcaster in their offices at lunch time to prevent them from joining a public protest against the editorial policy.

Seeing this as a violation of Sections 16 and 32 which deals with freedom to express one's self and also to access information as stipulated in the Bill of

Rights, we applied for a judicial review of the policy". Alongside Helen Suzman Foundation's constitutional challenge of the editorial policy, other organizations such as Save Our South Africa Broadcasting Corporation, Right2Know, the labour union, in solidarity initiated proceedings at the regulator, Independent Communication Authority of South Africa, and in the Labour Court challenging journalists' dismissals. The cases challenging the dismissal of the journalists were successful and most of the journalists were reinstated. Furthermore, the Helen Suzman Foundation filed a case against the government for seeking to withdraw South Africa from the International Criminal Court. HSF said such a step is unconstitutional. This reveals the use of public interest litigation to bring social changes in our society.

4.4.5 Lobbying of Parliament

This function of NGOs correlates with the role of NGOs as a channel of representation in society mentioned in the literature. In this domain, NGOs act as intermediary transmission-belt between state and society. Practically, NGOs facilitate political communication between state and society in which demands are transmitted, and the interests of the population are articulated (Yaman, 2002). This is usually facilitated through lobbying. Lobbying is a form of advocacy specifically targeting legislators and government officials. Its activities relies on influence, persuasion and encouragement to gain support for the views of advocating groups with regards to a particular policy that are participatory approaches to governance and democracy. The results reveal that in order to consolidate democracy, NGOs in South Africa lobby the parliament. In an interview with an affiliate of COSATU, an official of NEHAWU said:

we carry out lobbying activities including, submitting memoranda to parliamentary portfolio committees and government officials, explaining the key points and evidence underlying the position for which we are lobbying. Also sometimes oral presentations are made to parliamentary portfolio committee to solicit for parliamentary support on a particular policy.

Before these organizations go out to lobby, they carryout appropriate research on the topic. This is because; lobbying is usually enforced when policies proposals are backed by well-grounded research. Lobbying is required to ensure that policy

alternatives are promoted. South African NGOs use lobbying as an advocacy strategy to challenge or promote policies for the benefit of the general South African public. COSATU is involved in defending the rights of workers sometimes through the use of parliamentary caucus to lobby for parliamentary support. This strategy helps in democratic consolidation because it promotes open debates for policy options and also encourages public participation in policy making through elected representative.

4.4.6 Anti-corruption Campaigns

This function affirms the point highlighted already in the literature that a strong civil society can play a disciplinary role in relation to the state by enforcing standards of public morality and performance and also by improving the accountability of both politicians and administrators. This implies that civil society is the sphere concerned with moral formation. This understanding promotes ethical leadership founded on democratic bedrock of accountability, transparency and honesty. This has been noticeable in the role played by NGOs to fight corruption in South Africa. Fighting corruption is at the heart of bringing about transformation in the society in any democratic society. In an interview with Umtapo Centre an anti-corruption organization based in Makhado Limpopo, the official said:

We have been at the forefront in the fight against corruption in the country. We get support from civil society and individuals who believe in the promotion of the rule of law that helps the democracy that was won with difficulty. Our anti-corruption campaigns have increasingly raised consciousness among other NGOs to actively participate in condemning corruption.

This he claims is a positive step to alleviate corruption as groups and associations voices need to be heard. The fight to get a transparent and accountable government does not stop at this position as these NGOs have to actively promote the systems required to offroot corruption.

These NGOs through their activities have generated a political will that is most needed for good governance by promoting the establishment of check and balances to all structures of the government. Such a political will aspires to penalize defaulters both in the public and private sectors. Furthermore, this motivates strict anti-corruption measures together with a strict code of conduct. Such a move helps to

unravel the mystery that corporate bodies connive with state to embezzle. Moreover, NGOs are working tirelessly to ascertain that bribery is a thing of the past. These NGOs also work with the judiciary to ensure that those found guilty are reprimanded. Through their advocacy, NGOs put pressure on the government and its associates to work on implementing or enforcing judgments from the courts and the public protector offices. Furthermore, NGOs also monitor if policy makers honour their mandate to fight corruption so that they may be able to hold the politicians into account. The involvement of NGOs in the fight against corruption in South Africa contribute to democratic consolidation because it helps in fostering respect for democratic principles of good governance, transparency and accountability.

4.4.7 Human rights awareness Campaign

Each individual in every society assumes certain rights just by being human. These rights are in-born whether man or woman, country of origin, class, language etc. Based on this, every being is equal and should not be discriminated against. Needful to stress that all these rights to relate to each other cannot be divided. The United Nations Universal Declaration of Human Rights of 1948 clarifies what human rights entail. It gave birth to the ground works of freedom, justice and peace which give a solid foundation to democracy (http://www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/eng.pdf).

Universal human rights are often expressed and guaranteed by law in the forms of treaties, customary international law, general principles and other sources of international law. International human rights law lays down obligations of governments to act in certain ways or to refrain from certain acts in order to promote and protect human rights and fundamental freedoms of individuals or groups. To this effect, rights of some individuals may be limited when such an individual infringes on the liberty and rights of others. Apart from NGOs involving in the activities listed above, they also fight for the protection of Human Rights. Umtapo Centre official in an interview argued that they propagate human rights through awareness programmes as seen below:

We carryout awareness campaigns and the propagation of human rights through various narrative history projects, media, educational material, and

social interventions. One of its initiatives is the Tertiary Peace Forums in University campus around South Africa. We also have peace clubs in high schools where we educate learners about human rights, corruption, ethical leadership and xenophobia. Our anti-discrimination Projects intend to unravel myths to sensitize society about corruption. Through its peace clubs campaigns, booklets and consultation with government stakeholders, the Umtapo Centre intends to promote community campaigns against corruption and all forms of inequalities in our society.

Based on this, the organization therefore attempts to consult state actors and government department representatives in order to galvanize support for the respect of human rights. NGOs in South Africa support campaign against all forms of human right abuses both local and at the international level. By fostering support for human rights, these organizations strengthen democracy. This is because respect for fundamental human rights is at the very core of democracy and its sustenance.

4.5 Role Played by NGOs in the Consolidation of Democracy in Cameroon

Over the years, there has been a worldwide progress in the field of NGOs following the formation of a 'consultative status' put in place by Article 71 of the United Nations Charter. The said Article 71 of the UN charter calls for a liberal policy towards Nongovernmental Organizations. The formation and adoption of this international status by states has truly lightened the constraints against freedom of association in most countries especially in the field of NGOs. In Cameroon, the history of NGOs is fairly recent. Prior to the late 1980s, the NGO sector in Cameroon contributed very little or nothing to national development. This is because the government of Cameroon which is widely recognized for centralism maintained stifling restrictions on associational life (Bertand, 2017).Consequentially, this discouraged the full development of the NGO sector in Cameroon.

The transition to multiparty politics in Cameroon ushered in the democratization process in 1990. This process led to the liberalization of laws governing the formation of associations and organizations. The government passed into law a series of bills meant to liberalize public space through a document entitled

'Cameroon: Rights and Freedoms' (1990) (Law No 90/052 and Law No 90/056 of 19 December, 1990) and Law No 90/056 of 19 December, 1990). From inception, Cameroon's NGOs were instrumental in consolidating democracy through its advocacy against social injustices especially in the 1990s. Some of NGOs activities include predominantly advocacy by NGOs which deal with strikes, public protests, student's strikes and other public campaign strategies that are geared towards effecting social change for the good of all. Presently, there is an ongoing strike in the two Anglophone speaking regions of Cameroon. The strike began in November 2016 when Anglophones teachers and lawyers complained of marginalization and systematic assimilation of the Anglo-Saxon school and judicial system by the Francophone led government and demanded reforms. NGOs like Teachers Trade Union, Common Law Lawyers Association and other civil society organizations which came under the umbrella of the Anglophone Civil Society Consortium were at the forefront of the strike. In 2016 the government banned the Consortium and arrested its leaders. This deepened the crisis and led to the formation of the Anglophone Governing Council who demanded for an outright secession from the state of Cameroon (Moki,2017). Due to the deplorable security situation in Cameroon, this portion of the research depended on secondary sources of data. These sources include online articles, journal articles, news articles and telephonic conversations with residents in Cameroon. From the activities of the listed NGOs and others, the study reveals that NGOs in Cameroon carry out some measures to consolidate democracy in the country.

4.5.1 Strike Actions

A strike action or labour strike refers to work coming to a halt due to mass agreement by workers not to work. Strikes are normally provoked by employees' grievances. Usually, employers easily make strike actions to be against the law due to their political lineage that give them powers over their employees. Strikes may also be used to put pressure on the government to bring about social change and justice (Mawere, 2010, Robertson, 2004). In some cases, strikes are capable of unseating governments. In most of such cases, strikes are broader social movements campaigning for civil resistance. This may include unions fighting for better working conditions and/or increase in wages. More often than not, strike actions usually

attract media which attempts to make the public aware of the conditions of a given institution. A typical example is the Common Lawyers strike in Cameroon which helped to expose the systematic assimilation of the common law tradition by the francophone led government of Cameroon (Bareta,2016). Strikes actions may precipitate towards a change in policies on the part of the government or the management of companies.

In Cameroon, NGOs like the common lawyers association have been using strike actions to present their grievances to the government. For instance, common law practitioners in Cameroon presented a motion in 2015 against the appointment of civil law experts to become judges in Common Law courts. The Common law lawyers wanted that the French speaking magistrates be withdrawn and a federal state be instituted. The refusal to withdraw the French magistrates led to a strike action that led to marches to courts. The strike also drew the attention of the teachers which gave the teachers an opportunity to voice their grievances against the use of French teachers to teach English learners. Up to date, schools and courts in the English speaking regions of Cameroon have not resumed because of the strike actions. According to the NGOs community in Cameroon, this is one of the measures they use to push the government to address their concerns (<http://contranocendi.org/index.php/en/news/88-anglophone-cameroon-common-law-lawyers-protest>).

These actions by the lawyers have forced the Cameroon government to create a common law department at the Supreme Court of Cameroon and at the school of Administration and Magistracy (Yerima, 2012). This reveals that such strike actions by NGOs are at least yielding some fruits. In essence NGOs are contributing to the consolidation of democracy in Cameroon.

4.5.2 Public Protests

Cameroon's NGOs rose to prominence in 1990s by becoming quite vocal against the autocratic regime of Paul Biya. This sector made up of mainly student groups and trade unions challenged the status quo by calling for the liberalization of the political landscape (Awasome, 2005). The rigid political landscape of Cameroon received

criticism from these groups as they longed for a more open society characterised by freedom of expression, justice and good governance. According to Nkwi(2006), these civil society groups that criticised the regime in Cameroon following the degrading conditions at the University of Yaoundé that was then the only university in the country. In addition, there was a hundred percent devaluation of the CFA franc in 1994. These factors coupled with an increase in the debt burden, an alarming rate of corruption and mismanagement of state's funds, especially with Cameroon receiving the top position as the most corrupt country in the world according to Transparency International, added to the plight of the Cameroonian people and set the stage for the emergence of the civil society in Cameroon. These groups organised public protest, university student's strikes and public campaign against the government's indifference to their need(Forje, 1997).

Currently, public protests have escalated in Cameroon's English speaking regions following their marginalization claim. NGOs like the Fako Lawyers Association, Meme Lawyers Association, Northwest Lawyers, the Common Law Lawyers Association and Teacher Trade Union under the umbrella of a mother organization known as the Anglophone Civil Society Consortium have been protesting in a seat- in strike against the francophone dominated government for marginalization of the two English speaking regions of Cameroon (Bareta, 2016). This year activist led a strike action (coffin revolution) against the government because of the state of roads in Bamenda, an English speaking city of Cameroon. This action easily attracted support from the bikers (bend sikan) who joined the protest. This protest action led to a clash between the protesters and the forces of law and order leading to many deaths of mainly the strikers. In the context of Cameroon, any strike against the government is usually made illegal and the leaders of the strikes get criminalized as a form of intimidation to quell the strike action completely (Azad, 2017). Ghost towns (seat in strike) have been carried out to bring the government to compliance (Eyong, 2017). Public protest by civil society organization helps them to publicly present grievances to the government and usually put pressure on the state to address these grievances so as to maintain peace in the country.

4.5.3 Human Rights Campaign

NGOs like student groups and religious organisations in Cameroon have been greatly appraised for their vocal attitude towards the state's indifference to the liberalization of the political space marked by gross human right abuses. Cameroon has a great history of human rights violation. According to a report by the US State Department, there are serious human rights violations in Cameroon. Some of these abuses include abduction of political activists by Cameroon's security forces, extrajudicial killings, torture, arbitrary arrest and detentions of suspected terrorists, denial of fair and speedy trial is another violation of the right of the suspect, deplorable prison conditions and the use of informal incarceration facilities. Also there are severe restrictions on freedom of expression (<https://www.state.gov/documents/organization/252873.pdf>). For instance, the leaders of the Anglophone civil society (Consortium) were arrested by the government security forces in 2016 for supporting the anti-government strike by Anglophones lawyers and teachers (Cameroon Concord News, 2017). NGOs like the Fako Lawyers Association have been working towards the release of 200 Anglophones detainees from prison (Tem, 2017). This organization has fought against illegal detention of citizens by Cameroon security services. Another organization that is passionately fighting against human right violation is the Catholic Church in Cameroon. Following military attacks and killings in the English speaking regions especially in Kembong village, by Cameroon security forces, the bishop of Mamfe condemned such killings in an interview over BBC (Cameroon Intelligence Report, 2018). The Catholic bishops in a joint letter condemned the killing of both civilians and security forces and called on president Biya to address the Anglophone crisis. He called on the president to stop the human rights abuses going on in Anglophone Cameroon (<http://www.cameroonintelligencereport.com/anglophone-problem-roman-catholic-bishops-send-memorandum-to-president-biya/>)

4.5.4 Anti-corruption Campaigns

Faith based NGOs are an influential part of the fabric of Cameroon civil society that are working hard to continue the fight against corruption. The Catholic Church appears well organized and has engaged with the state to fight corruption by educating people on ethical leadership. They also work hard in keeping the topic on

the national agenda. For example when Cameroon was named the most corrupt country in the world by Transparency international, the Catholic Church in a pastoral letter called for embezzled money to be returned to the state (Wobilla,2013). Furthermore, Transparency International Cameroon and other anti-corruption NGOs are working together to enhance their impact in an informal network, called “DynamiqueCitoyenne”. Several NGOs are conducted many anti-corruption activities including monitoring and overseeing of government functions (budget analysis, budget tracking and election monitoring), corruption awareness campaigns aimed at teachers and nurses and studies of the Anti-corruption Units in Ministries (<http://www.oecd.org/development/governance-development/37687235.pdf>).

Worthy of note is the anti-corruption work of Action Group for Democracy and Good Governance. This NGO works in the fight against corruption in Cameroon. Action Group Democracy and Good Governance partners with International Peace Commission (IPC) because it is a small NGO which aims to improve school management committee (SMC) to bring about transparency. Although schooling is supposed to be free but in practice, parents pay substantially and together with the government, parents’ contributions for school operations (teacher salary supplements, chairs, classroom improvements, etc.) are poorly managed by the School Management Committee, resulting in considerable “leakage”. The experienced and committed school principal, keen to remedy the situation, reached out to Action Group Democracy and Good Governance. They agreed upon a comprehensive project, including training in budget tracking, designing and signing a code of conduct by the stakeholders, and arranging field assignments where School Management Committee members are taught to check and monitor school budgets and expenditures. AGDGG then submitted this to Partnership for Transparency Fund for financial and technical support. Its total cost was about US\$24,000, funded by a Partnership for Transparency Fund grant of US\$21,300 and with Action Group Democracy and Good Governance contributing the rest. The project was implemented in six months, faster than foreseen. This was helped by its relatively small size, collaboration and provision of training materials by the more experienced International Peace Commission, active support of the school principal, endorsement by all stakeholders, including education authorities, and substantial and clever media exposure (Struben, 2016). These NGOs acknowledge that they need to create

greater public awareness of a citizen's legal rights. Some thought Cameroon would benefit from access to information and 'whistleblower' laws. All civil society organizations regard insufficient access to information as a major impediment for their work and for democratic development. The absence of a legislation that establishes information as a civic right is hampering their watchdog function (Tsanga, 2013)

4.5.5 Public Interest Litigation

Litigation simply refers to the process of taking legal cases through the court system. Public interest litigation is a legal case that has a broader social goal as part of its purpose. While most legal cases geared towards achieving a certain outcome for a particular client, public interest litigation focuses on achieving social change that would impact on the lives of many people through a single case. In other words, these are legal cases that are brought not only in the interest of one person, but also in the public interest (Young, 2015). To this end, most public interest litigations involve human rights violations that affect many people such as discrimination, torture, gender-based violence and/or concerns about freedom of speech or freedom of association. Even if losing the case is the likely result, organizations may decide to engage in public interest litigation as part of a broader campaign on human rights issue (Badwaza, 2006).

Public interest litigation is meant to enhance justice for the poor and disadvantaged of the society thus have the potential to make their voices being heard. It is vital for the poor who cannot afford legal fees and court dues as well as those who are marginalized and discriminated against. Court cases are usually very expensive and as such require both time and energy which tend to aggrieve individuals. However, through Public Interest Litigation, a single court judgment may have broad ramifications beyond individuals and communities directly affected by an action (Amy and Ini, 2015).

A significant contribution to public interest litigation in Cameroon is the campaign against Herakles farm land expropriation and the work of All for Cameroon. Land grabbing is a serious political problem in Cameroon, with agro-industries,

infrastructure development, mining, on-shore oil exploration and timber industries – competing for land. But one project has stood out prominently in the last four years that provoked considerable social mobilization where various stakeholders called for the reframing or total cancellation of the Herakles Farms palm oil project in the South West region of Cameroon (Gaworecki, 2016). The palm oil project generated a lot of attention in recent years both from national and international civil society organizations since the 2009 signing of the land convention between the government of Cameroon and Herakles Farms. Advocacy campaigns led both by national and international civil society organizations and networks aligned with the demands of local communities impacted by the project have not only succeeded in pushing the government of Cameroon to reframe the project but have also produced positive multiplier effects. The primary and most significant accomplishment of the advocacy campaign is the revision of the 2009 established convention between Herakles Farms and the government of Cameroon. A presidential decree was signed on November 25, 2013 revising the total land area granted in the concession from 73,000 hectares to 19,843 hectares. The land lease value increased from 500FCFA (\$1) per hectare per year to 3,333FCFA (\$6.80) per hectare per year. Furthermore, the original 99 year lease was trimmed down to a three-year temporary land lease and lease extensions being contingent on Herakles Farms judiciously respecting the investment agreements (Gaworecki, 2016).

Another civil society organization that was involved in public interest litigation cases against the state is All for Cameroon legal team. For example Mr. S. T. B. was severely assaulted by security forces and left incapacitated while he was working in as a waiter. ALL for Cameroon (NGO) attempted to resolve the case through consultation with the commander of the security officers in Mezam and later through talks with the Minister of Defense but all efforts failed. This case was later taken to the Military Court where the perpetrators of such assault were convicted and asked to compensate the victim with the sum of 31million francs CFA. Furthermore, a police officer assaulted another victim who happened to be a human right activist. ALL for Cameroon took the case to the Court of First Instance, where Police Officer A. C. was charged, convicted, and asked to pay damages of two million CFA (approximately £3000). This case is now awaiting appeal on grounds that the

damages are too small in light of the harm caused and the strong evidence to support this (All for Cameroon, 2013).

In order to proceed to the next chapter, this study gives a summary of the just concluded chapter. Firstly this chapter looks at NGOs legislation in South Africa. The focus was on the Non-Profit Organization Act and the Regulation of Gathering Act, 1993. This is followed by a presentation of the legislation governing the activities of NGOs in Cameroon. These include Law No 90/053 of 19 Dec 1990 on Freedom of Association and Law No 99/014 of 22 Dec 1999 on Nongovernmental Organizations. The difference in between this two legal framework is that while NGOs laws in South Africa are very liberal and in agreement with international laws on freedom of association and functions to create a conducive environment for the operation of NGOs and democratic consolidation. Cameroon NGOs laws though seem to be liberal as a careful examination of the said legal instruments reveals a concerted effort from the state to stifle the operation of NGOs. The minister of territorial administration and divisional officers can dissolved an organization at any time especially when the activities of the said organization are judged to be a threat to national peace, sovereignty and integrity. The similarity of these legislations in both countries is in their function to regulate NGOs activities. Both legislations serve the purpose of regulating civil society activities especially by ensuring these organizations act within the confines of the laws. This ensures respect for public order and also the preservation of public and private properties in times of protect. Secondly this chapter looks at the activities carried out by NGOs to consolidate democracy in both South Africa and Cameroon. These activities on the part of South African NGOs include; NGOs act as schools of democracy, they use publicity stunts and picketing, protests, mass mobilization, public interest ligations, lobbying of parliament, anti-corruption campaigns and human rights awareness campaigns to advocate against state's excesses. On the other hand, NGOs in Cameroon carry out strike actions, public protests (sometimes ghost towns), human rights and anti-corruption campaigns and public interest litigation to hold the state accountable to democratic norms and principles. The similarity between these organizations is their fervent engagement with the state to ensure respectability of democratic values. Furthermore, sometimes these organizations carry out similar activities to consolidate democracy. Some of these activities include public interest litigations,

human rights and anti-corruption campaign and public protests. Their major difference lies in the fact that these organizations sometimes carried out dissimilar activities. For instance while organizations in South Africa use picketing and mass mobilization, those in Cameroon mostly use strike action and public protests in the form of ghost towns. It depends greatly on the response or reaction from the state. South African NGOs can use any means to consolidate democracy due to the fact that these organizations faced less police brutality. In Cameroon to avoid lost of lives due to the police nature of the state, ghost towns and seat in strikes are widely used. Whatever the situation, the point is both are involvement in combating state excesses in both countries. The next chapter deals with challenges faced by NGOs in both South Africa and Cameroon in the course of playing their role as agents of democratic consolidation.

CHAPTER FIVE: CHALLENGES FACED BY NGOs IN THE CONSOLIDATION OF DEMOCRACY IN SOUTH AFRICA AND CAMEROON

5.1 Introduction

NGOS in South Africa and Cameroon face obstacles or challenges in the course of working as agents of democracy consolidation. Though these NGOs were interviewed at different times and places, they seem to share some common challenges. Based on the interviews conducted, the NGOs highlighted the following as key challenges to their role as agents of democratic consolidation

5.2 Challenges Facing NGOs in the Consolidation of Democracy in South Africa

5.2.1 Administrative Bottlenecks

According to Chapter 2(17) of the South African Bill of Rights, everyone has the right to assemble, demonstrate, picket and present petitions peacefully and unarmed (South African Constitution, 1997). Also the Regulation of Gathering Act States that “every person has the right to assemble with other persons and to express views on any matter freely in public and to enjoy the protection of the state while doing so(Regulation of Gathering Act, 205, 1993)

However, Chapter 1 of the Gatherings Act states that the convener of a picket or a march with 15 people or more is required to give notice in writing not later than seven days in advance. The Act demands for a notice from the convener not an application process requesting permission to gather. Equally, the Act earmarked some places where people cannot protest in except they are duly permitted. For instance, protesting in someone else’s land (like shopping malls and conventions centres) without permission is prohibited. The Act only allows protests at public places like road parks and open public places. Apart from these, public gatherings are not allowed closer to 100metres to a court unless on public holidays or unless there is a written authorisation from the magistrate. The same applies to other public facilities like the parliamentary building. The same applies to the Union Buildings

where permission in writing should be obtained from the Director General in the office of President (Regulation of Gathering Act 205, 1993).

There are further regulations concerning public gatherings in towns and cities administered under the local council like soccer stadia (Act 205, 1993). For instance; the city of Cape Town in the application forms requires a memorandum detailing the routes they will use, the purpose and rationale for the march, at least one of the organisers and a deputy with their addresses and copies of Identity cards as well as the number of people who will take part in the march. For bigger marches and protests, these organizations are advised to have one Marshal who is put on a red armband to differentiate them from car Marshalls, responsible for every 10 participants (Maregale, 2015). After receiving the application, the City has to circulate the application to all the stakeholders including the police forces and all other associations concerned for comments. If none of these stakeholders objects to the application, the city then approves the application. But in a situation where an objection is raised, the convenor is summoned to meet with the parties that are objecting. It is only based on the outcome of the meeting that the application is either approved or objected. Although the administrative authorities consider the principles of the Act especially submitting the application seven days in advance helpful and logical for public order, the legitimacy of Act 205 of 1993 has severally remained defied by numerous civil rights groups (Act 205 of 1993).

For instance one of the officials of the NGOs interviewed challenged the constitutionality of the Act and criticized the act on the grounds of limiting their rights to protest. According to this official:

Our right to protest is being threatened. The Regulation of Gatherings Act says we have to give notice, not apply for permission to protest. Various municipalities have made these bylaws and checklists which are not in line with the Constitution.

In addition, some organizations complained of the authorities using the right to approve public protest to delay their activities. In some instances where the protest or picket is approved, the protesters are directed to a different location instead of the picketing location. This is challenging because it delays the activities of NGOs and in some cases limit the impact of the intended protest. This in turn affects their role on the consolidation of democracy.

In addition, some NGOs say the language of the Gathering Act is misleading and needs to be addressed or changed.” For instance, one respondent NGO cited the case where the Right2Know, another human right NGO blamed the Johannesburg Metro Police Department for not understanding the Act and as such, “acting unconstitutionally”. This agitation or accusation was provoked by the Department’s request for people applying to protest to pay an administrative fee of R140 amidst lengthy checklist of requirements. Secondly, 21 members of the Social Justice Coalition (SJC) were detained for not informing officials of their demonstration. Hence, they were sentenced for contravening the Act. On 9 July 2015 and the Cape Town Magistrates’ Court approved 10 of the SJC members the permission to plead with a higher court to decide the constitutionality of the Gatherings Act (Maregele, 2015). This is quite challenging as activists sometimes get arrested on the grounds of not respecting the legislation on public gathering. This therefore negatively affect the activities of these individual to consolidating democracy as the system stifle their voices.

5.2.2 Legal drawback

This is usually a challenge to NGOs that engage the state or state’s department through public litigation. The use of public interest litigation as a form of advocacy by NGOs in South Africa has proven to be a valuable instrument in determining public policy and giving a voice to defenseless and marginalized individuals and communities. As a result, public interest litigation is a powerful advocacy tool for democratic consolidation. However, civil society organizations employing this strategy usually face some challenges in the course of pursuing their mandate. First of all, those NGOs interviewed complained of the slow functioning of the legal system. The respondents said in the course of the interview that:

Although the courts in South Africa are independent, their processes are slow due to the bureaucratic nature in the legal system. As a result of this bureaucratic nature, it takes time to get judgements on public interest cases up to speed. For instance the Ntlemeza case lasted for one year due to bureaucracy.

This is a severe drawback to NGOs involved in public interest litigations as delays in court decisions may discourage organizations from pursuing other cases. Equally, it can discourage the public as they eagerly expect outcomes of these cases from the courts. In addition, the funders of these organizations may not be interested in funding cases in a legal system where court judgements are greatly delayed. Another NGO, the Helen Suzman Foundation complained of the difficulty in getting court orders being upheld. After a court judgement on a particular issue, it is sometimes challenging to get the court decision enforced especially if it concerns the state. This is because the state has developmental policies and departmental agendas where in many cases, litigation interferes with the plans. Therefore it becomes difficult to enforce a court decision on public interest as it needs time to overhaul the already laid out plans and policies of the state. A good case as cited by one of the interviewed NGOs litigation expert is that of Lawyers for Human Rights with the Department of Home Affairs over its refugee protection policy where it was discovered that, although the department was ordered by the court judgement to adjust the policies, the refugee system has never been efficiently implemented and problems subsist in the system which, at the end make it difficult to provide proper documentation and refugee status to asylum seekers and refugees. In 2009 and early 2010, the asylum process was used to document Zimbabwe nationals who from the government's view, are not refugees but economic migrants but who cannot be deported under a general moratorium on deportations to Zimbabwe. Over the years, Lawyers for Human Rights have witnessed a change in the trend and have also seen the effectiveness of being able to change a clearly unlawful policy using public interest litigation (Cote and Garderen, 2011). These administrative drawbacks sometimes hamper the effectiveness of NGOs in democratic consolidation.

5.2.3 Sporadic hostility from the state

Another challenge as highlighted by the respondents is the resistance on the part of government when involved in litigation. In one of the interviews, the respondents have this to say:

The government usually accuses those NGOs who carry out public interest litigation as puppets of the West and guilty of state capture or working for regime change in South Africa.

In some cases, human rights lawyers experience repeated threats and are even attacked by government supporters. Another respondent said that:

In more than one instant, the state made spurious accusations against those human rights lawyers who advocated and engaged in litigation against and called them illegal foreigners who cannot stand to be trusted on affidavit.

Judges have explicitly found that such remarks are vexatious and false. But it serves as an example of how such attacks can get personal. Equally, some NGOs complained of have been robbed and their computers stolen. During the Ntlemenza's case, for instance, the office building of the Helen Suzman Foundation was broken into and computers containing vital information were stolen (Etheridge, 2016). Other examples of state brutality on civic activities include police brutality in the case of Marikana miners (David, 2012) and the 2016 students protest. However, the respondents equally said that the intimidation from the state is minimal in South Africa compared to other parts of the world (<http://section27.org.za/2016/03/helen-suzman-foundation-raid/>).

5.2.4 Inadequate Funds

Funding is indeed a great challenge for NGOs in South Africa. All of the NGOs interviewed in this research complained of financial challenges. Based on this, one respondent said:

“Unlike other profit making or commercial organizations, an NGO cannot just depend on its own internal capacity to generate revenue in order to sustain itself. Therefore, NGOs apply to internal and external donors for funding. The challenges we face in applying for funding are many. Firstly, when applying to donors, audited statements are required to qualify for funding. Organizational reviews cannot take place if not funded or have money. Also, most of these funding or donor agencies sideline non-funded organizations as well as those without income generating projects. Rather, they prefer to support organizations that have money”.

Worthy of note is the fact that larger organizations are given more priority than smaller ones. Another respondent puts it this way:

Our most important challenge in this organization is that the funding environment is ever-changing and this causes problems for us NGOs. Donors decisions-making are affected by global economy trends.

This implies much like a private firm; our NGOs are exposed to fluctuations in the economy. Private donor organizations are often investment trusts that use the revenue from their investments for philanthropic projects. If the market goes down, so does their capacity to fund non-profit organizations. This is in agreement with the 2013 report on the challenges facing NGOs by the National Development Agency (National Development Agency Report, 2013).

Some of these organizations interviewed like National Education Health and Allied Workers Union depend on the internal contributions of its members while others are funded. For those funded, these funds are release to them once a year and after that it takes a long time for the organization to be funded again. Support from governments, private sector and development implementation agencies is tough to receive in South Africa unless you are a well-advertised NGO. Sometimes, those funded by the state are limited on what activity to undertake (National Development Agency Report, 2013). Those critical of state excesses are usually sidelined from state subventions. This greatly limits the contribution of NGOs in democratic consolidation as finances are needed for mobilization, advertisement and litigation processes.

5.2.5 Lack of Staff Capacity

Some of the NGOs interviewed complained of lack of skilled personnel within the organizations. According to the respondents, the skills shortage in the South African market affects the NGO sector as well. An administrative official from one NGO described this situation in this light.

We find it difficult to recruit skilled, experienced persons because we offer them limited salaries and benefits; this is due to limitations in our funding. Funding agreements usually restrict our spending especially on salaries and other incentive program.

This finding is not surprising as it has been reported that skill shortages and high turnover have become a global phenomenon. The fundamental reason for this

shortage is due to the fact that skills can easily be transferred across international borders and workers have a wealth of choice in a time where access to information is just a broadband connection away (Ryder, 2008). Apart from this, South Africa is confronted with a general shortage of basic managerial and leadership competencies due to an educational system that has drastically deteriorated in its ability to provide sufficient developmental opportunities in the fundamental sectors of verbal reasoning and problem solving (Ryder, 2008).

5.3 Challenges Facing NGOs in the Consolidation of Democracy in Cameroon

NGOs in Cameroon fulfill many functions in the society. Some of these functions include: fostering the spirit of democracy, that is to arbitrate relations between the state and society, respect for human rights, poverty alleviation and to institute rules that regulate public conduct (Abia et al, 2016, Tanga and Fonchingong 2009). The role of NGOs in societal transformation and nation-building in Cameroon has been compromised by many political and social strictures derived from three decades of autocratic rule (Nkwi, 2006). Some of these challenges faced by civil society organization in Cameroon are presented below.

5.3.1 Restrictive Legal Framework from the State

Despite the existence of freedom of association in Cameroon, existing literature reveals that this freedom is greatly monitored by the government. Generally, an examination of the laws on associations in Cameroon reveals that the state still uses legal instruments to suppress and restrict these organizations. As far as the dissolution of associations is concerned, the state has very extensive powers. For instance, Article 12 and 14 of NGOs legislative framework grant the Minister of Territorial Administration and decentralization in Cameroon the power to dissolve an organization for acts incompatible with public order and policy or activities that undermine the security of the state. Again, the NGOs may be suspended by the competent authority on the recommendation of the follow-up committee for the duration of three months when members pursue objectives contrary to their statutes (Nyambo, 2008b). In 2016, the Anglophone Civil Society Consortium was banned by the minister and its leaders arrested and detained for almost seven months (Bareta, 2016). Furthermore, the conditions for dissolving NGOs seems arbitrary since the

administrative authority alone may determine the degree to which organizations activities are incompatible with civil society, policy or the safety of the state. In view of this, an administrative authority for one reason or the other may dissolve an association which is deemed to be pursuing goals that are contrary to the constitution, laws and good morals. The authority will also be acting in a way that will tend to affect the national integrity, unity and safety of the state. It is the authority that qualifies the said act and once the association is dissolved, the only recourse is the Administrative Bench of the Supreme Court that functions within ten days, and while the matter is pending, the decision remains valid (Nyambo, 2008b).

Furthermore, the powers of the judiciary to review a dissolution or suspension order are negligible. This is because the judiciary is not an independent structure as stated in the 1996 constitution which established it as an independent arm of the government just like the executive and legislative arms. In reality, it has not been possible for the judiciary to fully exercise its power because the Ministry of Justice, which is the supervisory body of the judiciary is paradoxically part of the executive arm of government (Decree No. 84/353 of 28 May 1984). By this arrangement, judges are placed under administrative structures which exercise wide powers that often undermine the independence of the judiciary. For instance, there are multiple pressures on the judiciary from the executive arm of government. Once a decision is issued by the authority suspending or dissolving an organization or structure, the judiciary is usually reluctant to interfere, especially given that the grounds for dissolution or suspension usually consist of matters relating to public order, national security and territorial integrity. Under such circumstances, the courts would normally invoke laws relating to terrorism as was the case with the one-party days (Nkwi, 2006).

A good example would be the case of Radio Freedom FM that applied for a license to broadcast as an independent current affairs radio station in Douala, Cameroon in 2002. The government overlooked the application and later on closed down the radio station. To make is genuine, the government brought criminal charges against the proprietor when the station announced a date for its first program. However, one would expect broadcast licenses to be granted in a transparent and reasonable manner that respects freedom of expression which was not the case with Radio

Freedom FM. The Cameroon government accepted to settle the case and granted the radio an operating license back in early 2003, but later defaulted on the promise. Based on this, Freedom FM went back to the Commission and the radio station offices were unsealed by the minister of communication (Freedom FM v Cameroon, 2014). A recent case is the ministerial order by Minister of Territorial Administration and Decentralisation on January 17, 2017 banning the Southern Cameroon National Council (SCNC) and the Cameroon Anglophone Civil Society Consortium (Amindeh, 2017). Such restrictive attitude from the government is a great challenge to the activities of NGOs in Cameroon, especially those that are involved in advocacy and human right protection and promotion. This equally poses as a threat to the consolidation of democracy especially as the voice of an independent civil society is suppressed.

5.3.2 Arbitrary Arrest and detention of civil society activists

Although the freedom of association and assembly in Cameroon is provided for by its 1972 Constitution which was revised by Law No. 96 of 18 January 1996, whose preamble states that "the freedom of communication, of expression, of the press, of association, and of trade unionism shall be guaranteed under the conditions fixed by Article 3(1) of the 1996 Constitution of Cameroon. Irrespective of the laws supporting freedom of expression and association, the government of Cameroon in its usual autocratic nature, still suppresses civil activities through arbitrary arrest and detention of activists (Nkwi, 2006). This is to show that freedom of expression is not guaranteed by the government. For instance the Minister of Territorial Administration and Decentralisation on January 17, 2017 banned the Southern Cameroon National Council (SCNC) and the Cameroon Anglophone Civil Society Consortium, was followed by the arrests of the president of the outlawed Consortium and the Secretary General on the same day the organization was banned. Also, other political activist including the outspoken Advocate General of the Supreme Court was arrested without warrants because they expressed their views on the Anglophone crisis (Amindeh, 2017). While these arrests made headlines on various social media and news outlets, reports continue to emerge of arrests and detention of persons found in the possession of any material (pictures, videos or messages) encouraging protests or promoting the boycotts of daily activities or

operation ghost town(Essomba and Searcey, 2017).The Military Tribunal in Yaoundé charged the arrested leaders with crimes ranging from terrorism, rebellion, incitement of civil unrest, breach of constitution and conspiracy to commit terrorism against the state. Various human rights bodies including Amnesty International termed the arrests of these Cameroonian activists as illegal and called for the immediate and unconditional release of these activists (Daily Mail, 2017). In some cases, persons especially belonging to political opposition, human rights activist, journalist, demonstrators were detained for prolonged periods without charges. Meanwhile, there is still a prevalence of arrest without warrant and detention lasting longer than the prescribed Criminal Procedure Code limit. Such is the case in the current widespread arrest of protesters and political activists and their detention in undisclosed locations out of the jurisdiction of their arrest (Contra Nocendi, 2017)

Governments have the obligations to live up to the standards of their commitments under international human rights treaties. Failure to meet up with these obligations entail that this treaty remains a mere decoration and a mockery of the international justice system. Cameroon is a signatory to the International Convention of Civil Political Right and its constitution gives priority to International Conventions over national law. It is unfortunate that such repressive behaviour from the state creates an atmosphere of fear and hampers the ability of civil society organizations to strengthen democracy (Contra Nocendi, 2017) The Cameroonian government must therefore adhere to international human right conventions and desist from arbitrary arrest and detention of political activists.

5.3.3 Funding Constraints

Funding is indeed a serious issue with Cameroonian NGOs. Many of these organizations tend to rely on foreign donors for financial support. According to Yenshu (2008), funding remains a major limitation for most local NGOs to help in reinforcing their capacity and to secure more funding for particular developmental activities. Majority of the heads of local NGOs indicated that they were poorly affected by either insufficient funds or delays by donors to payout funds. This stifles both the execution of new projects as well as the sustainability of continuing projects. Many of these organizations tend to depend on foreign donors who have their own

criteria for funding. Firstly, their funding condition is not directed to non-funded organizations or those without income generating projects but rather to well-established organizations that have money. Thus, larger or international organizations are favored over local organizations (Tanga and Fonchingong, 2009). The funding environment is always changing resulting to problems for NGOs. Furthermore, local NGOs only receive periodic medium term support from donor organizations. This can be annually or may even take a longer time for the organization to be funded again. It is however not possible for the organization to be continued in that way. It also is important to mention that it is difficult to have support from governments to the private sector and the development of implementation agencies in Cameroon unless you are a well-known NGO who probably work for the interest of the government. This lack of funding sometimes causes these organizations to depend on the government for finances. The danger here is that the government may want to influence the agenda of these organization especially those who are critical of its activities. This has caused many NGOs to develop alternative ways of raising funds. Some use social media platforms like facebook, twitter, Instagram to solicit funds for their course. A good example is the Anglophone Civil Society Consortium that is raising funds through social media to defend the rights of the Anglophone Cameroonians.

5.3.4 Lack of Staff Capacity

Compared to international NGOs, local NGOs are not usually competent and may also lack qualified human resources. However, the few qualified workers may become devoted and loyal to the objectives of their individual organizations. Local NGOs have a lot to learn from their international counterparts in areas of technical know-how, project management as well as in the use of funds. Nonetheless, the quality of local NGOs are developed from their inventiveness and determination to support human and democracy development in Cameroon (Tanga and Fonchingong, 2009). However, many organizations in the NGO sector in Cameroon are struggling because they lack funds. The lack of sufficient funding hinders the effective management of these organizations especially when it gets to the point where staff's salaries cannot be paid. Also, it may greatly affect the level of performance by civil society organization in such situation. High-quality performance results to

organizational expansion which may only be possible only when the workers are motivated through the availability of satisfactory financial incentives that keep them focused on discharging their responsibilities (Yensu, 2008). Majority of these organizations maintain a small workforce while others are winding up as a result of insufficient funds to run their activities and programs. Such situations may not be inspiring for a lively civil society. A vibrant civil society needs a well-versed population, especially citizens that are well-informed on policy related strategies that can be successfully executed to improve the lives of grassroots people.

One of the reasons why the lack of skills remains a major problem in the Cameroon NGO sector is the inability to attract people with the required skills and experience and to pay them accordingly. The reality is that they do not currently have enough individuals with needed expertise to staff all of the Cameroon's non-profit organizations. As a result, many organizations are either under-staffed or are staffed with unqualified individuals (Tanga and Fonchingong, 2009). This in the true sense really affects the contribution made towards the democratic principles since many of these staff do not even understand the policies of the government. It can also lead to misuse of donor's funds because of the incompetence of the staff. Further to this, many people consider the nonprofit sector to be unattractive and thus, they see it as a dumping ground for unqualified and uneducated people that receive extremely low salaries. Moreover, these organizations also accept low salaries for certain positions from donors as they are afraid of losing that particular source of funding. When this occurs, organizations tend to reduce salaries on the positions they advertise to the public leading to under payment of employees. This recurring funding crisis leads to nothing short of poor service delivery as a result of the recruitment of unqualified and desperate people to carry the responsibilities and ascribed roles in these organizations.

5.3.5 Lack of Infrastructure

As a result of limited or no funding, basic necessary infrastructure like computers, printers, internet and telephones are lacking within the offices of local NGOs. Sometimes electricity, basic equipment and technology are not available within the community in which these organizations operate. Furthermore, other fixed assets such as vehicles which are a major necessity are considered to be luxury. Easy

accesses to Information and Communication Technology structures are lacking in the community and this has an adverse effect on the timely supply of services and their research ability (Tanga and Fonchingong, 2009). The absence of infrastructure greatly limits the performance of most NGOs in Cameroon. Sometime due to poor internet access, local organizations find it challenging to apply for funds and also to connect with other sister organizations which they can work with as partners in the process of consolidating democracy.

5.3.5 The Prevalence of Corruption

NGOs in recent years have been weakened as many NGOs have been co-opted by the state due to their periodic dependence on state funds. The situation is aggravated by the unreliability of foreign funders. Also, it was revealed that some local NGOs are weighed down by corruption and lack clear mission or strategy to realize their goals. Some of these NGOs recruit staff along family and tribal lines, irrespective of their skills and knowledge (Tanga and Fonchingong, 2009). The consequences are inefficiency, poor management, lack of accountability and incompetence. Some NGOs have disappeared and some are at the edge of collapse. Nonetheless, most new NGOs have a weak operation capacity and lack suitable management systems at all levels from financial management through planning and to monitoring and evaluation systems. Most of the NGOs have no full-time staff or permanent offices. As a result of this, they function on voluntary basis and are largely funded by member contributions.

Some NGOs owners have deceived individuals and communities with false claims of fighting for the rights of the population through campaigning for development funds and processing of files for those who want to travel abroad (Tanga and Fonchingong, 2009). Some NGOs function from hidden areas and others from residential quarters without basic equipment. Although civil society organizations (CSOs) can be formed freely, many are created by state officials and other unscrupulous individuals who wish to make profit from external support programs. The government shows control over anti-corruption CSOs and their activity instead of being indifferent to civic engagement in socio-economic issues (Business Anti-corruption Portal, 2017). Thus, government appears to prevent NGOs

from having press conferences on corruption matters or office abuse (Human Right Report, 2016).

5.3.6 Internal Divisions within NGOs

Civil society in Cameroon remains caught up in societal cleavages that are promoted by the divide and rule principles of ethnicity and regionalism. For instance, trade union organizations such as teachers' trade unions comprising professors, doctors, and other academic staff are disorganized and fragmented on ethnic lines and personal interest. Some of these individuals prefer to follow cultural programs rather than fight for their qualified interests. As a result of these cleavages within the NGOs sector, the vibrant civil society of the 1990s is now a dream. Today civil society in Cameroon has collapsed due to regionalism and ethnic cleavages within the organizations. These ethnic and regional divides limit the ability of civil society to mobilize people towards a meaningful independent culture. In these situations, the pursuit for good governance remains unrealistic for a greater majority (Nkwi, 2006). For instance the Anglophone civil society consortium fighting for the marginalization of English speaking Cameroonians has been weakened because of internal divisions within the organization. While some activists advocate federalism, others stand for outright secession from Cameroon (International Crisis Group, 2018).

From the presentation above, it is evident NGOs are confronting many challenges in the process of fulfilling their mandate as agents of democratic consolidation. On the part of South Africa, NGOs face challenges such as; administrative bottlenecks, legal drawbacks or slow legal processes, sporadic hostility from the state, inadequate funding, lack of staff capacity in some of these organizations. On the Cameroonian side, NGOs are confronted with obstacles such as; restrictive legal framework, arbitrary arrest and detention of civil society activists, funding constraints, lack of staff capacity, prevalence of corruption within some of these organizations and internal divisions within the NGOs sector. NGOs do not act as a single voice when confronting the state. Some individuals within these organizations are more loyal to their political parties than the overall vision of the NGOs.

CHAPTER SIX: CONCLUSION AND RECOMMENDATIONS

6.1 Conclusion

In conclusion, this research found out that NGOs play a very significant role in the consolidation of democracy in both South Africa and Cameroon. Furthermore, there is a liberal legislative framework regulating the operation of NGOs in South Africa. On the other hand, though Cameroon laws on associational seem liberal; a careful study of these laws reveals a consented effort from the state to constrain the operation of NGOs. NGOs in South Africa carry out activities such as picketing, publicity stunts, human rights awareness campaigns, anti-corruption campaigns, lobbying of parliament, protests, mass mobilization and public interest litigation to consolidate democracy. On the other hand, Cameroon NGOs are involved in activities like strike actions, public protest, human rights, anti-corruption campaign and public interest litigation to consolidate democracy. In South Africa, these organizations faced challenges like administrative bottlenecks, legal drawbacks and slow nature of the South African legal system. Other challenges include sporadic hostility from the state, inadequate funding and lack of staff capacity. On the part of Cameroon, NGOs face challenges like: repression from the state, arbitrary arrest and detention of NGOs officials' and activists, financial constraints, lack of staff capacity, lack of infrastructure, corruption and internal division within NGOs. Due to the challenges faced by the NGOs in both Cameroon and South Africa, this study proposes the following recommendations.

6.2 Recommendations

It is not the purpose of this study to undermine the already existing governmental structural set up to facilitate the activities of NGOs as agents of democracy in both Cameroon and South Africa. The contention is that NGOs are actually playing an important role in the course of democratic consolidation. Despite this function, the legal environment within which these organizations operate can either hamper or enable their activities as democratic agents within the state. Also, the state may support these organizations to overcome the challenges that they face as agents

of democratic consolidation. From the findings above, this study proposes the following recommendations.

Firstly in order to ensure a vibrant NGO sector, it is imperative that the government of Cameroon like that of South Africa take solid measures in making the legal framework favorable in facilitating NGO's activities as a way of implementing the rights of citizens. Preventive laws and managerial rules on registering and supervising NGOs should be harmonized with more substantial and progressive tenets of international and regional conventions as well as the Constitution. This can be done through the pursuit of liberal legislation and policy measures which are in accordance with international and regional legal standards. This is because governments have the obligation to live up to the standards of their commitments under international human rights treaties. A lack of such commitments would make the rule of law in these states to remain a mere decoration and a mockery of the international justice system. Cameroon is a signatory to the International Convention on Civil and Political Rights and its constitution gives priority to International Conventions over national laws. To this effect, there is a need for legal reforms in Cameroon.

Secondly, the state needs to restrain from the persistent acts of brutality perpetrated by its agents like the police on NGOs activists. This implies that measures ought to be taken to severely punish perpetrators of such acts of brutality. These include suspension, dismissal and even prison terms if such individuals are found guilty by a court of law. To foster democracy, Cameroon needs to desist from arbitrary arrest and detention of activists and adhere to international standards of law governing associational life.

Moreover, in order to combat the persistent lack of funds amongst NGOs, constant and dependable donors should be sorted by these organizations. This is because only steady funding from a reliable donor can sustain organizations for longer duration, hence, working towards democratic consolidation. This is because settling for government funding can lead to failure and bullying from the state as the latter may stifle access to funds especially when these organizations are critiquing its leadership. On the other hand, in the case of South Africa where there are available

funding agencies for NGOs, one would expect bigger or well-established government funding agencies as well as corporate funding to assist NGOs. Therefore, assorted funding channels should be available to NGOs to sustain the organizations.

NGOs on their part should endeavor to improve their fundraising skills. This is because improved fundraising skills within NGOs would obviously develop the funding framework model within NGOs sector. Additionally, NGOs need to improve their ways of funding and equally use the funds on the intended purpose. There is therefore the need to shun wasteful spending. To avoid competition for funds that likely lead to control by funders, NGOs must seek multiple sources of funding.

To curb the endemic corruption within this sector, especially in the case of Cameroon, NGO mandates should be strictly exercised to represent the public interest. Tribalism and personal aggrandizement intentions must be abandoned by NGO personnel. To ensure accountability in the sector, it is imperative to have self determination to realize all planned objectives surrounding accountability. Also, a national summit of NGOs needs to take place where these organizations are schooled on the measures needed to enforce compliance to governance principles on accountability.

To attract more skilled workers, NGOs must take measures to attract experienced professionals, young graduates and other qualified persons to occupy staff positions. This can be done by offering incentives and better salaries for their performance. Also, NGOs can carry out periodic seminars and workshop to inculcate management and budgeting skills into their staff. This may help to provide the staff members with the required knowledge to run the organization.

Lastly, to combat internal divisions within organizations, NGOs in Cameroon need to emulate the “One voice Strategy” (unity) of South Africa NGOs community. This can be done effectively if personal interest is sacrificed in order to achieve a common goal. Additionally, the formation of alliances can greatly help to harmonize NGOs and make them a stronger opponent against the state excesses.

REFERENCES

Abia, W. A., Nchanji, E. B., Markjovert, A. and Abia, E. A. (2016). Valorization of NGOs' Existence in Cameroon: Option for a more Engaged Civil Society (VNEC-OECS). *International Journal of Non-Governmental Organizations (NGOs) and Essays*, 1(1), 1-17.

African Charter on Human and People's Rights, (1948). (<http://www.humanrights.se/wp-content/uploads/2012/01/African-Charter-on-Human-and-Peoples-Rights.pdf>).

Agulanna, C. O. and Osimiri, P. (2017). African Worldview and the Question of Democratic Substance. In *Themes, Issues and Problems in African Philosophy*. pp. 333-349. Springer International Publishing.

Aliyev, H. (2015). Democratization, Civil Society and Communist Legacies. In *Post-Communist Civil Society and the Soviet Legacy*. pp. 13-51. Palgrave Macmillan, London.

All for Cameroon, (2013). (<https://all4cameroon.wordpress.com/legal-cases/>).

Amindeh, B. A. (2017). Breaking: Government Banned SCNC, Consortium and other Anglophone Civil Society Groups (<https://www.latestafricanews.com/cm/cameroon/2017/01/breaking-govt-bans-scnc-consortium-other-anglophone-pressure-groups/>).

(<https://www.latestafricanews.com/cm/cameroon/2017/01/breaking-govt-bans-scnc-consortium-other-anglophone-pressure-groups/>).

Amna, E. and Ekman, J. (2012). Political Participation and Civic Engagement: Towards A New Typology (<http://oru.diva-portal.org/smash/get/diva2:517176/FULLTEXT01.pdf>).

Amy, M. and Ini, E. (2015). Herakles Farms project rears its ugly head again (<http://www.greenpeace.org/international/en/news/Blogs/makingwaves/herakles-farms-palm-oil-cameroon/blog/54802/>).

Arisi, R. O. (2015). Civil society and democratic governance in Nigeria. *Donnish Journal of Political Science and International Relations*, 1 (2), 9-15.

Awasom, S. Y. (2002). A Critical Survey of the Resuscitation, Activation, and Adaptation of Traditional African Female Political Institutions to the Exigencies of Modern Politics in the 1990s: The case of the Takumbeng Female Society in Cameroon". *10th General Assembly of CODESRIA, Kampala, Uganda*, 8-12.

Awasom, S. Y. (2005). The Vicissitudes of Cameroon Civil Society in the 1990s. What lesson for the central African region? In Fomin, E.S.D. and Forje, J.W. (Eds). *Central Africa: Crises, Reform and Reconstruction*, Dakar: CODESRIA.

Azad, E. (2017). Cameroon's English-speakers call for independence(<http://www.aljazeera.com/news/2017/10/171001123925310.html>).

Badwaza, M. (2005). Public interest litigation as practiced by South African human rights NGOs: Any lessons for Ethiopia? *Submitted in partial fulfillment of the requirements of the degree LL.M in Human Rights and Democratization in Africa, Faculty of Law, and Centre for Human Rights, University of Pretoria (Unpublished)*.

Baker, G. (1998). Civil Society and democracy: the gap between theory and possibility. *Politics*, 18(2), 81-87.

Banks, N., Hulme, D and Edwards, M. (2015). NGOs, states, and donors revisited: Still too close for comfort? *World Development*, 66, 707-718.

Baskarada, s. (2014).Qualitative Case Study Guidelines.

Bareta, M. (2016).The Annexation and Assimilation of Anglophone Education (<https://www.bareta.news/annexation-assimilation-anglophone-education/>).

Bertrand, F. (2017).The Cameroon Anglophone Crisis and the Stifling of Democracy (<http://themoroccantimes.com/2017/10/22500/cameroon-anglophone-crisis-french-german>).

Brooks, G. (2016). Explaining Corruption: Why Don't We All Commit Acts of Corruption? In *Criminology of Corruption*. pp. 127-147. Palgrave Macmillan UK.

Bush, S. S. (2016). When and why is civil society support “made-in-America”? Delegation to non-state actors in American democracy promotion, *The Review of International Organizations*, 11(3), 361-385.

Business Anti-corruption portal, (2017).(<http://www.business-anti-corruption.com/country-profiles/cameroon>).

Billis, D. (2010). *Hybrid organizations and the third sector: Challenges for practice, theory and policy*. pp 46. Palgrave Macmillan.

Cameroon Concord News, (2017).Consortium leaders arrested in Buea (<http://www.cameroonconcordnews.com/unconfirmed-reports-barrister-agbor-balla-and-dr-fontem-arrested/>).

Cameroon Intelligence Report, (2018).Bishop Andrew Nkea says, Kembong people are not running away from attackers but from the military which is supposed to be protecting them (<http://www.cameroonintelligencereport.com/bishop-andrew-nkea-says-kembong-people-are-not-running-away-from-attackers-but-from-the-military-which-is-supposed-to-be-protecting-them/>).

Carothers, T. and Brandt, W. (1999).Civil society; *Foreign policy*, pp. 18-29.

Carothers,T.(2007). Democracy Assistance: The question of Strategy (<http://www.tandfonline.com/doi/abs/10.1080/13510349708403527>).

Chabal, P. (1994), *Political Domination in Africa: Reflections on the Limits of Power*, Cambridge: Cambridge University Press.

Crowe, S., Cresswell, K., Robertson, A., Huby, G., Avery, A., and Sheikh, A. (2011). The case study approach. *BMC medical research methodology*, 11(1), 100.

Cook K. E and Murowchick, E. (2014). Do Literature Review Skills Transfer from One Course to Another? *Psychology Learning & Teaching*, 13(1), 3-11.

Constitution of the Republic of Cameroon, 1996, (<http://www.parliament.cm/library/sahmanadrutyunner/kameroon.pdf>).

Contra Nocendi, (2017). Arbitrary Arrests and Detention of Political Activists in Cameroon. (<http://contranocendi.org/index.php/en/news/98-arbitrary-s-and-detention-of-political-activists-in-cameroon>).

Cote, D and Van Garderen, J. (2011). Challenges to public interest litigation in South Africa: External and internal challenges to determining the public interest. *South African Journal on Human Rights*, 27(1), 167-182.

Crawford, G. (2000). Promoting democratic governance in the South. *The European Journal of Development Research*, 12(1), 23-57.

Dahl, R. A. (2008). *On democracy*. Yale university press.

Daily Mail, (2017). Cameroon halts 'terror' trial of Anglophone leaders

(<http://www.dailymail.co.uk/wires/afp/article-4838082/Cameroon-halts-terror-trial-anglophone-leaders.html>).

Dangor, Z. (1997). *The Non-Profit Sector in South Africa*, Charities Aid Foundation, West Malling, UK.

Department of Labour, Republic of South Africa, (2018). (<http://www.labour.gov.za/DOL/legislation/acts/basic-guides/basic-guide-to-strikes-lockouts-and-picketing>).

Department of Social Development (2012).Policy Framework on Nonprofit Organizations Law Proposed Amendments to the Non-profit organizations Act, Act 71 of 1997. (www.icnl.org/research/library/files/South%20Africa/policy-framework-npo-law.pdf).

Department of Social Development, Republic of South Africa, (2011).http://www.dsd.gov.za/npo/index.php?option=com_content&task=view&id=74&Itemid=149.

Desai, V. (2014).NGO-Government Relationships in South Asia. *South Asia in a Globalizing World: A Reconstructed Regional Geography*, (3), 144.

Desse, F. (2012). The Role and Structure of Civil Society Organizations in National and Global Governance Evolution and Outlook Between Now and 2030. (http://www.augurproject.eu/IMG/pdf/cso_note_provisional_draft5_june_2012.pdf).

Diamond, L. (1994). Rethinking Civil Society: Toward Democratic Consolidation, *Journal of Democracy* 5(3).

Diamond, L. (1994).Toward democratic consolidation.*Journal of democracy*, 5(3), 4-17.

Diamond, L. (1999). *Developing Democracy: Toward Consolidation*, Baltimore: The Johns Hopkins University Press. 1999. 362 s. kr. 215.00.

Diamond, L. (2015).Facing up to the democratic recession. *Journal of Democracy*, 26(1), 141-155.

Diamond, L. (1997). Civil society and democratic consolidation: Building a culture of democracy in a new South Africa. In R. A. Siddiqui *Sub-Saharan Africa in the 1990s: Challenges to Democracy and Development*, Praeger, Westport, CN.

Diamond, L (1999). *Developing Democracy toward Consolidation*. Baltimore, MD: Johns Hopkins University Press.

Dicklitch, S. (2002). Failed Democratic Transition in Cameroon: A human rights explanation. *Human Rights Quarterly*, 24(1), 152-176.

Eberly, D. E. (2000). *The Essential Civil Society Reader: the Classical Essays*. Maryland: Rowman and Littlefield Publishers.

Ehrenberg, J. (2017). *Civil society: The critical history of an idea*. NYU Press.

Englehart, N. A. (2017). *Sovereignty, State Failure and Human Rights: Petty Despots and Exemplary Villains*.

Essomba, F. and Searcey, D. (2017). A Bilingual Cameroon Teeters after English Speakers Protest Treatment. (<https://www.nytimes.com/2017/02/09/world/africa/a-bilingual-cameroon-teeters-after-english-speakers-protest-treatment.html>).

Etheridge, J. (2016). No Ordinary Robbery at the Helen Suzman Foundation (<http://www.news24.com/SouthAfrica/News/no-ordinary-robbery-at-helen-suzman-foundation-20160321/07797.pdf>).

Etikan, I., Musa, S. A., & Alkassim, R. S. (2016). Comparison of convenience sampling and purposive sampling. *American Journal of Theoretical and Applied Statistics*, 5(1), 1-4.

European Convention on Human Rights, 1959, https://en.wikipedia.org/wiki/Article_11_of_the_European_Convention_on_Human_Rights).

Eyong, O. (2017). Cameroon: Ghost Towns Operation in NW/SW Region Turn Ugly (<http://cameroon-concord.com/headlines/7603-cameroon-ghost-town-operation-in-nw-sw-regions-turn-ugly>).

Freedom FM v Cameroon, (2014) <https://www.opensocietyfoundations.org/litigation/freedom-fm-v-cameroon>).

Freedom in the World, (2016). (<https://freedomhouse.org/report/freedom-world/2016/rwanda>). (<http://www.etu.org.za/toolbox/docs/building/act71.pdf>).

Freedom of Association and Assembly ARTICLE 19: The Global Campaign for Free Expression Unions, NGOs and Political Freedom in Sub-Saharan Africa March 2001 (<https://www.article19.org/data/files/pdfs/publications/sub-saharan-africa-freedom-of-association-and-assembly.pdf>)

Forje J (1999). Building a vibrant state-civil society in Cameroon. Facing the changes of the New Millennium in Kamanda C (ed) Trajectory of Cameroon laid off civil servants APAD Bulletin N° 18 Hamburg: Lit Verlag Munster.

Funding Constraints and Challenges Faced by Civil Society in South Africa, National Development Agency Report, (2013). (http://www.nda.org.za/home/43/files/Evaluation%20reports/Challenges_and_Constraints_facing_Civil_Society_Report.pdf).

Fukuyama, F. (2017). *State building: Governance and world order in the 21st century*. Profile Books.

Gandhi, J and Przeworski, A. (2007). Authoritarian institutions and the survival of autocrats. *Comparative political studies*, 40(11), 1279-1301.

Gaworecki, M. (2016). Cables reveals US government's role in Herakles Farms land grab in Cameroon (<https://news.mongabay.com/2016/08/cables-reveal-us-govt-role-in-herakles-farms-land-grab-in-cameroon/>).

Ghana Constitution, 1992
<https://www.ghanaweb.com/GhanaHomePage/republic/constitution.php?id=Gconst5.html>).

Gill, P., Stewart, K., Treasure, E and Chadwick, B. (2008). Methods of data collection in qualitative research: interviews and focus groups. *British dental journal*, 204(6), 291-295.

Gilman, H. R. (2016). *Democracy Reinvented: Participatory Budgeting and Civic Innovation in America*. Brookings Institution Press.

Goodrick, D. (2014). Comparative case studies. *Methodological Briefs: Impact Evaluation*, 9.

Gordon, D. R. (2001). Democratic Consolidation and Community Policing: Conflicting Imperatives in South Africa, *Policing and Society*, nr-11.

Greenstein, R. (2003). *State, civil society and the reconfiguration of power in post-apartheid South Africa*. Centre for Civil Society.

Habib, A and Taylor, R. (1999). South Africa: anti-apartheid NGOs in transition. *Voluntas: international journal of voluntary and nonprofit organizations*, 10(1), 73-82.

Habib, A. (2005). State-civil society relations in post-apartheid South Africa. *Social Research*, 671-692.

Habib, A. (2005). State-civil society relations in post-apartheid South Africa. *Social Research*, 671-692.

Habib, A. (2007). Civil Society and Democracy in South Africa [http://www.ngopulse.org/article/civil-society-and-dCivil Society and Democracy in South Africa](http://www.ngopulse.org/article/civil-society-and-dCivil-Society-and-Democracy-in-South-Africa) democracy-South-Africa).

Hamad, M., and Al-Anani, K. (Eds.). (2014). Elections and Democratization in the Middle East: The Tenacious Search for Freedom, Justice, and Dignity. pp 3. Springer.

Hamad, M and al-Anani, K. (2014). Elections and Beyond: Democratization, Democratic Consolidation, or What? In *Elections and Democratization in the Middle East*. pp. 203-221. Palgrave Macmillan US.

Hayman, R., Crack, A., Okitoi, J. and Lewis, S. (2014). Legal Frameworks and Political Space for Non-Governmental Organisations: An Overview of Six Countries: Phase II. *Oxford: INTRAC*.

Hearn, F. (Ed.). (2017). *Moral Order and Social Disorder: American Search for Civil Society*. Routledge.

Heather, M. (2017). How to Master the Art of the Publicity Stunt 2017 <http://www.ereleases.com/pr-fuel/art-of-the-publicity-stunt/>).

He, B. (2016). *The democratic implications of civil society in China*. Springer.

Heinrich, F.V. (2001). The Role of NGOs in Strengthening the Foundations of South African Democracy (<https://link.springer.com/article/10.1023/A:1011217326747>).

Henderson, S. L. (2011). Civil society in Russia: state-society relations in the post-Yeltsin era. *Problems of Post-Communism*, 58(3), 11-27.

Herring, J.(2016).The 25 greatest publicity stunts of our time (<http://www.thedrum.com/opinion/2016/06/16/25-greatest-publicity-stunts-our-time>)

Hertel, J. (2014). Revolutionary German politics between movement and order 1790-1918/19.Doctoral dissertation, Indiana University.

.Hicks, D. (2012).Performance-based university research funding systems. *Research policy*, 41(2), 251-261.

Hudson, A. and Wren, C. (2007).Parliamentary Strengthening in Developing Countries”; *Journal of Democracy*, 5(3).

Huntington, S. P. (1993). *The third wave: Democratization in the late twentieth century* (Vol. 4). University of Oklahoma press.

Ikelegbe, A .O. (2013). The State and Civil Society in Nigeria: Towards a Partnership for Sustainable Development (file:///C:/Users/emiline/Downloads/CPED_Monograph_Series_No._7The_State_and_Civil_Society.pdf).

International Covenant on Civil and Political Rights (1966). (<http://www.ohchr.org/Documents/ProfessionalInterest/ccpr.pdf>).

International Covenant on Civil and Political, (1966). (<https://treaties.un.org/doc/publication/unts/volume%20999/volume-999-i-14668-english.pdf>).

International Convention on the Elimination of All Forms of Racial Discrimination, (1969). (<http://www.ohchr.org/EN/ProfessionalInterest/Pages/CERD.aspx>).

International Crisis Group, (2018). Cameroon's Anglophone crisis at the crossroads.<https://www.crisisgroup.org/africa/central-africa/cameroon/250-camerouns-anglophone-crisis-crossroads>).

Johannsen, L. and Diamond, L. (1999). Developing Democracy: Toward Consolidation, Baltimore: The Johns Hopkins University Press. 1999. 362 s. kr. 215.00. *Politica*, 1.

Jung. and Shapiro, I.(1995). South Africa Negotiated Transition: Democracy, Opposition and the New Constitutional Order, *Politics and Society* 23(3), 268-308.

Kamstra, J and Schulpen, L. (2015). Worlds apart but much alike: donor funding and the homogenization of NGOs in Ghana and Indonesia. *Studies in Comparative International Development*, 50(3), 331-357.

Kew, D. and Oshikoya, M. (2014). Escape from Tyranny: Civil society and democratic struggles in Africa. In *The handbook of civil society in Africa*. pp 7-23. Springer, New York, NY.

Klenke, K. (Ed.). (2016). Qualitative research in the study of leadership. Emerald Group Publishing Limited.

Kossler, R. and Melber, H., (1996). The Concept of Civil Society and the Process of Nation-Building in African States, in: *International Politics and Society*. (1) 1996, 69-79.

Kurokawa, k., Tembo, F., Tevelde, D. W. (2008). "Donor Support to private sector development in sub-Saharan Africa" Jica-ODI working paper.

Lewis, D. (2017). Organizing and Representing the Poor in a Clientelistic Democracy: the Decline of Radical NGOs in Bangladesh. *The Journal of Development Studies*, 1-23.

Linz, J. and Stepan, A. (1996). "Problems of Democratic Transition and Consolidation: Southern Europe, South America, and Post-Communist Europe". Baltimore: Johns Hopkins University Press.

Louw-Vaudran, L. (2017). The revolt by English-speaking Cameroonians is symptomatic of a general dissatisfaction with President Paul Biya's regime. (<https://issafrica.org/iss-today/theres-more-to-cameroots-protest-than-meets-the-eye>).

Machi, L. A and Mcevoy, B. T. (2016). The literature review: Six steps to success. pp. 5. Corwin Press.

Magu, S. (2016). Toxic mixtures: democracy, ethnicity electoral politics, and state failure in Africa. *African Journal of Democracy and Governance*, 3(1-2), 21-50.

Major, C. H. and Savin-Baden, M. (2010). *An introduction to qualitative research synthesis: Managing the information explosion in social science research*. Routledge

Maregele, B. (2015). We shouldn't have to apply to protest, say activists (https://www.groundup.org.za/article/we-shouldnt-have-apply-protest-say-activists_3340/).

Mawere, M. (2010). Are physicians' strikes ever morally? A call for a return to tradition. *Pan African Medical Journal*, 6(1).

Mavhiki, R. N. (2016). Does democracy promotion promote democracy? The Zimbabwean case.

Mercer, C. (2002). NGOs, civil society and democratization: a critical review of the literature. *Progress in development studies*, 2(1), 5-22.

Meryer, S and Nils-Sjand, S. (2007). *Theoretical Framework and Methodology for Country case studies; Donor Harmonization: Between effectiveness and democratization*. MIT Press.

Moki, (2017). Cameroon School Set on Fire as Anglophone Strike Deepens. (<https://www.voanews.com/a/cameroon-school-set-fire-anglophone-strike-deepens/3997440.html>).

Moyo, J. (1993). Civil society in Zimbabwe. *Historical Materialism*. (Berkeley and Los Angeles, Univ. of California Press, 1987), 61(2), 1-13.

Moyo, B (2012). The Legislative Environment for Civil Society in Africa A Synthesis Report (<https://www.issuelab.org/resources/22244/22244.pdf>).

Munusamy, R. (2016). Chasing Butterflies and Bogeymen: Mantashe beats “Regime Change Drum” (http://www.dailymaverick.co.za/article/2016-05-13-chasing-butterflies-and-bogeymen-mantashe-beats-regime-change-drum/#.V09I_Rt-Pcc).

NGOs Law for Sub Saharan Africa. (2012). Global Trends in NGOs Laws: A Quarterly Review of NGO Legal Trends around the World VOLUME 3, ISSUE 3

Ngwane, T. (2010, March). Civil society protests in South Africa: The need for a vision of alternatives. In *a Centre for Civil Society Seminar, Durban* (Vol. 9).

Nkwi, W. (2006). The dilemma of civil society in Cameroon since 1990: which way forward? *African Journal of International Affairs*, 9(1-2).

Non-Profit Organization Act (1997). (http://www.ngopulse.org/sites/default/files/npo_act.pdf).

Nyambo, T. J. (2008a). The Evolution of Trade Unionism and the Prospects for Alternatives to the Labour Question. *Civil Society and the Search for Development Alternatives in Cameroon*, 61-71.

Nyambo, T. J. (2008b). The Legal Framework of Civil Society and Social Movements *Civil Society and the Search for Development Alternatives in Cameroon*, 46.

Nyamnjoh, F. B., Wete, F. and Fonchingong, T. (1996). Media and civil society in Cameroon. *Africa Media Review*, 10, 37-66.

Otieno, C. (2016). Effectiveness of community based organizations and non-governmental organizations service delivery in the informal settlements of Obunga in Kisumu County, Kenya (Doctoral dissertation).

O'Donnell, G. A. (2001). Democracy, Law, and Comparative politics. *Studies in Comparative International Development (SCID)*, 36(1), 7-36.

Philip, G., and O'Donnell, G. (2012). Democracy, Agency and the State: Theory with Comparative Intent. *Journal of Latin American Studies*, 44(2), 380.

Philip, R. (2012). In Love with SAs Constitution. (<http://mg.co.za/article/2012-02-24-in-love-with-sas-constitution>).

Pierce, R. (2008). *Research methods in politics*. pp 41. Sage.

Przeworski, A. (1991). *Democracy and the market: Political and economic reforms in Eastern Europe and Latin America*. Cambridge University Press.

Putnam, R. D. (1993) *Making Democracy Work: Civic Traditions in Modern Italy*. New Jersey: Princeton University Press.

Regulation of Gatherings ACT 205 of 1993
https://www.saps.gov.za/resource_centre/acts/downloads/juta/a205of1993.pdf

Ritchie, J., Lewis, J., & Elam, R. G. (2013). Selecting samples. *Qualitative research practice: A guide for social science students and researchers*, 111.

Robertson, D. (2004). *The Routledge dictionary of politics*. Routledge

Robinson, M. and Friedman, S. (2005). Civil society, democratization and foreign aid in Africa. IDS Discussion Paper, 383. Sussex: Institute of Development Studies.

Ryan, R., and Woods, R. (2016). Decentralization and Subnational Governance: Theory and Praxis. Handbook of Research on Sub-National Governance and Development, 1.

Ryder, A. (2008). NGOs and Salary Allocations. (<http://www.ngopulse.org/article/ngos-and-salary-allocations>).

Sections 112-19, 182A, 183, 183A and 185 of the Criminal Code of Ghana, <https://books.google.co.za/books?id=qQVjDgAAQBAJ&pg=PT36&dq=the+Criminal+Libel+and+Seditious+Laws+in+Ghana>). <https://www.ghanaweb.com/GhanaHomePage/NewsArchive/Criminal-libel-law-repealed-17009>.

Schaffer, F. C. (2000). *Democracy in translation: Understanding politics in an unfamiliar culture*. Cornell University Press.

Shils, E. (1991). The Virtue of Civil society, Government and Opposition. 26 (1) 3-20.

Simo, P. (1999). Memo to Carolyn Norris, Consultant to ARTICLE 19's Africa programme, 25 August 1999.

Simple manual on the legal framework, creation and Management principles of civil societies organizations in Cameroon (http://www.academia.edu/11825767/Simple_Manual_on_The_Legal_Framework_Creation_and_Management_Principles_of_Civil_Society_Organisations_in_Cameroon)

Sorensen, G. (2007). *Democracy and democratization: Processes and prospects in a changing world*. Hachette UK.

Sousa, D. (2014). Validation in qualitative research: General aspects and specificities of the descriptive phenomenological method. *Qualitative Research in Psychology*, 11(2), 211-227.

Struben, W. (2016). Student Anti-Corruption Training by NGOs in Cameroon: Successful Examples (<https://ptfund.org/student-anti-corruption-training-by-ngos-in-cameroon-successful-examples/>).

Spurk, C. (2010). Understanding Civil Society In .Paffenholz, T. (Ed.). *Civil society & peacebuilding: a critical assessment*. pp. 65-78. London: Lynne Rienner Publishers.

Stoker, G. (2016). *Why politics matters: making democracy work*. Palgrave Macmillan.

Strikes, lockouts, picketing and replacement worker.(<https://www.go2hr.ca/articles/strikes-lockouts-picketing-and-replacement-workers>).

Stringham, E. (2015). *Private governance: Creating order in economic and social life*. Oxford University Press, USA.

Smith, R. (2016). *Education, Citizenship, and Cuban Identity*. Palgrave Macmillan.

Tanga P.T. and Fonchingong,C.C. (2009).NGO-state interaction and the politics of development in Cameroon in the context of liberalisationInternational NGO Journal 4 (4), 084-09.

Taye, Y. A. (2010). *The state, nongovernmental organizations and the making of the Charities and societies Proclamation No. 621 of 2009 in Ethiopia—historical and institutional perspectives* (Doctoral dissertation, Northeastern University).

Tem, H.N. (2017). Fake Lawyers Secure Release of Close to 200 detainees from the Buea Prison arrested during the September, 21 and October 1. 2017 Protests.<http://www.henrietteslounge.com/2017/10/fake-lawyers-secure-release-of-close-to.html?m=0>).

Temngah, J. N. (2008). 'The Independence of the Judiciary in Emerging Democracies in Africa: The Case of Cameroon, Conference Proceedings of the ASICL conference, Abidjan, 4-6 August in Yenshu, V. (Ed). Civil Society and the search for Development alternatives in Cameroon.pp 62.African Books Collective.

Temngah, J. N. (2008). 'The Independence of the Judiciary in Emerging Democracies in Africa: The Case of Cameroon, Conference Proceedings of the ASICL conference,

The International Centre for Not For Profit Law, (2017). (<http://www.icnl.org/research/monitor/southafrica.htm>).

The Constitution of the United Republic of Tanzania of 1977, (<http://www.wipo.int/edocs/lexdocs/laws/en/tz/tz008en.pdf>).

The Constitution of the Republic of South Africa, 1996, (http://www.justice.gov.za/brochure/2014_ConstitutionRights.pdf).

The Preamble of the Constitution of the Republic of Cameroon, Law No. 96-06 of 18 January 1996 to amend the Constitution of 2 June 1972, at: (<http://confinder.richmond.edu/admin/docs/Cameroon.pdf>).

Trinkunas, H. (2000). Crafting civilian control in emerging democracies: Argentina and Venezuela. *Journal of Interamerican Studies and World Affairs*, 42(3), 77-109.

Tsanga, E (2013). Civil Society Organization Partnership for Development Effectiveness (CPDE) Pilot Study on the Enabling Environment for CSO, Cameroon Report Network of NGOs on Food Security and Rural Development (COSADER). (<http://formin.finland.fi/public/default.aspx?contentid=350370&contentlan=2&culture=en-US>).

Universal Declaration of Human Rights, 1948
(http://www.un.org/en/udhrbook/pdf/udhr_booklet_en_web.pdf).

van der Merwe, H., Dewhirst, P and Hamber, B. (1999). Non-governmental organisations and the Truth and Reconciliation Commission: An impact assessment. *Politikon*, 26, 55–79.

Vromen, A. (2017). Digital Citizenship and Political Engagement. In *Digital Citizenship and Political Engagement*. pp. 9-49. Palgrave Macmillan, UK.

Warner, M., and Sullivan, R. (2017). Putting partnerships to work: Strategic alliances for development between government, the private sector and civil society. Routledge.

Wobilla, S. L. (2013). Christian identity and the Fight against Corruption: Reflection on the need of a Diaconal Approach in the eradication of corruption in Cameroon, Master Thesis in Diakonia and Christian Social Practice (<https://brage.bibsys.no/xmlui/bitstream/handle/11250/98128/MastersThesis2013LeonardShweiWobilla.pdf?sequence=1>).

Woolman, S. (1998).²¹ Freedom of Assembly. (http://www.chr.up.ac.za/chr_old/centre_publications/constitlaw/pdf/21-Freedom%20of%20Assembly.pdf).

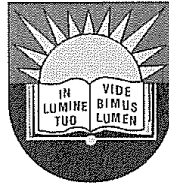
Yaman, M. (2002). Civil Society And Democratic Consolidation: The Case Of TUSIAD, The Institute of Economics and Social Sciences of Bilkent University : In Partial Fulfillment of the Requirements for the Degree of Master of Political Science And Public Administration In The department OF Political Science And Public Administration Bilkent University Ankara.

Yenshu, E. (2008). The Evolution of official attitudes towards Grassroots initiatives in Cameroon' Community Dev. J. 33(1): 41-48.

Yerima, K.N. (2017). Biya Orders Creation Of Common Law Depts At Supreme Court, Enam (<http://www.cameroonpostline.com/biya-orders-creation-of-common-law-depts-at-supreme-court-enam/>).

Young, A. (2015). Public Interest Litigation: A brief guide for African communities and stakeholders; Acord, the Agency for Cooperation and Research in Development (<http://www.acordinternational.org/silo/files/public-interest-litigation.pdf>).

APPENDIX I



University of Fort Hare
Together in Excellence

ETHICAL CLEARANCE CERTIFICATE REC-270710-028-RA Level 01

Certificate Reference Number: FER011SENU01

Project title: **The Role of Civil Society Organizations in the Consolidation of Democracy: Comparative Case of South Africa and Cameroon.**

Nature of Project: Masters

Principal Researcher: Rene Ayuk Enu

Supervisor: Mr V Ferim

Co-supervisor: N/A

On behalf of the University of Fort Hare's Research Ethics Committee (UREC) I hereby give ethical approval in respect of the undertakings contained in the above-mentioned project and research instrument(s). Should any other instruments be used, these require separate authorization. The Researcher may therefore commence with the research as from the date of this certificate, using the reference number indicated above.

Please note that the UREC must be informed immediately of

- Any material change in the conditions or undertakings mentioned in the document
- Any material breaches of ethical undertakings or events that impact upon the ethical conduct of the research

The Principal Researcher must report to the UREC in the prescribed format, where applicable, annually, and at the end of the project, in respect of ethical compliance.

Special conditions: Research that includes children as per the official regulations of the act must take the following into account:

Note: The UREC is aware of the provisions of s71 of the National Health Act 61 of 2003 and that matters pertaining to obtaining the Minister's consent are under discussion and remain unresolved. Nonetheless, as was decided at a meeting between the National Health Research Ethics Committee and stakeholders on 6 June 2013, university ethics committees may continue to grant ethical clearance for research involving children without the Minister's consent, provided that the prescripts of the previous rules have been met. This certificate is granted in terms of this agreement.

The UREC retains the right to

- Withdraw or amend this Ethical Clearance Certificate if
 - Any unethical principal or practices are revealed or suspected
 - Relevant information has been withheld or misrepresented
 - Regulatory changes of whatsoever nature so require
 - The conditions contained in the Certificate have not been adhered to
- Request access to any information or data at any time during the course or after completion of the project.
- In addition to the need to comply with the highest level of ethical conduct principle investigators must report back annually as an evaluation and monitoring mechanism on the progress being made by the research. Such a report must be sent to the Dean of Research's office

The Ethics Committee wished you well in your research.

Yours sincerely


Professor Wilson Akpan
Acting Dean of Research

16 August 2016

APPENDIX II: INTERVIEW GUIDE

Dear respondent,

My name is Enu Rene, a Master of Social Science student (in Political Science) in the Department of Political Science and International Relations, Faculty of Social Science and Humanities at the University of Fort Hare. I am conducting a research on **“The Role of Civil Society Organizations in the Consolidation of Democracy: Comparative Cases from South Africa and Cameroon”**. I am kindly requesting you to contribute towards this study by responding to the questions posed. Your responses will be used mainly for academic purpose.

Yours Sincerely

Enu R.A.

Questionnaire

The questions below will provide guiding framework within which the interviewer is free to explore, probe and ask questions that will elucidate on the issue(s) under investigation, while at the same time allowing the participants latitude to supply the depth and breadth of information they are willing to divulge.

The questions comprises four sections; (a) respondents background information, (b) respondents perception of legislative framework governing CSOs in the country, (c) the role played by the CSO, and (d) respondents perceptions on obstacles faced by CSOs in fulfilling its mandate.

A. Respondents Background Information

1. What is the name of your organization?
2. What is your position/rank in the organization?
3. How many years have you worked with the organization?

B. Respondent's perception of legislative framework governing CSOs

1. Are you versed with the legislative framework governing the operation of CSO in your country?

Probe. Can you mention a few?

2. How will you describe the level of awareness and knowledge of these legislative frameworks by the following categories; (i) office bearers, and (ii) members
3. In your opinion, does the legislative framework support or hinder the mandate of CSO. Please support your response with examples.

C. Respondent's perception of the role played by the CSO in consolidating democracy

1. What roles do CSOs play in consolidating democracy?

2. Do you think CSOs are aware of this mandate?

Please justify your response with examples.

3. How has your organization contributed towards consolidation of democracy in your country?

Probe. Election, transparency and accountability, human rights, consensus building, public awareness campaign, others, please specify.

4. What kinds of platforms does your organization exploit in order to realize its mandate?

Probe. Campaigns, dialogue, others, please specify

5. How does your organization engage in the political discourse on topical issues in your country?

Please support your claims with examples.

6. What are your organizations experiences in terms of dealing with issues surrounding litigations, especially with regards to government officials or state-owned entities?

Please indicate how your organization was specifically involved.

D. Respondent's perception of obstacles faced by CSO

1. What are the challenges faced by your organization in fulfilling its mandate?

Probe. Discuss them in terms of the following:

- i. The context of the regulatory environment within which your organization operates (enabling or restrictive).
- ii. Your organizations relationship with the government (cordial, hostile, independent and autonomous or apolitical affiliations).
- iii. Access to resources (finance, human capacity, technical, others, specify).

- iv. Internal challenges (Internal policies within your organization, including membership registration, criteria to become office bearers and their term of service, degree of involvement/active participation by all members.
- 2. Is there any other issue you may want to raise that directly impacts on your mandate as a CSO?

E. Perception of CSOs role in Democratization by government officials.

- 1. What role does CSOs play in democratic consolidation?
- 2. In your perspective are they doing that effectively?
- 3. What are the challenges faced by CSOs as they contribute to democratic consolidation?
- 4. What can the government do to promote the activities of CSOs in democratic consolidation?

Thank you