

The State, Civil Society and Democracy in Uganda

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ABSTRACT:- *Despite increased importance and value, the civil society in the developing world has lagged behind their counterparts in the developed world in terms of performing expected functions and providing checks and balances to the central governments. In Uganda, the basic descriptive information about civil society, its size, area of activity, domestic sources of monetary and material support, and the policy framework in which it operates seem not to be available in an organized way. Civil society (CSOs) structures seem to be superficial and are shadows of the ideal concept of civil society because some of the actors have been compromised, deterred by state while others side with government when they are supposed to provide checks and balances or to promote African Charter on Democracy, Elections, and Governance (ACDEG). Therefore, this article seeks to examine the evolution and role of civil society in Uganda; how the state relates with civil society; factors that influence State-CSOs relationship in the area of advocacy and democracy and whether the theoretical concept of civil society is applicable in Uganda.*

Key words: *Civil society, Uganda, State and Democracy*

I. INTRODUCTION

The World Bank (2006) argues that the past two decades have witnessed a proliferation of civil society organizations and they have made big strides towards improving the interplay between political and economic systems and thus have ensured democratic, participatory and decision making in societies all over the world, particularly in the developing world. In addition, (NORAD, 2003; UNRISD, 2005; Kaldor, 2003; Keane, 2006) present the state, private sector, and civil society as three separate arenas of development that operate independently from each other. It is further argued that civil society has been well acknowledged as an important third sector whose strengths have positively influenced state and market and it is an important agent for promoting transparency, responsibility, accountability, and openness. Several scholars recognize civil society functions that are believed to be desirably applied in all societies which include: protection of citizens' lives, property and freedoms; monitoring activities of the state, the central powers and the state apparatus; advocacy through articulation of interests of the citizens; socialization through practicing values and attitudes of democracy; intermediation and facilitation between state and citizens; building communities through voluntary interactions that build a bond between members of the society and service delivery in social service sector (Edwards 2009; World Bank 2003; SIDA 2005).

A. *The evolution of Civil society in Uganda*

Since 1986, Uganda under NRM government has, by all means, tried to introduce democratic reforms and has fairly improved human rights especially curbing abuses by police and army which was the order of the day in previous regimes. This was followed by western-backed reforms resulting in economic growth and expansion of civil society fraternity in the country (BBC,2010)

Before the independence of Uganda, there were civil societies which aimed at resisting colonial rule but later crumbled largely due to internal wrangles. Four categories of civil society groups were prominent. Firstly, there were mass-based membership groups which were formed to promote economic and social interests of peasants and workers, for instance, co-operatives and trade unions. Secondly, there were elite membership organizations formed by middle-class Africans who were aggrieved by the colonial policies. These included Young Men of Buganda, Young Men of Tooro and Uganda African Welfare Association. Thirdly, there were charitable organizations which included Red Cross society and Salvation Army and other organizations based in Europe. Lastly, there were media which included newspapers like Uganda Herald, Ssekanyola founded in 1920,

Munyonyozi-the first independent African newspaper founded in 1927, Matalisi, Gambuze, Dobozi Lya Buganda, Uganda Express, Uganda Times and African Pilot (Salamon et al., 2004; Mamdani and Onyango, 1994).

When the National Resistance Movement NRM came into power in 1986, efforts were directed towards finding new systems of articulation between state and civil society to restore those that were formerly unsuccessful in the post-colonial era (John and Camaroff, 1999). State partnership with CSOs has been followed at the central and local government levels particularly in-service delivery (Muhumuza, 2010). It can be avidly argued that due to lack of resources, the government efforts had been complemented by CSOs. This complementarity was indeed tactfully and strategically necessary to instill confidence in the citizens by allowing operation of civil societies in state-building and national development.

Today, civil society in Uganda is comprised of diverse groups with different objectives. Some are indigenous while others are international or foreign-based. They differ in their membership, geographical dispersion, motivation and values, leadership, objectives, roles, methods of work, funding and capacity (NORAD, 2002). It is imperative to indicate that most of these civil society organizations were formed during NRM regime and a bulk of them are known to have been founded by elites and to a great extent it is the middle class that is mainly keeping the civil society moving in Uganda. These organizations are mainly based in urban areas with exception of few which have branches or offices in the country side and many of them are largely involved in service delivery activities with exception of an umbrella or networked organizations which are operating in areas of governance, human rights, accountability.

A quite large number of civil society organizations are supported by donor groups especially from the United States, the United Kingdom, Germany, and the Scandinavian countries among others. Their support towards democratization and development of the country should be applauded. However, this, arguably, partly contributes to a situation where civil society organizations are accountable to the donors but not to the grassroots people they represent. This compels us to argue that the approach in their operations is one-way or top-down which is obviously anti-development. Connected to the above, it is observed that as far as the contribution of civil society is concerned little has been achieved in the area of political influence. Nevertheless, in the area of service delivery, civil society in Uganda has so far contributed a lot, especially in health and education sectors as well as in poverty alleviation programs.

II. DIFFERENCES BETWEEN PRO, AND ANTI-GOVERNMENT CSOS

There are differences between civil society organizations that are pro-government and those opposing the government. Those which are pro-government are sub-contracted to deliver services on behalf of the government and they are mainly dealing in service delivery like construction of schools, supporting the orphans, provide scholastic materials in schools; in health sector they have constructed hospitals, provided technical support, training medical personnel as well as in being active in poverty alleviation programs. Likewise, civil society organizations that are criticizing the government are operating in the areas advocacy, for instance, legislative advocacy, policy advocacy, media advocacy, and legal advocacy and budget advocacy initiatives (Bazaara, 1999).

Other programs include lobbying, research, networking, monitoring, governance, and rights as well as civil society capacity building. But the discrepancy is obvious between these organizations. The reality is that those that are against the state demand for political space which the government regards as a no-go area for non-political actors. These actors are considered by the state to be threats to the security and perhaps that is why space was further narrowed by passing the NGOs amendment bill in 2006 which was aimed at regulating, controlling the operation, registration of civil society organizations. Kiiza et al., (2008), observe that the government aims at ensuring that civil society organizations are not hidden political parties and at the same time should not get more involved in politics.

Another difference is that organizations which are serving the government are always invited to contribute in dialogues throughout to implementation of policies but those which criticize the government are invited later or not at all. This is in line with Muhumuza's, (2010) argument that CSOs that criticize the state not only are invited just when most important decisions are already made but also, they are informed at very short notice when there is no adequate preparation for the input in the dialogues. It is also interesting to note that CSOs which support the government may be formed by government elites. Therefore, it would not be surprising to discover that when some government officials are actually patrons of some civil society organizations. This is not to mean that it is speculation but in the country with high rates of corruption and where there are no proper structures as regards to civil society, anything can happen.

III. THE NEXUS BETWEEN STATE AND CIVIL SOCIETY

The government actively works hand in hand with CSOs dealing in service delivery but it is not in good terms with civil society organizations working in the areas of policy and advocacy (Kasfir, 1998; Kiiza et al., 2008). The rationale for keeping a distance is that advocacy NGOs have on several occasions challenged the government on some issues that the government regards as 'sensitive' and by the fact that some of these NGOs are funded by foreign donors, the government becomes suspicious of their intentions. Advocacy NGOs are also involved in election monitoring, human rights and are also engaged in empowering people to know their rights and hold the government accountable on some policies.

The government is so critical to these "hostile NGOs" organizations to the extent that an NGO Registration amendment bill was passed to ensure that they are registered, monitored, dealt with and has regarded some of these NGOs activities as illegitimate. This also applies to the media whereby several journalists have been arrested allegedly for publishing seditious stories. Some radio stations have also been closed for uttering out subversive statements to. A case in point is the recent closure of Central Broadcasting Service CBS a radio station that is owned by the Buganda Kingdom. The radio was alleged to have incited violence among the Baganda when the Kabaka (King) was blocked from visiting his people in Kayunga district. All these resonate with the argument that the government does not tolerate groups, institutions, and organizations that attempt to challenge it even if they are legitimate.

On the other hand, the relationship between the state and civil society is harmonious – especially with NGOs whose operations have nothing to do with advancement for political space. And the government has even sub-contracted such organizations in poverty alleviation projects. More so, a report by Muhumuza, (2010) also indicates that government sub-contracted some NGOs to carry out capacity building and monitoring of some programs. Some organizations like TASO have been contracted by the government to provide preventive, counseling and medical assistance to HIV/AIDS victims in Uganda. Indubitably, this attracts criticisms on civil society fraternity because if such organizations are dependent on the government handouts, they lose independence and cannot hold government accountable, which is one of the primary roles of civil society.

Much as the National Resistance Movement (NRM) government had at first accepted civil society organizations to work independently in order to attract investors and assist in service delivery, it was observed that since 2006, the same government started to limit the actions of civil society organizations in the country. It should also be noted that many CSOs are not happy with the NGO Registration (Amendment) Act which aimed at controlling and monitoring the activities of the civil societies in Uganda. Even at the time of preparing the law on suppression of terrorism and amendment of NGOs laws, no civil society actors were involved, the reaction of civil society was when the bills were already published (NORAD, 2002). There seems to be a lot of mistrust and isolation of stakeholders because even at the national NGO Registration Board, there is no single key representative from the civil society actors who apparently are primary stakeholders.

The Non-Governmental Organizations Act has been revised to boost competence in registration, supervising and involvement to social transformation of the society. It is therefore imperative to argue that civil society fraternity has interpreted this as the government's attempt to reduce space for the operation of civil society in Uganda. However, the government has justification for the control of the activities of civil society which includes collusion with foreigners to malign the government.

The transition from the Movement system to multiparty in Uganda in 2005 meant that the roles that were played by civil society organizations on behalf of political parties were regained by parties. It meant that the political space that was occupied by civil society organizations was claimed by both political parties and CSOs. This widened the rift between two actors presumably belonging to one sphere 'civil society'. The implication was that it created insecurity and fear on part of CSOs because they no longer represented political parties especially in the area of policy advocacy. This tension affects the spirit of working towards achieving a well-functioning political system. The desired situation is that they should both put differences behind and work for the citizens since none can replace the other because they play different roles at different levels but are virtually bonded together by the fact that CSOs play a complementary role to a political party.

IV. FACTORS THAT AFFECT THE RELATIONSHIP BETWEEN STATE AND CIVIL SOCIETY IN UGANDA

Most civil society organizations in Uganda have different backgrounds and are operating in different areas. Some are working hand in hand with the government while others play confrontational roles. The following factors affect the relationship between the state and civil society in Uganda: According to a report by NORAD (2002) most civil society organizations have been discovered to be lacking capacity to engage the state in meaningful dialogues. Some of them have been depending on hired services from expatriates to execute some of the activities for the organizations. The fact that they consult services outside their membership, the state considers them as collaborators of the opposition whose aims are to oust the government and therefore are treated with the iron hand by the state. Moreover, the state regards most CSOs in advocacy to be representing

themselves not the citizens as they claim to be. This is because most of them are urban-based owned by elites with limited or no links to the grassroots level and their claim as representatives of the voiceless is exaggerated.

Corruption tendency by the government is another factor that affects the relationship between the state and civil society organizations in Uganda. Lister and Nyamugasira (2003) indicate that corrupt practices of the state officials have been a constraint to the relationship. There is a wide perception that the government has employed corrupt officials who seem to block the partnership between the state and CSOs. On the other hand, due to the fact that government sub-contracts some CSOs to deliver services, it has come to be noticed that there are un-written rules that CSOs are expected to abide to, failure to do so or identification of any anomaly in awarding of these tenders has created a constrained relationship between the two. Never the less, some CSOs which follow the un-written rules have had their contracts extended. This means that some CSOs which are supposed to fight corruption within the government have ended up being either corrupt or compromised.

The relationship between the state and civil society is also affected by conflicting interests between the two. Muhumuza (2010) argues that there are circumstances where the interests that are pursued by the CSOs clash with those of state. One of the reasons is state's attempt to control the activities of these organizations while CSOs want to retain their independence. Another reason is the fact that some CSOs have in some instances misused donor funds to duplicate some of the programs undertaken by the government. These programmes have been perceived to be parallel to those of government. What infuriates the government is that the programmes by the CSOs use bottom-up approach while the government uses top-down. This creates mistrust and suspicion which compels the State to further limit the space where the civil society has been operating.

By and large, as far as civil society activism is concerned, the state does not tolerate activities of the civil society that specialize in the area of policy advocacy more than it does with CSOs in area of service delivery (Diclitch, 1998; NORAD, 2002; Kasfir, 1998). This implies that in Uganda the space for civil society is under the threat of being further narrowed by the state. Although the benefits of civil society are well known, the space on which they operate on is increasingly contracting which is less experienced with counterparts in the developed countries. The government seems to be scheming how to control and tighten the grip on the operations and activities of the talkative media which normally exposes the weakness of the government.

Table 1: Showing Civil Society Model of Uganda

Actors of civil society	Functions
Membership and occupational based actors	<ul style="list-style-type: none"> • Socialization • Promotion of members' interests
Development support and service delivery actors	<ul style="list-style-type: none"> • Provide social services in health, education sectors • Poverty alleviation
Community-Based Organizations	<ul style="list-style-type: none"> • Building communities social capital • Empowering of local communities
Media	<ul style="list-style-type: none"> • Provides an avenue where people express their interests.
Advocacy, Think tank organizations	<ul style="list-style-type: none"> • Watch dog role • Articulation of interests of citizens • Human rights promotion • Recruitment base for political leaders
Religious institutions	<ul style="list-style-type: none"> • Promotion of religious values • Peace building and conflict resolution
Umbrella and network CSOs	<ul style="list-style-type: none"> • Fighting corruption
Foreign-based agencies/organizations	<ul style="list-style-type: none"> • Provision of humanitarian support • Financial back up to some CSOs
Political parties	<ul style="list-style-type: none"> • Promotion of the multi-party system in the country. • Instruments of communication between citizens and government

Source: Compilation by the author

The table above shows the nature of actors and functioning of civil society in Uganda drawn from the available literature about the civil society sector.

V. CIVIL SOCIETY REALITY IN UGANDA AND THE THEORETICAL CONCEPT OF CIVIL SOCIETY

Different scholars have used different yardsticks in trying to understand how civil society performs or relates to state and market. Kasfir, (1998) argues that scholars identify CSOs with groupings, categories or benchmark taken from western societies. Most of the literature on civil society comes from authors living in the developed world and thus their concept includes the features of civil society that are wished to be present in an ideal situation. The concept is rarely based on studies of how societies function in the developing world. And therefore, donor communities base their understanding of civil society and how it should work on the examples they see in their own societies.

Much as western models are believed to be the best, it is seldom applied wholesomely in the developing world because civil societies are embedded in different social settings. Nevertheless, for the purposes of understanding how civil society operates in Uganda; it is prudent to take a leaf from how counterparts in the global north do operate and how they relate with state and market much as some critics would argue that one-size can hardly fit all.

Exclusion of some actors of civil society in the civil society sphere

Much as civil society actors are recognized by different scholars in different definitions as part of the sphere, there are actors especially vulnerable and informal groups which are not represented and thus excluded from the sphere of civil society (Herkenrath, 2007; Kaldor, 2003; World Bank, 2006). The excluded actors are mainly those which are considered to be informal and local. These included women credit associations in rural country side normally called *Bika Oyeguze* literally meaning 'save and borrow'. Others include self-help groups formed by artisans like black smiths, traditional doctors' groups and burial associations. They are excluded by the urban-based formal actors but in real sense, they have played a great role in improving the lives of the respective members in many ways. Perhaps it is due to the fact that most urban CSOs believe that informal groups or associations at the local level like burial associations have nothing to influence as far as policy contribution in the country is concerned.

Weak trade unions in Uganda's civil society

As far as trade unions in Uganda are concerned, several studies have found out that they are weak (Dicklitch, 1998; Ndegwa, 1996; NGO Forum, 2007). In most countries, and according to the civil society model, trade unions have been well known for being instrumental and vocal actors of civil society but it has not been the case in Uganda since the early 1990s. National Organization of Trade Unions (NOTU) an umbrella body of labor unions was weakened in the 1990s when most government parastatals were privatized with an attempt to reduce on the government expenditure. Most union members lost their jobs not only through selling companies to private investors but also through retrenchment which was part of the package of SAPs policies hence affecting membership base of trade unions and civil society in general.

In addition, there were leadership struggles which also contributed to the weakening of the unions entirely characterized by the working class. Nevertheless, they are recovering slowly and are currently playing their roles to ensure that workers know their rights and are also drafting some policies necessary to benefit the workers. Therefore, there is a lot still expected from the trade union in Uganda. In other countries like Kenya, South Africa, and Zambia, they have played a very decisive role in shaping the political direction in their respective countries.

Donor funding and Uganda's civil society organizations

In an attempt to strengthen democracy in the country, there has been the presence of donor agencies/groups especially from Europe and America that aim at promoting democracy through the funding of many CSOs (Edwards, 2009). During the need to propagate the seeds of liberal democracy is when some donors support CSOs in Uganda which is not common with CSOs in western societies because democracy has already taken roots. However, the donor community sometimes pursues different hidden agendas whereby they act under the guise of promoting democracy but in real sense, there is something else they are aiming at. In Uganda, just like elsewhere in developing countries, donor funding is the blood stream of the majority of CSOs.

Nevertheless, some critics have argued that this has crippled the CSOs potential to be sustainable. Due to lack of strong socio-economic base at the grassroots level, most CSOs lack enough financial resources meant to keep them moving, hence it sounds inevitable but to turn their eyes to the donor for not only financial aid but technical support as well. Therefore, it is not surprising that in some cases, the government has treated some CSOs especially advocacy organizations with an 'iron hand' because they seem to be hidden political parties being funded by foreign interests but under the guise of civil society organizations.

Civil society strained relationship with political parties

Political parties and some civil society organizations in Uganda are at loggerheads. In its argument, NGO Forum, (2007) indicates that from the time when political space was opened up for political parties to operate, it has been evident that political parties came out as key players in political and policy a position that

was occupied by the civil society when parties were banned. This has raised questions about the role of advocacy-related CSOs in the country.

Different scholars like Carothers (2000) regard political parties to be part of civil society, other scholars like Kiiza et al., (2008) do not contend with the idea, but the desired situation for the case of Uganda according to NGO Forum (2007), is that political parties should be working hand in hand with other civil society actors. In other words, civil society organizations in Uganda should be playing a complementary role with political parties in order to fulfill the interests of the citizens they represent just the way it is in most democratic societies in Europe and America. This will clear out the bias and puzzles surrounding advocacy organizations which seem not to be having a good relationship with the government as well as with political parties. What should be known also is that, just like it is in both developed and developing countries, civil society organizations which have foreign links sometimes have strained relationship with some political parties and at the same time it is harder for the government of Uganda to closely working with organizations with alliance from foreign political parties or from un trusted foreign links.

Connected to the above, it is hard to conclude that civil society organizations in Uganda are not as independent as it was assumed to be because their plans seem to be dictated from above. It also justifies why some pundits such as Muhumuza, (2010) argue that the approach is always top-down because the initiative or trend of events comes from top (donors), not from the grassroots level where myriad inputs are expected, thus, contrary to what the theoretical concept advances (views/ideas are supposed to come from the citizenry). This is the reason why the government becomes suspicious of the activities and interests of both donors and CSOs in Uganda.

Civil society in Uganda is also characterized by a tendency to under-look minority groups especially those which do not engage the state. For instance, local social organizations formed by women at grassroots though they have significantly contributed a lot in transforming the lives of people in the local communities. Kasfir (1998) observes that local level organizations are normally left out by actors in the top ranks yet they are influential in improving the quality of life of majority women. She further argued that it is not surprising that there are few gender analyses on civil society debates. From cultural point of view, it is worth to indicate that Uganda being a patriarchal society, men have tended to restrain women from forming social groups arguing that these organizations distract women from doing domestic chores, the reason for this behavior from their husbands was that they feel insecure when women realize and become aware of their rights while they are in associations or groups.

The civil society is also competing for financial resources or aid with the government from the donors. In his report, Muhumuza (2010) indicates that the government has had a bad relationship with some civil society organizations especially advocacy organizations because the government regards them as fellow competitors for the scarce resources from the donor communities. Arguably, the CSOs might not be competing for financial resources with the state directly but rather the state might be co-opting some of these organizations since they are endorsed by the state to get funding for the services they are supposed to provide on behalf of the state.

VI. CONCLUSION

Despite the weaknesses in Uganda's civil society, these organizations remain indispensable partners in the democratic dispensation. Although the state initially supported the evolution, growth, and development of the civil society, it is increasingly becoming clear that the state is rather uncomfortable with some civil society organizations especially those that advocate for political rights. The reality is that vis-à-vis the environment in the developed world, the environment in which the civil societies operate in Uganda is indisputably hostile. The State has sought to compromise some of them or intimidate them through legalistically narrowing their operational space. Therefore, the ideal concept of civil society is far from the reality in Uganda. The civil society in Uganda is characterized by weak trade unions, intrigue and leadership challenges, and lack of sustainable source of income which makes them perpetually reliant on donor funding, among others. This weakens them and limits them from championing of the African Charter on Democracy, Elections, and Governance (ACDEG).

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