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A Study of Civil Society in Nicaragua

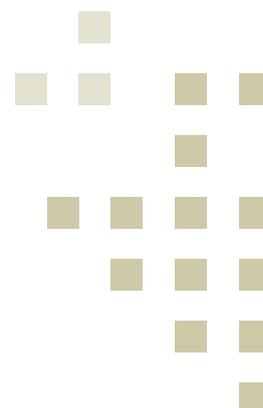
A Report Commissioned by NORAD

Axel Borchgrevink

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Besøksadresse: C.J. Hambros plass 2d
Adresse: Postboks 8159 Dep.
0033 Oslo
Internett: www.nupi.no
E-post: pub@nupi.no
Fax: [+ 47] 22 36 21 82
Tel: [+ 47] 22 99 40 00

A Study of Civil Society in Nicaragua

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Axel Borchgrevink

[Abstract] NORAD has commissioned this study as an input to analyzing governance issues in Nicaragua. The report analyzes current civil society in Nicaragua as the product of the developments over the last decades. The sphere is dominated by a set of highly visible, professional and active NGOs – partly because of the strength of these organizations, partly because of weaknesses of other types of organizations. Unions are fragmented, private sector organizations tend to focus on sector demands, social movements are relatively non-existent, and community-based organizations are oriented towards local concerns. While Nicaraguan civil society remains politically polarized – although less so than 10-15 years ago – there are relatively advanced examples of coordination among the organizations. State – civil society relations are gradually changing as new spaces for consultations are being institutionalized and the organizations are becoming more oriented towards lobbying. Still, there is considerable way to go before these new spaces function according to intentions. The fact that civil society is dominated by NGOs – which are not membership-based – means that issues of representation and accountability pose a key challenge for Nicaraguan civil society.

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Executive summary

Background

NORAD has commissioned this report as an input for its analysis of governance issues in Nicaragua. The purpose is to provide an analysis of the composition of civil society in Nicaragua, with a particular view to the relationships between the organizations of civil society and the state, as well as to issues of representation and accountability of organizations towards their constituencies.

The study was carried out between June and November 2005, by Axel Borchgrevink of the Norwegian Institute of International Affairs, with the assistance of Alfonso Navarrete Centeno, independent consultant of Managua. The study has been realized through a number of interrelated component studies:

- Civil society mapping
- Historical study (1960s to the present)
- Study of coordination within civil society
- Study of state – civil society interactions
- Local studies (Matagalpa, RAAS)
- Sector concentration (priority to women's organizations, human rights/ democracy oriented organizations and organizations related to agriculture)

The study is based on the review and analysis of a broad range of different types of written material, both quantitative and qualitative, as well as on a large number of interviews, with representatives of civil society organizations and of state institutions and donor organizations, and with analysts of civil society.

While a considerable amount of information has been gathered, it has not been possible to cover all types of organizations and institutions of Nicaraguan civil society within the scope of this report. Thus, the report does not deal with religious organizations, universities, and the media.

History of Nicaraguan civil society

The current form of Nicaraguan civil society is a product of the country's political history over the last decades. An appreciation of this history is therefore necessary for understanding important aspects of today's civil society.

While civil society was weak under the repressive Somoza regime, the revolutionary decade of the 80s was characterized by the dominance of the Sandinista mass organizations. These huge organizations were highly active and included a considerable part of the population. Still, they were largely based on a top-down-logic and were under the control of the governing

party, and should not be interpreted as signs of a flourishing or vibrant civil society – particularly as non-Sandinista organizations were generally weak and relatively few. Increasing political polarization also characterized the decade.

The election of the Chamorro government in 1990 meant great transformations for Nicaragua – and also for its civil society. The Sandinista mass organizations were considerably weakened after no longer being able to count on the support of the state, and initiated processes of establishing formal organizational autonomy from the FSLN. Hundreds of new NGOs were established in 1990, and growth in the sector has been high throughout the years since then. Key reasons for this explosion of the NGO sector have been the large number of Sandinista ex-government employees looking for work and opportunities to continue idealistic activities, the availability of donor funds for the sector, and the holes created by the drastic reductions in service delivery by the state.

Within the politically polarized Nicaragua, the fact that the great majority of these organizations have Sandinista roots has been significant for how they have been perceived, and for the forms of cooperation and networks they have taken part in. Over the years, however, a considerable part of these organizations have distanced themselves from the FSLN. Today one might argue that the most significant cleavage of civil society is within the left, between supporters and opponents of the current FSLN leadership.

The hurricane Mitch in 1998 and its aftermath have had great impact on coordination within civil society and on state – civil society relations. Institutionally, this is reflected in the two new structures of the *Coordinadora Civil* (the coordinating body of a large number of civil society organizations) and CONPES (the government-appointed council for consultations with civil society). While there are weaknesses to both institutions, their establishment – and the fact that they have continued functioning up to now – represent a watershed for Nicaraguan civil society.

Current composition of Nicaraguan Civil Society

Nicaragua's civil society has sometimes been dubbed as 'NGO-ized'. This characterization is based on the fact that the Nicaraguan NGOs are strong, visible, and relatively well-funded, and consequently tend to dominate the public sphere. In contrast, other segments of civil society appear weaker, less active, and/or less occupied with the broader social and political issues. The union movement is fragmented, the private sector organizations focus on sector demands, social movements are weak or inexistent, and community-based organizations tend to focus on local concerns. In this sense, it is valid to describe Nicaraguan civil society as NGO-ized. The dominance of NGOs in the public sphere has led to exaggerated ideas of the numerical size of the sector. The number of NGOs is often quoted as being around 3,000, sometimes as high as 10,000. These figures are highly exaggerated; the true number may be in the range of 300-400.

The private sector organizations form another important segment of Nicaraguan civil society. As a whole, these organizations undoubtedly wield a lot of clout. The national level organizations are well organized, represent

powerful segments of Nicaraguan society, and many of them have privileged access to the government. Also some producer organizations at the department level have shown themselves to be well organized and able to wield considerable pressure when circumstances warrant it. In sum then, private sector organizations form an important and powerful segment of Nicaraguan civil society, even if its general importance may be circumscribed by a concentration on sector demands.

The Nicaraguan labor movement is much weaker and less active today than what was the case during the –90s. The fragmentation of the union movement is an important reason, and perhaps also general fatigue and political disillusion. Still, the union movement does organize a significant part of the population and has a potential to mobilize that should not be underestimated, even if currently the sector is of relatively less importance within the Nicaraguan civil society.

What in this study has been termed the organized interest groups, on the other hand, form a much more dispersed and less powerful category. The great majority of those organizations that are included in this group – professional associations, organizations of the handicapped, and so on, are not very visible on the national scene. The exception is perhaps the consumers' organizations. These have succeeded in attracting significant attention to certain issues. However, their strength comes more from legal action and media coverage, and less from membership mobilization, and they might be better understood as NGOs.

When it comes to community-based organizations, this study is incapable of gauging their true importance. The number of local organizational experiences is very high, to a large part promoted through the development activities of the Nicaraguan NGOs. The focus of their work tends to be related to local issues. The strength and sustainability of these local organizations are varied.

Cooperation and conflict within civil society

Nicaragua is a politically polarized country, and this characteristic is also shared by its civil society. Furthermore, there is a large number of civil society organizations. From these facts, some observers conclude that Nicaraguan civil society is fragmented. This report comes to a different conclusion. On the one, hand, divisions and diversity of opinions are normal and healthy within civil society. And on the other hand, there are a number of experiences of coordination among Nicaraguan civil society organizations that are quite advanced. The *Coordinadora Civil* is the most comprehensive and all-embracing example, but there are also a number of others, on smaller scales. Women's organizations and organizations working with children have established particularly important coordination structures.

The organizations of civil society and the state

While there have been instances of abuses from the authorities, in general it must be concluded that there exist freedom of speech and association in Nicaragua, and a relatively enabling framework for civil society.

In their relations with the state, Nicaraguan organizations have given high emphasis to working for legal reforms. In this area, there have been a number of successes, where organizations have succeeded in introducing new laws or changes to old ones.

The establishment of CONPES – the council for consultations with civil society – at the national level, and the counterpart councils at regional and department levels, imply a considerable change in the relations between the Nicaraguan state and the organizations of civil society. For a number of reasons – to a large extent having to do with a weak institutionalization of the Nicaraguan state – these new spaces have not always given civil society true influence. Still, the fact that they have been established implies a new recognition of the right of civil society to take part in discussions on government policies. In general, constructive cooperation between authorities and civil society organizations has been more feasible at the local level.

Among many organizations of civil society – of different types – one finds that during the last years there has been an increased interest in and orientation towards giving lobbying a higher priority.

Organizations and constituencies

The study has not been able to go very deeply into this issue. Obviously, NGOs, as non-membership organizations, have a different relationship to their constituencies than do membership organizations, such as unions, or organized interest groups. In this sense, the issue of representation poses a serious challenge to the NGO sector. Still, there are NGOs that do have very close interaction with the groups they work for and with. These organizations can therefore speak on behalf of these groups with some justification. It has not been possible to investigate how widespread such intimate contact with target groups are within the NGO sector.

Conclusions

Out of three important potential functions of civil society, the Nicaraguan associational sector has contributed significantly to *popular education*; has played an important role in putting a number of issues on the *public agenda* (but perhaps not always been the leading agenda setter for all urgent issues); and exhibits weaknesses in terms of *representation*.

The expression of an NGO-ized civil society points to these weaknesses: that these organizations are not representative; that they base their central activities on the work of salaried professional staff rather than activists or members who do voluntary work because they believe in it; that they are highly dependent on aid and therefore primarily accountable to donors; and that their activities are structured in terms of projects, with specific and defined objectives (in contrast for instance to social movements). These are valid and important points, and they imply fundamental dilemmas both for actors within Nicaraguan civil society and for donors. Still, they should be balanced by an appreciation of the strengths of this type of civil society. Because as mentioned, many of these NGOs are highly professional organizations, efficient not only in implementing development projects, but also

capable of engaging the government in technical discussion of complex development issues, or in promoting and developing better and more rights-oriented legal instruments. Furthermore, these organizations have contributed to the creation of a significant sector of community-based organizations. The recognition of the weaknesses of an NGO-ized civil society must thus be tempered by an appreciation of the positive impacts that these organizations have managed to achieve.

Chapter 1. Introduction

The present report has been commissioned by NORAD under the framework agreement with the Norwegian Institute of International Affairs (NUPI). The study was conceived in order to provide an input into NORAD's ongoing analysis of governance issues in Nicaragua. For this analysis, the relations between state and (civil) society are among the central elements. The objective of the study was to analyze Nicaraguan civil society, with a particular view to whether and how the associational sector of Nicaragua is contributing to democratization and the promotion of human rights. In particular, the study should throw light upon a) the relationships between the Nicaraguan state and the organizations of civil society; and b) issues of representation and accountability of civil society organizations towards their constituencies.

The study was designed to have three main components:

- A historical study of the growth and development of Nicaraguan NGOs and associations since the eighties.
- An analysis of key examples of state – civil society interaction.
- An analysis of a selected number of Nicaraguan NGOs and associations, focusing on their relationships to their constituencies.

(See the Terms of Reference in the appendix.)

Axel Borchgrevink has been the project leader for the study. He has been assisted in the data collection phase by Alfonso Navarrette Centeno, an independent consultant based in Managua. The study was initiated through a visit by Axel Borchgrevink to Nicaragua in June 2005. At this time, Alfonso Navarrette was contracted, contacts were established and initial interviews were made. Navarrette started the collection of different types of data from written sources in August, while the main period of data collection was from late September until the end of October. In this period, Borchgrevink and Navarrette worked together. The report has been written by Borchgrevink in November/December 2005.

Approaches

Civil society. This is a problematic concept, as it is used differently – and even contradictorily – by different writers. Furthermore, in its dominant usage, it has strong normative and ideological overtones that limit its usefulness as an analytical concept in an empirical investigation. For this reason, civil society is here defined in a more open manner. We follow the relatively common practice of delimiting civil society as the associational sector 'between family, market and the state'. However, in our definition we do not make any *a priori* conclusions about the character of the organizations of civil society. We do not, for instance, assume that they are necessarily pro-

motors of democracy and human rights; united and in agreement; or counterpoised to the state, or limit our definition of civil society only to those organizations exhibiting such characteristics. Rather, variations with respect to these dimensions are expected to be found. The purpose of the study is to explore these questions, and an open definition is therefore most appropriate.

It follows from the definition that civil society consists of a multitude of associations and forms of organizing. In this study, it has been impossible to deal with anything else than formal organizations. While the intention has been to cover them as broadly as possible, all cannot be studied with the same depth, and we have had to prioritize in different ways. For this reason, churches and the sector of religious organizations have not been included.¹ Furthermore, mass media, universities and other centers of education – often counted as belonging to civil society – have been excluded, in accordance with the definition of civil society employed, which focuses on the associational sector. Still, in this connection it could be pointed out that the mass media has played a central role in exposing abuses of public trust and promoting transparency and democracy in Nicaragua. The fact that the sector falls outside the scope of this study does not indicate that it is unimportant.

Another limitation relates to the role of development assistance. Aid has undoubtedly been an important shaping factor for Nicaraguan civil society, both by making possible the very existence of a large and active segment of Nicaraguan civil society, as well as by stimulating certain forms of organizing and areas of work. Furthermore, it has had an important role in fomenting consultations between state and civil society. Still, the scope of the study has not allowed systematic data collection on this topic.

Case studies. The study has been realized through a number of inter-related case studies:

- Civil society mapping. This component attempts to map the organizations of Nicaraguan civil society, according to categories, geographical distribution and social basis.
- Historical study. This component analyzes the evolution of the Nicaraguan associational sector and its changing relationships with the Nicaraguan state.
- Coordination within civil society. The component looks at experiences of coordination and cooperation between civil society organizations.
- State – civil society interactions. A number of key examples of different types of interactions and relationships between organizations of civil society and institutions of the state are analyzed.
- Local studies. Two studies at regional/department level (Matagalpa and RAAS) have been realized in order to show local level dynamics.
- Sector focus. For capacity reasons, there has been a concentration of the interviews on certain sectors or types of organizations – women’s organizations, human rights/democracy oriented organizations, and organiza-

¹ Given the significant number of religious organizations, and the importance of both the Catholic and the different protestant churches, this is of course a pity. Still, it is our contention that the report’s conclusions would not have been significantly different if we had included the religious organizations. However, as we have not done any systematic data collection on this, we can of course not substantiate this statement.

tions related to agriculture. It should be emphasized that the concentration has not been complete, rather that these sectors are over-represented.

Data collection. Different sources have been used. The register of the *Ministerio de Gobernación* over legally registered non-profit organizations has been useful for the mapping of civil society, as have the registers of the *Ministerio de Trabajo* on unions and cooperatives. The NGO directories published by CAPRI and membership lists of different NGO networks and coordinating bodies have likewise provided information that has been used in the study. Still, it should be pointed out that for the purpose of this study, there are weaknesses with all of these sources, and in the mapping and categorization of civil society organizations it has therefore only been possible to come up with approximate findings.

There is also an impressive amount of studies, reports, articles and analyses that in different ways contribute to the understanding and interpretation of Nicaraguan civil society. The material spans both academic studies and reports produced by the organizations themselves. I can only acknowledge my debt to these studies. A fairly comprehensive list of works consulted is found in the bibliography at the end of the report.

A large number of interviews have been conducted for the purpose of the study. They cover representatives of a wide range of Nicaraguan civil society organizations, as well as representatives of state institutions, analysts of civil society and donor representatives. (For a complete list, see the appendix.) Interviews have been semi-structured, covering both own organizational experiences as well as perceptions on Nicaraguan civil society as a whole and its interactions with the state. These interviews have been hugely useful. Most people interviewed have been interested in and enthusiastic about the study, and the interpretations and conclusions presented in this report have to a large extent been formed through the ensuing discussions.

Structure of the report

The report consists of five main chapters, in addition to this introduction and a conclusion. Chapter 2 describes the evolution of Nicaraguan civil society over the past 30 years or so, in broad strokes. The emphasis is on describing those processes that have served to give civil society its current configuration.

Chapter 3 analyzes the composition of civil society in terms of different types of organizations, and their numerical strength and geographical distribution.

Chapter 4 analyzes the divisions and conflicts within civil society, as well as experiences of coordination and cooperation among the organizations.

Chapter 5 looks at different aspects of the relationship between the state and the organizations of civil society.

Chapter 6 discusses different types of relationships between civil society organizations and their constituencies.

Chapter 2. A short history of Nicaraguan civil society since the 1960s²

While the Nicaraguan state has experienced radical transformations over the past three decades, civil society has undergone equally profound changes, very much linked to the same overall political processes. These changes have involved the internal structure and composition of civil society, as well as its relationships with the Nicaraguan state. In important ways, an understanding of the characteristics and dynamics of civil society in Nicaragua today presupposes an appreciation of this history.

Pre-79

During the Somoza regime, conditions did not favor an autonomous and vibrant civil society. Critical expressions were repressed, and according to many analysts, civil society was extremely weak, particularly in the countryside. This should not, however, be interpreted as meaning that all organizing was forbidden. On the contrary, the regime itself supported and promoted certain forms of organization, most importantly unions, but also organizations of youth, students, women, farmers, retired soldiers and community organizations. Through different means and benefits, leaders of these organizations were co-opted, and the organizations served as a social basis for the dictatorship. Thus, important segments of Nicaragua's organizational sphere were controlled by the regime through clientelistic ties.

On the margins of these 'white' organizations, other forms of associations existed, though with limited impact. There were seven main trade union centrals, representing different political currents – socialist, communist, Marxist-Leninist, Christian democratic and Sandinista – but they faced heavy repression and their impact remained limited. A handful of NGOs and charity organizations³ were established throughout the sixties and seventies. These were largely concerned with social and welfare activities. From the late sixties, liberation theology also inspired the organization of Christian

² In the following, literature references are mainly given for specific quantitative information. See the bibliography in the appendix for the major sources.

³ There might be 15-20 NGO-like organizations existing before the revolution. A list of these organizations – that does not claim to be comprehensive – includes CARITAS Nicaragua (established 1959); Red Cross; Alfalit de Nicaragua (1961); INDE (1963); INPRHU (1964/66?); Instituto de Acción Social Juan XXIII (1965/68?); Escuelas Radiofónicas de Nicaragua (1966); CEPA (1968); FUNDE (1969); PROFAMILIA de Nicaragua (1970?); CEPAD (1972); Comisión Permanente de Derechos Humanos de Nicaragua (1977); Asociación para el Desarrollo de los Pueblos (1978). (CAPRI 1993-95, Darce and Quiros 2000). According to Terán Vivas, there were 338 non-profit organizations registered between 1956 and 1979, distributed in the following manner: 62 religious organizations; 53 labor organizations; 51 social organizations; 24 business organizations; 19 producers organizations; and 129 other types of organizations (Terán Vivas 2004, quoted in *Mapeo y Caracterización de las Organizaciones de la Sociedad Civil de Nicaragua. Informe preliminary*. ASDI/BID, Noviembre 2005).

Base Communities, which served both for organizing community development activities and for critical reflection on social injustice.

In the years leading up to the revolution in –79, this picture changed somewhat, as widespread discontent and revolutionary mobilization led to the emergence of new organizational forms. Thus, the Sandinista union of health workers – FETSALUD – traces its roots back to 1974; the association that would eventually become the FSLN women’s organization AMNLAE was founded in 1977; the organizations of farm workers (ATC) and of teachers (ANDEN) were formed in 1978; and towards the end of that year, neighborhood committees were established that would later become the Comités de Defensa Sandinista, and yet later again turn into the Movimiento Comunal de Nicaragua.

1979-1990

The revolutionary decade was the period of popular organization *par excellence* in Nicaraguan history. The FSLN goal of a revolutionary society built on popular participation meant that great efforts were made to organize the Nicaraguan people, in order to effect a transformation of society and to implement concrete policies and development efforts. The Sandinista mass organizations included, in addition to the three mentioned above, also the farmers’ organization UNAG and the workers’ confederation CST. Hundreds of thousands Nicaraguans were members of these organizations. Largest were the CDSes, which claimed 600,000 members in the mid-eighties, while the other organizations together totalled around 250,000 members⁴. These movements formed the organizational structure for many of the impressive revolutionary efforts within health and education, such as vaccination and literacy campaigns. Still, the Sandinista vanguardist ideology, which saw the party as the legitimate leader of the revolutionary process, meant that these mass organizations were subordinated to the FSLN. Leaders of the mass organizations were elected by the party, not by the members of the organizations. In effect, the mass organizations served as channels for party orders towards its members, rather than as instruments for expressing the interests of the membership. Thus, the primary objective of these organizations became defending the revolution, rather than representing their particular constituencies, such as women or workers.⁵ Furthermore, it should be pointed out that the impressive membership figure of the CDSes was undoubtedly due to its role as distributor of rationing cards – really a state function. Moreover, being responsible for the ‘Revolutionary vigilance’, they were also widely perceived as instruments of political control over the population. Thus, in the corporative Sandinista model, the lines between state, party and mass organizations were blurred, while authority lay unquestioningly with the party and its centralized decision-making structure.

FSLN also created the NGO Fundación Augusto C Sandino, to serve as a channel for international NGO donors wishing to support the Nicaraguan revolution. Alongside the FACS, a limited number of other NGOs were

⁴ Ruchwarger 1985, Vilas 1985.

⁵ UNAG was to some extent an exception from this picture as it did try to promote the interests of (small and medium-sized) farmers – with some success.

gradually established throughout the decade, and the pre-79 NGOs continued working and expanded their activities, due to both increased freedom to operate and the increased supply of foreign assistance. Most of these organizations were sympathetic to the revolution, yet autonomous from the party. An umbrella structure for about 10 of these NGOs – the Federación de ONGs de Nicaragua, FONG – had its roots in the joint international campaign *Pan con Dignidad* from 1981, and was formalized in 1983. FONG has realized joint campaigns and activities at different points in times, and still exists, although at the time of writing, it has been inactive for the past year or so. The activities of the Nicaraguan NGOs spanned a wide range of different development activities, from productive and economic, through education, health and other social services, to cultural initiatives. Still, as an expression of the hegemonic role of the large Sandinista organizations, the total number of organizations established was fairly limited. In the decade from 1980 to 1989, *personería jurídica* was given to less than 150 non-profit associations, which, in addition to the NGO-type organizations referred to, also included different professional associations and charitable institutions (see Table 1 below) ⁶. Reportedly, there were more than 120 international NGOs with offices in Nicaragua in the period⁷. The international NGOs thus probably outnumbered their Nicaraguan counterparts throughout the eighties.

In the revolutionary fervor of the early eighties, as well as in the polarized setting when the contra war escalated from the middle of the decade, organizational work outside of the FSLN project was not looked favorably upon. Non-Sandinista unions accounted for about 10% of the organized workers⁸, yet reported difficult working conditions. A few civil society organizations – such as the private sector organization COSEP and its affiliates, and the Human Rights organization *Comisión Permanente de Derechos Humanos de Nicaragua* – had explicit oppositional positions, while one of the newer NGOs – the FMM, established in 1982 – maintained close links with the Christian-democratic party PPSC throughout the eighties. However, these organizations remained fairly isolated in the overall associational landscape. As the main organizational expression of opposition was armed, based abroad, and heavily financed by another state, the dominant logic within Nicaragua was very much ‘either you are for the Revolution or against it’. Thus, organized mobs – the so-called *turbas divinas* – were used by the Sandinistas to quell oppositional street demonstrations. Organizations of the Atlantic Coast were rapidly caught up in this logic, and by 1983-84, the most important organizational expressions of indigenous interests had joined the armed counterrevolution.

As the war and the economic crisis took its toll in the latter half of the decade, it is possible also to see the establishment of new NGOs by people with a trajectory of revolutionary work as expressions of a certain disillusionment with the FSLN project. While the founders maintained a leftist

⁶ Reportedly, 138 organizations were granted legal status during the Sandinista regime, distributed in the following manner: religious 32; professional organizations 29, unions 28, party affiliated organizations 6, producer organizations 2, others 41 (*Mapeo y Caracterización de las Organizaciones de la Sociedad Civil de Nicaragua. Informe preliminar*. ASDI/BID, Noviembre 2005).

⁷ Skar et al 1994: 19.

⁸ Vilas 1985.

political identity, and probably voted overwhelmingly for Ortega in the 1990 elections, many of the new organizations represented different orientations from the Sandinista policies. Thus, for instance, new women's organizations could be seen as expressions of dissatisfaction with the way AMNLAE had put specific (and potentially divisive) women's issues as second to its number one priority of defending the revolution, while ecologically oriented agricultural NGOs through their work implicitly supported alternatives to the mainstream Sandinista agricultural policies.

1990–1996

The electoral defeat of the Sandinistas in 1990 initiated a period of liberal governments which has led to new transformations of civil society. Whereas the arena in the eighties had been dominated by the Sandinista mass organizations, with their close links to the state and the governing party, the situation of these organizations was drastically changed overnight. Without access to the government funding that had sustained them previously, and with a new government which saw them as political enemies rather than allies and supporters, they faced tremendous challenges. This meant reductions in staff and activity levels for all of them, and they lost the dominant position within Nicaraguan civil society that they had held during the 1980s. The new situation also gave rise to reconsiderations of the relationship to FSLN within these organizations. While they retained loyalties and ties to the party, and the leadership continued to be dominated by party cadres (*militantes*), the organizations asserted a certain autonomy relative to the party. This was for instance seen in their establishing internal elections of leaders (instead of having appointments by the party), and in developing their own agendas much more closely linked to the specific interests of the sectors they represented (instead of having defense of the revolution or the party as the overriding concern). This partial de-linking from the FSLN was a painful process for many, made even more so by the strong affective values attached to revolutionary steadfastness, the very strong political polarization of the period (either you were a Sandinista or an anti-Sandinista), and the feeling that many were letting the collective project down by leaving the organizations in order to fend for themselves (for instance by establishing their own NGOs). Thus, de-linking did not happen overnight, but was a gradual process throughout the period of the Chamorro government.⁹

Politically, these years were a strange mixture of confrontation and reconciliation between the FSLN and the government of Doña Violeta, as the UNO coalition unraveled. For the FSLN, control over the largest unions was an important instrument for achieving influence. (The Sandinista unions, under the umbrella of the FNT, which was established in 1990, did not achieve any independence from the party until 1996/97). Through a series of strikes and mass protests between May 1990 (just three weeks after the

⁹ The CDSes had already begun a transformation process away from the party-dependent, para-statal position before 1990. In 1988, the name was changed, and the organization was relieved of the tasks of distributing ration cards and maintaining 'revolutionary vigilance'.

Chamorro government was established) and 1994, the party managed to gain considerable influence for its parliamentary group, which paradoxically ended up as an important support base for the government of Doña Violeta. But while the FSLN parliamentary group came out strengthened from these processes, the party's union organizations were considerably weakened. Overall processes of globalization, neo-liberal policies and the establishment of tax-free *maquiladora* zones in themselves debilitated labor movements. Moreover, the strikes and confrontations had not succeeded in halting the processes of deterioration of workers' rights and salaries, and the combative spirit of the membership was severely diminished. Furthermore, there was a process of fragmentation of the union movement, both due to political differences¹⁰ and because of new and objective differences of interest, as the agreements with regards to privatization meant that some union members received land, stocks or other forms of productive capital from former state companies. The CST split in 1994, into CST Nacional and CST José Benito Escobar. The non-Sandinista unions CUS and CTN experienced similar splits. In sum, then, the confrontations and political processes of the first half of the 1990s left the Nicaraguan labor movement weakened and fragmented.

Two of the most burning political issues of the period concerned contested claims to properties, and the resurgence of armed groups. Under the first, one can include both the overlapping claims of previous and current holders of properties that were confiscated under the Sandinista regime, as well the claims arising out of the privatization of state companies. The latter included groups of demobilized contras and ex-soldiers of the Popular Sandinista Army, who repeatedly took up arms throughout the first half of the 1990s, in order to gain recognition to their claims for support for rehabilitation and reintegration. Without going into details of these cases, what is worthwhile pointing out is that several of the Sandinista mass organizations – the UNAG, the ATC and the CST – were important interlocutors in these processes, when they represented beneficiaries of the Sandinista agrarian reform, laborers of state farms and workers of other state companies. Even in the case of ex-contras and ex-soldiers, the UNAG played a role in representing their claims to land. Thus, even though weakened, the mass organizations were still very much present in key struggles of the period. However, their influence had been clearly curtailed under the new political regime.

¹⁰ The FSLN itself split as the MRS was established in 1994.

Table 1
Comparative table of organizations granted legal status in Nicaragua (1980-1997)

<i>Year</i>	<i>No. orgs.</i>	<i>Year</i>	<i>No. orgs.</i>
1980	7	1990	309
1981	1	1991	78
1982	15	1992	73
1983	16	1993	148
1984	11	1994	211
1985	32	1995	242
1986	Not known	1996	341
1987	5	1997	213
1988	12	Total	1,615
1989	15		
Total 1980s	114	Grand total	1,729

(Source: CNO FONG 1998: 6)¹¹

From 1990 and onwards, the organizational landscape of Nicaragua also experienced another fundamental change: what one might call the NGO explosion. While the number of organizations registered during the 1980s in all probability was less than 150, more than 300 new ones were registered in 1990. In the period since, on average almost 200 new organizations have been registered yearly (see Table 1 for the period up to 1997), giving a current total of more than 3,300 organizations. While this figure include all *asociaciones sin fines de lucro con personería jurídica* – legally registered non-profit organizations – the register does not show what kinds of organizations these are, nor how many of them are still operational. While these issues are further discussed under the heading of ‘Composition of Civil Society’, what is pertinent here is that a large number of these organizations were NGOs¹². At least during the years from 1990 and immediately afterwards, the great majority of new organizations formed and registered were NGOs. A number of factors together contributed to this rapid growth.

- *Available qualified people*: A considerable number of people lost their jobs in the state sector in this period. Partly these were people who were expelled because they were considered Sandinistas, partly there were people who lost their jobs because of structural adjustment programs aimed at reducing the state apparatus (such structural adjustments had already been initiated during the last years of the FSLN government, but were greatly expanded with the change of regime). Starting a new NGO

¹¹ The figures given on organizations registered from 1990 in the report *Mapeo y Caracterización de las Organizaciones de la Sociedad Civil de Nicaragua. Informe preliminar*. (ASDI/BID, Noviembre 2005) differ very slightly for some years but confirm the overall pattern. This report also gives figures for the years 1998 to 2003, with an average of 252 new organizations registered yearly.

¹² Here defined as non-state organizations working for development among or on behalf of groups of people who are not members of the organization.

was a means of gaining a new employment where past work experiences would be relevant.

- *Opportunity for pursuing idealistic causes*: Many of these people had a strong personal identity tied to working for the objectives of the revolution, and NGO work promised the continuation of such an identity. At the same time these organizations would be formally independent of the FSLN, thereby allowing more dedication to the organization's specific objectives and less compromises for the sake of the party.
- *Available donor funds*: A number of donors had been attracted to Nicaragua in sympathy with the objectives of the revolution. With a new government in place, and drastic reductions in the activities and social ambitions of the state, it was logical for many of these donors to transfer their support to the rapidly growing NGO sector. Many of these donors were international NGOs, which in most countries only supported local NGOs, but had made exceptions in Nicaragua during the eighties, due to their sympathy with the revolutionary regime. Now it made sense to revert to working with their normal type of partners.
- *Withdrawal of state services created needs*: With the downsizing of the state apparatus – already started under the last years of the Sandinista regime, but greatly accelerating under the new government – there was a reduction in virtually all types of services offered by the state. The new NGOs responded to demands in terms of social, health, educational, economic, financial and other services.
- *Legal framework favored NGO-model*: The different laws and decrees regulating the registration of organizations throughout the period¹³ did not define non-profit organizations, nor distinguish clearly between different sub-categories of organizations. The minimum requirements for registering an organization – the participation of three, respectively five, natural persons – could be said to favor the NGO-type organization.
- *Initial small NGO-sector*: Relatively few NGOs were established in Nicaragua during the 1980s – internationally sometimes described as *the NGO-decade*. Thus, with reference to the modalities of the international aid system and to the reigning development ideology, Nicaragua could be said to have an underdeveloped NGO-sector. In this sense, the rapid growth of organizations could be understood as a response to a demand within the donor system.

Thus, while the Sandinista mass organizations were weakened and lost their hegemonic position within Nicaraguan civil society, the many new NGOs assumed greater significance in the Nicaraguan organizational landscape. Nicaragua in this period remained a greatly polarized society, with the dominant division still being between Sandinistas and non-Sandinistas. The great majority of the new organizations had their roots in the revolution and were identified (and largely identified themselves) as Sandinista, even if both formal and informal links to the party were being weakened or lifted. Different

¹³ *Ley para la concesión de personería jurídica (Decretos 508/1980 and 639/1981) and Ley 147 sobre las personas jurídicas sin fines de lucro (1992)*. The 1983 law *Ley sobre asociaciones y registro central de personas jurídicas (decreto 1346)* was never regulated, and consequently never entered into vigor.

events of the 1990s – the split in the FSLN when Sergio Ramírez created the MRS in 1994/95; the FSLN's support of their leader's refusal to defend himself in court against the allegations of sexual abuse from his stepdaughter (1998); and the pact between Ortega and Alemán (1999) – contributed to this process of increasing distance between party and many of the NGOs. But while actively distancing themselves from the politics and standpoints of the party leadership, a majority of the NGOs and their leaders probably still retains a self-identification as Sandinistas in a broader sense.

One group of organizations that has been particularly active since the early 1990s consists of the many women's organizations of Nicaragua. Already in the late eighties, dissatisfaction with AMNLAE's party-bound and modest stances with regards to women's liberation made more feministically inclined women break out and found their own organizations. Moreover, with the dynamics of 1990, a number of new women's organizations were formed. After broad national meetings arranged by these organizations in 1991 and 1992, a number of thematic networks were established. Particularly important have been the *Red de mujeres por la salud* (Network of women for health) and the *Red de mujeres contra la violencia* (Network of women against violence). The latter network today functions as a hub of the Nicaraguan women's movement. While these new women's organizations were an expression of the conscientization and radicalization of many Nicaraguan women during the eighties, their standpoints have to a large extent remained controversial in Nicaraguan society. The successive liberal governments have professed traditional and conservative family values, and – in alliance with the Catholic Church – they have largely opposed policies aimed at changing gender relations and promoting reproductive health. Still, through concerted efforts, the women's organizations have been quite successful in areas like changing attitudes towards violence against women and in influencing health policies¹⁴ (clearly less controversial issues from the point of view of the Church). Violence against women has become less a private or domestic issue, and more one of public concern through targeted campaigns by the women's movement, which have for instance resulted in changes to penal law (1996), the establishment of 'women's commissariats' within the police, and greater attention to the problem within the health sector.

Among civil society organizations not stemming from the Sandinista tradition, and not considering themselves on the left side of the spectrum, the private sector organizations affiliated with COSEP remained central. Some new organizations were also formed. A few represented the demobilized contra¹⁵, while others were formed with a primary objective of supporting the democratization of Nicaragua¹⁶. Undoubtedly there have been others as well, but in general terms it is quite clear that the organizations with roots on the right side of the political landscape have been – and are – a small minority within the universe of Nicaraguan organizations.

¹⁴ Ewig 1999.

¹⁵ I.e. Asociación Comandos de la Resistencia; Asociación Nicaragüense Pro Derechos Humanos; Asociación Resistencia Nicaragüense; Fundación de Ex-Combatientes de Guerra por la Reconciliación, la Paz y el Desarrollo (organization of both ex-contra and ex-army soldiers).

¹⁶ For instance Fundemos, Hagamos Democracia, Ética y Transparencia.

In terms of coordination between civil society organizations, different experiences took place. The Federation of NGOs – FONG – created in the eighties, still existed, and had expanded its membership to around 30 by the second half of the 1990s. CODENI – the coordinating structure for organizations working with children and youth – was established in 1992, and has developed into an important actor within its field. The *Grupo Propositivo de Cabildeo* (GPC) – the Propository Lobbying Group – was established as a joint venture between nine NGOs with the purpose of lobbying and disseminating information about issues related to food security and to the foreign debt. Environmentally interested organizations created MAN – the *Movimiento Ambientalista Nicaragüense* (MAN), or Nicaraguan Environmental Movement. And as we have seen, a number of networks were established among women’s organizations. One particularly interesting experience was the *Coalición Nacional de Mujeres*, which comprised women from the feminist movement as well as from the political parties, on the right as well as the left, and tried to promote a women’s agenda during the elections of 1996. Furthermore, organizations working with issues of human rights and democratization have joined together in the international network CIVITAS. In Nicaragua, this has been perceived as an umbrella for the organizations of the center-right (which are funded by USAID), but also some organizations of Sandinista extraction took part in this network. Thus, by the end of the Doña Violeta period, polarization was no longer total. It is worth pointing out that these coordinating structures are less stable than the organizations that make them up. Of the networks referred to in this paragraph, only CODENI and the Women’s network against violence continue to be active today. Coordination is often tied to specific issues of the moment, and the growth and decline of coordination may be said to follow cycles depending on the development of the concrete issues in question. There are exceptions to this, but in general, coordinating structures and experiences tend to be temporary rather than permanent.

In some instances, working relations were established between civil society organizations and institutions of the state in this period. There were examples of fruitful cooperation with respect to issues of health, children/youth and women. Yet, the achievements should not be exaggerated – both scope and impacts of these experiences were limited. A general experience has been that cooperation was more often found at the municipal level. One key arena where organizations attempted to influence the state was with respect to legal reform. In terms of new legislation, there were some impacts – as mentioned, women’s organizations succeeded in changing the penal code. Organizations were also successful in promoting changes in areas such as environmental law¹⁷, AIDS prevention¹⁸, protection against ‘passive’ smoking¹⁹, ratification of the international convention against violence against women, and the ratification and constitutional recognition of the Convention on the Rights of Children.

¹⁷ Ley General de Medio Ambiente y Recursos Naturales (Ley No. 217).

¹⁸ Ley 238 de Promoción y Protección de los Derechos Humanos Ante el VIH/SIDA.

¹⁹ Ley de Protección de los Derechos Humanos de los No Fumadores (1996).

1997–2005

When Arnaldo Alemán assumed the presidency in January 1997, this meant a souring and hardening of state–civil society relations, at least at the national level. As described above, civil society was dominated by Sandinista-inspired organizations, where the large number of new NGOs were becoming the most visible. Already in his electoral campaign, Alemán had targeted the NGOs, and criticizing their dependence on international funding that he alleged was misspent. In his first year as president, he attempted to curb the independence of the sector in various ways. He proposed a revision to the law 147 on non-profit organizations, that would prevent NGOs from requesting funds from foreign sources without the proper authorization of the government. When the new Ministry of the Family was created, it was proposed that one of its duties would be to oversee and coordinate the activities of all nongovernmental organizations that work with ‘children, women, youth, the family, elderly people and disabled people’²⁰. While these proposals were not realized – in part due to protests from donors as well as from the Nicaraguan nongovernmental organizations – Alemán carried on what newspapers referred to as the war against NGOs through other means, such as refusing the extension of visas to foreign NGO-workers, and harassment of selected organizations under the guise of financial audits. The organizations targeted in this way were largely radical women’s organizations – which is perhaps not so surprising, given what was said above regarding their activity level and visibility, as well as their controversial standpoints from a conservative religious point of view. Thus, Alemán followed a confrontational line towards the parts of civil society he perceived as leftist, and when he called for a national dialogue in mid-1997, only a very limited number of organizations participated.

In 1998, the hurricane Mitch struck Central America. Nicaragua was greatly affected, with more than 3,000 dead and huge destructions. In the process of addressing the needs afterwards, Alemán attempted to follow a policy of sidelining the majority of NGOs and civil society organizations (with exceptions for the Red Cross and the Catholic Church), even if many of them had the required capacity, technical expertise and experience, as well as presence in the affected areas. Thus, the organizations were not included in the National Emergency Committee. On the contrary, the government started levying taxes on international relief donations sent to Nicaraguan NGOs. Already during the hurricane, different organizations – including the umbrellas FONG and GPC – met to coordinate activities. These were followed up by a number of meetings of increasingly larger groups of organizations in the period immediately after the hurricane, and within 14 days, the *Coordinadora Civil de Emergencia y Reconstrucción* (the CCER or CC) was constituted. This coordinating body, embracing a large number of civil society organizations – the membership soon reached more than 300 – was formed with the objective of concerting efforts to address the needs of those affected by the hurricane, in a situation where there were great concerns about the adequacy of the government’s response. (Eventually the *Coordinadora Civil* turned into a permanent structure, and the most significant coordinating body for Nicaraguan civil society organiza-

²⁰ Kampwirth 2003.

tions.) Early activities included needs assessments and documenting the weaknesses of government attempts at addressing the problems. As these reports were more comprehensive and better than those of the government, they were used by donors, many of which started pressurizing the government to give a greater role to the organizations of civil society. The CCER elaborated an overall plan for reconstruction²¹, was efficient in lobbying activities before the emergency CG meeting in Washington, it realized a ‘social audit’ of the emergency aid (documenting the limited role of the government in actual relief activities on the ground), and – thanks to its own efforts and donor pressure – it was allowed to take part in the official Nicaraguan delegation to the CG meeting in Stockholm in May 1999²².

These events had at least two important results: They established the principle of the right of civil society organizations to take part in discussions and plans for how to develop Nicaragua, and they served to place the CCER as a key actor of Nicaraguan civil society. Following up on this success, the *Coordinadora Civil* took an active role in pressuring for the establishment of CONPES. CONPES, or the *Consejo Nacional de Planificación Económica y Social* (the National Council for Social and Economic Planning, a body for consultations between the government and civil society) was mandated through the constitutional reforms approved by the National Assembly in 1995, but had never been constituted. The CCER campaign had solid support from donors, and pressure from them was undoubtedly among the important factors that led Alemán to finally establish the Council in late 1999. CONPES was composed of representatives of a wide range of civil society organizations, of the political parties represented in the National Assembly, and of the government, and it was presided by the President of the Republic²³. Its primary functions were to advise the government on social and economic policies and to comment on the national budget. One of the key tasks realized during the first period were the consultations over the Nicaraguan PRSP (*Estrategia Reforzada de Crecimiento Económico y Reducción de Pobreza*, or ERCERP).

The CCER and the CONPES – and their strong as well as weak points – are discussed further in other sections of this report. But the fact that both institutions have weaknesses should not be allowed to hide the fact that their establishment signified important milestones in the development of Nicaraguan civil society and of state – civil society relations. In some ways it is surprising that these advances took place during a period when state-civil society relations seemed to be at an all-time low and civil society organizations were under open attack from the President of the Republic. Indeed, at the very time that CONPES was being organized, the government was also trying to expel as a foreigner one of the spokespersons of the *Coordinadora Civil*.²⁴ But somewhat paradoxically – and certainly unintentionally – the

²¹ *Propuesta para la Reconstrucción y Transformación de Nicaragua. Convirtiendo la Tragedia del Mitch en una Oportunidad para el Desarrollo Humano y Sostenible de Nicaragua*. First version approved 01.12.98.

²² Also other civil society groupings were represented in Stockholm, such as the private sector organization COSEP and the National Council of Universities (CNU).

²³ Under the presidency of Bolaños, the composition of CONPES has been changed. See Chapter 5.

²⁴ As the person in question was a naturalized Nicaraguan, the attempt was unsuccessful. The subsequent attempt at stripping her of her citizenship also failed.

presidency of Alemán produced a consolidation and unification of civil society, as well as an institutional recognition of the right of civil society to be heard with respect to key government decisions and policies. Conversely, while the organizations of the CC had positive expectations of the Bolaños presidency²⁵, and tensions between government and civil society have certainly been reduced, CONPES has not become a stronger vehicle for civil society influence on government policies, and the *Coordinadora Civil* seems to be weakened.

Summary

The current form of Nicaraguan civil society is a product of the country's political history over the last decades. An appreciation of this history is therefore necessary for understanding important aspects of today's civil society.

While civil society was weak under the repressive Somoza regime, the revolutionary decade of the 80s was characterized by the dominance of the Sandinista mass organizations. These huge organizations were highly active and included a considerable part of the population. Still, they were largely based on a top-down-logic and were under the control of the governing party, and should not be interpreted as signs of a flourishing or vibrant civil society – particularly as non-Sandinista organizations were generally weak and relatively few. Increasing political polarization also characterized the decade.

The election of the Chamorro government in 1990 meant great transformations for Nicaragua – and also for its civil society. The Sandinista mass organizations were considerably weakened after no longer being able to count on the support of the state, and initiated processes of establishing formal organizational autonomy from the FSLN. Hundreds of new NGOs were established in 1990, and growth in the sector has been high throughout the years since then. Key reasons for this explosion of the NGO sector have been the large number of Sandinista ex-government employees looking for work and opportunities to continue idealistic activities, the availability of donor funds for the sector, and the holes created by the drastic reductions in service delivery by the state.

Within the politically polarized Nicaragua, the fact that the great majority of these organizations have Sandinista roots has been significant for how they have been perceived, and for the forms of cooperation and networks they have taken part in. Over the years, however, a considerable part of these organizations have distanced themselves from the FSLN. Today one might argue that the most significant cleavage of civil society is within the left, between supporters and opponents of the current FSLN leadership.

The hurricane Mitch in 1998 and its aftermath have had great impact on coordination within civil society and on state – civil society relations. Institutionally, this is reflected in the two new structures of the *Coordinadora Civil* (the coordinating body of a large number of civil society organizations)

²⁵ As a long-time president of COSEP, Bolaños had a civil society background himself, although representing a different political current from that which dominates within the *Coordinadora Civil*.

and CONPES (the government-appointed council for consultations with civil society). While there are weaknesses to both institutions, their establishment – and the fact that they have continued functioning up to now – represents a watershed for Nicaraguan civil society.

Chapter 3. The composition of Nicaraguan civil society

For this study, we have attempted to make quantitative overviews of the different types of formally established organizations in Nicaragua. For this purpose, we have accessed different archives, in the *Ministerio de Gobernación*²⁶ and the *Ministerio de Trabajo*²⁷, and consulted different versions of the NGO directory of which CAPRI has published six versions since 1990, as well as the membership lists of different networks and umbrella organizations. Still, we have to admit that for a number of reasons these are difficult sources to use. MINGOB's register of 3,327 non-profit organizations, for example, spans a wide range of organizations, not all of which naturally belong in a study such as this. The list includes for instance churches, educational centers, and companies that seem to be for profit, but have registered as non-profits, perhaps for tax reasons. Unfortunately, the list does not distinguish adequately between the different types of organizations. Thus, we are forced to resort to trying to establish this from the name of the organizations – often an uncertain venture. Moreover, one objective of the study is to establish the relative weight of different types of civil society organizations – not so easy when all are registered together. Furthermore, the list is not updated, and defunct organizations (and organizations that although registered have never functioned) still appear on the list. In this respect it exaggerates the number of organizations. On the other hand, there is a certain under-representation, in that not all functioning organizations are registered. The *Coordinadora Civil*, for instance, has chosen not to register itself because it would imply conditions it does not wish to be exposed to. Other organizations may have other reasons for not registering, such as a drawn out approval process. The data we have received from the *Ministerio de Trabajo*, on the other hand, is incomplete. Furthermore, the NGO directories are based on self-reporting, and cannot be counted as complete – even if the information given on the different organization is comprehensive and useful. In sum, then, the available data do not allow any exact identification of numbers of different types of organizations, nor of their membership figures. However, there is useful information to be gleaned from all of these sources, and in the following I discuss more in detail what can be learnt from them.

Unions

In general, this study has been able to devote less attention to the union sector. In many ways, this is a pity since unions are membership-based organizations, and consequently represent the constituencies and their interests in

²⁶ Register of non-profit organizations with legal status (*Registro de asociaciones sin fines de lucro con personería jurídica*).

²⁷ Registers of unions and cooperatives.

fundamentally different ways from the NGOs. But some insights are to be found in the archives of the *Ministerio de Trabajo*. According to their registers, there are currently 513 active unions. This figure appears to be on the low side, and it is probable that the register is not complete. In the eighties, the number of unions is supposed to have reached 5,736²⁸. While it is likely that unionization has gone down in the intervening period, these figures would imply a decline by over 90%. The figure of 513 actual unions also appears low given the fact that in the MITRAB tables over newly registered unions for the years 2002 to 2005 (first semester), 351 new unions are registered in this period alone. Furthermore, the list of active unions contains no unions registered in 2004 or 2005, and only 20 registered in 2003 and 36 in 2002 (while the file on new registrations indicate there were 92 and 115 organizations registered these two years). One interpretation of these discrepancies could be that the list of active organizations has not been updated since sometime in 2003. It would then seem to include only 40% of the organizations that were registered the year before. If one generalized this coverage for the whole list, it would mean that the true number of unions would be close to 1,300. On the basis of the available material, this may be as likely a number as any other.

Only the list of newly registered unions includes figures of membership. The average newly registered union has 38 members. Should we generalize this for 1300 unions, we would arrive at a figure of around 50,000 union members. It seems likely that established unions have more members than new ones, so the total is probably significantly higher. The available data do not really warrant any attempt at guessing at this number. But the real figure must in any case be lower than what is reported by the organizations themselves. Just one of the centrals – CNT – has on different occasions in 2005 claimed to have 80,000 and 100,000 members. According to Table 2 (below), CNT only accounts for 5% of the registered unions. While the data in the table is somewhat uncertain by itself, and even if it is possible that the CNT unions are larger than average, the total figure they report still seem highly unlikely.

²⁸ *Mapeo y Caracterización de las Organizaciones de la Sociedad Civil de Nicaragua. Informe Preliminar*. ASDI-BID. Noviembre 2005. Vilas reports 1,500 unions by 1983 (Vilas 1985: 122).

Table 2
Affiliation of unions in mitrab registers

	<i>“Active unions”</i>	<i>Registered 2002-05</i>	<i>Total</i>
ANDEN	12	1	13
ATC	9	17	26
CAUS	35	6	41
CFTC	0	0	0
CGT (i)	2	5	7
CGTEN / ANDEN	1	18	19
CNMN	5	1	6
CNT	10	32	42
CNTD	16	0	16
CONFETEC	0	0	0
CST	65	31	96
CST (J.B.E.)	40	31	71
CSTE	7	3	10
CTN	25	18	43
CTN (a)	30	13	43
CTN (i)	1	0	1
CUS	35	35	70
CUS (a)	4	0	4
CUT	1	3	4
FETSALUD	37	8	45
UNE	31	37	68
No affiliation	112	92	204
Not identified	35		35
Total	513	351	864

(Source: MITRAB)

An important aspect of Nicaraguan labor organization is the fragmentation into a multitude of different Centrals. Table 2 shows this diversity, with 21 separate centrals to which the unions are affiliated, while almost a quarter of the unions are reported as having no affiliation with any of the centrals. This is a clear indication of the way that the Nicaraguan labor movement has been weakened throughout the nineties. In reality, the picture is somewhat less dispersed than what the Table indicates, however, as ANDEN, ATC, CST (JBE), FETSALUD and UNE are all Sandinista organizations that are allied under the umbrella of FNT – *Frente Nacional de Trabajadores* or National Workers’ Front. Together, this block accounts for 223 individual unions, or 25% of the total. But the FNT member organizations represent widely different sectors – four of the five centrals serve specific groups of workers, respectively teachers, farm workers, health workers and public sector employees. In this sense they are not natural alliance partners in sector-specific

struggles. In such cases, the fragmentation of the union movement is even more pronounced.

Coordination across political and organizational divisions does take place, however. According to the leader of one central, there is a recognition of the need to cooperate, even if there still exist resentments and disagreements at a personal level. Thus, a formalized structure of cooperation between the Sandinista organizations, CTN and 5 other groupings is reported to be in operation. There are instances where joint actions have materialized, for instance when 6 unions together marched for improved conditions within the health sector, or in the case of the successful teacher's strike, which involved four organizations. Both these cases took place in 2005. The cases seem to reflect a relatively stronger unionization within the health and education sectors, however. In general terms, the Nicaraguan labor movement at the moment must be characterized as relatively weak and fragmented.

The cooperative sector

Cooperatives are first and foremost organizations with an economic purpose. But they also serve organizational, social and political functions, and in this sense they are of interest to this study. Still, it has not been possible to do much systematic data collection regarding the sector, and the following remarks should be taken as very rough and initial data.

If it is not directly a product of the Nicaraguan revolution and the experiences of the eighties, the current cooperative sector of the country is at least very much marked by that history. They were an important element in the Sandinista attempts at transforming society, and ideas of collective production forms as somehow 'higher' and better than individual forms were very much part of the ideology. A great number of cooperatives were thus established, especially in the agricultural sector, but also transport and other types of cooperatives in the urban contexts. In the agricultural sector, production cooperatives were largely a failure, and those that had not already fallen apart by 1990 mostly did so shortly after. However, agricultural cooperatives to organize services – marketing, credit, input supply – had been more successful, and this part of the cooperative sector has continued after 1990. The National Federation of Agricultural Cooperatives – FENACCOOP – was established in 1990²⁹. Today, they report a membership of about 620 cooperatives, comprising some 40,000 families. A key issue for the organization during the -90s was defending the land of the members who faced claims from former owners. Currently, the organization is active in lobbying for sector demands – particularly related to improved provision of credit, and issues related to trade in agricultural products. In this respect, the organization has taken an active role in national and international campaigns against the Central American Free Trade Agreement and against genetically modified organisms.

The cooperative sector in urban areas is also important. Both in numbers of cooperatives and members, it may be quite close to the agricultural coop-

²⁹ The organizations split off from UNAG, with the understanding that the cooperative sector – largely beneficiaries of the Sandinista agrarian reform – had specific interests not shared by all farmers of UNAG.

erative sector. Urban cooperatives are important in the transport sector (including taxis) and in providing general community services. On a number of occasions, the transport cooperatives have shown themselves to be a belligerent force in defense of their economic interests.

The MITRAB registers we have gotten access to, show that almost 500 new cooperatives were registered over the period 2003 to first semester of 2005. Thus, the cooperative sector seems to be growing, although this cannot be known without also knowing the number of cooperatives closing down. Table 3 summarizes information on these new cooperatives registered over the last two and a half years. As it demonstrates, the new cooperatives are almost equally divided between urban and rural types.

Table 3
Cooperatives registered 2003 to 2005 (1st semester)

	<i>Total</i>	<i>Agriculture</i>	<i>Urban</i>	<i>Women</i>	<i>% Women</i>
Cooperatives	490	219	208		
Members	16,554	7,277	7,220	6,386	39%

(Source: MITRAB)

Non-profit organizations

Table 4 shows the geographical distribution of the non-profit organizations registered with the Ministerio de Gobernación, as well as the distribution according to different types of organizations. As this typology is one that I have introduced, and organizations have largely been categorized on the basis of their names³⁰, it should be emphasized that the figures should be taken as tentative, and as only indicating orders of magnitude. The typology is devised in order to highlight issues of how and whether organizations represent different groups or interests, and whether they are membership based or not. In this study, most attention is given to the first four categories.³¹

³⁰ In the register, some indications of the types of organizations are given, under the headings *Naturaleza* and *Clasificación*. Under *Naturaleza* one can for instance find classifications such as *Social*, *Camaras* (i.e. private sector chambers or organizations), *Economía*, *Gremial* (related to profession), *Religioso*, *Medio Ambiente* (Environment), *Microfinanzas*, *Niños* (children), *Mujeres* (women), *Universidad* (university), and so on. Under *Clasificación*, you will find further specifications in terms of sectors – for instance *Productores*, *Hípicos* (equestrian), *Desarrollo Comunitario* (community development), *Discapacitados* (handicapped), *Jubilados* (retired), *Bomberos* (firebrigade), *Capacitación* (training), *Salud* (health), *Agua Potable* (drinking water), *Víctimas de Guerra* (war victims), etc. These characterizations have been helpful for understanding what the organizations do. However, as the typologies used do not really correspond to the purpose I have in analyzing the register, I have had to devise another schema for characterizing the organizations. Furthermore, while the characterizations given are helpful in some instances, in others the labels given to some organizations appear as somewhat random or misleading, and they cannot be trusted throughout. For these reasons, I have had to do the typologization anew, based on the names of the organizations as well as the characterizations given in the register.

³¹ This does of course not mean that the others are unimportant. They are important in various ways. In terms of the objectives of this study, the role of for instance churches and international organizations would have been very relevant to include. But for capacity reasons this has not been possible.

Table 4
Types and geographical distribution of registered non-profit organizations

	Private sector	Organized interests	NGO/charity	Community org.	Cultural/sports/clubs	Churches	Educational inst.	Internat. orgs.	Commercial	Not known	Total
Total	308	308	1172	193	178	603	80	274	51	160	3327
Boaco	7	3	9	2	2	6		1		1	31
Carazo	6	3	40	13	6	19	2	3		4	96
Chinand.	15	14	58	20	4	17	1	4		5	138
Chontales	9	4	17	4	9	5				3	51
Estelí	12	11	54	7	7	22	4	7	3	4	131
Granada	6	1	36	10	12	14		1		5	85
Jinotega	17	6	22	6	3	4				3	61
León	23	16	54	20	9	28	4	10	4	14	182
Madriz	3	15	13	5	1					1	38
Managua	132	175	673	34	105	413	65	216	23	102	1938
Masaya	11	12	41	39	10	34		3	20	5	175
Matagalpa	21	11	52	9	4	17	1	5		5	125
N. Segovia	10	3	21	3	1	5		1		2	46
RAAN	12	25	29	2		4		2		1	75
RAAS	9	9	22	9		2	2	2		3	58
R.S. Juan	5		14	2	1			1		1	24
Rivas	10		16	8	4	12			1	1	52
Unknown			1			1	1	18			21

Source: Ministerio de Gobernación

Private sector organizations include the national chambers and associations affiliated with COSEP and some that are not, as well as different organizations at departmental or municipal level (as the table shows, close to 60% of the organizations are based in the regions). More than 60% of the private sector organizations represent producers of the primary sector – associations of coffee growers, cattle ranchers, forest owners, fishermen, etc.

Organized interest groups are formed by people organizing on the basis of a particular characteristic or interest. Just about half the registered organizations are professional associations – of lawyers, medical specialists, students, teachers, etc.³² In addition, there are organizations of handicapped and of their relatives, of mentally ill and their relatives, of people who are HIV positive, of ex-soldiers and ex-contras, of consumers, of retired persons, of persons who have had their property confiscated, and so on. In some cases, the distinction between organized interest groups (which are membership-based) and NGOs/charities (which are not) – even though fundamental for the analysis – is difficult to draw on the basis of the information in the reg-

³² There's even the *Asociación de Protésistas Dentales Empíricos de Nicaragua*, or Nicaraguan Association of Self-taught Dental Prosthesis-makers.

ister. I have chosen to include all ethnic/indigenous organizations (47 in total) as organized interest groups, even though evidently some of them function more as NGOs. On the other hand, women's organizations (139 in total) have all been grouped under the label NGOs/charities. While this corresponds to the description sometimes given of a 'Nicaraguan NGO-based women's movement'³³ and may be an adequate categorization of the majority of Nicaraguan women's organizations, there are clearly exceptions that are better described as membership-based interest organizations – for instance AMNLAE or the *Movimiento de Mujeres Maria Elena Cuadra*. Similarly, within the categories of environmental organizations, and organizations working for human rights and democratization, there may be organizations that ought to be counted as organized interest groups, but they have all been included in the NGO/charity category.

NGOs and Charities have in this analysis been grouped together for two reasons. On the one hand, they share the characteristic of being organizations formed with the intent for working for some group that is external to the organization. Thus, they have beneficiaries or target groups that are not the members of the organization (if the organization can be said to have a membership at all). And on the other hand, based on the information available in the directory, it is extremely difficult to distinguish between NGOs and charities.³⁴ The fundamental difference seems to lie in the way of addressing a certain problem. While a charity deals with symptoms (i.e. soup kitchen against hunger and poverty), an NGO would also attempt to overcome the causes of the problem. The distinction also relates to one categorization of organizational activities in the form of a developmental ladder, where the first level is called assistentialist, the second developmental, and the third level refers to advocacy and lobbying³⁵. Charities by definition belong to the first level. Table 5 shows the internal composition of the organizations that have been included under this heading. On the basis of the information given in the register, it would have been possible to distinguish further between the sectorial focus of the organizations – one could for instance easily have grouped organizations working with children, or with health issues. So far, this has not been done. As is sometimes pointed out by critical observers, the dividing line between NGOs and for-profit companies are not always easy to discern, as some NGOs function in manners quite similar to consultancy companies. Such cases are also encountered in Nicaragua, and could mean that some of the organizations here categorized as NGOs/charities really belong to the category of commercial enterprises.

³³ I.e. Ewig 1999.

³⁴ Based only on the names of the organizations, 57 of the 1,172 organization in this category were identified as evidently being charity organizations. However, the real number is undoubtedly higher.

³⁵ See for instance Montenegro 2003.

Table 5
Distribution of organizations within the NGO/charity category

<i>Women's</i>	<i>Environ- mental</i>	<i>Human rights</i>	<i>Micro- credit</i>	<i>Charity</i> ³⁶	<i>Others</i>	<i>Total</i>
139	86	69	27	57	794	1172

Community-based organizations are local organizations working for local issues, community development, drinking water or services for the area. Organizations that work to promote community development are not necessarily included – only if they are based in and represent the community/ies they want to develop. Local fire brigades have been included under this heading. There are interesting regional differences with respect to this category. Masaya tops the list with more community-based organizations than Managua, while having relatively few private sector organizations. Departments like Matagalpa and Jinotega, on the other hand, has relatively many producers' organizations, with a smaller number of community-based organizations. To some extent this may reflect structural differences between the areas. But equally important is probably that this is the category of organizations that is hugely underrepresented in the register. Most community organizations do not bother to register and obtain legal status (*personería jurídica*). That so many in Masaya have done so may be due to this having been promoted by NGOs working with community organization in the area, and does not necessarily imply that the total number of community-based organizations is higher than in other departments.

Cultural associations, sport organizations and social clubs are just what the label indicates – organizations largely concerned with cultural concerns, sports or other recreational activities. Still, dividing lines between categories are not always clear-cut. Some cultural organizations may seek to promote certain traditions that place them close to interest organizations such as those representing indigenous rights, while others may promote the interests of certain types of cultural performers (and thus really be interest organizations). On the other hand, there are certainly social clubs that are better understood as commercial enterprises rather than as non-profit organizations. While in each individual case I have tried to categorize according to the group that would seem to be most relevant, there are thus uncertainties related to the size of this group.

Churches and religious organizations. Apart from the Catholic Church, all other churches are obliged to register as non-profit organizations. Given the large number of evangelical (protestant) churches that have been established in Nicaragua over the last decades, it should not be surprising that this is one of the largest categories in the register. Still, there are difficulties of categorization here also. I have tried to group faith-based NGOs and charities under the heading of 'NGOs/charities' rather than under 'churches/religious organizations'. However, working from names alone, it is not always easy to be certain of which is which, and there may be mistakes one way or the other.

³⁶ See note 33.

Educational centers. This category includes schools and universities, as well as some parents' organizations linked to educational institutions. All schools and universities of the register are grouped here. It is an open question, however, whether some of these private educational centers ought really to be counted as commercial enterprises.

International organizations. These are mostly international donor NGOs. In addition there are a number of registered twinning projects between Nicaraguan municipalities and overseas counterparts, and there are some instances of local chapters of international organizations, such as for instance the Association of Central American Management Universities (*Asociación Universidades Centroamericanas de Ciencias Empresariales*).

Commercial enterprises. This category does not include the interest organizations that represent the private sector, but simply organizations that are really for profit, and ought not have been included in a register of non-profit organizations. There are for instance a number of undertakers that in spite of their other-worldly names – such as *Asociación la Esperanza 'Sueño Eterno'* (The Association Hope 'Eternal Dream' and *Funebre Dios Te Llama a la Eternidad* (Funeral God Calls You to the Eternity) – are really business enterprises. For some reason, the majority of these also belong in Masaya. Establishing whether a registered organization is really a commercial enterprise simply from its name is of course an uncertain venture. The true number may be higher than the 51 identified here.

True numbers

When analyzing the data from this register, an important question concerns how many of the registered organizations still exist and function. No precise answers can be given to this question. But some indications can be found. If one compares the CAPRI NGO directory from 1993 – 1995 with the one from 2004, we find that around half of the organizations from the first directory have disappeared over the ten-year period, while about the same number of new organizations have been established and found their way into the new directory, thus maintaining a fairly stable total number. See Table 6. It is of course possible that some of the organizations registered in the first directory still exist, yet for some reason have not responded to CAPRI's call for information to be included in the latest version. However, given the diligence with which CAPRI collects information, and the fact that most NGOs would view it as favorable to be included in such a directory, makes it probable that the great majority of those organizations that have disappeared from the lists, have also ceased to function as organizations.

Table 6
Comparison of NGO directories from 1993-95 and 2004

<i>Total NGOs 1993-95</i>	<i>Only in 93-95</i>	<i>Both in 93-95 and 2004</i>	<i>Only in 2004</i>	<i>Total NGOs 2004³⁷</i>
180	92	88	96	184

Source: CAPRI 1993-1995 and 2004.

This would seem to indicate that slightly more than 50% of Nicaraguan NGOs have disappeared over a ten-year period. There are reasons to believe that the actual turnover is even higher, as not all organizations are registered in the directory. Presumably, those that make their way into its pages are among the more active and well-funded ones, with consequently higher than average survival rates. It would follow that among those not listed in CAPRI's directories, even more than half would disappear over this time span. Anecdotal evidence and our own impressions from comparing the registered organizations of Matagalpa and the RAAS with those we actually found traces of during our fieldwork would seem to confirm that the true number of actually existing and functioning NGOs is substantially lower than 50% of those registered.

One rough attempt at estimating the number of Nicaraguan NGOs might then be to take the total number of NGOs and charities – 1,172 – and divide it in half, leaving something less than 600 organizations. If we say that one third are charities, we would have a number of active Nicaraguan NGOs just below 400. Personally, I believe this estimate to err on the high side, the true number might be closer to 300. Under any circumstances, it is worth pointing out that these estimates are very different from the often-quoted figure of 3,000 NGOs, or even 10,000, as is sometimes claimed.

There is no reason to believe that the other categories of organizations follow the same dynamics as NGOs. Producer organizations, interest groups, community organizations and churches grow and wilt according to different logics, and even if it is clear that these are also organizations that do not always live forever, we should not assume that they have a similar short life-span. Thus it is difficult to make any precise estimates of the size of these organizations. What is possible to say, though, is that while the true number of most of these organizations is in all probability lower than what is given in Table 2, this is not the case for community-based organizations. Most such organizations have few incentives to register legally, and their true number is clearly very much higher than what appears from the table. On the other hand, it is also true that these unregistered organizations are very much locally oriented, and the impact they have on a national (or even municipal) level is therefore highly indirect, and generally limited.

³⁷ Includes both the list of NGOs and the list of networks. In 1993-95 directory, these categories are merged.

Analysis

More important than numbers, of course, are the relative strength, activity levels and impacts of these different categories of organizations.

The Nicaraguan labor movement is obviously much weaker and less active today than what was the case during the –90s. The fragmentation of the union movement is an important reason, and perhaps also general fatigue and political disillusion. Still, the union movement does organize a significant part of the population and has a potential to mobilize that should not be underestimated, even if currently the sector is of relatively less importance within the Nicaraguan civil society.

While the cooperative organizations are registered by a different Ministry than the private sector organizations, it seems reasonable to treat these groups together. After all, cooperatives are economic institutions of the private sector. In general, the private sector organizations undoubtedly wield a lot of clout. The national level organizations are well organized, represent powerful segments of Nicaraguan society, and many of them have privileged access to the government. The fact that the current President of the Republic is a long time president of COSEP obviously helps, but the main private sector organizations have also had good relations with the previous two administrations³⁸. UNAG, being perceived as on the left, and representing the small and medium-sized farmers rather than the large-scale ones, is to some extent an exception. But it gains strength from a solid organization and large membership (according to own figures, 35,000 direct members, and more than 70,000 if indirect/organizational members are counted), and in many instances it has found itself with common interests with the agricultural producers' organization of the right, UPANIC. Also some producer organizations at the department level have shown themselves to be well organized and able to wield considerable pressure when circumstances warrant it, such as for instance the coffee farmers of Matagalpa in response to the combined coffee and banking crisis. In sum then, private sector organizations form an important and powerful segment of Nicaraguan civil society, even if its general importance may be circumscribed by a concentration on sector demands. An important exception to this last point, however, concerns COSEP's active role in the campaign headed by the *Movimiento por Nicaragua* (see below).

The organized interest groups, on the other hand, form a much more dispersed and less powerful category, even if coincidentally it is of exactly the same numerical strength as the producers' organization. The great majority of those organizations that are included in this group – professional associations, organizations of the handicapped, and so on, are not very visible on the national scene. The organizations of ex-contras and ex-military may have been active up to the mid-nineties, but in the current situation, we did not come across any traces of recent activities. The exception within the organized interest groups is perhaps the consumers' organizations, of which there exist three national ones, as well as several at a local level. The *Red Nacional de Defensa de los Consumidores* (the National Network in Defense of the Consumers) has achieved a central position in the Nicaraguan public sphere with respect to consumer issues. This is particularly impressive, given

³⁸ Even though there have also been periods of confrontations, perhaps particularly with the Chamorro government.

the fact that the organization was only founded in 2002 (and did not receive its legal registration until 2004). However, its success, as William Grigsby points out³⁹, is not based on the mobilization of members, but on legal action (as well as lobbying work for legal reform and a savvy media strategy). Thus, the organization shares some characteristics with the NGOs. This is also the case structurally – even though the organization organizes volunteers at local levels, and claims to have a presence in 32 municipalities after less than 4 years of existence, these volunteers have no representation in the decision-making organs of the Network.⁴⁰

(This case illustrates some of the difficulties faced when attempting to categorize organizations in the way that this study does. The important point, however, is not really whether the individual organizations are put into the correct boxes or not, or even whether they fit into the boxes provided. What is important is whether the typology serves to bring out issues that are analytically important, and thereby aids understanding of the characteristics of Nicaraguan civil society. In my opinion, the distinction between membership-based interest organizations and NGOs/charities brings out an important analytical point. Even if specific organizations are difficult to place unambiguously within such a typology, this need not be a weakness if organizing the discussion along this distinction aids the understanding of the strengths and weaknesses of the organizations.)

As argued, the NGO sector is probably much smaller numerically than what is often believed. However, this is far from saying that it is therefore a weak sector. On the contrary, it contains strong, well-organized, capable and highly active organizations, many of which are increasingly complementing their project activities with different forms of lobby or campaign activities. The exaggerated ideas of the sector's size may very well relate to this high activity level and the visibility of the NGOs in the public sphere.

As mentioned above, the Nicaraguan women's movement – a particularly active segment of Nicaraguan civil society – has been characterized as being NGO-based⁴¹. Several observers have gone further, and characterized the whole of Nicaragua's civil society as being 'NGO-ized' (*una sociedad civil 'oenegeizada'*)⁴². This characterization is based on the fact that the Nicaraguan NGOs are strong, visible, and well-funded, and consequently tend to dominate the public sphere. In contrast, other segments of civil society appear weaker, less active, and/or less occupied with the broader social and political issues. The union movement is fragmented, the private sector organizations focus on sector demands, social movements are weak or inexistent, and community-based organizations tend to focus on local concerns. In this sense, I think it is valid to describe Nicaraguan civil society as NGO-ized. But it is important to emphasize that this does not mean that it is sufficient only to look at the NGOs when analyzing civil society in Nicaragua.

³⁹ Grigsby 2005.

⁴⁰ The highest organ of the *Red Nacional de Defensa de los Consumidores* is the *Asamblea de Socios*, which consists of the 16 founding members, as well as 'four or five other persons' who have been named afterwards (interview Baca, 03.10.05).

⁴¹ Ewig 1999.

⁴² The expression is attributed to Sofia Montenegro (see for instance Montenegro 2003), and is also used and discussed by a number of other analysts (for instance Miranda 2004; Babb 2003).

Other segments exist and have their importance, even if at the current point in time the NGOs *dominate* the arena.

The expression of an NGO-ized civil society is intended to draw attention to certain weaknesses of this civil society: that these are organizations that are not representative; that they base their central activities on the work of salaried professional staff rather than activists or members who do voluntary work because they believe in it; that they are highly dependent on aid and thus primarily accountable to donors; and that their activities are structured in terms of projects, with specific and defined objectives (in contrast for instance to social movements). In my opinion, these are valid and important points, and they imply fundamental dilemmas both for actors within Nicaraguan civil society and for donors. Still, they need to be balanced by an appreciation of the strengths of this type of civil society. Because as mentioned, many of these NGOs are highly professional organizations, efficient not only in implementing development projects, but also capable of engaging the government in technical discussion of complex development issues, or in promoting and developing better and more rights-oriented legal instruments. The recognition of the weaknesses of an NGO-ized civil society must thus therefore be tempered by an appreciation of the positive impacts that these organizations have managed to achieve.

When it comes to community-based organizations, this study is incapable of gauging their true importance. The ones that are registered only make up a very small fraction of those that exist throughout the country. Moreover, community-based organizations are largely concerned with local issues that are addressed locally, and have not been visible to this rather rapid appraisal of Nicaraguan civil society. From the instances heard about or referred to in different circumstances, it is possible to conclude that the number of local organizational experiences is very high, and to a large part promoted through the development activities of the Nicaraguan NGOs. The experiences of these organizations must be extremely varied, ranging from successes in different fields to all kinds of problems and difficulties. However, another kind of study than the present is needed to do this sector justice.

The one exception we have come across is the *Movimiento Comunal Nicaragüense*. It is a community-based organization that nevertheless has a solid national structure, and an impressive number of volunteers. On the basis of its experiences throughout more than 25 years of existence, it has established an independence from party politics, has a clear strategy for how to relate to authorities, and its attempts to steer clear of the dangers of becoming a project oriented NGO-like organization. While a much more thorough investigation would be needed to understand up to what point they have been successful in following these strategies, the MCN nevertheless stand out as a different experience in the context of the Nicaraguan NGO-ized civil society.

Summary

Nicaragua's civil society has sometimes been dubbed as 'NGO-ized'. This characterization is based on the fact that the Nicaraguan NGOs are strong, visible, and relatively well-funded, and consequently tend to dominate the public sphere. In contrast, other segments of civil society appear weaker, less

active, and/or less occupied with the broader social and political issues. The union movement is fragmented, the private sector organizations focus on sector demands, social movements are weak or inexistent, and community-based organizations tend to focus on local concerns. In this sense, it is valid to describe Nicaraguan civil society as NGO-ized. The dominance of NGOs in the public sphere has led to exaggerated ideas of the numerical size of the sector. The number of NGOs is often quoted as being around 3,000, sometimes as high as 10,000. These figures are highly exaggerated; the true number may be in the range of 300-400.

The private sector organizations form another important segment of Nicaraguan civil society. As a whole, these organizations undoubtedly wield a lot of clout. The national level organizations are well organized, represent powerful segments of Nicaraguan society, and many of them have privileged access to the government. Also some producer organizations at the department level have shown themselves to be well organized and able to wield considerable pressure when circumstances warrant it. In sum then, private sector organizations form an important and powerful segment of Nicaraguan civil society, even if its general importance may be circumscribed by a concentration on sector demands.

The Nicaraguan *labor movement* is much weaker and less active today than what was the case during the -90s. The fragmentation of the union movement is an important reason, and perhaps also general fatigue and political disillusion. Still, the union movement does organize a significant part of the population and has a potential to mobilize that should not be underestimated, even if currently the sector is of relatively less importance within the Nicaraguan civil society.

What in this study has been termed the *organized interest groups*, on the other hand, form a much more dispersed and less powerful category. The great majority of those organizations that are included in this group – professional associations, organizations of the handicapped, and so on, are not very visible on the national scene. The exception is perhaps the consumers' organizations. These have succeeded in attracting significant attention to certain issues. However, their strength comes more from legal action and media coverage, and less from membership mobilization, and they might be better understood as NGOs.

When it comes to *community-based organizations*, this study is incapable of gauging their true importance. The number of local organizational experiences is very high, to a large part promoted through the development activities of the Nicaraguan NGOs. The focus of their work tends to be related to local issues. The strength and sustainability of these local organizations are varied.

Chapter 4. Cooperation and conflict within civil society

Divisions

For several decades, Nicaragua has been a politically divided and polarized country. Polarization and distrust have created barriers between groups of people, and in many ways prevented cooperation, dialogue and joint pursuit of common interests. These tendencies have also affected the organizations of civil society in Nicaragua.

In the eighties, the great distinction that dominated and pushed aside all other forms of categorization was that between the FSLN, the revolution and the Sandinistas on one side, and the opponents on the other. This division continued as the basic one in the period after the electoral defeat of the Sandinistas. However, gradually, new divisions appeared. The UNO alliance fell apart, and among the previously unified Sandinista bloc, cracks started appearing. There was a gradual distancing from the FSLN leadership by large segments, even if for a long time the basic dividing line was perceived as continuing to be between left and right, Sandinistas and non-Sandinistas. Today, this is probably no longer the case. Increasing dissatisfaction with the FSLN leadership – which for many culminated with the pact between Ortega and Alemán – has led many to question the traditional political map which places the FSLN on the left, confronting the liberals of the right. Instead, they see a political landscape where the political class and the two major parties conspire against democracy and popular interests. For others on the left, the great dividing line concerns attitudes towards globalization, neo-liberalism and privatizations. From this perspective, there appears to be a fundamental difference between the two *caudillos*, and the traditional political map therefore still makes sense (even if one may deplore certain weaknesses of the party of the left).

Schematically describing these processes with reference to civil society, one might say that in the period after 1990, civil society was very much identified with the FSLN. The fronts were in some ways also quite clear – both organizations of civil society and institutions of the state perceived the other as an adversary. Today, the situation is more complex. Even if a majority of civil society organizations still have Sandinista roots and perceive themselves as being on the left of the political spectrum and in favor of ‘an alternative development model’, the identification with the FSLN is disappearing. Gradually, organizations of the left have started cooperating with institutions of the state governed by liberals, as well as with other civil society organizations of different backgrounds. The extent of this shift that has taken place became visible this year, when many of the organizations of the left supported the *Movimiento por Nicaragua* in its campaign against the pact (and by implication, in favor of President Bolaños). Thus, with respect to Nicaraguan civil society, it is possible to say that currently, the funda-

mental division is not between right and left, or Sandinista and non Sandinista, but within the left. Polarization is still there – even if weaker than before – but the front lines are new and their developments correspond to the changing alliances of the overall Nicaraguan political landscape.

Divisions need not only be political. In a civil society that is NGO-ized, dependence on development assistance is a fact of life. In a situation where aid is perceived as going down from one year to the next (the study has not been able to ascertain whether and to what extent this perception is correct), organizations are inevitably placed in a situation of competition. The study has not been able to focus on aid and relations to donors, and we have therefore not identified any examples of the effects of such competition. Logically, however, one would expect that competition is an obstacle to coordination.

Coordination

There are a series of examples of coordination and cooperation between organizations of civil society in Nicaragua, some of which are quite ambitious and comprehensive. The *Coordinadora Civil* is largest of these structures. Its ambition is to be an umbrella organization for the whole of civil society, not only for one segment or for one sector. As its list of organizational members with voting rights contains 468 members⁴³, it must be considered quite successful in this. Politically, the members cover a wide span, from organizations considered relatively loyal to the FSLN leadership, such as for instance AMNLAE and CIPRES, through the majority of left-leaning organizations with Sandinista roots but more or less explicitly distanced from the party, to organizations perceived as of the right, such as *Fundemos*, *Ética y Transparencia* and ex-contra organizations. As described previously, the CC was established to deal with post-Mitch reconstruction, but has assumed a more permanent role in terms of general coordination among civil society organizations. Activities are organized in thematic or sector-wise working commissions, for women, human rights, agriculture, and so on. Agreeing on minimum platforms that can be the base for concerted lobbying towards institutions of the state is a key objective. CONPES is one of the important arenas for such lobbying.

Such a comprehensive coordinating body will by its very nature experience tensions and centrifugal forces. Controversial issues concern how and what standpoints and positions to take, and who can claim to speak on behalf of Nicaraguan civil society. The CC is conceived as a very flat structure, with ‘contact persons’ (*enlaces*) rather than leaders or coordinators, with frequent meetings of its ‘Parliament’, and with open access for everybody who wishes to attend the commission meetings where policies are discussed. But still, large parts of its membership are left with the feelings that decisions are taken over their heads. One problem is that even if participation is open, it is not without costs. Better-staffed organizations based in Managua

⁴³ As each local chapter of national organizations is recognized, the total number is higher than it might otherwise have been. There are for instance 14 local AMNLAE organizations on the list. Counting such blocks as only one organization would give a total of 337 organizations.

have advantages in participating in these forums, while organizations prioritizing other activities within their specific area of work become sidelined. There are also some feelings that much work related to CONPES becomes so specialized and technical, that both professional skills and full-time dedication to the issues is necessary in order to take part. Thus, if Nicaraguan civil society as a whole is dominated by the segment of professional NGOs, one could go further and say that within the CC, these NGOs are again dominated by a limited group of activist NGO-employees with the time, the professional background and the salary that allow them to play a leading role in these activities. One might therefore claim that Nicaraguan civil society is doubly dominated by middle-class professionals of Managua.

A new and perhaps competing coordinating body was established in May 2005, the *Coordinadora Social*. This is formed by organizations closer to the FSLN, and there are 37 organizations on the list of founding members. They include the different union organizations affiliated with FNT, AMNLAE, *Movimiento Comunal*, the most active students' organization, a few NGOs (FACS, CIPRES), different rural and agricultural organizations, and some others. The architects behind the *Coordinadora Social* present it as an attempt at rectifying some of the weaknesses of the CC. Thus, it is much more based on membership organizations, and therefore should have advantages in terms of representation and mobilization, and instead of attempting to span all ideological viewpoints, it has a declared position as anti-globalist and anti-neoliberal. But it is of course also possible to see its creation at this moment in time as an expression of the fact that the current dominant rift within civil society is between the organizations on the left. It should also be pointed out that a number of the members of the *Coordinadora Social* also maintain their membership in the CC. Thus, the two coordinating structures should not be conceived as only being in competition with and opposition to each other. There may also be opportunities for complementarity here.

The *Comité de ONGs e Instituciones de la Sociedad Civil Organizada de la RAAS* (the Committee of NGOs and Organized Civil Society Institutions of the Southern Autonomous Atlantic Region) is another example that deserves mention. It comprises a mixture of regional and national NGOs as well as a range of community-based organizations from different parts of the region – more than 60 organizations are on its list of members (even if not all participate with the same frequency). The organization has existed for more than ten years, and works both with campaigns and lobbying towards regional and national authorities, as well as on territorial coordination of development activities, and, in some cases, joint applications to donors have been prepared. Its strategic plan for the 2006-2010 contemplates actions for improved communication, institutional development of member organizations and joint campaigns. The large distances and challenging travel conditions, as well as the uneven strength of the member organizations, does mean that the stronger, Bluefields-based NGOs tend to dominate in the activities of the network.

The different networks for organizations working within specific sectors are also important instances of coordination within civil society. The *Red de Mujeres contra la Violencia* (Women's Network against the Violence) has been mentioned several times, and is an important example. The CODENI

(*Federación Coordinadora Nicaragüense de ONG que Trabajan con la Niñez y la Adolescencia* or Coordinating Federation of NGOs Working with Children and Youth) is perhaps the most consolidated of these. It was created in 1992, and currently counts with 41 full members, and 11 affiliated organizations. On the basis of strategic planning processes, joint platforms and work programs have been worked out, and the Federation has played an important role for legal and institutional development within its area of interest. CODENI is the only one of these coordinating bodies which has obtained legal status. This might be an expression of its more consolidated nature, but in our interview with the Federation, we were given the impression that registration had more to do with requirements from donors than from any active interest from CODENI itself. Indeed there were complaints that the form of federation was related to the legal requirements of registration, and did not really correspond to CODENI's mode of operation. The CC and the *Red de Mujeres*, on the other hand, have taken explicit decisions not to register, as it was felt that this would limit the organizations in structural or operational terms. Another important network is the *Red Nicaragüense por la Democracia y el Desarrollo Local*. The Federation of NGOs (FONG) has realized different activities throughout its more than two decades of existence. Although it seems to be inactive at the moment, this alliance of key development NGOs may become important again.

A dilemma faced by all these networks is how to deal with diversity of opinions and viewpoints. Basically, two strategies are followed. One is the identification of minimum common platforms, which serve as bases for joint political lobbying. The other involves tolerance and respect for the points of view of others, letting networks organize activities that some members but not all will support and take part in. The participation of the *Red de Mujeres Contra la Violencia* in the activities and marches in cooperation with the *Movimiento por Nicaragua* is an example of such a case where not all network members agreed or participated, yet respected the choice of those who did. This loose kind of organizational structure, however, is not so easily combined with the requirements of legal registration, which is why for instance the *Red de Mujeres* have opted not to register.

In addition to these enduring structures of coordination, one can also find a large number of temporary alliances for specific campaigns or causes. Thus, different organizations join together to protest or march against for instance the Free Trade Agreement, energy price hikes, or government inaction with respect to the coffee crisis. In such instances, organizations normally on opposite sides may sometimes find themselves allied through common interest in the specific case. Space does not permit a listing of examples. But because of its mobilizing success, it is worth dedicating some words to the *Movimiento por Nicaragua*. It came into being in late 2004, as a result of an initiative by a group of individuals, concerned about the political situation, in particular about the perceived hold over Nicaraguan politics by the Alemán – Ortega alliance. Different discussion forums and protest meetings were held, in Managua as well as in the Departments. The movement gained a fair amount of publicity, and was able to draw a larger group

of organizations into the *Red por Nicaragua*⁴⁴ (Network for Nicaragua). In order to accommodate those organizations that did not want to join the network formally, a looser structure, the *Comisión de Enlace* (Coordinating Committee), was created. Thereby, such diverse partners as the COSEP and the *Red de Mujeres Contra la Violencia* were able to take part. A high point in this campaign was the march held the 16.06.05, in which reportedly more than 100,000 people participated. The initiative thereby proved not only to be able to draw together civil society organizations of very different types and political colors, but also to mobilize huge crowds for street manifestations.⁴⁵

Conclusions

In several of the interviews made, we were told that Nicaraguan civil society is fragmented. This was stated by representatives of civil society organizations, as well as by analysts and donors. By the statement, they mean to convey that Nicaraguan civil society consists of too many organizations that are too dispersed and do not coordinate activities or join forces. In my opinion, this perception of Nicaraguan civil society is somewhat mistaken. There are two reasons for this.

Firstly, having a multitude of organizations should be considered more of a strength than a weakness. The fact that Nicaraguans create many organizations cannot be taken as a sign of weakness of civil society – if it means anything, it should rather be the opposite. Obviously, however, if it makes sense to measure the strength of civil society at all, then this must depend on the quality of organizations rather than on their number. Furthermore, while it is true that Nicaraguan civil society is divided by political and other differences, this should not be taken as an aberration or sign of weakness. Harmonious civil societies where all organizations agree and work together on a joint strategy for promoting democratization, human rights and development

⁴⁴ Sources differ as to whether there are 39 or 71 organizations in this network. However, saying that no official list existed, the *Movimiento por Nicaragua* was unwilling to give out any list of members of the network – neither the members of the moment of the interview (26.10.05) nor the members as they had been at an earlier point of time. Thus, not even the more modest claim of having been 16 organizations in June could be substantiated. It therefore seems prudent to treat these figures with caution.

⁴⁵ In a meeting with the Resident Country Director of the International Republican Institute (of the US Republican Party), the development of the *Movimiento Por Nicaragua* was described as a process facilitated and overseen by IRI. I was also given a document entitled ‘Facts on the Movimiento por Nicaragua’ which conveys the same impression. In addition to describing IRI and US government financial and advisory support to the process, the 13 member board of the *Movimiento* is described in the following terms: ‘Eleven of those members are without any doubt right-wing conservatives, Anti Sandinistas, Pro-TLC and anti “pacto”... Two of the members of the executive committee: Rosa Marina Zelaya and Carlos Tunnerman were at some point Sandinistas and occupied positions in the Sandinista regime. Since, they have evolved politically and now both are Electoral Consultants for President Bolaños and are considered Bolaños principal representatives on the MXN...’ The document concludes in the following manner: ‘IRI-Nicaragua has a lot of influence in the day to day decisions of the MXN executive committee and regular strategic planning meetings are held. MXN is an excellent ally and is really producing dramatic changes in Nicaragua through its actions.’ It should be emphasized that the document is in English, and probably written for IRI in Washington DC. For this audience, a country director might be tempted to exaggerate his own organization’s importance. The document’s version of the story might therefore not be totally accurate. Still, it provides a fascinating glimpse into one of the roles played by certain international donors in civil society processes – a theme this report unfortunately is not able to give justice to.

only exist in development strategy ideologies. If civil society is to represent society in general, it must also represent the contradictory interests and ideologies that exist in society. A vibrant civil society is therefore characterized by pluralism and diversity of opinions and attitudes. The fact that the organizations of Nicaraguan civil society do not agree on all issues should therefore be considered normal and healthy.

And secondly, there are a number of Nicaraguan experiences of coordination that are actually quite advanced. Most impressive is the joint action of the organizations of the *Coordinadora Civil* in the post-Mitch period, but a number of other experiences are mentioned above as well as in the section on the history of Nicaraguan civil society. In a comparative perspective, these experiences mean that Nicaragua cannot be counted as having a particularly fragmented civil society.

Of course there are weaknesses in the coordinating structures. Most clearly, this is seen in the most inclusive body, the *Coordinadora Civil*. It exhibits tensions both in terms of internal political differences, and with respect to the difficulties of achieving equal participation in discussions, decisions and activities. However, as has been argued, such tensions are natural, given the ambitions of embracing such a large and diverse groups of organizations. Even if the *Coordinadora* at the moment appears weaker and with less internal legitimacy than a few years ago, it is perhaps quite natural that such coordinating structures have their ups and downs. And the most striking fact of the CC is really the impact and successes it had in its early phase, and much less so the current difficulties of making this successful experience into a permanent structure.

Chapter 5. The organizations of civil society and the state

State and (civil) society are mutually constitutive. Neither can be fully understood except with reference to the other. The state sets important limits for the way that civil society can function through the democratic space it allows, the way it respects and protects freedom of association, and the legal framework it establishes for regulating organizational life. On the other hand, state – civil society interactions are a two-sided affair, dependent on the characteristics and actions on both sides. And just as civil society consists of very different types of organizations, which act and relate to the state in a multitude of ways, the state is composed of many different institutions that have different types of relations to the different civil society organizations. Schematically, one might imagine three forms of relationships between civil society and the state – withdrawal or lack of interaction, cooperation, or confrontation. In practice, one will find all shades in between, as well as different combinations at different times and between different institutions and organizations. Thus, this is a complex area. In the following, I will first discuss what kind of operational space the legal and institutional framework of the state offers the organizations. Thereafter I will present cases of different types of interactions between the state and the organizations.

Regulatory framework of the state

In general, both freedom of association and freedom of speech exist in Nicaragua. Thus, the basic conditions for a flourishing civil society are in place. During the presidency of Alemán, the regulatory powers of the state were used in partisan ways in order to control and attack selected organizations of the left.⁴⁶ Freedom of organization can consequently still come under attack in today's Nicaragua. But even if Alemán did intimidate the organizations of civil society and create an atmosphere of uncertainty and fear, he failed in closing down targeted organizations, and was largely unsuccessful in his attempts at expelling individual NGO workers. In this sense, the aberrations under the previous administration can actually be taken as an indication that the guarantees for the existence of an independent civil society are fairly well institutionalized.

An important segment of the civil society organizations are regulated through the Law 147 on non-profit organizations. This law states that legal recognition is granted to organizations by the National Assembly. Some or-

⁴⁶ According to some observers, Alemán targeted not simply organizations on the left, but specifically radical women's organizations in opposition also to the FSLN leadership – thus organizations that would not be controlled through the deals made between Alemán and Ortega (Kampwirth 2003).

ganizations, considering themselves oppositional, have therefore declined to register, as they believe they would not be accepted (for instance the *Movimiento por Nicaragua*). In actual practice, however, we have not come across any cases where registration has been refused, whether for political or other reasons. In one case, a two-year drawn-out registration process was blamed on the organization in question not having a political *patron* represented in the National Assembly who could help speed up the process (*Red Nacional de Defensa de los Consumidores*). In an analysis elaborated for the *Coordinadora Civil* and the *Centro de Derechos Constitucionales*, Mauricio Zúñiga argue that it is better to leave the authority for approving organizations with the National Assembly, rather than giving the potentially partisan and less transparent institutions of the executive this prerogative⁴⁷. There are other organizations which have not registered because this would impose a governing structure upon them that does not correspond to the logic or functions of the organizations – for instance the *Coordinadora Civil* and the *Red de Mujeres Contra la Violencia*.

Civil society representatives have argued for revisions of the Ley 147⁴⁸. Weaknesses pointed out include the fact the non-profit associations are not defined, nor are sub-categories (for instance religious organizations and churches, educational institutions, professional and occupational organizations, development organizations, etc.). They also argue that tax exemption ought to be guaranteed by law. Furthermore, there are, as we have seen, organizations that are unhappy with the governing structures requested by the law. It has also been argued that the law favors the registration of NGO type organizations, and that therefore the legal framework is an important factor behind the NGO-ization of Nicaraguan civil society. As the minimum requirement for registering an organization is just three to five natural persons (the regulations have changed over time), it is easier to register an NGO-type organization than to establish one which is membership-based and –controlled.

Lobbying for legal reform

One key area for civil society engagement with the state has been in the work for legal reforms. The organizations of CODENI have worked for – and succeeded in – having the International Convention on the Rights of the Child recognized in the constitution, and subsequently, in the approval of the *Código de la Niñez y la Adolescencia* (Law on Children and Youth). Women’s organizations have promoted changes in the penal law, primarily with respect to domestic violence, as well as the ratification of the international convention against violence against women, and they have for a long time been promoting a law on gender equality. Different organizations have mobilized both for and against legalizing abortion. As previously mentioned, civil society organizations have also been successful in legal reform related to environmental law, AIDS prevention, and protection against ‘passive’ smoking. A large number of organizations have been involved in campaigning for the *Ley 475 Ley de Participación Ciudadana* (Law on citizen partici-

⁴⁷ Zúñiga (2004)

⁴⁸ C.N.O. FONG (1998); Zúñiga (2004).

pation), which was passed by the National Assembly in late 2003. The *Red de Defensa de los Consumidores* has presented a proposal for a water law to the National assembly. A large number of organizations have been working on reforms to the electoral law, submitting various proposals intended to strengthen Nicaraguan democracy. The *Centro de Derecho Constitucional* (Center for Constitutional Law) has been involved in many of the above-mentioned processes, and has also – in cooperation with different civil society organizations – worked for reforming laws on labor relations (particularly with respect to women’s rights); various laws regulating municipalities; the regulations of the autonomy law; and so on. One of group of organizations has been pushing for the approval of the law on access to public information, for which a proposal already has been elaborated.

The above is by no means a comprehensive list of legal processes where there has been civil society input, but a relatively rapidly assembled set of examples, intended to illustrate the importance that Nicaraguan civil society organizations give to campaigns for legal reform. Indeed, one of the organizations, *Hagamos Democracy* (the name translates as Making Democracy Together or Let’s Make Democracy), has as one of its key activities to promote civic engagement and participation in legal reform processes, by arranging discussion forums for civil society organizations in connection with National Assembly debates over law proposals. Clearly, civil society organizations have had a significant impact over the last decade in terms of having laws or amendments approved, even if far from all campaigns have been successful. The question, of course, is whether laws are sufficiently effective in changing Nicaraguan reality for this legal focus to have been worthwhile.

New spaces for consultations

The legal and institutional reforms over the last decade have opened a series of new spaces for consultations between institutions of the state and organizations of civil society. The establishment of CONPES has been mentioned previously as an important watershed. But in addition, there exists a great number of councils, commissions and committees, at national, regional, departmental and municipal levels. In the Appendix of the Law on Citizen Participation, more than 50⁴⁹ such instances are listed. According to Violeta Granera, executive secretary of CONPES, their count of such consulting or coordinating bodies reaches 108, at the national level alone. With the Law on Citizen Participation, an important new set of structures, parallel to the national level CONPES, is established: *Consejos de Desarrollo Departamentales/Regionales* (Development Councils for the Departmental or Regional level) and *Comités de Desarrollo Municipal* (Municipal Development Committees). Obviously, with more than a hundred commissions at a national level, and maybe as many or even more at lower institutional levels,

⁴⁹ It is difficult to be specific on the number, as one type is simply given as Sector Working Commissions (*Comisiones de Trabajo Sectoriales*), in plural, but without specifying which or how many sectors it refers to (the legal reference here is to Law 337 for the Creation of the National System for Prevention, Mitigation and Attention to Disasters). Furthermore, a number of different types of committees or commissions are to be established at municipal and/or departmental level, thus making their total numbers much higher than the fifty-plus indicated.

the experiences of these spaces are bound to be varied. Only some examples can be given here.

CONPES is established as an advisory organ to the executive. Over time, it has been composed in slightly different manners. Currently, 51 civil society representatives sit on the Council: 18 representing the private sector, 12 labor organizations, and 21 different associations, movements and NGOs. In addition, there are 16 representatives of the departmental/regional development commissions, and 10 individually appointed members (respected individuals of the public sphere). Under Alemán, representatives of the political parties also sat on the Council, while there were no members in individual capacity. The members of the Council work in different thematic commissions – on labor, infrastructure, production, governance, economy, and social issues. A budget commission is also being established.

Among the important issues taken up by CONPES have been the poverty reduction strategies and the national budgets. In general, CONPES has worked seriously in coming up with recommendations in these areas. As they are made by majority vote, probably no representatives agree completely with the recommendations produced. Nevertheless, all the representatives of organizations directly or indirectly represented on CONPES believe they have had influence over certain themes. The problem, however, has been that it is only an advisory body, and there are no requirements on the government to follow the recommendations, nor to report back how the issues in question have been handled in practice. Both Presidents Alemán and Bolaños have tended to ignore the advice they did not agree with. This was no surprise with Alemán, who was openly against consulting with civil society and only established CONPES under pressure. Civil society expectations were somewhat higher with Bolaños, and many interviewed expressed disappointment with the way his government has been using CONPES. Furthermore, in the deadlock between the President and the National Assembly during 2004-2005, CONPES was perceived as being on the side of the President. The National Assembly responded by drastically cutting funding for CONPES, thereby curtailing activities during 2005. On top of this, there is the previously reported feeling among significant segments of civil society, that CONPES level discussions only involve a small Managua-based NGO elite. In sum, then, the prestige and legitimacy of CONPES is quite low at the moment.

Still, it is important to see that the balance is far from being completely negative. CONPES is important as an institutional expression of the recognition that civil society should take part in the important discussions of Nicaraguan development. Its establishment therefore signals a fundamental shift with respect to the post-Sandinista regimes, and one that cannot easily be reversed. Furthermore, the process has led to a shift not only on the part of the institutions of the state, but also among the organizations of civil society. As a consequence of the establishment of CONPES, the organizations have oriented themselves more towards lobbying type activities. Moreover, the fact that CONPES has functioned for more than six years, and that key organizations have taken part in its work in a serious and professional manner has been a very important learning experience. In this way, the organizations have greatly developed their capacities for lobby and advocacy activities.

As for the other types of ‘inter-institutional’ commissions and committees, the experiences are mixed. In some cases – such as for instance with respect to health, children and youth, and to some extent certain gender issues – organizations report positive experiences of taking part in these consultative bodies. Ewig (1999), for instance, in her study of what she terms the NGO-based women’s movement, concludes that through skilled and professional work, the organizations were able to have a significant impact on Nicaraguan health policies and the functioning of public health institutions. But equally often – or maybe in the majority of cases – these commissions and committees do not function according to intentions. In many cases they exist only on paper, having met only when being constituted or not at all. Concluding in a positive manner, one might say that these new spaces for consultation are still in a process of being institutionalized, and that for this reason there is still some way to go before they function as intended.

Weak institutionalization affect state – civil society relations

Weak institutionalization is of course a characteristic of Nicaraguan governance in general, not only of the structures for consultations with civil society. The almost constant power struggles between the different institutions of the state, the frequent constitutional changes, and the recourse to ad-hoc solutions to overcome political crises or inhibit political competitors are clear expressions of this. It is worth pointing out that this also affects the potential for civil society to interact constructively with the state.

When there are 108 ‘inter-institutional commissions’ at national level, this profusion of structures with overlapping responsibilities leads not only to duplication of efforts. It means also that parallel discussions are held without coordination, contradictory conclusions are drawn, and the result is confusion and inefficiency. This lack of institutional order and coherence to some extent hinders or neutralizes constructive civil society engagement with institutions of the state.

Furthermore, when state institutions are paralyzed due to a standoff between the executive and the legislative branches, the scope for meaningful interactions with the organizations of civil society is severely limited. When CONPES slows down because the National Assembly cuts funding as one element in its struggle to render the President powerless, this is an extreme example of this. Similarly, when institutions are inefficient for other reasons, it limits the possibilities of cooperation and coordination with civil society organizations in the same way.

Moreover, political polarization does not only characterize Nicaraguan civil society, or society in general. It is equally strong within the institutions of the state. For this reason, these institutions tend to behave differently towards different actors depending on the political color they are perceived as having. This partisan characteristic of state institutions is an expression of a weakly institutionalized state. It also affects civil society interactions. Even if polarization is less intense than what it was fifteen years ago, and there are many examples of cooperation across political divides, it is still the case at all levels of government that opportunities for cooperation are discarded due to political differences.

Some analysts of Nicaraguan civil society contend that it has always been dominated by the political parties, and therefore primarily functioned as instruments in the parties' struggles to achieve and maintain political power and control over the state (Miranda et al 2002; Miranda 2004: 92; Montenegro 2002). Historically, this interpretation is insightful. Still, it must be pointed out that it since the early 1990s it has been gradually losing validity. As we have seen, the hegemony of the FSLN over civil society is reduced, while its adversary the PLC has never assumed any similar dominance. The widespread rejection of the pact between the two largest political parties, which one finds among Nicaragua's civil society organizations, is a clear indication of a changed situation in this respect.

Many have pointed out that Nicaraguan political culture has been characterized by '*caudillismo*' and '*verticalismo*' – that is a hierarchical political structure where strong leaders exert almost unquestioned authority among their followers. While there are always important modifications and exceptions to this kind of 'truth', it nevertheless corresponds well with important aspects of Nicaraguan politics. Alemán's use of the instruments of the state to squash his opponents in the organized civil society is both an example of the way a *caudillo* wields his power, as well as another indication of the weak institutionalization of Nicaraguan state institutions.⁵⁰ But while the case of Alemán may be an extreme example of the tendency, it may be just as pervasive among current Ministers who pay no heed to CONPES, perhaps feeling that members of the elite and heads of the government should not need to listen to peasants, workers and members of the 'masses'.

Civil society–state cooperation more feasible at local level

That the experiences of cooperation between state and civil society would be more common and stronger at the municipal and department level than at the national level, was anticipated before the start of the study. This was part of the reason why it was deemed important to include case studies at a local level. All in all, the study amply demonstrated that the hypothesis was correct. It was confirmed both by statements from organizations working at the national and as well as the local levels, and, with certain reservations, by the fieldwork in Matagalpa and the RAAS.

In a number of the interviews we did with civil society organizations in Managua, it was expressed that it was easier to have an impact at a local level. A typical example is the following statement: 'National leaders will give a speech, and there it dies. At local levels there are solutions, and it is possible to establish another type of contact with the representatives of the authorities.'⁵¹

The statement gives some of the reasons why cooperation is better at the local level. Mayors, politicians and functionaries at the municipal level are closer to the problems, to the people of the civil society organizations, and to the practical level where solutions can be found. This means that because of

⁵⁰ Although a somewhat ambivalent example, as he was at best only partially successful in this strategy. The fact that he was not more successful could equally be attributed to the fact that certain rights of the organizations of civil society had actually been institutionalized.

⁵¹ Interview CODENI 29.09.05.

a joint concern for a certain issue, organizations and local politicians or administrators may be much more likely to bridge the gap between competing political ideologies than is the case at the national levels. For instance, while several organizations mentioned that it was difficult to cooperate with MECD (the Ministry of Education, Culture and Sports) on school and education issues at the central level, they would often have excellent working relations with the Delegations and MECD structures at department and municipal level.

Another reason why cooperation is easier to achieve at the local level concerns the fact that local politicians, local administration and local organizations have common interests in their relationship with the central government. They all wish for greater allocation of budgets and services from Managua. Therefore, joining forces in planning, requesting and campaigning for this makes a lot of sense.

The newly established structures of *Consejos de Desarrollo Departamental/Regional* (CDD/R) and *Comités de Desarrollo Municipal* (CDM) strengthen this mechanism. In these councils and committees, representatives of different civil society organizations sit together with representatives of local government to elaborate local development plans and strategies, and to prioritize departmental/municipal budget expenditures. These councils and committees do not exist everywhere, and even if they exist, they may not always function according to intentions. But where they function well – as is the case in Matagalpa, both at municipal and department level – they create a lot of enthusiasm, as well as local developmental plans that a large number of stakeholders have agreed on and for which they have sense of ownership.

This kind of cooperation functioned in several of the municipalities of Matagalpa, but not all. The decisive factor for whether these structures were established or not, and for how they functioned, seemed to be the attitude of the Mayor⁵². Where he or she was positive, they were established and functioned, while if the attitude was negative, they did not function well, whether they were established or not. There were examples of both liberal and Sandinista Mayors who were positive, as well as negative – thus this was more an individual trait than related to political color.

In Bluefields, there was no CMD (even if they were reported to function in the majority of the municipalities of RAAS). There was no Regional Development Council either, even if in 2001-2002, a similar structure called COPLAR (*Comisión de Planificación Regional*) had been functioning. Here the main reason seems to be related to a very weakly established regional government. This is for instance seen in the transition between administrations, where continuity is minimal: the new administration starts almost from scratch. After the last elections, it took several months before a governing coalition could be established. Interventions from the civil society umbrella organization were reportedly instrumental (and necessary) for achieving this. Thus, while here we have a relatively well-coordinated group of civil society organizations, the government structure is extremely weak, and thus poses a major obstacle for achieving any coordination between state institutions and civil society. This is thus another example of weakly institutionalized state

⁵² At least this was reported by several NGOs that worked in both types of municipalities.

structures limiting the potential for coordination with civil society organizations.

Increasing orientation towards campaigns, lobbying and advocacy

One finding of the study is that among organizations of quite different types, one can find a reorientation towards increased emphasis on lobbying, campaigns and advocacy activities over the last years. This tendency is for instance found among the diverse types of NGOs active in consultations through their sector networks or the *Coordinadora Civil* structure, it is evidenced by the very diverse organizations joining the *Movimiento por Nicaragua*, and it is seen in strategy shifts among membership organizations such as ATC and the *Movimiento Comunal*.

Both the two latter organizations have taken explicit decisions to reduce or stop their project-implementing activities in favor of work more oriented towards mobilization and advocacy. UNAG and FENACCOOP seem also to have strengthened their campaign activities and developed new and clearer strategies for their campaign or lobbying work. Thus, these four membership-based organizations appear all to be developing their practices and identities away from the development-NGO-type characteristics.

Speculating on the reasons for this apparent shift, it is possible to come up with two sets of factors. On the one hand, the momentum of the processes in the aftermath of Mitch – when organizations of the whole spectrum of civil society joined together, found new strength, achieved national and international recognition, succeeded in the campaign for establishing CONPES, and had a real input in the elaboration of the Poverty Reduction Strategy – generated its own dynamics among the organizations, and evidently stimulated the orientation towards this kind of work.

And on the other hand, it can hardly be a coincidence that such activities have been emphasized in development discourses and donor rhetoric over precisely the period in which these activities have become increasingly important for Nicaraguan civil society organizations. Both donors and Nicaraguan NGOs operate within a development discourse that provides models and understandings for development and for the roles of civil society organizations. Through the internalization of these models, as well as through the incentives of funding, this reorientation has been stimulated.

One may discern two variants of lobbying. One is concerned with influencing the policies of the government – with respect to health, education, gender, agriculture or other areas. The other is concerned with the functioning of the political system as such, and seeks to promote transparency and democratic procedures and practices. While this latter area is the particular domain of the watchdog institutions described below, it is also an area that is increasingly addressed by other types of organizations, as evinced for instance in the broad alliance behind the *Red por Nicaragua* campaign. Among Nicaraguan civil society organizations, both types of lobbying are on the increase.

Watchdogs

Nicaraguan civil society also contains a number of efficient and highly competent organizations that fulfill the watchdog functions towards the state. These include human rights and legally oriented organizations (CDC, CENIDH, CPDH), organizations working with electoral monitoring and the promotion of formal democratic institutions (Fundemos, Hagamos Democracia, IPADE, *Red para la Democracia y el Desarrollo Local*), anti-corruption watchdogs (*Ética y Transparencia*) and consumer organizations (INDEC, LIDECONIC, *Red Nacional de Defensa de los Consumidores*).

Looking at when these organizations were established, we can generalize broadly and say that the human rights organizations are from the –70s and –80s, the democracy organizations from the early –90s, the anti-corruption organization from the late –90s, and the consumers’ organizations from the current decade. Thus, their emergence corresponds to concerns of the time – and perhaps also to the evolution of donor interests.

Indirect influence on state – society relations

This study focuses on the formal organizations of civil society. However, when dealing with their interaction with the state, one should not forget the indirect effects. Through decades, these organizations have carried out mobilization, organization and awareness campaigns about rights among the Nicaraguan people, to a large extent among the more marginalized groups. While this is not covered by this study, and it is anyway difficult to quantify or estimate impacts in this field, it seems clear that this work must have left traces in the form of a population more aware of its rights and more capable of claiming them than would otherwise have been the case. This inevitable also changes their relationship to the state.

In this way, it seems safe to conclude that the work of Nicaraguan civil society organizations has indirectly contributed to more democratic state – civil society relations than would otherwise have existed, even if we cannot identify the exact impacts.

Summary

While there have been instances of abuses from the authorities, in general it must be concluded that there exist freedom of speech and association in Nicaragua, and a relatively enabling framework for civil society.

In their relations with the state, Nicaraguan organizations have given high priority to working for legal reforms. In this area, there have been a number of successes, where organizations have succeeded in introducing new laws or changes to old ones.

The establishment of CONPES – the council for consultations with civil society – at the national level, and the counterpart councils at regional and department levels, imply a considerable change in the relations between the Nicaraguan state and the organizations of civil society. For a number of reasons – to a large extent having to do with a weak institutionalization of the Nicaraguan state – these new spaces have not always given civil society true influence. Still, the fact that they have been established implies a new recog-

nition of the right of civil society to take part in discussions on government policies. In general, constructive cooperation between authorities and civil society organizations has been more feasible at the local level.

Among many organizations of civil society – of different types – one finds that during the last years there has been an increased interest in and orientation towards giving lobbying a higher priority.

A weak institutionalization of the Nicaraguan state, as has been alluded to various times, is for instance shown by the frequent political crises, the many cases of large-scale corruption, and the widespread disillusion with politics and politicians. To a large extent, it is these very politicians who must carry much of the blame for this state of affairs (while also recognizing that the consolidation of the Nicaraguan state has faced considerable objective difficulties). It is by no means easy to conclude objectively about what role civil society has played in the Nicaraguan state formation process. In a sense, any verdict rests on the political beliefs of the observer. The mobilization of unions and other popular organizations during the 1990s could be interpreted either as important interventions for ensuring continued state guarantees for the fundamental rights of the Nicaraguan people, or as making Nicaragua ungovernable. Campaigning against the pact in 2005 can similarly be seen either as fighting for democracy or as giving in to a neo-liberal agenda and abandoning a popular struggle against the forces of globalization⁵³. Any attempt at assessing the role of civil society in promoting democracy and human rights should therefore specify its premises and the grounds on which it is built. Another difficulty stems from the heterogeneous nature of civil society. Organizations differ in the interests they represent, the standpoints they promote, the actions they take, and the type of impact they have. And finally, in a complex social reality, it is by no means straightforward to tell the true impact of organizations on aggregate processes such as state consolidation. Still, with these caveats in mind, it is possible to offer a conclusion of some sort.

Nicaraguan civil society organizations are increasingly autonomous of the political parties. At the same time, more organizations are giving higher priority to lobbying and advocacy activities. Thus, there is an increase in civil society's non-partisan lobbying for transparency, clean elections and accountable government. In this sense, civil society is promoting democracy and human rights. Where civil society organizations represent the interest of specific political parties, or lobby for policy changes in the interest of specific sectors, one cannot say *a priori* if this furthers democracy or not. Nevertheless, overall it seems safe to conclude that the trends indicate that Nicaraguan civil society is playing an increasingly positive role in the strengthening of Nicaraguan democracy.

⁵³ By not supporting the FSLN as the only force capable of leading such a struggle.

Chapter 6. Organizations and constituencies

One ambition of this study has been to analyze the relationship between the organizations of civil society and their constituencies. This is of course a key issue with respect to the questions of representation and accountability that an NGO-ized civil society brings out. Unfortunately, this is not a straightforward issue to explore, and time has not allowed us to enter into it with the depth and thoroughness that the theme requires. Yet, on the background of the information that we do have, some general observations can be made.

Structurally, there is a fundamental difference between membership organizations and NGO-type organizations. Membership organizations include unions, private sector organizations, mass organizations and organized interest groups. In all the membership organizations that we interviewed, there were democratic structures that allowed their members a say in the decision-making bodies of the organizations. Thus, formally, these were organizations that belonged to and represented their members. In terms of community-based organizations, we only interviewed very few – local structures in Rama Key, and the Movimiento Comunal in Matagalpa. While very different types of organizations, they both had democratic structures for electing leaders and making decisions.

The NGOs, on the other hand, would typically have an assembly of maybe 10 to 30 persons as the organ of maximum authority. These persons were in most cases not rotated – usually they would be the founders of the organization. In some cases they were complemented at a later stage by a few additional respected persons. Generally, these permanent members of organizations' assemblies were middleclass persons, who could not be said to represent the target group of the organization.⁵⁴

Thus, formally there are fundamental differences between the two types of organizations. This also has practical implications with respect to the kind of positions the organizations are able to take. The leader of the *Movimiento de Mujeres Maria Elena Cuadra*, one of the few membership-based women's organizations⁵⁵, expressed that she has to be very careful with any public statements she makes on issues such as sexual rights, reproductive health, or the Catholic Church, as these are potentially very controversial topics, also among the members of the Maria Elena Cuadra. As it is the members who own the organization, she said, she cannot use it as a platform for promoting her personal views, whatever these might be. It would not be

⁵⁴ Board members of women's organizations were women, and representative in this respect, but still in most cases different from the women with which the organizations worked in terms of class.

⁵⁵ The *Movimiento Maria Elena Cuadra* is a membership based movement specially working for the interests of women workers, and claims a membership of 70,000. AMNLAE claims to organize 150,000 women – which sounds like being on the high side. Still, AMNLAE faces this same dilemma.

right, and moreover, it would be destructive for the organization. Being a large membership organization thus implies having to be responsible to your members. The NGO-type women's organizations, on the other hand, are of course at liberty to take up much more radical positions.

The above considerations are of course correct up to a point. Some organizations have members with formal democratic rights within the organizations, while other organizations have beneficiaries, target groups, clients, or – if they are very politically correct – partners. However, the contrast needs to be nuanced. On the one hand, it is a well-known fact from all parts of the world that democratically structured organizations do not necessarily function democratically. In a number of ways, individuals, elites or factions may dominate the organizations in ways that render inefficient the democratic structures. Whether elections are held regularly or not (which is not even always the case), the organizations need not function democratically even if they have democratic structures.

And on the other hand, there are NGOs that have formalized systems of consultations with the groups for which they work – for instance through advisory boards or representatives to the general assembly⁵⁶ – that may give the constituencies a real influence in defining policies. Furthermore, there are a number of NGOs that work so closely with their target groups that they do get a very deep understanding of their situation, needs and wishes. Certainly these NGOs have not only a right, but maybe even a duty, to speak on behalf of these groups in important arenas where the people in question are unable to participate. Unfortunately, however, it is not always the organizations who work closest to the marginalized groups that are most likely to be in the forefront in consultations and lobbying at policy levels.

Thus, questions of accountability and representation are complicated issues that cannot be decided simply on the basis of the formal structures of the organizations. In order to fully assess these questions, much more thorough investigations are needed. Another dimension that might also be fruitfully included, were such a study to be made, is also whether and how being a recipient of development aid – with consequent accountability towards the donor – changes the accountability of the organization towards its members or constituencies.

⁵⁶ ADDAC, FADCANIC and FACS are all examples of NGOs that have institutionalized such systems.

Chapter 7. Conclusions

Main findings

To sum up the findings so far: Current civil society in Nicaragua is a product of the developments over the last decades. Revolutionary mass organizations of the eighties; political polarization; NGOs created in the nineties; donor flows for civil society; the post-Mitch establishment of the *Coordinadora Civil* and the CONPES – these are central processes that have served to give Nicaraguan civil society its particular configuration.

This configuration is to some extent dominated by a set of highly visible, professional, active and Managua-based NGOs. They have a dominant position in part because of their own strength and privileged access to donor funds. But they dominate also because the labor movement is fragmented and relatively weak, social movements are largely absent, community-based organizations are oriented towards the local level, and private sector organizations – although relatively strong – tend to focus on sector demands. On this background, it makes sense to talk about an NGO-ized civil society.

Civil society is – as Nicaraguan society in general – politicized and polarized. However, polarization has decreased since the early nineties, and for civil society, the dominant division may no longer be between the Sandinista left and the non-Sandinista right, but rather between segments of the left – for and against the FSLN leadership.

Organizations of civil society in Nicaragua are relatively advanced in terms of coordination. While coordination was stronger a couple of years ago, such fluctuations are natural, and comparatively, it is not correct to conclude that Nicaragua has a particularly fragmented civil society.

There is freedom of association and speech in Nicaragua, and a relatively enabling context for civil society. This includes also a series of new institutional spaces for consultation between state institutions and civil society organizations. The experiences of these spaces have so far been mixed, to a large extent due to a generally weakly institutionalized state. Still, the existence of these spaces means an important step forward in terms of recognizing the right of civil society organizations to be heard in debates on national development. At the same time, the organizations are becoming increasingly oriented towards lobbying and advocacy. Achieving cooperation between civil society organizations and institutions of the state are more feasible at the local level.

The characterization of civil society as ‘NGO-ized’ implies weaknesses: that these are organizations that are not representative; that they base their central activities on the work of salaried professional staff rather than activists or members who do voluntary work because they believe in it; that they are highly dependent on aid and therefore primarily accountable to donors; and that their activities are structured in terms of projects, with specific and defined objectives (in contrast for instance to social movements). These are valid and important points, and they imply fundamental dilemmas both for

actors within Nicaraguan civil society and for donors. Still, they should be balanced by an appreciation of the strengths of this type of civil society. Because as mentioned, many of these NGOs are highly professional organizations, efficient not only in implementing development projects, but also capable of engaging the government in technical discussion of complex development issues, or in promoting and developing better and more rights-oriented legal instruments. Furthermore, many of these NGOs have been active in promoting community-based organizations and general awareness of citizenship rights. The impact of their work may therefore include the creation of a large number of organizations with a much greater representativity than the NGOs themselves can claim. The recognition of the weaknesses of an NGO-ized civil society must thus be tempered by an appreciation of the positive impacts that these organizations have managed to achieve.

In a document from SIDA, four potential positive functions of civil society are identified⁵⁷: Setting issues on the public agenda; articulating and representing the interests of marginalized sectors; providing popular education in a broad sense; and implementing development projects. While this study has not looked at the last function, the other three categories can be used to organize a conclusion about the characteristics of Nicaraguan civil society.

In terms of *agenda setting*, the organizations of civil society have been active in raising a range of different concerns. As mentioned above, there are a considerable number of legal reforms that have come about as a result of the issues having been raised by different types of organizations. They have also been successful in raising concern over issues such as government inefficiency in terms of responding to Mitch, as well as the problems of democracy in Nicaragua. And the associational sector has played an important part in sustaining debates over issues such as globalization, free trade and the CAFTA. However, it could be pointed out that it is the media that has played the most important role when it comes to setting issues of democracy and corruption on the agenda. To the extent that the civil society organizations have engaged themselves with these issues, they have to a large extent been following the lead of the press. In this connection it could even be said that the engagement of the organizations in issues of corruption and transparency is relatively weak⁵⁸, particularly given the widespread concern over these issues among the Nicaraguan public.

When it comes to *representing the interests of the marginalized sectors*, the organizations have had an important function in promoting the rights of women and children. Human rights organizations and consumer organizations have also been important in articulating the interests of weaker sectors of society. While the labor movement historically has been important in this respect, it is currently severely weakened. The dominance of NGOs does imply a weakness in terms of representation, even if also professional and non-membershipbased NGOs may articulate and represent the interests of

⁵⁷ 'Mot en målbild för eo-anlaget' Word-document, SIDA, June 2005.

⁵⁸ There is one organization specifically dedicated to these issues – *Ética y Transparencia*. There have also been other organizations involved in pressing for a law on access to public information, but this has not been a broad or high-profile effort. With respect to corruption there are surprisingly few initiatives from the organizations.

the sectors for which they work. In general, there seems to be an urban bias to the way in which organizations represent marginalized groups.

Organizations provide *popular education* in different ways – through explicit training and ‘consciencization’, and indirectly, through providing organizational experience and strengthening links between people. Here it is clear that many of the project-oriented NGOs have had a significant impact in terms of grassroots training and promoting local organization. While this study is unable to measure or quantify this impact, we believe it to be considerable.

Challenges and dilemmas of an NGO-ized civil society

This study does not pretend to be an evaluation in any sense of the word, nor does it aim to make recommendations. However, by way of conclusion, it can be useful to point out a set of challenges and dilemmas that a civil society dominated by NGOs must face.

Most importantly, of course, is the issue of *representation*. If NGOs only represent a handful of people of the general assembly, why should they sit on CONPES or other bodies for consultations? As pointed out above, this question is more complex than it appears at first sight, and it can be argued that some NGOs do have a right to speak on behalf of the marginalized groups with which they work. Furthermore, watchdog type organizations may earn their right to speak and represent on the basis of the quality and belligerence of their ‘watch-keeping’. As these are complex issues, the challenges for the civil society organizations of Nicaragua is to take them up, clarify them, and make visible how the mandate to represent arises.

Related to this are questions of *accountability*. Are there mechanisms by which NGOs are held accountable by the sectors they represent? Can they be established, and how? Or is accountability ultimately tied to membership and mechanisms of votes and elections? It seems to this consultant that this question may pose a more difficult challenge to Nicaraguan civil society than the issue of representation. While many organizations may point to their close interactions with the popular sectors as giving legitimacy to represent, it does seem farfetched to claim that they are accountable to these groups in any meaningful sense. Furthermore, a highly aid-dependent associational sector, competing for what is perceived as increasingly scarce donor-funds, has to abide by the requirements posed by funders. This would seem to imply drastically reduced leeway for being accountable to constituencies, whether these are members, beneficiaries or target groups.

A parallel issue relates to *internal democracy*. If democratic procedures are not instituted and followed within the organizations, with what right can it serve as a watchdog towards the government?

By the same token, how can organizations claim *transparency* of the government if they do not practice it themselves? While we did not make any attempts at collecting information on the organizations’ economic affairs, we did collect presentation folders, documentation and material from a

large number of organizations. Only in one case was a statement of accounts included in the promotional material.⁵⁹

Nicaragua is a highly aid-dependent country, and so is its civil society. The NGOs in particular are characterized by *aid-dependence*. This affects not only accountability, but also the sustainability and legitimacy of the organizations.

NGOs have fairly *low legitimacy* among the Nicaraguan public. There are widespread perceptions that the organizations receive large amounts of aid, but tend to use them for air-condition, computers, cars and salaries, rather than for development and poverty-reduction. The intention here is not to render support to such perceptions – in my opinion they are generally wrong. Still the fact that such perceptions are widespread implies a challenge to the organizations, and to their potential for lobbying and advocacy.

A set of dilemmas relate to *professionalization*. This strengthens the work of the organizations in general. And with respect to participation in technical discussions on budget issues in CONPES, it may be a necessary requirement. However, taking the agenda to this level increases the divide already existing between professional middle-class organizations and the marginalized groups they claim to represent.⁶⁰

Coordination implies a similar dilemma. While joining forces is necessary for civil society organizations to have an impact, the message one is able to deliver becomes diluted if all interest groups, stakeholders and ideologies are to be included. Furthermore, the greater the coalition, the more energy is expended trying to hold it together. Thus, there is a need to strike the right balance here, which probably shifts over time, depending on the common interests that can be identified at any given moment.

Finally, the question of how far one should go in *cooperation with the state* implies another difficulty. When does cooperation become cooptation? When does the aspect of lending legitimacy and support to a government that does not deserve it outweigh the potential impact and influence one might have over the government's plans and actions?

There are no ready answers to these dilemmas, and the purpose of ending this report with them is really rhetorical. The point is simply that even if professionalization, coordination and cooperation with the state are good things in themselves, it is not necessarily the case that more is always better.

These are primarily challenges and dilemmas that must be faced by the organizations of Nicaraguan civil society themselves. But they are also of relevance to donors, who should keep them in mind not only when selecting partner organizations, but also for assessing the strategies and modalities of the cooperation. How can aid be given in a manner that promotes the development of more representative and accountable organizations? Here, donors face their own dilemma: Can aid – which implies new accountability from

⁵⁹ It was probably no coincidence that the organization in question was *Ética and Transparencia*.

⁶⁰ This is a version of an old dilemma, related for instance to the identity crisis of the Marxist intellectual believing in the primacy of the proletariat. The idea of vanguardism is one way of resolving the problem, quite parallel to professional middle-class organizations representing the marginalized in consultations with the representatives of the state. Of course, vanguardism has not been an overwhelming success in Nicaragua.

recipient towards donor – be used to promote the recipient organization's accountability towards its constituency?

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Appendices

a) Terms of Reference Consultancy on Nicaraguan civil society

Objective

The objective of the study is to analyze Nicaraguan civil society, with a particular view to the question of whether and how the significant international aid that has been channeled to the associational sector is furthering democratization and the promotion of human rights. The intention of the study is to yield information of relevance to NORAD's assessments of governance and democratic development in Nicaragua. In particular, the study should throw light upon a) the Nicaraguan state's ways of relating to civil society, with a focus on the Aleman and Bolaños administrations; and b) issues of representation and accountability of civil society organizations towards their constituencies.

The study will have three components⁶¹:

- A historical study of the growth and development of Nicaraguan NGOs and associations since the eighties, with particular emphasis on the role of international aid and on the relationship between various segments of the sector to the Nicaraguan state.
- An analysis of key examples of state – civil society interaction, including the PRSP process; relief coordination after the hurricane Mitch; state – civil society partnerships for service delivery; civil society lobbying over certain key issues, such as corruption and the land question.
- An analysis of a selected number of Nicaraguan NGOs and associations, focusing on their relationships to their constituencies or the groups they claim to represent, with a view to mechanisms of contact and consultation, as well as to the extent to which these sectors interests are represented.

Methodology

The study will combine different types of written sources and secondary material and interviews with people who have taken part in these processes.

For the historical component, official registers of NGOs and other types of associations will be consulted. The NGO-directories that have been published bi-annually by CAPRI will be important source material. Different evaluations and studies of Nicaraguan NGOs and civil society will likewise be sought out. In terms of interviews, the people who have compiled the di-

⁶¹ A more detailed description of the framework through which the study will be carried out can be found in Borchgrevink's research proposal *Development assistance and the shaping of civil society: Nicaraguan perspectives*. While that is a more comprehensive proposal, the present study will follow the approach outlined for the two first sub-studies of the proposal.

rectories, representatives of the different NGO networks and of CONPES (the state – civil society coordinating body), will be central. Individuals with long trajectories of civil society involvement will be key informants. Care will be taken to ensure that the overview will give fair attention to the different types and political colors of the organizations.

The state – civil society interaction component will to a large extent build on the historical component. Furthermore, existing reviews of the PRSP consultation process will be used; case studies will be made of selected partnership experiences; one or two newspapers will be reviewed over a period of time in order to gauge the lobbying work of different types of organizations, particularly with respect to selected key topics; and interviews will be made with representatives of individual organizations and NGO networks, of state institutions and representative bodies, and of observers such as donors and/or embassies and Nicaraguan social science research institutions.

For the study of relationships with constituency, there will in all probability be less available secondary material, and new research will have to be made directly with selected organizations. For this reason, the number selected will have to be quite limited, but care will be taken to select them representatively to cover different types of organizations.

The study will be carried out by Axel Borchgrevink of the Norwegian Institute of International Affairs. For certain tasks – such as the review of newspapers, the revising of public NGO registers, getting quantitative and historical data on the growth of the associational sector – research assistants will be hired (probably Nicaraguan university students).

Time frame

The study will be carried out in the period May – October 2005. A preliminary visit (one week) will be made to Nicaragua in May/June. The main fieldwork (three weeks) will be carried out in September. The final report will be submitted in October/November. In total, 10 weeks of researcher time will be used for the study.

Appendix b) Interviews conducted

06.06.05

- Royal Norwegian Embassy, Reidun Roald and Anne Kristin Martinsen
- CAPRI (Centro de Apoyo a Programas y Proyectos), Justiniano Liebl
- FADCANIC (Fundación para la Autonomía y Desarrollo de la Costa Atlántica de Nicaragua), Ray Hooker
- Save the Children Noruega, Bjørn Lindgren and Ramón Meneses

07.06.05

- CIPRES (Centro para la Promoción, la Investigación y el Desarrollo Rural y Social), Orlando Nuñez
- Fundación Manolo Morales, Carlos García and Waldo Montenegro

08.06.05

- CIPA, Cirilo Otero (consultant, formerly director for Grupo Propositorio de Cabildeo (GPC)
- CISAS (Centro de Información y Servicios de Asesoría en Salud), Ana Quirós
- Alfonso Navarrette, consultor

09.06.05

- Centro Humboldt, Aníbal Ramírez
- Reunión de articulación entre organizaciones de sociedad civil de los sectores sociales y privadas

27.09.05

- Royal Norwegian Embassy, Reidun Roald, Carola Espinoza, Felipe Ríos

28.09.05

- CPDH (Comisión Permanente de Derechos Humanos de Nicaragua), Marcos Carmona and Rina Morena
- Coordinador Civil, Violeta Delgado, Erwin Dávila
- CTN (Central de Trabajadores de Nicaragua), Carlos Huembes

29.09.05

- FENACOOOP (Federación Nacional de Cooperativas), Sinfioriano Cáceres Baca
- CODENI (Federación Coordinadora Nicaragüense de ONG que Trabajan con la Niñez y la Adolescencia), María de Jesús Gómez
- Red de Mujeres Contra la Violencia, Juanita Jiménez

30.09.05

- CENIDH (Centro Nicaragüense de Derechos Humanos), Bayardo Izabá Soliz, Perla ?

- IPADE (Instituto para el Desarrollo y la Democracia), Mauricio Zuñiga García
- Sofia Montenegro (CINCO, Centro de Investigaciones de la Comunicación)
- COSEP (Consejo Superior de la Empresa Privada), Erwin J. Kruger

03.10.05

- Red Nacional de Defensa de los Consumidores, Miguelangel Baca
- Hagamos Democracia, Yader Loza Jarquín
- Ética y Transparencia, Maritza Sevilla
- Grupo Fundemos, Patricia Mayorga Sacasa

04.10.05*

- CIDCA Bluefields (Centro para la Investigación y Documentación de la Costa Atlántica), Mark Quinn
- Programa RAAN – ASDI – RAAS, Bluefields, Dolene Miller
- BICU (Bluefields Indian and Caribbean University), Gustavo Castro

05.10.05*

- CEDEHCA Bluefields (Centro de Derechos Humanos, Ciudadanos y Autónómicos), Denise Hodgson
- INPRHU Bluefields (Instituto de Promoción Humana), José Inés López
- UNAG Bluefields (Unión Nacional de Agricultores y Ganaderos), Adrán González
- MIRAAS (Movimiento Indígena de la RAAS), Fermín Chavarría

06.10.05

- Gobierno Regional de la RAAS, Thomas Gordon
- FADCANIC Bluefields, Hugo Sujo
- ADEPHCA Bluefields (Asociación de Desarrollo y Promoción Humana de la Costa Atlántica), Wilfredo Machado
- Comité de ONGs e Instituciones de la Sociedad Civil Organizada de la RAAS, Wilfredo Machado
- URACCAN Recinto Bluefields (Universidad de las Regiones Autónomas de la Costa Caribe Nicaragüense), Zarifeth Bolaños Chow

07.10.05

- Rama Kay Community Council, Carlos John Omeir
- Rama Teritorial Council, Sebastian Macreary
- Regional Commission for Demarcation, Basilio Benjamín Ruíz

10.10.05

- FETSALUD (Federación de Trabajadores de la Salud), Gustavo Porras
- Coordinadora Social, Gustavo Porres

11.10.05

- CONPES (Consejo Nacional de Planificación Económica Social), Violeta Granera Padilla

- UNAG (Unión Nacional de Agricultores y Ganaderos), Alvaro Fiallos Oyanguren

17.10.05

- Alcaldía de Matagalpa, Esteban Jiménez
- Colectivo de Mujeres de Matagalpa, Yalkiria Pineda

18.10.05

- ATC Matagalpa (Asociación de Trabajadores del Campo), Margarita López
- ODESAR (Organización de Desarrollo Económico y Social Area Urbana y Rural), Róger Soza and Marcia Aviles
- Movimiento Comunal Nicaragüense, Janeth Castillo and Sergio Saénz
- ADDAC (Asociación para la Diversificación y el Desarrollo Agrícola Comunal), Julio César Gómez

19.10.05

- UNAG Matagalpa (Unión Nacional de Agricultores y Ganaderos), José Solórzano and Justo Pastor Mairena
- Grupo Venancia (Matagalpa), Zobeida Obando
- Comité Departamental de Desarrollo (Matagalpa), Eliette Esquivel
- Comité Municipal de Desarrollo (Matagalpa), Marisol Ñurinda

20.10.05

- ADHS – Popol Vuh (Matagalpa), Edgar Rivas

24.10.05

- Presentation of Preliminary Findings, meeting of Norwegian and Nicaraguan NGOs organized by the Royal Norwegian Embassy
- Centro de Derechos Constitucionales Carlos Nuñez Tellez, Ada Esperanza Silva Pérez

25.10.05

- Movimiento de Mujeres Maria Elena Cuadra, Sandra Ramos

26.10.05

- International Republican Institute, Gilberto E. Valdez
- Movimiento por Nicaragua, Silvio Páez

27.10.05

- AMNLAE (Asociación de Mujeres Nicaragüenses Luisa Amanda Espinoza), Dora Zeledón

*) The interviews on the 04.10.05 and the 05.10.05 were carried out by Alfonso Navarrette alone.